TOWN OF LEDYARD
CONNECTICUT

Planning & Zoning Commission

~ AGENDA ~

741 Colonel Ledyard Highway
Ledyard, Connecticut 06339

Chairman
J.A. (Tony) Capon

Thursday, September 8, 2022 **7:00 PM** **Council Chambers - Hybrid Format**

REMOTE MEETING INFORMATION

In-Person - Council Chambers Town Hall Annex

Join Zoom Meeting
https://us06web.zoom.us/j/82273152596?pwd=V1ZEdU8wSmhOM1RPeGFiTlJMdlNmZz09
Meeting ID: 822 7315 2596
Passcode: 933169

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

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 WITHDRAWN BY APPLICANT

Attachments: PZ#22-9RA- Application
PZ#22-9RA- STR 8.28 Proposed Reg Changes
SCCOG Letter for RA's
SCCOG Notification Cover Letter RA's
PZ#22-9RA- Exhibit List
Barnett Extension
Letter from Carol and Matt Miello 22-9RA
Barnett Withdraw

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.

Attachments:
Exhibit 1 Application and proposed text
Exhibit 10 - Letter from Thomas Hepburn
Exhibit 11 - Letter form Paul & Susan Billing
Exhibit 12 - Letter from Stephen Brandon
Exhibit 13 - Letter from Pamela Barrlett
Exhibit 14 - Letter from Chris Willis
Exhibit 15 - Letter from Andrea Person-Mish
Exhibit 3 - PH Notice to Applicant
Exhibit 4 SECOG Letter PZ22-15RA
Exhibit 5 Letter from Michelle & Craig Nelson
Exhibit 6 - Miello Non-Hosted STR Writeup
Exhibit 7 - Economic Policy Institute AirBnB Analysis
Exhibit 8 - Community Consequences of Airbnb (1)
Exhibit 9 - Forbes AirBnB Article
PZ#22-15RA- Exhibit List
STRs-Reg_Proposed_Revisions_J.Sarita_8SEP2022[14028]
Exhibit 16 - Letter from Touhidul Chowdhury
Exhibit 17- Letter from Steven Martic
Exhibit 18 - Letter from Ted Mish
Exhibit 19 - Letter from Marilyn Pullen

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.

Attachments:
Exhibit 1 Application and proposed text
Exhibit 10 - Letter from Thomas Hepburn
Exhibit 11 - Letter form Paul & Susan Billing
Exhibit 12 - Letter from Stephen Brandon
Exhibit 13 - Letter from Pamela Barrlett
Exhibit 14 - Letter from Chris Willis
Exhibit 15 - Letter from Andrea Person-Mish
Exhibit 3 - PH Notice to Applicant
Exhibit 4 SECOG Letter PZ22-15RA
Exhibit 5 Letter from Michelle & Craig Nelson
Exhibit 6 - Miello Non-Hosted STR Writeup
Exhibit 7 - Economic Policy Institute AirBnB Analysis
Exhibit 8 - Community Consequences of Airbnb (1)
Exhibit 9 - Forbes AirBnB Article
PZ#22-15RA- Exhibit List
STRs-Reg_Proposed_Revisions_J.Sarita_8SEP2022[14028]
Exhibit 16 - Letter from Touhidul Chowdhury
Exhibit 17- Letter from Steven Martic
Exhibit 18 - Letter from Ted Mish
Exhibit 19 - Letter from Marilyn Pullen

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

Attachments: PZ#22-7RA- Proposed Text of Amended Zoning Regulations
LEGAL NOTICE PH 6-30-22 7-7-22 The Day
PZ#22-7RA- PH Notice to The Day Receipt Email
SCCOG Letter for RA's
SCCOG Notification Cover Letter RA's
Ledyard - Amended Regulations _Summary of Changes
agriculture public hearing july 14 (Parkinson Letter)
LivestockGuidanceBookWEB-002-FINAL
MSV-PZC-App-22-07-RA-Concerns-7-22 (Maugle Letter)
PZC#22-07-RA Analysis 7.14.22 (Treaster)
Letter from Jessica Cobb
Letter from Kelly Patrick
Right to Farm Doc
Comments from Karen Parkinson
REGULATION AMENDMENTS August 15 2022 Revised
PZ#22-7RA Comments Chris Gush
RE Comments on remaining regulation sections- Fred Allyn III
PZ 22-7RA- Exhibit List Revised
Comments Karen Parkinson
FULL SUMMARY OF CHANGESREV8_25
PZ 22-7RA- Exhibit List
Review of §§1-5 of Revised Zoning Reg Application
Review of §6 of Revised Zoning Reg Application
20220829110452114

IX. NEW BUSINESS

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

Attachments: Draft Resolution to Opt out of PA21-29

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

Attachments: PZ22-16SUP STR 10 Cardinal Lane
Miello Letter

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.

Attachments: Subdivision Moratorium proposed text

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 and100 Stoddards Wharf Rd., Ledyard, CT 06339.

Attachments: GEI Report Water
Ledge Light Report
List of Members
ltr.City of Groton
ltr.CT DPH
ltr.Town re submission
Plans - Submission Set
Traffic Study
Warranty Deed
Affordability Plan.2
Application
Authorization
Checklist
Declaration
Traffic Study

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

Attachments: Ext Request Coen

X. APPROVAL OF MINUTES

A. Approval of August 25, 2022 Special Meeting Minutes

Attachments: August 25, 2022 Special Meeting Draft Minutes

XI. CORRESPONDENCE

XII. REPORTS

A. Zoning Official and Planning Director Reports

Attachments: Activity report August - September 2022 PZC
Activity Report 8 September 2022

XIII. ADJOURNMENT

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

File #: 22-037 **Agenda Date:** 9/8/2022 **Agenda #:** A.

APPLICATION

Subject/Application:
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.

Background:
(type text here)

Staff Comments:
(type text here)

TOWN OF LEDYARD

APPLICATION FOR
PLANNING & ZONING COMMISSION REVIEW

Application Number 22-9RA Submission Date 6/8/22 Official Receipt Date 6/9/22

FEE: $60 DATE PAID 6/8/22 RECEIPT # ~~5~~ 3575031
Check # 712

Applicant/Agent Robert Barnett
(Please Print Legibly)

Signature: [signature]

Address: ~~5 Johnnie~~ 61 Church Hill Rd. Ledyard Telephone 860 460 5484 ~~781-332-2141~~

E-Mail Address: chivodrbob@comcast.net

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:
Applying to allow ~~hosted~~ non-hosted STR's with additional restrictions.

Approved by _____ Date _____

Denied by _____ Date _____

8.28 SHORT TERM RENTALS (STRs):

A. **PURPOSE:** To permit the use of a furnished single-family home or duplex dwelling or accessory apartment in a residential district, or in a legally existing single-family or duplex residence or accessory apartment in a non-residential district, as a short-term and/or vacation rental, in accordance with the requirements of these regulations.

B. **GENERAL REQUIREMENTS: In addition to compliance with the Special Permit Standards in §7.4, the following requirements must be satisfied:**

(1) An STR may be (a) within a single-family or duplex dwelling, or (b) within a permitted accessory apartment located within the single-family dwelling or on the same parcel as a single-family dwelling.
(2) Apartment and condominiums in multifamily dwellings, shall not be used as STRs
(3) The applicant must be current on all municipal taxes at the time of application, and for the duration of time the dwelling is utilized as an STR
(4) The proposed STR shall not have Zoning, Building, Fire or Health Code violations, and shall not be blighted under Town's Blight Ordinance.
(5) The STR shall not constitute or create a risk to public health, safety, convenience or general welfare.
(6) STR occupancy is limited to two adult guests per bedroom, where the number of bedrooms is the number shown on the STR's property card (in the tax assessor's office).
(7) Unaccompanied minors are not permitted in an STR.
(8) Advertising for an STR shall include, but not be limited to, the number of permitted adult guests, number of bedrooms for use by STR guests, a limit on guest's vehicles, a statement that guest parking is off-street, a prohibition on creating a nuisance, and pet rules
(9) An STR use must (a) be essentially invisible to the neighborhood; (b) not create a nuisance (i.e., noise, odors, trespass, lighting, etc.); (c) not be detrimental to the aesthetic quality of the residence or its neighborhood; and (d) not interfere with the quality of life in the neighborhood.
(10) Non-lodging uses by STR guests (e.g., weddings, receptions, banquets, corporate retreats) are prohibited
(11) There shall be no signage, lighting, or other indication the dwelling is used as an STR.
(12) The Host, or designated representative, is responsible for the conduct of their guests.
(13) The Host, or designated representative, must be available to respond within two (2) hours to complaints regarding the use of the STR by guests. Host's, or designated representative's, contact information (their name, address, phone number, and email address) shall be made available to Town authorities and Zoning officials.

(14) A duplex dwelling, single-family dwelling or its accessory apartment which is serviced by a shared driveway can be used as an STR, only after written consent is obtained from all owners of the property serviced by such shared driveway. Proof of property owners' consent must be submitted with the Special Permit application.

STR owners shall ensure that the driveway is well maintained, and they shall also assume the cost of upkeep and repairs associated with wear and tear which is a direct result of increased traffic of STR guests or any other damages which may occur while the property is being used as an STR.

In the event that, any or all owners of properties serviced by a shared driveway have any concerns related to the use of such driveway by STR guests, those owners have the right to take matter to the Land Use department for resolution.

(15) A dwelling used as an STR without a special permit is prohibited.

(16) Dwelling shall be equipped with exterior video surveillance (e.g., CCTV), capable of real-time monitoring, and video and sound remote recording. STR guests shall be made aware of the active recording on the premise, and that, upon request, access to such recordings can be granted to authorities for the purpose of investigating potential guests' disruptive behavior.

STR owners must also offer to owners of immediate adjoining properties, at least one surveillance device, similar or equivalent the ones installed at their property for those property owners to enhance the surveillance ratio of the area. Evidence of delivery of surveillance device should be submitted with Special Permit application.

Note: Shall the owners of adjoining properties decline receiving the device, the requirement for evidence of delivery of the device(s) is not needed.

(17) The STR property owner shall maintain an up-to-date certificate of insurance documenting that the dwelling unit is insured as an STR. A copy shall be provided to the Land Use Office annually.

(18) All dwellings used as STRs shall be required to have an annual inspection of smoke detectors and/or carbon monoxide detectors by the Fire Marshal.

(19) All dwellings used as STRs shall be required to have a home inspection performed by a licensed home inspector, which has taken place less than 12 months in past. A copy of the inspection report shall be submitted with the Special Permit application, along with documentation proving that any safety issues identified during inspection have been remedied.

(20) STR owner shall obtain a Certificate of Occupancy issued by the Town's Building Official and submit it with the Special Permit application.

(21) A maximum of 1.0% of all residential units in the Town of Ledyard shall be used as STRs in any given calendar year.

C. APPLICATION SUBMITTAL REQUIREMENTS:

(1) A copy of the LLHD approval of proposed STR. (An application for an STR constitutes a proposed Change of Use that requires LLHD approval)
(2) A copy of the applicant's photo ID or Driver's License.
(3) A copy of the property card to confirm ownership.
(4) A site plan of the property. Pursuant to §6.2.H-(2), the site plan does not require a new signed a sealed A-2 survey, but must satisfy site plan requirements listed in §6.6.A; §6.6.B-(1)-(a),-(c) [proposed use description, -(e), -(f), -(g), -(m); §6.6.B-(2)-(b) [location and building footprint, including decks, overhangs, pools, gazebos, tennis courts, fences, fire pits, etc.], -(g), -(h), -(j); and §6.6.B-(3)-(b) [location of parking spaces and driveway), and –(e) [surface treatment of parking areas].
(5) An Informational Packet must be provided to guests and shall be posted in a common area of the STR, displaying the requirements of these regulations, including but not limited to:

– Information of Maximum occupancy

- Applicable noise and use restrictions

- Location of off-street parking and maximum number of vehicles allowed. This shall also indicate that on-street parking by guests is strictly prohibited

- Direction that trash shall not be store in public view, except within proper containers for the purpose of collection. Trash collection schedule shall be included.

- Host's, or authorized representative's, contact information

- Emergency contact information, including but not limited to, Ledyard Police Department and Fire department address, directions from the property and phone numbers; directions to nearest medical facilities (i.e., hospitals and urgent care centers)

- The guests' prohibition about trespassing on private property and creating disturbances

- Information about guests' responsibility to comply with these regulations

D. PARKING:

(1) Suitable off-street parking space(s) for all guest vehicles shall be provided.
(2) On-street parking, and parking on non-designated spaces, is prohibited.
(3) Covered parking (garages & carports) may be used for STR guest parking.
(4) All parking spaces shall have an all-weather surface.

E. LIGHTING:

Exterior permanent and temporary site lighting 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:

All garbage and recyclables shall be fully contained within the standard durable, insect-proof, and rodent-proof wheeled containers provided by the Town's refuse service provider.

G. CHANGE OF OWNERSHIP:

In the event ownership of a dwelling being used as an STR is transferred, if the intent is to continue the use, the new owner(s) must re-apply for a new Special Permit.

H. ENFORCEMENT:

(1) The Town Building and/or Zoning Officials may inspect an STR with 24-hour notice to determine compliance with these regulations.
(2) These regulations may be enforced pursuant to §15.1-A and §15.2-A of the Zoning Regulations, and Town Ordinance #300-009 (Zoning Citations)
(3) The Planning and Zoning Commission may revoke an STR Special Permit, after a public hearing, for failure to comply with these regulations.

I. Exceptions:

All STRs that are currently permitted under Ordinance #300-030 shall be governed by that Ordinance until such time as their permit expires. At that time, a Special Permit shall be required in conformance with the STR Regulations herein to continue the STR use.

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)

June 14, 2022

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

Dear Mr. Capon:

I am writing in response to three applications to amend the zoning regulations of the Town of Ledyard. The applications were referred to this agency pursuant to Section 8-3b of the Connecticut General Statutes.

The proposed revisions include a comprehensive re-write of all sections of the current Zoning Regulations, revisions to Section 8.1 Accessory Apartments to comply with changes to the Connecticut General Statutes, and amendments to the Short Term Rental regulations.

Based a review of the material provided, I have determined that the proposed amendment will not 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
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: 6/9/2022

TO: SCCOG

FROM: Ledyard Zoning Commission

RE: Notice of Public Hearing for Zoning Regulation Change
Applications #22-6RA & 22-7RA & **22-9RA.**

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

Comprehensive re-write of all sections of the current Zoning Regulations, Revisions to Section **8.1** Accessory Apartments to comply with changes to the Connecticut General Statutes, and Proposed amendments to the Short Term Rental Regulations. The Public Hearings for the applications will be held on July 14th.

Please Refer to attached documents.

Sincerely,

Katrina Aligata
Land Use Office Assistant

TOWN OF LEDYARD, CONNECTICUT
PLANNING AND ZONING COMMISSION
EXHIBIT LIST

PZC APPLICATION: Application PZ#22-9RA of the Ledyard Planning and Zoning Commission, to consider an amendment to the existing Zoning Regulations, Section 8.28 for Short-Term Rentals with the proposed regulation amendments.

HEARING DATE: Scheduled for August 11, 2022

EXHIBIT#	DESCRIPTION:
#1	Application
#2	Proposed Regulation Amendments
#3	Letter from SCCOG After Reviewing
#4	Letter from Matt and Carol Miello
#5	Extension Letter
#6	Legal Notice for Public Hearing

Juliet Hodge

From: ROBERT BARNETT <chirodrbob@comcast.net>
Sent: Tuesday, August 9, 2022 6:20 PM
To: Juliet Hodge
Subject: Requesting an extension for Robert Barnett's public hearing on STRs.

To the Planning and Zoning Commission,

I am requesting an extension for this Thursday's public hearing and presentation of a text amendment concerning short-term rentals. It will not be possible for me to make the presentation on 8/11/22. I'm requesting it to be rescheduled from 8/11/22 to 9/8/22.

Robert Barnett
61 Church Hill Road
Ledyard, CT
cell: 860 460-5484

LAND USE DEPARTMENT
AUG 10 2022
RECEIVED

Matt and Carol Miello
12 Cardinal Lane
Gales Ferry, CT 06335

I want to start off by thanking Bob Barnett for his efforts to understand the concerns of other residents of the town while crafting the additional rules for non-hosted short-term rentals (STR). Bob reached out to me and we had a lengthy discussion so he could better understand my concerns and we could attempt to brainstorm solutions to address them.

We have been neighbors to an STR for a little over a year now. The owner lives out of state and owns of another property in Ledyard, along with 2 properties in Norwich.

I have no issues with hosted STRs. I believe the owner will have a vested interest in the well being of their neighbors, their home and the overall community. I would also expect a resident of a hosted STR to have some relationship with their neighbors to address issues as they arise.

Our main concern with non-hosted STRs comes from the transient nature of the home. We are fortunate to have approximately an acre of land so that we are not right on top of our neighbors, but that land still does not prevent us from seeing and hearing much of what goes on in the STR next door to us. While we have not had any major issues with the house, it is a matter of when, not if, a more significant event occurs.

We often see weekends with 5 or 6 cars staying overnight, with up to 8 vehicles overnight one weekend. With this transient nature of the home, we feel it brings a higher risk of people speeding and drunk driving down our block, given that people are generally visiting on vacation or to visit the local attractions, primarily the casinos. We personally watched someone driving significantly over the speed limit and passing cars illegally on a one lane road, only to see that they were guests in the house next door.

The home next to us has a fire pit in the back yard. The property manager makes the fire pit appealing for guests by stacking firewood in a large pile in the pit. Thankfully most of the guests have been smart enough to take most of the wood off before they start a fire, but there are some who have had rather large fires going with woods nearby and a lawn covered in leaves. There were also guests who left the fire burning overnight and we woke up in the morning to see the fire smoldering in the pit from our house. Not only are we concerned that a guest will start a serious fire, we've experienced a group of young men drinking and burning beer boxes that rained ash down in our backyard one afternoon while our son was playing outside. There is also the potential for more serious issues, like sex offenders renting next door without us being aware. A permanent resident would appear on a sex offender registry. A short-term renter does not.

As parents of a 4-year old child, we look anxiously at our neighbor's home each week as a new set of "neighbors" arrives, not knowing what may be in store for us during their stay. As I stated above, we have generally been fortunate that we have not experienced significant issues like large house parties, but there have certainly been days where we needed to hurry our son into the house while he was playing outside, in order to prevent him from hearing music playing from the house or adult language that is not appropriate for a 4-year-old.

While these events could happen with a permanent neighbor, the frequency at which it occurs is something that is unique to an STR. STR tenants are generally there on vacation and to have a good time. When it is a standing neighbor, this might happen a few times a year, but with an STR, it is nearly every guest that stays – weekends and weekdays. And while they may not need to get up the next morning while they enjoy the deck or fire pit late at night on a nice summer evening, we need to get our son up for school the next day and head into work ourselves.

Due to these issues and the anxiety, we feel each time a new set of guests arrive, we are sincerely considering selling our home that we have lived in for the last 10+ years, invested in significantly and hoped to raise our family in, and moving elsewhere. We love our town and our home, but the stress and anxiety associated with living next to an STR has created outweighs that enjoyment. We have already decided not to make any further improvements to our home until this issue is resolved and we are assured that the investment is worthwhile.

While I believe Mr. Barnett is a responsible host, and I respect the effort and concessions he has and is willing to make to minimize the impact to neighborhoods, I cannot support the allowance of non-hosted STRs in our town. While there is some financial benefit, it does not seem like it is enough to offset the serious risks and inconvenience associated with non-hosted STRs to the permanent residents of the town.

While we would prefer for these to not be allowed in our town, if the town so chooses to allow them, we would like to see further restrictions in addition to those that Mr. Barnett is recommending. We would like to see:

1) Restrictions on the number of non-hosted STRs allowed on a block or in a neighborhood (no STRS within some pre-determined distance of each other) to prevent possibility of homes being surrounded by non-hosted STRs
2) Requirements for noise monitoring equipment (www.noiseaware.com) both inside and outside of the home
3) Requirements for STR owners to put up privacy fencing on their property at their own expense, if requested by the permanent residents that neighbor the property
4) Requirements that STR owners are financially liable for any damage to neighboring homes and property arising from inappropriate behavior by their guests
5) Requirement that owner or designated representative live within a reasonable distance from the home to address issues that arise, provide their contact information to the neighboring homes and be available 24/7 while the property is being rented

We also fully agree that there should be a limit on the number of renters allowed in the STR and believe 4 adults should be the maximum occupancy. That said, we still feel non-hosted STRs should not be permitted in Ledyard as the restrictions being proposed by Mr. Barnett along with the ones above will still not solve all the concerns and potential problems associated with non-hosted STRs.

Juliet Hodge

From: ROBERT BARNETT <chirodrbob@comcast.net>
Sent: Tuesday, September 6, 2022 1:28 AM
To: Juliet Hodge
Subject: Withdrawal of PZ#22-9RA - Application for amendment to Section 8.28

To the Ledyard Planning and Zoning Commission,

After speaking with town planner Juliet Hodge about the two upcoming public hearings concerning Jancarlo Sirita's PZ#22-15RA and PZ#22-9RA proposed text amendments to Section 8.28 of the Ledyard Zoning Regulations, please withdraw PZ#22-9RA and its associated public hearing.

Thank you very much for your considerations,
Robert Barnett
61 Church Hill Road
Ledyard

RECEIVED
SEP 06 2022
LAND USE DEPARTMENT

File #: 22-271 **Agenda Date:** 9/8/2022 **Agenda #:** B.

APPLICATION

Subject/Application:
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.

TOWN OF LEDYARD

APPLICATION FOR
PLANNING & ZONING COMMISSION REVIEW

Application Number PZC 22-15 Submission Date 8/9/22 Official Receipt Date 8/11/22

FEE: $560 DATE PAID 8/9/22 RECEIPT # 575038

Applicant/Agent JANCARLO SARITA
(Please Print Legibly)

Signature: [signature]

Address: 5 Johnnie Court, Ledyard CT Telephone 781-332-2141

E-Mail Address: JANCARLO.SARITA@GMAIL.COM

Owner Name (if different): —

Address of Owner: 8 Story Rd, Salem, MA 01970 Telephone 781-332-2141

Location of Work (Street Address) N/A

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 X Regulation Change ___ Zone Map Change

___ CAM Review ___ Other: _____

Details: Amendments to Section 8.28 Short-Term Rental - Attached

Approved by _____ Date _____

Denied by _____ Date _____

8.28 SHORT TERM RENTALS (STRs):

A. **PURPOSE:** To permit the use of a furnished single-family home or duplex dwelling or accessory apartment in a residential district, or in a legally existing single-family or duplex residence or accessory apartment in a non-residential ~~district, as~~district, as a short-term and/or vacation rental, in accordance with the requirements of these regulations~~is section~~.

B. **GENERAL REQUIREMENTS: In addition to compliance with the Special Permit Standards in §7.4, the following requirements must be satisfied:**

(1) An STR may~~ust~~ be (a) within a single-family or duplex dwelling ~~used as its owner's primary residence (domicile), or~~ or (b) within a permitted accessory apartment located within the single-family dwelling or on the same parcel as a single-family ~~dwelling. Its owner, the STR Host, may (a) occupy his single-family residence as his primary residence and use its accessory apartment as an STR, or (b) occupy the accessory apartment as his primary residence and use the single-family dwelling as an STR. The~~dwelling. The single-family dwelling and its accessory apartment, if any, shall not be simultaneously used as STRs.

(2) Apartment and condominiums in multifamily dwellings, shall not be used as STRs

(3) The applicant must be current on all municipal taxes at the time of application, and for the duration of time the dwelling is utilized as an STR

(4) The proposed STR shall not have Zoning, Building, Fire or Health Code violations, and shall not be blighted under Town's Blight Ordinance.

(5) The STR shall not constitute or create a risk to public health, safety, convenience or general welfare.

(6) STR occupancy is limited to two adult guests per bedroom, where the number of bedrooms is the number shown on the STR's property card (in the tax assessor's office)~~, less the number of bedrooms reserved for used by its host.~~

(7) Unaccompanied minors are not permitted in an STR.

(8) Advertising for an STR shall include, but not be limited to, the number of permitted adult guests, number of bedrooms for use by STR guests, a limit on guest's vehicles, a statement that guest parking is off-street, a prohibition on creating a nuisance, and pet rules~~, and a declaration the host is the owner of and has his primary residence in the STR (or its accessory apartment, as appropriate)~~.

(9) An STR "use" must (a) be essentially invisible to the neighborhood; (b) not create a nuisance (i.e., noise, odors, trespass, lighting, etc.); (c) not be detrimental to the aesthetic quality of the residence or its neighborhood; and (d) not interfere with the quality of life in the neighborhood.

(10) Non-lodging uses by STR guests ~~(e.g., such as~~ weddings, receptions, banquets, ~~and~~ corporate retreats~~,~~) are prohibited.

(11) There shall be no signage, lighting, or other indication the dwelling is used as an STR.

(12) The Host, or designated representative, is responsible for the conduct of theirhis guests.

(13) The Hhost, or designated representative, must be ~~reachable~~ available to respond within two (2) hours to complaints regarding the use of the STR by guests.~~at all times by providing a card listing~~ Host's, or designated representative's, contact information (their name, address, phone number, and email address) ~~to their guests, adjacent neighbors, the Zoning Enforcement official, Fire Department, and the Police Department.~~shall be made available to Town authorities and Zoning officials.

(14) A duplex dwelling, single-family dwelling or its accessory apartment, which is serviced by a shared driveway can be used as an STR, only after written consent is obtained from all owners of the property serviced by such shared driveway ~~shall not be used as an STR if it's~~ service by a shared driveway. Proof of property owners' consent must be submitted with the Special Permit application.

~~(14)~~

(15) A dwelling used as an STR without a special permit is prohibited.

(16) Dwelling shall be equipped with exterior video surveillance (e.g., CCTV), capable of real-time monitoring, and video and sound remote recording.
STR guests shall be made aware of the active recording o~~n~~in the premises, and that, upon request, access to such recordings can be granted to authorities for the purpose of investigating potential guests' disruptive behavior.
STR owners may offer (at their own cost) one additional camera to any neighbor (up to a maximum of 4) who would want to participate in increasing the radio of surveillance of the STR surroundings.

(17) The STR property owner shall maintain an up-to-date certificate of insurance documenting that the dwelling unit is insured as an STR. A copy shall be provided to the Land Use Office annually.

(18) All dwellings used as STRs shall be required to have an annual inspection of smoke detectors and/or carbon monoxide detectors by the Fire Marshal.

(198) All dwellings used as STRs shall be required to have a home inspection performed by a licensed home inspector, which has taken place less than 12 months in the past. A copy of the inspection report shall be submitted with the Special Permit application, along with documentation proving that any safety issues identified during inspection have been remedied.

(20) STR owner shall obtain ~~and submit with Special Permit application,~~ a Certificate of Occupancy issued by the Town's Bbuilding Official ~~department~~ and submit it with the Special Permit application.

(21) A maximum of 1.0% of all residential units in the Town of Ledyard shall be used as STRs in any given calendar year.

~~(15)~~

Formatted: Indent: Left: 0.75", No bullets or numbering

Formatted: Indent: Left: 0.25"

Formatted: Font: (Default) Times New Roman, 12 pt

Formatted: List Paragraph, Indent: Left: 0"

Formatted: Normal, Indent: Left: 0.5", No bullets or numbering

Formatted: Font: (Default) Times New Roman, 12 pt

D. PARKING:

(1) Suitable off-street parking space(s) for ~~the STR owner/host and his STR~~all guests vehicles shall be provided.
(2) On-street parking, and parking on non-designated spaces, is prohibited.
(3) Covered parking (garages & carports) may be used for STR guest parking.
(4) All parking spaces shall have an all-weather surface.

E. LIGHTING:

Exterior permanent and temporary site lighting 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:

All garbage and recyclables shall be fully contained within the standard durable, insect-proof, and rodent-proof wheeled containers provided by the Town's refuse service provider.

G. CHANGE OF OWNERSHIP:

In the event ownership of a dwelling being used as an STR is transferred, ~~its new owner,~~ if the intents is to continue the use, the new owners must ~~update and resubmit~~ re-apply for a new Special Permit. ~~the documents listed in §3-(A) – §3-(F) for the Planning and Zoning Commission to review and approve as a minor amendment to its Special Permit.~~

H. ENFORCEMENT:

(1) The Town Building and/or Zoning Officials may inspect an STR with 24-hour notice to determine compliance with these regulations~~requirements~~.
(2) These regulations may be enforced pursuant to §15.1-A and §15.2-A of the Zoning Regulations, and Town Ordinance #300-009 (Zoning Citations)
(3) The Planning and Zoning Commission may revoke an STR Special Permit, after a public hearing, for failure to comply with ~~the requirements in~~ these regulations.

I. Exceptions:

All STRs that are currently permitted under Ordinance #300-030 shall be governed by that Ordinance until such time as their permit expires. At that time, a Special Permit shall be required in conformance with the STR Regulations herein to continue the STR use.

C. APPLICATION SUBMITTAL REQUIREMENTS:

(1) A copy of the LLHD approval of proposed STR. (An application for an STR constitutes a proposed Change of Use that requires LLHD approval)

(2) A copy of the applicant's ~~official Connecticut~~ photo ID or ~~Connecticut~~ Driver's License ~~, showing their primary residence (domicile) is the same as the address of their proposed STR.~~

(3) A copy of the property card to confirm ownership, ~~showing its ownership and address is the same as shown on the applicant's official Connecticut photo ID or Connecticut Driver's License.~~

~~(4) A detailed floor plan, drawn to scale, of the single-family or duplex dwelling 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 host.~~

~~(5)~~(4) A site plan of the property. Pursuant to §6.2.H-(2), the site plan does not require a new signed a sealed A-2 survey, but must satisfy site plan requirements listed in §6.6.A; §6.6.B-(1)-(a),-(c) [proposed use description, -(e), -(f), -(g), -(m); §6.6.B-(2)-(b) [location and building footprint, including decks, overhangs, pools, gazebos, tennis courts, fences, fire pits, etc.], -(g), -(h), -(j); and §6.6.B-(3)-(b) [location of parking spaces and driveway), and -(e) [surface treatment of parking areas].

(5) A copy of the STR Host/Guest Agreement and the STR Rules and Regulations adequate for the protection of nearby properties from the risks of potential deleterious effects of proposed STR use. An Informational Packet ~~(which~~ must be provided to guests) and shall be posted in a common area of the STR, displaying the requirements of these regulations, including but not limited to:

– Information of Maximum occupancy

- Applicable noise and use restrictions

- Location of off-street parking and maximum number of vehicles allowed. This shall also indicate that on-street parking by guests is strictly prohibited

- Direction that trash shall not be store in public view, except within proper containers for the purpose of collection. Trash collection schedule shall be included.

- Host's, or authorized representative's, contact information

- Emergency contact information, including but not limited to, Ledyard Police Department and Fire department address, directions from the property and phone numbers; directions to nearest medical facilities (i.e., hospitals and urgent care centers)

- The guests prohibition about trespassing on private property and creating disturbances

- Information about guests' responsibility to comply with these regulations

~~(6)~~

Formatted: Font: (Default) Times New Roman, 12 pt

Formatted: Normal, Indent: Left: 0.5", No bullets or numbering

Juliet Hodge

From: Nancy Woodlock
Sent: Wednesday, September 7, 2022 11:55 AM
To: TJ Hep
Cc: Juliet Hodge; Zoning.Official; Thomas Thomas
Subject: RE: Short term rental

Good Afternoon Mr. Hepburn,

Thank you for your comments, I will pass them along to the Planning Director and the Zoning Official, I now work in the Building Department.

Regards,

Nancy Woodlock
Assistant to the Building Official
741 Colonel Ledyard Highway
Ledyard, CT 06339
860-464-3217

RECEIVED
SEP 07 2022
LAND USE DEPARTMENT

From: TJ Hep <tjhepburn@yahoo.com>
Sent: Wednesday, September 7, 2022 11:42 AM
To: Nancy Woodlock <building.asst@ledyardct.org>
Subject: Short term rental

You don't often get email from tjhepburn@yahoo.com. Learn why this is important

Dear Ledyard Planning and Zoning Commissioners,

The biggest complaint I've heard about the non-hosted STR issue is the problem of party houses or rentals with excessive noise or cars.

If the hosts are motivated to comply to zoning— with enforcement added, I believe this issue will be resolved.

Video surveillance can give peace of mind to the neighborhood and make enforcement easier for the ZEO.

If there are some solid rules to prevent parties, and easy enforcement — such as objective evidence on cameras that are accessible by the ZEO, then STR owners will be highly motivated and suddenly capable of preventing party house problems— or they will very quickly lose their special permit that they paid $560 for and thousands of dollars of furnishing and preparing the home.

Consider adding strict enforcement to the STR rules, and giving that a shot.

Sincerely,

Thomas Hepburn

Sent from Yahoo Mail on Android

Juliet Hodge

From: riversidebillings@comcast.net
Sent: Tuesday, September 6, 2022 10:33 PM
To: Juliet Hodge; Zoning.Official; Nancy Woodlock
Subject: Public hearing , 9/8/2022, PZC#22-15RA

You don't often get email from riversidebillings@comcast.net. Learn why this is important

To whom it may concern,

We would like this letter included in the official correspondence for the upcoming public hearing on 9/8/22 regarding application PZC#22-15RA.

We are former landlords who had a rental home in the City of Groton as well as one in Ledyard. Having had a variety of experiences with long term tenants, we decided to offer both homes for short term rental via Airbnb. We ultimately found the STRs gave us much more control over our rental properties.

We know that with properly implemented and enforceable regulations, short term rentals can be a good fit in any neighborhood regardless of whether they are or are not owner occupied.

Our rules and contact information were prominently displayed. We strictly limited our occupancy to four guests in our two bedroom home and two guests in our one bedroom home. Our guests included vacationers, family members attending events such as graduations, military events and reunions. We also had both international and business travelers. All of them utilized local businesses and attractions during their stay.

The Groton property, as advertised in our listing, included an exterior video surveillance system which we felt provided both safety and security for both the guests and host/owner. We feel this is a very good and necessary requirement.

We never had a single complaint by immediate neighbors. We actually had neighbors rent our home for family members coming to the area for visits.

One guest at our Ledyard property was a former Ledyard resident who grew up here and was visiting for two weeks from Iraq. His stay here ended up with his purchase of the home. STR's can be a good way of introducing or reintroducing our town to prospective homebuyers.

We are in support of the PZC#22-15RA proposed amendments which would allow for "non owner occupied" short term rentals.

Respectfully,
Paul & Susan Billing
8 Riverside Place
Gales Ferry, CT 06335

RECEIVED
SEP 07 2022
LAND USE DEPARTMENT

Juliet Hodge

From: Stephen Brandon <fishywork@gmail.com>
Sent: Wednesday, September 7, 2022 7:56 AM
To: Michelle Gagnon-Smith
Subject: Short term rental agreement

You don't often get email from fishywork@gmail.com. Learn why this is important

To whom it may concern,

I would like to state my support of allowing both non-hosted and hosted short term rentals in Ledyard. I agree with the application in the agenda that enforcement a few strict rules such as video surveillance accessable to the ZEO can solve the pattern problems that have been reported— for example noise and parking issues. If there are rules set and strict consequences in place for breaking such rules, this will motivate STR owners to effectively comply.

Best regards,
Stephen Brandon
203 spicer hill road

Sent from my iPhone

RECEIVED
0 / 2022
LAND USE DEPARTMENT

Juliet Hodge

From: Pamela Bartlett <PamelaJeanBartlett@msn.com>
Sent: Wednesday, September 7, 2022 9:34 AM
To: Juliet Hodge
Cc: Zoning.Official; Fred Allyn, III
Subject: Ongoing STR concerns throughout Ledyard

RECEIVED
SEP 7 2022
LAND USE DEPARTMENT

Good morning Ms. Hodge,

In preparation for this Thursday's public hearing regarding application PZ#22-15 to amend the current zoning regulations regarding Short Term Rentals, I decided to do some research into how many (non-permitted) STRS are currently operating and advertising online in Ledyard.
It was very discouraging to see that after only a brief search on VRBO, I was able to locate a half-dozen listings in town that are clearly operating without a permit, and with that I believe that even if they had permits, they are not adhering to the zoning regulations.

In my last email to the zoning official when I inquired about current and expired STR Permits in Ledyard the reply I received on (August 10th, 2022)
stated:

"...In a few other cases, property owners have decided to discontinue short term rentals. In one case, for example, the owner elected to shift to a traditional rental situation. In other cases, the owners simply discontinued renting entirely. Periodic checks on the major websites advertising short term rentals have not shown those properties continuing to advertise."

I am submitting a list of the ads I found online as of 9/5/22 and the owner information from the corresponding property cards for each listing that I could match to the location, photo or description given for each ad. There are two properties that I could not make out the exact location, and the "host name" was a made up VRBO account name as is the latest method of online hosting platform users utilizing false identities to list STRs that violate local regulations or ordinances and even the policies of the online platforms they are using. Most of the VRBO ads do not show photos of the outside of the homes, which makes it more difficult to find the exact address.

I hope that the Town is aware of these violations and taking the appropriate measures to bring them into compliance, however, if not, I would like to bring it to your attention as well as that of the Planning and Zoning Commission and the Zoning Official so that something can be done.

Noting the two properties that I could not find the location for, (numbered 1 & 2 below) I would like to point out the obvious here which is how do you even send out a "Notice of Violation and Intent to Cite" when we can't even find those entities. To me this is a prime example of what has already gotten out of control in our neighborhoods, town, and community, and what will continue to manifest if we do not stop the spread of non-hosted and non-compliant STRs in Ledyard immediately.

Thank you for your time and attention to this matter. I am aware of how much time and effort you and the entire Planning & Zoning Commission have spent on this issue...and I deeply appreciate it.

1. This home appears to be on or near Eska Drive. If you zoom in on the map provided in the ad, it pin points that street, but sometimes to throw off those searching for violators, they just use a general location reference...
   The Host Name is listed as: **House Mystic**
2.
3. https://www.vrbo.com/2243581?adultsCount=4&noDates=true&unitId=2808140

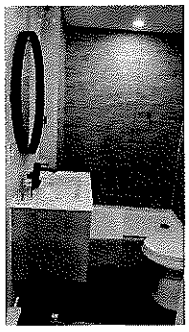


Cozy Home Near Foxwoods, Mohegan Sun and Mystic - Ledyard

House - $450 avg/night - Ledyard - Amenities include: Swimming pool, Internet, Air conditioning, TV, Washer & dryer, Parking, No smoking, Heater ✓ Bedrooms: 4 ✓ Sleeps: 9 ✓ Minimum stay from 2 night(s) ✓ Bookable directly online - Book vacation rental 2243581 with Vrbo.

www.vrbo.com

4. 2. This home appears to be located near Colonel Ledyard Hwy (again) according to the map provided in the ad. The Host Name once again is: **House Mystic**
5. Chic Petite Maison - Ledyard (vrbo.com)



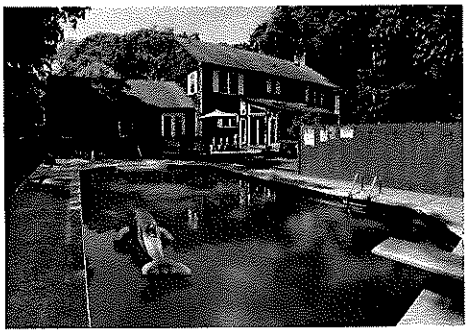
Chic Petite Maison - Ledyard

House - $400 avg/night - Ledyard - Amenities include: Internet, Air conditioning, Pets , Washer & dryer, No smoking ✓ Bedrooms: 5 ✓ Sleeps: 8 ✓ Pet friendly ✓ Minimum stay from 2 night(s) ✓ Bookable directly online - Book vacation rental 2986613 with Vrbo.

www.vrbo.com

6.
7. 3. After comparing the location and description of this home along with the photos provided, I was able to see that it is located at 8 Heath Spur in Ledyard, and Owned by Brian Mason (according to the property card).
8. The listing shows the host name as : **House Mystic**

9. **https://www.vrbo.com/2945661?adultsCount=4&noDates=true&unitId=3517701**



Cheerful 4 Bdrm with Pool Near Casinos & Beaches - Ledyard

House - $508 avg/night - Ledyard - Amenities include: Swimming pool, Internet, Air conditioning, Hot tub, Pets , Fireplace, TV, Parking, Heater ✓ Bedrooms: 4 ✓ Sleeps: 10 ✓ Pet friendly ✓ Minimum stay from 3 night(s) ✓ Bookable directly online - Book vacation rental 2945661 with Vrbo.

www.vrbo.com

10.

11.

12. 4. This ad actually lists the location as 229 Iron St and is noted as 230 Iron St on the Ledyard Property Card. The ad lists it as occupancy of **15.**
13. https://www.vrbo.com/2328618?adultsCount=4&noDates=true&unitId=2894924



Antique Farmhouse Getaway - Spacious yard, Casinos - Ledyard

229 Iron St - $399 avg/night - Ledyard - Amenities include: Internet, Air conditioning, Pets , Fireplace, TV, Satellite or cable, Washer & dryer, Parking, No smoking, Heater ✓ Bedrooms: 6 ✓ Sleeps: 15 ✓ Pet friendly ✓ Minimum stay from 2 night(s) ✓ Bookable directly online - Book vacation rental 2328618 with Vrbo.

www.vrbo.com

14. 5. This home did not include an address, however by using the map included with the listing and **the host name**, I believe it is located at 1909 Center Groton Rd. in Ledyard CT and owned by Natacha LaGuerre according to the Property Card.
15. https://www.vrbo.com/2833635?adultsCount=4&noDates=true&unitId=3405648



Relaxing/beautiful home with above ground pool near Foxwoods! - Ledyard

House - $412 avg/night - Ledyard - Amenities include: Swimming pool, Internet, Air conditioning, Pets , Fireplace, TV, Washer & dryer, Parking, No smoking, Heater ✓ Bedrooms: 4 ✓ Sleeps: 8 ✓ Pet friendly ✓ Minimum stay from 30 night(s) ✓ Bookable directly online - Book vacation rental 2833635 with Vrbo.

www.vrbo.com

16. 6. This cottage is on my street, and in my neighborhood. I reported this property in the past when they operated without a permit, and believe they are doing so once again. The location is 4-F Long Pond Rd. and the owners on the property card are listed as David and Pamela Jones. There is no name provided at all on the ad for the Host.
17. Lakefront Cottage - Near Casinos and Mystic, CT - Ledyard (vrbo.com)



Lakefront Cottage - Near Casinos and Mystic, CT - Ledyard

Cottage - $250 avg/night - Ledyard - Amenities include: Internet, Air conditioning, Fireplace, TV, Satellite or cable, Parking, No smoking, Heater ✓ Bedrooms: 2 ✓ Sleeps: 4 ✓ Minimum stay from 2 night(s) ✓ Bookable directly online - Book vacation rental 422528 with Vrbo.

www.vrbo.com

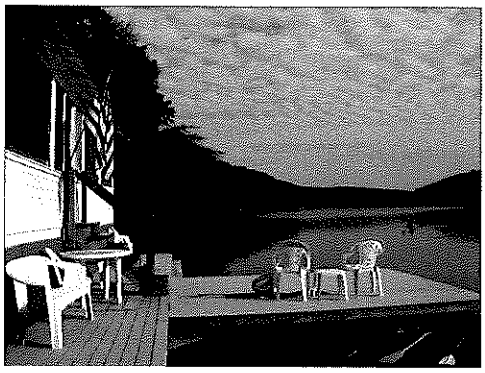
18.
19.
20. * For the record, I am also still awaiting any response from the Zoning official regarding the formal legal determination as to the claim of nonconformance of the STR at **4-L Long Pond Rd.** that has been operating with an expired permit since June 2022.
21. owned by Robert Barnett (Long Pond Cottages, LLC)

In my last correspondence with Mr. Herring he stated that the situation at 4-L was unusual and that Mr. Barnett has taken the position that the short term rental use predates any relevant regulations and therefore should be considered a "previously existing nonconforming use" and that the zoning office had reached out for a formal legal opinion regarding the merits of that position and advice regarding next steps...

If you can provide any information on that matter, I would greatly appreciate that as well.

I would like to express my deep concern over this issue as this owner/operator in particular has time and again been sent letters to voluntarily comply with the zoning regulations (and / or ordinances), dating from back when Mr. Larkin was our Zoning official and in the years since.
He had "promised" to comply voluntarily, then went ahead and continued doing as he pleased while the neighbors being affected by the transient guests night after night, month after month and now year after year have had to suffer the injustices and nuisances of living next to (or nearby) non-hosted STRs such as his.
At one point, **we had 5 homes on our street operating non-permitted Illegal STRs**, as they followed the example Mr. Barnett set and eventually teamed up with him to stall, delay protest and thwart efforts to regulate their illegal STR operations.
I have spent years of my life now speaking up about these activities, being subjected to them first hand and asking for support. They had no **business** in my neighborhood, or in any neighborhood zoned RESIDENTIAL from Day One, and if by some legal opinion it is determined that this "nonconforming use" claim is considered valid, then it seems to me that it will send a clear message to all Ledyard citizens that no ordinance, no regulation, no zoning official or planning and zoning commission can stop anyone in Ledyard who has already done this in the past from doing so again.
It is overwhelmingly disappointing and disheartening to even consider such an outcome...
Perhaps if there was strict enforcement of these violations from the start and heavy fines imposed daily it might be a different story...

2. Lakeside cottage ON the water with beautiful views up the lake! - Ledyard (vrbo.com)



Lakeside cottage ON the water with beautiful views up the lake!

The best hot tub view! 10 min. to downtown Mystic, & surrounded by nature. - $244 avg/night - Ledyard - Amenities include: Internet, Air conditioning, Pets , Fireplace, TV, Parking, No smoking, Heater Bedrooms: 2 Sleeps: 6 Pet friendly Minimum stay from 1 night(s) Bookable directly online - Book vacation rental 367207 with Vrbo.

www.vrbo.com

3.
4.
5.
6. Sincerely,
7.
8. Pamela Bartlett
9. 62 Long Pond Rd. S.
10. Ledyard, CT 06339
11.

Juliet Hodge

From: chris willis <chris_john_willie@yahoo.com>
Sent: Wednesday, September 7, 2022 7:52 PM
To: Michelle Gagnon-Smith
Subject: Short term rentals

[You don't often get email from chris_john_willie@yahoo.com. Learn why this is important at https://aka.ms/LearnAboutSenderIdentification]

Town of Ledyard Planning and Zoning

I support the changes to Ledyards short term rentals, Both hosted and non hosted. I believe with rules and proper regulation these can be extremely beneficial to the property owner. Using the money to improve the property and off set taxes I feel its a great alternative. I have seen the local properties benifit due to the added income. Just as our local roads have speed limits, I believe our local residents properties should have limits. Putting rules in place that will be enforced is a must to maintain these STR's. I am for STR's and believe they are for the better.

Christopher Willis
32r Long Pond Road S
Ledyard, Ct

Sent from my iPhone

RECEIVED
SEP 0 . 2022
LAND USE DEPARTMENT

Juliet Hodge

From: Andrea Person-Mish <realestatewithandrea@live.com>
Sent: Thursday, September 8, 2022 8:18 AM
To: Michelle Gagnon-Smith; Nancy Woodlock
Subject: Ledyard Short Term Rentals

You don't often get email from realestatewithandrea@live.com. Learn why this is important

I would like to express my support to amend Ledyard's zoning regulations to be able to permit both hosted and non-hosted short term rentals. My principal reason for supporting short-term rentals, especially non-hosted STR's, is that STR's have been shown in community after community to increase property values. I realize some communities do not want an increase in property values, yet this is a huge benefit for most communities, especially those of us who already own our property. As a Realtor and Owner, I am presently experiencing the benefit of being able to express to potential buyers ways of possibly increasing their property value with detached accessory dwelling units, hosted short term rental, and the hope of non short term rental as well.
There appears to be an increase in affordable housing applications in Ledyard and a possible future increase in detached accessory dwelling units. STR's will not only help to maintain and increase property values, but will also provide more tax base without increasing educational budgets like affordable housing and ADU's.

Andrea Person-Mish
550 Colonel Ledyard Highway

RECEIVED
SEP 08 2022
LAND USE DEPARTMENT

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)

August 22, 2022

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

Dear Mr. Capon:

I am writing in response to three applications to amend the zoning regulations of the Town of Ledyard. The applications were referred to this agency pursuant to Section 8-3b of the Connecticut General Statutes.

The proposed revisions include revisions to Section 8.28 Short-Term Rentals.

Based a review of the material provided, I have determined that the proposed amendment will not 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

Juliet Hodge

From: Craig Nelson <nelcraigson@aol.com>
Sent: Thursday, September 1, 2022 4:34 PM
To: Juliet Hodge
Subject: Meeting on thursday sept 8th

You don't often get email from nelcraigson@aol.com. Learn why this is important

Good afternoon Juliet, My name is Craig Nelson. See my letter for the meeting. Thanks Sincerely

To who it may concern. 8/8/2022

My name is Craig Nelson. I am a life long resident of Ledyard, CT. I met and married another Ledyard resident and together we raised our family.

I have worked in our town for over 35 years and we started two businesses in Ledyard and Gales Ferry.

As the years have passed by we have found our selves with two resistances in town. One is our current home that I designed and built and where we raised our family. The other is the home where I grew up. I will be soon in the market to create some income with one to off set the taxes and expenses. We are not ready to sell any properties. They are home to us.

With this said I am in favor of short term rentals. I have seen first hand the detractions that come with the long term rentals. Example; My parents rented out a home in North Haven CT. For years the tentents abused the property and down graded the property values of the neighbors. The laws practically prohibited them from evicting the tentents. This eventually forced my parents to sell the property.

I have seen first hand of the benefits of short term rentals. Example; the property is well maintained on a weekly basis, secondly if there is a problem with the guests it will only be a problem for a night or so. Action can be taken to correct the problem.

Another benefit for the town is the guest will visit local businesses in Ledyard and Gales Ferry. This could create more commerce for Ledyard and Gales Ferry locations, that we need to help out our tax burdens.

I have rented short term rentals many times and seen first hand the screening process. I have also treated them as mine. I like to think a good percentage of the guests do. I am in favor of consequences that can be put in place on the owners and guest if there is a legitimate problem.

Thank you sincerely,
Craig and Michelle Nelson

RECEIVED
SEP 06 2022
LAND USE DEPARTMENT

Economic Policy Institute

The economic costs and benefits of Airbnb

No reason for local policymakers to let Airbnb bypass tax or regulatory obligations

Report • By Josh Bivens • January 30, 2019

Summary: Analysis shows that the costs of Airbnb expansion to renters and local jurisdictions likely exceed the benefits to travelers and property owners. Thus there is no reason policymakers should reverse long-standing regulatory decisions simply to accommodate the rise of a single company.

Updated March 26, 2019

Summary

"The sharing economy" refers to a constellation of (mostly) Silicon Valley–based companies that use the internet as their primary interface with consumers as they sell or rent services. Because this term is "vague and may be a marketing strategy" (AP 2019), we refer to these firms less poetically but more precisely as "internet-based service firms" (IBSFs).

Economic policy discussions about IBSFs have become quite heated and are too often engaged at high levels of abstraction. To their proponents, IBSFs are using technological advances to bring needed innovation to stagnant sectors of the economy, increasing the quality of goods and services, and providing typical American families with more options for earning income; these features are often cited as reasons why IBSFs should be excused from the rules and regulations applying to their more traditional competitors. To skeptics, IBSFs mostly represent attempts by rich capital owners and venture capitalists to profit by flouting regulations and disguising their actions as innovation.

The debates about whether and how to regulate IBSFs often involve theories about their economic costs and benefits. This report aims to inform the debate by testing those theories. Specifically, it assesses the potential economic costs and benefits of the expansion of one of the most well-known of the IBSFs: the rental business Airbnb.

Airbnb, founded in 2008, makes money by charging guests and hosts for short-term rental stays in private homes or apartments booked through the Airbnb website. It started in prototype in San Francisco and expanded rapidly, and is now operating in hundreds of cities around the world. Airbnb is frequently depicted as a boon for travelers looking for lower-cost or nontraditional accommodations, and for homeowners looking to expand their income stream. But in many local markets, the arrival and expansion of Airbnb is raising questions about its potential negative impacts on local housing costs, quality

SECTIONS

1. Summary • 1
2. Overview of the economics of Airbnb • 3
3. Potential benefits of Airbnb introduction and expansion in U.S. cities • 6
4. Potential costs of Airbnb introduction and expansion • 13
5. Conclusion: Airbnb should have to play by the same rules as other lodging providers • 19

About the author • 21
Endnotes • 23
References • 24

of life in residential neighborhoods, employment quality in the hospitality industry, and local governments' ability to enforce municipal codes and collect appropriate taxes.

In our cost-benefit analysis, we find:

- **The economic costs Airbnb imposes likely outweigh the benefits.** While the introduction and expansion of Airbnb into U.S. cities and cities around the world carries large potential economic benefits and costs, the costs to renters and local jurisdictions likely exceed the benefits to travelers and property owners.
- **Airbnb might, as claimed, suppress the growth of travel accommodation costs, but these costs are not a first-order problem for American families.** The largest and best-documented potential benefit of Airbnb expansion is the increased supply of travel accommodations, which could benefit travelers by making travel more affordable. There is evidence that Airbnb increases the supply of short-term travel accommodations and slightly lowers prices. But there is little evidence that the high price of travel accommodations is a pressing economic problem in the United States: The price of travel accommodations in the U.S. has not risen particularly fast in recent years, nor are travel costs a significant share of American family budgets.
- **Rising housing costs are a key problem for American families, and evidence suggests that the presence of Airbnb raises local housing costs.** The largest and best-documented potential cost of Airbnb expansion is the reduced supply of housing as properties shift from serving local residents to serving Airbnb travelers, which hurts local residents by raising housing costs. There is evidence this cost is real:
    - Because housing demand is relatively inelastic (people's demand for somewhere to live doesn't decline when prices increase), even small changes in housing supply (like those caused by converting long-term rental properties to Airbnb units) can cause significant price increases. High-quality studies indicate that Airbnb introduction and expansion in New York City, for example, may have raised average rents by nearly $400 annually for city residents.
    - The rising cost of housing is a key problem for American families. Housing costs have risen significantly faster than overall prices (and the price of short-term travel accommodations) since 2000, and housing accounts for a significant share (more than 15 percent) of overall household consumption expenditures.
- **The potential benefit of increased tourism supporting city economies is much smaller than commonly advertised.** There is little evidence that cities with an increasing supply of short-term Airbnb rental accommodations are seeing a large increase in travelers. Instead, accommodations supplied via Airbnb seem to be a nearly pure substitution for other forms of accommodation. Two surveys indicate that only 2 to 4 percent of those using Airbnb say that they would not have taken the trip were Airbnb rentals unavailable.
    - Studies claiming that Airbnb is supporting a lot of economic activity often vastly overstate the effect because they fail to account for the fact that much of this spending would have been done anyway by travelers staying in hotels or other alternative accommodations absent the Airbnb option.

- **Property owners do benefit from Airbnb's capacity to lower the transaction costs of operating short-term rentals, but the beneficiaries are disproportionately white and high-wealth households.** Wealth from property ownership is skewed, with higher-wealth and white households holding a disproportionate share of housing wealth overall—and an even more disproportionate share of housing wealth from nonprimary residences because they are much more likely to own nonprimary residential property (such as multi-unit Airbnb rentals).
- **The shift from traditional hotels to Airbnb lodging leads to less-reliable tax payments to cities.** Several large American cities with a large Airbnb presence rely heavily on lodging taxes. Airbnb has largely blocked the ability of these cities to transparently collect lodging taxes on Airbnb rentals that are equivalent to lodging taxes on hotel rooms. One study found that the voluntary agreements Airbnb has struck with state and local governments "[undermine] tax fairness, transparency, and the rule of law."
- **City residents likely suffer when Airbnb circumvents zoning laws that ban lodging businesses from residential neighborhoods.** The status quo of zoning regulations in cities reflects a broad presumption that short-term travelers likely impose greater externalities on long-term residents than do other long-term residents. Externalities are economic costs that are borne by people not directly engaged in a transaction. In the case of neighbors on a street with short-term renters, externalities include noise and stress on neighborhood infrastructure like trash pickup. These externalities are why hotels are clustered away from residential areas. Many Airbnb rental units are in violation of local zoning regulations, and there is the strong possibility that these units are indeed imposing large costs on neighbors.
- **Because Airbnb is clearly a business competing with hotel lodging, it should be subject to the same taxation regime as hotels.** In regard to zoning regulations, there is no empirical evidence that the net benefits of Airbnb introduction and expansion are so large that policymakers should reverse long-standing regulatory decisions simply to accommodate the rise of a single company.

Overview of the economics of Airbnb

Airbnb runs an online marketplace for short-term lodging rentals. It largely does not own dwellings or real estate of its own; instead, it collects fees by acting as a broker between those with dwellings to rent and those looking to book lodging.

The perception that Airbnb tries to foster is that its "hosts" are relatively typical households looking to earn supplementary income by renting out rooms in their homes or by renting out their entire residence when they're away. Critics argue that Airbnb bookings have become increasingly concentrated among a relatively small number of "hosts" that are essentially miniature hotel companies.[1]

Potential economic benefits

At a broad level, the potential economic benefits and costs of Airbnb are relatively straightforward.[2]

The key potential benefit is that property owners can **diversify the potential streams of revenue** they generate from owning homes. Say, for example, that before Airbnb arrived in a city, property owners setting up residential rental properties faced transaction costs so high that it only made economic sense to secure relatively long-term leases. These transaction costs incurred by property owners could include advertising for and screening of tenants and finding alternative accommodations for themselves if they were renting their own dwellings. But if the rise of internet-based service firms reduced these transaction costs and made short-term rentals logistically feasible and affordable for the first time, it could allow these property owners to diversify into short-term rentals as well as long-term rentals.

Another potential benefit is the **increased supply (and variety) of short-term rentals** available to travelers. This increased supply can restrain price growth for short-term rentals and make traveling more affordable.

Finally, one well-advertised potential benefit of Airbnb is the **extra economic activity that might result** if the rise of Airbnb spurs an increase in visitors to a city or town. Besides the income generated by Airbnb property owners, income might be generated by these visitors as they spend money at restaurants or in grocery stores or on other activities.

Potential costs

The single biggest potential cost imposed by Airbnb comes in the form of **higher housing costs for city residents** if enough properties are converted from long-term housing to short-term accommodations. If property owners take dwellings that *were* available for long-term leases and convert them to short-term Airbnb listings, this increases the supply of short-term rentals (hence driving down their price) but decreases the supply of long-term housing, increasing housing costs for city residents. (We refer to all long-term costs of shelter as "housing," including rentals and owners' equivalent rental costs.)

Another large potential city-specific cost of Airbnb expansion is the **loss of tax revenue**. Many cities impose relatively steep taxes on short-term lodging, hoping to obtain revenue from out-of-town travelers to spend on local residents. The most common and straightforward of these revenue raisers is a tax on traditional hotel rooms. If Airbnb expansion comes at the expense of traditional hotels, and if the apparatus for collecting taxes from Airbnb or its hosts is less well-developed than the apparatus for collecting taxes from traditional hotels, this could harm city revenues.

A further potential cost is the **externalities that property rentals (of all kinds) impose** on neighbors, for example, noise and/or use of building facilities. Since hosts are often not on-site with their renters, they do not bear the costs of these externalities and hence may not factor them into rental decisions. Of course, one could argue that such externalities

are also incurred with long-term rentals not arranged through Airbnb. But if the expansion of Airbnb increases total short- and long-term rental activity, or if short-term rentals impose larger externalities than long-term rentals, then Airbnb expansion can increases these externalities.

Finally, if Airbnb expansion comes at the expense of traditional hotels, it could have a **negative impact on employment**. First, since some of the labor of maintaining Airbnb lodgings is performed by the property owners themselves, the shift to Airbnb from traditional hotels would actually reduce employment overall. Second, since the task of cleaning and maintaining rooms and even greeting Airbnb renters is often done by third-party management firms, the shift from the traditional hotel sector to Airbnb rentals could degrade job quality.

The rest of this report evaluates the potential scope of each of these benefits and costs, and ends with an overall assessment of the effect of Airbnb expansion.

Potential benefits of Airbnb introduction and expansion in U.S. cities

This section elaborates on the potential benefits identified in the previous section. For each benefit, it assesses how likely the benefit is to emerge, provides empirical estimates of the magnitude of the benefit, and discusses the likely distribution of the benefit.

Potential benefit one: Property owners can diversify into short-term rentals

The most obvious benefit stemming from the creation and expansion of Airbnb accrues to property owners who have units to rent. Owners of residential property have essentially three options for earning a return on the property: They can live in the residence and hence not have to pay rent elsewhere, they can rent it out to long-term residents, or they can rent it out to short-term visitors.

If the only barrier to renting out residential property to short-term visitors were the associated transaction costs, then in theory the creation and expansion of Airbnb could be reducing these transaction costs and making short-term rental options more viable. It does seem intuitive that transaction costs of screening and booking short-term renters would be higher over the course of a year than such costs for renting to long-term residents (or the costs of maintaining owner-occupied property). However, the potential benefits are only the *difference* between what the property owner earned before the introduction of Airbnb and what the property owners earned from short-term rentals booked through the Airbnb platform.

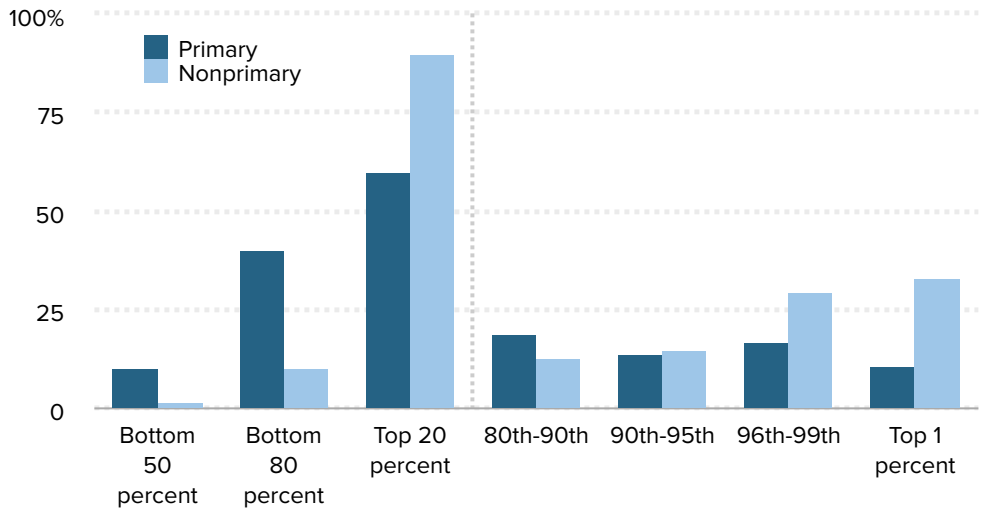
These potential benefits are likely quite skewed to those with more wealth. While housing is more widely held than most other assets, the total value of housing wealth is (like all wealth) quite concentrated among white and high-income households. Further, because of the myriad benefits of owning one's own residence, it is likely that much of the benefit of Airbnb's introduction and expansion accrues to those with more than one property (one for occupying and one or more for renting).[3] The distribution of property wealth generated by nonprimary residential real estate is even more concentrated than housing wealth overall. **Figure A** shows, by wealth class, the distribution of housing wealth overall and of housing wealth excluding owner-occupied housing.

This figure shows that the potential benefits of Airbnb introduction and expansion to property owners are highly concentrated. To put it simply, any economic occurrence that provides benefits proportional to owning property is one that will grant these benefits disproportionately to the wealthy. In 2016, for example, 60.0 percent of primary housing wealth (housing wealth in households' primary residences) was held by the top 20 percent

Figure A

Housing wealth—particularly wealth from owning a nonprimary residence—is skewed

Share of total primary and nonprimary household housing wealth in the U.S. economy held by each wealth class, 2016



Note: Primary housing wealth is wealth from owner-occupied housing. Nonprimary housing wealth is wealth from nonowner-occupied housing. The wealth classes depicted overlap, with the top 20 percent broken down into households falling within the 80th to 90th, 90th to 95th, and 96th to 99th percentiles.

Source: Author's analysis of microdata from the Federal Reserve Board Survey of Consumer Finances (2016)

Economic Policy Institute

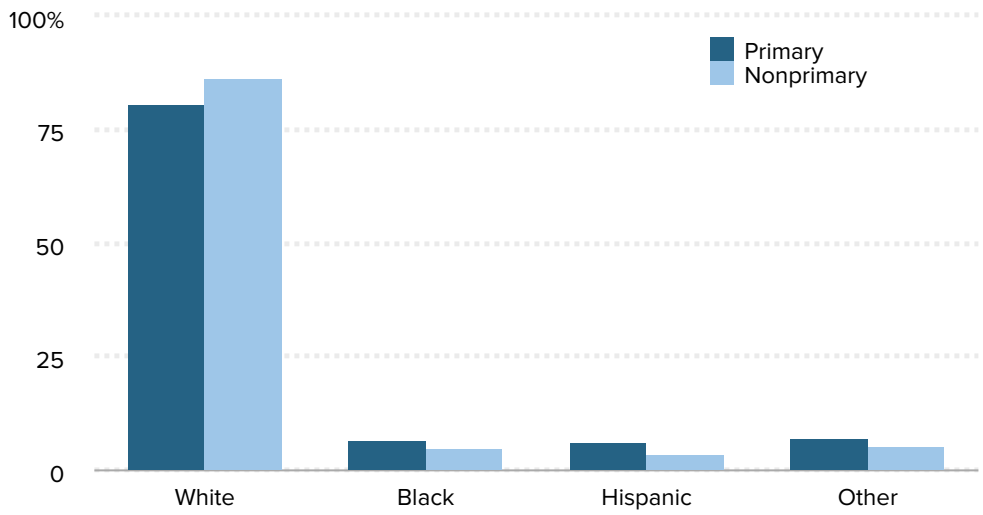
of households. (Not shown in the figure is that this share has increased by 5.4 percentage points since 1989.) As we noted earlier, however, many Airbnb listings are actually owned by households with multiple units to rent. Given this, Figure A also shows the share of housing wealth from nonprimary residences held by various groups. This "nonprimary housing wealth" is far more skewed. For example, the top 20 percent hold 90.1 percent of this type of wealth.

Figure B shows the distribution of housing wealth by race and ethnicity. Across racial groups, more than 80 percent of wealth in one's primary residence was held by white households. African American households held just 6.5 percent of wealth in primary residences, Hispanic households held 6.0 percent of this type of wealth, while households of other races and ethnicities held 6.9 percent. Not shown is the change in the share of wealth in primary residences held by racial and ethnic groups: Primary housing wealth held by nonwhite households has risen a bit (by roughly 6 percentage points) since 1989. As with the distribution by wealth class, the holdings of nonprimary housing wealth by race and ethnicity are again even more skewed, with white households holding more than 86 percent of this type of wealth. African American households hold just 5.0 percent of nonprimary housing wealth, Hispanic households hold 3.6 percent, and households of other races and ethnicities hold 5.2 percent.

Figure B

White households disproportionately benefit from housing wealth

Share of total primary and nonprimary household housing wealth held, by race and ethnicity



Note: Primary housing wealth is wealth from owner-occupied housing. Nonprimary housing wealth is wealth from nonowner-occupied housing. Hispanic means "Hispanic any race" and the race/ethnicity categories are mutually exclusive.

Source: Author's analysis of microdata from the Federal Reserve Board Survey of Consumer Finances (2016)

Economic Policy Institute

In short, what Figures A and B show is that because wealth from residential properties that can produce rental income is concentrated among the wealthy and white households, giving property owners the unfettered option to choose Airbnb over long-term rental uses of their property means conferring an enhanced option to predominantly wealthy and white owners of housing wealth. (**Appendix Table 1** provides the same analyses shown in Figures A and B for the years 1989, 1998, and 2007, and for the most recent data year, 2016, as well as the change from 1989 to 2016.)

Finally, while Airbnb might make short-term rentals feasible for property owners by reducing transaction costs through the technological efficiencies provided by Airbnb's internet-based platform, the company might also just make short-term rentals feasible by creating a norm of ignoring regulations that bar short-term rentals. Short-term rentals are effectively banned in many residential neighborhoods in the cities where Airbnb operates, yet they have proliferated after the introduction of Airbnb.[4] The regulations barring or limiting short-term rentals were established to reduce the externalities associated with commercial operations of certain kinds—including hotel operations—in residential neighborhoods. Airbnb's business model appears to depend significantly on skirting these regulations and dodging competition from traditional hotel owners who are prohibited from operating in these same neighborhoods. If the regulations banning short-term rentals are baseless and serve no useful purpose, then subverting them could be seen as a

benefit of Airbnb. But allowing large corporations such as Airbnb to simply ignore regulations—rather than trying to change them through democratic processes—is hardly the basis of sound public policy.

Potential benefit two: Increased options and price competition for travelers' accommodations

Airbnb is essentially a positive supply shock to short-term accommodations. Like all positive supply shocks, it should be expected to lower prices. There is some accumulating evidence that Airbnb does exactly this. Zervas, Proserpio, and Byers (2017) examine the effect of Airbnb expansion across cities in Texas. They find that each 10 percent increase in the size of the Airbnb market results in a 0.4 percent decrease in hotel room revenue. They find that most of this revenue decline is driven by price declines. Evidence of the positive supply shock is particularly evident in the 10 American cities where Airbnb's presence is largest. Dogru, Mody, and Suess (2019) find a negative correlation between Airbnb expansion and hotels' average daily rates in the 10 U.S. cities with the largest Airbnb presence.

Besides cost, the introduction and expansion of Airbnb could improve the perceived quality of accommodations available. There is some limited evidence that this is the case: a survey by doctoral candidate Daniel Adams Guttentag (2016) finds that "convenient location" is one of the top reasons given by Airbnb guests when asked why they chose the service. But the Guttentag 2016 survey also identifies "low cost" as the *single most-identified* reason people give when asked why they chose Airbnb.

However, it should be stressed that this potential benefit of Airbnb introduction and expansion is overwhelmingly a *redistribution* of welfare, not an *increase* in economywide welfare. Very few people have claimed that Airbnb's spread within a given city has led developers to build *more accommodations* in the city overall. Instead, owners or third parties have often turned long-term rental units into short-term lodging via Airbnb.

The question then becomes, "Has this redistribution of potential accommodations from the long-term to the short-term market increased economic welfare overall?" One way that Airbnb could be increasing economic welfare overall is if it were helping travelers deal with rising travel accommodation costs.

By looking at trends in prices and spending in the short-term lodging sector, we can get a commonsense check on whether high prices for short-term travel accommodations are a pressing economic problem for ordinary American households. If the price of short-term travel accommodations were rising rapidly, then presumably an increase in supply that restrained price increases would be valuable (or at least more valuable than if these prices were not showing any particularly trend). The two lines in **Figure C** show changes in the consumer price index for travel accommodations compared with changes in the overall price index for personal consumption expenditures (PCE). According to Figure C, in the 2010s, the price of short-term travel accommodations has grown faster than prices overall only since 2014—this is the same year that ushered in the large-scale expansion of Airbnb.

Figure C

The price of short-term travel accommodations has increased slightly faster than prices overall, but only in recent years

Price indices for short-term travel accommodations and overall personal consumption expenditures (PCE), 2000–2016



Source: Author's analysis of Bureau of Economic Analysis National Income and Product Accounts (NIPA) Table 2.4.4.

Economic Policy Institute

So it certainly seems that the launch and growth of Airbnb was not solving any preexisting price pressure—because it was operating and expanding well before recent years' price growth. (Further, it is possible that by substituting more strongly for a less-expensive slice of the traditional hotel market—leisure travel as opposed to business travel, for example—that Airbnb introduction might actually be associated with raising measured short-term travel accommodation prices, through a composition effect.)

Potential benefit three: Travelers' spending boosts the economic prospects of cities

The lower prices and greater range of options made available by the introduction and expansion of Airbnb could, in theory, induce a large increase in travel and spark economic growth in destination cities. This is precisely the claim made in a report by NERA Economic Consulting (NERA 2017), which says that Airbnb "supported" 730,000 jobs and $61 billion in output globally, with roughly a quarter of this economic gain occurring in the United States.

To be blunt about these claims, they are flatly implausible. They rest on the assumption that all money spent by those renting Airbnb units is money that would not have been spent in some alternative accommodations had Airbnb not existed.

Say, for example, that guests at Airbnb properties spent $10 million in New York City in 2016, including the money spent at restaurants and theaters and other attractions while visiting the city. The rental payment these guests make is included in the NERA numbers, but is expressed as extra income for Airbnb hosts. NERA then takes this entire $10 million in spending (both nonaccommodation spending by visitors and the extra income going to Airbnb hosts) and runs it through input–output models to generate multiplier effects that yield their final numbers for output and employment supported in each city.

There are a number of problems with the NERA study. First, it is surprisingly opaque. It does not provide overall global and U.S. spending numbers or break these numbers into their components: nonaccommodation spending by Airbnb guests and income generated for Airbnb hosts. It also does not report the assumed size of the multiplier. Rather, it provides final numbers for global and U.S. output and employment that are functions of primary spending flows multiplied by the effects of their input–output model. The study states that it uses the well-known IMPLAN model, but IMPLAN can generate multipliers of varying size: It would be valuable to know just how large NERA is assuming the multiplier effects of this Airbnb-related spending is, just as a plausibility check.

Second, the study seems clearly written to maximize the perceived support Airbnb might provide local economies—both now and into the future. For example, toward the end of the report NERA provides several tables showing projected support for output and employment for years after the study (from 2017 to 2025). These projected *future* contributions to output and employment dwarf the contribution that is apparent in the actual data analyzed by NERA. But these projections rely on overoptimistic assumptions about Airbnb's future growth. For example, NERA forecasts growth of 75 percent for Airbnb arrivals in 2017,[5] but another study (Molla 2017) suggests that these arrivals in fact grew by closer to 25–50 percent, with growth rates particularly slowing in the U.S. and the European Union.[6]

What is by far the most important weakness of the NERA analysis is its reliance on the assumption that *all* spending done by travelers staying at Airbnb properties is spending that would not have been done had Airbnb not existed. The possibility that Airbnb visitors would still have visited a city even if Airbnb units were unavailable—by securing alternative accommodations—is completely ruled out by the NERA analysis. This is obviously an incorrect assumption. For example, it assumes that Airbnb and traditional hotels are not seen as potential substitutes for each other in the minds of travelers. But research has shown that they *are* quite close substitutes. Zervas, Proserpio, and Byers (2017) empirically assess the effect of Airbnb's expansion on the hotel industry in the state of Texas. In their introduction, they write, "Our hypothesis is that some stays with Airbnb serve as a substitute for certain hotel stays, thereby impacting hotel revenue…." In their discussions and conclusions section, they summarize what their empirical investigation has found: "Focusing on the case of Airbnb, a pioneer in shared accommodations, we estimate that its entry into the Texas market has had a quantifiable negative impact on local hotel room revenue." Put simply, this result is completely inconsistent with the assumption that Airbnb has no potential substitutes for those using its services. This in turn means that at least some of the economic activity "supported" in local economies by spending done by Airbnb guests is activity that would have been supported absent Airbnb, likely by these

same guests staying in traditional hotels or other accommodations.

As discussed in a previous section, Guttentag (2016) reports the findings of a survey of Airbnb users. Among other questions, the survey explicitly asks how substitutable travelers find Airbnb lodgings. The precise question is, "Thinking about your most recent Airbnb stay—If Airbnb and other similar person-to-person paid accommodations services (e.g., VRBO) did not exist, what type of accommodation would you have most likely used?" Only 2 percent of Airbnb users responded to this question with the assertion that they would not have taken the trip. The remaining 98 percent identified other lodging possibilities that they would have used. In a similar survey that included some business travelers, Morgan Stanley Research 2017 reports near-identical findings, with between 2 and 4 percent of respondents saying that they would not have undertaken a trip but for the presence of Airbnb.[7] In both the Morgan Stanley Research survey and the Guttentag survey, roughly three-fourths of the respondents indicated that Airbnb was substituting for a traditional hotel.

If the Guttentag 2016 and Morgan Stanley Research 2017 findings are correct, this implies that NERA overstates the support Airbnb provides to local economies by somewhere between 96 and 98 percent. It is possible that some flows of spending might support more local spending when associated with Airbnb instead of traditional hotels—for example, one could argue that income accruing to Airbnb hosts is more likely to be spent locally than money paid to large hotel chains. However, the reverse is also true—for example, Airbnb rentals are far more likely to come equipped with a kitchen, and so Airbnb lodgers might be more likely to eat in rather than patronize restaurants.

Additionally, the local spillover spending associated with Airbnb expansion might not be uniform across neighborhoods. Alyakoob and Rahman (2018) document a modest increase in local restaurant spending associated with expanding Airbnb presence. Essentially, restaurants located away from central hotel cores in cities are unlikely to attract many out-of-town tourists. But if Airbnb penetration in outlying neighborhoods increases, restaurants there might now be able to tap some of this tourist market. Alyakoob and Rahman find that every 2 percent rise in Airbnb activity in a given neighborhood increases restaurant employment in that neighborhood by 3 percent. Crucially, Alyakoob and Rahman make no such calculation for potential employment-depressing effects of restaurants closer to traditional hotels. Further, they find that the boost to restaurant employment given by greater Airbnb activity does not occur in areas with a relatively high share of African American residents.

Finally, given that the overwhelming share of jobs "supported" by Airbnb are jobs that would have been supported by guests in some alternative accommodation, it seems likely that even if there is a slight increase in *spending* associated with a slight (about 2 percent) increase in visitors to a city due to Airbnb, there may well be a decline in *jobs*. We have noted previously that it is quite possible that traditional hotels are a more labor-intensive source of accommodation than are Airbnb listings. If, for example, Airbnb operators employ fewer people to provide cleaning and concierge and security services, then each dollar spent on Airbnb accommodations is likely to support less employment than each dollar spent on traditional hotel accommodations.

We can gauge the employment effect with a hypothetical scenario that assumes that the Guttentag 2016 and Morgan Stanley Research 2017 analyses are correct and that only 2 to 4 percent of the spending supported by Airbnb represents net new spending to a locality. In this case, if even half of the overall spending "supported" by Airbnb is a pure expenditure shift away from traditional hotels, and if traditional hotels are even 5 to 10 percent more labor-intensive than Airbnb units, then introducing Airbnb would actually have a *negative* effect on employment.[8]

Even if one grants that 2 to 4 percent of the output supported by Airbnb in host cities is net new spending, this spending is just a redistribution away from other, presumably less-Airbnb-intensive, localities. Given that Airbnb has tended to grow in already rich and desirable cities, it is unclear why inducing the transfer of even more economic activity away from other cities toward thriving cities would ever be viewed as a positive policy outcome.

In short, the results of the NERA study should be ignored by policymakers seeking an accurate sense of the scale of Airbnb expansion costs and benefits.[9]

Potential costs of Airbnb introduction and expansion

This section elaborates on the potential costs highlighted in the overview section. It assesses the likely outcome of these costs, estimates their empirical heft, and assesses the likely distribution of these costs.

Potential cost one: Long-term renters face rising housing costs

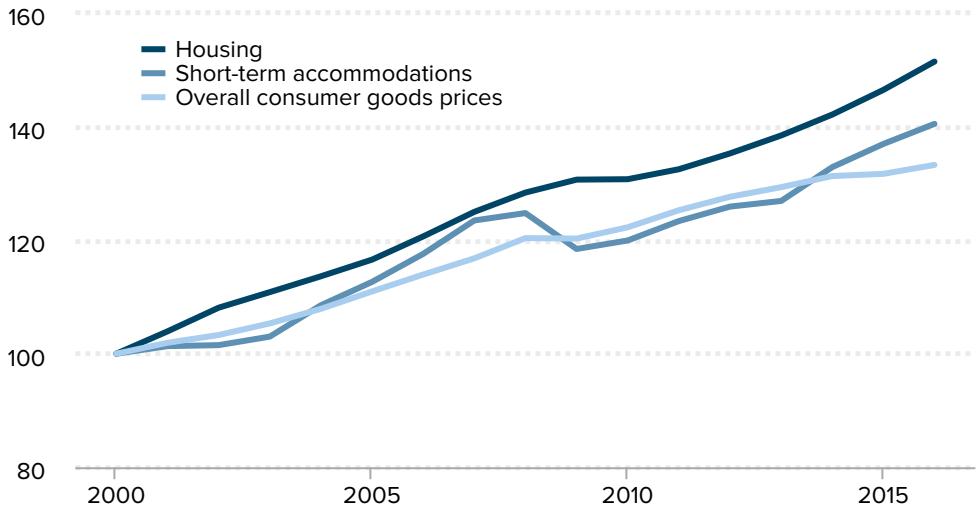
The mirror image of Airbnb's positive supply shock to short-term travel accommodations is its negative supply shock to long-term housing options. Again, none of the literature reviewed in this paper suggests that the introduction and expansion of Airbnb has spurred more residential construction overall, so as more units become available to Airbnb customers, this means that fewer potential housing units are available to long-term renters or owner-occupiers in a city.

Earlier, we saw that price increases in short-term travel accommodations have been in line with overall consumer price increases in recent years, suggesting that there is no obvious shortage in short-term accommodations. (It is important to note that the tracking of short-term travel accommodation prices and overall prices was tight well before Airbnb was exerting any serious effect one way or the other on prices.) However, national prices of long-term housing are rising faster than overall prices, suggesting a shortage of long-term housing. Because of this above-inflation growth in long-term housing costs, any trend that exacerbates this increase is more damaging than if these prices had been relatively flat in recent years. **Figure D** shows inflation in the price indices for housing (long-term rentals as

Figure D

Housing costs are rising faster than costs of short-term accommodations or overall consumer goods

Price indices for housing, short-term travel accommodations, and overall personal consumption expenditures (PCE), 2000–2016



Note: The housing price index includes both long-term rentals as well as imputed rents for owner-occupied housing.

Source: Author's analysis of Bureau of Economic Analysis National Income and Product Accounts (NIPA) Table 2.4.4

Economic Policy Institute

well as imputed rents for owner-occupied housing) and for short-term travel accommodations, and in the overall personal consumption expenditures index. In recent years, long-term housing price growth has clearly outpaced both overall price growth and increases in the price of short-term travel accommodations. This recent rise in the inflation rate of long-term housing, in fact, has become a much-discussed policy challenge that has spurred much commentary and analysis over the past decade.

The fact that the cost of long-term housing has become a prime source of economic stress for typical Americans should be considered when weighing the costs and benefits of Airbnb's introduction and expansion. Crucially, demand for housing is quite inelastic, meaning that households have little ability to forgo housing when it becomes more expensive. When demand is inelastic, even relatively small changes in housing supply can cause significant changes in the cost of housing.[10] This intuition is clearly validated in a number of careful empirical studies looking precisely at the effect of Airbnb introduction and expansion on housing costs.

According to these studies, Airbnb—though relatively new—is already having a measurable effect on long-term housing supply and prices in some of the major cities where it operates. For example, Merante and Horn (2016) examine the impact of Airbnb on rental prices in Boston. The authors construct a rich data set by combining data on weekly

rental listings from online sources and data from Airbnb listings scraped from web pages. They find that each 12 Airbnb listings per census tract leads to an increase in asking rents of 0.4 percent. It is important to note that this is a finding of causation, not just correlation. They put this finding in perspective as follows:

> If Airbnb's growth rate in 2015, 24%, continues for the next three years, assuming constant mean rents and total number of housing units, Boston's mean asking rents in January 2019 would be as much as $178 per month higher than in the absence of Airbnb activity. We further find evidence that Airbnb is increasing asking rents through its suppression of the supply of rental units offered for rent. Specifically, a one standard deviation increase in Airbnb listings [an average of 12 units per census tract] relative to total housing units is correlated with a 5.9% decrease in the number of rental units offered for rent. (Merante and Horn 2016)

Barron, Kung, and Proserpio (2018) undertake a similar exercise with different data. They create a data set that combines Airbnb listings, home prices and rents from the online real estate firm Zillow, and time-varying ZIP code characteristics (like median household income and population) from the American Community Survey (ACS). To account for the fact that rents and Airbnb listings might move together even if there is no causal relationship (for example, if both are driven by the rising popularity of a given city), they construct an instrumental variable to identify the causal effect of rising Airbnb listings on rents. Using this instrument, they find that a 10 percent increase in Airbnb listings in a ZIP code leads to a 0.42 percent increase in ZIP code rental prices and a 0.76 percent increase in house prices. They also find that the increase in rents is larger in ZIP codes with a larger share of nonowner-occupied housing. Finally, like Merante and Horn, they find evidence that Airbnb listings are correlated with a rise in landlords shifting away from long-term and toward short-term rental operations.

Sheppard and Udell (2018) also undertake a similar exercise, looking within neighborhoods of New York City. Their key finding is that a doubling of Airbnb activity within a tight geographic zone surrounding a home sale is associated with a 6 to 11 percent increase in sales prices. Their coefficient values are quite close to those from Barron, Kung, and Proserpio (2018).[11]

Wachsmuth et al. (2018) apply the regression results identified by Barron, Kung, and Proserpio (2018) to the large increase in Airbnb rentals in New York City. They find a 1.4 percent increase in NYC rents from 2015 to 2017 due to Airbnb's expansion in that city. For the median NYC renter, this implies a $384 annual increase in rent from 2015 to 2017 due to Airbnb's expansion over that time.

Potential cost two: Local government tax collections fall

For the localities making policy decisions regarding the expansion of Airbnb, perhaps the single biggest consideration is fiscal. Across the United States, total lodging taxes are significant: For the 150 largest cities, the all-in lodging tax rate (including state, county, and

city taxes) averaged more than 13 percent (Hazinski, Davis, and Kremer 2018). The temptation for any given locality to set relatively high lodging tax rates (particularly when compared with overall sales tax rates) seems clear—city residents pay little of the lodging tax but still enjoy the benefits funded by the tax. For a number of cities, the total revenue collected is substantial. In 2016, for example, New York City and Las Vegas each collected well over $500 million in lodging taxes, and San Francisco collected just under $400 million.

It seems odd to exclude Airbnb stays from the lodging tax, yet the tax treatment of Airbnb rentals is inconsistent and incomplete. The company has entered into a number of tax agreements with state and local governments and is clearly trying to build the impression that it wants to help these governments collect taxes. Yet a number of tax experts argue that Airbnb's efforts to collect and remit lodging taxes (as well as other taxes) have been wholly insufficient.

A description in Schiller and Davis 2017 of the state of Airbnb's tax agreements as of early 2017 highlights the patchy, voluntary nature of the tax regime that Airbnb faces:

> Airbnb, whose operations in some instances may violate traditional local zoning and rental ordinances, has sought to legitimize its business by negotiating agreements with cities under which it will collect local sales and lodging taxes. "Working together, platforms like Airbnb can help governments collect millions of dollars in hotel and tourist tax revenue at little cost to them," the company stated in a "policy tool chest" it offered in late 2016.
>
> Overall, by Airbnb's count, the company is collecting sales, hotel, or other taxes in 26 states and the District of Columbia (DC) as of March 1, 2017. State-level taxes are collected in 18 of those states. Among this group, some or all local-level taxes are also being collected in every state except Connecticut, which lacks local lodging taxes. In the remaining eight states, Airbnb collects a patchwork of local taxes but no state taxes. In three states—Alaska, Maryland, and New Jersey—Airbnb's tax collection is limited to a single locality (Anchorage, Montgomery County, and Jersey City, respectively). The company has dramatically expanded its tax collection practices in recent years and appears poised to continue its expansion in the months and years ahead. Airbnb recently announced that it will soon begin collecting state lodging taxes in Maine, for instance.

Dan Bucks, a former director of the Montana Department of Revenue and former executive director of the Multistate Tax Commission, wrote a report assessing the tax agreements that Airbnb has struck with state and local governments in different parts of the country. His central finding is that these agreements "[undermine] tax fairness, transparency, and the rule of law" (Bucks 2017).

Bucks examines 12 of the Airbnb tax agreements from across the country that had been made public by mid-2017. He describes them as follows:

> Airbnb devises and presents to tax agencies what are typically ten to twelve-page documents covering back-tax forgiveness, prospective payments, information

> access and multiple other terms that produce, as this report documents, serious negative consequences for society. Airbnb labels these documents as "voluntary collection agreements," which they most assuredly are not. These Airbnb-drafted documents do not guarantee the proper collection of taxes due. They block tax agencies from verifying the accuracy of Airbnb payments. Airbnb may be seeking to superficially to liken these documents to the high quality "voluntary disclosure agreements" that states use to bring non-compliant taxpayers into full conformity with the law. However, these documents profoundly undermine sound tax administration and the rule of law. For these and other reasons detailed below, we will not use Airbnb's misleading label for these documents but will refer to them objectively as "Airbnb agreements." (Bucks 2017)

The most specific criticism Bucks makes is that these agreements have largely been kept secret from the public, in clear contrast to other "voluntary disclosure agreements." This secrecy, combined with agreements to "cede substantial control of the payment and audit processes to Airbnb," make it impossible for tax authorities to ensure proper payment of lodging taxes. Bucks also argues that these agreements between Airbnb and state and local governments provide large benefits to third parties (Airbnb hosts) who are not signatories and are not obligated to provide anything in exchange for these benefits.

In 2016, an analysis from AlltheRooms.com forecast that Airbnb's failure to ensure the full payment of lodging taxes was on track to cost subnational governments a combined $440 million in revenue unless policymakers moved to guarantee proper payment. Of the total, $110 million in lost revenue was for New York City alone. In October 2016, shortly after the AlltheRooms.com analysis was released, New York City passed restrictions on Airbnb advertisements for rentals of less than 30 days when an owner is not present. While these restrictions may have stemmed the loss of revenue relative to the AlltheRooms.com projection, the analysis that predated the restrictions highlight how the unregulated expansion of Airbnb, and its cannibalization of traditional hotel business market share, could still have large fiscal implications for New York and other cities.

Finally, even if Airbnb were to fully comply with the local jurisdiction's tax system on lodgings and pay the same tax rate per dollar earned as traditional hotels, there likely would still be some small fiscal losses stemming from Airbnb's expansion. The primary appeal of Airbnb to most travelers is lower-price accommodations, so even if the same tax rate were paid on Airbnb rentals as is paid on hotel rooms, the lower Airbnb prices would lead to less tax revenue accruing to local governments.

Potential cost three: Externalities inflicted on neighbors

When owners do not reside in their residential property, this can lead to externalities imposed on the property's neighbors. If absentee owners, for example, do not face the cost of noise or stress on the neighborhood's infrastructure (capacity for garbage pickup, for example), then they will have less incentive to make sure that their renters are respectful of neighbors or to prevent an excessive number of people from occupying their

property.

These externalities could be worse when the renters in question are short term. Long-term renters really do have some incentive to care about the neighborhood's long-run comity and infrastructure, whereas short-term renters may have little to no such incentive. Further, some Airbnb hosts are renters themselves who are subletting a long-term rental property to short-term travelers, which may further shield the ultimate property owners from bearing the costs faced by immediate neighbors. In cities where the spread of Airbnb has become a political issue, hundreds (if not thousands) of complaints have been made in this regard.[12]

The potential for such externalities has been broadly recognized for a long time and was a consideration leading to the prevalence of zoning laws that ban short-term travel accommodations in residential neighborhoods. There is a reason, for example, why Times Square in New York City is a cluster of hotels while the Upper East Side is largely a less noisy cluster of residential dwellings. There is of course no reason why such past zoning decisions need to be completely sacrosanct and never changed, but these decisions were made for a reason, and changes to them should be subject to democratic debate.

While researchers have often noted the possibility that Airbnb may impose externalities on the communities surrounding Airbnb units, we know of no empirical estimates of these externalities. If these externalities were powerful enough in degrading the desirability of neighborhoods, they could in theory lead to reduced rents and home prices. From the evidence of the previous section, we know that Airbnb adoption in neighborhoods has actually boosted rental and home prices. But this price boost doesn't mean these externalities don't exist—it simply means that price-depressing externalities are offset by the supply effect of moving properties out of the long-term rental market.

Miller (2016) makes an interesting (if likely too abstract) policy proposal for dealing with the externalities associated with home rental via Airbnb. He proposes creating a market in "transferable sharing rights," in which, for example, each resident of a neighborhood would be given the right to rent out one housing unit for one night. Most residents in a neighborhood won't want to rent out their home. But those who do want to rent out units using Airbnb would want far more than the right to rent out these properties for just one night. To obtain the right to rent out their properties for more nights, they would need to purchase permits from their neighbors. The price it takes to obtain these permits would provide a good indicator of the true costs of the externalities imposed by Airbnb. A city that experimented with these tradeable sharing rights could provide very useful information.

Potential cost four: Job quantity and quality could suffer

We have noted already that when Airbnb enters and expands in a city, it shifts traveler business from hotels to Airbnb, leading to downward price pressure for hotels. This shift from traditional hotels to Airbnb properties also implies either a shift in jobs or a reduction

in jobs. As an example, take hotel cleaning workers. As more visitors to a city pick Airbnb units over traditional hotel accommodations, the need for cleaning doesn't go away. Instead, it is either foisted on Airbnb proprietors, done by third-party cleaning services, or left unmet and thus implicitly imposing costs on both travelers and the surrounding neighborhood (think of improperly disposed-of trash).

Given that much of the growth of Airbnb in recent years has been driven by hosts with multiple properties (which, when in a single location, are in effect mini hotels), it is not surprising to see an emergence of cleaning services specifically serving Airbnb hosts.[13] These new cleaning services may be less likely to offer decent wages relative to traditional travel lodging; it may also be more difficult for workers to unionize in this context. For example, in the 10 U.S. cities with a particularly large Airbnb presence (including New York City, Los Angeles, and Chicago), combined unionization rates for maids and cleaners in the hotel industry are nearly double the unionization rates of maids and cleaners in other industries in the economy.[14]

In some sense, the shift in cleaning jobs from traditional hotels to cleaning services for Airbnb hosts is likely analogous in its economic effects to what happens when traditional hotels outsource their own cleaning staffs. Dube and Kaplan (2010) demonstrate large negative wage effects stemming from this type of domestic outsourcing for janitors and security guards. Their findings are reinforced by recent analysis of the German labor market by Goldschmidt and Schmieder (2017), who find similar large negative effects of domestic outsourcing on a range of occupations, including cleaners. While these studies do not directly examine the effect of substituting in-house hotel cleaning jobs for Airbnb cleaning jobs, they both track the effect of "fissuring" between the entity that uses and pays for the service and the entity that manages the service providers. This fissuring has been a key and troubling feature of the American labor market in recent decades, and it is hard to see how the substitution of Airbnb for traditional hotels does not potentially constitute another layer of this fissuring.[15]

This potential for Airbnb to degrade the quality of cleaning jobs is recognized even by the company itself: Airbnb offers hosts the opportunity to advertise that they have taken the "living wage pledge" by committing to pay a living wage to the cleaners and servicers of their properties. It is not clear how commitment to this pledge is (or can be) enforced, however.

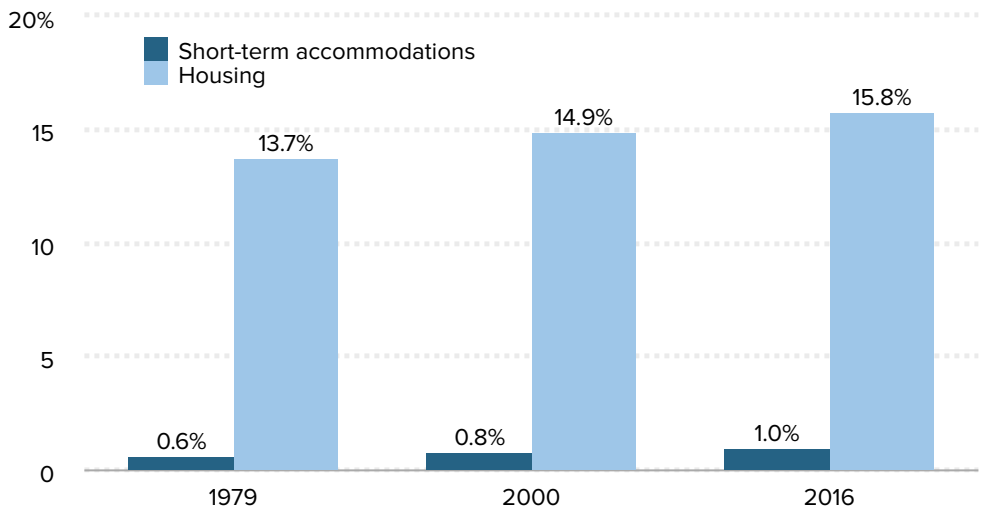
Conclusion: Airbnb should have to play by the same rules as other lodging providers

The current policy debates sparked by the rise of Airbnb have largely concerned tax collections and the emergence of "mini hotels" in residential neighborhoods. At its inception, Airbnb advertised itself as a way for homeowners (or long-term renters) to rent out a room in their primary residence, or as a way for people to rent out their dwellings for

Figure E

Housing costs matter much more to household budgets than short-term lodging costs

Shares of average household personal consumption expenditures devoted to housing vs. short-term travel accommodations, 1979, 2000, and 2016



Note: The housing price index includes both long-term rentals as well as imputed rents for owner-occupied housing.

Source: Author's analysis of Bureau of Economic Analysis National Income and Product Accounts (NIPA) Table 2.5.5

Economic Policy Institute

short periods while they themselves are traveling. However, in recent years Airbnb listings and revenues have become dominated by "multi-unit" renters—absentee property owners with multiple dwellings who are essentially running small-scale lodging companies on an ongoing basis.

This evolution of Airbnb into a parallel hotel industry raises questions about the preferential treatment afforded to this rental company. These questions include, "Why isn't Airbnb required to ensure that lodging taxes are collected, as traditional hotels are?" And, "Why is Airbnb allowed to offer short-term rentals in residential neighborhoods that are not zoned for these uses, while traditional hotels are not allowed in these same neighborhoods?"

While there are plenty of other considerations, the spread of Airbnb seems at its core to be a shift of potential housing supply from the long-term residential housing market to the market for short-term accommodations. This shift of supply can lower prices for travelers but raise housing prices for long-term residents. This seems like a bad trade-off, simply based on the share of long-term housing expenses versus short-term travel expenses in average family budgets. **Figure E** presents the share of total personal consumption expenditures accounted for by housing and by short-term travel accommodations. As the figure shows, housing costs eat up far more of the average household's budget, and rising housing prices mean that long-term housing has grown more as a share of family budgets

than short-term travel accommodations.

This rising cost of housing has become a major economic stress for many American households. Anything that threatens to exacerbate this stress should face close scrutiny. A reasonable reading of the available evidence suggests that the costs imposed on renters' budgets by Airbnb expansion substantially exceed the benefits to travelers. It is far from clear that any other benefits stemming from the expansion of Airbnb could swamp the costs it imposes on renters' budgets.

There may be plenty wrong with the status quo in cities' zoning decisions. But the proper way to improve local zoning laws is not to simply let well-funded corporations ignore the status quo and do what they want. As this report shows, there is little evidence that the net benefit of accelerated Airbnb expansion is large enough to justify overturning previous considerations that led to the regulatory status quo—in fact, the costs of further Airbnb expansion seem likely to be at least as large, if not larger, than the benefits.

About the author

Josh Bivens joined the Economic Policy Institute in 2002 and is currently EPI's director of research. His primary areas of research include macroeconomics, social insurance, and globalization. He has authored or co-authored three books (including *The State of Working America, 12th Edition*) while working at EPI, has edited another, and has written numerous research papers, including for academic journals. He appears often in media outlets to offer economic commentary and has testified several times before the U.S. Congress. He earned his Ph.D. from The New School for Social Research.

Appendix Table 1

Distribution of housing wealth (primary and nonprimary), by household characteristics

	1989	1998	2007	2016	1989–2016 change
Primary residence					
Bottom 50 percent	9.8%	14.3%	12.7%	10.4%	0.7%
Bottom 80 percent	45.4%	47.5%	44.0%	40.0%	-5.4%
Top 20 percent	54.6%	52.5%	56.0%	60.0%	5.4%
80th–90th percentile	19.9%	17.9%	17.5%	18.6%	-1.3%
90th–95th percentile	12.6%	11.6%	11.0%	13.9%	1.3%
96th–99th percentile	15.6%	15.0%	18.2%	16.8%	1.2%
Top 1 percent	6.5%	8.0%	9.3%	10.7%	4.3%
Nonprimary residential property					
Bottom 50 percent	2.6%	4.3%	2.2%	1.6%	-1.0%
Bottom 80 percent	16.8%	18.1%	13.9%	9.9%	-6.9%
Top 20 percent	83.2%	81.9%	86.1%	90.1%	6.9%
80th–90th percentile	15.2%	16.8%	10.7%	12.6%	-2.7%
90th–95th percentile	20.6%	15.5%	13.9%	14.9%	-5.7%
96th–99th percentile	28.7%	28.7%	34.0%	29.6%	0.9%
Top 1 percent	18.6%	21.0%	27.5%	32.9%	14.3%
Primary residence					
White, non-Hispanic	86.4%	87.5%	82.6%	80.6%	-5.9%
Black, non-Hispanic	4.9%	5.0%	6.2%	6.5%	1.6%
Hispanic, any race	4.1%	3.7%	6.1%	6.0%	2.0%
Other	4.6%	3.7%	5.1%	6.9%	2.3%
Nonprimary residential property					
White, non-Hispanic	87.3%	89.5%	84.2%	86.2%	-1.1%
Black, non-Hispanic	4.3%	4.1%	4.1%	5.0%	0.7%
Hispanic, any race	3.1%	3.4%	6.7%	3.6%	0.5%
Other	5.3%	3.0%	5.0%	5.2%	-0.1%

Note: Per the Survey of Consumer Finances definitions, primary housing wealth is the total value of the primary residence of a household. Nonprimary housing wealth includes the value of all of other residential real estate owned by the household, including one-to-four family structures, timeshares, and vacation homes.

Source: Author's analysis of microdata from the Federal Reserve Board Survey of Consumer Finances (2016)

Economic Policy Institute

Endnotes

1. According to a recent report, “a significant—and rapidly growing—portion of Airbnb’s revenue in major U.S. cities is driven by commercial operators who rent out more than one residential property to short-term visitors” (CBRE 2017).

2. Horton and Zeckhauser (2016) provide a deep dive into the economics of internet-based service firms. Slee (2017) provides an excellent popularization of some of the economic issues surrounding IBSFs from a deeply critical perspective.

3. The most obvious benefit to living in housing that one owns is the tax treatment of mortgage interest payments on owner-occupied property, which can be deducted from federal taxes. Another benefit is that the implicit rental income earned by owner-occupiers is not taxed (the money that owner-occupiers are saving by not having to pay rent elsewhere could be viewed as implicit rental income).

4. Wachsmuth et al. (2018), for example, find that just under half of Airbnb listings in New York City had likely taken illegal reservations.

5. “Arrivals” is a term referring to each stay in a unit, regardless of length of stay.

6. For example, Molla (2017) highlights more recent forecasts for 2017 indicating a large slowdown in U.S. Airbnb expansion.

7. The range of 2 to 4 percent represents the range of findings across 2015, 2016, and 2017. The value was 4 percent in 2015, 2 percent in 2016, and 3 percent in 2017.

8. The arithmetic on this is relatively straightforward. The NERA 2017 study asserts that Airbnb supports $14 billion in spending and 130,000 jobs in the United States. This implies each $107,690 supports a job. Say that half of this spending is the direct cost of accommodations and that it represents a pure expenditure shift away from traditional hotels. Assume further that traditional hotels are 5 percent more labor-intensive—so each traditional hotel job is supported by $102,300 in spending (5 percent less than the ratio identified by Airbnb). This shift from traditional hotels to Airbnb hence reduces employment by 3,400 jobs for each $7 billion in spending. Even if overall spending were to rise by 2 percent due to Airbnb’s expansion, this would increase employment by only roughly 2,600 jobs. The key insight here is that once one allows Airbnb to substitute for other forms of accommodation, the link between output and employment might change significantly.

9. Airbnb itself has commissioned and reported on a number of studies claiming that the share of guests who would not have taken the trip absent Airbnb is as high as 30 percent. Even this number is far larger than the independent assessments of Guttentag (2016) and Morgan Stanley Research (2017), but it does highlight just how outlandish the NERA assumption on this is.

10. In a review of housing markets, Albouy, Ehrlich, and Liu (2016) note that “Housing demand is income and price inelastic.”

11. The geographic unit implicitly being examined by Sheppard and Udell (2018) is not intuitive. Their observation is an individual home sale. They then track Airbnb listings within five different radii of the sale: 150, 300, 500, 1,000, and 2,000 meters. They interact the number of Airbnb listings with categorical variables for each of the five “buffer zones” defined by the radii and use this as an explanatory variable predicting sales prices.

12. See Office of New York State Attorney General 2014.

13. Lawler (2014) notes that Airbnb was testing out dedicated cleaning services for its hosts as early as 2014.

14. Unionization rates derive from the author's analysis of data pooled from 2008–2017 from the Outgoing Rotation Groups (ORG) of the Current Population Survey (CPS). Code and results are available upon request. The 10 cities are Boston, Chicago, Los Angeles, Las Vegas, Miami, New York City, San Diego, San Francisco, Seattle, and Washington, D.C. In these 10 cities, the unionization rate for maids and cleaners was 23.2 percent in the traveler accommodation industry, but 12.1 percent in all other industries.

15. See Weil 2017 for an overview of labor market fissuring.

References

Albouy, David, Gabriel Ehrlich, and Yingyi Liu. 2016. "Housing Demand, Cost-of-Living Inequality, and the Affordability Crisis." National Bureau of Economic Research (NBER) Working Paper no. 22816, November 2016.

AllTheRooms.com. 2016. *Vacation Rental Market Analysis: 440 Million Reasons to Tax Airbnb Vacation Rentals*, October 2016.

Alyakoob, Mohammed, and Mohammed Saifur Rahman. 2018. "Shared Prosperity (or Lack Thereof) in the Sharing Economy." Purdue University working paper, May 2018. http://dx.doi.org/10.2139/ssrn.3180278.

Associated Press (AP). 2019. "Question from Washington on Oct. 11, 2016" (search result for "sharing economy"). *AP Stylebook* subscription-based website, accessed January 4, 2019.

Barron, Kyle, Edward Kung, and Davide Proserpio. 2018. "The Sharing Economy and Housing Affordability: Evidence from Airbnb." Working paper, March 2018.

Bucks, Dan R. 2017. *Airbnb Agreements with State and Local Tax Agencies: A Formula for Undermining Tax Fairness, Transparency and the Rule of Law*. March 2017.

Bureau of Economic Analysis. Various years. National Income and Product Accounts (NIPA), Tables 2.4.4 and 2.5.5. Accessed September 2018.

CBRE Hotels' Americas Research (CBRE). 2017. *Hosts with Multiple Units—A Key Driver of Airbnb Growth: A Comprehensive National Review Including a Spotlight on 13 U.S. Markets*. March 2017.

Dogru, Tarik, Mararand Mody, and Courtney Suess. 2019. "Adding Evidence to the Debate: Quantifying Airbnb's Disruptive Impact on Ten Key Hotel Markets." *Tourism Management*, forthcoming June 2019.

Dube, Arindrajit, and Ethan Kaplan. 2010. "Does Outsourcing Reduce Wages in Low-Wage Service Occupations? Evidence from Janitors and Guards." *Industrial and Labor Relations Review* 63, no. 2: 287–306.

Federal Reserve Board. 2016. Survey of Consumer Finances microdata. Accessed August 2018.

Goldschmidt, Deborah, and Johannes Schmieder. 2017. "The Rise of Domestic Outsourcing and the

Evolution of the German Wage Structure." *Quarterly Journal of Economics* 132, no. 3: 1165–1217. http://doi.org/10.1093/qje/qjx008.

Guttentag, Daniel Adams. 2016. "Why Tourists Choose Airbnb: A Motivation-Based Segmentation Study Underpinned by Innovation Concepts." PhD diss., University of Waterloo.

Hazinski, Thomas, Anthony Davis, and Daniel Kremer. 2018. *2018 HVS Lodging Tax Report – USA*. HVS Convention, Sports, and Entertainment Consulting, September 2018.

Horton, John, and Richard Zeckhauser. 2016. "Owning, Using and Renting: Some Simple Economics of the 'Sharing Economy.'" National Bureau of Economic Research Working Paper no. 22029, February 2016.

Lawler, Ryan. 2014. "Airbnb Is Testing Out an Affordable Cleaning Service for Hosts in San Francisco." Techcrunch.com.

Merante, Mark, and Keren Mertens Horn. 2016. "Is Home Sharing Driving Up Rents? Evidence from Airbnb in Boston." University of Massachusetts Boston Department of Economics Working Paper no. 2016-03.

Miller, Stephen. 2016. "First Principles for Regulating the Sharing Economy." *Harvard Journal on Legislation* 53: 149–202.

Molla, Rani. 2017. "Airbnb Is On Track to Rack Up More Than 100 Million Stays This Year—and That's Only the Beginning of Its Threat to the Hotel Industry: As Long as Regulation Doesn't Stop It, That Is." *Recode*, July 19, 2017.

Morgan Stanley Research. 2017. *Surprising Airbnb Adoption Slowdown in US/EU, and What It Means for Hotels and OTAs*. Report on Global Insight AlphaWise survey, November 2017.

NERA Economic Consulting (NERA). 2017. *Airbnb's Global Support to Local Economies: Output and Employment*. Prepared for Airbnb, March 2017.

Office of New York State Attorney General. 2014. *Airbnb in the City*. Prepared by the Office of the Attorney General of the State of New York's Research Department and Internet Bureau, October 2014.

Schiller, Zach, and Carl Davis. 2017. *Taxes and the On-Demand Economy*. Institute on Taxation and Economic Policy, March 2017.

Sheppard, Stephen, and Andrew Udell. 2018. "Do Airbnb Properties Affect House Prices?" Williams University working paper, January 2018.

Slee, Tom. 2017. *What's Yours Is Mine: Against the Sharing Economy*. New York: OR Books.

Wachsmuth, David, David Chaney, Danielle Kerrigan, Andrea Shillolo, and Robin Basalaev-Binder. 2018. *The High Cost of Short-Term Rentals in New York City*. Urban Politics and Governance research group, School of Urban Planning, McGill University, January 2018.

Weil, David. 2017. *The Fissured Workplace: Why Work Became So Bad for So Many and What Can Be Done to Improve It*. Cambridge, Mass.: Harvard Univ. Press.

Zervas, Georgios, Davide Proserpio, and John W. Byers. 2017. "The Rise of the Sharing Economy: Estimating the Impact of Airbnb on the Hotel Industry." *Journal of Marketing Research* 54, no. 5: 687–705.

Errata

This report was updated March 26, 2019, to correct errors in the “Bottom 50 percent” rows in Appendix Table 1. These rows had incorrectly shown the numbers for the top 50 percent instead of for the bottom 50 percent.

COMMUNITY CONSEQUENCES OF AIRBNB

Allyson E. Gold*

Abstract: Short-term rental accommodations account for more than 20% of the United States lodging market, with annual sales now greater than those of nearly all legacy hotel brands. The rise of companies like Airbnb has created a booming market that provides affordable short-term rentals for travelers and new income for those with an extra couch, spare room, or even an unused home. However, while individual hosts and guests may benefit economically, the use of short-term rentals produces significant consequences for the surrounding community. Airbnb proliferation causes fewer affordable housing options, higher average asking rents, and erosion of neighborhood social capital. Due to discrimination among users on Airbnb's platform, many of the benefits of short-term rental accommodations accrue to white hosts and guests, locking communities of color out of potential income and equity streams. These issues raise a question at the core of property law: which stick in the bundle is implicated by a short-term rental accommodation?

Current regulations attempt to walk the line between protecting property rights and mitigating externalities created by short-term rental accommodations and borne by the local community. In doing so, the law fails to adequately address consequences resulting from the vast increase in short-term rental accommodations. This Article assesses the benefits and costs of short-term rental accommodations and analyzes how current statutory approaches amplify or diminish these effects. After examining the legal, economic, and social interests of multiple short-term rental accommodation stakeholders, including hosts, guests, the local community, and platform operators, it argues that current policies are fragmented, inconsistently applied, and ineffective. Instead, the law must be reformed to better secure access to affordable housing stock, prevent "hotelization" of residential neighborhoods, create meaningful opportunities for diverse users to share economic gains, and eliminate pathways to discriminate on homesharing platforms like Airbnb.

INTRODUCTION 1579
I. EFFECTS OF SHORT-TERM RENTALS 1584
A. Positive Effects for Individuals and the Community 1585
1. Wealth Accumulation for Hosts 1585
2. Local Economic Impact 1587
B. Effects on the Local Housing Market 1588
1. Loss of Long-Term Rental Accommodations 1589
2. Increase in Average Asking Rents 1591
3. Changes to Neighborhood Composition 1593

---

* Allyson E. Gold is an Assistant Professor of Clinical Legal Instruction and Director of the Elder Law Clinic at the University of Alabama School of Law. Many thanks to the participants of the NYU Clinical Writers Workshop and colleagues in the University of Alabama Faculty Workshop for their engagement and helpful comments, and to Richard Delgado, Jean Stefancic, Fred Vars, Emily A. Benfer, and Courtney Cross for their insightful feedback. I am especially grateful to Emily Parsons, John Curry, Leeza Soulina, and Madeleine Vidger for their fantastic editorial work.

a. Influx of Commercial Interests 1594
b. Decrease in neighborhood social capital 1596
II. RACIAL IMPLICATIONS OF SHORT-TERM RENTAL PLATFORMS 1597
A. Airbnb and Discrimination 1597
1. Discrimination Against Guests 1598
2. Discrimination against hosts 1599
B. Airbnb and Gentrification 1600
1. Airbnb as a Gentrification Tool 1601
2. Resident Displacement 1602
C. Concentration of Wealth Along Racial Lines 1603
III. CURRENT REGULATIONS GOVERNING SHORT-TERM RENTAL ACCOMMODATIONS 1604
A. Traditional Conceptualizations of Property Rights .. 1606
1. Residential Leasehold Interest 1607
2. Innkeepers and Lodgers 1608
3. Challenging Regulations as an Impermissible Taking 1609
4. Is Mrs. Murphy Hosting? 1610
B. Host Accountability Measures 1611
1. Updated Zoning Laws and Licensing Requirements 1611
2. Taxation on Short-term Rental Properties 1614
C. Restrictions on Eligible Hosts, Length of Rentals, and Available Locations 1618
1. Limitations on Eligible Hosts and Properties 1618
2. Annual Limits 1620
3. Limiting Short-Term Rentals in Certain Areas .. 1620
D. Monitoring and Enforcement 1623
1. Liability for failure to comply 1623
2. Information sharing 1626
E. Policies to Address Discriminatory Practices and Concentrations of Wealth Along Racial Lines 1628
1. Policies to Reduce Discrimination on Online Short-Term Rental Platforms 1628
2. Collaboration to Increase Short-Term Rental Optimization Among Minorities 1629
IV. RECOMMENDATIONS 1630
A. Protect Affordable Housing Stock 1631
B. Prevent Hotelization of Residential Neighborhoods 1633
C. Create Opportunities for Diversity of Wealth Accumulation 1633
D. Eliminate Opportunities to Discriminate on Homesharing Platforms 1635
CONCLUSION 1636

INTRODUCTION

Airbnb is a "lifeline" for Suzan Albritton.[1] After Ms. Albritton's husband passed away unexpectedly, she was no longer able to afford the home they had shared for over a decade.[2] Were it not for the additional income she earned by listing her property on Airbnb, she would have been forced from her home and out of her community. For every Suzan Albritton, however, there is a Christian Rhodes. Mr. Rhodes, a resident of New Orleans's Treme neighborhood, watched as his neighborhood's population changed from families and other longtime residents to Airbnb guests.[3] The balloons were the final straw. After a weekend bachelorette party adorned a nearby home with anatomically shaped balloons, Mr. Rhodes knew that he and his young children could no longer live in the neighborhood[4]; he quickly sold his home.[5]

Debates rage about the effects of the sharing economy, which has dramatically transformed the way consumers access the marketplace. Using a smartphone, a person can book a pet sitter on Rover,[6] order dinner delivery through Seamless,[7] and set up a visit from their own private masseuse on Soothe[8]—all from the backseat of their Uber.[9] As Suzan Albritton and the Rhodes family illustrate, the benefits of such apps can be tremendous, but these gains may be accompanied by far-reaching and unintended consequences.

Airbnb's tremendous success brings this issue to the forefront. Founded in 2008, Airbnb is a short-term rental platform that allows hosts to share

---

1. Letter from Suzan Albritton, Airbnb Host, to L.A. City Councilmembers (Aug. 21, 2015), *available at* http://clkrep.lacity.org/onlinedocs/2014/14-1635-s2_misc_l_8-21-15.pdf [https://perma.cc/ZJA4-NQYB].

2. *Id.*

3. Emily Peck & Charles Maldonado, *How Airbnb Is Pushing Locals Out of New Orleans' Coolest Neighborhoods*, HUFFINGTON POST (Oct. 30, 2017, 5:45 AM), https://www.huffingtonpost.com/entry/airbnb-new-orleans-housing_us_59f33054e4b03cd20b811699 [https://perma.cc/5JDW-UKWD].

4. *Id.*

5. *Id.*

6. *See* ROVER, www.rover.com [https://perma.cc/Y8ET-AJC2] ("Book trusted sitters and dog walkers who'll treat your pets like family.").

7. *See* SEAMLESS, www.seamless.com (last visited Nov. 11, 2019) ("Seamless is simply the easiest way to order food for delivery or takeout.").

8. *See* SOOTHE, www.soothe.com [https://perma.cc/G2G7-EHHM] ("Soothe helps you book a five-start massage to your home, hotel, office, or event in as little as an hour.").

9. *See generally* UBER, www.uber.com [https://perma.cc/4KPP-ZFCP].

their interest in a property with prospective guests.[10] More than ten years later, Airbnb has a private valuation of $31 billion and "is the second-biggest 'start-up' . . . in the country, after Uber."[11] There are over four million Airbnb listings worldwide,[12] "in more than 100,000 cities and 191 countries and regions."[13] According to Airbnb, it "uniquely leverages technology to economically empower millions of people around the world to unlock and monetize their spaces, passions and talents to become hospitality entrepreneurs."[14]

Supporters of Airbnb laud it as a way for hosts and communities to generate new revenue and achieve economic stability. For hosts, wealth accumulation is accomplished through two distinct channels. First, in listing an accommodation on Airbnb, a new income stream is available to the host.[15] Second, as the property's potential to generate additional income increases, the underlying value of the property increases, thereby raising total home equity.[16] Airbnb also claims to have a positive effect on the surrounding economy.[17] A study released by the company on the economic effect of Airbnb on New York City claims that "[i]n one year, Airbnb generated $632 million in economic activity in the city, which included $105 million in direct spending in the outer boroughs."[18] For guests, Airbnb presents an opportunity to enjoy accommodations at more affordable prices than traditional hotels.[19] Moreover, the availability of

---

10. *See* AIRBNB, www.airbnb.com [https://perma.cc/4CTZ-CKLA].

11. Derek Thompson, *Airbnb and the Unintended Consequences of 'Disruption,'* ATLANTIC (Feb 17, 2018), https://www.theatlantic.com/business/archive/2018/02/airbnb-hotels disruption/553556/?utm_source=atlfb [https://perma.cc/M7VL-YK8F].

12. Avery Hartmans, *Airbnb Now Has More Listings Worldwide than the Top Five Hotel Brands Combined*, BUS. INSIDER (Aug. 20, 2017, 1:00 PM), https://www.businessinsider.com/airbnb-total-worldwide-listings-2017-8 [https://perma.cc/LFD7-RGAM].

13. *About Us*, AIRBNB, www.airbnb.com/about/about-us [https://perma.cc/WF8C-9G27].

14. *Id.*

15. *See How Much Are People Making in the Sharing Economy?*, PRICEONOMICS (June 15, 2017), https://priceonomics.com/how-much-are-people-making-from-the-sharing/ [https://perma.cc/DRH6-WSX2].

16. Kyle Barron, Edward Kung & David Proserpio, *The Sharing Economy and Housing Affordability: Evidence from Airbnb* 4 (Mar. 29, 2018) (unpublished manuscript), https://marketing.wharton.upenn.edu/wp-content/uploads/2019/08/09.05.2019-Proserpio-Davide-Paper.pdf [https://perma.cc/7CAC-LQK2].

17. *The Economic Impacts of Home Sharing in Cities Around the World*, AIRBNB, www.airbnb.com/economic-impact [https://perma.cc/J8CW-4TXQ] [hereinafter The Economic Impacts of Home Sharing in Cities Around the World].

18. *Airbnb Economic Impact*, AIRBNB, https://blog.atairbnb.com/economic-impact-airbnb/ [https://perma.cc/2VE9-PSFA] [hereinafter Airbnb Economic Impact].

19. Niall McCarthy, *Is Airbnb Really Cheaper Than a Hotel Room in the World's Major Cities?*, FORBES (Jan. 23, 2018), https://www.forbes.com/sites/niallmccarthy/2018/01/23/is-airbnb-really-

reviews and information about the host creates a personal connection, and allows for more informed decision-making about where to stay.

Airbnb's positive effects for users, and on the local economy, however, are not without their costs. The growth of Airbnb rentals within a jurisdiction is linked to the loss of long-term rental accommodations. As the New York State Attorney General noted, "private short-term rentals [have] displaced long-term housing in thousands of apartments."[20] This effect is replicated in other housing markets. In many parts of Montreal, Airbnb has converted 3% of the total housing stock to short-term rentals.[21] Moreover, by "reallocating long-term rentals to the short-term market," Airbnb functions to increase average asking rents.[22] In New York City, "Airbnb is responsible for nearly 10 percent of citywide rental increase between 2009 and 2016."[23] For jurisdictions already grappling with an affordable housing crisis, an influx of Airbnb listings and the attendant consequences threatens the stability and vitality of the community.

Opponents of short-term rental accommodations are primarily concerned with "commercialization of residential neighborhoods."[24]

---

cheaper-than-a-hotel-room-in-the-worlds-major-cities-infographic/#69a805f78acb [https://perma.cc/MB3S-NQFN].

20. N.Y. STATE OFFICE OF THE ATT'Y GEN., AIRBNB IN THE CITY 3 (2014), https://ag.ny.gov/pdfs/AIRBNB%20REPORT.pdf [https://perma.cc/JHX5-NF5V].

21. *See* WACHSMUTH ET AL., URBAN POLITICS & GOVERNANCE RESEARCH GRP., SCH. OF URBAN PLANNING, MCGILL UNIV., SHORT-TERM CITIES: AIRBNB'S IMPACT ON CANADIAN HOUSING MARKETS 23 (2017) [hereinafter WACHSMUTH ET AL., SHORT-TERM CITIES], https://upgo.lab.mcgill.ca/publication/short-term-cities/short-term-cities.pdf [https://perma.cc/G8PQ-7PW4].

22. Kyle Barron, Edward Kung & David Proserpio, *Research: When Airbnb Listings in a City Increase, So Do Rent Prices*, HARV. BUS. REV. 10, 28 (Apr. 17, 2019), https://ci.carmel.ca.us/sites/main/files/file-attachments/harvard_business_article_and_study.pdf [https://perma.cc/737Q-HURC] ("[B]y decreasing the cost of listing in the short-term market, the home-sharing platform has the effect of raising rental rates. The intuition is fairly straight-forward: the home-sharing platform induces some landlords to switch from the long-term market to the short-term market, reducing supply in the long-term market and raising rental rates.").

23. *Comptroller Stringer Report: NYC Renters Paid and Additional $616 Million in 2016 Due to Airbnb*, OFFICE OF N.Y.C. COMPTROLLER (May 3, 2018), https://comptroller.nyc.gov/newsroom/comptroller-stringer-report-nyc-renters-paid-an-additional-616-million-in-2016-due-to-airbnb/ [https://perma.cc/3WRF-6ZW7]. For a discussion of the effect of Airbnb on New York City rent, see WACHSMUTH ET AL., THE HIGH COST OF SHORT-TERM RENTALS IN NEW YORK CITY 35–38 (2018) [hereinafter WACHSMUTH ET AL., HIGH COST OF SHORT TERM RENTALS], https://mcgill.ca/newsroom/files/newsroom/channels/attach/airbnb-report.pdf [https://perma.cc/9323-UCU3].

24. CITY OF NEW ORLEANS PLANNING COMM'N, SHORT TERM RENTAL STUDY 30–31 (Jan. 19, 2016), https://www.nola.gov/city-planning/major-studies-and-projects/2015-short-term-rental-study/final-short-term-rental-study/ [https://perma.cc/X8HB-4QY8] ("There is especially a concern over investors purchasing homes and renting them out only as a short term rental. They say that these uses are 'mini-hotels' because no one ever lives there and should be prohibited in residential districts, like other commercial uses.").

Where once there were communities of mutually invested neighbors, now there are tourists with needs that may conflict with those of permanent residents.[25] As short-term rental listings increase in an area, locals experience problems such as "unfamiliar cars blocking driveways, late night parties on formerly quiet streets, and concerns about child safety in an environment with fewer familiar eyes on the street."[26] These effects are exacerbated when Airbnbs are operated by commercial property owners, rather than mom and pop hosts. In certain jurisdictions, the share of the Airbnb market held by hosts with more than one listing is over 40%.[27] The reality of professional hosts with numerous listings is at odds with Airbnb proponents' characterization of the platform as a way for average homeowners to subsidize their incomes.

These issues are compounded by rampant discrimination on the platform. Minority guests are less likely to be accepted than their white counterparts.[28] Further, discrimination against hosts manifests in lower listing prices relative to comparable accommodations by white hosts.[29] Taken together, discrimination against guests and hosts functions to bar minorities from experiencing the same degree of benefits from Airbnb;

---

25. *See generally* Apostolos Filippas & John J. Horton, *The Tragedy of Your Upstairs Neighbors: When Is the Home-Sharing Externality Internalized?* (Apr. 5, 2017) (unpublished manuscript), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2443343 [https://perma.cc/3TUV-5AP5].

26. ROY SAMAAN, L.A. ALLIANCE FOR A NEW ECON., AIRBNB, RISING RENT, AND THE HOUSING CRISIS IN LOS ANGELES (2015) [hereinafter SAMAAN, AIRBNB], https://www.laane.org/wp-content/uploads/2015/03/AirBnB-Final.pdf [https://perma.cc/LVK3-V7UU].

27. Jake Wegmann & Junfeng Jiao, *Taming Airbnb: Toward Guiding Principles for Local Regulation of Urban Vacation Rentals Based on Empirical Results from Five US Cities*, 69 LAND USE POL'Y 494, 498 (2017) (noting that of the remaining cities, Austin's share was 30%, Chicago's share was 38%, San Francisco's share was 34%, and Washington, DC's share was 39%).

28. Benjamin Edelman et al., *Racial Discrimination in the Sharing Economy: Evidence from a Field Experiment*, 9 AM. ECON. J.: APPLIED ECON. 1, 2 (2017), https://pubs.aeaweb.org/doi/pdfplus/10.1257/app.20160213 [https://perma.cc/G6Q4-LYDL] ("To test for discrimination, we conduct a field experiment in which we inquire about the availability of roughly 6,400 listings on Airbnb across five cities. Specifically, we create guest accounts that differ by name but are otherwise identical. . . . [W]e select two sets of names—one distinctively African American and the other distinctively white. We find widespread discrimination against guests with distinctively African American names."); *see also* Amy B. Wang, *'One Word Says It All. Asian': Airbnb Host Banned After Allegedly Cancelling Guest Because of Her Race*, L.A. TIMES (Apr. 7, 2017, 7:40 PM), https://www.latimes.com/business/technology/la-fi-airbnb-discrimination-20170407-story.html [https://perma.cc/CYT5-4542].

29. Benjamin Edelman & Michael Luca, *Digital Discrimination: The Case of Airbnb.com* 4.2 (Harvard Bus. Sch., Working Paper No. 14-054, 2014), https://www.hbs.edu/faculty/Publication%20Files/Airbnb_92dd6086-6e46-4eaf-9cea-60fe5ba3c596.pdf [https://perma.cc/A7PE-3XRE] ("The raw data show that non-black and black hosts receive strikingly different rents."); Venoo Kakar et al., *The Visible Host: Does Race Guide Airbnb Rental Rates in San Francisco?*, 40 J. HOUSING ECON. 25 (2017); Hanying Mo, *Racial Discrimination in the Online Consumer Marketplace A Study on Airbnb* IV (May 16, 2016) (unpublished manuscript), https://www.stat.berkeley.edu/~aldous/157/Old_Projects/Hanying_Mo.pdf [https://perma.cc/62RL-HJFT].

minority guests do not benefit from saving money on short-term accommodations, and minority hosts are locked out of opportunities to increase wealth. This means that the benefits of Airbnb use flow disproportionately to white users, concentrating wealth along racial lines. Compounding these effects, as Airbnb proliferation erodes affordable housing, and even accelerates gentrification, minorities disproportionately experience the harms of Airbnb without the attendant benefits.

Central to the discussion of community consequences is critical analysis of how the regulatory landscape amplifies the effects of Airbnb on individuals and the surrounding community.[30] Laws governing Airbnb implicate traditional notions of real property ownership, which conceptualizes property as a "bundle of rights."[31] Through this lens, policymakers have attempted to balance the rights of individual property owners with those of the community. Resulting policy regimes fall into four categories: (1) host accountability measures, such as zoning laws, licensing requirements, and tax structures; (2) restrictions on eligible hosts, length of rentals, and permissible locations; (3) responsibility and enforcement, including who bears the onus of compliance and who is liable for failure to comply; and (4) policies to address discrimination and diffuse the concentration of wealth along racial lines. Because they are fragmented and incomplete, current approaches fail to successfully prevent negative community effects of Airbnb.

This Article provides the first comprehensive analysis of the short-term rental accommodation regulatory landscape, providing recommendations to amplify the benefits of Airbnb while mitigating the harms.

The Article proceeds in four Parts. Part I examines the effects of short-term rental accommodations, including positive economic contributions, both at the individual and community level, as well as negative externalities, including the effect on monthly rent, the supply of rental housing, and neighborhood social capital. In doing so, Part II will assess how Airbnb accelerates gentrification and aggregates wealth along racial lines. Part III analyzes current regulations in example jurisdictions both in

---

30. *See* Orly Lobel, *The Law of the Platform*, 101 MINN. L. REV. 87, 161 (2016) ("A promising aspect of the contemporary law of the platform is that many of the regulatory questions of Web 3.0, including zoning, consumer protection, residential and transportation safety, worker rights, and occupational licensing, are traditionally resolved at the state and local levels.").

31. Moore v. Regents of Univ. of Cal., 793 P.2d 479, 510 (Cal. 1990) (Most, J., dissenting) (internal quotation marks omitted); Carol Rose, *The Comedy of the Commons: Custom, Commerce, and Inherently Public Property*, 53 U. CHI. L. REV. 711, 711 (1986) ("The right to exclude others has often been cited as the most important characteristic of private property. This right, it is said, makes private property fruitful by enabling owners to capture the full value of their individual investments, thus encouraging everyone to put time and labor into the development of resources.").

the United States as well as abroad. Finally, Part IV proposes a regulatory framework to allow for the benefits of the short-term rental market while mitigating attendant consequences.

I. EFFECTS OF SHORT-TERM RENTALS

The popularity of homesharing platforms has exploded in recent years. These platforms allow hosts to list available property online for guests to rent, almost always on a short-term basis, in exchange for a fee. While there are several sites, including VRBO,[32] HomeAway,[33] and HouseTrip,[34] Airbnb is by far the largest.[35] Founded in 2008 by two art school graduates, Airbnb started as a way for locals to earn extra money by renting spare rooms to tourists.[36] Today Airbnb has more than four million listings[37]—more than the top five hotel brands combined.[38]

In addition to appealing to tourists, Airbnb now also markets itself to business travelers. By partnering with Concur, an expense management company, Airbnb formally entered the corporate arena.[39] In 2017, "the number of business travelers expensing Airbnb accommodations increase[ed] by 33%."[40] According to Concur data, "more than 250,000 companies in over 230 countries and territories use Airbnb for work."[41]

---

32. VRBO, https://www.vrbo.com/ [https://perma.cc/N6XJ-U77N].

33. HOMEAWAY, https://www.homeaway.com/ [https://perma.cc/A8P3-HHFT].

34. HOUSETRIP, https://www.housetrip.com/ [https://perma.cc/GK2W-46YZ].

35. Given its dominance of the short-term rental marketplace, throughout this Article "Airbnb" will be used as a stand-in for all short-term rental accommodations.

36. Jessica Pressler, "*The Dumbest Person in Your Building is Passing Out Keys to Your Front Door!*" *The War Over Airbnb Gets Personal*, N.Y. MAG. (Sept. 23, 2014), http://nymag.com/news/features/airbnb-in-new-york-debate-2014-9/ [https://perma.cc/T63S-X8CZ].

37. Avery Hartmans, *Airbnb Now Has More Listings Worldwide Than the Top Five Hotel Brands Combined*, BUS. INSIDER (Aug. 20, 2017), https://www.businessinsider.com/airbnb-total-worldwide-listings-2017-8 [https://perma.cc/LFD7-RGAM]; *see also* Juliet Schor, *Debating the Sharing Economy*, GREAT TRANSITION INITIATIVE (Oct. 2014), https://www.greattransition.org/publication/debating-the-sharing-economy [https://perma.cc/T4B8-NZ53] ("The debut of the sharing economy was marked by plenty of language about doing good, building social connections, saving the environment, and providing economic benefits to ordinary people. It was a feel-good story in which technological and economic innovation ushered in a better economic model. Especially in the aftermath of the financial crash, this positive narrative was hard to resist.").

38. Hartmans, *supra* note 37.

39. *Id.*

40. SAP Concur Team, *Airbnb and Concur Expand Partnership to Provide Airbnb Listings within Concur Travel*, SAP CONCUR (July 13, 2017), https://www.concur.com/newsroom/article/airbnb-and-concur-expand-partnership-to-provide-airbnb-listings-within [https://perma.cc/7V5G-7DAG].

41. *Id.*

Airbnb does not charge a fee for hosts to list their homes on the platform. Instead, it "makes money by charging hosts and guests a service fee that is a percentage based on the cost of the rental."[42] Airbnb prices are often significantly lower than that of nearby hotels, making it an attractive option for visitors who want more space at affordable prices. Using the platform, individual guests and hosts may realize economic gains while neighborhoods undergo significant changes to the local housing market.

A. Positive Effects for Individuals and the Community

The benefits of short-term rental platforms to guests are readily apparent. The ability to book a short-term rental rather than a hotel can be attractive to guests for a variety of reasons. These include greater square footage at a lower price, access to amenities not often found in hotels such as kitchens, washers, and dryers, the opportunity to create personal connections with locals in a new city, and the ability to "live like a local." In addition, short-term rentals may confer economic benefits to individual hosts as well as the surrounding community.

1. Wealth Accumulation for Hosts

Sharing homes on Airbnb allows hosts to realize increased capital through two channels of wealth accumulation. First, new income is available to the host via the short-term rental platform, which raises total income. Second, as the home's potential to generate additional income rises, its total value as an asset grows, leading to increased home equity for the host.

Airbnb provides an opportunity for hosts to convert an underutilized asset—the home—into an income stream. The profitability of an individual short-term rental can vary widely depending on its location as well as the expenses unique to that property. For example, two identical listings generating the same income will have different net profits depending on their underlying costs such as rent/mortgage, utilities, etc. However, hosts can expect to earn 81% of total rent, on average, "by listing one room of a two-bedroom home on Airbnb."[43] In Miami, San

42. Airbnb, Inc. v. City & Cty. of S.F., 217 F. Supp. 3d 1066, 1069 (N.D. Cal. 2016).

43. Nick Wallace, *Where Do Airbnb Hosts Make the Most Money?*, SMART ASSET (Feb. 20, 2018), https://smartasset.com/mortgage/where-do-airbnb-hosts-make-the-most-money [https://perma.cc/6V2W-4ZLU] ("First, we calculated expected revenue of private-room Airbnb rentals in each city . . . . Then, we calculated expected net profits (after average rent, utilities, and internet) for full-home rentals in each city.").

Diego, Chicago, and Philadelphia, utilizing one room in a two-bedroom home as a short-term rental may generate over 90% of the total rent.[44] According to analysis by Priceonomics, Airbnb hosts earn more than other sharing economy users, by far.[45] While the amount an Airbnb host can earn will vary widely depending on the type, quality, and location of the accommodation, hosts "mak[e] an average of $924 off their platform each month."[46]

The profitability of sharing properties on sites like Airbnb has created a cottage industry to help hosts maximize their revenue. Beyond Pricing, for example, offers "automated dynamic pricing" using "real-time market data to ensure our price recommendations maximize revenue and occupancy for our hosts."[47] Airbnb even has a tool on its site to help hosts appropriately price their homes.[48]

For some hosts, additional revenue generated by Airbnb rent has been critical. As one host noted in a letter to the Los Angeles City Council, "in a very short period of time, using only my existing resources [the home], I was able to pull myself out of a financial crisis, generate steady and solid monthly income, provide a warm and welcoming local experience to visitors willing to spend lots of vacation dollars in L[os] A[ngeles], and provide a steady stream of cash to the LA City Finance coffers."[49]

Evidence suggests that Airbnb also has a positive effect on local home value. By creating an additional revenue stream, the market value of the asset increases. One study found that "the number of Airbnb listings in [a] zip code . . . is positively associated with house prices."[50] Specifically,

---

44. *Id.*

45. *How Much Are People Making in the Sharing Economy?*, *supra* note 15; *see also* Stacey Leasca, *Here's How Much the Average Airbnb Host Earns in a Month*, TRAVEL & LEISURE (June 16, 2017), https://www.travelandleisure.com/travel-tips/how-much-airbnb-hosts-make [https://perma.cc/B8AR-KXPB].

46. *How Much Are People Making in the Sharing Economy?*, *supra* note 15 ("Of course, on all of these platforms, there is a wide range of earners. Several Airbnb hosts in our records, for instance, made over $10,000 per month, while others made less than $200.").

47. BEYOND PRICING, www.beyondpricing.com [https://perma.cc/34DJ-J6UY]. Several other sites offer this service as well. *See* KEYBEE, www.keybeehosting.com [https://perma.cc/H49X-FBDN]; WHEELHOUSE, www.usewheelhouse.com [https://perma.cc/XW2A-26UT]; AIRDNA, www.airdna.co [https://perma.cc/9CJV-ABDC].

48. *Earn Money as an Airbnb Host*, AIRBNB, www.airbnb.com/host/homes [https://perma.cc/QGJ4-YZ2Z].

49. Letter from Stephanie Woods, Airbnb Host, to Mitch O'Farrell, L.A. City Councilmember (July 17, 2015), http://clkrep.lacity.org/onlinedocs/2014/14-1635-S2_pc_7-17-15.pdf [https://perma.cc/D77V-GJNX].

50. Barron et al., *supra* note 16, at 4. The increase in home value is related to the area's media owner-occupancy rate; areas with a high concentration of owner-occupied units experience more modest gains in house prices. *Id.* at 26. In zip codes "with a 56% owner-occupancy rate (the 25th

researchers found that, at the median owner-occupancy rate zip code, a "1% increase in Airbnb listings is associated with a . . . 0.026% increase in house prices."[51] Other research has found that the effect may be several times greater.[52]

2. Local Economic Impact

Airbnb's own research suggests that short-term rental platforms may have a positive effect on the local economy. By providing accommodations to tourists, short-term rental platforms help draw more people, and their dollars, to an area. Moreover, because Airbnb allows guests to "live like a local," many tourists may bring their spending to areas of the cities not served by traditional hotel accommodations. Airbnb has also released data on its economic impact in local communities around the world.[53] As may be expected when a company conducts its own impact analysis, the data is overwhelmingly positive. For example, the company claims that "in one year, Airbnb generated $632 million in economic activity in [New York City], which included $105 million in direct spending in the outer boroughs."[54] On the other side of the world, in Sydney, Australia, Airbnb claims its "guests and hosts supported AUD $214 million in economic activity."[55]

While limited, available empirical research completed by third parties suggests that Airbnb may have a positive effect on the local economy. For example, analysis on the economic impact of Airbnb on New Orleans found that short-term rental accommodations benefited the local economy along three dimensions: "(1) the 'direct effect' of spending on rent, food, and beverages, transportation, and the like, (2) the 'indirect effect,' where sectors form the supply chain of these industries increase their purchase

---

percentile)," a 1% increase in Airbnb listings leads to a 0.037% increase in house prices. *Id.* In contrast, "in zip codes with an 82% owner-occupancy rate (the 75th percentile)," a 1% increase in Airbnb listings correlates with an increase of only 0.019% in home prices. *Id.*

51. *Id.* at 1, 4. The authors note, however, "[o]f course, these estimates should not be interpreted as causal, and may instead be picking up spurious correlations. For example, cities that are growing in population likely have rising rents, house prices, and numbers of Airbnb listings at the same time." *Id.*

52. Stephen Sheppard & Andrew Udell, *Do Airbnb Properties Affect House Prices?* 42 (Oct. 30, 2018) (unpublished manuscript), https://web.williams.edu/Economics/wp/SheppardUdellAirbnbAffectHousePrices.pdf [https://perma.cc/BQB8-WHSQ] ("Our analysis indicates that subjecting a property to the treatment of having Airbnb properties available nearby when it is sold increases prices by 3.5% (for properties that are far from the center and whose 'treatment' consists of only a few Airbnb properties) to more than 65% for properties that are near the center and/or are 'treated' by having a larger number of local Airbnb properties.").

53. *The Economic Impacts of Home Sharing in Cities Around the World*, *supra* note 17.

54. *Airbnb Economic Impact*, *supra* note 18.

55. *Id.*

to fill this demand, and (3) the 'induced effect,' where local incomes are spent and re-spent locally."[56] Across the three dimensions, it is estimated that Airbnb contributed nearly $134 million dollars in total increased income[57] and $185 million dollars in total value added to the regional economy in 2015.[58]

However, not all economists agree on the extent of economic gains attributable to Airbnb. Analysis by the Economic Policy Institute (EPI) suggests that they are "much smaller than commonly advertised."[59] According to the EPI, studies touting alleged economic gains ignore the fact that most spending would happen anyway, absent the Airbnb option, as travelers opt instead to stay in hotels and other accommodations.[60] As a result, they "vastly overstate the effect" of Airbnb on the local economy.[61]

B. Effects on the Local Housing Market

Airbnb lauds its service as a mechanism to allow underutilized resources to be put to use. However, in collecting a fee to share space in their homes, hosts gain a financial benefit while imposing costs on their neighbors and the surrounding communities. Homesharing affects the properties, neighborhoods, and even cities in which those homes are situated. While Airbnb touts an increase in property values and higher tax revenues from tourist activities, it is not without costs to locals. The surrounding community experiences a loss of affordable housing, increase in average rental prices, and changes in neighborhood character.

---

56. MEHMET F. DICLE & JOHN LEVENDIS, THE ECONOMIC IMPACT OF AIRBNB ON NEW ORLEANS 2 (2016), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2856770 [https://perma.cc/VSS8-GQ7Q]. This research examines the economic impact of Airbnb on New Orleans for calendar year 2015. *Id.* at 9 ("When income is spent it becomes income for other people, many of them locals. The locals, in turn, spend a portion of their money locally, proving additional income for more locals. Similarly, when a business makes a product, it must purchase materials from another business and so forth. The process is one of a circular flow of income. Income leaks from the system whenever it is spent outside of the region. The task of the economist is to estimate how spending in one sector of the economy spills over into other interconnected sectors.").

57. *Id.* at 12.

58. *Id.* at 13.

59. Josh Bivens, *The Economic Costs and Benefits of Airbnb*, ECON. POL'Y INST. 2 (Jan. 30, 2019), https://www.epi.org/files/pdf/157766.pdf [https://perma.cc/6VPF-48FD] (finding that research on the positive economic benefits of Airbnb on the local economy are largely overstated because Airbnb is commonly a pure substitution for other forms of accommodation). "Two surveys indicate that *only* 2 to 4 percent of those using Airbnb say that they would not have taken the trip were Airbnb rentals unavailable." *Id.* (emphasis added).

60. *Id.*

61. *Id.*

1. Loss of Long-Term Rental Accommodations

Homesharing diminishes the available housing stock and exacerbates the affordable housing crisis[62] by converting long-term rental accommodations to short-term rentals. The number of units listed on Airbnb increased significantly in recent years, surpassing new construction and reducing available housing stock.[63]

Research on the conversion of long-term accommodations to short-term listings supports this finding. A New York State Office of the Attorney General report analyzed Airbnb bookings in New York City between January 1, 2010 and June 2, 2014.[64] The report found that in 2013, over 4,600 Airbnb units were booked as short-term rentals for three months or more and, of these, close to 2,000 were booked as short-term rentals for six months or more.[65] As a result, "private short-term rentals displaced long-term housing in thousands of apartments."[66] Some estimates place the total number of New York City long-term rentals lost to Airbnb at 13,500 units.[67] In 2017, "12,200 entire-home listings were frequently rented (rented for 60 days or more, and available for 120 days or more), while 5,600 entire-home listings were very frequently rented (rented 120 days or more, and available 240 days or more)."[68]

The rate of displacement will increase as Airbnb continues to expand. There were 67,1000 Airbnb listings in New York City that were rented at least one time between September 2016 and August 2017.[69] This represents a 4.5% increase from September 2015 to August 2016 when 64,200 units were rented, and an increase of 37% from September 2014

---

62. *See generally* James A. Allen, *Disrupting Affordable Housing: Regulating Airbnb and Other Short-Term Rental Hosting in New York City*, 26 J. AFFORDABLE HOUSING & COMMUNITY DEV. L. 151 (2017).

63. WACHSMUTH ET AL., SHORT-TERM CITIES, *supra* note 21, at 35, 38 ("[N]eighbourhoods with the most Airbnb activity are seeing their available long-term rental housing significantly constrained by short-term rentals.").

64. N.Y. STATE OFFICE OF THE ATT'Y GEN., *supra* note 20, at 2. The report confined itself to bookings of an entire home/house and a private room, where the host may or may not be present. The study purposefully did not include shared rooms, where a host is present during a stay. *Id.*

65. *Id.* at 3; *see also* Karen Horn & Mark Merante, *Is Home Sharing Driving Up Rents? Evidence from Airbnb in Boston*, 38 J. HOUSING ECON. 14, 15 (2017) (finding that "a one standard deviation increase in Airbnb density is correlated with a 5.9% decrease in the number of rental units offered for rent. At the mean, weekly number of units offered for rent per census tract . . . this represents a reduction of 4.5 units.").

66. N.Y. STATE OFFICE OF THE ATT'Y GEN., *supra* note 20, at 3.

67. WACHSMUTH ET AL., HIGH COST OF SHORT-TERM RENTALS, *supra* note 23, at 25.

68. *Id.*

69. *Id.* at 9.

to August 2015, when there only 48,800 units.[70] Researchers examined twenty zip codes across the City in the boroughs of Manhattan, Brooklyn, and Queens, finding that "listings on Airbnb comprise at least 10% of total rental units."[71] The rapid growth of Airbnb was particularly evident in the East Village, Williamsburg, the West Village, and the Lower East Side, where Airbnb listings comprised a remarkable 20% of the rental market.[72]

Analysts have reached similar conclusions in other housing markets. Airbnb has removed 13,700 long-term housing units from the rental market in Montreal, Vancouver, and Toronto; for example, in Montreal alone, Airbnb has converted 2% or 3% of the total housing stock to short-term rentals.[73] In addition to whole-home listings, those three cities have a combined 5,400 listings of private rooms in owner-occupied properties.[74] Although a host still occupies the unit in this type of accommodation, it results in a loss to the long-term rental market; renting a spare room eliminates a space that may otherwise be occupied by a long-term roommate.[75]

The rate of Airbnb expansion—and its effect on the rental markets—outpaces the policies meant to protect cities from a loss of affordable housing. In some neighborhoods, Airbnb growth far surpasses new construction, resulting in a net loss to the available housing stock.[76] In fact, in many areas of Toronto and Vancouver, "more than twice as many homes have been removed from these neighborhoods by short-term rentals as have been added by new construction."[77] In Los Angeles, where

---

70. *Id.*

71. N.Y. CMTYS. FOR CHANGE, AIRBNB IN NYC HOUSING REPORT 3 (2015), http://www.sharebetter.org/wp-content/uploads/2015/07/AirbnbNYCHousingReport1.pdf [https://perma.cc/HL3H-MC9J].

72. *Id.* at 3.

73. WACHSMUTH ET AL., SHORT-TERM CITIES, *supra* note 21, at 2–3 (displaying figure representing the number of entire home rentals as more than sixty days a year in Montreal, Vancouver, and Toronto).

74. *Id.* at 24.

75. *Id.*

76. *Id.* at 38 ("[I]n well-established central-city neighbourhoods with less construction, such as the Plateau-Mont Royal in Montreal, High Park in Toronto, and Kitsilano in Vancouver, Airbnb growth is completely outpacing new constructions and actually reducing net available housing stock. In several Toronto and Vancouver neighbourhoods, Airbnb listing growth is greater than 200% of housing completions. More than twice as many homes may have been removed from these neighbourhoods by short-term rentals as have been added by new construction. In Montreal, where growth of Airbnb listings has been slower, no neighbourhoods cross this 200% threshold, but full-time, entire home Airbnb listing growth is still outpacing completions in several areas. These areas are likely to be experiencing displacement of long-term residents, upward pressure on rents, and a reduction in the ability of new residents to move into these neighborhoods.").

77. *Id.*

an estimated eleven units are lost to long-term renters each day, the number of new housing units "barely keeps up with the housing removed from the market by short-term rental companies."[78]

The potential for increased rental income incentivizes landlords to convert long-term affordable housing to short-term rentals, often resorting to extreme measures to remove existing tenants. As Gale Brewer, Manhattan Borough President noted during a City Council meeting on the effect of Airbnb on New York City housing stock:

> [T]he greatest problem is the threat to tenants by owners who hope to vacate as many units as possible, or even entire buildings, to then be used as transient, illegal hotels . . . . Over the years, I, my staff, and my fellow Manhattan elected officials have all encountered cases where landlords harassed tenants or refused to renew leases, all in an attempt to clear out units for more lucrative use as illegal hotel rooms. We have even seen cases where a landlord's use of an apartment as an illegal hotel room functioned as a harassment tactic aimed at neighboring tenants.[79]

2. Increase in Average Asking Rents

The rise in popularity of Airbnb in a jurisdiction increases average rents in that area. In a study of 100 cities across the United States, increased homesharing activity caused higher rents for local residents—this effect is even greater when more hosts enter the homesharing market.[80] In particular, Airbnb and other homesharing platforms function to "reallocat[e] their properties from the long- to the short-term rental market," thereby increasing rental costs.[81] The increase in rent extends to neighborhoods located both near to and far from the city center; rent increases correlated with Airbnb listings reach even zip codes farthest from downtown.[82] While few studies have examined the connection

---

78. ROY SAMAAN, L.A. ALL. FOR THE NEW ECON., SHORT-TERM RENTALS AND L.A.'S LOST HOUSING 3 (2015) [hereinafter SAMAAN, SHORT-TERM RENTALS], http://www.laane.org/wp-content/uploads/2015/08/Short-Term_RentalsLAs-Lost_Housing.pdf [https://perma.cc/G6DH-Y6AL].

79. Rebecca Fishbein, *Airbnb & City Council Go to War*, GOTHAMIST (Jan. 21, 2015, 9:53 AM), http://gothamist.com/2015/01/21/airbnb_nyc_city_council.php [https://perma.cc/53GL-8629].

80. Barron et al., *supra* note 16, at 12–13 (noting that if negative externalities, such as noise, waste, and decreased parking, etc., create poor neighborhood conditions, it could drive down rent in some instances). However, "there could also be positive externalities that have the opposite effects." *Id.*

81. *Id.* at 31. In studying the effect of Airbnb on home prices, the researchers found that homesharing increases equity for homeowners by increasing home prices and that this increase is greater than the increase in rental prices. *See generally id.*

82. *Id.* at 57.

between Airbnb and rental prices, those that have identified a positive relationship between the prevalence of Airbnb and average asking rent.

These results are echoed in localities around the world. A 2017 study of the effect of Airbnb rentals on the Boston housing market found evidence that an increase in Airbnb density raises average rents for locals.[83] In census tracts with the greatest number of Airbnb listings relative to the total number of housing units, this increase is as much as 3.1%.[84] The rent increases are even greater for certain types of housing accommodations. Larger units command higher rents. Airbnb increased asking rents by 17% for each additional bedroom and 11% for each additional bathroom.[85] These increases can add thousands of dollars to annual housing costs for Boston tenants. In Australia, researchers found that "the number of whole dwellings frequently available on Airbnb is more than three times the vacancy rate in [the Waverly neighborhood of Sidney]. This suggests that Airbnb rentals have a sizeable impact on the availability of permanent rental housing [in the locality] with consequent pressure on rents."[86]

Similarly, high Airbnb density correlates with increased rents in Los Angeles.[87] According to Lovely, an apartment listing service, Los Angeles rents increased by 10.4% between the first quarter of 2013 and the third quarter of 2014.[88] While rental prices are certainly a function of a variety of factors, it is telling that "Airbnb density coincides with neighborhoods that have rents well above the citywide average."[89] In fact, Airbnb-dense neighborhoods boast an average rent that is 20% higher than the Los Angeles city average.[90]

Several studies have found that Airbnb has had a similar effect on New York City's rental housing market. McGill University researchers found

---

83. Horn & Merante, *supra* note 65, at 1, 20 ("[A] one standard deviation increase in Airbnb listings . . . in a [given] census tract . . . [raises] asking rents by 0.4%. For those census tracts in the highest decile of Airbnb listings relative to total housing units, this is an increase in asking rents of 3.1%, which equates at the citywide mean monthly asking rent [of $2972] to an increase of as much as $93 in mean monthly asking rent.").

84. *Id.*

85. *Id.* at 21. The researchers do note, however, that "[w]here our approach may suffer from omitted variables bias is if other neighborhood characteristics are changing at the same time that Airbnb listings are changing, and thus our Airbnb density coefficient could be identifying these other neighborhood level changes rather than the causal impact of Airbnb on asking rents." *Id.*

86. Nicole Gurran & Peter Phibbs, *When Tourists Move In: How Should Urban Planners Respond to Airbnb?*, 83 J. AM. PLAN. ASS'N 80, 88 (2017).

87. SAMAAN, AIRBNB, *supra* note 26, at 17–18.

88. *Id.* at 18.

89. *Id.* at 20.

90. *Id.*

that "Airbnb increased the median long-term rent in New York City by 1.4%" between September 2014 and August 2017.[91] On average, a 1.4% increase meant an additional $380 a year in rent for New York City tenants.[92] However, in certain neighborhoods, the increase was much higher, with several greater than $500 a year and an estimated increase of $780 a year in zip code 10036 (located in Clinton, NYC).[93] These conclusions echoed a 2018 report by the New York City Comptroller, which found that "Airbnb [is] responsible for nearly 10 percent of citywide rental increase between 2009 and 2016."[94]

3. Changes to Neighborhood Composition

As landlords convert their units from long- to short-term rentals, striking changes appear in neighborhood character. Where once there were communities of mutually invested neighbors, now there are tourists with needs that may conflict with permanent residents.[95] As noted in a 2016 study on short-term rentals conducted by the City of New Orleans Planning Commission, the "overarching concern of the opponents with short-term rentals is the commercialization of residential neighborhoods."[96]

These conflicts result in decreased quality of life for long-term

---

91. WACHSMUTH ET AL., HIGH COST OF SHORT-TERM RENTALS, *supra* note 23, at 2.

92. *Id.*

93. *Id.* at 37.

94. *Comptroller Stringer Report*, *supra* note 23; *see also* Letter from Bailey Duquette, P.C., to the Office of the N.Y.C. Comptroller, Gen. Counsel's Office (May 7, 2018) (written on behalf of AirDNA) (on file with author); Abigail Long, *Data Provider AirDNA Sends Cease and Desist Letter to NYC Comptroller*, AIRDNA (May 9, 2018), http://blog.airdna.co/data-provider-airdna-sends-cease-desist-letter-nyc-comptroller/ [https://perma.cc/BB63-JMM6]. AirDNA, "an advocate for short-term rentals," which owned the data used to generate the report data were used to generate the report, sent a cease and desist letter to Comptroller Stringer alleging the report misrepresented the data and violated the AirDNA terms of service. *Id.* The Comptroller's office stood by its report noting that it "'took an empirical, data-driven approach to assessing this Airbnb effect and shared with the public.' 'It's no surprise that AirDNA would attack a credible report when their own bottom line depends on Airbnb's success.'" Luis Ferré-Sadurní, *Report on Airbnb in New York Made 'Crucial Errors,' Data Provider Says*, N.Y. TIMES (May 4, 2018), https://www.nytimes.com/2018/05/04/nyregion/airbnb-new-york-report-errors.html [https://perma.cc/2854-7EFL].

95. Filippas & Horton, *supra* note 25, at 1 ("If Airbnb hosts bring in loud or disreputable guest but, critically, still collect payment, then it would seem to create a classic case of un-internalized externalities that existing illegal hotel laws are intended to prevent: the host gets the money and her neighbors get the noise.").

96. CITY OF NEW ORLEANS PLANNING COMM'N, *supra* note 24, at 30, 31 ("There is especially a concern over investors purchasing homes and renting them out only as a short-term rental. They say that these uses are 'mini-hotels' because no one ever lives there and should be prohibited in residential districts, like other commercial uses.").

residents.[97] As Airbnb listings increase, there is an increase in negative externalities felt by locals. Residents in Bath, England, for example, reported that short-term rentals increase noise levels, unsanitary conditions, and illegal disposal of garbage.[98] In the popular Silver Lake neighborhood of Los Angeles, the Neighborhood Council has received complaints from residents that include "unfamiliar cars blocking driveways, late night parties on formerly quiet streets, and concerns about child safety in an environment with fewer eyes on the street."[99]

New Orleans's Short Term Rental Administration contemplates the effect of rentals on the surrounding neighborhood. In New Orleans, "short-term rentals shall not adversely affect the residential character of the neighborhood nor shall the use generate noise, vibration, glare, odors, or other effects that unreasonably interfere with any person's enjoyment of his or her residence."[100] Despite this, residents reported being affected by the influx of short-term rentals. At a 2018 City Planning Commission hearing on how Airbnb is affecting quality of life,[101] residents of those neighborhoods most highly saturated with Airbnb rentals "described loud, disruptive tourists and said the influx of short-term rentals is hollowing out their neighborhood."[102] An influx of rental units "reduces the cohesion in the neighborhood, reduces the number of people who are invested in the neighborhood, and damages businesses that serve the local population."[103]

a. Influx of Commercial Interests

A significant portion of the Airbnb market consists of commercial hosts—those with more than one listing. A review of five cities (Austin,

---

97. *See* Wegmann & Jiao, *supra* note 27, at 495.

98. Yohannes Lowe & Richa Kapoor, *Councillors Call for New Rules to Stop Rise of 'Party Homes' Spreading Around Bath*, TELEGRAPH (Aug. 16, 2019, 4:38 PM), https://www.telegraph.co.uk/news/2019/08/16/councillors-call-new-rules-stop-rise-party-homes-spreading-around/ [https://perma.cc/DRJ8-VZN8].

99. SAMAAN, AIRBNB, *supra* note 26, at 21.

100. *Short Term Rental Zoning Restrictions*, CITY NEW ORLEANS, https://www.nola.gov/short-term-rentals/str-zoning-restrictions/ [https://perma.cc/4C26-S7KH].

101. Charles Maldonado, *New Orleans Residents Sound Off on How Airbnb is Affecting Their Lives*, LENS (Apr. 24, 2018), https://thelensnola.org/2018/04/24/live-coverage-new-orleans-residents-sound-off-on-how-airbnb-is-affecting-them/ [https://perma.cc/2M9Q-KJME].

102. *Id.* (quoting resident Margaret Walker, "I live in the Marigny. It's all short-term rentals now. I'd like to have my neighbors back."); *see also* Peck & Maldonado, *supra* note 3 ("Before Airbnb, you had neighbors you could depend on. They looked out for you. If you went out of town, they'd get your mail, your paper . . . you just had more of a neighborly neighborhood.").

103. CITY OF NEW ORLEANS PLANNING COMM'N, *supra* note 24, at 31.

Boston, Chicago, San Francisco, and Washington, DC)[104] confirms that the share of the Airbnb market held by hosts with more than one listing is substantial, with 30% in Austin to a full 44% in Boston.[105] While the average number of listings for hosts with more than one listing ranges from 3.0 (Austin, Chicago, and San Francisco)[106] to 3.6 (Boston),[107] the large number of listings held by a single host suggests that commercial operators benefit from lax regulations of short-term rentals. In Austin, for example, a single host operates 140 Airbnb listings.[108]

The increased presence of commercial hosts drives changes to neighborhood character. A study of New Orleans neighborhoods by Jane Place Neighborhood Sustainability Initiative[109] found that the majority of Airbnb listings are controlled by a small number of hosts.[110] Specifically, of the properties evaluated, 18% of hosts "controlled nearly half of all permitted [short-term rentals]" in New Orleans.[111] In fact, the twenty-five highest grossing Airbnb hosts in the United states each made more than fifteen million dollars in 2017 off hundreds of units each.[112] The most

---

104. Wegmann & Jiao, *supra* note 27, at 496 ("The data analyzed in this paper was obtained from 'scrapes' of Airbnb's website conducted by New York-based photojournalist and data analyst Murray Cox. . . Data for each of the five cities was collected in the late spring or early summer of 2015.").

105. *Id.* at 498 (discussing how of the remaining cities, Chicago's share was 38%, San Francisco's share was 34%, and Washington, D.C.'s share was 39%).

106. The analysis looked at available data in 2015, before San Francisco's new laws regulating short-term rentals were enacted.

107. Wegmann & Jiao, *supra* note 27, at 498 tbl.1 (demonstrating that the average listing per host with more than one listing in Washington, D.C. was 3.5).

108. *Id.* at 497; *see also* Kristóf Gyódi, *An Empirical Analysis on the Sharing Economy: The Case of Airbnb in Warsaw* (Inst. of Econ. Research Working Papers, No. 33, 2017), http://www.badania-gospodarcze.pl/images/Working_Papers/2017_No_33.pdf [https://perma.cc/QE9B-6FA6] ("The share of [Airbnb listings in Warsaw, Poland] offered by hosts owning 1 listing is only 47%. Therefore, 53% of the listings are multi-listings, which may mean a strong presence of various real-estate investors and professional agencies that use the Airbnb platform to provide professional services . . . more than a quarter of all accommodations offered via Airbnb belongs to hosts with more than five listings.").

109. JANE PLACE NEIGHBORHOOD SUSTAINABILITY INITIATIVE, SHORT-TERM RENTALS, LONG-TERM IMPACT: THE CORROSION OF HOUSING ACCESS AND AFFORDABILITY IN NEW ORLEANS 2 (2018), https://storage.googleapis.com/wzukusers/user27881231/documents/5b06c0e681950W9RSePR/STR%20Long-Term%20Impacts%20JPNSI_4-6-18.pdf [https://perma.cc/Q3Z3-HYFX] ("Jane Place Neighborhood Sustainability Initiative is a ten-year old Community Land Trust (CLT) and housing rights organization committed to creating sustainable, democratic, and economically-just neighborhoods and communities in New Orleans.").

110. *Id.* at 14.

111. *Id.* at 4.

112. Patrick Sisson, *Airbnbusiness: As Professionals Find Success on the Platform, Is there Still Room for Shares?*, CURBED (Mar. 11, 2018), https://www.curbed.com/2018/2/21/17032100/airbnb-business-profit-hotel-property-management [https://perma.cc/ZB6V-MZNY].

profitable account earned over forty-four million dollars from listing over one thousands rooms.[113]

That professional entities with hundreds, if not thousands, of units are profiting most greatly from the platform is at odds with Airbnb's characterization of itself as way for average homeowners to subsidize their income. Sebastian de Kleer, the founder of Globe Homes and Condos—once identified as one of the largest commercial Airbnb operators in Los Angeles—told the *Los Angeles Times*, "[i]t doesn't match their PR story to have professionals on their platform."[114] As one Silver Lake Neighborhood Councilmember said, "[i]t's supposed to be a spare room—not corporate interests taking over our neighborhood and turning everything into a virtual hotel."[115]

b. Decrease in Neighborhood Social Capital

"Social capital it is the glue that holds societies together and without which there can be no economic growth or human well-being."[116] The foundation of social capital is that "social networks have value."[117] The concept incorporates "not just warm and cuddly feelings, but a wide variety of quite specific benefits that flow from the trust, reciprocity, information, and cooperation associated with social networks."[118]

As Airbnb listings change the character of the neighborhood, and as residents are displaced by the influx of tourists, social capital declines. One elderly tenant in a rent-stabilized apartment in New York remarked that "only seven permanent tenants remain in her building, with her landlord ignoring requests for necessary repairs in favor of gut renovations on apartments functioning as illegal hotels. 'My friends are

---

113. *Id.*

114. SAMAAN, SHORT-TERM RENTALS, *supra* note 78, at 2 ("The percentage of on-site hosts has also declined sharply between October 2014 and July 2015. Airbnb regularly implies that the majority of its listings are shared spaces. In October, this claim was consistent with the data (52 percent of hosts were on-site), though misleading (they generated just 11 percent of Los Angeles revenue). That is no longer true. As of July 2015 just 36 percent of listing agents were on-site, and only 16 percent of Airbnb revenue derives from these listings.").

115. Emily Alpert Reyes, *Los Angeles Gives Hosts, Neighbors Mixed Signals on Short-Term Rentals,* L.A. TIMES (Feb. 7, 2015, 10:00 AM), https://www.latimes.com/local/california/la-me-adv-illegal-rentals-20150208-story.html [https://perma.cc/VVF6-RALZ].

116. CHRISTIAAN GROOTAERT & THEIRRY VAN BASTELAER, THE WORLD BANK, UNDERSTANDING AND MEASURING SOCIAL CAPITAL: A SYNTHESIS OF FINDINGS AND RECOMMENDATIONS FROM THE SOCIAL CAPITAL INITIATIVE 2 (2001).

117. *Social Capital Primer*, ROBERT D. PUTNAM, http://robertdputnam.com/bowling-alone/social-capital-primer/ [https://perma.cc/DA5Y-GY7B].

118. *Id.*

being replaced by strangers and tourists,' she said."[119] As a Nashville resident noted, living in close proximity to an Airbnb accommodation

> feels uncomfortable all the time because you don't know what to expect . . . If you can imagine the house that was next door to you [growing up], where you probably literally borrowed flour and sugar. What if that wasn't there and that was a hotel? Would you have wanted to grow up next to that?[120]

II. RACIAL IMPLICATIONS OF SHORT-TERM RENTAL PLATFORMS

Short-term rentals affect minority users along multiple dimensions. First, Airbnb users experience discrimination along racial lines. Second, growth in Airbnb listings correlates with gentrification in historically minority-occupied neighborhoods. Third, Airbnb concentrates wealth along racial lines.

A. Airbnb and Discrimination

The early years of internet commerce generally relied on anonymity.[121] The true identities of both buyers and sellers were obscured throughout the transaction.[122] The lack of personal information—gender, race, age, etc.—removed many opportunities for discriminatory practices.[123] The growth of the sharing economy has pushed these interactions in the other direction.[124] Whereas, before identities were protected, the sharing economy now thrives on personal connections.[125] This helps to diminish the perceived risk associated with transacting with an individual rather

---

119. Rebecca Fishbein, *Airbnb & City Council Go to War*, GOTHAMIST (Jan. 21, 2015), https://gothamist.com/news/airbnb-city-council-go-to-war [https://perma.cc/53GL-8629].

120. Victor Luckerson, *Not in My Neighbor's Backyard*, RINGER (Nov. 21, 2017), https://www.theringer.com/features/2017/11/21/16678002/airbnb-nashville [https://perma.cc/6GLN-BYJM].

121. *See generally* Fiona Scott Morton, Florian Zettelmeyer & Jorge Silva-Risso, *Consumer Information and Price Discrimination: Does the Internet Affect the Pricing of New Cars to Women and Minorities?* (Nat'l Bureau of Econ. Research, Working Paper No. 8668, 2001), *available at* https://www.nber.org/papers/w8668 [https://perma.cc/2DA2-SLSF].

122. *See generally id.*

123. *See, e.g.*, *id.* (examining differences in pricing in offline versus online car sales and finding that, when demographic information is withheld from the seller, as is the case in online car sales, minority buyers paid the same price for cars as white buyers).

124. *See* Eyal Ert et al., *Trust and Reputation in the Sharing Economy: The Role of Personal Photos in Airbnb*, 55 TOURISM MGMT. 62 (2016).

125. *Id.* at 63.

than a business.[126] Hosts and guests on Airbnb are encouraged to provide their names, photographs, and interesting biographical information. However, the use of personal information provides opportunity for discrimination.

1. Discrimination Against Guests

Guests of color experience discrimination using Airbnb in a way that is not possible when making a short-term reservation on an online hotel booking platform. Unlike hotel platforms, where the proprietor does not have the ability to reject a booking when a room is available, Airbnb guests have the ability to decide whether to accept a potential reservation. While federal law prohibits discrimination on the basis of race, sex, color, religion, or national origin,[127] in practice, no one monitors short-term rental platforms for compliance. This allows hosts, who have wide discretion in accepting guests, to engage in discriminatory practices.

Indeed, there are several high-profile instances of guests of color experiencing discrimination. In 2017, an Asian-American guest was informed by her host that the reservation was cancelled.[128] The host terminated the reservation by text, stating "I wouldn't rent to u if u were the last person on earth [sic]. One word says it all. Asian . . . . It's why we have [T]rump."[129] Discrimination among Airbnb hosts has become so prevalent that it sparked the social media campaign #AirbnbWhileBlack.[130]

These individual experiences are corroborated by a Harvard Business School study that found "applications from guests with distinctively African-American names are 16 percent less likely to be accepted relative to identical guests with distinctly white names."[131] The results were consistent across a variety of factors including sex of the host, whether the property was shared or un-hosted, the experience level of the host,

126. Kakar et al., *supra* note 29, at 28.

127. *See, e.g.*, 42 U.S.C. § 3604 (2012).

128. Amy B. Wang, *Airbnb Host Who Stranded Guest Because of Race Ordered to Take Class in Asian American Studies*, WASH. POST (July 14, 2017), https://www.washingtonpost.com/news/business/wp/2017/07/14/airbnb-host-who-stranded-guest-because-of-race-ordered-to-take-class-in-asian-american-studies/ [https://perma.cc/64G9-GZ37].

129. *Id.*

130. *See generally* Shankar Vedantam, *#AirbnbWhileBlack: How Hidden Bias Shapes the Sharing Economy*, NPR (Apr. 26, 2016), https://www.npr.org/2016/04/26/475623339/-airbnbwhileblack-how-hidden-bias-shapes-the-sharing-economy [https://perma.cc/AEM3-8LVP].

131. Edelman et al., *supra* note 28, at 1–2 ("To test for discrimination, we conduct[ed] a field experiment in which we inquire[d] about the availability of roughly 6,400 listings on Airbnb across five cities. Specifically, we create[d] guest accounts that differ by name but [were] otherwise identical . . . one distinctively African American and the other distinctively white.").

diversity of the neighborhood, and price of the listing.[132]

The frequency of discrimination against would-be guests of color prompted action by the Congressional Black Caucus (CBC). In a letter to the Airbnb's CEO, the CBC made plain its "concerns regarding the recent reports of the exclusion of many African Americans and other minorities from booking rooms on your site due to their race."[133] The CBC's letter asked Airbnb four questions: (1) "[w]hy is it seemingly so easy to discriminate against someone via [the] platform?"; (2) whether Airbnb has data related to discrimination on its platform; (3) "what is Airbnb doing at present to address this glaring issue of discrimination?"; and (4) whether Airbnb would "consider implementing some of the common sense measures to avoid discrimination" such as reducing the prominence of user names and photos, increasing Instant Book, and regularly notifying users of Airbnb's anti-discrimination policy.[134]

2. Discrimination against hosts

Like guests, minority hosts experience discrimination on short-term rental platforms. For such hosts, this manifests in a lower listing price relative to comparable accommodations marketed by white hosts.[135] In New York City, "[t]he raw data show that non-black and black hosts receive strikingly different rents: roughly $144 versus $107 per night, on average," even when controlling for "the main characteristics of the listing itself."[136] Follow-up research on discrimination against Asian American hosts in New York City[137] and San Francisco[138] reached similar

---

132. *Id.* at 7.

133. Letter from G.K. Butterfield, Chairman, Cong. Black Caucus, and Emanuel Cleaver, II, Member, Congress, to Brian Chesky, CEO, Airbnb, Inc. (June 16, 2016), https://cleaver.house.gov/sites/cleaver.house.gov/files/16.06.2016%20Airbnb%20Letter.pdf [https://perma.cc/A9N7-5VSM].

134. *Id.*

135. Edelman & Luca, *supra* note 29, at 4.2; *see also* Kakar et al., *supra* note 29, at 36; Mo, *supra* note 29, at section VI.

136. Edelman & Luca, *supra* note 29, at 4.2 ("Of course, many factors influence the rents received by hosts—and race is likely correlated with some of these factors. One might be concerned that apparent racial differences actually result from unobserved differences between listings. While we cannot completely eliminate this concern, we mitigate the issue by controlling for all of the information that a guest sees when examining Airbnb search results and listing details.").

137. John Gilheany et al., *The Model Minority? Not on Airbnb.com: A Hedonic Pricing Model to Quantify Racial Bias Against Asian Americans*, TECH SCI. (Sept. 1, 2015), https://techscience.org/a/2015090104/ [https://perma.cc/H4NV-BMCU] (finding that "on average Asian hosts earn . . . 20% less than White hosts for similar rentals").

138. Kakar et al., *supra* note 29, at 36–38 ("Neither the controls for neighborhood racial composition and median income nor the control for occupancy level[] have any meaningful impact

conclusions.

There are several suggested explanations for the pricing differential. Minority hosts may "price lower to increase the pool in interested guests . . . and maintain their target occupancy."[139] This may also "signal a response to an anticipation of racial discrimination in the online marketplace."[140] Alternatively, "minority hosts could value a larger pool of potential guests as a way to be more selective" in choosing guests.[141] "White hosts may be pricing high in order to create a self-selection pool of renters that better meet the profile of guests they wish to have and engage with socially."[142] These pricing differentials have a tremendous impact on the ability of minority hosts to realize Airbnb's economic benefits, such as additional home value and an increase in home value.

B. Airbnb and Gentrification

In light of the relationship between Airbnb and reduction in long-term affordable rental housing from the market, there are questions about whether Airbnb contributes to gentrification. British sociologist Ruth Glass coined the term "gentrification" in 1964 to describe the displacement of the "working class" from the center city by new middle-class residents.[143] Today, however, scholars understand that gentrification is no longer confined to "the inner city or First World metropolises."[144] Nor is it limited merely to residential changes, but rather includes multiple

---

on the estimated differences . . . . [O]n average, Asian and Hispanic Airbnb hosts charge 8–10% lower prices relative to White hosts on equivalent rental properties, after controlling for all renter-available information on rental unit characteristics, as well as additional information on neighborhood property values, area demographics, and occupancy rates . . . . This translates to revenue gap of about $4,100 annually.").

139. *Id*. at 36.

140. *Id.*

141. *Id.*

142. *Id.*

143. Ruth Glass, *Introduction: Aspects of Change*, *in* LONDON: ASPECTS OF CHANGE, at xviii-xix (1964) ("One by one, many of the working class quarters of London have been invaded by the middles classes—upper and lower. Shabby, modest mews and cottages—two rooms up and two down—have been taken over, when their leases have expired, and have become elegant, expensive residences. Larger Victorian houses, downgraded in an earlier or recent period—which were used as lodging houses or were otherwise in multiple occupation—have been upgraded once again. Nowadays, many of these houses are being subdivided in costly flats or 'houselets' (in terms of the new real estate snob jargon). The current social status and value of such dwellings are frequently in inverse relation to their size and in any case enormously inflated by comparison with previous levels in their neighborhoods. Once this process of 'gentrification' starts in a district it goes on rapidly until all or most of the original working class occupiers are displaced and the social character of the district is changed.").

144. LORETTA LEES, TOM SLATER & ELVIN WYLY, GENTRIFICATION, at xvii (2008).

facets. Gentrification is a "highly dynamic process . . . not amendable to overly restrictive definitions; rather than risk construing our understanding of this developing process by imposing a definitional order, we should strive to consider the broad range of processes that contribute to this restructuring, and to understand the links between seemingly separate processes."[145]

1. Airbnb as a Gentrification Tool

There is a strong correlation between short-term rentals and gentrification. A study of New York City Airbnb listings found that in many parts of the city, "hosts of frequently rented entire-home Airbnb listings earn 200% or more [than] the median long-term neighborhood rent, and these areas are 72% non-white."[146] This creates strong economic incentives for converting long-term rental accommodations to short-term rentals in communities of color.

Studies suggest that Airbnb disproportionately benefits white hosts even in predominantly Black neighborhoods. A 2017 study by Inside Airbnb examined the effect of Airbnb on predominantly Black neighborhoods in New York City.[147] According to the study, "across all 72 predominantly Black New York City neighborhoods, Airbnb hosts are 5 times more likely to be white. In those neighborhoods, the Airbnb host population is 74% white, while the white resident population is only 13.9%."[148]

Despite the controversy, the conclusions reached by the Inside Airbnb data are supported by other research. A New York State Office of the Attorney General report found that "gentrified or rapidly gentrifying neighborhoods primarily in Manhattan account[] for the vast majority of revenue from private short-term rentals in New York City."[149] Similarly a

---

145. Neil Smith & Peter Williams, *Alternatives to Orthodoxy: Invitation to a Debate*, *in* GENTRIFICATION OF THE CITY 3 (Neil Smith & Peter Williams eds., 1986).

146. WACHSMUTH ET AL., HIGH COST OF SHORT-TERM RENTALS, *supra* note 23, at 34.

147. Murray Cox, *The Face of Airbnb, New York City: Airbnb as a Racial Gentrification Tool*, INSIDE AIRBNB (Mar. 1, 2017), http://insideairbnb.com/face-of-airbnb-nyc/ [https://perma.cc/8F9D-P7YG].

148. *Id*. Airbnb initially published criticism of the report but has since taken it off their website. In response, Murray Cox responded in detail to each of Airbnb's criticisms. Murray Cox, *A Year Later: Airbnb as a Racial Gentrification Tool*, INSIDE AIRBNB (Jan. 30, 2018), http://insideairbnb.com/face-of-airbnb-nyc/a-year-later-airbnb-as-racial-gentrification-tool.html [https://perma.cc/5ZMG-RF4F]. Mr. Cox specifically addresses critiques that the research is not peer reviewed, uses racial coding rather than self-identification, uses computer software to racially identify hosts, engages in racial profiling, lacks a control group, and fails to address disparities between neighborhoods analyzed. *Id.*

149. N.Y. STATE OFFICE OF THE ATT'Y GEN., *supra* note 20, at 3 ("[T]he Lower East Side/Chinatown, Chelsea/Hell's Kitchen, and Greenwich Village/SoHo—accounted for approximately $187 million in revenue to hosts, or more than 40 percent of private stay revenue to

study of the effect of short-term rentals on New Orleans noted that

> while neighborhood impacts vary, what happens in one neighborhood affects other neighborhoods—middle-income residents priced out of a rapidly gentrifying neighborhood might end up moving to a lower-cost neighborhood, which could cause the displacement of low-income residents from their once affordable community as costs rise with the demand for housing by a higher-income group.[150]

Since 2012, New Orleans rents have increased by twenty to twenty-five percent.[151] Despite increased rental rates, landlords realize greater economic gain from short-term rentals to tourists than renting to long-term residents, especially in gentrifying neighborhoods.[152]

2. Resident Displacement

A recent study of holiday rentals in Barcelona similarly examined the "conversion of housing into tourist accommodation" by platforms like Airbnb.[153] The Barcelona study found that, because "long-term residents represent a barrier to capital accumulation," short-term rentals cause and accelerate three distinct types of displacement: direct displacement ("involuntary out-migration from a place"), exclusionary displacement ("difficulties in finding affordable accommodation in gentrifying areas"), and displacement pressures ("changes at the neighborhood scale such as loss of social networks, stores, or public facilities that are central to everyday life").[154] Taken together, "the growth of tourism and the consequent conversion of housing into accommodation for visitors"

---

hosts during the Review Period. By contrast, all the reservations in three boroughs (Queens, Staten Island, and the Bronx) brought hosts revenue of $12 million—less than three percent of the New York City total.").

150. JANE PLACE NEIGHBORHOOD SUSTAINABILITY INITIATIVE, *supra* note 109, at 7.

151. *Id.*

152. *Id.* at 22.

153. Augustin Cócola Gant, *Holiday Rentals: The New Gentrification Battlefront*, 21 SOC. RESEARCH ONLINE 1, 3 (2016).

154. *Id.* at 1, 2. In defining the three types of displacement, Gant relies on Peter Marcuse, *Gentrification, Abandonment, and Displacement: Connections, Causes, and Policy Responses in New York City*, 28 J. URB. & CONTEMP. L. 195 (1985); Kathe Newman & Elvin Wyly, *The Right to Stay Put, Revisited: Gentrification and Resistance to Displacement in New York City*, 43 URB. STUD. 23 (2006); Geoffrey DeVerteuil, *Evidence of Gentrification-Induced Displacement Among Social Services in London and Los Angeles*, 48 URB. STUD. 1563 (2011); Tom Slater, *Missing Marcuse: On Gentrification and Displacement*, 13 CITY 292 (2009); and Mark Davidson & Loretta Lees, *New-Build Gentrification: Its Histories, Trajectories, and Critical Geographies*, 16 POPULATION, SPACE & PLACE 335 (2010). *See* Gant, *supra* note 153, at 1, 2.

results in collective displacement.[155]

The Barcelona study does not expressly analyze the effects of displacement along racial lines. However, taken with the New York and New Orleans studies, it supports the notion that Airbnb produces financial rewards for hosts at the expense of low-income communities of color; as residents are priced out of middle-class neighborhoods, residents relocate to down-market neighborhoods. This creates a vicious cycle wherein rents increase in the new neighborhoods, pushing out long-term residents. Even more troubling, gentrification correlates with "shorter life expectancy; higher cancer rates; more birth defects; greater infant mortality; and higher incidence of asthma, diabetes, and cardiovascular disease."[156] Given the incentive for hosts to convert long-term accommodations into short-term rentals, and data from U.S. cities that suggests high profitability of listing units in gentrifying neighborhoods, it is likely that areas occupied by residents of color may experience significant changes without realizing the monetary benefits. Without policy intervention, these effects will accelerate and intensify.

C. Concentration of Wealth Along Racial Lines

Discrimination on short-term rental platforms, combined with gentrification, functions to displace low-income and minority residents while simultaneously concentrating wealth among white property owners.[157] In predominantly black New York City neighborhoods, white Airbnb hosts were found to have earned more than three times as much as black hosts in the same neighborhoods; white hosts earned $159.7 million while black hosts earned only $48.3 million.[158]

Given that short-term rentals accelerate gentrification and the persistent

---

155. Gant, *supra* note 153, at 7 ("Collective displacement needs to be seen as the final consequences of a process in which all forms of displacement come together.").

156. *Health Effects of Gentrification,* CTRS. FOR DISEASE CONTROL & PREVENTION (2009), www.cdc.gov/healthyplaces/healthtopics/gentrification.htm [https://perma.cc/VQQ4-BSVX]; *see generally* Sungwoo Lim et al., *Impact of Residential Displacement on Healthcare Access and Mental Health Among Original Residents of Gentrifying Neighborhoods in New York City*, 12 PLOSONE 1 (2017) (finding, in a study of residential displacement in New York City, that compared with residents who stayed in gentrifying neighborhoods, displaced residents who moved to non-gentrifying, poor neighborhoods had significantly higher rates of emergency department visits, hospitalizations, and mental health-related visits for about five years after displacement).

157. Cox, *supra* note 147. As Cox's report found in New York City, "Black neighborhoods with the most Airbnb use are racially gentrifying, and the (often illegal) economic benefits of Airbnb accrue disproportionately to new, white residents and white speculators; while the majority of Black residents in those communities suffer the most from the loss of housing, tenant harassment and the disruption of their communities." *Id.*

158. *Id.*

discrimination on the platform, unchecked Airbnb activity risks eroding minority neighborhoods while locking people of color out of beneficial services and opportunities to accumulate wealth. There is a "powerful economic incentive for landlords to displace tenants and convert apartments to Airbnb de facto hotels in communities of color."[159] And yet, due in part to discrimination and lower average asking rents, minority hosts do not have the same opportunities to reap financial rewards from listing their units. As such, wealth is accruing to the white community at the expense of minority residents. To put it another way, minority Airbnb hosts experience negative externalities associated with short-term rentals without the same degree of positive effects as their Caucasian counterparts.

III. CURRENT REGULATIONS GOVERNING SHORT-TERM RENTAL ACCOMMODATIONS

Given their localized effects, regulations of short-term rentals typically occur at the city level. However, spurred by efforts of municipal ordinances, many state governments have taken measures to regulate the effects of short-term rentals. Arizona,[160] Idaho,[161] Indiana,[162] Florida,[163] Tennessee,[164] and Wisconsin[165] enacted legislation to prevent local jurisdictions from prohibiting or unreasonably restricting all short-term

159. WACHSMUTH ET AL., HIGH COST OF SHORT-TERM RENTALS, *supra* note 23, at 3 ("[T]he fastest-growing neighborhoods for Airbnb (particularly Harlem and Bedford Stuyvesant) are disproportionately African American.").

160. Howard Fischer, *Despite Local Objections, New Year's Laws Include Airbnb Expansion*, ARIZ. DAILY SUN (Dec. 31, 2016), https://azdailysun.com/news/local/despite-local-objections-new-year-s-laws-include-airbnb-expansion/article_52d485d5-79cd-567f-943c-bff142e9493c.html [https://perma.cc/5PAC-BCFB].

161. David Staats, *Airbnb Cheers as Idaho Bill to Limit Local Regulation of its Hosts' Homes Becomes Law*, IDAHO STATESMAN (Apr. 13, 2017, 8:54 AM), https://www.idahostatesman.com/news/business/article143778169.html (last visited Nov. 11, 2019).

162. H.B. 1035, Ind. Gen. Assemb., Reg. Sess. (Ind. 2018).

163. S.B. 356, 2014 Leg., 116th Reg. Sess. (Fla. 2014). Florida's 2014 law does, however, grandfather in any local prohibitions enacted prior to June 1, 2011. "A local law, ordinance, or regulation may not prohibit vacation rentals or regulate the duration or frequency of rental of vacation rentals. This paragraph does not apply to any local law, ordinance, or regulation adopted on or before June 1, 2011." *Id.*

164. TENN. CODE ANN. § 13-7-603 (2018).

165. WIS. STAT. § 66.0615 (2019).

rentals.[166] Other states have considered similar legislation.[167] Such legislation is typically predicated on two concerns: (1) protecting the rights of property owners; and (2) creating additional revenue. As the Wisconsin Court of Appeals noted when considering whether the use of a property as a short-term rental constitutes commercial activity, "public policy favors the free and unrestricted use of property."[168] Further, many states view short-term rental regulations as an opportunity to spur economic gains through increased tourist dollars. As then-Senator Greg Steube, author of a Florida bill noted, "[v]acation rentals play a significant, unique, and critical role in Florida's tourism industry, and that role is different from that of public lodging establishments . . . ."[169] Many state short-term rentals laws also include provisions for licensing fees and/or taxes to be paid to the state by hosts, thereby providing another source of income for the government.[170]

In contrast to these states, others have enacted legislation to curb the proliferation of short-term rental properties. New York's Multiple Dwelling Law prohibits renting certain properties for periods of fewer than thirty days when the permanent resident is absent.[171] Whether to restrict Airbnb or prevent localities from taking any such actions, policies enacted at the state level override steps taken by local jurisdictions to address the externalities associated with Airbnb as well as implicate preemption law. They also raise questions about the appropriateness of a state legislature micro-managing housing issues felt most keenly at the neighborhood level.

---

166. In Nebraska, the governor vetoed an omnibus bill that would have, among other things prohibited total bans on short-term rentals. However, in vetoing the omnibus legislation, Governor Rickets noted specific provisions that he supported, including those "that would provide clarity regarding the taxation and regulation of online hosting platforms, such as the Airbnb property rental marketplace, [which] are valuable and needed additions to Nebraska law." Letter from Pete Ricketts, Governor, Neb., to President, Speaker, and Members of the Legislature (Apr. 23, 2018), https://governor.nebraska.gov/sites/governor.nebraska.gov/files/doc/press/LB%20873%20%282018%29.pdf [https://perma.cc/LV28-VC4R].

167. For example, if enacted, Georgia's recently introduced H.B. 523 will "prohibit local governments from regulating the use of certain real estate as short-term rental property." H.B. 523, 116th Cong. (Ga. 2019–2020).

168. Forsee v. Neuschwander, 900 N.W.2d 100, 104 (Wis. Ct. App. 2017) (citing Crowley v. Knapp, 94 N.W.2d 421, 434 (Wis. Sup. Ct. 1980)).

169. Steven Lemongello, *Florida Bill Would Prevent Local Restrictions on Vacation Rentals*, ORLANDO SENTINEL (Jan. 2, 2018), https://www.orlandosentinel.com/politics/os-vacation-rental-bill-20180102-story.html [https://perma.cc/8PPP-2MB8].

170. Savanna Gilmore, *More States Taking Action on Short-Term Rentals*, 26 NAT'L CONF. ST. LEGIS. LEGISBRIEF (Sept. 10, 2018), http://www.ncsl.org/research/fiscal-policy/more-states-taking-action-on-short-term-rentals.aspx [https://perma.cc/BC29-3CAD]; *see also infra* section III.B.

171. N.Y. MULTIPLE DWELLING L. art. 1, § 4.8 (2010).

When states and localities enact laws governing short-term rentals, it raises questions about whether short-term rental accommodations should be understood within the realm of landlord and tenant law or as licensing agreements. Most jurisdictions impose hybrid regulations. As stakeholders grapple with the effects of Airbnb on their communities, they struggle to reap the benefits that accrue to individual hosts and guests without incurring negative social costs. As such, policymakers have adopted a variety of policies, including host accountability measures, restrictions on eligible hosts, rental duration, and available locations, monitoring and enforcement, and policies to address discrimination and the concentration of wealth along racial lines.

A. Traditional Conceptualizations of Property Rights

Property rights are often understood as a "bundle of rights that may be exercised with respect to that object-principally the rights to possess the property, to use the property, to exclude others from the property, and to dispose of the property by sale or by gift."[172] However, while a property owner has broad rights with respect to the disposition of the property, the legal system governs "how these decisions must or may be carried out."[173] Contracting to let a property via a homesharing platform like Airbnb raises questions about which rights in the "bundle" apply to the agreement.

Are a host and guest more akin to a landlord and tenant or a hotel and lodger? For its part, Airbnb is careful to use language that falls somewhere in between. Airbnb fastidiously uses the terms "host," "guest," and "share" to discuss the arrangement between parties. Instead of renting a space, a host can "share any space . . . from a shared living room to a second home and everything in-between" with guests.[174] Despite this careful use of language, whether a short-term rental arrangement is a landlord/tenant agreement, a hotel/lodger agreement, or something in the middle informs what regulations apply to both the host and the guest.

---

172. Moore v. Regents of Univ. of Cal., 793 P.2d 479, 509 (Cal. Sup. Ct. 1990) (Mosk, J. dissenting) (internal quotations omitted); Carol Rose, *The Comedy of the Commons: Custom, Commerce, and Inherently Public Property*, 53 U. CHI. L. REV. 711, 711 (1986) ("The right to exclude others has often been cited as the most important characteristic of private property. This right, it is said, makes private property fruitful by enabling owners to capture the full value of their individual investments, thus encouraging everyone to put time and labor into the development of resources.").

173. Lawrence M. Freidman, *The Law of the Living, the Law of the Dead: Property, Succession, and Society*, WIS. L. REV. 340, 341 (1966).

174. AIRBNB, https://www.airbnb.com/host/homes?from_nav=1 (last visited Dec. 11, 2019).

1. Residential Leasehold Interest

The relationship between host and guest may be viewed as a residential leasehold interest. Traditionally, a leasehold estate is a transfer of interest in a property from the landlord to the tenant, thereby giving the tenant "exclusive right to possession of the premises . . . [while the landlord] retained a future interest."[175] Historically, this relationship was governed by real property law. However, in the 1960s, courts began to apply contract law to landlord-tenant relationships.[176] Contemporary law "view[s] the lease as a hybrid, governed by *both* property law and contract law."[177] As a result, tenants enjoy a wide variety of rights including, habitability of the premises, and due process during eviction, among others.

In jurisdictions that view Airbnb relationships akin to those of landlords and tenants, hosts are held to the same standards as landlords. Several websites educate hosts on how to evict an Airbnb guest who refuses to leave. In Palm Springs, California, an Airbnb guest was treated as a renter under California law because he leased the unit for more than thirty days.[178] As a result, the Airbnb host, viewed as a landlord under California law, was forced to initiate eviction proceedings to remove the guest from her home.[179]

Following this and similar incidents, Airbnb updated its website to provide information to hosts on "things [the host] should consider before hosting long-term guests."[180] Airbnb cautions that

> in most states and localities in the United States, guests who stay in a home or apartment for one month or longer . . . may establish rights as a tenant. Generally, this means that the local tenancy laws could protect them, and you may not be able to remove them from your property without proceeding through required eviction

175. SPRANKLING & COLLETTA, PROPERTY: A CONTEMPORARY APPROACH 437 (2012).

176. *Id.* (noting that this change "reflected a practical reality: landlords and tenants usually think of the lease as a contract, not as an instrument conveying an estate in land").

177. *Id.*

178. Debra Cassens Weiss, *Airbnb Guest Won't Leave, Forcing Condo Owner to Begin Eviction Proceedings*, A.B.A. J. (July 23, 2014), http://www.abajournal.com/news/article/airbnb_guest_wont_leave_forcing_condo_owner_to_begin_eviction_proceedings [https://perma.cc/GPQ5-JHHA].

179. *Id.*

180. *What Are Some Things I Should Consider Before Hosting Long-Term Guests?*, AIRBNB, https://www.airbnb.com/help/article/805/what-are-some-things-i-should-consider-before-hosting-long-term-guests [https://perma.cc/58LL-8KWL].

processes in court.[181]

Landlord-tenant law also implicates renters who choose to sublease their properties on Airbnb. It is not uncommon for renters themselves to sublease their homes to garner additional income. In such instances, the tenant-host may be subject to the same rights and responsibilities as other landlords. This activity may be prohibited by the lease between the tenant-host and her landlord, the owner of the property. New York City addressed the issue of whether an Airbnb guest is a subtenant or a roommate under local ordinances.[182] In finding that the tenant-host violated her lease agreement by renting out a room in her rent-stabilized apartment for 338 nights on a homesharing platform at 72% more than her monthly rent, the Court stated that transient Airbnb guests are not legal roommates.[183] Instead, Airbnb guests are properly classified as subtenants and, as such, rent was subject to the 10% subletting limit under New York City's Rent Stabilization Code.[184]

2. Innkeepers and Lodgers

Whereas a lease transfers the exclusive use of property from one person to another (for example, an innkeeper and lodger operate pursuant to a license) "a personal privilege to use the land of another for some specific purpose."[185] A hotel and guest relationship is correctly understood under this framework. Several regulations are imposed on hotels including anti-discrimination regulations, ADA compliance, tax collection, health and safety standards, and commercial liability insurance, among others.

Currently, most jurisdictions do not hold Airbnb listings to the same battery of regulations to which hotels are subjected. Of course, the absence of these regulations is part of what allows Airbnb to price accommodations at rates below those of hotels. A two-bedroom Airbnb may cost the same or even less than a standard hotel room in many jurisdictions. Hotel, motel, and bed-and-breakfast industry opponents note that the lack of hotel taxes combined with the unlicensed nature of short-term rentals is effectively a 13% discount on price.[186] Further, the absence of traditional commercial zoning regulations means that while hotels are confined to areas designed for commercial activity, short-term

181. *Id.*

182. Goldstein v. Lipetz, 150 A.D.3d 562 (N.Y. App. Div. 2017).

183. *Id*. at 566.

184. *Id*. at 575.

185. SPRANKLING & COLLETTA, *supra* note 175, at 449.

186. CITY OF NEW ORLEANS PLANNING COMM'N, *supra* note 24, at 31.

rentals are largely unrestricted.[187]

3. Challenging Regulations as an Impermissible Taking

The degree to which the government may restrict a landowner's use of her own property is a longstanding legal question that predates the era of online homesharing platforms. In *Cope v. City of Cannon Beach*,[188] the Supreme Court of Oregon considered whether a municipal zoning ordinance prohibited transient occupancy was a taking under the Constitution.[189] At the time,[190] under Ordinance 92-1, the City of Cannon Beach prohibited transient occupancy (defined as a rental for fewer than fourteen days), prohibited the creation of new transient occupancy uses, and required existing transient occupancy uses to be phased out by 1997.[191] Landowners challenged the ordinance as an impermissible taking without providing just compensation in violation of the Fifth and Fourteenth Amendments.[192]

The Court applied the Supreme Court's analysis in *Agins v. Tiburon*,[193] noting that a regulation "effects a taking if the ordinance does not substantially advance legitimate state interests . . . or denies an owner economically viable use of his land."[194] In finding for the City of Cannon Beach, the Supreme Court of Oregon stated that the ordinance substantially advanced the legitimate governmental interest of "securing affordable housing for permanent residents and in preserving the character

---

187. *Id.*

188. 855 P.2d 1083 (Or. Sup. Ct. 1993).

189. *Id.* at 1085.

190. On November 5, 2004, the Cannon Beach City Council adopted Ordinance 04-09A, which established new regulations when renting a dwelling for thirty days or less. Under the new law, individuals can apply for a 14-day short-term rental permit, which authorizes the permitted party "to rent a dwelling to one tenancy group in a 14-day period." CITY OF CANNON BEACH, OBTAINING A FIVE YEAR UNLIMITED SHORT-TERM RENTAL PERMIT 4 (2017), https://www.ci.cannon-beach.or.us/sites/default/files/fileattachments/planning/page/9711/five-year_handout.pdf [https://perma.cc/5VC8-97B7].

191. *Cope*, 855 P.2d at 1084.

192. *Id.* at 1083–84. Ordinance 92-1 included a hardship provision that "provides an exemption for property owners 'who can substantiate that an investment made exclusively in the nonconforming use of a dwelling for transient occupancy can not be adequately amortized' within the five-year period between adoption of the ordinance and the required termination date." *Id.* at 1084.

193. 477 U.S. 255 (1980).

194. Agins v. Tiburon, 477 U.S. 255, 260–61 (1980) ("The determination that governmental action constitutes a taking is, in essence, a determination that the public at large, rather than a single owner, must bear the burden of an exercise of state power in the public interest. Although no precise rule determines when property has been taken, the question necessarily requires a weighing of private and public interests." (internal citations omitted)).

and integrity of residential neighborhoods" and that there was a nexus between the regulation and interest served.[195]

The court further stated that the ordinance did not deny owners an economically viable use of property.[196] The court did, however, concede that rentals of dwellings for periods of fourteen days or more and owners residing in their property themselves "may not be as profitable as are shorter-term rentals . . . they are economically viable uses."[197] Contemporary ordinances banning or curtailing Airbnb use have yet to be challenged as a taking. Given, however, the effects of Airbnb on the local housing market, as well as its role in accelerating gentrification, it is likely that a court applying the *Cannon Beach* and *Agins* analysis would find for the local jurisdiction, rather than the Airbnb host.

4. Is Mrs. Murphy Hosting?

Short-term rental agreements entered into via platforms like Airbnb raise issues of race and permissible discrimination. The Fair Housing Act (FHA)[198] prohibits discrimination on the basis of race, color, religion, sex, familiar status, or national origin when renting housing.[199] However, under the "Mrs. Murphy exemption,"[200] dwellings intended to be occupied by four or fewer families are exempt if the owner lives in one of the units.[201] While this exemption effectively allows landlords of owner-occupied dwellings to discriminate when *selecting* tenants, it does not allow them to do so in *advertising* available units.[202] If viewed as a lease agreement, the Mrs. Murphy exemption would allow most on-site hosts, or those individuals hosting owner-occupied housing, to discriminate against guests seeking accommodations on short-term rental platforms.

In contrast, Title II of the Civil Rights Act entitles all persons "to the full and equal enjoyment of the goods, services, facilities, privileges, advantages, and accommodations of any place of public

195. *Cope*, 855 P.2d at 1086.

196. *Id.* at 1087.

197. *Id*.

198. 42 U.S.C. § 3601 (2012).

199. *Id.* § 3604(a) (rendering it unlawful "[t]o refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of race, color, religion, sex, familial status, or national origin.").

200. For a discussion of the history, legacy, and effect of the Mrs. Murphy exemption, *see generally* James D. Walsh, *Reaching Mrs. Murphy: A Call for the Repeal of the Mrs. Murphy Exemption to the Fair Housing Act*, 34 HARV. C.R.-C.L. L. REV. 605 (1999).

201. 42 U.S.C. § 3603(b)(2).

202. Walsh, *supra* note 200, at 606 n.5.

accommodation."[203] Public accommodations include "any inn, hotel, motel, or other establishment which provides lodging to transient guests."[204]

Scholars Nancy Leong and Aaron Belzer argue that platforms like Airbnb should be viewed as public accommodations and therefore subject to Title II of the Civil Rights Act. As Leong and Belzer note, "if the traditional economy business that a [platform economy business] is replacing is a public accommodation, then it makes sense to categorize the two in the same way. To act differently would move an increasingly large number of businesses outside the scope of our civil rights enforcement mechanisms."[205] This issue is particularly salient in light of discriminatory practices among Airbnb users and concentrations of wealth along racial lines effected by short-term rental accommodations.

B. Host Accountability Measures

1. Updated Zoning Laws and Licensing Requirements

In response to the growth of homesharing platforms, many jurisdictions have created a new type of land use in their zoning ordinances. The new zoning categories accommodate short-term rental land use, reflecting the multifaceted purposes of the properties. When coupled with corresponding licensing requirements, the creation of a short-term rental land use category creates a new revenue stream for the jurisdiction.

Pursuant to its Shared City Initiative,[206] the City of Portland partnered with Airbnb to create a regulatory framework to levy and collect taxes, as well as a new category of housing in its planning code—the Accessory Short-Term Rental (ASTR).[207] This new category intends "to allow for a

---

203. 42 U.S.C. § 2000(a).

204. *Id.* § 2000(b)(1). However, a public accommodation does not include "an establishment located within a building which contains not more than five rooms for rent or hire and which is actually occupied by the proprietor of such establishment as his residence." *Id*.

205. Nancy Leong & Aaron Belzer, *The New Public Accommodations: Race and Discrimination in the Platform Economy*, 105 GEO. L.J. 1271, 1301 (2017) (noting that "[l]ike the public accommodations traditionally covered by Title II of the Civil Rights Act, [platform economy businesses] are held out as open to the public, so ensuring that such entities do not engage in race discrimination comports with the purpose of that legislation . . . . Finally, analogous precedent from the disability arena favors a conclusion that [platform economy businesses] are public accommodations").

206. Brian Chesky, *Shared City*, MEDIUM (Mar. 26, 2014), https://medium.com/@bchesky/shared-city-db9746750a3a [https://perma.cc/V3PH-FH7M].

207. NAT'L LEAGUE OF CITIES, PORTLAND HOMESHARING REGULATIONS https://www.nlc.org/portland-homesharing-regulations [https://perma.cc/QE5X-C8D5]; *Accessory Short-Term Rental Permits*, CITY OF PORTLAND, OR., https://www.portlandoregon.gov/bds/65603 [https://perma.cc/ED9M-5XYT]. The Shared City initiative also includes a program through which

more efficient use of residential structures, without detracting from neighborhood character, and ensuring that the primary use remains residential" while at the same time "provid[ing] an alternative form of lodging for visitors who prefer a residential setting.[208]

Under Portland's ordinance, "an accessory short-term rental is where an individual or family resides in a dwelling unit and rents bedrooms to overnight guests for fewer than 30 consecutive days."[209] There are two types of ASTRs. The Type A ASTR applies to single family homes "where the resident rents no more than 2 bedrooms to 5 overnight guests."[210] To operate this type of ASTR, a host must secure a short-term rental permit, which "includes a safety inspection as part of the permit approval and neighborhood notification."[211] Under a Type A ASTR, the "resident must occupy the dwelling unit for at least 270 days during each calendar year, and . . . the bedrooms . . . must be within the dwelling unit the resident occupies."[212]

In contrast, the Type B ASTR is one where the resident rents between 3 and 5 bedrooms to overnight guests.[213] The City assumes that "most Type B Accessory Short-Term Rentals will be operated in 1 & 2 Dwelling Structures" and "applies if [the] dwelling unit is in a structure with 1 or 2 dwelling units" even if it is part of a multi-dwelling development.[214] As with a Type A ASTR, the operator of a Type B ASTR must acquire a permit and "occupy the dwelling unit for at least 270 days" each calendar year, and the "bedrooms rented to guests must be within the dwelling unit that the resident occupies."[215]

Similarly, New Orleans created new categories of property to regulate the effects of Airbnb. Its Short-Term Rental (STR) Administration is "responsible for licensing of short-term rental facilities and enforcement

---

hosts can donate a portion of their Airbnb earnings to a local cause. Chesky, *supra* note 206. These donations are matched by Airbnb as a percentage of the company's fees. *Id.*

208. PORTLAND, OR., PLANNING CODE § 33.207.010 (2017).

209. *Id.* § 33.207.020(A).

210. *Accessory Short-Term Rental Permits*, *supra* note 207.

211. *Id.*

212. PORTLAND, OR., PLANNING CODE § 33.207.040(A)(1).

213. PORTLAND, OR., PLANNING CODE § 33.207.050. *See also Accessory Short-Term Rental Permits*, *supra* note 207 ("Proposals that include rental of 6 or more guestrooms at one time are not considered Accessory Short-Term Rentals. Additional Commercial Building Code and Zoning Code regulations apply.").

214. *Type B Accessory Short Term Rentals (3–5 Bedrooms)*, CITY OF PORTLAND, OR., https://www.portlandoregon.gov/bds/66821 [https://perma.cc/SB23-U397]. *See generally* PLANNING CODE § 33.207.050.

215. PORTLAND, OR., PLANNING CODE § 33.207.050(A)(1).

of the standards regulating their operation."[216] The City distinguishes between three types of Short-Term Rentals: (1) commercial; (2) temporary; and (3) accessory.[217] Reportedly, most applicants are receiving temporary short-term rental licenses, with more than half of applications resulting in a successful license.[218]

In a New Orleans commercial short-term rental, neither an owner nor tenant can occupy the property.[219] The license duration is year-long and the cost of a license is $500 per unit.[220] A temporary rental is also unoccupied by the owner or tenant.[221] A property owner, or tenant with a letter of permission from the owner, can apply for a license to operate the rental for no more than ninety days.[222] The cost of a temporary short-term rental license is $150 per unit or only $50 per unit if the applicant is an owner with a Homestead Exemption.[223] The final zoning category, the accessory short-term rental, is limited to three bedrooms, with occupancy capped at six guests.[224] One bedroom in the dwelling is reserved for the owner, who must be present during any short-term rental occupancy.[225] The applicant must be a property owner with a Homestead Exemption. The license duration is year-round and costs $200.[226] "This provision applies to half of a duplex . . . if the owner lives in one of the units. Airbnb opponents consider this a major loophole, saying it encourages owner-landlords to convert their second unit to a short-term rental."[227] Portland and New Orleans typify the attempts of local jurisdictions to grapple with homesharing by creating new categories of property and corresponding licensing requirements. Other jurisdictions, like Massachusetts, take this

---

216. *Short-Term Rental Administration*, CITY OF NEW ORLEANS, https://www.nola.gov/short-term-rentals/ [https://perma.cc/H6JP-A2VG].

217. NEW ORLEANS, LA., CITY ORDINANCE § 27-209 (2016).

218. *Examining Short-Term Rentals in New Orleans*, CITY OF NEW ORLEANS, https://data.nola.gov/stories/s/6kd7-6nca [https://perma.cc/ZM3C-S4HT].

219. *Id.*

220. *Id.*

221. *Id.*

222. *Id.* (The license duration is "90-days continuous or must apply for additional license if separate time during the year"). *See also* NEW ORLEANS, LA., CITY ORDINANCE § 26-614 (2019).

223. NEW ORLEANS, LA., CITY ORDINANCE § 26-617.

224. NEW ORLEANS, LA., CITY ORDINANCE § 27-209, art. 21.6.II.2 (2016); *see also Short Term Rental Zoning Restrictions*, *supra* note 100.

225. NEW ORLEANS, LA., CITY ORDINANCE § 27-209, art. 21.6.II.2; *see also Short Term Rental Zoning Restrictions*, *supra* note 100.

226. *STR License Fees*, CITY OF NEW ORLEANS, https://www.nola.gov/short-term-rentals/str-licensing-requirements/str-license-fees/ [https://perma.cc/9DJN-FV8W].

227. Peck & Maldonado, *supra* note 3.

a step further by mandating that Airbnb hosts carry insurance.[228]

A new zoning classification, for example, does not answer the question of whether an Airbnb guest is akin to a tenant or a lodger. This is important for many reasons, including what happens when a guest overstays. Whereas a tenant who violates their lease is entitled to due process through an eviction proceeding, an innkeeper can quickly eject a lodger.

Moreover, while a host must meet certain requirements before the city will issue a license, the host and property are not subject to the same regulations as a hotel. Commercial properties are subject to safety and health standards and, unlike private rental properties, are inspected regularly to ensure compliance. While private homes must adhere to the local building code, nearly all jurisdictions in the United States lack proactive inspection ordinances that would require homes to be inspected before a non-owner may contract to stay at the property.[229]

The creation of a new zoning category and licensing requirements, on their own, fail to address concerns about discrimination and racialized aggregation of wealth on short-term rental platforms. As currently implemented in most jurisdictions, there are no quotas for the number licenses that may be distributed in a given area. This may exacerbate gentrification and affordable housing loss in certain neighborhoods. Unless this approach is combined with other policies, changes to neighborhood composition and racial impacts will go unchallenged.

2. Taxation on Short-Term Rental Properties

Cities and localities that have legitimized short-term rental programs often levy a tax in addition to licensing and registration fees, thereby creating a new revenue stream for the jurisdiction. These taxes predominantly fall into two categories: occupancy taxes and value added taxes.

Occupancy taxes, also known as lodging tax, room tax, sales tax, tourist tax, or hotel tax, are a tax on the rental of rooms for a given period of time.[230] While these taxes are often paid by the guest, the responsibility to

---

228. MASS. GEN. LAWS, ch. 175, § 4F (2019); *see also* Matt Stout, *Baker Signs Long-Awaited Airbnb Bill, Opening New Era for Industry*, BOS. GLOBE (Dec. 28, 2018), https://www.bostonglobe.com/metro/2018/12/28/baker-signs-long-awaited-airbnb-bill-opening-new-era-for-industry/gyCoryp9D15nLPYxYk5cTN/story.html [https://perma.cc/QYP5-DDQA].

229. Emily Benfer & Allyson Gold, *There's No Place Like Home: Reshaping Community Interventions and Policies to Eliminate Environmental Hazards and Improve Population Health for Low-Income and Minority Communities*, 11 HARV. L. & POL'Y REV. S1, S27–S28 (2017), https://harvardlpr.com/wpcontent/uploads/sites/20/2013/11/BenferGold.pdf[https://perma.cc/PKW7-NXXY].

230. Kerra J. Melvin, *Technology, Travel Companies & Taxation: Should Expedia Be Required to Collect and Remit State Occupancy Taxes on Profits from Facilitation Hotel Room Rentals?*, 8 WASH.

remit taxes to the government falls on the host. For example, in San Francisco, Airbnb hosts are subject to the Transient Occupancy Tax (TOT). TOT is a 14% tax levied on short-term rental agreements, defined as renting a unit "for periods of less than 30 consecutive nights."[231] Under the law, hosts must file monthly tax assessment statements, remit monthly TOT payments to the city, hold an approved TOT Certificate of Authority[232] issued by the city's office of the treasurer and tax collector, and hold all valid licenses and permits from the San Francisco departments of police, fire, public health, and building inspection.[233] However, to incentivize exclusivity agreements, hosts who only list their properties on Airbnb "are not required to submit TOT filings or obtain a separate Certificate of Authority."[234] Taxes were part of contentious legislation proposed to regulate Airbnb in San Francisco. Before legalizing short-term rentals, advocates demanded that city counsel require Airbnb to pay nearly twenty-five million in back taxes to the city.[235] The final version of the bill, however, did not include that provision.

Unlike hotels, which collect and remit their own taxes, Airbnb has taken on that role for hosts in many jurisdictions. Airbnb has agreements with tax authorities in several jurisdictions to "collect and remit local taxes on behalf of hosts."[236] In Portland, for example, under the Shared City Initiative, Airbnb agreed to act as a limited Transient Lodging Tax Code collection and remittance agent of hosts who book on Airbnb's platform.[237] Providing this service eliminates administrative difficulties

---

J. L. TECH. & ARTS 43, 46 (2012) (noting that occupancy taxes are generally levied "'for the purpose of promoting convention and tourist activity'").

231. *Transient Occupancy Tax (TOT)*, CITY & CTY. S.F. TREASURER & TAX COLLECTOR, https://sftreasurer.org/tot [https://perma.cc/K334-KZ2Z].

232. *See id.* A Certificate of Authority allows the host to collect the Transient Occupancy Tax. *Id.*

233. *Become a Certified Host*, S.F. OFFICE SHORT-TERM RENTALS, https://shorttermrentals.sfgov.org/hosting/become-certified [https://perma.cc/5HNB-MEEB].

234. *San Francisco, CA*, AIRBNB, https://www.airbnb.com/help/article/871/san-francisco—ca [https://perma.cc/76CA-QPQF].

235. SAMAAN, AIRBNB, *supra* note 26, at 32; *see* Steven T. Jones, *SF Supervisors Vote to Legalize and Regulate Airbnb's Short-term Rentals*, S.F. BAY GUARDIAN (Oct. 7, 2014), http://sfbgarchive.48hills.org/sfbgarchive /2014/10/07/sf-supervisors-vote-legalize-and-regulate-airbnbs-short-term-rentals/ [https://perma.cc/3G4Y-PU23].

236. In doing so, Airbnb will calculate occupancy taxes and collect them from guests at the time the reservation is made. Afterward, Airbnb will remit the taxes to the local tax authority on behalf of the host. *In What Areas is Occupancy Tax Collection and Remittance by Airbnb Available?*, AIRBNB, https://www.airbnb.com/help/article/653/in-what-areas-is-occupancy-tax-collection-and-remittance-by-airbnb-available [https://perma.cc/F5EY-JVEK].

237. TRANSIENT LODGING TAX AGREEMENT BETWEEN AIRBNB, INC., AND THE CITY OF PORTLAND REVENUE BUREAU (July 1, 2014), https://www.documentcloud.org/documents/1223398-

that may otherwise disincentivize hosts from participating in the short-term rental market, which allows the platform to expand its market share. In Portland, it is the only website operator permitted to collect and remit taxes to the city, further incentivizing hosts to list on Airbnb's platform and not with any competitors. Airbnb currently provides this service in forty-four states[238] and thirteen countries.[239]

In many countries outside the United States, Airbnb rental agreements are subject to a value added tax (VAT). VAT is a consumption tax levied on goods and services.[240] Over 160 countries levy a VAT, "including every economically advanced nation except the United States."[241] The VAT "is deducted from [the host's] payout and is based on the total host service fee for a reservation."[242] Airbnb automatically includes VAT on reservations made in many countries in Asia, Europe, the Middle East,

---

lodging-tax-agreementbetween-airbnb-and-the.html#document/p3/a167055 [https://perma.cc/F4TC-UJJL]; Chesky, *supra* note 206. Airbnb promoted the partnership as a mechanism to streamline certain administrative processes, such as collection and remittance of taxes. However, the regulations effectuating the program do not directly speak to these issues. *Frequently Asked Questions*, CITY PORTLAND (Mar. 8, 2019), https://www.portlandoregon.gov/revenue/article/415034#AgreementbetweenAirbnbandCoP [https://perma.cc/SE6X-3L5Y]. Instead, Airbnb contracted to take on this responsibility in an agreement with the City of Portland Revenue Bureau. *See Occupancy Tax Collection and Remittance by Airbnb in Oregon*, AIRBNB, https://www.airbnb.com/help/article/2324/occupancy-tax-collection-and-remittance-by-airbnb-in-oregon [https://perma.cc/5NC7-MS94].

238. These states are: Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, District of Columbia, Florida, Idaho, Illinois, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Michigan, Minnesota, Missouri, Mississippi, Montana, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, Wisconsin, and Wyoming. *In What Areas is Occupancy Tax Collection and Remittance by Airbnb Available?*, *supra* note 236.

239. In addition to the United States, these countries are: Bermuda, Brazil, British Virgin Islands, Canada, France, Germany, India, Italy, Mexico, Netherlands, Portugal, and Switzerland. *Id.*

240. A detailed discussion of taxes is beyond the scope of this article. However, "[w]hat distinguishes a VAT from the retail sales taxes common throughout the U.S. states is that the VAT is levied on each transaction in the production chain, rather than being collected only at the retail stage, with business being able to obtain full credit or an immediate deduction for VAT paid on inputs (including capital goods) offset against the VAT collected on outputs." Kathryn James, *Exploring the Origins and Global Rise of VAT*, *in* THE VAT READER: WHAT A FEDERAL CONSUMPTION TAX WOULD MEAN FOR AMERICA 17–18 (Christopher Bergin et al. eds., 2011).

241. *What is a VAT?*, URB.-BROOKINGS TAX POL'Y CTR. (2016), https://www.taxpolicycenter.org/briefing-book/what-vat [https://perma.cc/BA3J-39UE].

242. *What is VAT and How Does it Apply to Me?*, AIRBNB (Feb. 20, 2019), https://www.airbnb.com/help/article/436/what-is-vat-and-how-does-it-apply-to-me [https://perma.cc/B24K-QDZH] ("In Japan, Japanese Consumption Tax, or JCT, is applicable instead of VAT. In Australia and New Zealand, Goods and Services Tax, or GST, is applicable instead of VAT.").

and the South Pacific.[243]

Other jurisdictions levy taxes unique to Airbnb specifically to offset harms to the local housing market. In New Orleans, in addition to a hotel/motel sales tax[244] and a hotel occupancy privilege tax,[245] hosts are subject to an assessment of one dollar for every night of occupancy.[246] This additional dollar benefits the city's neighborhood housing improvement fund.[247] Established in 1991 "to improve neighborhood housing and combat blight," the New Orleans City Council voted in 2015 to "dedicate[] the fund to actual home improvements and affordable housing efforts."[248] Between April 2017 and February 2018, Airbnb claims to have contributed nearly $550,000 to the Fund.[249] As of August 2018, Airbnb competitor HomeAway has proposed increasing the contribution from $1 per listing to 2%, and applying the fee "to all lodging accommodations — including hotels and bed and breakfasts."[250] These taxes and assessments are important in light of the effect of short-term rentals on affordable long-term housing stock.

Occupancy taxes serve to legitimize Airbnbs while also creating additional revenue for the local government. For example, Massachusetts officials estimate that the state's tax on Airbnb may raise at least $25 million annually.[251] State and local governments must allocate levied taxes for programs and activities that will address negative externalities correlated with Airbnb. If the money is earmarked specifically for

---

243. *Id.* ("Airbnb charges VAT on its service fees for customers from Albania, Belarus, Iceland, Norway, Russia, Saudi Arabia, Serbia, South Africa, Switzerland, Taiwan, the Bahamas, the European Union and the United Arab Emirates. In Japan, JCT applies to the hosts and the guests. In Australia and New Zealand, GST applies to the hosts and the guests . . . . Airbnb is also required to collect VAT on its service fees from all users who contract with Airbnb China.").

244. NEW ORLEANS, LA., CITY ORDINANCE § 27-218 (2016).

245. *Id.*

246. NEW ORLEANS, LA., CITY ORDINANCE § 70-415.1 (2019).

247. *Id.*

248. Michael Anderson, *Housing Trust Fund: One Answer to Gentrification in New Orleans*, HOUS. TR. FUND PROJECT (2015), https://housingtrustfundproject.org/one-answer-to-gentrification-in-new-orleans/ [https://perma.cc/93KT-SUCU] ("The Greater New Orleans Housing Alliance released an in-depth affordable housing report as part of the HousingNOLA Planning Process. 'The preliminary report details the lack of affordable housing that will continue to grow if not addressed. While median income has dropped in our city, the average fair market rent has risen nearly 50% in recent years. The report includes other issues that have caused affordable housing to decrease significantly since the storm, but the final plan due out in November will also provide solutions that the [Neighborhood Housing Improvement Fund] funding will now also help to address.'").

249. Kevin Litten, *HomeAway Floats New Policy for New Orleans Short-Term Rentals*, TIMES-PICAYUNE (Aug. 3, 2018, 12:22 AM), https://www.nola.com/news/politics/article_%2082bb6236-d8da-5fab-8c78-ac6de58f9efc.html [https://perma.cc/5DQ9-HQTP].

250. *Id.*

251. Stout, *supra* note 228.

affordable housing and anti-displacement measures, such as building new or preserving existing affordable housing, rent stabilization programs, and other measures, then taxation may offset some of the harms associated with the proliferation of short-term rentals.

However, if the money is instead funneled into a general fund, then taxation will serve as another mechanism to concentrate resources in certain communities. For example, if a city levies taxes on short-term rental accommodations and uses the money to invest in schools and public works—both laudable projects—without also taking steps to preserve affordable housing, then those benefits will accrue to individuals and families who can afford to remain in the community as home values and rents increase.

C. Restrictions on Eligible Hosts, Length of Rentals, and Available Locations

To prevent a decrease of affordable housing stock, policymakers have imposed limitations on who is eligible to rent out short-term accommodations. They have also restricted which units can be listed on sharing platforms, as well as limited the number of nights units can be occupied exclusively by guests.

1. Limitations on Eligible Hosts and Properties

Airbnb was founded on the premise that hosts could earn extra money by renting out available space—a spare room or even a couch—in their homes. As the model exploded in popularity, the profile of hosts changed. Instead of mom and pop hosts, it is common for owners of multiple properties to make available several whole-home listings on Airbnb, functioning as commercial property owners. As discussed in detail above, this practice decreases available long-term housing and contributes to an increase in rental prices. To combat these effects, some jurisdictions have restricted who may serve as an Airbnb host, particularly when listing un-shared units.

In San Francisco, for example, only permanent residents may become short-term rental hosts.[252] Under the city's ordinance no. 218-14, a permanent resident is a "person who occupies a Residential Unit for at least 60 consecutive days with intent to establish that unit as his or her

252. *Short-Term Residential Rental Starter Kit*, S.F. BUS. PORTAL (June 27, 2017), https://businessportal.sfgov.org/start/starter-kits/short-term-rental [https://perma.cc/92JX-WU6N]; *see also* S.F., CAL., ADMIN. CODE § 214-8(41A.4) (2019).

primary residence."[253] Owners of multi-family dwellings may only list the unit in which they reside.[254]

In Los Angeles, the definition is even more restrictive. Los Angeles short-term rental hosts may only rent their primary residence, defined as where the host lives for more than six months of the year.[255] Further, no host "may apply for or obtain more than one Home-Sharing registration or otherwise operate more than one" home share at a time in Los Angeles.[256] By limiting Airbnb hosts to permanent residents listing their residential units, San Francisco and Los Angeles aim to prevent landlords from evicting tenants to operate illegal hotels.

Another approach is to place limitations on short-term rentals based on characteristics related to the underlying properties themselves, rather than the host. In Los Angeles, "a Primary Residence that is subject to affordable housing covenants, and/or . . . [rent stabilization], and/or [is] income-restricted under City, state, or federal law, is not eligible for Home-Sharing."[257] Under a 2018 West Hollywood, California ordinance, homesharing is prohibited in the following types of properties: (1) "any residential dwelling unit where the property owner and homeowners' association has not given their express, written approval to do so;" (2) "any rental unit;" (3) "any inclusionary housing or other income-restricted housing unit;" and (4) "any location not approved for residential use."[258]

Limitations on eligible hosts and properties attempt to avoid commercialization of the short-term rental market. However, while limiting hosts to permanent residents may succeed in defending against out-of-town-speculators with no ties to the community, prohibiting renters from serving as Airbnb hosts raises concerns about concentrations of wealth. As Airbnb noted, "the [West Hollywood] Council's decision to block renters — who make up nearly 80% of the community — eliminates a viable source of income for those who would benefit the most. Home sharing should not be a privilege reserved for the fortunate few who own

253. S.F., CAL., ADMIN. CODE § 218-14(41.A.4) ("A Permanent Resident may be an owner or a lessee.").

254. *Short-Term Residential Rental Starter Kit*, *supra* note 252.

255. L.A., CAL., MUNICIPAL CODE § 12.22(A)(32)(b)(9) (2019).

256. *Id.* § 6(32)(c)(2)(ii)(d).

257. *Id.* § 6(32)(c)(2)(ii)(b).

258. WEST HOLLYWOOD, CAL., MUNICIPAL CODE § 5.66.020 (2019). The ordinance also prohibits homesharing in properties that have been vacated pursuant to the Ellis Act, a California state law that allows landlords to exit the rental housing market. *See* CAL. CODE § 7060–7060.7 (2019).

homes in West Hollywood."[259]

2. *Annual Limits*

Many jurisdictions place a firm limit on the number of days that a primary residence may be rented in a calendar year. Following cities like Paris and London, which limit rentals to 120 and 90 days respectively, Amsterdam limits hosts to renting thirty nights annually.[260]

While several cities limit the number of unhosted rentals, regulations are typically relaxed when the home is shared with the permanent resident. In San Francisco, unhosted rentals are limited to ninety days each year.[261] However, when a host is "home overnight at the same time as [the] guests, there is no limit on the number of rentals per year."[262] In Santa Monica, California, renting an entire residence for less than thirty days is banned completely. [263] However, Santa Monica hosts may rent a couch or extra room if they will be present in the home.[264] Likewise, the New York State "Multiple Dwelling Law" prohibits renting an entire home in a dwelling occupied by three or more families living independently from each other for less than thirty days, but permits rentals of less than thirty days when the host is present.[265]

3. *Limiting Short-Term Rentals in Certain Areas*

To prevent the erosion of neighborhood character, some jurisdictions severely limit which neighborhoods may have short-term rentals. In New Orleans, short-term rentals are banned from most of the iconic French Quarter.[266] In Tuscaloosa, Alabama, short-term rentals are strictly limited

---

259. *WeHo City Council Gives Final Approval to Short-Term Apartment Rental Ban*, WEHOVILLE (Mar. 6, 2018), https://www.wehoville.com/2018/03/06/weho-city-council-gives-final-approval-ban-short-term-apartment-rentals/ [https://perma.cc/A7UA-WNTD].

260. Mallory Locklear, *Amsterdam Will Limit Airbnb Rentals to 30 Days Per Year*, ENGADGET (Jan. 10, 2018), https://www.engadget.com/2018/01/10/amsterdam-airbnb-rental-30-day-limit/ [https://perma.cc/JZA2-7QS8].

261. *Short-Term Residential Rental Starter Kit*, *supra* note 252.

262. *Id.*

263. Hailey Branson-Potts, *Santa Monica Convicts its First Airbnb Host Under Tough Home-Sharing Laws*, L.A. TIMES (July 13, 2016, 3:28 PM), https://www.latimes.com/local/lanow/la-me-ln-santa-monica-airbnb-conviction-20160713-snap-story.html [https://perma.cc/P4AL-EF9N].

264. This is also true in West Hollywood, California, under § 5.66.050 of the West Hollywood Municipal Code. *Id.*

265. N.Y. MULTIPLE DWELLING LAW § 4(7)–(8) (2019).

266. *Short Term Rental Zoning Restrictions*, *supra* note 100; Jeff Adelson, *Stricter Limits Will Hit New Orleans Short-Term Rentals After Council Vote; Here's What To Know*, NOLA.COM (Aug. 8, 2019, 2:17 PM), https://www.nola.com/news/article_c390da62-ba00-11e9-b876-237e289ed3ef.html

to only three areas of the city.[267] Moreover, city officials are currently contemplating legislation that would limit short-term rentals "[w]ithin property part of a locally designated historic district . . . [s]hort-term rentals will be limited to no more than one per block face."[268]

Similarly, officials in Barcelona passed a bill to restrict the location of tourist accommodations.[269] The law divides the city into four distinct zones. The first zone, located in the city center, does not allow for the expansion of tourist lodging establishments.[270] This means no new hotels may be constructed. And if one closes, it will not be replaced.[271] To control the number of Airbnb listings in these areas, the city is withholding licenses from new applicants.[272]

Other cities limit short-term rental density based on the neighborhood's zoned use. In January 2018, the Nashville City Council voted 19–3 to phase out non-owner occupied short-term rentals from areas zoned for residential use.[273] Under the ordinance, no non-owner occupied short-term rental property may be located within 1,320 feet from the property line of another such property in the single-family and one and two-family zoning districts.[274] In Nashville's "Urban Zoning Overlay" district, "no more than three percent (3%) of the single-family or two-family residential units within each census tract" may be used as non-owner occupied short-term rental properties.[275] In properties outside the Urban Zoning Overlay district, that number drops to one percent.[276] While this ordinance was eventually preempted by the "Short-Term Rental Act," enacted by the

---

[https://perma.cc/9R3C-2DJS].

267. *Short-Term Rentals*, TUSCALOOSA 311, www.tuscaloosa.com/str [https://perma.cc/RP5P-LVXQ].

268. CITY OF TUSCALOOSA ADMIN. & POL'Y COMM., SHORT-TERM RENTAL AMENDMENTS – 1/10/19 AS RECOMMENDED BY THE ADMIN AND POLICY COMMITTEE (Jan. 10, 2019), (on file with author).

269. AJUNTAMENT DE BARCELONA, EL PEUTA, LA PRIMERA REGULACIO DE CIUTAT PER A TOTS ELS ALLOTJAMENTS TURISTICS 4 (2016), http://ajuntament.barcelona.cat/premsa/wp-content/uploads/2017/01/170128-DOSSIER-ADEF-PEUAT.pdf [https://perma.cc/YT22-DWBH].

270. *Id.*

271. *Id.*

272. *Id.*

273. NASHVILLE, TENN., SUBSTITUTE ORDINANCE BL 2017-937, https://www.nashville.gov/mc/pdfs/misc_legislation/bl2017_937_sub.pdf [https://perma.cc/NRL7-BGW2]); Metro. Gov't of Nashville & Davidson Cty., Tenn., Roll Call Vote Substitute Bill BL2017-937, (Jan. 2, 2018), https://www.nashville.gov/mc/pdfs/roll_call_votes/bl2017_937_sub.pdf [https://perma.cc/7U9W-UJ87].

274. *Id.* § 6(1)(d).

275. *Id.* § 6(1)(c).

276. *Id.*

Tennessee General Assembly,[277] it illustrates an attempt by a local government to mitigate the negative effects of Airbnbs on permanent, long-term residents.

Limitations on the total number of permissible short-term rental accommodations within a given area may temper some of the negative externalities associated with the practice. A cap on the number of accommodations would slow down the rate of rent increase, as there would be fewer properties eligible to be converted from long term rentals to short-term accommodations. In turn, this would slow gentrification, thereby displacing fewer people and reducing the amount of commercially owned rentals in residential areas. This may result in fewer disruptions to the social fabric of individual neighborhoods in communities; a hard limit on the number of short-term rental accommodations in a given area would help prevent a situation in which a few legacy residents are surrounded by strangers in town only for a short period of time.

While a limitation may be effective to avoid rapid increases in rent and gentrification, this approach, as currently implemented, rewards early adopters. It also favors tech-savvy individuals and even commercial operators who have more familiarity and comfort with navigating an online platform and city administrative system. Those who became aware of the potential benefits of short-term rental listings after the first wave may be locked out of the market.

Rewarding early adopters has racial implications. Many groups have voiced concerns about under-utilization of short-term rental platforms by individuals and communities of color. Some advocacy groups, such as the National Association for the Advancement of Colored People (NAACP), encourage the use of short-term rental platforms by individuals of color as a way to increase their income and wealth.[278] Under a "race to the city

277. Under the Tennessee Short-Term Rental Unit Act, local Tennessee jurisdictions may not "[p]rohibit the use of property as a short-term rental unit" or restrict or otherwise "regulate a short-term rental unit based on . . . the unit's classification, use, or occupancy." S.B. 1086, 110th Gen. Assemb. (Tenn. 2018). The law further states that a local jurisdiction may only "[e]nact, maintain, or enforce a local law that regulates property used as a short-term rental unit if the local governing body demonstrates by clear and convincing evidence that the primary purpose of the local law is the least restrictive means to protect the public's health and safety." *Id.* The Short-Term Rental Unit Act specifically protects jurisdictions' ability to apply local land use laws such as zoning, noise, property maintenance, and nuisance to short-term rental properties. *Id.* This carve-out suggests that the "clear and convincing evidence" necessary to overcome the "least restrictive means" will require something more. *Id.*

278. *NAACP, Airbnb Partner to Promote Travel, Offer New Economic Opportunities to Communities of Color*, NAACP (July 26, 2017), https://www.naacp.org/latest/naacp-airbnb-partner-promote-travel-offer-new-economic-opportunities-communities-color/ [https://perma.cc/MTZ3-P98P].

administrator" system, communities that have been slow to warm to short-term rentals may lose their opportunity to benefit. Therefore, to avoid entrenching benefits to certain individuals, these regulations should allow late adopters to participate in the market.

D. Monitoring and Enforcement

Regulation of short-term rentals raises questions regarding enforcement. Despite official requirements, many hosts do not comply with licensing registration regulations. Even though Airbnb listings in Quebec in 2016 exceeded 19,000, Tourisme Quebec only "issued 967 permits for rental hosts out of 2,244 applications in the year since the law took effect on April 15, 2016."[279]

Quebec is hardly unique is this regard. In Portland, the Revenue Bureau "estimates that 93 percent of all hosts have *not* obtained the necessary permits, had their units inspected for building and safety compliance, or notified their neighbors of their intent to operate a short-term rental."[280] In San Francisco only 130 of over more than 5,000 hosts made appointments with city officials to obtain required permits as of February 15, 2015.[281] By March 2016, compliance in San Francisco had only improved to 1,647 registered out of the more than 7,000 listed.[282] There is some variation in penalties for lack of compliance. Most jurisdictions impose monetary penalties. In some, like Hong Kong, failure to procure a license may lead to two years of imprisonment.[283]

1. Liability for failure to comply

In response to lack of compliance, some jurisdictions enacted penalties against online platforms that list unlicensed short-term rentals. In June 2016, San Francisco's Board of Supervisors voted 10–0 to "provide for civil, administrative, and criminal penalties against Hosting Platforms for

---

279. Canadian Press, *Most Airbnb Hosts Not Registered in Quebec, 1 Year After Law Took Effect*, CBC (May 28, 2017, 12:52 PM), https://www.cbc.ca/news/canada/montreal/quebec-airbnb-law-not-effective-2017-1.4135041 [https://perma.cc/5XAS-YBEZ].

280. *See* SAMAAN, AIRBNB, *supra* note 26, at 31 (emphasis added).

281. *Id.* at 32 (reflecting data available as of February 15, 2015).

282. Stephen R. Miller & Jamila Jefferson Jones, *Airbnb and the Battle Between Internet Exceptionalism and Local Control of Land Use*, 31 PROB. & PROP. 36, 37 (2017).

283. Hotel and Guesthouse Accommodation Ordinance, (2001) Cap. 349, pt. II § 5(1) (H.K.) ("Any person who on any occasion operates, keeps, manages, or otherwise has control of a hotel or a guesthouse in respect of which neither of the conditions indicated in subsection (2) has been satisfied commits an offence and is liable on conviction to a fine of $200,000 and to imprisonment for 2 years and to a fine of $20,000 for each day during which the offence continues.").

violations of the Residential Unit Conversion Ordinance."[284] The ordinance requires platforms to "verify that a Residential Unit is on the City Registry prior to listing."[285] Failure to comply could result in fines of up to $1,000 each day.[286] In August 2016, San Francisco made it a "misdemeanor to collect a fee for providing booking services for the rental of an unregistered unit."[287]

Airbnb fought back. The company[288] filed suit against San Francisco, challenging the ordinance as: (1) preempted by the Communications Decency Act (CDA);[289] (2) an impermissible content-based speech restriction under the First Amendment; and (3) an imposition of a criminal strict liability.[290] The Northern District of California denied Airbnb's request for a preliminary injunction and the parties ultimately settled.

The agreement allows San Francisco to more effectively enforce short-term rental requirements. City Attorney Dennis Herrera stated that, under the terms of the settlement, "[t]he two largest (vacation rental services) will only include legal listings, and the city has the tools for quick, effective enforcement."[291] The agreement requires homesharing platforms to collect data on hosts who let their homes for less than a month. The information will be provided to city officials who will, in turn, use it to "vet and register hosts."[292] If the city notifies a homesharing platform of a non-compliant registration, the company must cancel any pending reservations and deactivate the listing.[293] The settlement does not eliminate the city's ability to fine companies like Airbnb up to $1,000 per violation if they do not remove illegal listings.[294]

---

284. San Francisco Bd. of Supervisors, 111 Meeting Minutes 423, 439 (June 7, 2016), https://sfgov.legistar.com/View.ashx?M=M&ID=498884&GUID=FA40CC05-BAAF-437E-A230-98C929849424 [https://perma.cc/4U2F-LMV4] (one member of the board abstained from the vote).

285. *Id.*

286. Alice Truong, *San Francisco Just Dealt Another Major Blow to Airbnb*, QUARTZ (June 7, 2016), https://qz.com/701857/san-francisco-just-dealt-another-major-blow-to-airbnb/ [https://perma.cc/E7BE-ZFTU].

287. Airbnb, Inc. v. City & Cty. of S.F., 217 F. Supp. 3d 1066, 1071 (N.D. Cal. 2016).

288. Airbnb was joined by HomeAway in the suit. *See id.*

289. 47 U.S.C. § 230 (2012).

290. *Airbnb, Inc.*, 217 F. Supp. 3d at 1067.

291. Carolyn Said, *Airbnb, HomeAway Settle SF Suit, Agree to Register All Local Hosts*, S.F. CHRON. (May 1, 2017, 7:17 PM), https://www.sfchronicle.com/business/article/Airbnb-settles-SF-suit-agrees-to-register-all-11112109.php [https://perma.cc/6FEJ-3SFS].

292. Katie Benner, *Airbnb Settles Lawsuit With Its Hometown, San Francisco*, N.Y. TIMES (May 1, 2017), https://www.nytimes.com/2017/05/01/technology/airbnb-san-francisco-settle-registration-lawsuit.html [https://perma.cc/63GR-2AU3].

293. *Id.*

294. *Id.*

The effects of the settlement have been striking. The *San Francisco Chronicle* hired Host Compliance[295] to collect and analyze data on the number of listings in San Francisco before and after the deadline for hosts to register with the City.[296] Ulrik Bizner, the company's CEO and founder, told the *Chronicle* that "[t]he regulations had a massive impact on the number of rentals in city, with an overall 55 percent reduction."[297] Many of these properties transitioned to the long-term rental market.[298]

Airbnb also reached settlement agreements with New York State and New York City following the passage of the Multiple Dwelling Law (MDL). Under the MDL, it is "unlawful to advertise occupancy or use of dwelling units in . . . a multiple dwelling that is occupied for permanent residence purposes."[299] Fines under the MDL can reach $7,500 per violation.[300] After challenging the legality of the penalties, Airbnb reached separate agreements with New York State and New York City.[301] Under the terms of the settlement, New York City agreed to enforce the MDL only against hosts and not fine the company.[302] Other local governments have backed away from similar penalties under the threat of litigation. As stated by Anaheim, California spokesperson Mike Lyster, "[a]fter considering federal communications law, we won't be enforcing parts of Anaheim's short-term rental rules covering online hosting sites . . . Instead, the city will continue to identify and take action against unpermitted short-term rentals operating in Anaheim."[303]

---

295. According to its website, Host Compliance is "the world's #1 provider of short-term rental compliance monitoring and enforcement solutions for local governments." HOST COMPLIANCE, www.hostcompliance.com [https://perma.cc/CB4K-87T7].

296. Carolyn Said, *A Leaner Vacation Rental Market*, S.F. CHRONICLE (Feb. 16, 2018), https://www.sfchronicle.com/business/article/SF-short-term-rentals-transformed-as-Airbnb-12617798.php [https://perma.cc/U7VJ-HVAX].

297. *Id.*

298. *Id.*

299. N.Y.C. ADMIN. CODE § 27-287.1(1) (2019); N.Y. MULTIPLE DWELLING LAW § 121(1) (2019).

300. N.Y.C. ADMIN. § 27-287.1(2); N.Y. MULTIPLE DWELLING LAW § 121(2).

301. Airbnb filed suit to challenge the MDL, alleging it was preempted by the CDA, violated hosts' rights under the First Amendment, violated the Due Process Clause, and violated the New York State Constitution's home rule clause. Complaint at 1–3, Airbnb, Inc. v Schneiderman, 989 N.Y.S.2d 786 (S.D.N.Y. Oct. 21, 2016) (No. 16-CV-08239).

302. *See generally* Miller & Jones, *supra* note 282, at 38 (discussing how Airbnb ultimately settled the case with New York State in November 2016, and with New York City in December 2016); *see also* Katie Benner, *Airbnb Ends Fight with New York City Over Fines*, N.Y. TIMES (Dec. 3, 2016), https://www.nytimes.com/2016/12/03/technology/airbnb-ends-fight-with-new-york-city-over-fines.html [https://perma.cc/6UM9-7K3Z].

303. Lily Leung, *Anaheim Won't Fine Websites Like Airbnb for Illegal Short-Term Rental Listings*, ORANGE CTY. REG. (Aug. 23, 2016, 12:00 PM), https://www.ocregister.com/2016/08/23/anaheim-

In some jurisdictions, Airbnb has taken on the role of enforcement agent to ensure compliance with local regulations. In Vancouver, pursuant to an agreement reached between the city and Airbnb, Airbnb will not allow hosts to register on the platform if they do not provide a city business license number.[304] This agreement places the onus of enforcement on Airbnb, rather than the city. Airbnb has a similar enforcement agreement with Portugal, with plans to develop another in Andalusia, Spain.[305]

2. Information sharing

In an effort to eliminate illegal listings, several jurisdictions are forcing Airbnb to share user data. In August 2018, New York City Mayor Bill DeBlasio signed a bill requiring online short-term rental platforms to provide information about bookings to the Mayor's Office of Special Enforcement.[306] Under the law, companies like Airbnb must provide the City with: (1) the address of the short-term rental; (2) the name and address of the rental host; (3) whether the short-term rental is for the entire unit or part of it; and (4) the number of days the unit is rented, among other information.[307] Failure to comply with the law may result in monetary fines.[308]

Other jurisdictions have been forced to take more aggressive measures. In 2014, the Malibu, California city council voted to authorize city officials to issue subpoenas to gather information on the scope of short-term rentals in the area.[309] The subpoenas enabled city officials to obtain

---

wont-fine-websites-like-airbnb-for-illegal-short-term-rental-listings/ [https://perma.cc/A26Y-83W9].

304. Frances Bula, *Airbnb Agrees to Help Vancouver Enforce New Short-Term Rental Rules*, GLOBE & MAIL (Apr. 11, 2018), https://www.theglobeandmail.com/canada/british-columbia/article-airbnb-agrees-to-help-vancouver-enforce-new-short-term-rental-rules/ [https://perma.cc/34ZY-WN3Y].

305. *Id.*

306. *See* N.Y.C. ADMIN. CODE § 26-2101-5 (2019).

307. In addition, the law also requires platforms to provide information related to fees and the URL of the listing. *Id.*

308. *Id.*

309. Matt Stevens & Martha Groves, *Malibu to Crack Down on Short-Term Rentals via Airbnb, Other Websites*, L.A. TIMES (May 27, 2014, 8:09 PM), https://www.latimes.com/local/la-me-malibu-renting-20140528-story.html [https://perma.cc/U3Q4-6TJ9] ("The City Council voted this month to authorize officials to issue subpoenas to more than 60 websites that advertise short-term leases. Malibu wants to learn how many short-term rentals are being offered and to make sure the city is getting what could be hundreds of thousands of dollars in uncollected hotel taxes.").

information from more than sixty online homesharing platforms.[310] Similarly, Chicago's short-term rental ordinance includes a section that speaks to data collection and reporting requirements.[311] Under the ordinance, every licensee must submit to the department, *every two months*, a report that includes information on: (1) the total number of short-term residential rentals listed on the platform; (2) the total number of nights that each short-term residential rental listed on the platform was rented during the reporting period; (3) the amount of rent paid by guests; (4) the total amount of tax paid to the city in connection to the rental; (5) a cumulative tally to date of the number of nights that each short-term residential rental listed on the platform is booked; and (6) a notation indicating each short-term residential rental listed on the platform that the department has determined is ineligible under city code.[312]Airbnb has taken steps to challenge measures designed to compel data sharing. In response to the 2018 New York City law, Airbnb filed suit, alleging "an extraordinary act of government overreach" in violation of the First and Fourth Amendments.[313] For now, the court agrees with Airbnb. The U.S. District Court for the Southern District of New York granted a preliminary injunction to stop New York's law from taking effect; "[t]he City has not cited any decision suggesting that the governmental appropriation of private business records on such a scale, unsupported by individualized suspicion or any tailored justification, qualifies as a reasonable search and seizure."[314] While an analysis of the First and Fourth Amendments is beyond the scope of this Article, such data collection is consistent with the underlying purpose of host licensing practices. Shielding information about hosts openly violating the law by not registering with the local government withholds "critical data [the City] needs to preserve [its] housing stock, keep visitors safe, and ensure residents feel secure in their homes and neighborhoods."[315]

310. *Id.*

311. CHI. MUN. CODE § 4-13-240 (2019).

312. *Id.*

313. Shirin Ghaffary, *Airbnb is Suing New York City So It Won't Have to Share User Data About Its Hosts*, VOX (Aug. 24, 2018, 4:16 PM), https://www.vox.com/2018/8/24/17779208/airbnb-suing-new-york-city-user-data-hosts-privacy-brian-chesky [https://perma.cc/7J38-2WQW].

314. Airbnb, Inc. v. City of New York, 373 F. Supp. 3d 467, 492 (S.D.N.Y. 2019).

315. Ghaffary, *supra* note 313.

E. Policies to Address Discriminatory Practices and Concentrations of Wealth Along Racial Lines

1. Policies to Reduce Discrimination on Online Short-Term Rental Platforms

Airbnb is aware of discrimination against guests and hosts on its platform. CEO and Co-founder Brian Chesky called discrimination "the greatest challenge we face as a company."[316] To address the issue, Airbnb requires all users to accept the Airbnb Community Commitment.[317] By doing so, the user agrees to "treat everyone in the Airbnb community . . . with respect, and without judgment or bias."[318]

Additionally, the site encourages hosts to allow instant booking. A discretionary choice for hosts, "Instant Book listings don't require approval from the host before they can be booked. Instead, guests can just choose their travel dates, book, and discuss check-in plans with the host."[319] To entice hosts to allow Instant Book, Airbnb promotes the practice as a way for hosts to reach Superhost status.[320] Demarcated with a badge on the host's profile, the Superhost designation communicates superior accommodations and service, which may translate into increased bookings.[321]

Instant Book eliminates some of the hallmarks of the sharing economy like personal interaction between hosts and guests, and building relationships between strangers. Instead, Instant Book allows Airbnb to function much more like an online hotel reservation process, where there is no opportunity for a hotel manager to accept or reject a lodger. Instant Book decreases opportunities for discrimination against guests but has firm limitations. First, Instant Book is not mandatory. Hosts may choose whether to use the feature. Hosts that forgo Instant Book are free to discriminate against guests. Second, because guests retain access to

316. *Diversity at Airbnb*, AIRBNB, www.airbnb.com/diversity/ [https://perma.cc/KB27-TPWM].

317. *General Questions About the Airbnb Community Commitment*, AIRBNB, https://www.airbnb.com/help/article/1523/general-questions-about-the-airbnb-community-commitment [https://perma.cc/JXT7-VAEJ].

318. The full Community Commitment states, "I agree to treat everyone in the Airbnb community—regardless of their race, religion, national origin, ethnicity, disability, sex, gender identity, sexual orientation, or age—with respect, and without judgment or bias." *Id.*

319. *What is Instant Book?*, AIRBNB, https://www.airbnb.com/help/article/523/what-is-instant-book [https://perma.cc/XP5T-CGPA].

320. *Id.*

321. *What Is a Superhost?*, AIRBNB, https://www.airbnb.com/help/article/828/what-is-a-superhost [https://perma.cc/NA7N-VTHD].

personal information about prospective hosts, including photo, name, and any other information the host chooses to include in his profile, there remains potential for discrimination against hosts of color.

2. *Collaboration to Increase Short-Term Rental Optimization Among Minorities*

In 2017 Airbnb partnered with the NAACP to expand Airbnb to minority communities and recruit minority hosts.[322] Under the agreement, Airbnb and the NAACP partnered to "conduct targeted outreach to communities of color to help more people use their homes to earn extra income."[323] Notably, the partnership included a revenue-sharing agreement under which "Airbnb will share 20 percent of the earnings it receives as a result of these new community outreach initiatives with the NAACP."[324] The earnings of Airbnb hosts are unaffected by the revenue sharing.[325]

In Miami, the Florida NAACP is targeting minority residents in the neighborhoods of Miami Gardens and Little Haiti.[326] Through its partnership with Airbnb, the Florida NAACP will

> educate local black entrepreneurs on the opportunities that come with increased tourism traffic. For some, that could be the additional income from hosting guests; for others it could be setting up the ancillary business that cater to tourists—like restaurants and retail—or that cater to hosts—like cleaning, plumbing, and painting services.[327]

Neither Airbnb nor the NAACP have yet released outcome data about

---

322. Tracy Jan, *Faced with Complaints of Discrimination, Airbnb Partners with NAACP to Recruit Black Hosts*, WASH. POST (July 26, 2017, 8:34 AM), https://www.washingtonpost.com/news/wonk/wp/2017/07/26/faced-with-complaints-of-discrimination-airbnb-partners-with-naacp-to-recruit-black-hosts/ [https://perma.cc/C9JD-DPR3].

323. *NAACP, Airbnb Partner to Promote Travel, Offer New Economic Opportunities to Communities of Color*, *supra* note 278.

324. In addition to revenue sharing, the agreement outlines the following commitments: community outreach and education, a diverse employee base, and supplier diversity. *Id.*

325. *Id.*

326. Chabeli Herrera, *To Fight Discrimination, Airbnb Wants More Black Miami Residents to Rent Their Homes*, MIAMI HERALD (May 15, 2018, 5:39 PM), https://www.miamiherald.com/news/business/article211165439.html (last visited Oct. 18, 2019).

327. *Id.* The partnership has since expanded to Los Angeles, Atlanta, and Seattle. *See* Ernie Suggs, *Short-Term Home Rental Site Partners with NAACP to Attract Black Hosts in Atlanta*, ATLANTA J.-CONST. (Apr. 14, 2019), https://www.ajc.com/news/airbnb-partners-with-naacp-attract-black-hosts/jL7lVydk49fn6pdx2Q6kIP/ [https://perma.cc/NT2X-V4L5]; Keerthi Vedantam, *Airbnb, NAACP Partner to Get More People of Color to Become Homesharing Hosts in Seattle*, SEATTLE TIMES (June 5, 2019, 6:51 PM); https://www.seattletimes.com/business/airbnb-naacp-partner-to-get-more-people-of-color-become-airbnb-hosts/ [https://perma.cc/BF8W-HHBQ].

their partnership. If successful, this partnership may be a model to accrue economic gains realized through the short-term rental market to communities of color.

IV. RECOMMENDATIONS

As discussed, current short-term rental accommodation law fails to adequately mitigate harms associated with the proliferation of Airbnbs. Policymakers must implement a multi-faceted regulatory strategy that allows users to reap the benefits of short-term rentals while minimizing undesirable community consequences. However, these strategies will not be as effective without registering and licensing all Airbnb units. Licensing and registration will help jurisdictions to monitor the growth of the short-term rental and its continued effects throughout the community. Hosts should not be able to list an accommodation on Airbnb without first registering with the local government and obtaining a license number. This number should be listed on the online Airbnb listing to signal to potential guests that the host has taken necessary steps to comply with local law. Hosts that falsify licenses should be penalized and banned from the platform. Longitudinal empirical analyses will ensure that regulations are having the intended effects in the community.

The following recommendations speak to the core principles of short-term rental policy reform, but it is also imperative that policymakers engage the community in their response.[328] Particular laws may vary from jurisdiction to jurisdiction, reflecting the residents' needs in those communities. For example, a beach community in the Outer Banks of North Carolina that has a culture and economy predicated on tourists may adopt more generous laws regarding the length of time that a short-term rental may be listed, compared to a city with a large population of low-income tenants and an acute affordable housing problem. While engaging the community will produce laws that vary by, but meet the acute needs of, local jurisdictions, policymakers must adopt approaches that conform to the following overarching principles: protect affordable housing stock, prevent hotelization of residential neighborhoods, create avenues for diversity of wealth accumulation, and eliminate opportunities to discriminate on homesharing platforms.

328. Benfer & Gold, *supra* note 229, at S48 (discussing the need for participatory approaches to resolve issues affecting the community at large).

A. Protect Affordable Housing Stock

As hosts realize additional income and equity from underutilized resources, market pressure increases to convert long-term rentals to short-term accommodations.[329] However, doing so depletes local affordable housing stock. Given the dearth of affordable rental housing,[330] the pressure to convert long-term rental stock to the Airbnb market stresses an already under-resourced market.

Airbnb is aware of its ability to contribute to affordable housing. In September 2019, the company "announced a new community impact investing program that will invest $25 million in projects supporting affordable homeownership, small businesses, and the construction and preservation of affordable housing."[331] The program currently operates in the San Francisco Bay Area and Los Angeles County.[332] While an important step, it will take more to preserve and create affordable housing in affected communities across the country.

To combat further erosion of affordable housing stock, local governments should collect a fee from Airbnb hosts that goes directly into an affordable housing fund.[333] This fee may be collected at the time of licensing and registration, or could be levied as an annual tax on Airbnb hosts. This money would then be used to preserve and create additional affordable housing within the jurisdiction. To be effective, it is imperative

---

329. WACHSMUTH ET AL., HIGH COST OF SHORT-TERM RENTALS, *supra* note 23, at 3.

330. INGRID GOULD ELLEN & BRIAN KARFUNKEL, N.Y.U. FURMAN CTR./CAPITOL ONE NATIONAL AFFORDABLE RENTAL HOUS. LANDSCAPE, RENTING IN AMERICA'S LARGEST METROPOLITAN AREAS 6 (2016), https://furmancenter.org/files/NYU_Furman_Center_Capital_One_National_Affordable_Rental_Housing_Landscape_2016_9JUNE2016.pdf [https://perma.cc/M7RS-EQDT] ("While the rental stock [between 2006 and 2014] grew, the population grew faster than the stock in [the 11 largest metropolitan areas in the U. S.] and in metro areas nationwide. As changes in demand exceeded changes in supply, vacancy rates decreased, the average number of people living in a rental unit increased, and, in most areas, rents rose.").

331. Maleesa Smith, *Airbnb Invests $25 Million in Bay Area Affordable Housing*, HOUSINGWIRE (Sept. 20, 2019, 5:08 PM), https://www.housingwire.com/articles/50201-airbnb-invests-25-million-in-bay-area-affordable-housing/ [https://perma.cc/KT7E-6HTN] (noting that of the program, Airbnb Co-Founder and CEO Brian Chesky stated, "I want Airbnb to be a 21st Century Company that serves all our stakeholders, including the communities our hosts and guests call home").

332. *Id.*

333. Jurisdictions are already considering such measures to offset community effects of other sharing economy companies. In light of the fact that Uber and Lyft accounted for two-thirds of a 62% increase in San Francisco traffic over six years, the city is considering proposals to tax ride-sharing net fares as well as congestion pricing. Rachel Swan, *Uber, Lyft Account for Two-thirds of Traffic Increase in SF Over Six Years, Study Shows*, S.F. CHRONICLE (May 8, 2019, 7:19 PM), https://www.sfchronicle.com/bayarea/article/Uber-Lyft-account-for-of-traffic-increase-in-13830608.php [https://perma.cc/FT32-QMS4]. For discussion of New Orleans's Neighborhood Housing Improvement Fund, see *supra* section III.B.2.

that the amount of the affordable housing set-aside is based on empirical data to ensure that the funds can meaningfully offset the effects of short-term rentals.

Policymakers could also consider enacting a marginal affordable housing tax rate on additional Airbnb properties. For example, the affordable housing tax on a host's first property may be lower than on the second and third. A successive increase in taxes would not prevent hosts from reaping economic benefits, but would proportionately correspond with the increasing need to preserve and create affordable housing that results from additional short-term rental accommodations. An affordable housing fund will have the added benefit of slowing gentrification.[334] This, in turn, will promote economic and racial diversity.[335]

Additionally, policymakers must take steps to protect the rights of existing long-term tenants. Laws must prohibit Airbnb hosts from listing units under any type of rent control or rent stabilization. Programs like these "regulate[] the amount of rent the landlord may charge for an apartment."[336] A prohibition on rent control units prevents would-be hosts from profiting from regulations intended to promote affordable housing.

Further, rental housing law must protect tenants from abuse of just cause eviction laws.[337] In some jurisdictions, such as San Francisco and Washington, DC, a landlord may not evict a tenant without cause, such as failure to pay rent or a lease violation.[338] However, there are often exceptions for landlords who plan to occupy the unit. To prevent abuse, landlords found to have listed the vacated unit as a short-term rental accommodation within twelve months of a personal use eviction should be subject to fines and banned from listing on Airbnb for a certain period of time.

---

334. *See* Vicki Been, *What More Do We Need to Know About How to Prevent and Mitigate Displacement of Low- and Moderate-Income Households from Gentrifying Neighborhoods?*, *in* A SHARED FUTURE: FOSTERING COMMUNITIES OF INCLUSION IN AN ERA OF INEQUALITY 377–78 (Christopher Herbert et al. eds., 2018) (writing about revenue generation as a way to slow gentrification).

335. *Id.*

336. *Directory of NYC Housing Programs: Rent Regulation*, N.Y.U. FURMAN CTR., http://furmancenter.org/coredata/directory/entry/rent-regulation [https://perma.cc/7758-8554].

337. Aimee Inglis, *Just Cause Evictions and Rent Control*, *in* PROTECT TENANTS, PREVENT HOMELESSNESS 22 (Nat'l Law Ctr. on Homelessness & Poverty ed., 2018), http://nlchp.org/wp-content/uploads/2018/10/ProtectTenants2018.pdf [https://perma.cc/P2TF-BR3X] ("Just cause eviction laws require landlords to give a reason for evicting tenants. Just cause eviction laws have been shown to motivate landlords to increase and improve maintenance of rental housing and to stabilize rental markets.").

338. Marie Claire Tran-Leung, *Limiting Use of Criminal Records*, *in* PROTECT TENANTS, PREVENT HOMELESSNESS, *supra* note 337, at 35.

B. Prevent Hotelization of Residential Neighborhoods

Preventing hotelization—fundamentally changing the nature of residential neighborhoods through proliferation of commercial accommodations—is essential to control noise and unsanitary conditions, and maintain a community's social fabric. This can be accomplished by a variety of measures. First, laws should limit the number of short-term rentals in a given neighborhood or block. Such a measure would prevent whole areas from converting Airbnbs, effectively stranding long-term residents in a tourist district.

Second, local governments should contemplate limits on the number of licenses that a single individual may hold. Some jurisdictions may enact a policy that limits hosts to only listing their own home, while others may allow for multiple listings, depending on the needs and desires of the local community. In light of the needs and desires of the local community, the number may vary from jurisdiction to jurisdiction. However, by including a limit, lawmakers prevent commercial property owners from operating unofficial hotels.

Finally, short-term rental accommodation policy should restrict the number of days a whole-home accommodation may be rented in a given year. Renting a spare room or couch in one's home and a whole-home accommodation are different types of accommodations, with different effects on the local community. The law should treat them as such. In a hosted accommodation, the long-term resident is present at the home.[339] This decreases the likelihood of negative externalities on the surrounding community, such as improper trash disposal. Further, because the permanent resident is present, the social fabric of the community is maintained. In contrast, a whole home listing leads to a revolving door of short-term residents who are unfamiliar with neighborhood policies and lack the motive to invest socially in the community.[340] Given the disparate effects, lawmakers should cap the number of nights a whole-home accommodation may be listed in a given year.

C. Create Opportunities for Diversity of Wealth Accumulation

While policymakers must take steps to limit Airbnb density and prevent the hotelization of residential neighborhoods, regulations must create meaningful opportunities for a multiplicity of hosts to realize economic benefits of short-term rental accommodations. First, licensing and registration should not be limited to those with an ownership interest in a

339. *Supra* section II.A.4.
340. *Supra* section II.A.4.

property. While an individual lease agreement may prohibit subletting a home, the municipality should not take it upon itself to prevent renters from participating in the short-term rental market. This limitation unnecessarily precludes individuals who typically have fewer assets than homeowners and are arguably more in need of additional income to achieve economic stability from a lucrative market.

Allowing renters to participate in the Airbnb market will also limit the tendency of short-term rental economic benefits to accrue disproportionately to wealthy white users. "Across racial groups, more than 80 percent of wealth in one's primary residence [i]s held by white households."[341] Moreover, the majority (60%) of housing wealth is held by the top twenty percent of households.[342] Given the concentration of Airbnb eligible properties among affluent white hosts, it is critical that policies allow hosts with diverse racial and economic backgrounds to participate in the market.

Second, efforts to limit the number of Airbnb licenses issued in a particular jurisdiction or neighborhood should not entrench Airbnb rights, and consequent benefits, to early adopters and those with the technological literacy and experience to be first to the registration office. In jurisdictions that limit the number of Airbnbs in a given area, short-term rental licenses are typically awarded on a first come, first serve basis. This distribution pattern rewards those with the knowledge and ability to quickly enter the short-term rental market; those with fewer resources and/or technological prowess may be late to market. Instead, licenses should be distributed by lottery and should only be valid for a set period of time, such as two years. After this time, the license should expire, and all interested parties would have the opportunity to apply via the lottery. The city of Cannon Breach, Oregon operates an example lottery.[343] In Cannon Beach, parties may apply for a five-year short-term rental permit.[344] Such permits are awarded by random selection and, after the expiry of the initial period, applicants may not be considered for a new permit in the next cycle.[345] Lottery systems, like that implemented by Cannon Beach, address valid density concerns while providing

341. Bivens, *supra* note 59, at 7 ("African American households held just 6.5 percent of wealth in primary residences, Hispanic households held 6.0 percent . . . .").

342. *Id.* at 6–7.

343. *Obtaining a Five Year Unlimited Short-term Rental Permit*, CITY OF CANNON BEACH (2017), https://www.ci.cannon-beach.or.us/sites/default/files/fileattachments/planning/page/9711/five-year_handout.pdf [https://perma.cc/LZ5T-NACC].

344. *Id.* at 3.

345. *Id.* at 6.

opportunities for a diversity of hosts.

D. Eliminate Opportunities to Discriminate on Homesharing Platforms

As the Congressional Black Caucus noted in its letter to Airbnb CEO Brian Chesky, it is "seemingly so easy to discriminate against someone via Airbnb's internet platform."[346] Eliminating discrimination on the platform will require lawmakers and Airbnb to enact a variety of measures. First, lawmakers must categorize unhosted Airbnb listings as public accommodations under Title II of the 1964 Civil Rights Act.[347] Doing so will provide minority guests with powerful recourse if their requests to book available listings are denied. Local government should regularly investigate compliance using testers. This practice involves "the use of individuals who, without any bona fide intent to rent . . . pose as prospective [guests] for the purpose of gathering information."[348]

Airbnb must also take steps to eliminate discrimination on its platform. When making a booking for a whole home rental, Airbnb should consider limiting or withholding personal information about guests and hosts, such as name and photo, until after the reservation is confirmed. Hosts and guests would still have an opportunity to access reviews, but would not be able to base their booking decisions on perceptions of race.[349]

Airbnb started this process in October 2018 when it announced that it was changing its policy regarding guest profile photos.[350] Under the

---

346. Letter from the Congr. Black Caucus to Brian Chesky, *supra* note 133.

347. Like owner occupied tenancy, hosted Airbnbs fall under Title II's Mrs. Murphy exemption. Scholar Norrinda Brown Hayat argues that rather than exposing a "'soft spot' in our discrimination laws where Title II may be eluded . . . . Title II is applicable to the sharing economy presently and . . . the Mrs. Murphy exception is inapplicable to a large number of hosts." Norrinda Brown Hayat, *Accommodating Bias in the Sharing Economy*, 83 BROOK. L. REV. 613, 615–16 (2018) (providing a comprehensive overview of Title II and literature on the Mrs. Murphy exception).

348. *Fair Housing Testing Program*, U.S. DEP'T JUST., https://www.justice.gov/crt/fair-housing-testing-program-1 [https://perma.cc/ARJ5-WE2G].

349. Empirical research suggests that, even with retaining demographic information, the inclusion of reviews can reduce discrimination on the platform. "We find that in the absence of a review, an accommodation request made by a guest with an African American–sounding name is 19 percentage points less likely to be accepted by Airbnb hosts. However, a positive review can significantly reduce the observed racial discrimination based on a name's perceived racial origin." Ruomeng Cui, Jun Li & Dennis J. Zhang, *Reducing Discrimination with Reviews in the Sharing Economy: Evidence from Field Experiments on Airbnb*, MGMT. SCI. 17 (2019), *available at* https://pubsonline.informs.org/doi/pdf/10.1287/mnsc.2018.3273 (last visited Nov. 11, 2019).

350. *Update on Profile Photos*, AIRBNB (Oct. 22, 2018), https://www.press.airbnb.com/update-on-profile-photos/ [https://perma.cc/8R9Y-Z5GV].

updated policy, guests will not be required to provide a photo.[351] For guests that choose to upload a photo, Airbnb will not release the image to a prospective host until after the booking is accepted.[352] If a host cancels the reservation after receiving the photo, Airbnb states that guests will have "an easy way" to contact the company with discrimination concerns, though it does not elaborate on the process.[353] This is an important step from Airbnb to eliminate discrimination on its platform. However, by only applying to guests, it does not address discrimination experienced by hosts. Further, as studies exposed, users can use other personal information, like a name, to discriminate against guests.

Withholding all identifying information while providing access to reviews would better decrease discrimination against both guests and hosts. For hosts, this would provide a mechanism to obtain parity in asking rates, thereby allowing hosts of color to enjoy the same economic benefits from Airbnb as their white counterparts. For guests, withholding information would prevent racism from affecting their opportunity to use and enjoy available accommodations.

Additionally, Airbnb should require hosts to provide a reason when rejecting a booking. The benefit of this is twofold: (1) it would force hosts to pause and think about whether they have a legitimate reason to reject a booking request; and (2) it would alert Airbnb to patterns of discriminatory behavior. Finally, in cases presenting a credible claim of discrimination, Airbnb should place a hold on the user's account, not allowing any new reservations until an investigator looks into the claim and resolves it.

CONCLUSION

Airbnbs can provide a boon to hosts and guests. By converting a previously underutilized asset into a short-term rental accommodation, hosts gain a new income stream and increase their home equity. Guests, too, benefit from Airbnb's platform, as the accommodations are typically more affordable than traditional hotels and provide an opportunity to "live like a local." These gains, however, come at a cost. While individual hosts and guests may benefit economically, the local housing market experiences significant change in the form of fewer affordable housing options and erosion of neighborhood social capital. At the same time, discrimination on Airbnb's platform means that the benefits and consequences are not evenly distributed, with economic gains accruing

351. *Id.*

352. *Id.*

353. *Id.*

disproportionately to white users. As Airbnbs continue to gain popularity, it is essential that legal strategies support their economic benefits while curtailing community harms. Adopting multi-faceted and comprehensive approaches are necessary to protect affordable housing stock, prevent hotelization of residential areas, and create meaningful opportunities to benefit from participation in the short-term rental market.

REAL ESTATE

The Airbnb Effect On Housing And Rent

Gary Barker Former Contributor
I write about sales and rental property trends in the UK.

Follow

New!
Follow this author to stay notified about their latest stories.
Got it!

Feb 21, 2020, 06:54am EST

This article is more than 2 years old.



Airbnb currently hosts over 7 million listings and is active in more than 100,000 cities across 220 ... [+] SHUTTERSTOCK

The Wall Street Journal reported earlier this month that Airbnb had recorded a $322 million (£248.65 million) net loss in the first nine months to September in 2019. That's a considerable drop from the $200-million profit reported by the world's largest online marketplace for lodgings in 2018.

For a company with a valuation of $31 billion, according to Pitchbook in 2017, it's a sign that the horn of this start-up unicorn might just be a carrot ahead of its hotly anticipated public IPO later this year.

However, although this is disappointing news for Airbnb stakeholders and investors, cities and countries around the world suffering from extended housing crises may celebrate its diminishing market influence.

The influence of the so-called 'Airbnb effect' on local housing markets has grown into a significant cause for concern, particularly when looking at its impacts on housing stock, prices and communities.

But even if Airbnb really is damaging local housing markets, can anything be done to stop the hugely popular, multi-billion-dollar juggernaut?

The cost of the world's largest holiday platform

MORE FROM FORBES ADVISOR

Best Travel Insurance Companies

By **Amy Danise** Editor

Best Pandemic Travel Insurance Plans

By **Amy Danise** Editor

Airbnb currently hosts over 7 million listings and is active in more than 100,000 cities across 220 countries and regions. It's not lacking in vision either – Airbnb aims for 1 billion guests annually by 2028.

The platform is widely enjoyed for its access to holiday lets ranging from single rooms to entire properties, varying in quality and affordability, *and* offering a markedly different experience to that found in a hotel.

AD



Then there are the clear economic benefits for local economies that stand to gain from the increase in tourists supported with a wider variety of affordable and available holiday listings. Homeowners and landlords also benefit, as turning their rooms and properties into short-term lets can offer an alternative and lucrative source of revenue.

But in recent years the impact of Airbnb's service on local economics and rental markets has come under the spotlight. And analysis conducted by the Economic Policy Institute, a non-profit, non-partisan American think tank, found that the economic costs of Airbnb likely outweigh the benefits:

'While the introduction and expansion of Airbnb into cities around the world carries large potential economic benefits and costs, the

costs to renters and local jurisdictions likely exceed the benefits to travellers and property owners.'

The 'Airbnb effect' is to some extent remarkably similar to gentrification in that it slowly increases the value of an area to the detriment of the indigenous residents, many of whom are pushed out due to financial constraints.

Cities, popular ones especially, seem to fare the worst. In major cities such as Amsterdam, Barcelona, Edinburgh, and Los Angeles, studies on the 'Airbnb effect' have found that over-tourism facilitated by platforms such as Airbnb negatively impacts on house prices and communities.

The short-term rental sector is just as affected. Research conduced by the *Harvard Business Review* across the US found that Airbnb is having a detrimental impact on housing stock as it encourages landlords to move their properties out from out of the long-term rental and for-sale markets and into the short-term rental market.

A separate U.S. study found that a 1% increase in Airbnb listings leads to a 0.018% increase in rents and a 0.026% increase in house prices. It might not seem like much on the surface but there's a cost creep for those looking to rent long-term or buy.

It would be a mistake to say all markets are equal, but housing markets in the U.S. have a socioeconomic cousin across the pond, and for the city with the world's highest number of Airbnb listings, it should indicate a warning.

A case study: What's happening in the U.K?

Airbnb's U.K. growth has been rapid and extensive. If you were wondering which global city has the greatest number of Airbnb

listings, it's London, with over 80,000 listings – and 55% plus of these listings are for entire properties.

Some see this as an opportunity for agents, that 2020 could be the 'year of Airbnb'. That certainly could be true for short-term landlords, and agents looking to take a bite of that market. But of this I would be wary, as short-term gain can undermine long-term sustainability.

A recently published report from the London-based economic research consultancy Capital Economics, commissioned by ARLA, analysed the scale of U.K.'s short-term lets sector and the wider implications for the private rented sector. The research found that active listings on Airbnb in the U.K. increased from 168,000 in 2017 to 223,000 in 2018 – that's a 33% leap, and a significant market share of the growing U.K. lettings market. It's also not the whole picture though, as data for similar short-term lettings services like Booking.com and Homeaway are unavailable.

The report further showed that 2.7% of the U.K.'s 1.5-million strong landlord population have already made the switch from long-term rental properties in the private rented sector to short-term lets, equating to 50,000 homes made unavailable to long-term tenants.

And worryingly, around 10% of U.K. landlords surveyed responded that they are considering moving their private rented properties to the short-term market.

The factors behind this are myriad, but over one-third of landlords surveyed acknowledged that it was because of changes to mortgage interest relief, which from April this year will be reduced to a 0% deductible.

Other forms of long-term regulation including higher stamp duty, the Tenant Fees Act, and the abolishment of Section 21 legislation currently under consideration are also cited as factors persuading landlords in the buy-to-let sector that the grass is greener on the other side.

Here's the kicker. If every landlord in that 10% does move their properties to the short-term market, up to an estimated 470,000 properties would be removed from the private rented housing supply – around 8.7% of the entire U.K. rented sector stock. And that would significantly stretch already strained housing supply.

I've said previously that supply and demand in the lettings market is a leaking ship that threatens to capsize landlords and tenants if not navigated correctly through rough waters. If more stock is moved into the short-term lettings market through platforms like Airbnb it could have collateral impacts on the wider market.

Airbnb claims that between July 2017 and July 2018, the U.K. economy gained £3.5 billion from hosts and guests using the platform, with an estimated 8.4-million inbound guests using the platform over this period.

Great for the economy, you might think? But a healthy housing market is the real bedrock of a healthy economy, and the U.K. housing market is not in great straits at the moment.

Restrained confidence and uncertainty due to the earlier election and Brexit are only now loosening up. But whilst market confidence is returning, low stock in both the sales and rental markets is pushing up prices.

The latest Home Asking Price Index reports that total sales stock is down 10.1% year-on-year in February; and it's worse for the rental

sector, with the supply of available rental properties in the U.K. down 18% over the same period.

Low supply and increasing rents in the U.K. are a major concern. The latest official government statistics on U.K. rental housing show that private rents have increased 1.5% year-on-year in the 12 months to January 2020. But an extended trend outlook reveals that between January 2015 and December 2019, private rents increase by 8.6%. That's a significant increase.

It's even worse for the London, Airbnb's bread and butter. According to Rightmove, asking rents in the capital have increased almost twice as quickly compared with the rest of the U.K.

Many Londoners are now paying more than half their income on rent each month. And with more than 1 in 50 London homes listed as short-term lets, it's questionable whether Airbnb can continue its free reign throughout the capital and the U.K. when the country is in such dire need for affordable housing stock.

Pushing back against the short-let industry

With spiralling costs fuelling a chronic housing crisis, the voices calling for regulation of Airbnb-style short-term lets are getting louder.

The U.K. lags behind other countries when it comes to regulation for short-term letting sites like Airbnb, and it might be time to reconsider that. Research unveiled by *The Guardian* on February 20 reveals that in some parts of the U.K. one in four homes is an Airbnb listing.

Simultaneously produced research from the publication highlights that Airbnb's presence in certain barrios (neighbourhoods) in Spain has pushed rent increases by as much as 50%, forcing locals to

move to more affordable areas. It's a warning sign the U.K. would do well to take note of.

Several countries and cities have started to push back against Airbnb and other short-term lettings platform because of the impacts felt on local communities and housing costs:

Berlin has enforced restrictions against short-term lets on platforms like Airbnb since 2016, requiring landlords to acquire a permit if they want to rent 50% or more of their main residence as a short let.

New York City is currently embroiled in a legal battle with Airbnb regarding the turn-over of host data. In fact, since launching in 2008, Airbnb has been involved in at least 11 lawsuits against an American city or state, with the majority of cases taking place within the last two years.

Edinburgh will soon bring in a licensing scheme from 2021 empowering councils to regulate 'holiday-style' lets if they feel it's better for local communities. And in 'control areas', landlords will require planning permission before they can convert a whole property for short-term lets.

Perhaps to pre-empt any future legislation in London, Airbnb introduced in January 2017 the '90-Day Airbnb Rule', whereby short-term rentals for entire homes are capped at 90 days per year. But this has had mixed results, and research commissioned by City Hall has suggested that as many as 23% of London's approximately 80,000 listings at the time of study were in breach of the 90-day limit.

Airbnb has disputed the figures, claiming the data is wrong as it comes from third-party scrapers which it considers inaccurate.

There have been calls to introduce a licencing scheme for the rest of the U.K., similar to what's being introduced in Edinburgh. But this scheme is not being introduced by the government of city councils, it's an Airbnb initiative.

Who really has the lead on legislation?

Back in January, Airbnb won a significant victory in a top E.U. court to be ruled as an 'information society service', or an online platform rather than an estate agency, if you will. It means that they get to avoid stringent regulations in place across Europe affecting how the company operates, and for the time being (whilst the U.K. remains part of the E.U.) gives them stronger freedoms against regulation in cities such as London.

Airbnb is certainly happy with the result, but does it match with the platform's recent corporate pledge to make a 'positive contribution to society'? That could be the intended impression.

The platform this month kicked off a series of registration roadshows in cities across the U.K. The aim of which is to 'consult on proposals for a clear, modern and simple registration system for short-term rentals in collaboration with policymakers, communities and local hosts.' In a recent ITV interview, they stated that: "We are good partners to cities and we have worked with more than 500 governments and organisations around the world to help hosts share their homes and follow the rules. We were the first platform to work with London to limit how often hosts can share their homes and we have led calls for a national registration system in the UK."

It should be taken as a positive that Airbnb is trying to lead the way on responsible legislation. But forgive the cynic in me if I'm a little less optimistic. What's more likely is that Airbnb is well aware of

the impacts of their service in many cities and is trying to control the narrative and build a favourable impression ahead of their expected IPO later this year, whilst safeguarding against any threats towards their future revenues.

In summary

Whilst it's easy to slay Airbnb as the cause of rising prices and lack of rental stock in popular cities, one can't help but wonder if they aren't merely the backdoor escape for landlords that have been cornered into an impossible scenario, with everything from scrapped tenant fee bans to zero mortgage relief, to a list of compliancy legislation so lengthy that it's near impossible to self-manage a property, counting against them. Perhaps Airbnb is just the tip of the iceberg, where an unforgiving approach to landlords and a lack of government capacity to deliver on their house-building promises are the bulk of the problem that's propping up Airbnb as the visible, easily targeted problem.

Follow me on Twitter or LinkedIn.



Gary Barker

Follow

I am a Non-Exec with the Guild of Professional Agents and the Fine and Country Network. I was previously the CEO of Reapit and was responsible for... **Read More**

Editorial Standards

Reprints & Permissions

ADVERTISEMENT

TOWN OF LEDYARD, CONNECTICUT
PLANNING AND ZONING COMMISSION
EXHIBIT LIST

PZC APPLICATION: **Application PZ#22-15RA** of Jancarlo Sarita, 8 Story Rd., Salem MA, 01970 for a proposed amendment to Section 8.28 (Short-Term Rentals) of the Zoning Regulations.

HEARING DATE: Permit received 8/9/22; PH by 10/6/22

EXHIBIT#	DESCRIPTION:
#1	Application form and Proposed New Text
#2	SECOG Referral
#3	Notice to Applicant
#4	SECOG Letter
#5	Email from Craig and Michelle Nelson
#6	Miello Non-hosted STR Writeup
#7	Economic Policy Institute AirBnB Analysis
#8	Community Consequences of Airbnb
#9	Forbes Airbnb Article
Received September 7, 2022	
#10	Letter from Thomas Hepburn
#11	Letter from Paul & Susan Billing
#12	Letter from Stephen Brandon
#13	Letter from Pamela Bartlett
Received September 8, 2022	
#14	Letter from Christopher Willis

TOWN OF LEDYARD, CONNECTICUT
PLANNING AND ZONING COMMISSION
EXHIBIT LIST

TOWN OF LEDYARD, CT
PLANNING AND DEVELOPMENT DEPARTMENT

Revision to: 8.28 Short Term Rental (STRs) Regulations

September 8th, 2022

By:
Jancarlo Sarita – 5 Johnnie Court, Ledyard, CT 06339

SCOPE

- Summary of proposed Changes to 8.28
- Issues being address
  - Proposed solutions
- Demo



© SkyPics Studio, Shutterstock

PROPOSED CHANGES

ALLOW NON-HOSTED STRS

(1) Previsions and Controls are being put into place to limit number of guests, based on available bedrooms. This is included in the online advertising of the STR, and in the guests' handbook.

(13) Adding requirement that Host must be available within 2 hours, when required

ALLOW USE OF PROPERTIES SERVICED BY SHARED DRIVEWAYS

(14) Use allowed only after written consent is obtained from all property owners serviced by such shared driveway

NEW REQUIREMENTS

(16) Exterior video surveillance

(17) Special STR property Insurance

(18) Annual smoke and/or CO detectors inspection by the Fire Marshal

(19) Inspection by a CT Licensed Home Inspector

(21) Put a CAP on number of allowed STRs

SURVEILLANCE AND RECORDING

24-Hour active recording will be in place. Guests will be made aware that exterior of the house is under active surveillance before making a reservation. To be part of advertised information.

Recordings are stored in the cloud (away from guests' reach) for 14 days

ADDRESSING PAST ISSUES

NUMBER GUESTS ALLOWED

Short Term Rental platforms allow to specify the maximum number of guests STR

- AirBnB
- VRBO
- VACASA

Host knows how many guest are in the reservation ahead of time

ACCESS TO LIVESTREAMING AND RECORDINGS

Host will have access to their cameras via mobile device for monitoring on-going behavior or perform on demand recording, if needed.

ADDRESSING PAST ISSUES

NON-COMPLIANT GUESTS

Host has the right to either deny, or request that guests vacate premises, shall they break any of the rules set forth by the Host

24-Hour active recording will be in place. Access to these recordings will be given by the Host to zoning officials and law enforcement, shall the need arise

Recordings are stored in the cloud (away from guests' reach) for 14 days. Guests can not tamper with recorded material.



SURVEILLANCE DEMO

WYZE CAM SURVEILLANCE

Wyze Cam v3

https://www.youtube.com/watch?v=AbFAU7SMDSE

Wyze Cam Plus (Cloud Storage)

https://www.youtube.com/watch?v=GZqtuJ7QV-s

To whom it may concern,

The issue of short term rentals has been brought up recently. I believe that these rentals increase the value of properties in the area. Normally, fairly affluent people rent short term rentals. Whatever problems arise, such as noise, already established law can handle it. As long as the owner is able to monitor their guests and property with surveillance, as well as enforce a strict contract, this problem can be handled. Thank you.

Sincerely,
Touhidul Chowdhury
35 ledgewood drive Gales Ferry

To: Ledyard planning and zoning commission

I would like to state my support of short term rentals in our town including vacation rentals for families and couples which would mean non-hosted STR‘s.

In my neighborhood there have been two STR’s for many years and the property owners appear motivated and therefore quite effective at keeping everything under control and keeping everything looking nice.

I believe that if an incentive is added for all STR owner’s to keep everything under control, then it will not be that difficult to be able to do that. I know that sounds quite simple but it appears that this simple idea of incentive and enforcement is now able to be accomplished by the zoning official and can now be applied to non-hosted STR‘s.

I support STRs in Ledyard and I strongly believe that adding real enforcement should effectively eliminate the commonly reported problems and any potential fears associated with STRs.

Thank you for your consideration,
Steven Martic
59R-2 Long Pond Road South
Ledyard, CT
06339

From: Mish, Ted @ Springfield
Sent: Thursday, September 8, 2022 8:43 AM
To: Land.use.asst@ledyardct.or
Subject: Support of STR's for Ledyard Residents

Supporting the following zoning items, I would like to express my support to amend Ledyard's zoning regulations, to be able to permit both hosted and non-hosted short term rentals. My principal reason for supporting short-term rentals, especially non-hosted STR's, is that STR's have been shown in community after community to increase property values. I realize that some working class communities do not want an increase in property values, yet this is a huge benefit for most communities, especially those of us who already own our property. Several years ago I heard Linda Davis express her support of short term rentals because she felt they increased property values, and I agree with her. There appears to be an increase in affordable housing applications in Ledyard and a possible future increase is detached accessory dwelling units.
STR's will not only help to maintain and increase property values, but will also provide a greater tax base without increasing education budgets like affordable housing and ADU's.
This is only a good thing for the town of Ledyard since we do not have any real commercial tax offsets, this zoning of STR's would be the best choice for the town and the residents.

Ted Mish
Ledyard Resident

To the Ledyard planning and zoning offices,

Regarding short term rentals and banning of non-hosted rentals…. I don't understand why they are banned when it seems the only issues are with those properties that never bothered to follow any rules or even get a permit. And then some property owners are indeed making a great effort and don't seem to cause problems. Shouldn't adding enforcement be easy?

Please find a way to allow both hosted and non hosted STRS that are willing to follow rules and restrictions. I believe there can be a middle option here to satisfy both STR owners AND the neighbors. (And the town of ledyard who reaps the economic benefits!)

Thank you,

Marilyn Pullen
34 Blacksmith Drive
Ledyard, Ct. 06339

Sent from Yahoo Mail for iPhone

File #: 22-035 **Agenda Date:** 8/25/2022 **Agenda #:** B.

APPLICATION

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

Background:
(type text here)

Staff Comments:
(type text here)

Table of Contents

Chapter 1	**Authority, Purpose Retroactivity & Severability**		**1-1**
	1.1	Title	
	1.2	Authority	
	1.3	Purpose	
	1.4	Retroactivity	
	1.5	Severability	
Chapter 2	**Definitions**		**2-1**
	2.1	Interpretation and Use of Words	
	2.2	Definitions	
Chapter 3	**Establishment of Districts and Special Development Zones**		**3-1**
	3.1	Residential Zoning Districts	
	3.2	Non-Residential Zoning Districts	
	3.3	Special Non-Residential Zoning Districts and Development Zones	
	3.4	Zoning Map	
	3.5	Zoning District Boundaries	
	3.6	Permits and Applicability	
	3.7	Schedule of Uses	3-2
	3.8	Prohibited Uses	3-3
	3.9	Uses Subject to Moratorium	
Chapter 4	**Dimensional Regulations – General All Districts**		**4-1**
	4.1	Minimum Lot Area	
	4.2	Frontage	
	4.3	Setback Requirements	
	4.4	Exceptions	4-2
Chapter 5	**Residential Zoning District Regulations**		**5-1**
	5.1	Residential Zoning Districts	
	5.2	Dimensional Requirements: Residential Districts R20, R40 & R60	
	5.3	Schedule of Permitted and Specially Uses – Residential Districts	
	5.4	Special Residential Zoning Districts, Overlay and Developments	5-3
		5.4.1 Conservation and Open Space Subdivisions	
Chapter 6	**Non-Residential Zoning District Regulations**		**6-1**
	6.1	Non-Residential Zoning Districts: Districts and Purpose	
	6.2	General Guidelines: All Development, Cluster & Transition Districts	6-2
		6.2.1 Dimensional Requirements	
	6.3	General Commercial and Industrial Districts: Purpose	6-3
		6.3.1 Dimensional Requirements	
	6.4	Schedule of Permitted and Specially Permitted Uses	6-4
	6.5	Special Development Techniques and Floating Zones	6-5
		6.5.1 Technology Park District	
Chapter 7	**General/Miscellaneous Regulations**		**7-1**
	7.1	Antennas & Antenna Towers	

	7.2	Cemeteries	7-3
	7.3	Construction Trailers	
	7.4	Driveway, Residential	7-4
	7.5	Interior Lots	7-5
	7.6	Junk and Unregistered, Inoperable and/or Hobby Motor Vehicles	7-6
	7.7	Non-Conforming Uses, Structures, and Lots	7-7
	7.8	Portable Storage Unit	7-10
	7.9	Signs	
Chapter 8	**Supplemental Regulations**		**8-1**
	8.0	Applicability	
	8.1	Accessory Apartment/Accessory Dwelling Unit	
	8.2	Accessory Structures and Uses	8-2
	8.3	Adult Daycare Center	
	8.4	Assisted Living Facility	
	8.5	Agriculture (Farm & Farming)	
		8.5.1 Keeping of Animals/Home Husbandry	8-6
	8.6	Bed and Breakfast	8-8
	8.7	Campgrounds	8-9
	8.8	Child Daycare Center	8-10
	8.9	Commercial Caretaker Apartment, Accessory	
	8.10	Commercial Services	8-11
	8.11	Country Inn	
	8.12	Drive-Through Window	8-12
	8.13	Dwellings, Multiple Family	8-13
	8.14	Dwelling, Single-Family	
	8.15	Dwelling, Two-Family (Duplex)	
	8.16	Excavation (Filling or removal of Soil, Gravel and Stone)	8-14
	8.17	Home Occupation	8-16
	8.18	Hospital and Emergency Medical Facilities	8-19
	8.19	Hotel/Motel	
	8.20	Kennel, Commercial	8-20
	8.21	Membership Club	
	8.22	Mixed-Use (Residential & Commercial Uses)	8-22
	8.23	Mixed-Use (Commercial & Industrial Uses)	
	8.24	Motor Vehicle, Recreational Vehicle, Boat and/or Equipment repair Facilities	8-23
	8.25	Nursing Home and residential Care Home	
	8.26	Personal Service Establishment	
	8.27	Public or Private Utility Installations	
	8.28	Sawmills – Temporary	8-24
	8.29	Short-Term Rentals, Hosted	
	8.30	Small Wind Energy Systems	8-26
	8.31	Solar Energy Systems	8-29
	8.32	Temporary Forms of Outdoor Entertainment	8-30
Chapter 9	**Site Development Standards**		**9-1**
	9.0	Applicability	
	9.1	Intent	
	9.2	Sustainable Development	
	9.3	Landscape Design Standards and Requirements	9-2

	9.4	Parking Requirements and Design Standards	9-3
	9.5	Access Management	9-8
	9.6	Refuse Storage	9-11
	9.7	Outdoor Storage	
	9.8	Outdoor Merchandise Display	9-12
	9.9	Architectural Character, and Historic and Landscape Preservation	9-13
	9.10	Outdoor Illumination	9-14
	9.11	Stormwater Management & Soil Erosion and Sediment Control Requirements	9-15
	9.12	Consolidated Parcels	9-16
Chapter 10	**Applications Requiring Staff Approvals**		**10-1**
	10.1	Zoning Permit	
	10.2	Post-Development Certifications of Zoning Compliance	10-2
	10.3	Change of Non-Residential Use of Buildings and Properties	10-3
	110.4	Property Line Adjustment/Lot Division ("Free Split")	10-4
Chapter 11	**Applications Requiring Commission**		**11-1**
	11.1	Preliminary Concept Plan	
	11.2	Site Plan Application	
	11.3	Special Permit Application	11-8
	11.4	Text Amendment Application	11-12
	11.5	Zone Change Application	11-14
	11.6	Procedural Requirements	11-16
Chapter 12	**Coastal Area Management and Flood Protection**		**12-1**
	12.1	Coastal Area Management	
	12.2	Flood Protection	12-3
Chapter 13	**Administration and Enforcement**		**13-1**
	13.1	Enforcement	
	13.2	Violation Procedure	
	13.3	Fees	
Chapter 14	**Zoning Board of Appeals**		**14-1**
	14.1	Powers and Duties	
	14.2	Limitations on Use Variances	
	14.3	Procedures	
	14.4	Decisions	
	14.5	Following Approval	
	14.6	Floodplain Variances	14-2
Chapter 15	**Aquifer Protection Agency**		**15-1**
	15.1	Designation of Membership	
	15.2	Adoption of Regulations	
	15.3	Inventory of Land Use	
Appendices			
	Appendix A	History of Code Amendments	A-1

Appendix B	Site Plan Required Standard Elements (Check Sheet)	B-1
Appendix C	Single-Family or Duplex Dwelling Plan Required Standard Elements (Check Sheet)	C-1
	As-Built Check Sheet	C-3
Appendix D	Plot Plan Check Sheet	D-1

CHAPTER 1.0: AUTHORITY, PURPOSE, RETROACTIVITY & SEVERABILITY

1.1 **TITLE:** These Regulations were adopted in accordance with the provisions for notice and public hearing set forth in §8-3, Connecticut General Statutes, Revision of 1958, as amended and shall be known as the "Zoning Regulations, Town of Ledyard, Connecticut," and are referred to herein as "these Regulations."

1.2 **AUTHORITY**: These regulations are enacted pursuant to the provisions of Chapter 124, Connecticut General Statutes, Revision of 1958 as amended and serve as the Town's Comprehensive Plan in consideration of the Plan of Conservation and Development adopted under §8-23.

1.3 **PURPOSE**: The purpose of these regulations is to:

(A) lessen congestion in the streets; (B) secure safety from fire, panic, flood and other dangers; (C) promote health and the general welfare; (D) provide adequate light and air; (E) protect the state's historic, tribal, cultural and environmental resources; (F) facilitate the adequate provision for transportation, water, sewerage, schools, parks and other public requirements; (G) consider the impact of permitted land uses on contiguous municipalities and on the planning region, as defined in § 4-124i, in which such municipality is located; (H) address significant disparities in housing needs and access to educational, occupational and other opportunities; (I) promote efficient review of proposals and applications; and (J) affirmatively further the purposes of the federal Fair Housing Act, 42 USC 3601 et seq., as amended from time to time.

1.4 **RETROACTIVITY:** Nothing herein contained shall require any change to approved Site Plans, or to the construction or designated use of a building for which a building permit has been issued and construction shall have commenced, based upon regulations in effect prior to the effective date of these regulations (or any amendment thereto) if the development work is completed according to such plans within the period specified by CGS §8-3(i) & CGS §8-3(j). "Work" for purposes of this subsection, means all physical improvements required by the approved plan. The Commission can grant extensions as provided by law.

1.5 **SEVERABILITY:** If any part of these Zoning Regulations, the Attachments to these Zoning Regulations, and/or the Ledyard Zoning Map, is declared invalid and/or unenforceable for any reason, such invalidity or unenforceability shall not affect the validity or enforceability of the remainder of these Zoning Regulations, the Attachments to these Zoning Regulations, and/or the Ledyard Zoning Map, which shall remain in full force and effect.

CHAPTER 2.0: DEFINITIONS

2.1 INTERPRETATION AND USE OF WORDS

A. The following terms shall be interpreted as follows:

1. The masculine includes the feminine,
2. The singular includes the plural, and the present tense includes the future tense,
3. The word "person" includes an individual, firm or corporation, limited liability company, trust, and federally recognized tribe,
4. The word "shall" is always mandatory; the word "may" is permissive or discretionary,
5. The words "used" or "occupied," as applied to any land or building, shall be construed to include the words "intended, arranged, or designed to be used or occupied,"
6. Any reference to a residential district shall be interpreted to mean any district with the word "residence" in its title,
7. A building or structure includes any part thereof,
8. The words "zone", "zoning district", and "district" have the same meaning,

B. Words and Terms Defined: Words defined in Chapter 2.0 of these Regulations shall be interpreted as set forth in that Chapter.

C. Words and Terms Not Defined: Words and terms not defined in Chapter 2 of these Regulations shall be interpreted in accordance with the following hierarchy.

1. If the word or phrase is defined or used in the Ledyard Subdivision Regulations, it shall be interpreted to be consistent with such definition or usage.
2. If the word or phrase is defined in the Connecticut General Statutes, it shall be interpreted to be consistent with such definition.
3. A comprehensive general dictionary; e.g., Webster's Dictionary.

2.2 DEFINITIONS

ABANDONMENT: The discontinuance of a use of property with the intent by its owner to voluntarily, intentionally, and permanently renounce said prior use. Failure to maintain a use for a specific time period is not, by itself, sufficient to constitute abandonment.

ACCESS STRIP: A narrow strip of land, which forms an integral part of flag lot to provide frontage on a highway and vehicular access from the highway to the remainder of the lot.

ACCESS, UNOBSTRUCTED: An area of the site that can be feasibly designed and constructed using established engineering practices and can be used legally for vehicular entry and exit.

ACCESSORY APARTMENT (ACCESSORY DWELLING UNIT): A separate dwelling unit that (A) is located on the same lot as a principal dwelling unit of greater square footage, **or** within the principal dwelling unit, (B) has cooking facilities, and (C) complies with or is otherwise exempt from any applicable building code, fire code and health and safety regulations; Accessory Apartments are not permitted within or on the same parcel as a Duplex Dwelling.

ACCESSORY USE/ACCESSORY BUILDING: A use, building, structure and/or portion thereof customarily incidental and subordinate to the principal use of the land or building and located on the same lot as the principal use.

ADULT DAY CARE CENTER: Any building or structure which is used to provide supervision for persons who are eighteen (18) years of age or older who may be elderly, physically ill, infirm, or physically handicapped such that they require daily supervision and medical treatment incidental to such supervision. The term does not include uses which provide residential, surgical, medical, or special treatment as relates to housing persons who have a chronic illness, disease or injury, or other condition that would require the degree and treatment provided by a nursing home or hospital.

AGE RESTRICTED HOUSING: Housing intended for residents aged fifty-five (55) or older. Age restricted housing is subject to state and federal fair housing regulations and may be single-family dwellings, mobile manufactured homes, two-family dwellings, and multi-family dwellings.

AGRICULTURE: Connecticut General Statutes, Sec. 1-1 (q) Except as otherwise specifically defined, the words "agriculture" and "farming" shall include cultivation of the soil, dairying, forestry, raising or harvesting any agricultural or horticultural commodity, including the raising, shearing, feeding, caring for, training and management of livestock, including horses, bees, poultry, fur-bearing animals and wildlife, and the raising or harvesting of oysters, clams, mussels, other molluscan shellfish or fish; the operation, management, conservation, improvement or maintenance of a farm and its buildings, tools and equipment, or salvaging timber or cleared land of brush or other debris left by a storm, as an incident to such farming operations; the production or harvesting of maple syrup or maple sugar, or any agricultural commodity, including lumber, as an incident to ordinary farming operations or the harvesting of mushrooms, the hatching of poultry, or the construction, operation or maintenance of ditches, canals, reservoirs or waterways used exclusively for farming purposes; handling, planting, drying, packing, packaging, processing, freezing, grading, storing or delivering to storage or to market, or to a carrier for transportation to market, or for direct sale any agricultural or horticultural commodity as an incident to ordinary farming operations, or, in the case of fruits and vegetables, as an incident to the preparation of such fruits or vegetables for market or for direct sale. The term "farm" includes farm buildings, and accessory buildings thereto, nurseries, orchards, ranges, greenhouses, hoop houses and other temporary structures or other structures used primarily for the raising and, as an incident to ordinary farming operations, the sale of agricultural or horticultural commodities. The term "aquaculture" means the farming of the waters of the State and tidal wetlands and the production of protein food, including fish, oysters, clams, mussels and other molluscan shellfish, on leased, franchised and public underwater farmlands.

AGRICULTURAL BUILDINGS AND STRUCTURES: Buildings or other structures used in connection with agriculture, including shelter for livestock and storage for farm machinery, equipment, supplies, and harvested crops.

AGRICULTURAL TOURISM: The opening to the public of a working farm or any agricultural, horticultural or agribusiness operation for the purpose of enjoyment, education, or active involvement in the activities of the farm or operation

AG-TIVITIES: Events of limited duration on a farm that are incidental to agricultural uses, including, but not limited to, hayrides, corn mazes, festivals and other similar activities; on-farm sales such as farm stands and pick-your-own operations, retailing farm and farm related products

(farm store); recreational and/or competitive equine enterprises, and on farm processing operations provided they comply with all applicable state and municipal health codes.

AQUACULTURE: The farming of any waters and/or wetlands and the production of plant or protein food, including fish, oysters, clams, mussels and other molluscan shellfish. "Aquaculture" includes, without limitation, outdoor and/or indoor hatcheries, aquaponics, and hydroponics.

FARM: A tract of land used, principally for agriculture, with or without an associated single-family dwelling. In zoning districts in which a farm is allowed, both the agricultural activities and any single-family dwelling that may exist, shall be permitted as joint principal uses. A "tract" may consist of one or more lots under common ownership and used for farming operations.

FARM, ACCESSORY DWELLING UNIT: An accessory dwelling unit on a Home or Commercial Farm that is used by a caretaker/worker of the farm and/or the farm's livestock.

FARM, COMMERCIAL: A farm producing farm products for sale by wholesale, or for sale at locations (not including Farmers' Markets) other than the farm property on which they were produced. A minimum of five (5) *contiguous* acres is required to be considered a commercial farm for the purposes of these Regulations (Tracts of land used for agriculture that are separated by a road, but otherwise abutting, are considered contiguous for the purpose of these regulations).

FARM PRODUCTS: Any products of agriculture, including fruits; vegetables; mushrooms; nuts; shell eggs; honey or other bee products; maple syrup or maple sugar; flowers; nursery stock; Christmas trees; other horticultural commodities; livestock food products, including meat, milk, cheese and other dairy products; food products of "aquaculture," as defined above, including, but not limited to, all plant food, fish, oysters, clams, mussels and other molluscan shellfish; products from any tree, vine or plant and their flowers; or any such products that have been processed by a farmer, including, but not limited to, goods made with farm products.

FARMERS' MARKET: A for-profit or nonprofit cooperative, enterprise, or association that regularly occupies a given location, and that operates principally as a common marketplace for a group of farmers, at least two of whom are selling Connecticut-grown fresh produce, to sell Connecticut-grown farm products directly to consumers.

FARM STAND: An accessory building in support of farming, specifically for the seasonal sale of products produced on local farms in accordance with § 8.5.G(5).

FARM STORE: A building or other structure from which agricultural products are sold. seasonally or year-round.

LIVESTOCK: Animals raised for an agricultural purpose, such as food, fiber, or labor. Livestock shall not include domestic animals kept as a companion and housed with human occupants in a residential building.

AMUSEMENT PARK: A park that features various attractions, including mechanical and motorized rides and devices (such as a merry-go-round, Ferris wheel, roller coaster, etc.), booths for games and refreshments, and other events for entertainment purposes. A theme park is a type of amusement park that bases its structures and attractions around a central theme, often featuring multiple areas with different themes.

APARTMENT: A dwelling unit located (a) in a building consisting of one or more other dwelling units; (b) above or behind a commercial use; or (c) on the same lot as, or within a single-family dwelling.

APARTMENT, COMMERCIAL CARETAKER: An accessory dwelling on a nonresidential premises, occupied by the persons employed principally on-site for purposes of overseeing the nonresidential operation/facility.

ASSISTED LIVING FACILITY: A multi-family dwelling development, for those who are in otherwise good health, that provides the support of services, both licensed and unlicensed, necessary to maintain its residents in a semi-independent lifestyle. An assisted living facility may include convalescent care.

BARN: A building for the storage of farm products, feed, and/or the housing of farm animals or farm equipment located on a farm. A barn shall be considered an accessory structure if parcel is not considered a farm/commercial farm and contains a residence.

BED AND BREAKFAST: An owner-occupied dwelling with guest rooms where overnight accommodation and breakfast are provided to travelers for a fee.

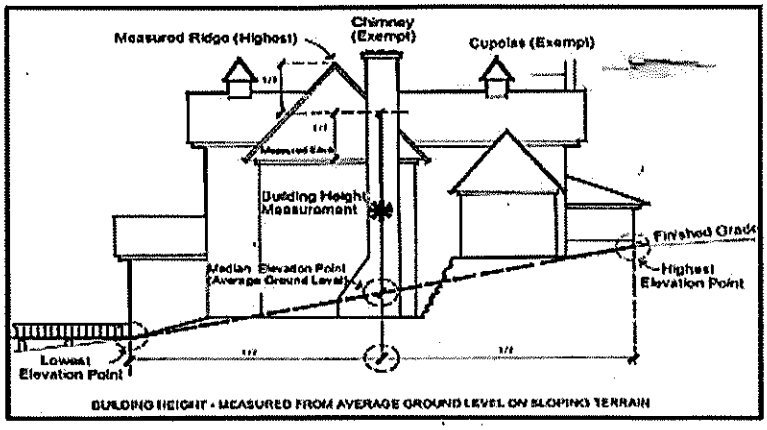
BUFFER AREA: An area that may be designed or required to contain trees, shrubs, walls, rocks, berms, and other landscaping materials whose primary function is to provide visual, noise, and odor insulation from adjacent property and roadways.

BUFFER STRIP: A strip of land unoccupied by buildings, structures or pavements that is landscaped and/or maintained in its natural state as required by these regulations.

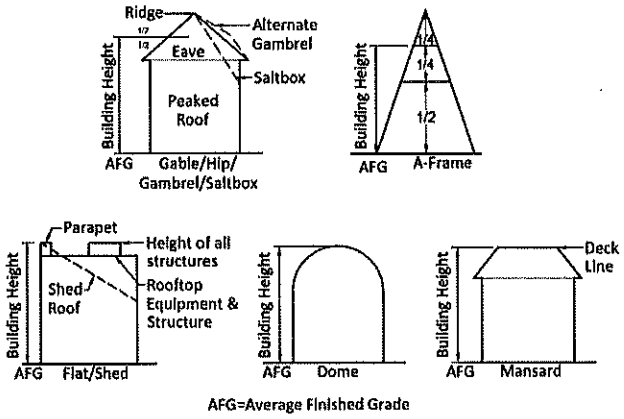
BUILDABLE AREA: A contiguous area of land required on each lot that does not contain streets; conservation or utility easement areas; access easement areas and/or deeded rights-of-way for vehicular access, drainage and/or utilities; land which is classified as flood zone A or AE per FEMA maps; and/or inland wetlands, water bodies and/or watercourses, where the principal building, accessory uses and on-site water and sewer facilities can be located without major physical alterations of the land. **See also LOT AREA, MINIMUM**

BUILDING HEIGHT: The vertical distance from the average finished grade for a building or other structure, or for a building wing or distinct portion of a building or other structure, to the highest point of the following elevations on the building or other structure:

- To the highest point of the highest dome, flat, shed, or mansard roof, including the top of any parapet;
- To the mean level between the highest ridge and its lowest corresponding eave of a gable, hip, gambrel, or saltbox roof;
- To three-quarter (3/4) of the distance from the average finished grade to the highest point of a A-Frame structure;
- To the highest point of buildings or structures not mentioned here, or for any structures that do not have a roof. This includes to the highest point of all roof-top equipment, screening, fencing,



and any other structures placed on or extending above a roof unless specifically meeting an exception under §4.3.



BUILDING LINE: The line or lines created by the required minimum and/or maximum front, rear, and side yard setback dimensions for unoccupied space of a lot, to establish an area within which structures allowed by these Regulations may be located (a.k.a. the Building Envelope).

CAMPGROUND, RECREATIONAL: a parcel of land intended for the temporary occupancy of tents, campers, and/or recreational vehicles, where the primary purpose is recreational.

CARETAKER: A person who is in charge of the maintenance of a building, estate, etc.

CHANGE OF USE: A change from one permitted use to another permitted use listed in the Schedule of Permitted Uses for the district. A change within a unit to a use listed in the Schedule of Permitted Uses that exists in another unit within the same structure does not constitute a change of use.

CHANGE OF USE, MINOR: A change in the current use of a lot to a different use listed in the Schedule of Permitted Uses for the district that will not result in additional dwelling units, additional employees, additional clients or customers, additional floor space, site modification, additional refuse, additional traffic, a change in building footprint, an increase in impermeable surface, or additional parking requirements.

CHILD DAY CARE CENTER: A place that offers or provides a program of supplementary care to more than twelve (12) related or unrelated children outside their own homes on a regular basis as provided in CGS §19a-77.

CIVIC BUILDING: a building owned or leased by a public agency or non-profit organization for the primary purpose of providing a service to the general public dedicated to arts, culture, education, recreation, government, transit, and municipal/public parking.

CLUB (MEMBERSHIP CLUB): An establishment operated solely for recreational, social, fraternal, religious, political, or athletic purposes, in which activities are confined to the members and guests of an organization whose primary purpose is not financial gain, and which meets the criteria for exemption from federal income tax under Internal Revenue Code §501(c)(7).

COASTAL SITE PLAN: The Site Plans, applications and project referrals listed in §22a-105 of the Connecticut General Statutes and are addressed in §12 of these regulations.

COMMERCIAL ESTABLISHMENT: A use or facility intended as a profit-making enterprise.

COMMERCIAL FISHING, LOBSTERING, SHELL FISHING BASE: A base of operations for the farming of the waters of the state and tidal wetlands on leased, franchised and public underwater farmlands.

COMMERCIAL SERVICES: Business services that generally relate to real or personal property (as opposed to services that are performed on people, such as barbering and hairdressing).

COMMUNITY CENTER: A building or group of buildings and associated grounds either privately owned or municipally leased or owned, in or on which members of a community may gather for social, educational, or cultural activities.

COMPLEX, COMMERCIAL OR INDUSTRIAL: A tract of land that is planned, developed, and operated as a coordinated and integrated facility consisting of more than one principal commercial or industrial use, where each use is permitted in the zone, with consideration for circulation, parking, signage, utility needs, aesthetics, and compatibility (**See also Mixed Use, Commercial**)

CONSTRUCTION TRAILER: A temporary structure, which may be mobile, established for the specific purpose of providing contractor office space at a site during the construction phase of a building.

COST: As related to substantial improvements, the cost of any reconstruction, rehabilitation, addition, alteration, repair or other improvement of a structure as established by a detailed written contractor's estimate. The estimate shall include but is not limited to: the cost of materials (interior finishing elements, structural elements, utility and service equipment); sales tax on materials, building equipment and fixtures, including heating and air conditioning and utility meters; labor; built-in appliances; demolition and site preparation; repairs made to damaged parts of the building worked on at the same time; contractor's overhead; contractor's profit; and grand total. Items to be excluded include: cost of plans and specifications, survey costs, permit fees, outside improvements such as septic systems, water supply wells, landscaping, sidewalks, fences, yard lights, irrigation systems, and detached structures such as garages, sheds, and gazebos.

COTTAGE CLUSTER HOUSING: A grouping of at least four detached housing units, or live work units, per acre that are located around a common open area;

COUNTRY INN: A property providing, for a fee, overnight accommodations for not more than twenty-one (21) consecutive days, meals, and a venue for corporate meetings, retreats, and social events, and which may include a restaurant that can be open to the public.

C.G.S.: Shall mean the Connecticut General Statutes, as may be amended from time to time.

DATE OF RECEIPT, STATUTORY: The day of the next regularly scheduled meeting of the Commission or Board immediately following the day of submission of an application, or thirty-five (35) days after such submission, whichever is earlier.

DISTURBED AREA: An area of land that is subject to accelerated erosion due to the removal of the vegetative ground cover and/or earthmoving activities.

DWELLING, MULTI-UNIT: A structure, or group of structures, on one (1) lot, each containing three (3) or more dwelling units, with each dwelling unit having either a separate or joint entrance. May include apartments, condominiums, townhouses, and cooperatives.

DWELLING, SINGLE-UNIT: A structure containing a single dwelling unit as its principal use located on a lot that does not contain any other principal dwelling units.

DWELLING, TWO-UNIT (DUPLEX): A structure which contains two (2) separate dwelling units located on a lot that does not contain any other principal dwelling units.

DWELLING UNIT: Any single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

EASEMENT: A right established by deed or other legal means, of one party to use a designated portion of a second party's land for a specific limited purpose.

EDUCATIONAL FACILITY: A public, parochial, or private institution that provides educational instruction to students.

EMERGENCY SERVICES: Private or public services, such as fire protection, ambulance, and rescue, provided in times of emergency for the general health and welfare of Town residents.

EXCAVATION: The removal, relocation or the movement of earth, sand, gravel, clay, rock or other natural earth products.

EXCAVATION, MAJOR: The excavating or relocating or the movement of 300 cubic yards or more of topsoil, sand, gravel, clay, stone or other materials to, on, or from any lot.

EXCAVATION, MINOR: The excavating or relocating or the movement of less than 300 cubic yards topsoil, sand, gravel, clay, stone or other materials to, from, or on any lot.

FAMILY: An individual or any number of individuals living together as a single housekeeping unit in a dwelling unit, with common access to, and with common use of, all living areas, eating areas, and all areas and facilities for the preparation and storage of food.

FAMILY CHILD DAY CARE HOME: A facility which consists of a private family home caring for not more than six (6) children, including the provider's own children not in school full time in accordance with CGS §19a-77 as amended.

FOOD AND BEVERAGE PRODUCTION, LARGE SCALE: Any facility of more than 3,000 square feet of production space that engages in commercial on-site production and packaging of food, food related products, and/or alcoholic or non-alcoholic beverages, including wholesale. Examples may include machine-produced bakery and confectionary products, machine processing and jarring or canning of fruits and vegetables, large-scale dairy, meat, fish processing, and the commercial production of wine, beer or spirits which includes wholesale sales, crushing, brewing, distilling, fermenting, blending, aging, storage, bottling, and warehousing. For purposes of Use Classification, Large Scale Food and Beverage Production is considered to be a Heavy Industrial Use.

FOOD AND BEVERAGE PRODUCTION, SMALL SCALE: Any facility of no more than 3,000 square feet of production space that engages in commercial on-site production of artisan or small batch food, food related products, and/or alcoholic or non-alcoholic beverages, generally produced by hand or with limited mechanization, and including limited wholesale. Examples may include coffee roasting, ice cream, baked goods, confectioneries, canned and preserved fruits and vegetables, Sodas and seltzers, and small-batch production of wine, beer or spirits which includes brewing, distilling, fermenting, blending, aging, storage, bottling, warehousing, and may include retail sales. For purposes of Use Classification, Small Scale Food and Beverage Production is considered to be a Light Industrial Use.

FRONTAGE, LOT LINE: The length of the Front Lot (Property) Line of a lot abutting on a public or private road, street, or right-of-way.

GAS STATION (FUELING/CHARGING STATION): An establishment, with or without an associated convenience store and/or food service, whose primary business is to provide petroleum products for motor vehicles and/or electrical power for charging plug-in electric vehicles.

GRADE, AVERAGE FINISHED: A reference plane established by the average of the ground level adjoining the building or structure along all exterior walls, from the exterior wall to a point 10-feet from the building or structure.

GRADE, FINISHED: The final vertical elevation of the ground surface after man-made alterations such as grading, excavating, filling or grubbing have been made on the ground surface.

GROUP CHILD DAY CARE HOME: A program of supplementary care for not less than seven (7) nor more than twelve (12) related or unrelated children on a regular basis, or that meets the definition of a family day care home as provided in CGS §19a-77 except that it operates in a facility other than a private family home.

HISTORIC STRUCTURE: Any structure that is: (A) listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (B) certified or preliminarily determined by the Secretary of the Interior as contributing to the historic significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (C) individually listed on the state inventory of historic places; or (D) individually listed on the local inventory of historic places that have been certified.

HOBBY MOTOR VEHICLE: Any antique, rare, special interest, off-road, and/or racing vehicle, regardless of age or condition, not currently designed or intended for daily use, that is being actively restored, repaired, modified, and/or maintained by its owner.

HOME HUSBANDRY: The non-commercial cultivation and production of edible crops or the keeping of certain permitted listed livestock and/or poultry as an accessory use of a home for the benefit of its residents.

HOME OCCUPATION: An accessory use carried out for intended financial gain conducted within a residential dwelling by the resident owner(s) thereof that is clearly incidental and secondary to the residential use of the structure, does not involve the use of other than customary home appliances and equipment, does not involve the use of keeping stock in trade, and does not have any exterior visual, audible, or physical evidence of such incidental secondary accessory use except as may be permitted in these regulations.

HOOP HOUSE: (Membrane-Covered Frame Structure): A non-pressurized structure composed of a rigid framework to support a tensioned membrane to provide a weather barrier. A hoop house is also a greenhouse if the membrane is transparent or translucent (a.k.a. High Tunnel).

HOSPITAL/EMERGENCY TREATMENT CENTER: A facility for health maintenance, diagnosis or treatment of human diseases, pain, injury or physical condition. Such facility may include overnight accommodations for patients, ancillary services such as pharmacies, cafeterias, and gift shops, and emergency room facilities with accommodations for ambulance traffic.

HOTEL: A facility offering transient lodging accommodations for the general public, and which may include additional accessory facilities and services, such as restaurants, meeting rooms, entertainment, personal services and recreational facilities.

IMPERVIOUS COVERAGE: The percent of a lot covered by impervious surface/cover.

IMPERVIOUS SURFACE/COVER: A hard material that prevents the percolation of water into the soil including building roofs, streets, parking lots, driveways, sidewalks, swimming pools, and other impenetrable surfaces.

INDUSTRIAL, LIGHT: The manufacturing, predominately from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, and packaging of such products, and incidental storage, sales, and distribution of such products, provided all manufacturing activities are contained entirely within a building and noise, odor, smoke, heat, glare, and vibration resulting from the manufacturing activity are confined entirely within the building.

INDUSTRIAL, HEAVY: The manufacturing, predominately from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, and packaging of such products where the activity is not confined entirely within a building and the process generates fumes, gases, smoke, vapors, vibrations, noise or glare, or similar nuisances that may cause adverse effects on users of adjacent land.

INTERIOR LOTS: a lot which accesses a street but does not have the required minimum frontage of the zoning district. The front lot line of an interior lot shall be considered that lot line where the access strip meets the main portion of the property. Interior Lots are also called "Flag Lots."

INTERIOR LOTS, SPECIAL: A lot that has no direct frontage on a public or private street, but which obtains access to such streets by way of an unobstructed, dedicated Right-of-way (access agreement) across land owned by another party or parties.

JUNK: Any worn-out, cast-off or discarded articles, equipment or materials which are ready for destruction or have been collected or stored for salvage or conversion for some use. Waste Products as defined herein and inoperable, damaged, dismantled or partially dismantled motor vehicles are considered junk.

LIGHT INDUSTRIAL
Examples may include:
- Manufacture of furniture/ fixtures
- Jewelry assembly
- Musical instruments and parts
- Photo processors and photo labs
- Printing and publishing
- Professional, scientific, and controlling instruments
- Screen printing/embroidery of clothing
- Stone, clay, glass, and firewood production

HEAVY INDUSTRIAL
Examples may include:
- The manufacture of clothing, fabrics, and other textiles
- Production of chemicals, drugs, plastics
- Dry cleaning plants and dyeing facilities
- Fabrication of metal for tools and machines
- Jewelry manufacturing or plating
- Lumber, wood, and paper production
- Foundries and rolling and extruding of metals
- Solid waste disposal facility
- Electrical equipment production

JUNKYARD: For the purposes of these Regulations, the term junkyard shall be defined to include Junk Yard as defined by §21-9 of the CT General Statutes, as may be amended; or a Motor vehicle recycler's business or motor vehicle recyclers yard as defined in §14-67g of the CT General Statutes, as may be amended. Junkyards are not permitted in the Town of Ledyard.

KENNEL, COMMERCIAL: A commercial establishment that provides boarding, medical care, breeding, grooming, exercise, whelping, raising, and/or training of puppies, dogs, and other household pets.

KENNEL, HOBBY: The boarding, breeding, raising, grooming, or training of two or more dogs, cats, or other household pets that are owned by the owner or occupant of the premises and are not regularly intended for sale.

LIVING AREA: The total usable space available within the perimeter walls on all floors of a building including interior corridors, stairs, elevators, passageways, and finished basements serving the primary function of the building. Unfinished basements and attics, unheated porches and breezeways, garages, and maintenance shops are excluded from living area determination.

LOT: A designated parcel, tract or area of land established by plat, subdivision, or as otherwise permitted by law, to be separately owned, used, developed and/or built upon (See also **LOT OF RECORD**).

LOT AREA, MINIMUM: The minimum required area of contiguous buildable area as defined herein, excluding any portion of land located under a body of water.

LOT COVERAGE: The percentage of the total lot area covered by the combined area of all buildings, structures and other impervious surfaces on the lot.

LOT (PROPERTY) LINE, FRONT: A boundary line dividing a lot from a public or private road, street, or right-of-way.

LOT LINE, FRONTAGE: The length of the Front Lot (Property) Line of a lot abutting on a public or private road, street, or right-of-way. (Uninterrupted? Or combined total)

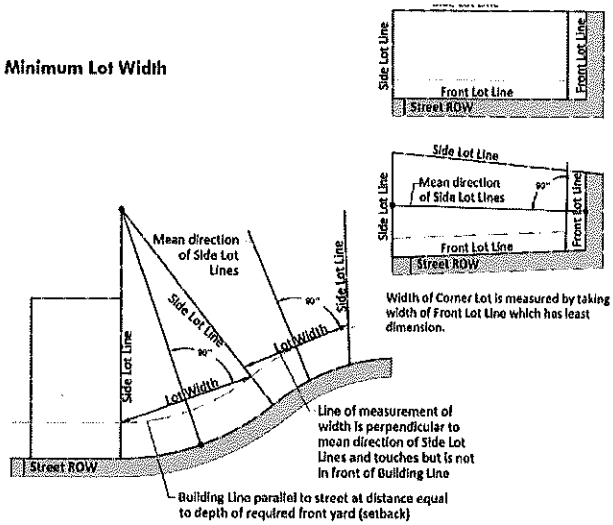
LOT (PROPERTY) LINE, REAR: A line separating one lot from other lots or from land in different ownership, being the boundary of a lot that is opposite the front lot line.

LOT (PROPERTY) LINES, SIDE: Any boundary line other than a front or rear lot (boundary) line.

LOT OF RECORD: A tract or parcel of land which does not conform to the dimensional requirements of these regulations and which either (A) was owned separately from any adjoining parcel of land prior to the date of enactment of the Ledyard Zoning Regulations (October 11, 1963) or any amendment thereto which rendered such tract or parcel of land non-conforming to these regulations, as evidenced by a deed filed on the Ledyard Land Records or (B) a tract or parcel of land which has received final subdivision approval from the Ledyard Planning and Zoning Commission as evidenced by a duly endorsed and recorded subdivision plan filed on the Ledyard Land Records.

LOT, THROUGH: A lot with the front and rear lot lines abutting the rights of way of two (2) Town-accepted or State roads.

LOT WIDTH: The distance between the side lots lines, at the required Front Yard Setback line, measured parallel to the front lot line. The width line measurement for lots on the outer or inner arc of a curve (i.e. off a cul-de-sac) is perpendicular to the mean direction of Side Lot Lines and touches, but is not in front of the Building Line.



LOW IMPACT DEVELOPMENT (LID): A range of development practices and operational methods, all having the objective of reducing or mitigating environmental impacts. LID may include use of stormwater infiltration, clustering of buildings to reduce land clearing and grading, use of overland (sheet) flow and grass swales, use of pervious pavement or other pervious materials, shared or deferred parking, "rain gardens," and other similar techniques.

MANUFACTURING: The making or fabrication of raw material by hand, art, machinery, or combination thereof, into finished parts or products. (See also **INDUSTRIAL, LIGHT/HEAVY**).

MEDICAL/HEALTH CARE OFFICE/CLINIC: A facility where human patients, who are typically not lodged overnight, are treated by physicians, dentists, therapists, other health care professionals or similar professions. Such facility may include ancillary laboratory, rehabilitation, and pharmacy services.

MEDICAL/HEALTH CARE OFFICE/CLINIC
Examples may include:
- Health Clinic
- Physician or Dentist Office
- Massage Therapist
- Physical Therapy Clinic
- Acupuncture Clinic
- Chiropractic Clinic
- Mental Health Therapist

MIXED USE (COMMERCIAL/INDUSTRIAL USES): A single building containing more than one type of commercial and/or industrial land use. (See also **COMMERCIAL COMPLEX**)

MIXED USE (RESIDENTIAL & COMMERCIAL/INDUSTRIAL USES): A single building containing more than one type of land use, or a single development of more than one mixed-use structure, where the different types of land uses are in close proximity, planned as a unified complementary whole, and functionally integrated to the use of shared vehicular and pedestrian access and parking areas.

MOBILE HOME: A manufactured home produced prior to the passing of the federal Manufactured Home Construction and Safety Standards (MHCSS) of 1976.

MOBILE MANUFACTURED HOME: A manufactured home built after 1976 in compliance with the Manufactured Home Construction and Safety Standards (HUD Code) and which displays a certification label on the exterior of each transportable section. Mobile Manufactured Homes are built in the controlled environment of a manufacturing plant and are transported in one (1) or more sections on a permanent chassis, suitable for year-round habitation, and equipped with a means to connect to water, sanitary, and electric facilities.

MOTEL: An establishment providing transient lodging accommodations for the general public with a majority of the rooms having direct access to the outside and without additional facilities or services.

MOTOR VEHICLE: A man-made object or device, whether motorized or unmotorized, that is designed or used primarily to move persons, materials or goods from one place to another. Includes all automobiles, trucks, trailers, vans, camp trailers, house trailers, recreational vehicles, motor homes, motorcycles or any other powered wheeled vehicle used on or off road and which may be required to be registered by the State of Connecticut Motor Vehicle Department. Devices powered by humans are not considered a vehicle under this definition.

MOTOR VEHICLE AND EQUIPMENT REPAIR AND SERVICE: Repair of vehicles and equipment including repairs and replacement of cooling, electrical, fuel, and exhaust systems, brake adjustments, relining and repairs, wheel alignment and balancing, and repair and replacement of shock absorbers, ignition systems, and mufflers are conducted. Includes engine, motor and transmission repair.

MOTOR VEHICLE DEALER: The use of any building, land area or portion thereof, for the display, sale, lease or service of new and/or used motor vehicles. Manufacturer certified pre-owned automobiles or vehicles shall also be considered new for this definition

MOTOR VEHICLE RENTAL: The use of any building, land area or portion thereof, for the display and rental of automobiles, panel trucks or vans, trailers, or recreational vehicles, including incidental parking and servicing of vehicles for rent or lease.

NON-CONFORMING LOT: A Lot of Record which does not currently conform to these Regulations and is subject to the requirements of §14.3 of these Regulations.

NON-CONFORMING STRUCTURE: Any building or structure that does not conform to the requirements of these regulations or any amendment thereto upon the effective date of enactment.

NON-CONFORMING: A use or structure that does not conform to the current use regulations for the district in which the property is situated.

NON-CONFORMING, LEGALLY EXISTING (a.k.a. "Grandfathered Use": A land **use** or structure that was legal when established but does not conform to the standards of the current zoning ordinance.

NURSING HOME: See Residential Care Home

OPEN SPACE: Land areas designated for protection from commercial or residential development, including but not limited to lands reserved for protection of public health and safety, outdoor recreation, natural resource protection, and farmland and/or forest use and preservation. Land may be subject to a Conservation Easement, or other form of development restriction, including that within a Conservation Subdivision or an Open Space Subdivision.

OPEN SPACE, ACTIVE: Restricted land that has been consciously planned and designed for active recreation as defined herein.

OPEN SPACE, PASSIVE: Restricted land and set aside for parks, gardens, linear corridors, and conservation areas/nature reserves. Passive open space includes functionally natural features that promote and provide facility for non-motorized passive recreation opportunities and typically contain no accessory structures or facilities.

OPEN SPACE SUBDIVISION: A subdivision or re-subdivision of land in the Town of Ledyard into individual residential building lots with respect to which not less than sixty percent (60%) of the total area of the land subdivided shall be permanently dedicated as active or passive open space, and with respect to which setbacks and density shall be based upon the applicable provisions of the Ledyard Subdivision and Zoning Regulations for open space subdivisions, and not upon the bulk requirements in the underlying residential Zoning District, and which otherwise comply with all municipal requirements of the Town of Ledyard.

OUTDOOR STORAGE AND SALES: Storage and/or sales of any materials, merchandise, stock, supplies, machines and the like that are not kept within a structure, regardless of how long such materials are kept on the premises. Outdoor storage shall not include junk or junkyards.

PARCEL: (1) A piece or area of land formally described and recorded with map, block & lot numbers, by metes & bounds, by ownership, or in such a manner as to specifically identify the dimensions and/or boundaries; excluding any parcel of land that is a lot as defined in these Regulations; (2) informally, as land in general.

PARK/PLAYGROUND: An area of land and/or water primarily in its natural state, except for man-made recreational facilities or other improvements related to the purposes hereafter stated, and dedicated and used for recreation, scenic, leisure, conservation, historic, or ornamental purposes. A park, as used herein, does not include an "amusement park" or any type of park with mechanical rides, games, arcades, or similar amusements

PERMANENT FOUNDATION SYSTEM: A permanent rigid structure or structures constructed upon and/or below the surface of a mobile manufactured home site designed for attaching and anchoring a mobile manufactured home, in such a manner that the home will not be subject to movement due to frost, frost heaves, freezing, flooding or wind.

PERSONAL SERVICE ESTABLISHMENT: Establishments primarily engaged in providing services based on the intellectual or manual efforts of an individual (as for salary or wages) rather than a salable product of his or her skills.

PROFESSIONAL SERVICE: a service requiring specialized knowledge and skill usually of a mental or intellectual nature and usually requiring a license, certification, or registration. Professional Service uses include **MEDICAL/HEALTH CARE OFFICE/CLINICS.**

PHOTOMETRIC PLAN: A graphical representation of illuminance used to show the level and/or evenness of a lighting design and how light fixtures will perform on a given site.

RECREATION (ACTIVE): Recreational activities and uses that require either: (A) the use of a playing field or playground; (B) the installation of buildings or other structures; or (C) the substantial modification or grading of a tract of land.

PERSONAL SERVICES
Examples may include:
- Tailoring and shoe repair
- Beauty and barber services and day spas; Nail Salons
- Tattoo parlor
- Laundry and dry cleaning, self-service or pick-up only
- Repair of office equipment and personal and household items

PROFESSIONAL SERVICES
Examples may include:
- Offices for architects, engineers, lawyers, real estate, insurance, and other professional occupations
- Banks and financial services
- Offices of Government agencies

RECREATION (PASSIVE): Recreational activities such as running, walking, biking, and similar outdoor activities and uses that are not included in the definition of "active recreation." The installation of a building or structure in connection with a particular recreational activity shall not, in and of itself, cause the activity to be classified as "active" if the building or structure was not necessary to allow the activity to occur. For example, the installation of posts, signs, or water fountains along a hiking trail will not cause hiking to be deemed an active recreational use.

RECREATIONAL USE (INDOOR): A commercial recreational land use conducted entirely within a building, including, but not limited to an arcade, indoor water park, arena, art gallery and studio, art center, assembly hall, athletic clubs, auditorium, bowling alley, club or lounge, community center, conference center, exhibit hall, gymnasium, library, movie theater, museum, performance theater, pool or billiard hall, and accommodations for a variety of individual or organized non-professional athletic activities, including but not limited to basketball, ice hockey/skating, wrestling, soccer, tennis, volleyball, racquetball, or handball. Such facility may also provide health and fitness club facilities, swimming pool, snack bar, restaurant, and retail sales of related sports, health or fitness items, and other support facilities. Franchised sports facilities and events, and racetracks of any kind are expressly excluded/prohibited.

RECREATIONAL USE (OUTDOOR): Recreational uses conducted wholly outdoors or in partially enclosed or screened facilities, and characterized by potentially moderate impacts on traffic, the natural environment, and the surrounding neighborhood.

Outdoor Recreational Facilities may also include areas consisting of woodlands, water courses, and fields used for active recreational activities that do not require significant modification to the existing setting, including but not limited to, paintball, laser tag, disc golf, and orienteering.

OUTDOOR RECREATIONAL USE

Examples may include:

- golf driving ranges (not associated with a golf course)
- miniature golf; adventure activity centers
- athletic fields
- Skateboard parks
- Swimming facilities
- Tennis, handball, and basketball courts; batting cages

RECREATIONAL SPACE, ACCESSORY: An area of a residential complex development that is designated on a Site Plan by the Applicant as exclusively reserved, in perpetuity, for recreation by residents of the development. The area is designated by the applicant but is to be maintained by the owner of the development, or a homeowner's or condominium association as appropriate. Recreational Space shall not be used for residential dwellings, accessory structures to residential dwellings, storage, or parking, but may be used for swimming, hiking, running, picnicking, baseball, exercise, barbequing, tent camping, and similar activities. The Recreational Area may also remain in its natural state.

RECREATIONAL VEHICLE: A vehicle which is: (A) built on a single chassis; (B) 400 square feet or less when measured at the largest horizontal projection; (C) designed to be self-propelled or permanently towable by a light duty truck; and (D) designed primarily as temporary living quarters for recreational, camping, travel, or seasonal use. A Recreational Vehicle is not a dwelling unit (principal or accessory). Includes "travel trailer" and "motorized camper."

REPAIR FACILITY, MOTOR VEHICLE: A building, or portion thereof, used primarily for the purpose of repairing or rebuilding of

REPAIR FACILITY, NON-MOTOR VEHICLE: A building, or portion thereof, used primarily for the purpose of repairing or rebuilding of appliances, shoes, or other consumer products, but not including motor vehicles.

RESEARCH FACILITY: A building, or portion thereof, or a group of buildings, within which the primary function is research and development as opposed to sales, manufacturing, repair, or similar end products.

RESIDENTIAL CARE HOME (NURSING HOME): An establishment which furnishes nursing services and assistance with activities of daily living to a population that is chronic and stable; or nursing supervision under a medical director twenty-four (24) hours per day, or any chronic and convalescent nursing home which provides skilled nursing care under medical supervision and direction to carry out non-surgical treatment and dietary procedures for chronic diseases, convalescent stages, acute diseases or injuries.

RESORT FACILITY: A resort is a full-service lodging facility that provides access to or offers a range of amenities and recreation facilities to emphasize a leisure experience. Resorts serve as the primary provider of the guests' experience, often provides services for business and meetings and are characteristically located in vacation-oriented settings.

RESTAURANT, EXCLUDING FAST FOOD: An establishment where food and/or beverages are prepared, served, and consumed and where customers are served primarily when seated at tables or counters, any food take out is incidental to the primary sit-down restaurant use, and no customers are served in motor vehicles.

RESTAURANT, FAST FOOD: An establishment specializing in take out, quick service food, frozen dessert and/or beverage, where such items may be consumed anywhere on the premises or removed from the premises and where orders are placed at a central counter or drive-through/walk-up window.

RETAIL: A commercial establishment that provides goods and/or services directly to the consumer, where such goods are available for immediate purchase and removal from the premises by the purchaser.

RETAIL WITH OUTDOOR SALES AND STORAGE: Any retail establishment with an outdoor area that has been altered, improved or used for the temporary or longer-term storage of equipment, supplies, products, and materials as an accessory use. Such materials are generally in bulk and/or collectively do not serve the purpose of outdoor display.

SAWMILL: A place or building in which timber is sawed into planks, boards, etc., by machinery as its principal use. Sawmills typically include a log sort yard, milling machines, sorting and storage areas, and administration and maintenance areas as well.

SAWMILL, TEMPORARY: A place or building temporarily established to process timber cut from the parcel on which it is located or on immediately adjacent parcels.

SETBACK, FRONT YARD: A line delineating the minimum required distance between the front property/boundary line and the line beyond which a structure may be located on that lot. The Front Yard Setback line extends the full width of the lot. (or Front Building Setback Line)

SETBACK, REAR YARD: A line delineating the minimum allowable distance between the rear property line and the line beyond which a structure may be located on that lot (other than for permitted accessory structures). The Rear Yard Setback line extends the full width of the lot. (or Rear Building Setback Line)

SETBACK, SIDE YARD: A line delineating the minimum allowable distance between the side property line and the line beyond which a structure may be located on that lot. The Side Yard Setback line extends from the required minimum Front Yard Setback line to the required minimum Rear Yard Setback line. (or Side Building Setback Line)

SIGN: Any permanent or temporary device placed in view of the general public; composed of or employing any medium that is man-made or natural; and is freestanding or attached to a building, structure, or natural object, or erected, painted, represented or reproduced inside or outside any building, structure, or natural object (including window display area which displays, reproduces or includes any lettered or pictorial matter), which is used for the purposes of advertising, demonstrating, directing, displaying, identifying, illustrating, or promoting. In no event shall the word "sign" be construed to mean any sign in the interior of any structure that is not visible from the outside, unless specifically set forth in these regulations. Pavement markings and driveway directional arrows painted on the ground that contain no advertising are to be excluded from this definition. The American Flag is not a sign in the context of these regulations.

SIGN – DIRECTIONAL: Used to indicate location, distance, hours of operation of activity concerned, parking, or other functional activity such as bathroom facilities, telephones, entrances, offices, etc., bearing no commercial advertising.

SIGN, GROUND - A sign which is different from a free-standing sign and is mounted on the ground attached either to footings or a base with no open space between the ground and the sign face.

SIGN, KIOSK: A sign listing the tenants or occupants of a building or group of buildings and that may also indicate their respective professions or business activities.

SIGN – SPECIAL: Banners, pennants, sandwich board signs and sidewalk or curb signs used for special events or sales.

SIGN – TEMPORARY IDENTIFICATION: A Temporary Sign intended for pre-development opening or closing, displayed in advance of advertised activity and removed within a specified timeframe.

SITE PLAN: A drawing or series of drawings by which proposed or existing uses, dimensions, or conditions of land or any building or structure are graphically illustrated.

SOIL EROSION AND SEDIMENT CONTROL PLAN: A scheme that minimizes soil erosion and sedimentation resulting from development and includes, but is not limited to, a map and narrative.

SOLAR ENERGY SYSTEM: An energy system which directly uses solar radiation to produce space heating, cooling, hot water or electricity through the process of collecting solar radiation, converting it to another form of energy, storing the converted energy, protecting against unnecessary dissipation and distributing the converted energy.

SPECIAL FLOOD HAZARD AREA: The land area, as defined by the Federal Emergency Management Agency (FEMA), covered by the floodwaters of the base flood on National Flood Insurance Program (NFIP) maps.

SPECIAL PERMIT (SPECIAL EXCEPTION): The type of permit required for a specially permitted use. As used in these Regulations, a "Special Permit" is not a "Zoning Permit."

START OF CONSTRUCTION: Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means either: (A) The first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns; or (B) Any work beyond the state of excavation, or the placement of a manufactured home on a foundation.

Permanent construction does not include: (A) Land preparation, such as clearing, grading and filling; (B) Installation of streets and/or walkways; (C) Excavation for a basement, footings, piers or foundations; (D) The erection of temporary forms; (E) Installation of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

STRUCTURE: Anything constructed or erected, the use of which requires location on the ground or an attachment to something having location on the ground including, but not limited to, dwellings, swimming pools, decks, sheds, pens, runs, barns, accessory buildings, and garages. Wells, septic systems and utility connections are not considered structures.

USE: The purpose or activity for which land or buildings are designed, arranged or intended or for which land or buildings are occupied or maintained.

USE, PRINCIPAL: The main or primary purpose for which a structure or lot is used

USE, ACCESSORY: A use of land, buildings or structures that is incidental and subordinate to, customarily used in connection with, and located on the same lot as the principal building, structure, or use.

USE, PERMITTED AS OF RIGHT: A Permitted Use, as defined herein, approved administratively by the Commission or ZEO (as appropriate) after the submission and approval of a Site Plan and/or Zoning Permit Application that demonstrates compliance with all applicable requirements and standards set forth in these Zoning Regulations for the permitted use.

USE, SPECIALLY PERMITTED: A use of property that would not be appropriate generally or without restriction throughout the zoning district, but that may be allowed by the Commission upon issuance of a Special Permit in accordance with applicable statutory and regulatory procedures and upon determination that all requirements and standards set forth in these Zoning Regulations would be met and that such specific use would be in harmony with the neighborhood and the Town as a whole. Specially Permitted Uses are so designated in the Schedule of Permitted Uses.

UTILITY, PUBLIC/PRIVATE: A publicly or privately owned business that furnishes water, electricity, natural gas, telephone service, and other essentials to the public at large.

VARIANCE: A relaxation or modification of the terms of these Regulations by the Ledyard Zoning Board of Appeals pursuant to Connecticut General Statutes §§8-6 and 8-7 as amended.

WAREHOUSE: A building or premises, for storing of goods, materials and merchandise, whether for the owner or for others, prior to shipment to final sale.

WAREHOUSE DISTRIBUTION: A use where goods are received and/or stored for delivery to the ultimate customer at remote locations.

WASTE PRODUCT: Any defective, superfluous, or otherwise unusable material destined for disposal or reclamation that is generated from animal or human activity or process or is the byproduct of an operation or service. Earthen materials are excluded from this definition providing they are clean, inert, and uncontaminated (e.g., rock or soil that is natural, crushed, or ground and is free of hazardous wastes, scrap metal, wood, trash, and garbage).

WATERCOURSE: Any river, stream, brook, waterway, lake, pond, marsh, swamp, bog, or other body of water, natural or artificial, public or private, vernal or intermittent, that is contained within, flows through, or borders upon the Town or any portion thereof, and is not regulated pursuant to §§22a-28 through 22a-35 of the Connecticut General Statutes.

WETLAND: Land, including submerged land, that is not regulated pursuant to §§22a-28 through 22a-35 inclusive of the Connecticut General Statutes, and that consists of any of the soil types designated as poorly drained, very poorly drained, alluvial and flood plain by the National Cooperative Soils Survey, as it may be amended from time to time, of the Natural Resources Conservation Service of the U.S. Department of Agriculture (USDA). Such areas may include filled, graded or excavated sites, which possess an aquatic (saturated) soil moisture regime as defined by the National Cooperative Soil Survey.

ZONING PERMIT: The type of permit required for a generally permitted use. As used in these Regulations, a "Special Permit" is not a "Zoning Permit."

CHAPTER 3.0: ESTABLISHMENT OF DISTRICTS AND SPECIAL DEVELOPMENT ZONES

3.1 RESIDENTIAL ZONING DISTRICTS:

R-20	High Density Residential District
R-40	Medium Density Residential District
R-60	Low Density Residential District

3.2 NON-RESIDENTIAL ZONING DISTRICTS:

LCDD	Ledyard Center Development District
LCTD	Ledyard Center Transition District
MFDD	Multi Family Development District
GFDD	Gales Ferry Development District
RCCD	Resort Commercial Cluster District
I	Industrial District
CM	Commercial Marine District
NC	Neighborhood Commercial District
CID	Commercial Industrial District

3.3 SPECIAL NON- RESIDENTIAL ZONING DISTRICTS AND DEVELOPMENT ZONES:

TPD	Technology Park District

3.4 ZONING MAP: The boundaries of said districts shall be shown on a map entitled: "Zoning Map of the Town of Ledyard" which is on file in the Office of the Town Clerk of Ledyard. Such maps and any duly adopted revisions thereto, with the explanatory matter thereon, are a part of these regulations as if set forth herein.

3.5 ZONING DISTRICT BOUNDARIES: The District boundary lines are intended generally to follow the center line of streets, and similar rights-of-way, rivers, lot lines, or town boundary lines, all as shown on the Zoning Map; but where a zone boundary line does not follow such a line, its position is shown on said Zoning Map by a specific dimension expressing its distance in feet from a street line or other boundary line as indicated.

3.6 PERMITS AND APPLICABILITY:

A. No building and/or portion of a building shall be erected, moved or structurally altered; nor shall any use be established or changed; nor shall any excavation be made for a proposed building or structure, until a Zoning Permit has been issued by the Zoning Enforcement Officer or the Commission indicating conformance:

1. with these Regulations; or
2. to a Site Plan or Special Permit approval granted by the Planning and Zoning Commission; or
3. to a variance granted by the Zoning Board of Appeals.

B. No building and/or portion of a building shall be erected, moved or structurally altered until a Building Permit has been issued by the Building Official and in most instances, approval has given by Ledge Light Health District.

C. No Accessory use/structure shall be established/erected without first establishing/erecting a principal use/structure except as provided for elsewhere in these regulations.

D. **Prohibited if not permitted**: Any use of land, buildings or structures not expressly permitted by these Regulations as a principal use in a particular Zoning District, or allowable as an accessory use to such a principal use, is prohibited in that District.

E. **Application of Other Laws**: Except as expressly provided herein, these Regulations operate independently from laws and regulations established by agencies other than the Commission. The fact that a use, including a building or other structure, may comply with these Regulations does not mean that it complies with all other applicable laws, regulations or other legal restrictions or requirements. Therefore, the issuance of any permit or approval by the Commission or its authorized agent(s) does not necessarily mean that a landowner has obtained all necessary permits or approvals for the use, or that the use may be lawfully established without such other permits or approvals.

F. **Conflicting Standards**: When two or more differing standards are provided in these Regulations for any use, the most restrictive provision shall apply.

G. **References to Statutes and Regulations**: Whenever any reference is made in these Regulations to a Federal or State Statute or regulation, the reference shall be interpreted to mean the statute or regulation as it may have been most recently amended, revised or renumbered (i.e., the most current form of the statute or regulation), unless the context of the reference to the statute or regulation requires a different interpretation.

3.7 SCHEDULE OF USES: The Schedule of Uses found in establishes the Permitted and Specially Permitted uses for each District:

A. Any use marked "ZP" is a permitted use by-right, subject to these regulations (Zoning Permit Required – Staff Approval).

B. Any use marked "P" is a permitted use by-right, subject to these regulations (Site Plan Required – Commission review and approval).

C. Any use marked "S" is a specially permitted use subject to standards governing Special Permits in the regulations and to conditions necessary to protect the public health, safety, convenience, and property values. A public hearing, Site Plan review, and approval by the Commission are required for "S" applications.

D. The Zoning Official (ZEO) may approve an application for a Zoning Permit for:

1. permitted single-family or mobile manufactured home dwellings, duplex dwellings, residential accessory buildings and uses, accessory apartments, inground swimming pools, additions or expansions to such structures on residential lots;
2. accessory buildings or expansions of or additions to other existing commercial and industrial uses provided that such building or expansions do not exceed 1,000 square feet;
3. minor changes of uses as defined in these Regulations;
4. boundary line adjustments, lot mergers and free split applications; and
5. such other uses as herein prescribed by these regulations. applications for a Zoning Permit shall be accompanied by a plot plan or Site Plan and shall contain the information specified on the applicable check sheets provided to allow the ZEO to determine compliance with all relevant provisions of these regulations. the ZEO may require that

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

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

F. 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.

3.8 PROHIBITED USES: (ANY MORE TO ADD?)

A. 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.

B. No person shall occupy a travel trailer or motorized camper 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 twelve (12) months commencing from the effective date of December 1, 2021. 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.

CHAPTER 4.0: DIMENSIONAL REQUIREMENTS – GENERAL ALL DISTRICTS

4.1 **MINIMUM LOT AREA**: The intent of the Minimum Lot Area requirement is to assure that a suitable area of buildable land exists to accommodate all required setback areas proposed or required structures, utilities, open spaces, wells, septic systems, driveways, and other improvements; to ensure the ability of on-site septic systems to function indefinitely; and to facilitate appropriate development.

A. All new building lots must contain seventy-five percent (75%) *contiguous* buildable area, based on *actual* lot size proposed; therefore, the area of any portion of any lot which is comprised of existing and/or proposed streets, conservation, access or utility easement areas and/or deeded rights-of-way for vehicular access, drainage and utilities; land which is classified as flood zone A or AE per FEMA maps; and/or inland wetlands or watercourses under §§22a 28 through 22a 45 of the Connecticut General Statutes, (as indicated on the Town of Ledyard Inland Wetlands and Watercourses Map, or as determined in the field by a certified soil scientist), shall not be used to satisfy more than twenty-five percent (25%) of the minimum lot area and the remaining seventy-five percent (75%) shall be contiguous.

B. Easements and rights-of-way of an undefined width shall be deemed to be twenty-five (25) feet in width.

C. No portion of land located under a body of water shall not count toward the minimum lot area.

4.2 **FRONTAGE:**

A. When only one side of a corner lot meets the minimum street frontage requirement, that side shall be considered the lot front and shall comply with the lot width and front yard setback requirements for the zone in which it is located.

B. When the street frontage on two or more sides of a corner lot complies with the minimum street frontage requirements, the landowner may choose which street line shall be deemed to be the front lot line.

C. At the time of application for any subdivision, Resubdivision, or development, the proposed frontage (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) that meets 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.

D. 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.

4.3 **SETBACK REQUIREMENTS**:

A. No building, structure, or use shall be located within the required setback areas, except as may be expressly provided elsewhere in these Regulations (See Accessory Structures).

B. No projections from structures shall be permitted in any required setback except as follows:

1. minor projections of structures, such as pilasters, belt courses, sills, cornices, marquees, canopies, awnings, eaves, chimneys, bay windows, and similar architectural features may project not more than three (3) feet into any required setback area;

2. open steps/stoops less than four (4) feet in height and open fire escapes may project not more than five (5) feet into any required setback area; and

3. ramps for handicapped access may be constructed within required setback areas, provided;

   i. the ramp cannot reasonably be located in any area that is not within the required setback; and

   ii. the proposed intrusion into the required setback area is the minimum reasonably necessary to accomplish the desired access objectives.

   iii. The ramp is removed when no longer necessary.

C. **Fences and Walls**: The required setback distances shall not apply to fences or walls (including retaining walls) seven (7) feet or less in height or to wire livestock fences through which there is at least eighty percent (80%) visibility.

1. No such fence or wall shall be located within the right-of-way of any street.

D. **Terrace or Patio**: A paved terrace or patio shall not extend more than five (5) feet into any required front, rear, or side yard setback area. A paved terrace or patio shall not be counted as part of impervious surface coverage, provided that such terrace or patio is unroofed and without walls, parapets, or other forms of enclosure greater than four (4) feet in height.

E. **Signs**: Minimum setback from Front Lot Line is ten (10) linear feet for all districts, or as otherwise prescribed.

4.4 EXCEPTIONS:

A. For existing residences built on legal lots of record before or after the adoption of the subdivision regulations in 1963, that are non-conforming with respect to any required front, side or rear yard setback, the required setback shall be reduced to the actual distance between the front, side and/or rear boundary line and the existing non-conforming portions of the principal structure (residence).

B. For existing vacant parcels in any residential zone, created prior to the adoption of the subdivision regulations in 1963, and therefore not protected by 8-26a(b)(1), and are non-conforming with respect to minimum lot size, the setbacks for any principal or accessory structure shall be that of the underlying zone or as follows, whichever is less.

EXISTING LOT AREA	FRONT YARD SETBACK	SIDE YARD SETBACK	REAR YARD SETBACK	EXCEPTION
≤15,000SF	20	6	10	**Minimum Rear Yard Setbacks for Accessory Structures is 6 feet all zones regardless of parcel size**
≤20,000SF ≥15,000SF	25	10	15	
≤40,000SF ≥20,000SF	25	10	20	
≤60,000SF ≥40,000SF	30	15	30	

CHAPTER 5.0: RESIDENTIAL ZONING DISTRICT REGULATIONS

This section applies to all parcels within the residential zoning districts. Legally existing residential uses on non-residentially zoned parcels are subject to the bulk requirements of the zone in which they are located.

5.1 RESIDENTIAL DISTRICTS

A. HIGH DENSITY RESIDENTIAL DISTRICT (R-20)

Purpose: To maintain existing higher density residential development while also allowing additional housing types and other residential and civic uses compatible in design, mass, and scale.

B. MEDIUM DENSITY RESIDENTIAL DISTRICT (R-40)

Purpose: To maintain existing medium density residential development while also allowing additional housing types and other residential and civic uses compatible in design, mass, and scale.

C. LOW DENSITY RESIDENTIAL DISTRICT (R-60)

Purpose: To maintain the existing low-density residential development while also allowing additional housing types and other residential and civic uses that are consistent with a more rural neighborhood setting in terms of design, density, mass, and scale.

5.2 DIMENSIONAL REQUIREMENTS: RESIDENTIAL ZONING DISTRICTS R20, R40 & R60 (See also Chapter 4 for general dimensional requirements and exceptions)

	Requirement	R20	R40	R60
Front Lots	Minimum Lot Area (sf)	20k	40k	60k
	Minimum Lot Frontage AND Lot Width at Front Building Line (lf).	100	150	200
	Minimum Lot Frontage for Lots on a cul-de-sac (lf) (Min. Lot Width still applies)	50	75	100
Interior Lots	**Minimum Lot Area (sf)**	**30k**	**60k**	**90k**
	Minimum Frontage/Lot Width at Front Building Line (lf) Lot width must be achieved within 400 ft. of property line that abuts the road.	**25/100**	**25/150**	**25/200**
Front AND Interior Lots	Minimum Front Yard Setback (lf)	25	30	35
	Minimum Side Yard (lf)	10	15	20
	Minimum Rear yard (lf)	20*	25*	30*
	Maximum Lot Coverage (% Area)	30	25	20
	Maximum Building Height of Principal Structure (ft)**	35	35	35

*Accessory Structures (detached) can be a minimum of six (6) feet from a rear setback line.

** Maximum Building Height for permitted Non-residential Principal Uses and/or Multi-family Dwellings in the R20, R40 or R60 Districts **is 50 feet.**

5.3 SCHEDULE OF USES – RESIDENTIAL DISTRICTS

RESIDENTIAL – PRINCIPAL USES	R20	R40	R60
Assisted Living Facility §8.4	S	S	S
Dwelling, Mobile Manufactured Home	ZP	ZP	ZP
Dwelling, Multiple Family (Apt. Bldgs., Condos) §8.13	S	S	S
Dwelling, Two Family (Duplex) §8.15	ZP	ZP	ZP
Dwelling, Single Family §8.14	ZP	ZP	ZP
RESIDENTIAL – ACCESSORY USES			
Accessory Dwelling, Apartment §8.1	ZP	ZP	ZP
Accessory Structures/Uses §8.2	ZP	ZP	ZP
Bed & Breakfast §8.6	P	P	P
Family Day Care Home	P	P	P
Home Husbandry - Keeping of Animals - §8.5J	ZP	ZP	ZP
Home Occupation §8.17	ZP/S	ZP/S	ZP/S
Short Term Rentals, Hosted §8.29	S	S	S
NON-RESIDENTIAL USES, PRINCIPAL	**R20**	**R40**	**R60**
Agriculture (Farm & Farming) §8.5	ZP/P/S	ZP/P/S	ZP/P/S
Antenna & Antenna towers §7.1	ZP/P	ZP/P	ZP/P
Campground, Recreational §8.7	-	-	S
Cemetery §7.2	P	P	P
Civic Building/Use	P	P	P
Country Inn §8.11	S	S	S
Day Care Centers (Adult §8.3; Child §8.8) (Family or Group – See Definitions)	P	P	P
Educational Facility -Public or Private	P	P	P
Excavation Operations – Major (≥300 cu yds) §8.16	S	S	S
Excavation Operations – Minor (<300 cu yds) §8.16	P	P	P
Farm Store §8.5H7	P	P	P
Membership Club (Firearms)(No-Firearms) §8.21.1 §8.21.2	-	S	S
Nursing Home, Residential Care Home §8.25	S	S	S
Parks and Playgrounds	P	P	P
Public & Private Utility Installations §8.27	P	P	P
Solar Energy System- Principal Use §8.31			S

NON-RESIDENTIAL ACCESSORY			
Sawmill-Temporary §8.28	P	P	P
Solar energy systems, (Accessory) §8.31	P	P	P
Small Wind Energy System (Accessory) §8.30	S	S	S
Transformer Substation (Accessory)	P	P	P

("ZP" Zoning Permit-Staff Approval; "P" Site Plan Approval by Commission; "S" Special Permit – Public Hearing & Approval by Commission)

5.4 SPECIAL RESIDENTIAL ZONING DISTRICTS, OVERLAYS AND DEVELOPMENTS

5.4.1 CONSERVATION AND OPEN SPACE SUBDIVISIONS

A. Applicability: Conservation and Open Space Subdivisions are permitted in the R40 and R60 Districts in accordance with these *and* the Town of Ledyard's Subdivision Regulations.

B. Purpose: This section is to provide flexibility in clustering of residential units on areas of a project site best suited for development and to protect the remaining land as open space. The creation of open space is accomplished by permitting flexibility in the minimum lot size normally required in specific zones for residential development. The creation of either a Conservation or Open Space Subdivision is intended to:

1. Protect natural streams, water supplies and watershed areas;
2. Maintain and enhance the conservation of wildlife, natural, agricultural, or scenic resources;
3. Promote conservation of soils, wetlands, and other significant natural features and landmarks;
4. Enhance the value to the public of abutting or neighboring parks and unfragmented forests; wildlife preserves, nature reservations or sanctuaries, or other open spaces;
5. Enhance public recreation opportunities;
6. Preserve historic sites;
7. Promote orderly efficient development; and
8. Limit the extent of impervious surfaces and control runoff.

C. Constraints – General:

1. **Overall Residential Density**: A Conservation or Open Space 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 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.
2. All new 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 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

   b. A Water Main Extension Agreement executed by the public water company designated to serve the Conservation or Open Space Subdivision Development.

5. Any improved area belonging to or to be conveyed to a water company in conjunction with the development of an *open space subdivision* may be considered open space for purposes of satisfying the minimum open space dedication requirement for an open space subdivision as long as it meets or exceeds the 80,000 square foot requirement in §5.4.1 E (5). The area need not be contiguous with other open space in the development.

D. Bulk Requirements

	Conservation Subdivision		**Open Space Subdivision**	
	R40	**R60**	**R40**	**R60**
Minimum Total Parcel Size for Subdivision	10ac	10ac	40ac	40ac
Minimum Gross Land Preserved	40%	40%	60%	60%
Maximum Lot Impervious Coverage	20%	20%	20%	20%
Minimum Lot Size				
Frontage Lot	20,000	30,000	12,000	20,000
Interior or Special Lot	30,000	40,000	20,000	30,000
MAXIMUM Lot Size – Any Lot	40,000		40,000	
Minimum Lot Frontage/Lot Width				
Frontage Lot	100/100	100/100	100/100	100/100
Interior Lot	30/100	30/100	30/100	30/100
Special Interior Lot	Not Permitted		0/100	0/100
Required Minimum Building Setbacks Frontage or Interior Lots				
Front Yard Setback	25	30	25	30
Side Yard Setback	10	15	10	15
Rear Yard Setback	20	25	20	25

1. Lot width must be achieved at front setback line for frontage lots except as provided for in Subsection 2 below, and within 400 feet of the front property line for interior lots.

2. **Frontage for Front Lots may be reduced to fifty (50) feet when the proposed frontage is on a cul-de-sac, and Minimum Lot Width must be achieved within fifty (50) feet of the property line. Frontage for Interior Lots shall remain thirty (30) feet regardless of location.**

3. **A maximum of one (1) Special Interior lot per every ten (10) acres shall be permitted in an Open Space Subdivision provided the following conditions are met:**

   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. 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 that is a maximum of 600 feet in length..

   c. 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.

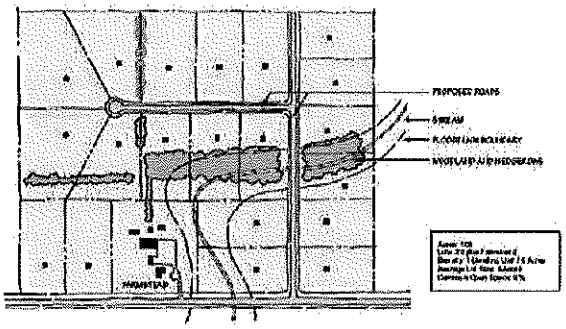
5. Whenever possible, the entire open space on shall be one contiguous unit and contiguous with any open space on adjoining lots, however, no contiguous open space area shall be less than 80,000 square feet.

6. The open space shall never be less than fifty (50) feet wide.

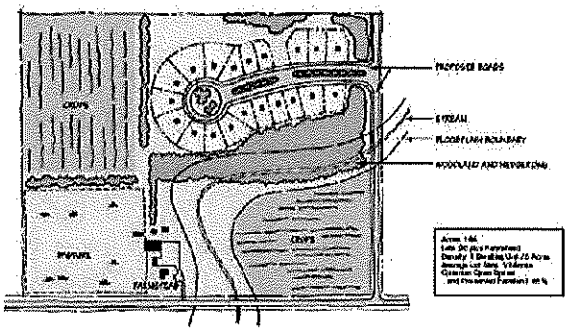
7. The open space shall be deeded to the Town or a designated non-profit Land Trust. In case the recipient of the of the open space is not the Town, the accepter of the open space shall provide sufficient information to support the ongoing monitoring and maintenance of the open space such that its primary 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.

Conventional Subdivision



Conservation/Open Space Subdivision



CHAPTER 6.0: NON-RESIDENTIAL ZONING DISTRICT REGULATIONS

6.1 NON-RESIDENTIAL ZONING DISTRICTS: DISTRICTS AND PURPOSE

A. Ledyard Center Development District (LCDD)

Purpose: To support and encourage the development of a village center, identifiable as the center of the community, through the concentration of commercial businesses along a main street.

Future development implies an intensification and mixture of appropriately scaled commercial, residential, and civic uses consistent with these Zoning Regulations, harmonious streetscapes, walkways, and plantings to create a "sense of place" and further develop the LCDD as a destination for shopping, services, and social gatherings.

B. Ledyard Center Transition District (LCTD)

Purpose: To provide a transition between the developed village center, identifiable by Mixed Uses, and the surrounding residential areas. The LCTD district is the immediate area abutting the LCDD area to the west.

C. Multi-Family Development District (MFDD)

Purpose: To encourage development of attractive multifamily developments in a pedestrian-friendly village environment. This District is intended to accommodate primarily high-density residential development and limited non-residential uses.

D. Gales Ferry Development District (GFDD)

Purpose: To encourage pedestrian-friendly commercial development of unified design and scale to create a higher density in Gales Ferry Village. These regulations are intended to attract and encourage family activities.

1. In addition to the stated purpose, the district is intended to:

- Encourage a blend of low intensity commercial, civic, and residential land uses.
- Encourage cohesive architectural design and coordinated development to ensures safe access and movement of pedestrians and vehicles; minimize curb cuts; and maximize connections to adjacent properties.
- Encourage infill and redevelopment of existing properties and underutilized structures. Allow placement of structures closer to the street to increase business exposure, minimize sign clutter; reduce traffic speeds; and transition away from development with dominant front parking lots.

E. Resort Commercial Cluster District (RCCD)

Purpose: To encourage development of commercial recreational uses and commercial tourism-oriented uses while maintaining the character of the surrounding area.

1. In addition to the stated purpose, the RCCD District is intended to:

- Cluster new commercial buildings and parking areas on the most developable land within the district while retaining significant contiguous land areas in a natural or landscaped condition.
- Discourage uncoordinated strip commercial development consisting of small, individual, unrelated uses varying unpredictably in type, size, style, access arrangements and environmental impact. Such development is inconsistent with the maintenance of a rural appearance and maximum traffic safety.

6.2 GENERAL GUIDELINES: ALL DESIGN, CLUSTER & TRANSITION DISTRICTS:

A. Site Development Standards in Chapter 9.0 apply to all proposed developments.

B. Changes in Use shall be in conformance with §10.3

6.2.1 DESIGN, CLUSTER & TRANSITION DISTRICT DIMENSIONAL REQUIREMENTS

	Requirement	LCDD	LCTD	MFDD	GFDD	RCCD
Front Lots	Min. Lot Area (sf) – Frontage Lot	20,000	20,000	20,000	10,000	200,000
	Min. Lot Frontage (lf) – Frontage Lot	100	150	150	100	200
	Minimum Lot Frontage for Lots on a cul-de-sac (lf) (Min. Lot Width still applies)	50	50	50	50	75
	Min. Sidewalk Width (ft)	6	5	5	6	6
Interior Lots	**Min. Lot Area (sf) – Interior Lot**	**20,000**	**30,000**	**30,000**	**20,000**	**200,000**
	Min. Lot Frontage (lf) – Interior Lot	**50**	**50**	**30**	**50**	**50**
Front **AND** Interior Lots	Min. Lot Width (lf)	100	150	150	100	200
	Min. Front Yard Setback (lf)	15	25	25	15	25
	Maximum Front Yard Setback (new structures)	50	N/A	N/A	50	N/A
	Min. Side Yard Setback (lf)	25	25	25	25	25
	Min. Rear Yard Setback (lf)	25	20	20	25	50
	Max. Lot Coverage (% Area)	70	60	60	70	70
	Max. Building Height: Principal Structure (ft)	50*	50	50*	50*	50*

* Maximum height may be increased to sixty-five (65) feet for multi-family and/or mixed-use buildings with full sprinkler systems; located in areas with functioning fire hydrants; and where all sides of the structure are accessible by a ladder fire engine.

6.3 General Commercial And Industrial Districts: Purpose

A. Industrial District (I)

Purpose: To provide for new, as well as the continuation and expansion of manufacturing, research, and industrial uses in a way that protects our natural assets.

B. Commercial Industrial District (CID)

Purpose: To allow for a mix of compatible commercial and industrial uses specifically permitted in the zone provided the property and all buildings/structures are appropriately designed or laid out to accommodate each use individually and/or the mixture of proposed uses.

C. Commercial Marine District (CM)

Purpose: To maximize the development of appropriate water-dependent and water-related uses on the limited number of waterfront properties in this Zone.

1. **Customary Accessory Uses**: Typical accessory uses to the permitted uses in this Zone include dockside facilities such as fuel and ice sales, restrooms, and laundry facilities for overnight boaters in a marina; residence for owner of permitted marine use.

D. Neighborhood Commercial District (NC)

Purpose: To encourage development of small local businesses that will serve the daily commercial needs of the surrounding residential neighborhoods.

6.3.1 General Commercial & Industrial District Dimensional Requirements

	Requirement	I	CM	NC	CID
Front Lots	Min. Lot Area (sf) – Frontage Lot	100,000	40,000	40,000	40,000
	Min. Lot Frontage (lf) – Frontage Lot	200	150	150	150
	Minimum Lot Frontage for Lots on a cul-de-sac (lf) (Min. Lot Width still applies)	50	50	50	50
	Min. Sidewalk Width (ft)	N/A	N/A	5	5
Interior Lots	**Min. Lot Area (sf) – Interior Lot**	**200,000**	**40,000**	**40,000**	**40,000**
	Min. Lot Frontage (lf) – Interior Lot	**50**	**50**	**30**	**50**
Front **AND** Interior Lots	Min. Lot Width (lf) (at front building line)	200	150	150	100
	Min. Front Yard Setback (lf)	35	25	25	35
	Maximum Front Yard Setback (new structures)	50	N/A	N/A	50
	Min. Side Yard Setback (lf)	25	25	25	25
	Min. Rear Yard Setback (lf)	25	20	20	25
	Max. Lot Coverage (% Area)	70	60	60	70
	Max. Building Height: Principal Structure (ft)	65	50	50	65

6.4 SCHEDULE OF PERMITTED AND SPECIALLY PERMITTED USES: ALL NON-RESIDENTIAL DISTRICTS

RESIDENTIAL, PRINCIPAL	LCDD	LCTD	MFDD	GFDD	RCDD	I	CID	CM	NC
Dwelling, single family §8.14	-	-	-	-	-	-	-	-	-
Dwelling, two family (duplex) §8.15	-	P	P	-	-	-	-	-	-
Dwelling, Mobile Manufactured Home	-	-	-	-	-	-	-	-	-
Dwelling, multiple family (apts, condos) §8.13	P	S	P	P	P	-	-	-	-
Assisted Living Facility§8.4	S	P	P	S	P	-	-	-	-
Bed and Breakfast §8.6 (Permitted in legally existing residence only)	P	P	-	P	P	-	-	-	P
Nursing Home & Residential Care home §8.25	S	P	P	S	P	-	-	-	-
RESIDENTIAL, ACCESSORY	**LCDD**	**LCTD**	**MFDD**	**GFDD**	**RCDD**	**I**	**CID**	**CM**	**NC**
Accessory Structures/Uses §8.2 (Including Caretaker Apt. §8.9)	P	P	-	P	P	P	P	P	P
Home Occupation (Accessory to legally **existing**, single-family or Duplex Dwellings ONLY) §8.17	P/S	P/S	-	P/S	P/S	P/S	P/S	P/S	P/S
Adult §8.3 or Child Day Care Center §8.8	P	P	-	P	P	-	-	-	-
Short-Term Rental, Hosted (STR) (Accessory to legally **existing**, single-family or Duplex Dwellings ONLY) §8.29	S	S	-	S	S	S	S	S	S
AGRICULTURAL	**LCDD**	**LCTD**	**MFDD**	**GFDD**	**RCDD**	**I**	**CID**	**CM**	**NC**
Agriculture §8.5	P	P	-	P	P	P	P	P	P

Farm Store §8.5	P	P	-	P	P	P	P	P	P
Accessory Uses (See § 8.5G&H)	P/S	P/S	-	P/S	P/S	P/S	P/S	P/S	P/S
Keeping of Animals - Home Husbandry §8.5.1	*(Permitted only on lots that contain a legally existing single-family or duplex residence in any non-residential Zone in compliance with §8.5.1)*								
INSTITUTIONAL/ CIVIC/ MUNICIPAL	**LCDD**	**LCTD**	**MFDD**	**GFDD**	**RCDD**	**I**	**CID**	**CM**	**NC**
Civic Buildings/Uses	P		P	P	P	-	S	-	P
Cultural Institution	P	P	-	P	P	-	-	-	P
Community Center	P	P	P	P	P	-	-	-	P
Educational Facility, Private	-	S	S	-	S	-	-	-	-
Educational Facility, Public	P	-	-	P	P	-	-	-	-
Religious Facility/Use	S	S	-	S	P	-	-	-	S
Cemetery §7.2	S	S	-	S	P	-	-	-	S
COMMERCIAL	**LCCD**	**LCTD**	**MFDD**	**GFDD**	**RCDD**	**I**	**CID**	**CM**	**NC**
Commercial, General Retail	P	P	-	P	P	-	-	P	P
Commercial, Marine	-	-	-	P	-	P	-	P	-
Commercial/Industrial Complex	-	-	-	-	-	P	P	P	-
Commercial Services	S	S	-	S	-	P	P	P	-
Hospital and Emergency Medical Facilities §8.18	S		-	S		S	S		
Membership Club (Firearms) §8.21.1 (No-Firearms) §8.21.2			-						
Mixed Use (Residential/Commercial) §8.21.2	P	P	-	P	P	-	-	P	P
Mixed Use (Commercial/Industrial) §8.21.2	P	S	-	P	P	P	P	S	S
Motor Vehicle, RV, Boat and/or Equipment Repair (Mechanical) §8.24	S	-	-	S	-	P	P	S	S

COMMERCIAL, Cont.	LCCD	LCTD	MFDD	GFDD	RCDD	I	CID	CM	NC
Motor vehicle body repair & painting	S	-	-	S	-	S	S	-	-
Office/Business, General	P	P	-	P	P	P	P	P	P
Research Facility	-	-	-	-	P	P	P	-	-
Hospitality, General (Including: Club, Conference Center, Restaurants, Pub/Tavern)	P	S	-	P	P	-	S	P	P
Country Inn §8.11	P	P	-	P	P	-	-	-	S
Hotel/Motel §8.19	P	S	S	P	P	-	-	-	-
Professional Services	P	P	-	P	P	P	P	P	P
Kennel, Commercial §8.20			-			P	P		
Veterinary Office & Clinic	S		-	S		P	P		
Personal Service Establishment §8.26	P	P	-	P	P			P	P
Transportation Services, General	S		-	S	S	S	S	S	S
Gas Station (Fueling Station, EV Charging)	-	-	-	-	S	P	-	-	S
Motor Vehicle Rental/Sales	-	-	-	S	S	S	S	-	-
Recreational Facility, Indoor	S	-	-	P	P	P	P	-	-
Recreational Facility, Outdoor	S	-	-	P	P	P	P	-	-
Campground, Recreational §8.7	-	S	-	-	P	-	-	-	-
Resort Facility	S	-	-	S	P	-	-	-	-
Amusement Parks and Water Parks	-	-	-	S	S	S	-	-	-

INDUSTRIAL, PRINCIPAL	LCCD	LCTD	MFDD	GFDD	RCDD	I	CID	CM	NC
Antenna & Antenna Towers §7.1	S	S	-	S	S	P	P	P	S
Excavation Operations – Major (≥300 cu yds) §8.16	-	-	-	-	S	S	S	-	-
Excavation Operations – Minor (<300 cu yds) §8.16	S	S	-	P	P	P	P	P	-
Food and Beverage Manufacturing (Small-scale/Large-scale)	S/-	-	-	S/-	-	P/S	P/S	-	-
Industrial (Manufacturing), Heavy	-	-	-	-	-	S	S	S	-
Industrial (manufacturing), Light	S	-	-	S	S	P	P	P	-
Public & Private Utility Installations §8.27									
Sawmill	-	-	-	-	-	P	P	-	-
Solar Energy Systems (Principal) §8.31	-	-	-	-	S	S	S	S	-
Warehouse/Warehouse Distribution	S	-	-	S	S	P	P	S	-
INDUSTRIAL, ACESSORY	**LCCD**	**LCTD**	**MFDD**	**GFDD**	**RCDD**	**I**	**CID**	**CM**	**NC**
Sawmill-Temporary §8.28									
Small Wind Energy System §8.30	P	S	P	P	P	P	P	P	P
Solar Energy Systems (Accessory) §8.31	P	S	P	P	P	P	P	P	P
MISC/OTHER	**LCCD**	**LCTD**	**MFDD**	**GFDD**	**RCDD**	**I**	**CID**	**CM**	**NC**
Temporary Outdoor Events §8.32	P	S	-	P	P	-	-	S	S
Drive-thru Windows §8.12	P	P	-	P	P	P	P	P	S

6.5 SPECIAL DEVELOPMENT TECHNIQUES AND FLOATING ZONES

6.5.1 TECHNOLOGY PARK DISTRICT

A. General:

1. The Planning and Zoning Commission may establish site specific Technology Park Districts ("TPD") for those properties suitable for the development of high technology industries by approving a Master Plan in conformance with Subsection D below.

2. The TPD is a floating zone governed by a conceptual Master Plan. The Master Plan will be subject to review and approval by the Commission as a zone change, subject to a public hearing and all other applicable terms and conditions of these Regulations. It is recognized that the Master Plan may require certain fluidity to accommodate market changes during the complete development of any project. Notwithstanding the foregoing, any substantial and material change, at the Commission's sole discretion, will be subject to the same procedural requirements for a zone change as required by the original zone change application adopting the TPD. Once approved, the TPD will replace all pre-existing zoning, and any future development on the zoned property will be subject to the specific TPD requirements set forth herein.

3. In that the approval of a TPD constitutes a change of zone, it calls for the Commission to act in its legislative capacity, and to exercise legislative discretion. By filing an application for a TPD, the applicant acknowledges and accepts the nature of such application, and the level of discretion which the Commission possesses in such applications.

B. Statement of Purpose: Technology Park Districts are intended to provide locations for advanced technology industries such as computer software and hardware developers, research and development facilities, data centers, laboratories, highly specialized manufacturing and other similar uses within large-scale, organized, campus-like settings which stimulate economic growth and reinvestment, create quality employment opportunities, and generate significant revenue for the Town through taxes and/or other revenue streams. Factors to be considered by the Commission in approving a TPD include:

1. That the location, uses and layout of the proposed TPD are in conformance with the general intent of, and the goals and objectives contained in, the Plan of Conservation and Development.

2. That there exists harmony between the various uses that are proposed within the TPD and compatibility with neighboring land uses, taking into consideration reasonable buffers and/or screening.

3. That there is a positive economic impact of the proposed TPD to the community, including in terms of both revenue generation and job creation.

C. Establishment of District: The Commission shall establish a TPD by approving a Master Plan, which while not intended to be a substitute for the detailed drawings and documentation associated with a Site Plan, does provide sufficient conceptualized information to determine if the proposal is in conformance with Sub-section B above

and the Plan of Conservation and Development. Such adoption shall constitute a zoning map amendment in accordance with these Regulations.

1. Numbering of Technology Park Districts. Each TPD shall be numbered and depicted sequentially on the official zoning map in accordance with the date of adoption as TPD-1, TPD-2 and so forth.

2. District Eligibility. The area proposed for a TPD shall:

   a. Encompass a minimum of 200 acres of contiguous land in one or more parcels under common ownership or other arrangement satisfactory to the Commission; and

   b. Include road frontage along any arterial road or direct access to and from an arterial road via a public road and/or private right-of-way; and

   c. Be serviced by adequate underground public utilities or be capable of being serviced by the same or by the provision of sufficient onsite facilities to be constructed.

3. Additions and Alterations. Any additions or alterations to the Master Plan must comply with the criteria established in Sub-section B above, and any such change shall be made in a manner which will accomplish the purposes stated in §6.51B hereof. The Commission may, at its sole discretion, hold a public hearing on any addition or alternation to the Master Plan.

4. District Expiration. Approval of the zone change shall be void, without any further action of the Commission and the property shall automatically return to its prior zoning designation, unless a Site Plan for the TPD is approved within 24 months of the date of zone change approval. The Commission may grant one or more extensions of this period upon written request of the applicant, but in no event will the extensions exceed twenty-four (24) additional months.

D. **Master Plan**: The purpose of the Master Plan submission is to determine whether the proposed uses and layout conform to Sub-section B above and to the Plan of Conservation and Development. The Master Plan, once adopted, shall establish the development and design standards of the TPD and its uses. All elements of the Master Plan shall be professionally prepared to provide a conceptual plan for the overall development of the TPD. A Master Plan shall include the following components:

1. Master Plan Narrative demonstrating the submitted Master Plan's consistency with the purpose of the TPD, policies, goals, and objectives of the Plan of Conservation and Development, and the orderly development of the Town.

2. Existing Conditions Plan showing: (1) existing topography with 5-foot contours showing the general gradient of the site, existing structures, existing roads and rights-of-way, easements, major topographic features, bedrock outcrops, inland wetlands, watercourses, upland review areas, and flood plains; (2) land uses, zoning and approximate location of buildings and driveways within 100 feet of the site, (3) boundary survey; and (4) location map.

3. Conceptualized Layout Plan showing: (1) general location and nature of proposed land uses; (2) proposed public and private rights-of-way, parking areas, easements,

and public and private open space areas; (3) proposed building footprints, floor areas, and building heights; (4) proposed location of landscaping, buffering, and screening; (5) utility and highway improvements; (6) storm water management areas and structures; and (7) construction and improvement phasing plan.

4. Development Standards for the proposed development provided in a narrative form including, but not limited to: (1) permitted uses subject to Site Plan approval; (2) bulk, dimensional, and density requirements; (3) parking and loading; (4) streets and sidewalks; (5) landscaping and screening; (6) lighting; (7) signage; (8) open space and conservation areas; and (9) any other standards the Commission may reasonably require.

5. Architectural Standards for the proposed development provided in either narrative form and/or visual representations detailing: (1) architectural styles; (2) massing and scale; (3) materials and colors; (4) roof lines and profiles; and (5) typical building facades and elevations.

6. Traffic Analysis including: (1) a preliminary traffic memorandum detailing the impact of the proposed development; and (2) a conceptual improvement plan and the measures necessary to mitigate those impacts if necessary.

E. Site Plan: After Master Plan approval and establishment of a TPD by the Commission, an application for a Site Plan must be submitted for approval, following provisions contained in these Regulations. The implementation of a Master Plan approval may be phased by the filing of multiple Site Plan applications.

F. Specific Design Standards: The following design standards shall apply to all TPD Districts:

1. Area and Bulk Requirements: All bulk and dimensional requirements shall be established by the Master Plan.

2. Architectural Design: All new construction shall be designed to provide a high-quality appearance consistent with contemporary standards and all selected materials shall be durable with subtle colors and uniform treatments.

3. Signage: A sign plan evidencing a unified signage program for the TPD, including the general position, size, content and appearance of signs visible from any public right of way shall be included in the Master Plan application and shall be approved by the Commission.

4. Parking: On-site parking areas shall be adequate for the uses proposed. Specific parking standards shall be established as part of the Master Plan. Parking should be located onsite to the extent feasible, but not lead to excessive impervious coverage. Design of parking areas should maximize landscaping and prevent large expanses of impervious area. Stormwater management shall be designed to handle anticipated run-off without creating negative impacts on adjacent properties or natural resources.

5. Permitted Uses: Permitted uses shall be established by the Master Plan and implemented by Site Plan approval. The following list of uses is permitted in the TPD, but it is not exclusive. The Commission may approve other uses, provided

said uses are not prohibited by Sub-section F(6) and it is determined said uses are consistent the purposes of the TPD.

a. Computer software and hardware development.

b. Research and development facilities.

c. Data centers.

d. Laboratories, provided that no onsite patient visits are permitted.

e. Highly specialized manufacturing, including but not limited to, defense and aviation industries, and electronic and/or communication instruments and devices.

f. Power generation facilities only as accessory to a principal use and constructed in a manner to prevent distribution to the electric grid.

g. Professional offices only as accessory to a principal use.

6. **Prohibited Uses**: In addition to the prohibited uses contained in these Regulations, the Commission has determined that the following uses are prohibited in the TPD.

   a. Gasoline filling stations.

   b. Vehicle sales, leasing and renting.

   c. Auto repair, storage, maintenance and paint shops.

   d. Theme parks and amusement parks.

   e. Retail sales.

   f. Outdoor storage as a principal use.

   g. Residential uses.

   h. Commercial Services (Landscaping, construction businesses, etc.).

7. **Buffers**: The purpose of buffer areas is to provide privacy from noise, light glare and visual intrusion to residential dwellings in all locations where uses within the TPD abut a residential district exterior to the TPD. A buffer area shall be required between any developed area in the TPD which is abutting or directly across a street (other than a limited access highway) from any lot used for residential purposes in a residential district exterior to the TPD. Buffer requirements do not apply to internal property lines which are part of the TPD and do not border adjacent property. The Commission may allow the buffering to be located on adjacent property with the consent of the affected property owner; provided that the right to maintain such buffering and/or screening is memorialized by a permanent easement filed for record in the Ledyard Land Records. Such buffer areas shall comply with the following minimum standards:

   a. **Buffers from adjacent residential uses**: The minimum width of the buffer area shall be twenty-five (25) feet from the property line. In the event that the buffer area is not currently vegetated, the Applicant shall install screening within the buffer area in conformance with subsection b.

b. **Screening** shall consist, at minimum, of plantings not less than six (6) feet in height planted at intervals of ten (10) feet on center and other evergreen and deciduous shade trees and shrubs as may be appropriate. As an alternative, an earthen berm, stabilized with appropriate groundcover and plantings, may be permitted by the Commission in order to provide adequate screening for adjoining residentially used property.

c. **The following accessory uses shall be allowed within buffer** areas provided that they are adequately screened from abutting residential properties: access roads, pedestrian sidewalks, utilities, mailboxes and approved signs.

8. **Lighting**: All site lighting shall be designed with full cut-off fixtures and facing in a general downward direction to shield and reduce glare.

CHAPTER 7.0: GENERAL/MISCELLANEOUS REGULATIONS

This section shall apply to the following uses and requirements regardless of location.

7.1 ANTENNAS & ANTENNA TOWERS

A. Purpose: To provide for wireless telecommunication facilities, antennas and towers, while minimizing the adverse visual and operational effects through careful design, siting and screening. This section of the Zoning Regulations is consistent with the Telecommunications Act of 1996 in that it does not discriminate among providers of functionally equivalent services, prohibit or have the effect of prohibiting the provision of personal wireless services, or regulate the placement, construction, and modification of personal wireless service facilities on the basis of environmental effects of radio frequency emissions to the extent that such facilities comply with FCC regulations concerning such emissions.

B. Scope: These regulations are applicable only for Antennas and Antenna Towers that are not subject to the jurisdiction of the Siting Council, which has exclusive jurisdiction for community antenna television towers and head-end structures, including associated equipment, and telecommunication towers, including associated telecommunications equipment, owned or operated by the state, a public service company or a certified telecommunications provider or used in a cellular system, as defined in the Code of Federal Regulations Title 47, Part 22, as amended. Reference CGS §16-50i.

C. Applications must contain the following items:

1. A written description of all proposed antenna and mounting equipment including size and location on existing tower or building. The description shall include the structure's capacity, including the number and type of antennas it can reasonably accommodate as well as the proposed location of all mounting positions for co-located antennas and the minimum separating distances between antennas. A report from a licensed radio engineer indicating that no other existing or planned tower or structure can accommodate the applicant's antenna.
2. A plan showing the location of all proposed towers, structures, fall circle, property lines, buildings, fencing, landscaping (with a list of plant materials), and driveway access to the site. The plan shall indicate how, if failure occurs, the tower will collapse without encroaching outside the site's lease lines (if any) or upon any adjoining property.
3. A design drawing of the proposed tower(s) that includes the cross-section and elevation depictions of the proposed tower, antennas, accessory buildings, boxes, cabinets, and security fencing including sizes and materials.

D. Amateur Radio, CB, Homeowner Antennas, and Towers that may be approved by the Zoning Official:

1. Amateur Radio Service (including Amateur Radio Emergency Service) Antennas and Amateur Radio Service Tower installations meeting the following standards.
   a. Towers, transmitters and Antenna installations shall comply with Part 97 of FCC rules and regulations, as amended.
   b. The distance to the nearest property boundary shall be not less than two-thirds (2/3) of the Tower height. For bracketed Towers supported by a building, the Tower height shall be measured from the bracket attachment height.

c. A copy of the applicant's federal amateur radio license shall be provided to the Zoning Official when applying for a Zoning Permit for an amateur radio service antenna.

d. Towers shall meet all setback requirements for the Zoning District.

2. Traditional radio, television, scanner, Citizen Radio Service (CB) Antennas operated in accordance with FCC regulations and emission standards, and miscellaneous antennas used by homeowners that meet the following requirements.

   a. Height of roof-mounted antenna does not exceed twenty (20) feet above the highest point of the structure.

   b. Size of roof-mounted dish antennas shall not exceed three (3) feet in diameter.

   c. Tower and overall antenna height shall not exceed sixty-five (65) feet.

   d. The distance to the nearest property boundary shall be not less than two-thirds (2/3) of the Tower height. For bracketed Towers supported by a building, the Tower height shall be measured from the bracket attachment height.

   e. Towers shall meet all setback requirements for the Zoning District.

D. <u>For Antennas and Towers associated with a project subject to Commission review.</u>

1. The tower and/or antenna shall be erected to the minimum height necessary to satisfy technical requirements of the telecommunications facility. Documentation of the minimum height needed, prepared by a licensed radio engineer, is required with the application.

2. The tower and/or antenna shall comply with the setback requirements of the zoning district in which it is located or be set back from all property lines and lease lines (if any) a distance equal to but not less than the height of the tower. However, if it can be demonstrated that the design and installation of the tower limits the collapse distance to less than the tower's height, or if it is unlikely that a structure will be constructed on adjacent property within the fall circle, the distance to the property line or lease line (if any) may be reduced by the Commission by up to one-third the tower's height.

3. The tower and/or antenna may be considered as either a principal or accessory use.

4. More than one (1) tower on a lot may be permitted if all setback, design, and landscape requirements are satisfied for each tower.

5. The tower and/or antenna may be on leased land as long as there is adequate ingress and egress to the site for service vehicles, and such access is documented in a deeded easement presented to the Commission.

6. All towers in residential districts shall be of a monopole design unless the applicant demonstrates that wind loading at the proposed location will exceed monopole tower design specifications, and/or that no monopole tower is available that will satisfy the minimum height, shape, size, or weight requirements of the antenna(s) to be located on the tower.

7. Towers not requiring FAA painting or markings shall be painted a non-contrasting blue, gray, or other neutral color.

8. No lights or illumination shall be permitted unless required by the FAA.

9. No signs or advertising shall be permitted on any tower or antenna, except that no trespassing, warning, and ownership signs are permitted at ground level.

10. The proposed tower, accompanying building and electrical utilities, shall be built to accommodate a minimum of three co-users unless it is determined to be technically unfeasible based upon information submitted by the applicant and verified by the Commission. These co-users shall include other wireless telecommunication companies, and local police, fire, and ambulance companies. If co-users are not known at the time of application, applicants shall base designs for co-users on equipment requirements similar to their own.

E. Siting Preferences: The general order of preference for antenna towers is as follows (most preferred to least preferred):

1. Co-location on existing or approved towers,
2. On existing structures such as non-residential structures/facades, water towers/tanks, utility poles, or chimneys,
3. On new towers located on property currently occupied by one or more existing towers.
4. On new towers in industrial districts.
5. On new towers in commercial districts.
6. On new towers in residential districts.
7. On new towers in Development Districts.

7.2 CEMETERIES

A. A twenty (20) foot buffer strip shall be maintained around all cemeteries within any district to prevent desecration. Public Access shall be provided.

7.3 CONSTRUCTION TRAILERS

A. A mobile trailer may be used as field offices, tool shops, and/or as storage sheds for construction projects provided it is not used for sleeping or living quarters.

B. A Zoning Permit is required for a construction trailer and shall expire after six (6) months.

C. Renewal permits can be granted for six (6) month terms during the thirty (30) day period prior to expiration of an existing permit under the same procedure used for the initial approval. There is no limit on the number of times a renewal permit can be granted provided construction activity continues.

D. An application for a new or renewal temporary Zoning Permit for a construction trailer shall include:

1. A certification to the Zoning Official that the construction trailer (a) will be on the construction site in the same location as may be provided on the Site Plan, (b) will be actively used in support of proposed or current construction on the site.

2. Confirmation the construction project has a valid zoning and building permit.

3. A location acceptable to the Zoning Official.

4. Payment of the Zoning Permit fee for a temporary construction trailer.

E. The Zoning Office is under no obligation to provide a reminder notice regarding an expiring temporary Zoning Permit for a construction trailer.

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, or shared driveway 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 be subject to the Shared or Common Driveway regulations contained in §7.4C.

   c. Minimum separation between physical driveways shall be 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 Director of Public Works.

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. No vehicle shall be parked in such a way as to obstruct the required sightline (for any lot). It is responsibility of the property owner to maintain this sight line.

4. **Snowstack Space**: Driveways shall not be located closer than five (5) feet to any property line to ensure that snow stacking is provided on the lot(s) on which the driveway is located.

5. **Surface:** Driveways 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.

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 or minimum frontage requirements for all lots utilizing the access easement area or otherwise encumbered by it.

7.5 INTERIOR LOTS

A. Residential Districts:

1. Interior Lots may be permitted in all Residential Districts subject to the requirements set forth in the" Area and Bulk Requirements," with the following conditions and/or exceptions:

   a. The access strip shall be owned as part of the interior lot and must be a minimum of twenty-five (25) 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, unless otherwise specified.

   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.

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). 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 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 the "Area and Bulk Schedule," 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 on any lot in any District. No more than one (1) vehicle that has an expired registration, but

which can be re-registered in its current physical condition or registered but currently inoperable may be parked or stored outside on any lot in any district regardless of screening, and may not remain for longer than six (6) months.

B. A maximum of one (1) hobby motor vehicle, as defined by these regulations, may be located in a side yard or rear yard of a residential property, provided it is screened from view from adjacent properties and access roads. Such screening may be achieved by use of a fence or vegetation, or combination thereof. There is no limitation on the number of hobby motor vehicles that are stored or parked within a permitted building, provided the building is maintained in a structurally sound and safe condition.

D. It is the intent of these regulations that the term "Junk" not apply to:

1. Farm equipment in working order ordinarily and regularly used with an active farming operation on the same premises;
2. Materials or items being temporarily stored in rodent-proof containers that are placed on the curb on a regular schedule for refuse pickup;
3. Sawmill inventory;
4. Cordwood;
5. "Hobby Motor Vehicles" that are in compliance with these regulations; and
6. Construction materials and associated debris that are directly associated with a construction project on the same premises with a valid and active building permit provided that the construction materials and associated debris are removed from the premises within fifteen (15) days after the construction project is materially completed.

7.7 NON-CONFORMING USES, STRUCTURES, AND LOTS

7.7.1 Non-conforming Uses:

A. Any nonconforming use *lawfully existing* at the time of adoption of these Regulations, or any amendments hereto, may be continued as a nonconforming use.

B. A non-conforming use shall not be enlarged nor expanded except as may be expressly allowed elsewhere in these Regulations. A non-conforming use of an existing building shall not be extended to occupy land outside such building or space in another building.

C. A non-conforming use of land shall not be moved to another part of a lot or to an adjoining lot. A non-conforming use of a building shall not be moved or extended to any part of the building not manifestly arranged and designed for such use at the time the use became non-conforming. A building containing a non-conforming use shall not be moved unless the use is changed to a conforming use and all zoning requirements are met.

D. Except as may be expressly allowed elsewhere in these Regulations, a non-conforming use of land or of a building shall not be changed to any other non-conforming use. A non-conforming use once changed to a conforming use shall not thereafter be changed to a non-conforming use.

E. Normal upkeep, maintenance, and repair in a building occupied by a non-conforming use is permitted provided that such work does not increase or expand the non-conforming use or the building that houses the non-conforming use.

7.7.2 Non-Conforming Buildings and Structures:

A. Any nonconforming structure *lawfully existing* at the time of adoption of these Regulations, or any amendments hereto, may be continued as a nonconforming structure.

B. Any non-conforming building or structure that contains a conforming use and that is damaged by fire, collapse, explosion, neglect, casualty, or act of nature, may be reconstructed, repaired, or rebuilt in the same location, but only to its previous floor area and cubical content, and only if (A) such work does not increase the non-conforming aspect of the structure or complies with other applicable parts of these Regulations for the specific use and zone; and (B) any such reconstruction or rebuilding process is commenced within one year of the date of damage. If a foundation of the former structure exists and remains in a condition capable of supporting a new structure, the one-year timeframe may be extended

C. A structure that is non-conforming because it does not comply with one or more of the requirements regarding required setbacks, height, percentage of lot coverage, or required parking facilities, or is currently located on a lot that does not meet minimum lot size standards for the zone in which it is located, may be altered or expanded provided that no construction occurs within any required setback and does not create a new or intensify existing non-conformities.

D. Normal maintenance and repair to a non-conforming building or structure are permitted provided such work does not further violate the requirements of these Regulations.

7.7.3 Non-Conforming Lots:

A. Nothing in these Regulations shall prevent the construction of a permitted building or structure, or the establishment of a permitted use in the relevant zoning district, on a lawfully existing parcel that does not contain the required minimum area, minimum setbacks, or minimum lot frontage for the underlying zone, provided that: (A) as of the date of initial adoption of these Regulations, and continuously thereafter, the parcel was owned separately from an adjoining lot, as evidenced by deed(s) recorded in the land records; and (B) a previously existing lot that does not have frontage on an accepted street must have access to an accepted street over a permanent right-of-way or easement. Note: Use specific, required minimum lot size still apply.

B. Where two (2) or more nonconforming lots are contiguous, and in single/same ownership, and where at least one (1) of the parcels is undeveloped, such parcels shall be combined or merged to create a conforming lot or a more conforming lot to the extent possible in conformance with §7.7.6.

C. A non-conforming lot shall not be altered in such a way as to increase the degree of non-conformity.

D. Any lot that contained more than one (1) residence at the time of adoption of these Regulations may be divided and sold as separate lots, provided that (A) each such lot or lots conforms to the bulk and area requirements of the district in which it or they are situated, and (B) each resulting lot contains at least one (1) of the previously existing residential buildings.

7.7.4 Exceptions:

A. Additions may be made to single-family or duplex residential dwellings that have become non-conforming solely because of a zone or text amendment change that eliminated residential uses in the zone in which the relevant lot is now located. However, all such additions (A) shall be solely for the use of the house as a residence or for a lawfully permitted Home Occupation (see §8.17), or STR (see §8.29) and (B) must comply with current dimensional/bulk requirements (setback, height, lot coverage, etc.) and any other applicable requirements relevant to the underlying Zone or proposed use.

B. Where two (2) houses exist on one residential lot, each unit will be considered non-conforming, and each may be expanded in conformance with Subsection A above.

C. No construction or use shall be permitted on any non-conforming lot unless there is adequate water and sewerage facilities as determined by the Health District.

7.7.5 Abandonment of Non-Conforming Uses and Characteristics:

A. When a non-conforming use of property, or of a building or other structure, has been formally abandoned, that use may not subsequently be reestablished except as may be expressly authorized by these Regulations

B. When a non-conforming characteristic of a building or other structure has been removed and formally abandoned, all subsequent modifications of the structure or property shall be required to conform to these Regulations.

C. Formal abandonment shall mean the owner of the property and/or the person or persons carrying out such use record a written notice in the land records of the Town of Ledyard stating their intention to abandon the non-conforming use or aspect of the structure.

7.7.6. Rule of Merger of Non-Conforming Lots: **(process?)**

A. Any adjoining non-conforming parcels and/or lots of record in common ownership shall be considered merged until the lot area equals the minimum area of the applicable zoning district unless protected pursuant to the provisions of C.G.S §8-26a(b)(1), as may be amended.

B. Any lot of record shall be deemed to have merged with an adjoining lot or parcel if:

1. The common property line has had a building or other structure constructed thereupon at any time;
2. Any structure has been constructed on the lot or parcel that is necessary to a principal building or use on an adjoining lot;
3. The lot has been used for required parking for a use on the adjoining lot.
4. The lot has been used in conjunction with a use on an adjoining lot.

7.7.7 Replacement of Lawful Nonconforming Mobile Homes:

A. Mobile homes and mobile manufactured homes shall be permitted only on locations occupied by a mobile home on the date Zoning Regulations were adopted (October 11, 1963, as amended).

B. The replacement of a lawfully non-conforming mobile home or mobile manufactured home is permitted as follows:

1. A "removal permit" to remove, and/or a "demolition permit" to destroy, the mobile home or mobile manufactured home that is being replaced must be issued by the Building Official.
2. The mobile home or mobile manufactured home being replaced shall either be demolished or removed from Ledyard.
3. A mobile home, or a mobile manufactured home, in a licensed mobile home park, may be replaced provided the total number of mobile homes and mobile manufactured homes in the mobile home park does not exceed the number of sites listed on the Park License issued by the Department of Consumer Protection.
4. Replacement mobile manufactured homes shall be constructed to the most recent HUD Code.

7.8 PORTABLE STORAGE UNIT: SEE ACCESSORY STRUCTURE

7.9 SIGNS

7.9.1 Purpose: The purpose of this section is to regulate the number, height, size, brightness and location of advertising signs and billboards in all zones to ensure public safety, to protect both property values and to allow individual, commercial, and public interests to be communicated through signs.

7.9.2 Application for Sign Permit for a Permanent Sign:

A. Permanent new signs, relocation of signs, and modifications to existing signs require an application for a sign permit be made on forms provided by the Land Use Department, and shall include the following information:

1. Dimensions of the proposed sign. The size of the proposed sign (area, height, width, thickness), illumination and material from which it is to be constructed.
2. Detailed drawing of the proposed sign. A detailed drawing showing the construction details of the sign and showing the position of lighting or other extraneous devices and support structures.
3. Proposed Location of the sign in relation to the building and all property lines and streets.

B. The repainting, changing of parts, or preventive maintenance of lawful signs, with no change in location, design, or structure, shall not be deemed a modification and does not require a Sign Permit.

C. The permanent removal of sign face illumination does not require a sign permit.

7.9.3 Prohibited Signs:

A. Signs with moving parts: Signs which have visible moving parts, including signs which are designed to achieve movement by action of wind currents, or which have mobile or revolving parts, or which have animated parts, are not permitted. Exceptions include time or temperature devices, barber poles, windsocks, open flags, and welcome flags which contain no advertising.

B. Flashing signs: These are illuminated or indirectly illuminated signs that incorporate flashing or moving illumination or animation.

C. **Hazards to public safety**: These are any signs or sign supports which constitute a hazard to public safety, including signs which by reason of size, location, content, coloring or manner of illumination obstruct the vision of a driver, or obstruct or detract from the visibility or effectiveness of any traffic sign or control device on public streets and roads; or which obstruct free ingress to or egress from a fire escape, door, window or other required exit way; or which make use of words such as "stop", "look", "one way", "danger", "yield", or any similar words, phrases, symbols, lights or characters, in such a manner as to interfere with, mislead, or confuse traffic.

D. **Pennants**: String pennants are prohibited, except for the opening of a new business, in which case they shall not exceed fourteen (14) days.

E. **Inflatable signs**

F. **Roof mounted signs**

G. **Signs not specifically authorized by these regulations are prohibited**

7.9.4 **Lawful Non-Conforming Signs**: Existing signs installed prior to the adoption of the Zoning Regulations (as amended) of a size, type, or location currently not permitted in the District in which they are situated, or which do not conform to all the provisions of these regulations, will be considered lawful non-conforming structures under this Section. Any increase in size shall be deemed to be an enlargement or extension producing an unlawful increase in non-conformity. Non-conforming signs may not be relocated to any other location unless the new location is more conforming.

7.9.5 **General Requirements**:

A. No person shall erect, alter, or relocate any sign structure or sign face without first obtaining a Sign Permit except as exempted by these regulations.

B. These regulations shall not apply to indoor signs or interior signs located, for example, within baseball fields, football fields, stadiums, theaters, and parks, provided they cannot be viewed off site.

C. For a proposed development that requires a Special Permit or a Site Plan, the applicant may combine the development application and the sign application into a single application to the Commission.

7.9.6 **Sign Illumination**: Signs may be illuminated either externally or internally provided they comply with the outdoor illumination standards in §9.10 and the limitations set forth below.

A. Signs may not have flashing or intermittent lights, lighting of varying intensity, or exposed neon lights. Internally lit LED and/or digital change copy signs are permitted in all non-residential zones.

B. Internally lit LED are also permitted for non-residential uses legally existing in a residential zone. Electronic Message Centers (EMC's) are not permitted in any residential zone.

C. No illuminated sign shall have exposed electrical wires.

D. No sign shall be illuminated between the hours of 11 p.m. and 6 a.m. unless the premises on which it is located is open for business at that time. This prohibition does

not apply if the illumination occurs because of lighting provided for public safety purposes.

7.9.7 **Sign Motion**: No sign or any part thereof shall be moving, whether by mechanical or other means (including wind) (See §7.9.3A for exceptions).

7.9.8 **Sign Location**: The following general conditions apply to sign location:

A. no sign shall extend into a vehicular public way (unless associated with a drive-through use), or be lower than eight feet above a pedestrian way;

B. no sign shall obstruct free entrance or exit from a required door, window, or fire escape; or be located or constructed in a manner that interferes with access by fire or emergency personnel;

C. no sign shall be constructed or located in a manner that obstructs light or air into a building or otherwise interferes with the proper functioning of a building;

D. no sign shall be placed in such a location as to confuse or obstruct the view or effectiveness of any traffic sign or signal or in a location that creates a sight-clearance problem for traffic flow on a public way;

E. All signs whether they require a permit or not, must be a minimum of ten (10) feet from edge of pavement if no setback requirement is specified;

F. No signs, other than those specifically authorized elsewhere within these regulations shall be erected within the right-of-way lines of any street, sidewalk or public way and Signs shall be located on the property they are associated with unless otherwise allowed by this section.

7.9.9 **Miscellaneous Signage General requirements**:

A. **Exterior bulletin boards on premises of civic buildings**: Such signs shall not exceed eighteen (18) square feet total. There shall be not more than one (1) bulletin board per site. Bulletin boards may have two (2) faces placed back-to-back which are at no point more than sixteen (16) inches from one another.

B. **Real Estate and Construction Signs are permitted as follows:**

1. In residential zones Real Estate signs not in excess of six (6) square feet in area;
2. In non-residential zones, Commercial Real Estate advertising signs not exceeding sixteen (16) square feet in area; and
3. Construction signs with message limited to project name, building name, architects, engineers, contractors, sponsors or other individuals or firms involved with the construction, provided such signs do not exceed one sign per site. These signs shall not exceed an area of twelve (12) square feet for single family or duplex construction and thirty-two (32) square feet for multi-family or non-residential construction and are removed within seven (7) days of issuance of a Certificate of Occupancy.

7.9.10 **Agricultural Signs**:

1. One (1) permanent free-standing or attached sign with an area no larger than sixteen (16) square feet per side, limited to two (2) sides (no size limit applies to "signs" painted

on a barn). Agricultural signs must comply with all other applicable standards specified in §7.9.

2. Seasonal Agricultural Sign. One temporary free-standing or attached sign associated with a farm stand, seasonal farm stand, or agriculturally related use. Such signs shall not have an area larger than sixteen (16) square feet per side, with a maximum of two (2) sides.
3. One (1) seasonal agricultural sign per farm stand, seasonal farm stand, and/or agriculturally related use is allowed. One (1) additional seasonal agricultural sign per every 300 feet of frontage on a public right-of-way on a farm parcel is also allowed. At no time, however, shall any farm have more than six (6) seasonal agricultural signs.
4. Seasonal agricultural signs shall meet all other applicable standards specified in §7.9

7.9.11 Temporary Signs:

A. Temporary signs differ from permanent signs with temporary or changeable messages.

B. Temporary signs are allowed without a Sign Permit provided they meet the setback requirements for the district in which they are located and notification to the Land Use Office is given indicating location, number of signs, and posting and removal dates for the proposed temporary signs.

C. Temporary Signs are allowed on a property to advertise a special event, each shall be no larger than eighteen (18) square feet. No more than two (2) temporary signs are permitted.

D. Temporary Signs shall:

1. be freestanding and not attached to trees, utility poles, municipal signposts, etc.;
2. be allowed three (3) weeks prior to the event they advertise and must be removed within one (1) week of the completion of the event; and
3. only advertise an event in the Town of Ledyard.

E. Off-Site Directional Signs: Off-Site directional signs are allowed provided the nature and location of such signs do not interfere with required sightlines or pose any potential traffic hazard. The owner of the enterprise/activity for which the Sign is desired shall have permission of the property owner regarding sign location. Placing directional signs in town or state-owned rights of way is not allowed without the permission of the state or town as appropriate. Each sign shall not exceed two (2) square feet in area, whether wall mounted or freestanding.

F. Banner signs: Banners approved by the Mayor and CONNDOT intended to provide notice of municipal events, elections, referendums, fairs, educational, athletic, or other civic events, may be located above roadways provided such banner(s):

1. Do not cause problems with sight lines or clearance, or cause other traffic hazards;
2. Do not exceed minimum and or maximum dimensions specified in state regulations;

3. Are securely attached to permanently installed Town owned poles that comply with design, material, location, installation, height, maintenance, and other applicable regulations; and

4. Are removed within one (1) week after conclusion of the event.

7.9.12 Sign Standards for Specific Districts: All permanent signs require a sign permit unless otherwise noted.

A. Residential Districts (R-20, R-40, R-60 and MFDD Districts):

1. Neighborhood entrance signs---Permanent signs at major entrances to residential developments designed only to identify such developments shall be permitted and do not exceed eighteen (18) square feet in area (per side if freestanding). Signs shall not be elevated more than one (1) foot from the grade level of the site. A neighborhood or named development may have a sign at each main road entrance, denoting only the name and/or address of the development. It shall be permanently affixed to the ground on private property with permission from the owner. Neighborhood entrance signs may be lighted only by a continuous white down light to reflect the light away from the adjoining property and away from the street(s).

2. Approved commercial uses, excluding home occupations, in a residential zone are permitted one (1) free standing sign. The freestanding sign shall not exceed eighteen (18) square feet, shall not be more than six (6) feet in height from grade, shall be setback a minimum of ten (10) feet from any property line and shall not require a minimum sight window, but shall not interfere with driver sight lines. Internal lighting and Electronic Message Center Signs (EMC) are prohibited.

3. All external lighting shall conform to §9.10.

B. Non-Residential Districts (CM, NC, CID and I Districts and LCDD, LCTD, GFDD, RCCD):

1. Kiosk-- Kiosks are permitted, as follows:

a. The upper sign board of the Kiosk bearing the name of the site, building or business complex shall not exceed thirty-two (32) square feet, and each business on the site, in the building or in the business complex may have one (1) lower sign board under the kiosk top board with a maximum of eight (8) square feet. The overall width of the upper signboard shall not exceed eight (8) feet.

b. Kiosks shall be configured so that there is at least a four (4) foot sight window from grade level to the lowest signboard. The top edge of the Kiosk top signboard shall not exceed eighteen (18) feet from grade level.

c. One (1) kiosk may be erected at each major entrance to the site if separated by a minimum of two hundred (200) feet, in which case they shall count as only one (1) sign.

2. Freestanding Sign: If a kiosk is not being used, one (1) free standing sign is permitted per property which has permitted commercial or industrial uses. Like Kiosks, freestanding signs shall have at least a four (4) foot sight window from

grade level to the lower edge. Maximum height is eighteen (18) feet. Maximum area is eighteen (18) square feet per face.

3. **Wall Mounted Sign**: One (1) wall mounted, single face sign per establishment shall not project more than fifteen (15) inches, and such sign may have a maximum square footage of 200 square feet provided that no such sign shall exceed one half (1/2) the length of the space occupied by the establishment

   a. Any building with a major parking area located in the rear of the building may have a second wall sign also located in the rear of the building that is limited to twelve (12) square feet.

7.9.13 In addition to the principal Kiosk or Freestanding sign, and a Wall Mounted Sign the following additional signs are permitted provided the total square footage of ALL additional signs does not exceed forty-eight (48) square feet.

1. **Hanging Signs**: Each commercial use within a structure is permitted one hanging sign no larger than four (4) square feet in sign area (per face). Hanging signs shall protrude perpendicularly from the front of the building. No portion of any such sign shall interfere with pedestrian traffic.

2. **Awning signs**: A business may have awning signs less than ten (10) square feet in area when such awning is designed to be used for the walkway or main entrance of a business.

3. **Analog clocks, analog time and/or analog temperature displays**: Such signs may not exceed eighteen (18) square feet and shall have no advertising on the unit. The same setbacks and heights for signs in the district shall be observed and may use low power indirect illumination by down-lighting only.

4. **Digital electronic displays / Digital Electronic Message Centers (EMCs):**

   a. EMCs are signs that utilize computer generated messages or some other electronic means of changing copy. These signs include displays utilizing incandescent lamps, LEDs, or LCDs.

   b. LED, plasma, neon, or flat screen electronic displays are permitted. Such signs may not exceed eighteen (18) square feet per side.

   c. One (1) EMC sign is permitted as either the primary sign or as an additional permitted sign.

   d. LED signs shall have a maximum pixel pitch of eight (8) mm.

   e. Digital signs / EMCs shall display messages that remain constant in illumination intensity and do not have movement or the appearance or optical illusion of movement. The use of animation, dissolve, fade, flashing, frame effects, scrolling and travel are prohibited.

   f. EMCs shall be equipped with a fully operational light sensor that automatically adjusts the intensity of the EMC according to the intensity of ambient light or be programmed to automatically dim to an acceptable level from one hour before dusk to one hour after dawn.

g. EMC's shall not change from one message to another message more frequently than once every fifteen (15) seconds.

h. EMC's shall be designed to freeze the display in one static position, display a full black screen, or turn off in the event of a malfunction.

5. **Portable signs and sandwich board Signs**: One (1) portable or sandwich board sign is permitted per business address per road frontage, during business hours only, not to exceed nine (9) square feet per side.

6. **Window signs**: A business may have window signs permanently erected or maintained which are visible to any public street or highway. Any such sign shall not cover more than thirty-percent (30%) of the window in which it is placed and shall count toward the maximum additional signage permitted.

7. **Service signs**: These are accessory signs incidental to a business, or a profession conducted on the premises indicating hours of operation, credit cards, variable pricing, business affiliations and the like, provided the total area of all such signs for a single business does not exceed eighteen (18) square feet. These signs do NOT count toward the maximum additional signage permitted.

8.0 APPLICABILITY: All structures and uses are required to conform with constraints imposed by the applicable regulations unique to each zone (see the Zoning District Map), plus the applicable constraints imposed by the Schedule of Permitted Uses, and Dimensional Requirements/Area and Bulk Schedule.

The following regulations are supplemental to many uses listed in the Schedule of Permitted and Specially Permitted Uses in Chapters 5 and 6 and for specific uses that may fall under a general use category but due to their nature, must satisfy additional criteria to protect the public health, public safety, public convenience, and/or property values.

8.1 ACCESSORY APARTMENT/ACCESSORY DWELLING UNIT

A. **General Requirements**: An accessory dwelling unit (ADU) is allowed as an accessory use to a legally existing, single-family dwelling unit on an approved single-family residential lot in any zone pursuant to these regulations and as required by ***PA 21-29.*** The following requirements apply to all accessory dwelling units:

1. No more than one (1) ADU is allowed per parcel.
2. No ADU shall be approved as an accessory to a duplex residential or multi-family residential use.
3. The ADU may be either attached or detached.
4. The floor area of an attached or detached ADU shall not exceed thirty percent (30%) of the total floor area of the primary dwelling unit (not including finished basements, decks or detached accessory structures) with an overall maximum of 1,000 square feet, except for primary dwellings with a floor area less than or equal to 1200 square feet the ADU may be increased to a maximum of 420 square feet or to the minimum set forth in applicable building codes, whichever is greater. For an ADU located entirely in a basement, there shall be no maximum size limit.
5. If the ADU is located entirely within a one-story detached garage, or within the second story of an attached or detached garage, the maximum size may be increased to 1,000 square feet in size regardless of the size of the principal dwelling unit. Maximum height shall be in accordance with the bulk table for a principal structure (80% size/ height rule does not apply to detached ADUs).
6. Recreational vehicles, travel trailers, manufactured or mobile manufactured homes, structures that previously operated as or were intended to be motor vehicles, and/or structures on wheels (i.e. Park Model Trailers; Tiny Homes) shall not be used as ADUs, except that manufactured homes, including mobile manufactured homes, having as their narrowest dimension twenty-two feet or more and built in accordance with federal manufactured home construction and safety standards homes shall be permitted provided they comply with these and all applicable regulations (particularly those pertaining to location and size limits).
7. The ADU shall be self-contained, with cooking, sanitary and sleeping facilities for the exclusive use of the occupant(s).

8. A new driveway curb cut to serve the principal unit, or an ADU shall not be permitted.

9. One (1) dedicated parking space shall be provided for a studio or one-bedroom ADU, and two (2) dedicated parking spaces shall be provided for a two-bedroom ADU.

10. An ADU (and the utilities necessary to service it) shall meet all applicable health, building and fire code requirements.

8.2 ACCESSORY STRUCTURES AND USES

A. Accessory buildings and structures with a floor space larger than fifty (50) square feet require a Zoning Permit.

B. A building attached to a principal building by a covered passageway or having a wall or part of a wall in common with it, is an integral part of the principal building and not an accessory building.

C. Accessory buildings and uses require a principal building or use on the same parcel, unless otherwise specified.

D. Accessory structure building area is limited to eighty per-cent (80%) of the living area of the principal structure or building, and the maximum building height shall be 80% of the height of the principal structure or twelve (12) feet, whichever is higher. Accessory structures are subject to all other bulk requirements in the underlying zone including setbacks, and maximum lot coverage unless otherwise specified.

8.3 ADULT DAY CARE CENTER

A. Minimum lot size shall be two (2) acres.

B. A single-family residence may coexist on the same lot or in the same building as the Adult Day Care Center.

C. Parking areas and driveways must accommodate all vehicles dropping off or picking up children at any one time. There must be no in-street drop-off or waiting. Circular driveways are permitted.

8.4 ASSISTED LIVING FACILITY

A. If the Assisted Living Facility is located in a residential zone, the minimum lot size shall be five (5) acres, the maximum building height shall be thirty-five (35) feet and the maximum lot coverage shall be thirty percent (30%) regardless of the Zone.

B. Any Assisted Living Facility must have direct access to a collector or arterial street (See Road Ordinance #300-025 for list).

C. Accessory uses and structures are permitted within the facility, such as recreation facilities, or personal and/or professional services for residents, or on the parcel provided all bulk requirements are met.

8.5 AGRICULTURE (FARM & FARMING)

A. **Purpose**: Preserving the Town's existing farms and encouraging new farming activities are strong goals of the Town. Ledyard's farms are central to the community's rural image and overall value by providing many obvious benefits such as providing tax revenue with little demand on Town services; providing wildlife habitats and tracts of open space, essential to maintaining the high quality of life enjoyed by Town residents; and by providing local

produce, meat and dairy products year-round. *The purpose of these regulations is to clearly define agriculture and to promote the economic and operational viability of existing agricultural operations while facilitating and promoting new operations.*

B. Agriculture is permitted in Residential and Non-residential Zoning Districts as a principal use or in addition to any existing permitted principal use.

C. The Uses identified in §§8.5 G and H below are only permitted as accessory to a permitted agricultural use **on a parcel greater than 5 acres or as otherwise specified.**

D. The following activities/uses require a Zoning Permit and/or Commission Review:

1. The establishment of a new agricultural principal use as defined in §2.2.
2. The construction of any new structures on a property.
3. The establishment of new accessory uses, and activities specifically identified in §8.5 G and H.
4. The expansion or modification of an existing commercial farm/agricultural operation (such as the addition or expansion of a permitted accessory use specifically identified in §8.5 G and H and/or the construction of new structures, and/or new activity that would require and excavation permit per these regulations).
5. Any other use/activity specifically identified as requiring a permit.

E. Application Requirements:

1. For uses requiring either Staff or Commission review, in addition to the Site Plan and/or Plot Plan requirements per the respective check sheets in Appendix B or D, plans and supporting material for an accessory use and/or activity must address the following.
   a. Plans must show the anticipated maximum parking and parking spaces necessary to safely accommodate all existing and proposed agricultural uses. Parking areas may be permeable or paved, and striped or not striped – but must have suitable all-weather surface capable of vehicle loading to an AASHTO H-20 rating of 32,000 lbs. (14,500kgs.) per axle. A detail shall be provided on Site Plan/Plot Plan demonstrating compliance with this provision.
   b. On-street parking is not permitted. Accessible parking spaces and signage required in accordance ADA requirements.
   c. If accessory uses are proposed, proof of adequate existing or planned sanitary facilities, subject to local health district approval, to support the maximum number of expected daily visitors. Sanitary facilities may include portable toilets (for large events or seasonal use).
   d. A detailed plan for solid waste management based on the maximum number of expected visitors, must be provided.
   e. Location of existing and/or proposed permanent outdoor stages, pavilions, and seating must be shown on the plan.
   f. Signs shall be in accordance with §7.9.10.

g. All Site Plans shall be accompanied by a valid OR-248 sales tax exempt status form, which must remain valid for the use to remain legal.

F. **General Requirements**:

1. **Setbacks**: Building setbacks for the underlying zone are applicable, except where these regulations explicitly modify them.

2. **CT Public Health Code**: Nothing in this section diminishes the property owner's separate responsibility for addressing compliance with the keeping of livestock and storage and disposal of waste under the State of Connecticut Public Health Code.

G. **Farm Accessory Uses**: The following activities require a Zoning Permit and/or Commission review (as indicated). For activities that require Commission review, all site development standards in Chapter 9 and Site Plan standards per check sheet, and applicable requirements set forth in Chapter 11 apply.

1. **Agricultural Tourism**: A Site Plan review by the Commission shall be required when agricultural tourism is to be conducted on any parcel six (6) or more times in any calendar year, or when any agricultural tourism event may reasonably be expected to require parking on any single day for twenty (20) or more motor vehicles at a time, used by agricultural tourists. Otherwise, agricultural tourism requires only a Zoning Permit.

2. **Farm Worker Dwelling Unit**: A farm which contains an occupied primary residence and has ten (10) or more acres actively used for a farming activity may have an additional dwelling unit not to exceed 2,000 square feet and to be occupied by a full or part-time caretaker or seasonal workforce. The unit shall be occupied only by individual(s) responsible for caretaking of the farming activities on the parcel and not involved in caretaking of the primary residence or its occupants.

3. **Farm Breweries** require a Special Permit/Site Plan review by the Commission. A Farm Brewery shall be considered accessory to an established agricultural operation if the farmer makes and sells beer from ingredients primarily grown on the farm. A Farm Brewery is permitted wherever agriculture is permitted [Note: A "Brew Pub" would fall under Hospitality Uses, permitted in nonresidential Zones per §6.4.] In addition to the requirements of Site Plan approval, the following additional regulations shall apply.

   a. The brewery shall be considered a "Pilot" or "Nano" brewery if it has production capabilities of no more than 15,000 barrels a year. However, in the Industrial (I) or Commercial Industrial District (CID), the manufacturing of greater quantities of beer and full-scale distribution operations may also be permitted as part of Site Plan approval.

   b. In a residential district, the brewery must be clearly subordinate to a primary residence that is owner occupied (or that houses a full-time caretaker/manager)

   c. **Minimum lot size required**: **Ten contiguous (10) acres**

4. **Farm Winery**: A farm winery is a farm that holds a CT State farm winery manufacturers permit, as defined in CGS 30-16. The land is used for growing, bottling and the production of wine and wine products and include activities such as: retail sale of wine, beer, Connecticut Craft Beverages and a tasting room. A farm winery requires a Site Plan

review by the Commission and would require separate permitting for any additional accessory uses as defined in 8.5.G or H. See § 8.5 H(1-3) if events are planned.

A. **Minimum lot size required**: Five (5) acres (Ten (10) acres if large-scaled events are planned)

5. **Farm Stand and Farm Stores:**

1. Purpose: To allow the sale of agricultural and farm products grown on the farm where the Farm Stand is located or that is grown on other local farms.

2. Farm Stands are permitted in all districts with the following provisions:

a. Farm Stands require a Zoning Permit only.

b. The Farm Stand building or structure shall not exceed a gross floor area of 200 square feet.

c. Farm stands shall be on private property setback at least ten (10) feet from the paved roadway surface, not in a right-of-way, and at least fifty (50) feet from any intersection.

d. No more than one (1) Farm Stand shall be permitted on a farm.

3. **Farm Stores** of any size require a Commission approval in all districts.

H. **Non-agriculturally Related Accessory Uses:**

1. **Recreational Uses:** Activities that are part of an agricultural operation's overall offerings, but are not incidental to agriculture, or tied to agricultural buildings, structures, equipment, and/or fields. Such uses may include, but are not limited to, outdoor recreation such as bird watching, snow-shoeing, and other passive recreational activities. A Site Plan review by the Commission shall be required when such uses may reasonably be expected to require parking for ten or more motor vehicles used by visitors to the farm. Otherwise, such uses require only a Zoning Permit.

2. **Small Events Venue** for uses such as, but not limited to, retreats, workshops, classes (i.e. yoga, karate, etc.) are permitted, but no amplified music is permitted and the events shall be limited to less than ten motor vehicles.

Parking areas and any outdoor event space must be screened with a mix of plants, shrubbery and trees (including evergreen trees) so as to provide year-round screening from abutting residentially zoned properties or existing residences.

In all residential zones, Event Venues must be set back a minimum of fifty (50) feet from all property lines that directly abut a residentially zoned parcel or existing residence.

3. **Large-scale Events Venue** for large-scale events, such as but not limited to, weddings, catered events, parties, seasonal festivals, etc.; any events in which the use of amplified music is planned or anticipated; and any events where greater than thirty (30) motor vehicles are expected require a Special Permit/Site Plan review by the Commission.

Minimum Lot Size required: Ten contiguous (10) acres

a. **Special Permit Standards**: Special Permit Standards for Large Events Venues: In order to satisfy the conditions of a Special Permit, the following criteria apply:

i **Noise**: The Commission may limit the number of events per year and/or prohibit the use or the locations of amplified music outdoors.

ii Wine tastings, weddings, catered events, meetings, conferences, parties, and workshops shall end not later than 11:00 PM.

iii Music and amplified sounds for events shall be limited to three (3) days per week, shall not be allowed after 11:00 PM, and shall comply with C.G.S. § 22a-69 as amended, and all DEEP regulations promulgated from such.

iv **Screening**: Parking areas and any outdoor event space must be screened with a mix of plants, shrubbery and trees (including evergreen trees) so as to provide year-round screening from abutting residentially zoned properties or existing residences.

v In all residential zones, the Commission may require setback distances **up to** 100ft between indoor and outdoor event venues/space and property lines that directly abut a residentially zoned parcel or existing residence.

vi Provide, and regularly update, the proposed months, days, and hours of operation.

vii The location of outdoor events and activities associated with Agritourism on the farm shall take into consideration the current use of surrounding properties. The Commission may require a specific separating distance and/or an appropriate buffer strip that screens any such activity from adjacent properties for activities requiring a Special Permit as provided above.

viii Exterior lighting for walkways and parking areas if any. All lighting shall be full cutoff lights or other acceptable form of lighting in conformance with the lighting standards in §9.10.

6. **Food trucks**: Food trucks are permitted as an accessory use to a commercial farm and only require a Zoning Permit, with a plot plan showing adequate parking for the food truck use in addition to parking required for other uses on the farm.

I. Signage: See §7.9 of these Regulations

8.5.1 Keeping of Animals- Home Husbandry:

A. Purpose: This section is intended to promote, protect, and encourage keeping animals for personal and/or educational non-commercial private home use in an appropriate and responsible manner within the Town. The keeping of animals, subject to the following limitations, is permitted in all Residential Zoning Districts *regardless of farm status.*

1. No person shall keep or maintain livestock and/or poultry in Residential Districts that are not active Commercial Farms greater than 5 acres without first obtaining a Site Plan or Zoning Permit as further indicated herein. **Note:** there is no limit on the number of animals that may be kept on active commercial farms having five (5) acres or more, provided all other applicable provisions of these Regulations are met.

2. For lots less than 40,000 square feet in size, the keeping of six (6) or fewer small animals as defined herein, or eight (6) or fewer poultry with no roosters may be permitted after the issuance of a Zoning Permit issued by the Zoning Official.

3. Livestock and/or poultry kept on Residential properties that are not commercial farms, shall be owned by residents or owners of the premises on which they are kept.

B. Additional Permit requirements: The Commission shall inspect (or have inspected) the premises before issuing a permit to ensure that the land is capable of livestock and/or poultry keeping in accordance with the requirements of this Section. The Commission may consult with any agency as it deems appropriate for assistance in application review and property inspection.

C. Definitions:

1. Large Animals include but are not limited to horses, ponies, donkeys, cows, bison, and/or other similar animals whose mature weight exceed 400 pounds. Pigs shall be considered large animals regardless of their mature weight.
2. Medium Animals include but are not limited to sheep, goats, miniature horses, and/or animals whose mature weight is between thirty (30) and 400 pounds.
3. Small Animals include but are not limited to fowl and/or animals whose mature weight is less than thirty (30) pounds

D. Number of Animals permitted:

1. The keeping of any one (1) large animal or three (3) of any medium animals (other than domestic cats or dogs) as defined in Subsection 2a and 2b above or the keeping of a flock of more than eight (8) in the aggregate of any fowl, or eight (8) in the aggregate of any other small animal (other than domestic cats or dogs) as defined in Subsection 2c above, whose mature weight is less than thirty (30) pounds, shall require a parcel of land with a minimum contiguous buildable area no less than 40,000 square feet.
2. For each one (1) additional large animal OR three (3) additional medium animals, OR for each additional flock of fowl or group of eight (8) small animals, the parcel must contain an additional 20,000 square feet of contiguous "buildable" area. Limits do not apply to un-weaned animals less than six months in age.
3. A flock of six (6) or fewer fowl or a group of any six (6) or fewer small animals, as defined in Subsection 2c above, may be kept on lots having less than 40,000 square feet of contiguous buildable area, except that no roosters shall be permitted and provided all applicable provisions of these regulations are met.

E. Confinement – Keeping Area Requirements:

1. All animals shall be suitably and adequately confined or controlled at all times. An appropriate shelter shall be provided for the keeping of livestock and/or poultry.
2. All shelter areas regardless of animal size shall be located on well-drained soils.
3. Setback distances between any shelter housing livestock and/or poultry shall be a minimum of seventy-five (75) feet from any well located on applicant property and abutting properties and fifty (50) feet from any residence on abutting properties. Setback distances for outdoor paddock/keeping area shall be a minimum of twenty (20) feet from property lines where property abuts any residentially zoned parcel or parcel with an existing residential use.

4. The living quarters of the livestock and/or poultry and the handling and disposal of solid and liquid wastes shall not create a public health hazard or have an adverse effect on the environmental quality of the surrounding area. An appropriate fly and rodent proof container or structure for manure and bedding waste storage shall be provided and maintained to prevent run-off to adjacent lots or to watercourses.

5. Proper drainage shall be provided to avoid collection of water. Water shall be diverted from animal keeping areas; however, such water shall not be allowed to pollute surface or subsurface water supplies.

6. Animal-keeping areas shall not be permitted directly over land containing an onsite sewage disposal system. No keeping area permitted in wetlands. Keeping areas for any animal will be evaluated for compliance with best animal management practices to ensure that animals are kept in a manner that will not constitute a public nuisance.

F. **Animal Waste- Storage and Disposal Best Management Practices:**

1. The keeping of animals and fowl and all plans for the storage and disposal of their associated wastes, shall conform to all applicable local, state and federal health, air and water pollution regulations (Note: these may be available through the U.S. Department of Agriculture, Natural Resources Conservation Service, or the UCONN Cooperative Extension Service).

2. No persistent, offensive odors shall be detected off the premises.

3. No condition shall be created that will adversely affect the performance of sewage disposal systems or water supplies located on the property or adjacent properties.

4. **Enforcement**: The ZEO shall have the power to determine Best Management Practices after consulting with appropriate State and/or Local Agencies.

G. **Additional Plan Requirements**: Applications that involve Home Husbandry shall provide the following information in addition information required per the Site Plan or the Plot Plan Check Sheets in Appendix B & D as applicable.

1. The amount of contiguous area available to keep the livestock and/or poultry.

2. Location, type and size of fences, waste storage area and shelters to be used

3. Distances from fences and shelters to property lines, streets, houses on abutting properties, and wells on applicant and abutting properties.

4. Location of septic system.

5. The total number, size and type of animal(s) to be kept.

8.6 BED AND BREAKFAST (ACC USE)

A. **Purpose**: To allow for the offering of overnight accommodations and meals to travelers for a fee where an existing home has unique structural or site characteristics which lend themselves to a Bed and Breakfast-type setting. It is the intent of this Section to ensure that Bed and Breakfast operations do not infringe upon the privacy, peace, and tranquility of surrounding residents or decrease the aesthetic or real value of surrounding properties.

B. **Requirements:** In addition to the Site Plan requirements and Site Development Standards, the following additional criteria apply:

1. The lot on which the Bed and Breakfast is located shall consist of a minimum of three (3) acres.
2. Bed and Breakfasts shall be owner-operated, and the Bed and Breakfast establishment shall be the principal residence of the owner. The applicant shall be the owner at the time of application.
3. The operation shall not alter the residential nature of the neighborhood and/or the character of the dwelling as a residence.
4. The proprietor may serve meals to guests only. A public dining room and/or bar is prohibited. Small special events are permitted only for the guests staying at the B&B
5. A maximum of five (5) guest rooms will be allowed.
6. Maximum length of stay per guest is twenty-one (21) days.

8.7 CAMPGROUNDS

A. Recreational Campgrounds shall conform to the following General Criteria:

1. A responsible attendant or caretaker shall be in charge at all times to keep the recreational campground, including facilities and equipment in a clean, orderly, and sanitary condition.
2. The campground shall be located on a well-drained site that is properly graded to ensure drainage and freedom from stagnant pools of water.
3. Each recreational vehicle space shall be at least 1,000 square feet and the total number of spaces shall not exceed fifteen (15) per acre of campground.
4. No campground shall be permitted on a site of less than twenty-five (25) acres.
5. All utilities shall be underground (applies to new installation).
6. There shall be a fence inside the property line between the campground and any public highway or street.
7. A recreational campground may conduct business and accommodate tents and currently registered travel, recreational camping equipment, and vehicles from April 1st to November 1st.
8. From November 1st to April 1st, campgrounds may store currently registered unoccupied travel, recreational camping equipment, and vehicles accessible by emergency vehicles during the off-season winter months. Such equipment and vehicles shall not be connected to campground utility services.
9. No campground may accommodate or rent space to any person or group of persons for more than 179 total days per year.

B. Parking and Access:

1. Parking shall not be permitted on roadways or driveway, which shall be kept open for emergency use by the fire department or ambulance.
2. Off-street parking space shall be provided for visitors and employees per §9.4 of these regulations.
3. All recreational vehicle spaces shall abut upon a driveway not less than twelve (12) feet wide for one-way traffic or less than twenty-four (24) feet wide for two-way traffic.

C. Buffer Requirements:

1. There shall be a minimum fifty (50) foot buffer strip between the recreational campground and property boundary. The strip shall contain a screen of existing dense vegetation, shrubbery or trees not less than four (4) feet above the ground level at the time of occupancy and shall thereafter be suitably and neatly maintained. The screen shall consist of at least fifty (50) percent of evergreens to maintain a dense screen at all seasons of the year.
2. No space shall be closer than one hundred (100) feet to any existing off-site residence.

D. Recreational Space shall be provided in accordance with the following standards:

1. A minimum of five hundred (500) square feet per recreational vehicle space shall be developed for recreational or playground uses.
2. Playgrounds shall be protected from main highways and parking areas.
3. Recreational facilities shall be designed and maintained to promote maximum safety for the users, adjacent property owners, and the public.

E. Recreational campgrounds shall provide the following **supporting facilities**:

1. Sanitary facilities, consisting of flush toilets, lavatories, and showers with hot and cold running water shall be provided at all recreational campgrounds.
2. Each recreational campground shall have a lobby or office with a registration clerk.
3. Campgrounds shall provide facilities for the dumping and disposal of wastes from holding tanks.

F. Additional Permitted Uses:

1. A recreational campground may maintain a store and coin-operated laundry as an accessory use for the convenience of its campers.
2. A recreational campground may include a single-family dwelling unit for the caretaker of the campground.
3. A recreational campground may provide entertainment facilities, including but not limited to, pavilions, pole barns, stages, sport facilities, piers, boating rentals, and similar accessory structures and uses.

8.8 CHILD DAY CARE CENTER

A. Minimum lot size shall be two (2) acres.
B. A single-family residence may coexist on the same lot or in the same building as the day care/nursery school.
C. Parking areas and driveways must accommodate all vehicles dropping off or picking up children at any one time. There must be no in-street drop-off or waiting.
D. A minimum twenty-five (25) foot buffer area must be established around the perimeter of the lot.
E. No building, parking lot, driveway (except for the entrance of the driveway onto the street), play area, or any other use is permitted in this buffer area.

8.9 COMMERCIAL CARETAKER APARTMENT, ACCESSORY

A. One (1) dwelling unit may be permitted as an accessory use, either attached to or detached from the permitted, non-residential principal use.

B. General provisions:

1. Only one accessory Commercial Caretaker apartment shall be allowed on property.
2. The occupant must be employed as an overseer or caretaker (i.e., manager, groundskeeper, or security guard) by the permitted non-residential principal use.
3. Accessory structures (e.g., sheds, carports, etc.) to the Commercial Caretaker accessory apartment are prohibited.
4. Dedicated parking shall be provided for a Commercial Caretaker Accessory Apartment in addition to those required for the principal non-residential use.

8.10 COMMERCIAL SERVICES

A. Commercial services may be provided either on the customer's site (e.g., landscaping, construction, excavation, custom building, painting, and plumbing) or on the provider's site (e.g., copy shops, self-service laundry, photo processing, appliance repair, pet grooming/training, and package and postal services).

B. Commercial vehicles associated with any commercial service and stored on the property must be registered and operational (see additional regulations in §8.17 if associated with a Home Occupation).

C. The location for any areas to be used for outdoor storage of material, vehicles, and equipment associated with the Commercial Service shall be approved by the Commission and clearly designated on the approved Site Plan. The outdoor merchandise is not permitted.

D. No material, vehicles, and equipment associated with the Commercial Service shall be allowed in areas required for parking.

E. No material shall be stacked higher than six (6) feet from the ground.

F. There shall be no additional outdoor storage of any kind other that what has been approved. The Commission may require additional landscaped buffering around approved outdoor storage areas if located adjacent to residential properties and/or zoning districts.

8.11 COUNTRY INN

A. Purpose: To allow for the offering of overnight accommodations and meals, and to provide a venue for corporate meetings, retreats, and social events, in homes and buildings that have unique structural and site characteristics including the use of properties containing historic structures or within historic districts, and do not infringe upon the privacy, peace, and tranquility of surrounding residents or decrease the aesthetic or property values of surrounding properties. In addition, the following shall be considered:

B. General Requirements: In addition to the Site Plan Requirements and Site Development Standards, the following additional criteria apply:

1. The parcel or lot on which the Country Inn is located shall consist of a minimum of five (5) acres. A maximum of thirty-two (32) overnight guests will be allowed housed in either the principal structure or within both the principal structure and any additional structures that contain only guest bedrooms. Indoor dining facilities seating capacity shall be limited

to a maximum of sixty-four (64) seats. Maximum length of stay per guest is twenty-one (21) continuous days.

2. Country Inns must be either owner-operated and the principal residence of the owner-operator, or the principal residence of a full-time resident manager/innkeeper who is employed by and authorized to act as the agent of the owner.

3. The Country Inn shall be located on an arterial or collector road as designated by the Planning & Zoning Commission, as incremental increases in traffic due to the operation are easily absorbed on these roads and will not be likely used by children at play.

4. The Country Inn may include a restaurant operated under an independent name that is open to the public.

   a. If located in a residential district, no additional patrons will be seated after 10PM and alcohol bar service will be limited to a service bar with no bar seating.

5. **Adaptive reuse of properties** containing historic structures or within historic districts is encouraged. Historic structures are those recognized by the town or the state (evidenced by a listing in the Historic Resources Inventory filed with the Connecticut Historical Commission) and/or listing on the National Register of Historic Places.

8.12 DRIVE-THROUGH WINDOW

A. The purpose of this section is to promote good access management by regulating the location and design of drive-through windows. The requirements for drive-through windows are as follows.

B. Off-street stacking for waiting automobiles between the drive-through entrance and drive-through windows ("dedicated stacking lane") shall be provided based on the following ratios:

1. fast food/drive-through restaurant with drive-through service window: ten (10) stacking spaces;

2. drive-through financial institutions/drive-through ATM: eight (8) stacking spaces; four (4) stacking spaces per service window if more than one (1) service window is provided;

3. pharmacies: four (4) stacking spaces; and

4. all other drive-through service windows shall have a minimum of four (4) stacking spaces per window.

C. Stacking provision shall also be made for at least one (1) exiting automobile between the service window and the drive-through exit. Such stacking space shall be no less than twenty (20) feet long and no less than ten (10) feet wide (twelve (12) feet wide if adjacent to building) and shall be designed not to interrupt the smooth flow of traffic within the subject site.

1. Dedicated stacking lanes shall be provided separately from any other drive aisle.

2. All potential conflict between pedestrian traffic and stacking lanes shall be minimized through the use of pavement markings and signage and may include internal walkways and speed bumps in stacking lanes.

D. The minimum distance between the street and the drive-through entrance, and the distance between the drive-through exit and the street line, shall be equal to or greater than the minimum setback required for the zone.

E. No exit or entrance for such facilities shall be within 100 feet of an intersection.

8.13 DWELLINGS, MULTIPLE FAMILY (APARTMENTS, CONDOMINIUMS, TOWNHOUSES)

A. Apartment/Condominium complexes may consist of a single or multiple buildings, and if located within the R20, R40 or R60 districts, shall not be permitted on lots of less than five (5) acres.

B. **Density**: The density for an Apartment/Condominium complex shall be limited only by applicable building, fire and public health codes and applicable bulk/dimensional requirements of the particular zone.

C. **Water and Sewer**: A community water system, or public water, shall be provided in accordance with CT Public Health Code.

D. **Buffers**:

1. A landscaped buffer strip not less than ten (10) feet wide shall be provided along the parcel's side and rear boundary lines in conformance with §9.3.
2. All buffer areas shall be planted with a combination of grass, shrubs, flower, shade trees, evergreen and other vegetative materials skillfully designed to provide a visual landscaped buffer and shall be maintained in proper order to protect adjacent properties and present a reasonably opaque, natural barrier to a height of ten (10) feet. The Commission will take into consideration existing topography and foliage, when determining whether the proposed buffer meets the intent of the regulations.
3. Buffer strips shall contain no parking areas or buildings. The Commission may allow other structures within the buffer area, such as wells, site utilities, and drainage facilities.

E. **Off-street Parking**: Off-street parking shall be provided as required by §9.4.

F. No Short-term Rental (STR) shall be permitted in a multi-family development.

G. Maximum Building Height for Multi-family Dwellings in a the R20, R40 or R60 Districts **is fifty (50) feet.**

8.14 DWELLING, SINGLE-FAMILY

A. No more than one (1) Single-family Dwelling shall be permitted on a lot unless otherwise specified herein.

B. Maximum height as defined by these Regulations for Single-family Dwellings shall be thirty-five (35) feet.

C. The "Site Plan" for a Single-family Dwelling shall comply with the Checklist provided in Appendix C.

8.15 DWELLING – TWO-FAMILY (DUPLEX)

A. Two-family dwellings (Duplex Dwellings) shall satisfy the Area and Bulk requirements of the schedule with the following exceptions:

1. In an R-20 District, the minimum lot area is: 40,000 square feet
2. In an R-40 District, the minimum lot area is: 60,000 square feet
3. In an R-60 District, the minimum lot area is: 80,000 square feet

B. Only one (1) Duplex Dwelling is allowed per lot unless otherwise specified herein. Accessory Dwelling Units are not permitted within or on a lot containing a Duplex Dwelling.

C. Maximum height as defined by these Regulations for Duplex Dwellings shall be thirty-five (35) feet.

D. The "Site Plan" for a Duplex Dwelling shall comply with the Checklist provided in Appendix C.

8.16 EXCAVATION (FILLING OR REMOVAL OF SOIL, GRAVEL AND STONE)

A. Filling, excavating, or the relocation of 300 cubic yards or more of topsoil, sand, gravel, clay, stone or other materials in any district is allowed by Special Permit and requires a Plan of Operation.

B. Filling, excavating, or the relocation of less than 300 cubic yards (per calendar year) of topsoil, sand, gravel, clay, stone or other materials in any district is allowed by a Zoning Permit issued by the Zoning Official (except if part of an approved construction site of a permitted building, part of a farming operation, or is an exempt activity as permitted by these regulations.)

C. The sale, destination, or ultimate use of the removed topsoil, sand, gravel, clay, stone, or other materials does not determine whether a Zoning Permit or Special Permit is required.

D. The purpose of these regulations is to insure the following:

1. the landscape is not needlessly marred during and after operations;
2. the work will not be a source of dust, pollution, and/or siltation;
3. the site will not be generally characterized by unsightliness as evidenced by open pits, rubble or other indications of completed digging operations which would have a deteriorating influence on nearby property values; and
4. the site will have future usefulness when the operation is complete.

E. **Exception**: Provided the purpose stated above is satisfied, a permit is not required if the removal is associated with:

1. construction or grading activity associated with an approved Site Plan for which a Zoning and/or Building Permit has been issued;
2. maintenance or operation associated with a farm or farming activity provided the topsoil, subsoil, sand, gravel, clay, stone or other materials from the operation are stockpiled for the farm's future use and not sold or brought off site; or
3. road construction where no additional permits or approvals are necessary from the Zoning Official.

F. Any removal of topsoil, sand, gravel, stone or other materials occurring beyond the stated extent of an existing operation shall be considered a new operation requiring a permit and subject to conditions contained herein.

G. **Bond**: 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.

H. Deviation from the approved Plan of Operation, without the Zoning Official's, or Commission's approval, shall be a violation of these regulations.

I. The use of explosive devices and rock crushing equipment may be limited as a condition of the permit.

J. The Commission may impose hours and days of operation as conditions of the permit.

K. A permit for the removal of topsoil, sand, gravel, clay, stone or other materials shall expire after three (3) years. The Zoning Office may, but is under no obligation, to provide a reminder notice regarding an expiring permit for soil, gravel, and stone removal.

L. A renewal permit can be granted for three (3) years during the thirty (30) day period prior to expiration of an existing permit under the same procedure used for the initial approval. There is no limit on the number of times a renewal permit can be granted.

M. <u>The applicant for a permit shall</u>:

1. Provide a completed application form indicating the nature and extent of the operation, the proposed land use with supporting data, a Site Plan in conformance with applicable criteria per Check Sheet in Appendix B (note, not all may apply), a plan for sediment and erosion control, and a Plan of Operations including a closure plan prepared and approved by a licensed Professional Engineer showing how the entire site will be closed/restored upon completion of the excavation. For phased operations, no permit shall be issued for a subsequent phase until the prior phase has been completed and a report provided by a licensed Professional Engineer.
2. Applications that involve filling, excavating or relocation of topsoil, sand, gravel, clay, stone or other minerals shall also contain:
   a. Applicable Site Plan information per check sheet
   b. The proposed truck access to the excavation.
   c. The hours of operation.
   d. The machinery to be used on site.
   e. The type of buildings or structures to be constructed on site.
   f. Location of existing structures on the subject parcel and adjacent properties, including information regarding depth to the ground water table and a log of soil borings taken to the depth of the proposed excavation.
   g. details for final grading and landscaping after completion of operations, and proper drainage of the area of the operation during and after completion of the work.
3. Applicant shall sign a document provided by the Zoning Official to certify that the excavation/Filling Operation will be conducted in conformance with these regulations, the approved Plan of Operations, and the plan for sediment and erosion control.
4. For a permit renewal application, the applicant shall provide a report on the excavation operation prepared by a licensed Professional Engineer, which shall attest that the excavation, as completed to date, conforms to the approved Plan of Operation.

N. <u>Operations</u>:

1. The gravel bank floor area shall be graded not less than one percent (1%) or more than four percent (4%) to provide for surface drainage.

2. A twenty (20) foot wide by fifty (50) foot long tracking pad at the site entrance consisting of three (3) inch crushed stone shall be installed prior to the start of operations.

3. For Excavations involving Special Permit approval, no removal shall take place within twenty-five (25) feet of a property line, nor within fifty (50) feet of a highway property line: such distances to be measured from the top of the bank. If removal area is within sight of a Town/State Road, the Commission may require additional screening as part of a Special Permit approval. The Commission may require a similar screening if isolation of adjacent property is deemed necessary. No operation shall take place closer than fifty (50) feet from any wetlands, watercourse or waterbody.

4. Upon completion of operations, no bank shall exceed a slope of one (1) foot vertical rise in three (3) feet of horizontal distance. The disturbed area shall be covered with a minimum of four (4) inches of topsoil and graded. On completion of grading, the area will be limed, fertilized, and seeded in accordance with the approved Plan. The site shall be maintained until the area is stabilized;

5. The active gravel removal area shall not exceed a total of ten (10) acres at any time.

6. Temporary seeding, used to control erosion, is permitted during the time that the operation is being completed.

7. All topsoil and subsoil shall be stripped from the operation area and stockpiled for use in site restoration.

8. Any surface water flowing from the excavated area shall flow through appropriate sediment control devices before leaving the site.

9. If excavation has occurred below the seasonal high-water table, the pond banks should be no steeper than a two to one ratio (2:1).

~~10.~~ **Stone Crushing**. ~~For parcels that are actively being developed, stone crushing equipment may be utilized to process rock found on site. Commission may limit number of days and hours during the day that the stone crushing can occur.~~

8.17 HOME OCCUPATION (ACCESSORY USE)

A. **Applicability**: Home Occupations are permitted as an accessory use to all legally existing single-family residences.

B. **Definition**: Home occupations are defined as the use of a portion of a dwelling or out-building(s) for business purposes by the resident occupants when clearly incidental and secondary to the residential use of the dwelling.

C. **General Provisions**:

1. Activity associated with the home occupation shall be consistent with, and not detrimental to the residential nature and use of the premises and the neighborhood as further detailed below.

   a. The proposed Home Occupation must be a use that is specifically permitted in the Town of Ledyard (as in, contained within the Table of Uses in Chapters 5 and/or 6) except that there shall be no industrial uses permitted as a home Occupation. Uses such as hospitality, funeral homes, commercial kennels, and animal hospitals are also

not considered incidental and accessory to a residential use and shall not be deemed a home occupation.

b. Semi-trailers and special handling equipment typically associated with commercial services, are not permitted at the dwelling except as permitted in Subsection D below.

c. The boarding, breeding, grooming, whelping, raising, and/or training of puppies and dogs for show, sport, or sale changes the character of the property and is not permitted as a home occupation.

d. No Zoning Permit Required for a simple home office where there is occasional business use (as part of employment typically occurring elsewhere) or a home-based business involving no non-resident employee(s) and no patron, client, or associate visits to the business, and in either case meets the following:

- No business is conducted on the premises except by computer, mail, telephone or future communication technology;
- No external evidence of the business is visible;
- No business signs are erected; and
- No pedestrian or vehicular traffic is generated by the business.

2. The owner of the property shall actively participate in the conduct of the home occupation.

3. The proposed use shall not create any objectionable noise, odor, vibration, or unsightly condition noticeable from any property line.

4. No permanent dedication of the residential structure to non-residential uses shall result from such accessory use.

5. No more than one (1) non-resident shall be engaged in the activity (or parked) at the site. Additional employees are permitted but shall provide their services remote from the dwelling and shall not park on or about the premises. (No mustering of employees permitted on-site).

6. Waste materials generated by the home occupation shall be limited to a type and quantity that do not require collection service, handling procedures, or disposal locations that differ from what would otherwise be required for a single-family dwelling if there was no home occupation. Medical and hazardous waste is not permitted. Dumpsters are not permitted.

7. There shall be no exterior indication of the home occupation, other than a sign that does not exceed two (2) square feet in size identifying the name of the business. There shall be no outdoor storage of small equipment, parts or any other material related to the home occupation.

8. Home occupations are subject to inspection, with a minimum of twenty-four (24) hour notice, by the Zoning Official to determine compliance with these regulations.

9. No more than twenty-five percent (25%) the gross floor space of all inside heated areas of the principal dwelling or garage/out building shall be used for a home occupation, except those vehicles and equipment associated with the permitted home occupation may be parked or stored within the garage or a completely enclosed permanent accessory

structure. "Waiting rooms" or "lobby" areas, used to seat customers, clients, and vendors of the home occupation, shall count towards the space limit of the home occupation.

10. All visiting customers, clients, vendors, and delivery trucks shall not exceed a combined total of five (5) vehicular visits per day. On site group promotion, training, and teaching is permitted provided the total of the number of customers, clients, and students that come to the residential location of the home occupation shall not exceed a total of twenty-five (25) in any consecutive five (5) day period.

D. <u>For Home Occupations involving Off-site Commercial Services (e.g., Landscaping, Contractors, Oil Delivery, etc.)</u> a Special Permit is required and, in addition to the General Provisions 1-9 above, the following additional provisions apply:

1. No more than four trips shall be generated per day from the site.
2. There shall be no more than three vehicles in excess of 26,000 pounds of gross vehicle weight.
3. All vehicles and equipment, regardless of gross vehicle weight shall be registered and operational and shall be stored out of sight from all property lines. Size restrictions for all accessory structures as set forth in § 8.2 apply.
4. Commercial Services Home Occupations shall not be permitted on a parcel with a shared driveway.
5. As part of the Special Permit approval, the Commission may impose additional restrictions on hours of operation, require additional buffering, and/or require that all vehicles and equipment be stored inside a building.

E. <u>For any Home Occupation accessory to a legally existing Single-family Residence in a non-residential zone, a Site Plan or Special Permit (if Commercial Service) shall be required.</u>

1. **<u>Purpose</u>**: The purpose of this section is to acknowledge the existence of several single-family residences within non-residential zones and allow for an intensification of a traditional home occupation use on these parcels as a way of slowly transitioning the parcel to a conforming commercial principal use or allowing the owner to "try out" a business in that location.
2. **<u>The following exceptions to the provisions contained in this §8.17 apply</u>:**
   a. A detached structure *that complies with the height and size limits for accessory structures* may be used entirely for the home occupation use (§8.17C (9) does not apply). If a detached structure is used, the principal use of the property will not be considered a "mixed-use" development. The non-conforming residential principal use of the parcel shall remain until a formal change of use application is submitted to change the SFR to a permitted non-residential principal use (which could include mixed-use residential/commercial).
   b. The square-footage of the sign identifying the name of the business may be increased to sixteen (16) square feet. Signage may not be internally lit. An additional wall sign not to exceed twenty-four (24) square feet may also be placed on any detached accessory structure being used for the Home Occupation.
   c. The detached building may utilize its own access drive in conformance with §9.5 or standard residential driveway standards as appropriate.

d. All vehicles and equipment shall be stored out of sight from abutting residentially used parcels from all (property lines – including the front). Landscaping and buffering requirements in §9.3C also apply.

F. <u>In addition to the submission requirements for the Zoning Permit, Site Plan or Special Permit (as applicable), the application for any type of Home Occupation shall also include:</u>

1. A certification by its Owner to the Zoning Official that the home occupation will be conducted in conformance with the "conditions of approval and required conduct" as listed in these regulations,
2. A certification by the owner of the proposed home occupation to the Zoning Official that they are (a) a *domiciled* lawful resident of the single-family dwelling or (b) an owner of the single-family dwelling, and (c) residing in the dwelling where the home occupation will be conducted, and (d) will actively participate in the conduct of the home occupation.
3. If the owner of the proposed home occupation is not an owner of the single-family dwelling, they shall provide a copy of their lease attached to the application that clearly shows they have authorization from the owner of the single-family dwelling to conduct the proposed home occupation.
4. Payment of the home occupation permit fee.

8.18 HOSPITAL AND EMERGENCY MEDICAL FACILITIES

A. All ingress and egress from the facility shall have frontage and direct access to a state or Town-owned Road.

B. Where any off-street parking, ambulance, or delivery areas that abut any residential district, screening shall be provided as per §§9.3D

8.19 HOTEL / MOTEL

A. These Regulations are intended to establish large, high-quality, temporary accommodations for the traveling public that are located and operated to minimize their impact on local traffic, the environment, and community services and utilities; and to ensure that surrounding property values are maintained. The nature of activities associated with hotels such as the accommodation of large numbers of guests for sleeping, eating, and entertainment; and their frequent late arrival and early departure dictates that requirements be imposed to ensure that guests' needs, safety, and welfare are met and that the impact of the activities on surrounding properties is minimized.

B. <u>General Requirements</u>: Hotel and Motel uses shall be subject to the following standards:

1. the minimum number of units in any Hotel or Motel shall be eighty (80); and
2. no structures or parking shall be located within the required side or required rear setback areas; and required side and rear setback areas shall contain only landscaping, required buffers, permitted signs, driveways, and sidewalks.

C. <u>Occupancy</u>: The duration of stay of any guest in a hotel or motel shall be not more than thirty (30) consecutive days. In no case shall a hotel/motel unit be used as a permanent residence.

D. **For Hotels ONLY - Accessory Uses**: If a site is used for a hotel, the site and all structures on the site shall be limited to accessory uses incidental to the operation of the hotel. All accessory uses for the hotel shall be planned as an integral part of and shall be located on the same site as the proposed hotel. Such accessory uses shall be limited to the following:

1. one (1) apartment with kitchen facilities to be used by the hotel manager or caretaker;
2. restaurants with or without a full-service bar and other hospitality uses for serving hotel guests and the general public;
3. theaters, auditoriums, convention centers, ballrooms, exhibition halls, conference suites, or other similar facilities serving hotel guests and the general public;
4. recreation and health facilities for use by hotel guests and limited public with a membership;
5. supportive retail shops and service establishments secondary to the principal hotel use;
6. an outdoor patio, terrace, veranda, gallery, portico, or similar structure for leisure use by patrons for entertainment and the consumption of food or drink;
7. a lobby or lobbies, registration desk, manager's office, and public or patron accommodation facilities; and
8. off-street parking lot or parking garage for the use of hotel guests, patrons, and employees.

E. **Accessory Use Access**: All normal access to hotel accessory uses, except recreation and banquet facilities, shall be from within the hotel through a lobby or foyer.

F. **See also definition of Motel where no additional facilities are permitted**.

8.20 KENNEL, COMMERCIAL

A. **Purpose**: To allow for kennels where they will not be a nuisance or a risk to public safety, health, convenience, or detrimental to nearby property values.

B. Kennels, as defined in these zoning regulations, shall comply with the provisions of CGS §22-344 as amended, and the following regulations:

1. The Minimum Lot Area shall be ten (10) acres.
2. Open exercise areas and buildings containing animals shall be a minimum of one hundred (100) feet from any property line.
3. Kennel areas shall be designed to minimize the visual impact from abutting properties. Landscaping and/or fences or walls shall comply with all applicable provisions of §9.3 and shall be so designed as to provide an all-season visual buffer a minimum of twenty-five (25) feet wide between the kennel area and any incompatible use of adjacent properties.

C. **Best Management Practices**: The applicant shall provide plans describing the design, installation, and maintenance of a system that will collect, store, and subsequently dispose of any animal wastes generated on site.

8.21 MEMBERSHIP CLUB

8.21.1 Membership Club (Firearms): This Section deals with membership clubs that focus on sporting activities and allow the use or handling of firearms on the premises in connection with such activities.

A. General Provisions:

1. The membership club must be a registered or incorporated non-profit establishment (under CGS §501(c) (7)).
2. The minimum acreage required for a membership club (firearms) shall be 100 acres and requires a Special Permit.
3. The use of the membership club facilities and grounds shall be restricted to members of the club and their guests. All non-members shall be accompanied by a regular member at all times.
4. With the exception of living quarters for use by a facilities caretaker, there shall be no other dwelling units or overnight accommodations provided in association with, or located on the property of, the membership club; except that overnight camping may be permitted for members.
5. Food service may be provided to members and their guests. Alcoholic beverages may not be *sold* for consumption on the premises.

B. Accessory Uses: Accessory uses to a membership club (firearms) include, but are not limited to, the following:

a. hunting;

b. fishing;

c. overnight camping (e.g., tent camping);

d. hiking and nature walks;

e. keeping of game birds;

f. organized shooting and archery competitions;

g. safety courses and training events;

h. special events such as club dinners, holiday parties, fundraisers, and field day events that may include basic food service; and/or

i. gun ranges, provided the club submits satisfactory evidence to the Commission that such ranges may be used safely and that sufficient measures will be used to protect all nearby properties from danger and harm.

8.21.2 Membership Club (No-Firearms) This section deals with membership clubs other than those described in §8.21.1 (i.e. Elks Club, VFW).

A. General Provisions:

1. The minimum acreage required for a membership club (no-firearms) shall be that of the underlying zone.
2. The use of the membership club facilities and grounds shall be restricted to members of the club and their guests. All non-members shall be accompanied by a regular member at all times.

3. Except for living quarters for use by a facilities caretaker, there shall be no other dwelling units or overnight accommodations provided in association with or located on the property of the membership club (no-firearms).

4. Food service may be provided to members and their guests. The sale of alcoholic beverages to be consumed on the premises is permitted in conjunction with normal food service operations only.

B. **Accessory Uses:** Accessory uses to a membership club (no-firearms) include, but are not limited to, special events such as club dinners, banquets, fundraisers, community events and picnics.

8.22 MIXED USE (RESIDENTIAL & COMMERCIAL USES)

A. The mixture of uses shall include residential uses, and any non-residential uses *currently allowed* in the Zone.

B. No individual building associated with a mixed residential and commercial use shall have residential uses allowed on or beneath the first floor, except that residential storage shall be permitted in a basement, and as excepted below.

1. For commercially zoned properties that have a legally existing single-family or Duplex Dwelling as of the adoption of these regulations, any proposed new commercial construction, may maintain the residential use of the entire structure, where the commercial activity takes place in a separate building. **Note: any such residential property that has converted to Mixed-use may not convert back to its former Single-family or Duplex residential status.**

2. Where residential uses and commercial uses occur within separate buildings on the same parcel, they shall be treated as one single development for purposes of signage, parking, setbacks, lot size, and buffering. **Note:** A Home Occupation that occurs in a detached structure accessory to a legally existing residence in a non-residential zone per §**8.17 E,** is not considered a "Mixed-use" development for the purposes of these regulations.

C. Each residential dwelling unit shall contain its own designated kitchen and bath facilities.

D. There is no minimum number of dwelling units.

E. For all new Mixed-Use developments, and subsequent changes in use the applicant is encouraged to meet with the Building Official and Fire Marshal to discuss the proposed mixed-occupancy and the required separation of uses and means of fire suppression prior to Commission Approval.

8.23 MIXED USE (COMMERCIAL AND INDUSTRIAL USES)

A. The mixture of uses in one structure or multiple structures, where each proposed commercial and/or industrial use is currently permitted in the underlying zone. There shall be no residential use allowed.

B. Mixed-use (Commercial/Industrial) developments involving multiple structures shall be treated as one single development for purposes of signage, parking, setbacks, lot size, and buffering.

C. For all new Mixed-Use developments, the applicant is encouraged to discuss the proposed mixed-occupancy and the required separation of uses and means of fire suppression prior to Commission Approval.

8.24 MOTOR VEHICLE, RECREATIONAL VEHICLE, BOAT AND/OR EQUIPMENT REPAIR FACILITIES

A. This use is considered a commercial service and subject to the provisions provided in §8.10 above as well as the following additional provisions.

1. Repair facilities may not locate pick up/drop off areas or storage areas for such repair services in front of the principal building. All such areas shall be located along the side or rear of the facility in compliance with applicable setback requirements of the district.
2. Pickup areas, drop-off areas, and storage areas for repair facilities shall be screened to provide an all-season visual buffer between area and any incompatible use of adjacent properties and shall be provided using a combination of grade separation, attractive landscaping, and fencing, and shall be appropriately maintained. Fencing alone shall not satisfy this screening requirement.

B. All proposed/provided accessory uses shall be require additional permits if not approved under the original Site Plan or Special Permit approval (i.e. equipment rental, U-haul rental, etc.).

C. There shall be no Vehicle, Boat or Equipment sales associated with this use unless a Mixed-Use development has been approved and the location approved in accordance with State Statues governing location approval for Motor Vehicle Dealers and Repairers.

8.25 NURSING HOME AND RESIDENTIAL CARE HOME

A. Purpose: To provide for establishments that provide nursing services, assistance with activities of daily living, twenty-four (24) hour medical supervision and/or skilled nursing care for residents.

B. Nursing or Residential Care Homes shall comply with any applicable provisions of the Connecticut General Statutes and the following requirements:

1. Development Standards – Residential Care Homes with more than twelve (12) residents shall be located on lots of one (1) acre or more and shall have a density of no more than twenty (20) beds (residents) per acre.

8.26 PERSONAL SERVICE ESTABLISHMENT

A. Personal service establishments include but are not limited to: health spa/beauty salons; tanning salons; nail salons; barber shops; tattoo and body piercing studios, pet grooming establishment; dressmaker/tailor shop, shoe repair shop; small appliance repair shop including watches, locks and similar small items.

B. For the purposes of these Regulations, a Laundromat is considered to be a "Commercial Service."

8.27 PUBLIC OR PRIVATE UTILITY INSTALLATIONS

A. A public utility substation or telephone equipment building **located in any Residential Zoning District** shall conform to the following special standards.

1. Any building in connection with the use shall have a design that is in harmony with residential style/architecture in the surrounding neighborhood.
2. Any equipment or utility facilities not located in a building shall be enclosed on all sides by evergreen shrubs or trees, or by buildings, fences, walls or embankments so as to be screened from view from any other lot or from any street.
3. There shall not be any rotating equipment, storage of materials, trucks or repair facilities, housing of repair crews, or offices.

8.28 SAWMILLS – TEMPORARY

A. Purpose: To permit portable sawmills to facilitate the clearing of land.

B. A Zoning Permit for a portable sawmill shall expire after six (6) months.

C. Renewal permits can be granted for six (6) month terms during the thirty (30) day period prior to expiration of an existing permit under the same procedure used for the initial approval. There is no limit on the number of times a renewal permit can be granted.

D. Conditions: Temporary Sawmills may be used if they meet the following conditions:

1. Hours of operation shall be between 8am and 5pm, Monday-Saturday (excluding Holidays).
2. Operation shall be limited to cutting of trees that are grown on the site.
3. The portable sawmill shall not be located closer than one hundred (100) feet to any property line or five hundred (500) feet to the nearest residence.

E. No later than sixty (60) days after the completion of work, the sawmill shall be dismantled and removed from the site.

8.29 SHORT-TERM RENTALS, HOSTED

A. Purpose: To permit the public use of a furnished single-family or duplex dwelling or accessory apartment in a residential district, or in a legally existing single-family or Duplex Dwelling or accessory apartment in a non-residential district, as a short-term rental in accordance with the requirements of this section.

B. General Requirements: In addition to compliance with the Special Permit Standards in §11.3.4, the following requirements must be satisfied:

1. An STR must be (a) within a single-family or duplex dwelling used as its owner's primary residence (domicile), or (b) within a permitted accessory apartment located within the single-family dwelling or on the same parcel as the single-family dwelling. Its owner, the STR Host, may (a) occupy his single-family residence as his primary residence and use its accessory apartment as an STR, or (b) occupy the accessory apartment as his primary residence and use the single-family dwelling as an STR. The single-family dwelling and its accessory apartment, if any, shall not be simultaneously used as STRs.
2. Apartments, and condominiums in multi-family dwellings, shall not be used as STRs.
3. The applicant must be current on all municipal taxes at the time of application, and for the duration of time the dwelling is utilized as an STR.

4. The proposed STR shall not have Zoning, Building, Fire, or Health Code violations, and shall not be blighted under the Town's Blight Ordinance.
5. The STR shall not constitute or create a risk to public health, safety, convenience, and/or general welfare.
6. STR occupancy is limited to two adult guests per bedroom, where the number of bedrooms is the number shown on the STR's property card (in the tax assessor's office), less the number of bedrooms reserved for use by its host.
7. Unaccompanied minors are not permitted in an STR.
8. Advertising for an STR shall include, but not be limited to, the number of permitted adult guests, number of bedrooms available for use by STR guests, a limit on guest vehicles, a statement that guest parking is off-street, a prohibition on creating a nuisance, pet rules, and a declaration the host is the owner of and has his primary residence in the STR (or its accessory apartment, as appropriate).
9. An STR "use" must (a) be essentially invisible to the neighborhood; (b) not create a nuisance (i.e. noise, odors, trespass, lighting, etc.); (c) not be detrimental to the aesthetic quality of the residence or its neighborhood; and (d) not interfere with the quality of life in the neighborhood.
10. Non-lodging uses by STR guests, such as weddings, receptions, banquets, and corporate retreats, are prohibited.
11. There shall be no signage, lighting, or other indication the dwelling is an STR.
12. The Host is responsible for the conduct of his guests.
13. The host, or a designated representative, must be reachable at all times by providing a card listing their name, address, phone number, and email address to their guests, adjacent neighbors, the Zoning Enforcement Official, Fire Department, and the Police Department.
14. A duplex dwelling, single-family dwelling or its accessory apartment, shall not be used as an STR if it is serviced by a shared driveway.
15. A dwelling used as an STR without a Special Permit is prohibited.

C. **Application Submittal Requirements**:

1. A copy of the LLHD approval of the proposed STR. (An application for an STR constitutes a proposed Change of Use that requires LLHD approval.)
2. A copy of the applicant's official Connecticut photo ID or Connecticut Driver's License showing their primary residence (domicile) is the same as the address of their proposed STR.
3. A copy of the property card showing its ownership and address is the same as shown on the applicant's official Connecticut photo ID or Connecticut Driver's License.
4. A detailed floor plan, drawn to scale, of the single-family or duplex dwelling 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 host.
5. A Site Plan of the property. Pursuant to §11.2B, 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 – specifically B-1 (A), B-2 (A) (Survey does not have to be to A-2 Standards), B-4 (A-C), B-% (A, C-E) and B-6 (A-B).

6. A copy of the STR Host/Guest Agreement and the STR Rules and Regulations adequate for the protection of nearby properties from the risks of potential deleterious effects of the proposed STR use.

D. Parking:

1. Suitable off-street parking space(s) for the STR owner/host and his STR guests shall be provided.
2. On-street parking, and parking on non-designated spaces, is prohibited.
3. Covered parking (garages & carports) may be used for STR guest parking.
4. All parking spaces shall have an all-weather surface.

E. Lighting: Exterior permanent and temporary site lighting 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: All garbage and recyclables shall be fully contained within the standard durable, insect-proof, and rodent-proof wheeled containers provided by the Town's refuse service provider.

G. Change of Ownership: In the event ownership of an STR is transferred, its new owner, if the intent is to continue the use, must update and resubmit the documents listed in §C(1-6) for the Planning and Zoning Commission to review and approve as a minor amendment to its Special Permit.

H. Enforcement:

1. The Town Building and/or Zoning Officials may inspect an STR with 24-hour notice to determine compliance with these requirements.
2. These regulations may be enforced pursuant to §13.1 and §13.2 of the Zoning Regulations, and Town Ordinance #300-009 (Zoning Citations).
3. The Planning and Zoning Commission may revoke an STR Special Permit, after a public hearing, for failure to comply with the requirements in these regulations.

I. Exceptions: All STRs that are currently permitted under Ordinance #300-030 shall be governed by said Ordinance until such time as their permit expires. At that time, a Special Permit shall be required in conformance with the STR Regulations herein to continue the STR use.

8.30 SMALL WIND ENERGY SYSTEMS

A. Purpose: To allow for on-site wind generation of electricity for personal use while:

1. Protecting nearby properties from acoustic nuisance and a reduction in property values;
2. Reducing the potential of damage to neighboring properties in the event of a system failure;
3. Reducing the potential of injury to wildlife;
4. Protecting scenic vistas, nature preserves, and scenic roadways.

B. Applicability: These regulations are applicable to Small Wind Energy Systems designed for on-site residential, farm, and small private commercial uses.

C. Definitions:

1. "Small Wind Energy System" means a wind energy system that is used to generate electricity; has a nameplate capacity of fifty (50) kilowatts or less; and a tower height of one hundred (100) feet or less.
2. "Tower" means the monopole, freestanding, or guyed structure that supports a wind generator.
3. "Total height" means the vertical distance from ground level to the tip of a wind generator blade when the tip is at its highest point.
4. "Wind energy system" means equipment that converts and then stores or transfers energy from the wind into usable forms of energy. This equipment includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, vane, wire, inverter, batteries or other component used in the system.

D. A small wind energy system as defined in these zoning regulations, is permitted in accordance with the Schedule of Uses, provided the following regulations are met:

1. A Small Wind Energy System shall provide electricity only in support of a principal or accessory use of the parcel on which it is located.
2. A maximum of one (1) Small Wind Energy System shall be allowed on any parcel.
3. Setbacks: A wind tower for a Small Wind Energy System shall be set back a distance equal to its total height (including its top rotor tip) from any public road right of way; any overhead utility lines; and/or all property lines.
4. Small Wind Energy Systems, including towers or alternative turbine support structures, and supporting guy wires (if any), shall not encroach on any required setbacks.
5. The small wind energy system shall be designed and sited such that entry onto abutting property is not required for its installation, removal, maintenance, or repair.
6. A Small Wind Energy System shall not be permitted if it requires an easement OR variance for setbacks, fall radius or any other dimensional/bulk requirement.
7. **Access**:
   a. All ground mounted electrical and control equipment shall be labeled and secured to prevent unauthorized access.
   b. The tower shall be designed and installed so as to not provide step bolts or a ladder readily accessible to the public for a minimum height of eight (8) feet above the ground.
8. **Electrical Wires**: All electrical wires associated with a small wind energy system, other than wires necessary to connect the wind generator to the tower wiring, the tower wiring to the disconnect junction box, and the grounding wires shall be located underground.
9. **Lighting**: A wind tower and generator shall not be artificially lighted unless such lighting is required by the Federal Aviation Administration.

10. **Appearance, Color, and Finish**: The wind generator and tower shall remain painted or finished with the color or finish that was originally applied by the manufacturer.

11. **Signs**: All signs, other than the manufacturers or installer's identification, appropriate warning signs, or owner identification on a wind generator, tower, building, or other structure associated with a small wind energy system visible from any public road shall be prohibited.

12. **Expiration**: A permit issued pursuant to this ordinance shall expire if the small wind energy system is not installed and functioning within Twenty-four (24) months from the date the permit is issued, or the small wind energy system is out of service or otherwise abandoned per subsection E below.

E. Abandonment:

1. A small wind energy system that is out-of-service for a continuous twelve (12) month period will be deemed to have been abandoned. The ZEO shall issue a Notice of Abandonment to the owner of a small wind energy system that is deemed to have been abandoned. The Owner shall have the right to respond to the Notice of Abandonment within thirty (30) days from Notice receipt date. The ZEO shall withdraw the Notice of Abandonment and notify the owner that the Notice has been withdrawn if the owner provides information that demonstrates the small wind energy system has not been abandoned.

2. If the small wind energy system is determined to be abandoned, the owner of a small wind energy system shall remove the wind generator and the tower on which it is mounted at the Owner's sole expense within three (3) months of receipt of Notice of Abandonment. If the owner fails to remove the wind generator and tower, the ZEO may pursue a legal action to have the wind generator and tower removed at the Owner's expense.

3. The proposed small wind energy system design is required to be certified by a recognized national safety program such as Underwriter Laboratories or the equivalent.

F. Application Requirements:

1. In addition to the required standard Site Plan elements listed on the Check Sheet in Appendix B, the location of any overhead utility lines and required "fall-zones" shall be shown on the Plan.

2. Wind system specifications, including manufacturer and model, rotor diameter, tower height, tower type (freestanding or guyed), tower foundation blueprints or drawings shall be provided with the Application.

   a. The application shall include the make, model, year, specifications, noise level charts, power output, maintenance requirements, and an overview description of the proposed Small Wind Energy System, including footings, tower, rotor or blade system, the associated control or conversion electronics, the generator, the minimum and maximum heights above ground of the turbine blade tips, and appropriate drawings illustrating such dimensions of the various structural components.

   b. Sufficient information to show that the proposed site shall have sufficient access to unimpeded air flow for adequate operation in accordance with the Siting Handbook

for Small Wind Energy Conversion Systems, PNL-2521, or other nationally recognized reference.

c. Sufficient information to show that noise generated by the Small Wind Energy System will comply at the nearest property line with requirements of the Connecticut Regulations for the Control of Noise and Connecticut General Statutes Title 22a (Environmental Protection) Chapter 442 (Noise Pollution Control).

8.31 SOLAR ENERGY SYSTEMS

A. General Requirements:

1. Solar Energy Systems must meet all Site Plan Requirements per the Check Sheet in Appendix B and all Bulk Requirements of the applicable zone.
2. Accessory ground mounted solar energy systems in the Ledyard Center Development District or Gales Ferry Development District are prohibited and accessory roof mounted panels are not permitted on front facing roofs in these districts.
3. **Septic System Avoidance**: The Solar Energy System shall not be located over a septic system, leach field area or identified reserve area unless approved by LLHD or the CT Department of Energy and Environmental Protection as applicable.
4. **Floodplain Avoidance:** If located in a floodplain as designated by FEMA, or an area of known localized flooding, all panels, electrical wiring, automatic transfer switches, inverters, etc. shall be located above the base flood elevation; and shall not otherwise create a fire or other safety hazard.

B. Solar Energy Systems as a Principal Use (Large Solar Systems not under CT Siting Council Jurisdiction):

1. Solar Energy Systems are allowed as a principal use as listed in the Schedule of Permitted Uses.
2. All electrical and control equipment shall be labeled and secured to prevent unauthorized access.
3. A minimum twenty (20) foot-wide landscaped buffer/screening a minimum six (6) foot height shall be provided to abutting properties/parcels. Fencing alone shall not satisfy this screening requirement.

C. Solar Energy Systems as an Accessory Use (Small Solar Systems): Accessory Solar Energy Systems are ground mounted or rooftop systems that provide energy primarily for on-site use and are permitted as Accessory Uses in all zones. Rooftops or ground mounted systems covering developed parking areas or other hardscape areas are encouraged as preferred locations for a Solar Energy System. The following requirements for the installation and use of accessory solar energy systems shall apply.

1. Accessory solar energy buildings or structures are permitted subject to the following conditions:
   a. No solar energy building or structure shall be permitted in any required front yard setback area.
   b. Solar energy buildings or structures are permitted in the side and rear yard provided they meet the setback requirements.

c. The total of all solar energy buildings or structures shall not occupy more than forty percent (40%) of the side and rear yards combined.

d. No freestanding accessory solar energy building or structure shall exceed fifteen (15) feet in height.

8.32 TEMPORARY FORMS OF OUTDOOR ENTERTAINMENT

A. **Purpose**: To allow Temporary Forms of Outdoor Entertainment events in the Gales Ferry Development District (GFDD), Resort Commercial Development District (RCCD), and Ledyard Center Development District (LCDD) zoning districts with an Administrative Site Plan approval. Such activities permitted under this provision shall be open to the public for entertainment or education and include fairs, bazaars, concerts, exhibitions, rodeos, circuses, carnivals, festivals, outdoor theater productions.

B. **Application Process:**

An application for approval of such activity shall be submitted to the Zoning Official *at least* thirty (30) days prior to the event and subject to the requirements in 8.32C. The Zoning Official may, at his/her discretion, refer said application to the Planning & Zoning Commission for review and approval. The application shall indicate the address(es) of the event, the type of entertainment to be provided, the period of time over which the event is to occur, the expected number of guests, and whether amplified music will be included. Such application shall be accompanied by a sketch of the site, indicating the location and method of sanitary facilities, on-site parking, traffic controls, provisions for fire safety, proposed seating arrangements, location of all temporary booths, canopies, and/or tents, and such other information as the Zoning Official may require in order to assure that the public health, safety, and welfare is addressed.

C. **Requirements**:

1. **Minimum Lot Area**: There must be a minimum lot area of ten (10) acres for a temporary event.
2. **Time Period**: No single event shall exceed a time period of seven (7) consecutive calendar days. The total of activities permitted that include amplified entertainment shall not exceed twenty-five (25) days within a single calendar year. The total of all activities permitted under this Section on a single property shall not exceed sixty (60) days within a single calendar year.
3. **Noise**: The operating hours of all events shall not exceed:
   a. Sunday through Thursday: 8am to 8pm
   b. Friday and Saturday: 8am to 11pm
4. **Lighting**: Lighting from the installation of outdoor lights and illuminated signs shall be properly shielded so that such lighting does not adversely affect abutting property or public streets.
5. **Sanitary Facilities**: The application will include a detailed description of the number and location of all sanitary facilities as approved by LLHD.

6. **Code Compliance**: Prior to the start of the event, all required code compliance approvals shall be obtained, including, but not limited to, the Fire Marshal, the Building Official and Ledge Light Health District.

7. **Parking**: The application shall include a detailed description of how parking for the expected number of guests will be accommodated on site. Parking shall not spill over into the surrounding neighborhood unless a specific parking plan is approved, and written agreements for overflow parking have been secured from abutters.

8. **Buffering**: A fifty (50) foot buffer shall be provided between a designated event area and any parcel currently containing a residential use sufficient to provide an all-season visual buffer and shall be provided using a combination of grade separation, landscaping, and fencing, and shall be appropriately maintained. Fencing alone shall not satisfy this screening requirement.

9. **Signage**: Event signage shall be installed in accordance with § 7.9.10 (Temporary Signs) of these Zoning Regulations.

9.0 **Applicability:** All the Site Design Requirements in Chapter 9 of these Regulations shall be applicable to any use that requires a Commission Review of a Site Plan, Special Permit or Master Plan. The parking requirements in §9.4 and the outdoor lighting requirements in §9.10 shall be applicable to all uses, regardless of whether the application requires Commission Review.

9.1 **Intent:** The Site Design Requirements are intended to protect public health, safety, welfare, property values, and natural resources; to encourage site design and development that is efficient, effective and in keeping with the general architecture, rhythm, aesthetics, and existing development pattern/layout in the immediate neighborhood.

9.2 **SUSTAINABLE DEVELOPMENT**

A. Energy Efficient Design: The Commission encourages all applicants to provide energy-efficient site designs and patterns of development, including but not limited to:

1. passive solar energy techniques that maximize solar heat gain and minimize heat loss during the various seasons;
2. renewable energy sources for heating, cooling, and electricity; and
3. appropriate building orientation, street and lot layout, vegetation, natural and man-made topographical features, and solar access.

B. Low Impact Development (and Design): To minimize the negative impacts of development on the environment, all proposed developments, including municipal developments, shall, where feasible, implement Low Impact Development (LID) practices and techniques.

C. Performance Standards: Uses shall be designed to minimize any injury or nuisance to nearby premises by reason of noise, vibration, radiation, fire and explosive hazard, electromagnetic interference, humidity, heat, glare, and other physical impacts that may be caused by the use. For Special Permit applications, the Commission may impose additional restrictions on the use if it determines, after a hearing for which the owner of the facility is given written notice that the physical impacts of the use are causing a nuisance to nearby properties.

The following performance standards shall apply to all uses of land subject to Chapter 9 of these Regulations.

1. No dust, dirt, fly ash or smoke shall be emitted into the air so as to endanger the public health, safety or general welfare, or to decrease the value or enjoyment of other property or to constitute an objectionable source of air pollution.
2. No offensive odors or noxious, toxic or corrosive fumes or gases shall be emitted into the air.
3. With the exception of time signals and emergency signals and noise necessarily involved in the construction or demolition of buildings or other structures, no noise which is unreasonable in volume, intermittence, frequency or shrillness shall be transmitted beyond the boundaries of the lot on which it originates.
4. With the exception of vibration necessarily involved in the construction or demolition of buildings or other structures, no vibration shall be transmitted beyond the boundaries of the lot on which it originates.

5. Any glare or radiant heat produced shall be shielded so as not to be perceptible at or beyond the boundaries of the lot on which it originates.

6. Fire and explosion hazards. Uses shall conform to the fire safety code of the State of Connecticut, the regulations of the Town of Ledyard, and any other applicable regulation.

D. Infrastructure and Utilities: Internal roads and travel ways must be designed to accommodate all projected traffic flows. **For new developments, all utilities shall be located underground.**

E. Environmental Protection: In accordance with CGS §22a-19, uses that are subject to Commission review and approval shall be designed in such a manner as to avoid any unreasonable pollution, impairment or destruction of the air, water and other natural resources of the state.

9.3 LANDSCAPE DESIGN STANDARDS AND REQUIREMENTS

A. Purpose: In addition to the purposes set forth in §§9.1 and 9.2 of these Regulations, these landscaping design standards are intended to reduce excessive heat, glare, and accumulation of dust; provide privacy from noise and visual intrusion; prevent the excessive runoff of storm water and erosion of soil; and preserve or improve the quality of the environment and attractiveness of the Town of Ledyard.

B. General Requirements:

1. When determining the density and intensity of techniques and materials needed to provide adequate, aesthetically pleasing, year-round screening, due consideration should be given to the overall mix and intensity of current uses, building styles, existing type and presence of street trees, landscaped yards, existing landscaped buffering, stonewalls and/or type of fencing, and the presence of natural or historic features and assets within the surrounding neighborhood or district.

2. Landscape designs shall only use native species. Invasive species shall be prohibited as part of any landscape plan.

3. To the extent possible, existing trees, vegetation and unique site features such as stonewalls, ledge faces, kettle holes, and boulder trains shall be retained and protected.

4. Any disturbed area of a lot or property which is not being used for the location of buildings, accessory structures or uses, parking, loading, storage areas, or other similar purposes shall be landscaped and maintained in such a manner as to minimize stormwater runoff.

5. The retention of existing topography and vegetation in the buffer areas is preferable to regrading and new plantings, however, if natural site conditions are not adequate to meet the purposes of the buffer requirement, then landscaping shall be required to comply with criteria set forth herein.

C. Perimeter Landscape Area Requirements: Any use subject to Site Plan/Special Permit review shall provide an ornamental landscaped area along the perimeter of the property, excluding areas specifically reserved for vehicular or pedestrian access or for other accessory uses designated on the proposed Site Plan. The landscaped areas shall be a minimum of ten (10) feet in width, unless otherwise specified, and shall be designed with a combination of grass, shrubs, flower, shade trees, evergreen and other vegetative materials skillfully designed to provide a visual landscaped buffer between adjacent properties and to enhance the aesthetic appearance of the district.

D. **Landscape Buffer Requirements**: When a Site Plan or Special Permit application is submitted for the establishment of a new non-residential use, and the parcel is located within, or abutted by any Residential Zoning District or abutted by a parcel containing an existing use that would be allowable as of right in a Residential District, a landscaped buffer no less than twenty-five (25) feet in width shall be provided along all such abutting portions of the perimeter. Such buffers shall be designed to provide appropriate screening to minimize any potential negative impacts of noise, light, dust, vibrations, hours of operation, and substantially dissimilar aesthetics.

E. **Outdoor storage areas associated with motor vehicle repair facilities and similar repair facilities shall be fully screened from view from any road or access way, and/or any neighboring building/structure including parking areas. Screening shall include a mixture of landscaping (including evergreens) and hardscape meeting the intent of §9.3. Fencing alone shall not be used for screening.**

F. **Completion of Landscaping**: All landscaping shown on the approved Site Plan shall be completed before issuance of a Certificate of Occupancy unless the landowner provides surety, in a form and amount satisfactory to the Commission, assuring completion within a specific time, not to exceed one year. Such surety shall be forfeited if the work shall not have been completed within such time limit.

9.4 PARKING REQUIREMENTS AND DESIGN STANDARDS

Design Objective: *To locate parking lots behind, below, or between structures, appropriately screened with attractive landscaping in accordance with these regulations. It is the intent of the Commission to ensure safe access for all pedestrians and bicyclists. This is to be achieved by limiting curb cuts, providing clearly marked and designated crosswalks through the use of brick, stamped asphalt, and bollards. All new developments should provide parking at the rear of the building, accessible through either a shared entrance, alley or side streets. This will consolidate and eliminate the need for multiple entrance and egress points for vehicles, slowing vehicle traffic, and forcing entry towards a single shared entrance.*

A. **Application and Scope**: For any use hereafter established, off-street parking and loading shall be provided in accordance with this §9.4.

B. **Maintenance Required**: All spaces required to be provided per this §9.4 shall be permanently maintained and made available for occupancy in connection with, and for the full duration of, the use of land or structure(s) for which such spaces are required.

C. **Change of Use**: Any change of use or the addition of one or more uses to an existing use shall require that the aggregate off-street parking specified in this §9.4 be provided. If such changes are proposed in connection with an existing use that is already non-conforming with respect to parking requirements, such existing use(s) shall also be brought into compliance at such time.

D. **Number and Size of Parking and Loading Spaces and Berths**: Plans for all existing and proposed uses shall provide sufficient on-site parking to accommodate the motor vehicles of all occupants and visitors that may reasonably be expected at any one time, and sufficient loading berths to accommodate the anticipated needs of all planned uses. The standards set forth in §9.4E shall be deemed to specify the necessary and appropriate number and size of parking and loading spaces, berths and areas in the absence of any contrary evidence. However, as part of a proposed Site Plan, an applicant may submit evidence that the same or similar uses can be reasonably accommodated with fewer or smaller spaces or berths, or that

more or larger spaces or berths will be needed. The Commission shall weigh the credibility of any such evidence in deciding whether the proposed parking and loading plans are adequate.

1. **Shared Parking**: Nothing in this section shall be deemed to prohibit a cooperative action to provide in common the parking spaces required for individual uses, provided that the area or a sufficient portion thereof, is located within 600 feet of the building which it serves. Common spaces of two or more parking facilities on adjoining lots, if designed for use as a single parking area, may use the same means of access.
2. **On-street parking** is encouraged throughout the LCDDs and discouraged in the GFDD. In these Districts, on-street parking need not be contiguous with the building or the use it serves. Plans must be reviewed by the Public Works Director and Town Planner. If on-street parking is provided, it shall meet the requirements of the Americans with Disabilities Act (ADA).

E. Parking Ratios: The following off-street parking ratios shall apply to all uses and combinations of uses in the absence of any contrary evidence provided in accordance with §9.4D. If the proposed number of parking spaces is greater than ten percent (10%) above the minimum number of spaces required by this §9.4E, and any such spaces are located outside of a parking garage, the applicant must demonstrate why so many spaces would be necessary or desirable. For purposes of the following ratios, the term "maximum shift" means the time or times during which the greatest number of workers (including management, staff, and all other persons employed by the relevant business) are located at the site on a regular (but not necessarily daily) basis. When the calculation results in a fraction, the number shall be rounded to the next highest whole number. The abbreviation "GFA" means gross floor area.

1. **Motor Vehicle Sales/Service**: One (1) space per employee on the maximum shift, plus one (1) space per 500 square feet of internal display area, plus one (1) space per 2,000 square feet of outdoor display area, plus two (2) spaces per service bay.
2. **Financial Institution**: One (1) space per employee on the maximum shift, plus one (1) space per 200 square feet of floor area accessible to the general public.
3. **Bed and Breakfast/Country Inn**: Two (2) spaces, plus one (1) space per guest bedroom, plus one (1) space per employee at maximum shift, in addition to resident parking. Adequate parking shall be provided for patrons if Country Inn contains a restaurant that is open to the public.
4. **Drive-through Restaurant (Fast Food)**: One (1) space per two (2) permanent seats, plus one (1) space per employee on the maximum shift, plus one (1) space per fifty (50) square feet of floor area devoted to customer service.
5. **School**: Two (2) spaces per classroom, plus one (1) space per four seats in any auditorium or gymnasium, and one (1) space per employee on the maximum shift.
6. **Funeral Home**: One (1) space per fifty (50) square feet of public area.
7. **Home occupation**: Two (2) spaces for the dwelling unit, plus one (1) space for the non-resident employee (if applicable). Adequate parking shall be provided for patrons if applicable.
8. **Hospital**: One (1) space per five beds, plus one (1) per full-time employee on maximum shift and fleet vehicle (if applicable).

9. **Hotel/Motel**: One and one quarter (1.25) spaces per guest room, plus one (1) space per employee on the maximum shift. Additional spaces must be provided for accessory uses open to the general public.

10. **Library**: One (1) space per 500 square feet.

11. **Lumber Yard/Building Material Sales/Construction Supply Sales/Service**: One (1) space per employee on the maximum shift, plus one (1) space per 250 square feet of floor area accessible to the general public.

12. **Heavy Manufacturing Facility/ Light Manufacturing/ Warehousing/Distribution Facility**: One (1) space per employee on the maximum shift, plus one (1) space per fleet vehicle. Required parking shall be in addition to any loading areas/spaces.

13. **Medical Office/Clinic/Outpatient Care**: One (1) space per employee (including doctors) on the maximum shift, plus three and one-half (3.5) spaces per treatment room.

14. **Assisted Living Facility**: One (1) space per employee on the maximum shift, plus one and one quarter (1.25) spaces per bedroom.

15. **Mixed - use Commercial or Commercial/Industrial Development**: Four (4) spaces per use, plus one (1) space per 250 square feet of GFA of commercial uses, plus one (1) space per employee on the maximum shift, for each use.

16. **Multiple-use Commercial Developments with Gas Station**: Ten (10) spaces for gas station, plus four (4) spaces per use, plus one (1) space per 250 square feet of GFA of commercial uses plus one (1) space per employee on the maximum shift.

17. **Day Care/Nursery School**: One and one-half (1.5) spaces per employee on the maximum shift, plus four (4) spaces, plus adequate drop-off and pick-up areas for children attending the day-care facility or nursery school.

18. **Office or Professional Building**: One (1) space per 300 square feet of GFA.

19. **Restaurant/General Hospitality**: One (1) space per employee on the maximum shift, plus one (1) space per three (3) seats.

20. **Retail Stores**: One (1) space per 250 square feet of GFA, but no fewer than four (4) spaces.

21. **Places of Public Assembly (including places of worship)** : One (1) space per (3) three single-person, fixed seats or, where capacity is not determined by the number of single-person, fixed seats, one (1) space per sixty (60) square feet of floor area available to patrons.

9.4.2 Uses Not Listed:

A. The minimum number of parking spaces required for certain uses not listed above are set forth elsewhere in these Regulations. If no minimum number of parking spaces has been established in these Regulations for a particular use, the minimum number shall be determined by the Commission based on such evidence as may be provided or available in the record.

An applicant for any such use must submit sufficient information to the Commission to allow it to estimate the number of motor vehicles of all occupants and visitors that may reasonably be expected at any one time. Such information may include, without limitation, evidence regarding the nature, intensity, and mix of the proposed use;

projected attendance figures; the number of anticipated employees, visitors or customers; and the experience of similar facilities elsewhere.

The Commission may deny or require modifications for an application that fails to provide sufficient, credible information to enable the Commission reasonably to determine the number of parking spaces likely to be required. The Commission may, alternatively, require the applicant to designate an overflow-parking area in the event the parking plan results in insufficient spaces.

9.4.3 Off-Street Loading Requirements

A. **Size**: Except as provided elsewhere each required loading berth shall be at least twelve (12) feet wide, fifty (50) feet long and fifteen (15) feet high. Such berths shall be in addition to an access driveway and required parking spaces.

B. **Location**: All permitted or required berths shall be on the same lot as the use to which they are accessory. No entrance or exit for any off-street loading area shall be located within fifty (50) feet of any street intersection. Such loading berths may be enclosed or outside, but in no case shall they be located in a front yard setback area.

C. **Access**: Unobstructed access, at least (12) feet wide, to and from a street shall be provided. Such access may be combined with access to a parking lot.

D. **Number**: For every structure used for commercial or industrial purposes, or for public institutions and facilities, loading berth requirements shall be as set forth below:

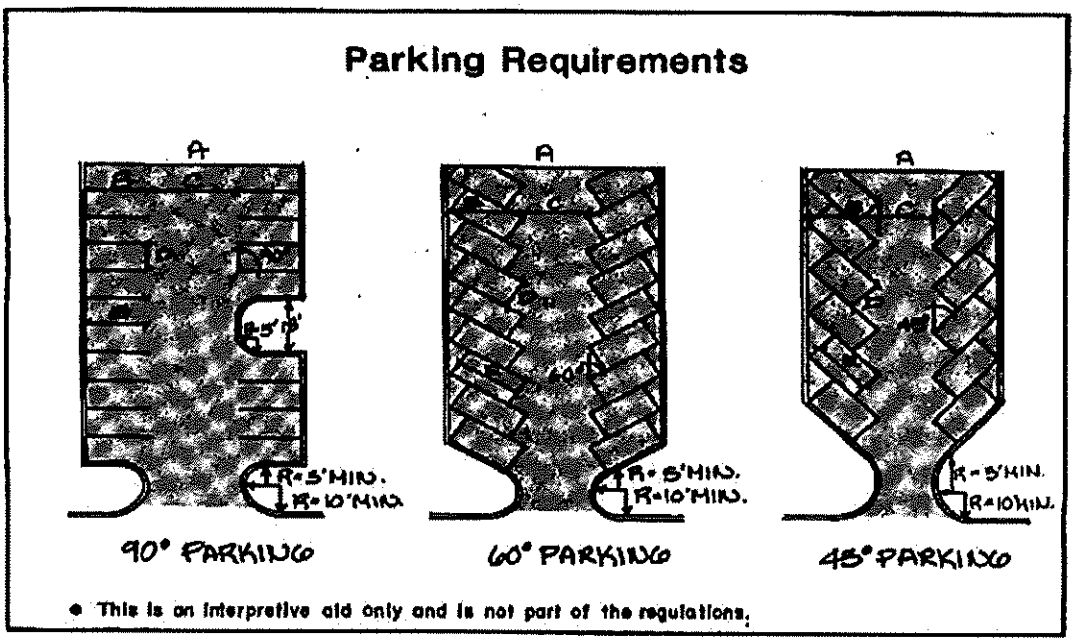
Floor area	# of Berths
10,000 - 25,000 sq. ft	1 Berth
25,000 - 40,000 sq. ft	2 Berths
40,000 -150,000 sq. ft	3 Berths
Each additional 50,000 sq. ft	1 Additional Berth

9.4.4 Parking Facilities:

A. The dimensions for parking spaces and drive aisles shall conform to the following table.

		Angle to Drive Aisle		
		90°	60°	45°
A)	Double parking bay	60 ft.	58 ft.	53 ft.
B)	Depth of bay	18 ft.	20 ft.	19 ft.
C)	Aisle width	24 ft.*	18 ft.	15 ft.
D)	Width of space	9 ft.	9 ft.	9 ft.
E)	Depth of space	18 ft.	18 ft.	18 ft.

**Aisles for single-loaded parking bays may be twenty-two (22) feet wide.*



B. Aisles for 90-degree parking are for two-way circulation, and aisles for 60- degree and 45- degree parking are for one-way circulation.

C. **Other Standards**:

1. The outside radius of parking lot end islands shall be ten (10) feet minimum.
2. All other radii shall be five (5) feet minimum.
3. All interior landscaped islands shall be a minimum width of eighteen (18) feet.

D. Where parking spaces abut a concrete or bituminous walk (minimum five (5) feet in width), the depth of the parking space may be reduced by two (2) feet.

E. **Reduction in parking spaces**:

1. **Permanent shared use reduction**: The Commission may permit a reduction of up to twenty-five percent (25%) of the required parking spaces due to shared use of parking facilities when the parking needs of the uses occur at different hours of the day.
2. **Permanent compact space reduction**: In parking lots in excess of fifty (50) spaces, the Commission may allow the installation of eight (8) by sixteen foot (16) foot compact spaces, not to exceed twenty-five (25) percent of the total number of spaces installed. These spaces shall be clearly designated as compact-car parking.

F. **Parking Lot and Driveway Design**:

1. **For uses requiring a Special Permit,** in order to protect the public safety, where traffic volumes, patterns or street geometry warrants, the Commission may require that only one driveway serve any lot, regardless of the length of street frontage, and may designate the location of any driveway.

   In the case of corner lots, driveways shall be located not less than 150 feet from the intersection of the street lines of the lot. In the case of a corner lot having frontage of less than 150 feet, the driveway shall be as far from the intersection as is practical.

Driveways entering streets at a curve or near the crest of a hill shall be located to provide the maximum sight distances possible.

2. Driveways shall be designed to be as perpendicular to the street line as possible, and in no case may the angle between the street line and the driveway centerline be less than sixty (60) degrees.
3. Parking lots designed for ninety (90) degree parking are encouraged and may be required by the Commission. However, where a one-way circulation pattern is desired due to traffic safety considerations, the Commission may require angled parking.
4. Parking lot aisles longer than forty-five (45) feet may not be dead-ended and must provide continuous circulation unless the Commission finds that sufficient turnaround areas and adequate overall site circulation has been provided.
5. No parking area or driveways shall be closer than ten (10) feet from any portion of a building other than its garage entrance or loading area apron. This ten-foot area may be used for walkways and/or landscaping.
6. See §7.5 for additional requirements for Interior Lots.

9.4.5 Parking for Buses and other Large Vehicles

A. In addition to the required automobile parking, a minimum of one bus parking space shall be provided for every forty (40) units in a hotel and for every eighty (80) seats in a restaurant, except that, if a restaurant is an accessory use to a hotel, the number of bus parking spaces shall be determined by the greater of the two requirements.

B. Minimum bus parking space dimensions shall be ten (10) feet wide by forty (40) feet long.

C. The Commission may require additional parking spaces that can accommodate larger vehicles that include, but are not limited to, shuttle vans or limousines that may be typically associated with the proposed use or expected to be parked on site.

9.4.6 Parking Lot Landscaping Requirements: Any lot that contains parking facilities for more than ten (10) cars shall provide landscaped end islands and at least one (1) landscaped center island (per twenty (20) twenty) within the parking area. Such islands shall be designed and located to maximize the attractiveness of parking lots by providing ornamental landscaped areas and shade. The design of such islands must assure adequate circulation, aesthetic appeal, shade, and capacity for snow storage as a result of plowing.

9.5 Access Management

9.5.1 Purpose. This section is intended to control the number, size, and location of driveways and access points for business uses to promote overall traffic control and promote public safety and welfare.

9.5.2 Commercial Access

A. Commercial access is defined as an access way providing a vehicular connection from a public or private roadway to a parking area serving commercial, recreational, institutional, office, multi-family, mixed use, or industrial land uses.

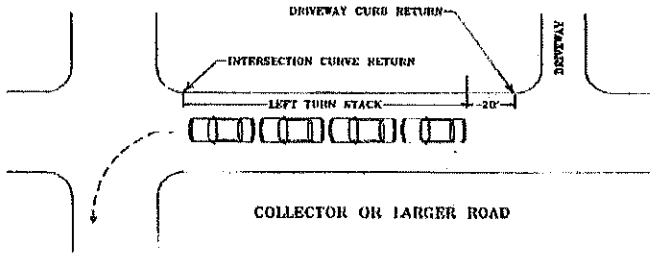
B. Commercial access shall be designed to be as perpendicular to the street line as possible, and in no case may the angle between the street line and the access-way centerline be less than sixty (60) degrees.

D. **Sightline Distance**: Access shall be designed and located to provide a minimum sight distance, clear of all obstructions, natural or man-made, of 250 feet in either direction on secondary roads, 325 feet on primary roads, and 375 feet on primary and secondary arterial roads.

E. **Connection to Roads**: The portion of driveway through the 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 a Zoning Permit (unless the access is part of a road approved as part of a subdivision or Site Plan approval) and the approval of the Town Public Works Director.

F. **Commercial access** shall be placed so the following minimum distances are maintained to any street intersection, including a T-intersection on the opposite side of the street from a property where access is proposed.

1. **Local access or low volume road**: a minimum distance of fifty (50) feet shall be maintained from the driveway curve return to the edge of the right-of-way at the intersection.
2. **Primary road or larger road**: a minimum distance consisting of the left turn stacking distance (described below) plus twenty (20) feet, as measured from the intersection curve return to the driveway curve return, shall be maintained.
3. The **left turn stacking distance** shall be calculated using the following formula (or based on a traffic study, if available or required).
   a. Peak Hour Traffic = Average daily traffic/10
   b. Peak hour left turns = 1/6 of peak hour traffic for 4-way intersections
   c. Peak hour left turns = ¼ of peak hour traffic for T-intersections
   d. Driveway to intersection spacing = [1.5 x peak hour left turns x 20 feet] + 20 feet.



4. **Intersection Spacing:**

9.5.3 **Frontage Requirements**: The project's frontage may be traversed by not more than one (1) driveway, unless the Commission finds that more than one driveway is desirable for safety reasons. Applicants are encouraged to arrange common accesses with adjoining properties, and the Commission may approve temporary access designs when a more desirable permanent access serving more than one property appears achievable in the future.

9.5.4 **Traffic and Access**: Access to the lot and internal circulation shall be designed to promote the safety of pedestrian and vehicular traffic, both on the lot and off site. The Site Plan and or Special Permit shall be evaluated on the following basis:

A. the effect of the development on traffic on adjacent streets;

B. circulation pattern of vehicular and pedestrian traffic on the site;

C. provision for parking and loading;

D. adequacy of sight lines;

E. relationship of the proposed circulation to circulation on adjacent property, for both vehicles and pedestrians, with special attention to promoting pedestrian traffic among adjacent parcels; and

F. emergency vehicle access.

9.5.5 **Access Driveway Design**:

A. **Access Driveway Widths**: Unobstructed access to and from a street shall be provided on each lot to serve principal and accessory uses thereon. One-way driveways, access ways, thoroughfares, entrances, and exits for nonresidential use shall have a minimum width of twelve (12) feet. Two-way driveways, access ways, thoroughfares, entrances, and exits for nonresidential use shall have a minimum width of twenty-four (24) feet and a maximum width of thirty (30) feet except that an access way may be configured as a boulevard so long as each entrance and exit lane is a maximum of fifteen (15) feet wide, and the median design is appropriately landscaped. **Shared entrances are allowed and encouraged, as well as use of side entrances that provide access to multiple developments.**

Access Driveway Widths				
Type of Use	**Minimum Access Driveway Width**	**Opening Width (Including flares)**		**Minimum Centerline Radius of Curvature**
		Minimum	**Maximum**	
Non-Residential	12 feet (one-way) 24 Feet (two-way)	24 feet	TBD at SPL Review	65 feet

B. Driveways shall not be located within ten (10) feet of a side or rear property line abutting a lot that is in a residential Zoning District or that is currently used for single-family or two-family residential purposes. Adequate space for snow stacking must be provided on all lots.

C. In all nonresidential Zoning Districts, parking areas, parking spaces, and internal access drives may be located within half of the required front yard setback area, when screened from the street and abutting property by landscape materials, including trees, shrubs and/or earthen berms.

D. Curbing: The front or primary driveway, entrance, and exit shall be lined, for its entire length on both sides, with curbing unless the Stormwater Management Plan demonstrates that stormwater will be properly controlled without such curbing.

E. Surface treatment: All parking spaces, loading facilities, and access driveways/roadways shall have at least six inches (6") of process stone and two- and one-half inches (2½") of bituminous concrete as surface treatment unless the applicant can demonstrate that an alternate treatment would provide an adequate all-weather surface consistent with LID techniques and capable of H20 Loading. In these cases, the applicant shall submit a maintenance plan to the Commission for their approval.

F. Grade: Driveways serving commercial or industrial uses shall have a maximum grade of six percent (6%). Driveways shall provide a reasonable transition in terms of grade between the driveway and the gutter line. The driveway shall maintain a grade equal to or less than the crown slope of the road from the point where the driveway meets the road right-of-way to where the driveway crosses the gutter line. This transition is needed to eliminate plows catching their blades on driveways with abrupt grade changes in the vicinity.

G. Handicapped Access: Parking spaces and general access designed and designated for handicapped persons shall be provided in all parking lots in accordance with all applicable state and federal laws and regulations.

H. Modification of Site Plans: The Commission may require the modification of any Site Plan if it finds such modifications necessary to satisfy the requirements of these Regulations. Such modifications may include, but are not limited to, the following:

1. closing existing curb cuts, limiting proposed curb cuts, or closing temporary curb cuts when alternative access points become available;
2. limiting turning movements to right turns in or out of curb cuts;
3. aligning access drives or roads with opposing access drives or roads wherever practical;

9.6 REFUSE STORAGE

A. Purpose: This section is intended to control the number, size, location, and screening of refuse storage areas in order to protect the public health, safety and general welfare.

B. Requirements:

1. Refuse storage facilities shall be located in such a manner as to be inconspicuous to the general public and neighboring properties.
2. Refuse storage areas shall be designed on a concrete pad a minimum of six inches (6") thick and shall be enclosed and screened from view with fencing, wall, hedge/shrubs, or other suitable means.
3. Refuse storage areas shall be easily accessible for service vehicles and building occupants and shall not interfere with required parking spaces or circulation on and off the site.
4. No refuse storage area shall be located in the required front yard setback area or within ten (10) feet of any property line.

9.7 OUTDOOR STORAGE

All uses requiring Site Plan approval may store materials and equipment outside of a building only if such storage is a customary accessory use of the principal use and only under the following conditions:

A. Materials:

1. All outdoor bulk storage items, including recyclable materials, shall be fully enclosed within approved storage containers (Three-sided bins may be permitted as appropriate).
2. No outside-storage materials shall be permitted that will attract animals or insects.
3. No perishable merchandise shall be stored outdoors.

B. Location:

1. The location of all structures to be utilized for outdoor storage must be designated on an approved Site Plan as outdoor storage.
2. No outdoor storage shall be allowed in the required front, side, or rear yard setbacks, required buffer areas and/or areas required for parking on the site.
3. With the exception of mulch, dirt, stone, and other similar material typically associated with landscaping businesses or services if stored in customary, three-sided enclosures, outdoor storage areas shall be screened so as not to be visible from any street in accordance with applicable provisions of §9.3.
4. Maximum height of stored material and storage structures shall be six (6) feet except as provided in subsection C below.

C. Industrial (I) and Commercial Industrial Districts (CID)

1. All areas for outdoor storage of equipment (including vehicles) or materials shall be located to the rear of the principal building and shall be screened so as not to be visible from any street or abutting properties. Box trailers are permitted.
2. Vehicles (or box trailers) shall not be stacked, and storage of materials shall not exceed a maximum height of twenty-five (25) feet.

9.8 Outdoor Merchandise Display

All uses requiring Site Plan approval may display merchandise for sale outside of a building only under the conditions listed below.

9.8.1 Merchandise:

A. No perishable items shall be displayed outside, except as permitted for farm stands.

B. No merchandise shall be displayed outdoors that will attract animals or insects.

C. No goods that are leaking or have broken packaging shall be displayed.

9.8.2 Location:

A. The location of any area to be used for outdoor merchandise display must be designated on an approved Site Plan.

B. No merchandise display shall be allowed in areas required for parking on the site.

C. Displayed merchandise shall not be stacked higher than six (6) feet from the ground. Individual display items that are not stacked may exceed six (6) feet (for example, a kayak leaned against the building of an outdoor recreation store).

D. Outdoor merchandise display shall be screened from adjacent residential properties, as required in accordance with intent and applicable provisions of §9.3.

E. No outdoor merchandise display shall be allowed within the front yard setback with the following exceptions:

1. as part of a permitted roadside stand or farm store; or

2. if the display is located within ten (10) feet of the principal structure and does not block any sidewalks, parking spaces, or entrances. The total area of any such display may not exceed 200 square feet.

9.9 ARCHITECTURAL CHARACTER, AND HISTORIC AND LANDSCAPE PRESERVATION

9.9.1 General Provisions: The overall character of the proposed site layout and the architectural character of proposed structures shall be designed, to the extent feasible, to protect property values in the neighborhood and the Town; preserve the existing historic character in terms of scale, density, architecture, and materials used in construction of all site features; protect the existing historic patterns of arrangement of structural and natural features, including circulation patterns; and preserve public access to scenic views and vistas and to water courses.

A. **Historical and Archaeological Sites**: When a site or portion of a site has been identified by the State Historic Preservation Officer, or the State Archaeologist, as historically significant, the applicant shall identify on the plans the nature and location of the resource and shall indicate what measures are being taken to protect such resource.

9.9.2 Encouraged Materials and Practices:

A. Materials, texture, and color used on the exterior walls and roof should emphasize the use of natural materials or should be those associated with traditional New England architecture. Preferred façade materials are brick, stone, and wood, including narrow-width siding, clapboards, wood shingles, or a reasonable equivalent. Metal, unfinished concrete, and concrete block, as well as asphalt siding, are discouraged.

B. Architectural details characteristic of the particular style and period proposed should be incorporated into the design for new construction and should relate harmoniously to adjacent buildings. Architectural details of a period need not be duplicated precisely, but they should suggest the extent, nature, and scale of the period.

C. Large structures should have well-articulated façades to reduce the appearance of significant bulk. Provision shall be made to coordinate site architecture with that of the surrounding district. Rooflines should be varied to provide architectural interest.

9.9.3 Development District Design Objectives

A. When feasible, cluster new commercial buildings and parking areas on the most developable land within the district and retain significant contiguous land areas in a natural or landscaped condition.

B. Assure that the design of new structures, parking, access ways and landscaping is compatible with the natural features and topography of the area.

C. Limit and control access for new development from public roads so that traffic safety is maintained, and a sense of the rural landscape is retained and enhanced (RCCD District only).

D. Discourage uncoordinated strip commercial development consisting of small, individual, unrelated uses varying unpredictably in type, size, style, access arrangements and environmental impact.

E. Minimum five (5) ft Sidewalks required. Wider sidewalks (8 feet) are encouraged in areas of high pedestrian traffic and commercial activity – especially where opportunities for outdoor dining may exist.

F. New Structures strongly encouraged to be built to the sidewalk in the LCDD and GFDD.

9.10 OUTDOOR ILLUMINATION

9.10.1 Purpose: The purpose of this §9.10 is to encourage lighting practices and systems that minimize the degradation of the night-time visual environment, thereby maintaining night-time safety and security while preventing glare, light trespass and light pollution.

Design Objective: *The fixtures chosen, and their illumination qualities should complement and enhance the architectural style and unique features of the building and those typical to the surrounding district.*

9.10.2 Exempt Light: The term "outdoor lighting" includes all exterior lighting systems except those associated with the following:

A. airports;

B. emergency lighting, provided such lighting is temporary and is disconnected, or otherwise ceases, immediately upon termination of the emergency condition;

C. fossil fuel lamps; and

D. temporary residential holiday lighting, provided it is illuminated for fewer than ninety days per year.

9.10.3 Lighting Design Requirements

A. All exterior lighting systems shall be designed, installed and maintained in such a manner as to minimize or substantially reduce disability glare at any location on or off the property; and to minimize or substantially reduce light trespass beyond the property lot line, minimize sky illumination, and present an overall appearance appropriate to the rural/suburban setting. All searchlights are prohibited unless expressly allowed elsewhere in these Regulations.

B. The maximum horizontal foot-candle measurement at any property line shall be two (2) foot-candles. The maximum maintained vertical foot-candle at an adjoining property line shall be two (2) foot-candles, as measured at five feet above grade.

C. The maximum average-maintained foot-candles for a parking lot lighting fixture shall be three (3) foot-candles. The maximum lighting level for a parking lot lighting fixture shall be ten (10) foot-candles.

D. Photometric Plans shall be required for all Site Plans that contain proposed lighting and shall include a description of the proposed lighting fixtures and shall demonstrate compliance with subsection B & C above.

E. Poles and standards used for outdoor lighting shall not exceed twenty (20) feet in height (the Commission encourages twelve (12) foot to fifteen (15) foot light poles).

F. Lighting fixtures shall be full cut-off and shall be located, aimed, and shielded to minimize the glare that is emitted on objects other than a building's façade or landscape walls.

G. All non-essential lighting for security purposes shall be turned off after hours. Exterior lighting should be off when sufficient daylight is available and when the lighting is not required during nighttime hours.

H. Area illuminators for parking lots, driveways, pedestrian walkways, and yards shall be pole-mounted or building-mounted. Flood lighting shall be avoided except for loading areas. Building-mounted floodlights may be installed where full cut-off luminaires are impractical, provided top and side shields are attached and maintained to prevent light emission above a vertical cut-off angle of forty-five (45) degrees.

I. Fixtures shall be designed and mounted such that neither the light source nor the lens are visible from above a height of five (5) feet at the property lot line. Luminaires with sag lens or drop lens shall be shielded.

J. Luminaries are not permitted in buffer areas between adjacent properties and in buffer areas adjacent to roads, except that recessed low intensity up-lights, well lights, louvered lights, and cone lights may be used for landscaping purposes only.

K. The Commission may approve a height greater than twenty (20) feet for sports area luminaires and other commercial, outdoor recreational uses provided the luminaires are designed, located and directed to prevent glare and light trespass.

L. Temporary events shall be exempt from the luminaire height and cut-off requirements of these Regulations, provided a Zoning Permit has been granted for the event and the illumination system will be used only during the temporary event.

M. The ZEO may approve temporary floodlights higher than twenty (20) feet at a construction site for which a Zoning Permit has been issued, provided the luminaires are designed, located and directed to prevent glare and light trespass.

9.11 STORMWATER MANAGEMENT & SOIL EROSION AND SEDIMENT CONTROL REQUIREMENTS

All Stormwater Management systems, Flood and Soil Erosion & Sediment Control measures shall be designed and installed as applicable in accordance with TOWN ORDINANCES #300-16, #300-17 and #300-24

A. The following additional criteria apply to applications that require Utilities, Drainage, and/or Storm Water Control in addition to the Site Plan information required per Check Sheet Appendix B.

1. **Drainage**: Storm water control measures shall be provided within the site.
2. All storm water control measures shall be approved first by the appropriate Town of Ledyard staff member, or its consultant, followed by a review by the Commission.
3. All storm drainage for proposed commercial development in which the combined square footage of roofs, paved Parking Areas and other impervious surfaces exceeds ten thousand (10,000) square feet shall be designed in accordance with, and subject to, the provisions of the Drainage Ordinance.

B. Applications that require Soil Erosion and Sediment Control Plans pursuant to CGS §22a-325 to §22a-329 based on the "Connecticut Guidelines for Soil Erosion and Sediment Control," (1985) as amended (disturbed area cumulatively more than .5 acre) must include the following information in addition to the Site Plan information required per Check Sheet in Appendix B :

1. Locations of areas to be stripped of vegetation, re-graded and contour data indicating existing and proposed grades;
2. A schedule of operations, including the sequence of major improvement phases such as clearing, grading, paving, installation of drainage features etc.;
3. Seeding, sodding or re-vegetation plans and specifications for all unprotected or un-vegetated areas;
4. Location, design and timing of structural control measures, such as diversions, waterways, grade stabilization structures, debris basins, storm water sediment basins, etc. The narrative shall indicate design criteria used in the design of control measures;
5. A description of procedures to be followed to maintain sediment control measures;
6. The name of the individual responsible for monitoring the plan with whom an inspector for the Town may contact routinely; and
7. **The plan map shall show the words**: "Erosion and Sediment Control Plan Approved by:" with space for the date and signature of the Chairman/Vice Chairman of the Zoning Commission or its agent.

9.12 CONSOLIDATED PARCELS

A. Purpose and Applicability:

1. This §9.12 encourages the consolidated development of parcels located in the non-residential zoning districts to preserve the capacity and safety of existing arterial roadways; to provide flexibility in meeting bulk requirements; to facilitate integrated development of large areas of land; to reduce parking requirements through shared parking; and, to facilitate consolidation of stormwater management systems among smaller parcels.
2. Any number of contiguous parcels may be consolidated for the purposes of development regardless of ownership, and the consolidated parcel shall be considered to be one lot for the purposes of meeting the requirements of these Regulations.
3. Consolidated parcels shall be permitted only in the LCDD, LCTD, MFDD, GFDD, RCCD, CID and I Zoning Districts and shall only consist of uses permitted in the underlying Zone. All consolidated parcels must be located within the same zone.

B. **Basic Requirements:** The consolidated parcel must be developed with an integrated plan for access, buildings, parking, loading, landscaping, lighting and signage. Applicants for consolidated parcels shall be required to:

1. provide for shared access to abutting properties through common driveways, parking lots, service roads and/or cross-easements (whether existing or future);
2. construct all or a portion of a shared driveway or service road to provide for shared access, where appropriate; and
3. file easements on the land records, acceptable to the Commission and Town Attorney, in favor of the abutting properties and/or the Town to allow for their future interconnection.

C. **Additional Requirements:**

1. Within a consolidated parcel, the yard, buffer, parking, and building setback requirements shall not apply to individual lots within a consolidated parcel but shall instead apply to the consolidated parcel as a whole.
2. The Commission may limit direct highway access to individual parcels within a consolidated parcel in accordance with the access management requirements of §9.5.

The following requirements/procedures pertain to all uses and activities that do not require a Site Plan or Special Permit, and therefore may be approved by staff.

10.1 ZONING PERMITS

A. Applicability: No building and/or portion of a building shall be constructed, reconstructed, altered, excavated for, moved or structurally altered in whole or in part for any purpose, nor shall any use be established or changed in the Town of Ledyard, without a Zoning Permit issued by the Land Use Department in conformance with:

1. the provisions of these Regulations; or
2. an approval granted by the Commission; or
3. a variance granted by the Zoning Board of Appeals; or
4. Any combination of the above.

B. A Zoning Permit may not be issued for buildings or structures or for uses of land, buildings, or structures not clearly permitted by these Regulations in the various districts.

C. A Zoning Permit is not required for repairs or alterations to existing buildings or structures, provided that such work does not increase the footprint and/or floor area of any building or structure and does not change the use thereof.

D. The ZEO shall not approve any Zoning Permit for any property on which there exists a zoning violation, unless the implementation of such permit would remedy such violation.

E. Contents of Application: All applications shall set forth such information as may be required in order to allow the appropriate Land Use staff/official to determine the conformance of any proposed buildings, structures or uses, or any proposed changes thereto, with these Regulations. The ZEO or Planning Director may require submission of additional information, including any information that might be required for a Site Plan (e.g., soils data, topography, drainage computations, etc.), and a plot plan prepared, signed, and sealed by a licensed land surveyor, to ensure compliance with these Regulations. The ZEO may further require that location markers for the building foundation be set by a Connecticut licensed land surveyor in accordance with the plot plan prior to the issuance of a Zoning Permit. For new dwellings and for staff approved commercial/business and industrial construction, the ZEO shall require the submission of a survey with Class A-2 level of accuracy in order to determine zoning compliance and shall require that such plans be prepared by a Connecticut licensed engineer and/or land surveyor.

F. Application Procedures:

1. An application for a Zoning Permit shall be accompanied by plans and/or other information that comply with applicable requirements in the Appendix C (for residential dwellings) or Appendix D (plot plan) of these Regulations.
2. If all requirements of these Regulations are met, the Zoning Permit shall be issued within thirty (30) days unless the applicant agrees, in writing, to extend the time for decision; otherwise, the application shall be denied and the reasons for denial shall be stated by the ZEO.

3. In the event that any Zoning Permit is issued based on incorrect information or the specific conditions of approval are not adhered to strictly, the ZEO or Commission (as appropriate) may declare such Zoning Permit null and void, provided no such decision may be made until after the Commission has provided the permit-holder an opportunity for a hearing.

G. Expiration of Zoning Permits: Zoning Permits issued by the ZEO for construction, erection or alteration of a building or structure are valid until a Certification of Zoning Compliance is issued, or until applicable time limits described herein expire. A Zoning Permit issued by the ZEO that is not associated with any other Commission approved site work (e.g., Site Plan, Special Permit) shall expire after one (1) year if no work has commenced or if the site work has ceased for a period of one (1) year. The ZEO may grant one extension of one (1) additional year to allow the applicant to commence or continue approved work.

H. Building Permits: No Building Permit shall be issued by the Building Official for a building, use or structure subject to these Regulations without certification in writing from the ZEO that such building, use or structure is in conformity with these Regulations or is a valid non- conforming use under these Regulations. A Zoning Permit shall constitute the required certification of zoning compliance for purposes of issuing a Building Permit.

10.2 POST –DEVELOPMENT CERTIFICATIONS OF ZONING COMPLIANCE

A. Applicability: It shall be unlawful for any newly erected building or any structural addition and/or use for which a Zoning Permit has been issued to be occupied or used, or for any building, lot, or premises or part thereof to be converted or changed from one type of use or occupancy to another, until a post-development Certification of Zoning Compliance has been issued by the ZEO (see also §10.3, Change of Use). The ZEO may require an as-built Site Plan to facilitate this review. In the absence of the ZEO, the Planning Director may issue a Certification of Zoning Compliance. A Certification of Zoning Compliance shall remain valid only so long as the building, structure, lot, or use thereof or the use of the land remains in full conformity with these Regulations or any relevant amendments thereto. The Certification of Zoning Compliance shall be issued within fifteen (15) business days after a written request is made to the ZEO, provided that:

1. any building, structure or alteration and/or use of property for which the Certification is sought has been properly completed and is fully in compliance with these Regulations and that all pertinent conditions of any Zoning Permit or approval for such building, structure or use have been fulfilled; and
2. that the Ledge Light Health District or the responsible regulatory agency (regional/state/federal) has inspected the premises and has given written approval of the installation of the sewage disposal facility and water supply system.

B. Application Procedures

1. A request for a Certification of Zoning Compliance shall be accompanied by plans and/or other information that demonstrate compliance with applicable regulations and approvals.
2. Within ten (10) days of such application, the ZEO or other authorized official shall inspect the premises.

3. If all requirements of these Regulations are met, including requirements of approved site and plot plans, the Certification shall be issued within five (5) days; otherwise, the Certification shall be denied for stated reasons.

4. A Certification of Zoning Compliance shall remain in effect as long as the specified uses and conditional requirements are properly maintained but shall cease whenever such conditions and uses are terminated or no longer maintained.

C. **Notice Provisions**

1. In accordance with CGS §8-3(f), the recipient of a Zoning Permit or Certification of Zoning Compliance *may* publish notice of issuance of the Zoning Permit or Certification in order to establish the appeal period per CGS §8-7.

2. Any such notice to be published by the recipient shall contain:

   a. a description of the building, use or structure and its location;

   b. the identity of the applicant; and

   c. a statement that an aggrieved person may appeal to the Zoning Board of Appeals in accordance with the provisions of CGS §8-7.

D. **Certificate of Occupancy**: No Certificate of Occupancy shall be issued by the Building Official for a building, use or structure subject to these Regulations without certification in writing from the ZEO that such building, use or structure is in conformity with these Regulations or is a valid non-conforming use under these Regulations.

10.3 CHANGE OF NON-RESIDENTIAL USE OF BUILDINGS AND PROPERTIES

A. When any change of ownership occurs to an existing non-residential use, a Change of User form must be submitted to update the Land Use file for the property.

B. Any proposed change to a permitted non-residential use that **does not** involve any enlargement or modification to, or reconfiguration of, existing building/structure footprint, parking (lot size or number of spaces), access drives, or overall site lay-out, shall require completion of a Change of Use Application and subsequent review and approval by the ZEO.

C. Any proposed change in use of a non-residential use that does involve any enlargement or modification to, or reconfiguration of existing buildings/structures, parking (lot size or number of spaces), access drives, or overall site lay-out, shall require completion of a Change of Use Application and review by the Commission. If the Commission finds that the proposed change of use and any related modification to existing buildings/structures and/or site lay-out would not be considered significant, it may, at its discretion, direct the ZEO to issue a Zoning Permit.

D. All other proposed changes shall be deemed to require Site Plan or Special Permit review and approval by the Commission per these Regulations (See Chapter 11).

E. All changes to uses existing at the time of adoption of these regulations that require a Site Plan or Special Permit approval will require upgrading of signs, landscaping, lighting, access ways, and common design elements to the current standards of the district to the extent possible.

F. Any outstanding enforcement issues associated with the parcel shall be resolved prior to the approval of any Change of Use Application.

10.4 PROPERTY LINE ADJUSTMENT/ LOT DIVISION ("FREE SPLIT")

A. **Applicability**: Any and all property line adjustments or lot divisions (splits) within the Town of Ledyard shall require a review by the ZEO or Director of Planning to determine compliance with the Zoning and Subdivision Regulations (as applicable).

B. A property line adjustment is any change in the location of an existing property line that does not create an additional lot, does not result in a lot or condition that violates the Zoning Regulations, and does not increase any existing lot nonconformities with respect to the dimensional requirements of the Zoning Regulations. Such property line adjustment shall not be considered a subdivision or resubdivision so long as it does not create a lot or affect a street layout shown on an approved subdivision or resubdivision map and does not affect any area reserved for public use or established as open space on an approved subdivision plan.

C. A "Free Split" is a one-time division of land permitted on a parcel that has remained undivided, and in the same configuration as it was on or before 10/18/1963. Any subsequent division of land requires subdivision approval.

D. The ZEO may require one or more of the following if he/she deems it necessary to determine whether a proposed property line adjustment or lot division is consistent with these Regulations:

1. deeds;
2. a certified title search;
3. a property history map; and/or
4. a survey with Class A-2 level of accuracy.

E. The applicant shall record the approved survey in the office of the Town Clerk of Ledyard, and any survey not so recorded within ninety (90) days following its approval, shall become null and void. The applicant may request two (2) additional ninety (90) day extensions. The request for an extension must come before the expiration for the initial time period. A signed copy of the approved survey shall be provided by the applicant to the Zoning Enforcement Officer and to the office of the Town Assessor.

CHAPTER 11.0: APPLICATIONS REQUIRING COMMISSION APPORVAL

The following requirements/procedures pertain to all uses and activities that require a Site Plan or Special Permit, and therefore review and approval by the Commission. All applications for Site Plan approval must show conformance with Chapter 9 (Site Design Requirements).

11.1 PRELIMINARY CONCEPT PLAN

A. **Applicability**: If an application is of such size or nature that providing a Site Plan or other application may be a significant expense, the applicant may submit a Concept Plan for informal presentation to the Commission prior to formal application submission.

B. **Concept Plan Review:** Pursuant to CGS §7-159b, for applications requiring Commission approval, an applicant may request the Commission conduct a pre-application review. Such pre-application review and any results or information obtained from it may not be appealed under any provision of the general statutes and shall not be binding on the applicant or any authority, Commission, department, agency or other official having jurisdiction to review the proposed project.

1. A Concept Plan shall be submitted to the Land Use Office and shall be accompanied by plans and sufficient information so that the Commission may informally review the plan for general conformance with these Regulations.
2. A Concept Plan shall be considered only informational and advisory in nature and no development rights shall attach to the review or consideration of any Concept Plan. The Commission shall make no decision on the plan, and its review shall not be binding on the applicant or the Commission.
3. A Concept Plan shall be placed on file in the Commission's office for continuing reference purposes for any subsequent application.

11.2 SITE PLAN APPLICATION

A. **Applicability:** Except as may be expressly provided elsewhere in these Regulations, a Site Plan application shall be submitted:

1. for any proposed new use designated in the Regulations as requiring Site Plan or Special Permit approval. If a proposed Site Plan is being submitted in connection with a Special Permit application, the Commission's review of the Site Plan application shall be deemed to be an integral component of the Special Permit review;
2. in a Residential zone, for any construction, development, expansion, or major alteration of any non-residential use; and/or
3. for any expansion or other alteration of any existing use designated in the Regulations as requiring Site Plan or Special Permit approval if such change would affect the layout of any structure, facility, parking or loading area, or other physical feature shown on a previously approved Site Plan or, if no previous Site Plan was approved for such use, and such physical feature(s) would have been required to be shown on a Site Plan for a new use under any other provision of these Regulations. As used in this §11.2, the term "expansion" includes, but is not limited to, any change that does or is likely to increase the number of parking spaces required by §9.4 of these Regulations.

B. **A new or revised Site Plan shall not be required for:**

1. interior remodeling work;
2. changes in exterior mechanical equipment, dumpsters or storage structures that occupy less than 200 square feet of floor area;
3. changes in the location of existing fences, or new fence locations;
4. minor modifications as determined by the Zoning Official or Commission, provided the plan submitted is sufficient to demonstrate that the proposed location complies with all bulk requirements of the zoning district; and
   a. there is no additional information needed to know the location of boundary lines, interior lot lines, and/or street lines, and;
   b. there is no need for additional monumentation, and;
   c. The exact horizontal and/or vertical locations of existing buildings and the proposed structure, or other improvements, are not necessary to determine compliance with the zoning regulations.

11.2.1 Submission Requirements

A. A **Site Plan application** shall be submitted to the Land Use Office and shall include a completed application form and the **appropriate fee.**
   1. No fees will be charged if the proposed development will be located on Town or state-owned land and/or is in support of a Town of Ledyard Board or Commission, such as the Cemetery Commission, Library Commission, Historic Commission, Economic Development Commission, Conservation Commission, Planning & Zoning Commission, and similar agencies.
   2. Site Plans may be reviewed by outside experts and consultants, as determined by the Commission or Zoning Official. A fee may be charged to the Applicant for expert outside review per the Fee Schedule.

B. Copies of the current **tax map, property card** and **deed** associated with the property.

C. Signed permission authorizing Commission members, the Zoning Official, and Town staff to conduct a site walk of the property. (May contain reasonable dates and time limits)

D. If required by the Commission, evidence of submission, review and acceptability of plans to other State and Local regulatory agencies with jurisdiction over some or all of the proposed structures and/or uses including but not limited to the following permits: Inland/Wetland permits, Ledge Light Health District Approval, Dept. of Transportation Encroachment Permit and/or State Traffic Commission permit, DEEP, Water Diversion Permit Floodway Encroachment Permit, WPCA, Groton Utilities, and/or SCWA approval for water supply.

E. A **Site Plan** application shall be accompanied by detailed plans, signed and sealed by one or more appropriate professionals. Generally, in order to determine the compliance of a Site Plan with the applicable provisions of these Regulations, the Commission will require the applicant to provide all information specified in the "Site Plan Check Sheet" in **Appendix B** of these Regulations. However, the Commission may approve or modify and approve a Site Plan application that does not include all such information

if it finds that such information is not needed to assure that the proposed use or uses will be in compliance with the substantive provisions of these Regulations.

Note: All signatures must be live, and date of signature provided (including that of the Soil Scientist).

F. A **Soil Erosion and Sediment Control Plan** shall be submitted for applications that require Soil Erosion and Sediment Control Plans pursuant to CGS §22a-325 to §22a-329 based on the "Connecticut Guidelines for Soil Erosion and Sediment Control," (1985) as amended (disturbed area cumulatively more than one-half (.5) acre) which shall provide a mapped and written description of the following:

1. Locations of areas to be stripped of vegetation, re-graded and contour data indicating existing and proposed grades;
2. A schedule of operations, including the sequence of major improvement phases such as clearing, grading, paving, installation of drainage features and the like; Seeding, sodding or re-vegetation plans and specifications for all unprotected or un-vegetated areas;
3. Location, design and timing of structural control measures, such as diversions, waterways, grade stabilization structures, debris basins, storm water sediment basins, and the like. The narrative shall indicate design criteria used in the design of control measures;
4. A description of procedures to be followed to maintain sediment control measures;
5. The name of the individual responsible for monitoring the plan with whom an inspector for the Town may contact routinely; and
6. The plan map shall show the words: "Erosion and Sediment Control Plan" with space for the date and signature of the Chairman/Vice Chairman of the Zoning Commission or its agent.

G. **Stormwater Management Plan:** All storm drainage for proposed commercial development in which the combined square footage of roofs, paved Parking Areas and other impervious surfaces exceeds ten thousand (10,000) square feet shall be designed in accordance with, and subject to, the provisions of the Stormwater and Stormwater Runoff Ordinances of the Town of Ledyard Ordinance #300-016 & 017 and shall be reviewed and approved by the Town Engineer and the Commission.

H. **A Utilities Plan** shall be submitted to demonstrate the adequacy of on-site water supply and sewage disposal facilities to serve the needs of all proposed uses. The Utilities Plan should also include comment on the availability of water for any fire-fighting needs that may arise in connection with the proposed uses. The applicant must submit a copy of the Utilities Plan to the Town's Director of Health and Fire Marshal no later than the date the application is filed with the Commission.

I. **A Landscape Plan** shall be submitted with any applications for new construction, or alterations to the size of existing buildings, parking, loading, and driveway areas, or a change in use that will expand the size of the building or parking, loading, and driveway areas demonstrating conformance with applicable sections of Chapter 9 and all other specific landscaping standards required for a particular use or district.

1. Landscape plans and designs shall include the layout, type, and size of all buffers, landscaping, plant materials, fencing and screening materials and shall include a proposed a planting list, with plant names, quantities, size at planting, and size when mature. Typical sections may be shown. Existing plantings shall also be identified on the plan.
2. The landscape plan should include a description of the natural resources located on the parcel and clearly delineate construction boundaries to minimize disturbance of the site's existing vegetative features.
3. Location of existing trees with a trunk caliper of more than six (6) inches, except in densely wooded areas where the foliage line shall be indicated.
4. For development within any Development District, the Commission shall require such plans to be prepared by a professional landscape architect (e.g., American Association of Landscape Architects, ASLA).

J. **A Lighting Plan (photometric plan)** shall be submitted demonstrating conformance with §9.10. Plan shall also include the location, size, height, orientation, and design of all outdoor lighting.

K. The Commission may require the submission of additional information as deemed necessary to make a reasonable review of the application.

11.2.3 Proceedings

A. An incomplete Site Plan application may be denied in accordance with §11.6.3.

B. If a Site Plan application involves an activity regulated pursuant to CGS §22a-36 to §22a-45, inclusive, the applicant shall submit an application for a permit to the Inland Wetlands and Watercourses Commission (IWWC) not later than the day such application is filed with the Planning and Zoning Commission.

C. If the Commission finds that any proposed new construction or other activity is significant, the Commission:

1. may hold a public hearing on the application; and
2. if such hearing is to be held, shall require that the applicant give notice to property owners in accordance with the requirements of §11.6.7 of these Regulations.

D. Notification to adjoining municipalities may be required in accordance with the requirements of §11.6.8 of these Regulations.

E. Whenever a Site Plan application is required in conjunction with another application requiring a public hearing by the Commission (such as a Special Permit application or a Zone Change application), the time period for acting on the Site Plan application shall coincide with the time period for acting on the related application.

F. Whenever approval of a Site Plan is the only approval required, a decision on the application shall be rendered within sixty-five (65) days after the date of receipt of such Site Plan application, regardless of whether the Commission holds a public hearing on the application, except that the applicant may consent to one or more extensions of such period, provided the total period of any such extension or extensions shall not exceed an additional sixty-five (65) days.

G. Notwithstanding the provisions of this section, if an application involves an activity regulated pursuant to CGS §22a-36 to § 22a-45, inclusive and the time for a decision by the Commission would elapse prior to the thirty fifth (35th) day after a decision by the IWWC, the time period for a decision shall be extended to thirty-five (35) days after the decision of the IWWC.

H. Approval of a Site Plan shall be presumed unless a decision to deny or modify it is rendered within the applicable time period specified above (approval as a result of failure of the Commission to act).

I. The applicant may, at any time prior to action by the Commission, withdraw such application. **(Note: Application fees will not be refunded.)**

11.2.4 Considerations

A. On a Site Plan application involving an activity regulated pursuant to CGS §22a-36 to § 22a-45, inclusive, the Commission shall:

1. wait to render its decision until the Inland Wetlands and Watercourses Commission (IWWC) has submitted a report with its final decision; and
2. give due consideration to any report of the IWWC when making its decision.

B. On a Site Plan application involving notice to adjoining municipalities, the Commission shall give due consideration to any report or testimony received from such municipalities.

C. No Site Plan application shall be approved unless it is materially in conformance with all applicable provisions of these Regulations, including, but not limited to, the Site Development Standards in Chapter 9.

D. The Commission may modify and approve any proposed Site Plan if it determines such modifications are needed to satisfy the applicable requirements of these Regulations.

E. The Commission may, as a condition of approval of a Site Plan or modified Site Plan, require a financial guarantee in the form of a bond, a bond with surety or similar instrument to ensure (A) the timely and adequate completion of any site improvements that will be conveyed to or controlled by the municipality, and (B) the implementation of any erosion and sediment controls required during construction activities. The amount of such financial guarantee shall be calculated so as not to exceed the anticipated actual costs for the completion of such site improvements or the implementation of such erosion and sediment controls plus a contingency amount not to exceed ten per cent of such costs.

F. The Commission shall not approve any Site Plan for any property on which there exists a zoning violation, unless the implementation of such Site Plan would remedy such violation.

G. The submission of any application for Site Plan approval shall be deemed to represent a certification by the applicant and property owner that the proposed use will comply with the performance standards of §9.2C of these Regulations, and an acknowledgment that any approval of the Site Plan by the Commission will be made in reliance on that certification. If the use, as actually established and operating, fails to meet those performance standards, the Commission's approval of the Site Plan shall not prevent

the issuance of a zoning enforcement order to remediate such noncompliance, even if such order may require a revision of the approved Site Plan.

11.2.5 Action Documentation

A. Whenever it modifies or denies a Site Plan application, the Commission shall state upon its record the reason(s) for its decision.

B. The Commission shall send, by certified mail, a copy of any decision to the applicant within fifteen (15) days after such decision is rendered.

C. The Commission shall cause notice of the approval or denial of Site Plans to be published in a newspaper having a substantial circulation in Ledyard within fifteen (15) days after such decision is rendered.

D. In any case in which such notice is not published within the fifteen (15) day period after a decision has been rendered, the person who submitted such plan may provide for the publication of such notice within ten (10) days thereafter.

E. On any application for which the period for approval has expired and on which no action has been taken, the Commission shall send a letter of approval to the applicant within fifteen (15) days of the date on which the period for approval expired and such letter of approval shall state the date on which the five-year completion period expires.

11.2.6 Following Approval:

A. Following approval of a Site Plan application, one (1) fixed-line mylar copy and two (2) paper copies of the approved plan(s) shall be submitted to the Land Use Office:

1. bearing the raised seal and live signature of the appropriate professionals who prepared the drawing(s) (including the Soil Scientist as applicable);
2. bearing a copy of the decision letter of the Commission and any other Town regulatory agencies authorizing the activity; and
3. containing a signature block where the Chairman of the Commission can indicate the approval of the Commission.

B. Following signature by the Chairman, and other Town regulatory agencies authorizing the activity, the applicant shall record the Site Plan in the office of the Town Clerk of Ledyard, and any plan not so recorded within ninety (90) days following its approval, or within ninety (90) days of the date upon which said plan is taken as approved by reason of the failure of the Commission to act, shall become null and void. The applicant may request two (2) additional ninety (90) day extensions. The request for an extension must come before the expiration for the initial time period.

11.2.7 Expiration and Completion:

A. The approval of such Site Plan shall state the date on which such period expires.

B. Any Site Plan approval under which the construction of any proposed building has not been commenced within twelve (12) months from the date of such approval, shall expire unless the Commission, upon a showing of good cause for the delay, allows a longer time period, not to exceed twenty-four (24) months from the date of approval.

For the purposes of this section, the construction of a building will be deemed to have commenced when foundation or exterior walls have begun to be emplaced or built.

C. Except as may be provided by state law, all work in connection with a Site Plan shall be completed within five (5) years after the date of approval of the plan. Failure to complete all work within such five-year or other required period shall result in automatic expiration of the approval of such Site Plan unless the Commission, upon a showing of good cause for the delay, grants an extension of the time to complete work in connection with such Site Plan.

D. The Commission may grant one or more extensions of the time to complete all or part of the work in connection with the Site Plan, provided the total extension or extensions shall not exceed ten (10) years from the date of approval of such Site Plan, unless otherwise provided or allowed by state law. "Work" means all physical improvements required by the approved plan.

The Commission may condition the approval of such extension on a determination of the adequacy of any bond or other surety.

E. A. Nothing herein contained shall require any change to approved Site Plans, or to the construction or designated use of a building for which a building permit has been issued and construction shall have commenced, based upon regulations in effect prior to the effective date of these regulations (or any amendment thereto) if the development work is completed according to such plans within the period of time specified by CGS §8-3(i) & CGS §8-3(j).

F. If a Commission approved Site Plan for a non-residential development expires, a new application for development of the property is required which must conform to the regulations that are in effect at the time of reapplication.

G. Pursuant to CGS §8-3(h), if (A) development work under a Commission approved Site Plan for a residential development is not completed, (B) the Site Plan for the residential development has not expired, (C) the original approved Site Plan was recorded with the Town Clerk, and (D) the applicable zoning regulations for the residential development are amended, the development of the property may conform with the Site Plan and regulations that were in effect when the original application and Site Plan were approved, or alternatively, a new application and Site Plan can be submitted that is in conformance with the regulations that are in effect at the time of reapplication.

11.2.8 <u>Certificate of Use and Compliance</u>:

A. A Certificate of Use and Compliance will be issued only if the Zoning Official determines that the "as-built" development is (A) located and constructed in substantial compliance with its approved Site Plan and in conformance with these regulations; and (B) for development proposals pursuant to a Special Permit, is also in compliance with the conditions of approval imposed by the Commission.

B. Pursuant to §20-300-10b-(b) of the Department of Consumer Protection Rules and Regulations for Professional Engineers and Land Surveyors, in situations where (A) there is a need to measure, evaluate, and/or map topographic conditions; or (B) there is a need to know the exact location of boundary lines, interior lot lines, and/or street lines; or (C) there is a need for additional monumentation; or (D) the exact

horizontal location of new structure(s) is necessary; or (E) the exact vertical location of existing and new buildings, structures, or other improvements, is necessary to determine a development's compliance with its approved Site Plan, the zoning regulations, and with any conditions of approval imposed by the Commission – the Zoning Official may require the applicant submit an Improvement Location (a.k.a. "As-Built") plan certified by a licensed land surveyor to confirm the as-built structures are in substantial compliance with the approved Site Plan, these zoning regulations, and any conditions of approval.

11.3 SPECIAL PERMIT APPLICATION

11.3.1 Applicability:

A. A Special Permit application shall be submitted for any activity designated in the Regulations as requiring Special Permit approval.

B. Notwithstanding the above, a Special Permit application shall not be required for any modifications to a previously approved Special Permit use if such modifications would not change the essential character of the use and would not require the submission of a new or modified Site Plan pursuant to §11.2 of these Regulations.

11.3.2 Submission Requirements:

A. A Special Permit application (original & fifteen (15) copies) shall be submitted to the Land Use Office and shall include a completed application form and the appropriate fee.

B. Each application for a Special Permit shall be accompanied by a Site Plan application. If the applicant believes that the proposed use will not require any changes in a previously approved Site Plan, he or she may submit a copy of the previously approved Site Plan and need not submit any of the additional information or materials noted in the "Site Plan Check Sheet" found in Appendix B of these Regulations, except as may be needed for the Commission to evaluate the Special Permit criteria. However, the Commission may require the submission of additional materials or information from the "Site Plan Check Sheet" if it finds that the application materials are inadequate to evaluate the application or if the proposed Special Permit uses may require modifications to the previously approved Site Plan.

C. The Commission may require the submission of any additional information it may deem necessary to determine compliance with any applicable provisions of these Regulations.

11.3.3 Proceedings:

A. An incomplete Special Permit application may be denied in accordance with §11.6.3.

B. If a Special Permit application involves an activity regulated pursuant to CGS §22a-36 to § 22a-45, inclusive, the applicant shall submit an application for a permit to the Inland Wetlands and Watercourses Commission (IWWC) not later than the day such application is filed with the Planning and Zoning Commission.

C. The Commission shall hold a public hearing on the Special Permit application and:

1. publish a legal notice in accordance with the requirements of §11.6.6 of these Regulations, and

2. require that the applicant give notice to property owners in accordance with the requirements of §11.6.7 of these Regulations.

D. Notification to adjoining municipalities may be required in accordance with §11.6.8 of these Regulations.

E. The Commission shall process the Special Permit application and any accompanying Site Plan application within the period of time specified in §11.6.4.

F. Notwithstanding the provisions of this section, if an application involves an activity regulated pursuant to CGS §22a-36 to §22a-45, inclusive and the time for a decision by the Commission would elapse prior to the thirty fifth (35th) day after a decision by the IWWC, the time period for a decision shall be extended to thirty-five (35) days after the decision of the IWWC.

G. The applicant may, at any time prior to action by the Commission, withdraw such application. **(Note: Application fees will not be refunded.)**

11.3.4 Special Permit Criteria: In considering an application for a Special Permit, the Commission shall evaluate the merits of the application with respect to all of the following criteria that the Commission may determine are relevant to the application. To the extent the Commission finds such criteria applicable, the applicant shall have the burden to prove:

A. that the application is materially in conformance with all applicable provisions of these Regulations, including, but not limited to, the Site Design Requirements in Chapter 9, and that the standards for approval of any accompanying Site Plan application have been met;

B. that transportation services would be adequate and that the uses would not cause traffic congestion or undue traffic generation that would have a deleterious effect on the welfare or the safety of the motoring public;

C. that the proposed uses and structures would be in harmony with the appropriate and orderly development of the Zoning District in which they are proposed to be situated, and that the use(s) would not be noxious, offensive, or detrimental to the area by reason of odors, fumes, dust, noise, vibrations, appearance, or other similar reasons;

D. that no adverse effect would result to the property values or historic features of the immediate neighborhood;

E. that the character of the immediate neighborhood would be preserved in terms of scale, density, intensity of use, existing historic/natural assets/features and architectural design;

F. In accordance with CGS §22a-19, that the proposed uses would not cause any unreasonable pollution, impairment or destruction of the air, water and other natural resources of the state; and

G. that all proposed uses and structures would be consistent with future development as identified and envisioned in these Regulations and the Ledyard Plan of Conservation and Development.

11.3.5 Decision Considerations:

A. Before the Commission may approve a Special Permit application, it must determine that the application satisfies:

1. the Special Permit criteria in §11.3.4 of these Regulations; and

2. all other applicable provisions of these Regulations.

B. On a Special Permit application involving an activity regulated pursuant to CGS §22a-36 to §22a-45, inclusive, the Commission shall:

1. wait to render its decision until the Inland Wetlands and Watercourses Commission (IWWC) has submitted a report with its final decision; and

2. give due consideration to any report of the IWWC when making its decision.

C. On a Special Permit application involving notice to adjoining municipalities, under **§11.6.8,** the Commission shall give due consideration to any report or testimony received from such municipalities.

D. The Commission may approve an application for a Special Permit, deny the application, or approve the application subject to such conditions as it may deem necessary to protect the public health, safety, welfare, property values, and natural resources of the state. The Commission may also require that some or all conditions of approval be met prior to the issuance of the Zoning Permit by the Zoning Enforcement Officer.

E. The approval of any Special Permit for any property on which there exists a zoning violation shall be deemed conditioned, whether expressly specified in the decision or not, upon the remediation of such violation, and no Zoning Permit or Certification of Zoning Compliance may be issued for such Special Permit uses until any such violation has been remediated.

F. The submission of any application for Special Permit approval shall be deemed to represent a certification by the applicant and property owner that the proposed use will comply with the performance standards of §9.2C of these Regulations, and an acknowledgment that any approval of the Special Permit by the Commission will be made in reliance on that certification and that such approval is conditioned on continuing conformance with those standards, whether or not such condition is expressly stated on the record. If the use, as actually established and operating, fails to meet those performance standards, the Commission's approval of the Special Permit shall not prevent the issuance of a zoning enforcement order to remediate such noncompliance, even if such order may require a revision of the approved Special Permit.

11.3.6 <u>Action Documentation</u>:

A. Whenever it acts on a Special Permit application, the Commission shall state upon its record the reason(s) for its decision.

B. The decision to grant a Special Permit shall:

1. state the name of the owner of record;

2. contain a description of the premises to which it relates;

3. identify the section and/or sections of the Regulations under which the Special Permit was granted or denied; and

4. specify the nature of the Special Permit.

C. The Commission shall send, by certified mail, a copy of any decision on a Special Permit application to the applicant within fifteen (15) days after such decision is rendered.

D. The Commission shall cause notice of the approval, approval with conditions, or denial of the Special Permit application to be published in a newspaper having a substantial circulation in Ledyard within fifteen (15) days after such decision is rendered.

E. In any case in which such notice is not published within the fifteen-day period after a decision has been rendered, the person who submitted such application may provide for the publication of such notice within ten (10) days thereafter.

11.3.7 Following Approval:

A. Within **ninety (90) days** after the Commission's approval of a Special Permit and Site Plan, the applicant shall submit to the Land Use Office three (3) sets of final plans, one (1) on mylar and two (2) on paper. Such plans shall be identical to those approved by the Commission, except that they shall incorporate any conditions or modifications required in the Commission's approval. Such plans shall be signed and sealed by the surveyor, engineer and/or other professional who has participated in the preparation of such plans.

If such plans are found to be in accordance with the final approval, the Chairman of the Commission shall endorse such plans. The endorsed mylar plans shall be filed by the applicant in the land records no later than ninety (90) days after the approval by the Commission, except that the Commission may act to extend this filing period for an additional ninety (90) day period upon the request of the applicant.

A Special Permit granted by the Commission shall become effective only upon the filing of a copy of the Special Permit, certified by the Commission, in the land records of the Town, in accordance with the provisions of CGS §8-3d.

B. A Special Permit shall authorize only the particular use or uses specified in the Commission's approval.

C. Failure to strictly adhere to the documents, plans, terms, conditions and/or safeguards approved by the Commission shall be a violation of these Regulations and the Commission shall have the authority to revoke the Special Permit at any time the operation is found to be in noncompliance with the original permit, provided, however, that no such revocation shall be ordered unless the Commission or its agent provides written notice of the violations to the current landowner and the Commission provides the landowner with an opportunity for a hearing on the violations.

D. A Special Permit may be amended or modified in like manner as provided above for the granting of a Special Permit, except those amendments the Commission finds to be of a minor nature, that result in no significant change in the use or its intensity, and that do not materially alter the Special Permit, may be authorized with Commission approval only, without another public hearing.

11.4 TEXT AMENDMENT APPLICATION

11.4.1 Applicability: A Text Amendment application shall be submitted for any proposal to amend, change, or repeal any provisions of these Regulations.

11.4.2 Submission Requirements:

A. A Text Amendment application shall be submitted to the Land Use Office and shall include a completed application form and the appropriate fee.

B. A Text Amendment application shall be accompanied by fifteen (15) copies of the precise wording of the existing and proposed text and any other supporting information, including reasons for the proposed amendment.

C. The Commission may require the submission of additional information as deemed necessary to make a reasonable review of the application.

D. The Commission may, but shall not be required to, hear any petition or petitions relating to the same text changes, or substantially the same text changes, more than once in a period of twelve (12) months.

11.4.3 Proceedings:

A. The date of receipt for the Text Amendment application shall be determined in accordance with §11.6.2.

B. An incomplete Text Amendment application may be denied in accordance with §11.6.3.

C. The Commission shall hold a public hearing on the Text Amendment application and shall cause a legal notice to be published in accordance with the requirements of §11.6.4 and §11.6.6 of these Regulations.

D. The Commission shall give written notice to the Southeastern Connecticut Council of Governments (SCCOG) when any portion of the land affected by a regulation change affecting the use of a zone is located within 500 feet of the boundary of another Connecticut municipality in accordance with Section 11.6.11.

E. Notification to adjoining municipalities may be required in accordance with §11.6.8.

F. Notification to water companies may be required in accordance with §11.6.9.

G. A copy of the proposed Text Amendment shall be filed by the applicant in the office of the Town Clerk for public inspection at least ten (10) days before the public hearing.

H. The Commission shall process the Text Amendment application within the period of time specified in §11.6.4.

I. The applicant may, at any time prior to action by the Commission, withdraw such application. **(Note: Application fees will not be refunded.)**

11.4.4 Decision Considerations:

A. The Commission may approve, modify and approve, or deny the changes requested in such Text Amendment application.

B. Zoning regulations shall be established, changed or repealed only by a majority vote of all the members of the Commission (5 member Commission - 3 votes required) except that, if a protest against a proposed change is filed at or before a hearing with the Commission, signed by the owners of twenty percent (20%) or more of the area of the lots affected by such proposed change or of the lots within 500 feet in all directions of the property affected by the proposed change, such change shall not be adopted except by a vote of two-thirds of all the members of the Commission (5 member Commission - 4 votes required).

C. On a Text Amendment application involving notice to adjoining municipalities, water companies, or SCCOG:

1. any report received from those agencies shall be made a part of the record of such hearing; and

2. the Commission shall give due consideration to any report or testimony received.

D. In making its decision the Commission shall:

1. consider whether the Text Amendment would be in accordance with a comprehensive plan; and

2. take into consideration the Plan of Conservation and Development, prepared pursuant to CGS §8-23.

E. In accordance with CGS §8-3a(a), the Commission shall state on the record its findings on consistency of a proposed zoning regulation or text change with the Plan of Conservation and Development, as may be amended.

11.4.5 Action Documentation:

A. Whenever the Commission acts upon a Text Amendment application, it shall state upon the record the reasons for its decision.

B. In making its decision, the Commission shall state upon the record its findings on consistency of the proposed establishment, change or repeal of such Regulations with the Plan of Conservation and Development, as amended.

C. The Commission shall establish an effective date for any Text Amendment. A notice of the decision of the Commission must be published before such effective date in a newspaper having a substantial circulation in Ledyard. A copy of the Text Amendment, as approved, must also be filed in the office of the Town Clerk before the effective date. If the Commission has not specified an effective date, the effective date shall be deemed to be the day immediately following the date of publication of the notice or the date of filing of the Text Amendment in the Town Clerk's office, whichever is later.

D. The Commission shall send, by certified mail, a copy of any decision on a Text Amendment application to the applicant within fifteen (15) days after such decision is rendered.

E. The Commission shall cause notice of the approval or denial of the Text Amendment application to be published in a newspaper having a substantial circulation in Ledyard within fifteen (15) days after such decision is rendered.

F. In any case in which such notice is not published within the fifteen-day period after a decision has been rendered, the person who submitted such application may provide for the publication of such notice within ten days thereafter.

11.5 ZONE CHANGE APPLICATION

11.5.1 Applicability: A Zone Change application shall be submitted for any proposal to alter the zoning designation of any parcel(s) of land or part thereof.

11.5.2 Submission Requirements:

A. A Zone Change application shall be submitted to the Land Use Office and shall include a completed application form and the appropriate fee.

B. A Zone Change application shall be accompanied by fifteen (15) copies of a map showing the location and boundaries of all lots, or portions of lots, proposed to be rezoned. If, and to the extent that, the zone change does not follow established lot lines, the proposed new zone boundaries must be shown on a map signed and sealed by a land surveyor licensed in the State of Connecticut.

C. The Commission may require the submission of additional information as deemed necessary to make a reasonable review of the application.

D. A Zone Change application may be submitted only by:

1. an owner of the real property proposed for the zone change; or
2. persons who submit evidence of a substantial legal interest in the property proposed for the zone change.

E. The Commission also may propose and consider a Zone Change on its own initiative.

F. The Commission may, but shall not be required to, hear a Zone Change application that has been rejected for a period of one (1) year after the date of rejection.

11.5.3 Proceedings:

A. The date of receipt for the Zone Change application shall be determined in accordance with §11.6.2.

B. An incomplete Zone Change application may be denied in accordance with §11.6.3.

C. The Commission shall hold a public hearing on the Zone Change application and shall:

1. publish a legal notice in accordance with the requirements of §11.6.6 of these Regulations; and
2. require that the applicant give notice to property owners in accordance with the requirements of §11.6.7 of these Regulations.

D. The Commission shall give written notice to the Southeastern Connecticut Council of Governments (SCCOG) when any portion of the land affected by a proposed Zone Change is located within 500 feet of the boundary of another Connecticut municipality in accordance with §11.6.11.

E. Notification to adjoining municipalities may be required in accordance with §11.6.8.

F. Notification to water companies may be required in accordance with §11.6.9.

G. The Commission may refer any Zone Change application to any Town department or other agency the Commission deems appropriate and may request any such department or agency to submit a report to the Commission on matters that are of concern to it in connection with its own responsibility.

H. A copy of the proposed zoning map change shall be filed by the applicant in the office of the Town Clerk for public inspection at least ten (10) days before the public hearing.

I. The Commission shall conduct the public hearing within the period of time specified in §11.6.4.

J. The applicant may, at any time prior to action by the Commission, withdraw such application. (**Note: Application fees will not be refunded.)**

11.5.4 Decision Considerations:

A. The Commission may approve, modify and approve, or deny the changes requested in such Zone Change application.

B. On a Zone Change application involving notice to adjoining municipalities, water companies, or SCCOG:

1. any report received from those agencies shall be made a part of the record of such hearing; and
2. the Commission shall give due consideration to any report or testimony received.

C. Changes in Zone District boundaries should be:

1. in harmony with the Plan of Conservation and Development for the Town of Ledyard, as amended;
2. consistent with a comprehensive plan;
3. where possible, constitute logical extensions of like or compatible districts; and
4. where appropriate, along property lines or easily distinguishable geophysical features.

D. In making its decision the Commission shall take into consideration the Plan of Conservation and Development, prepared pursuant to CGS §8-23.

E. In accordance with CGS §8-3a(a), the Commission shall state on the record its findings on consistency of a proposed Zone Change with the Plan of Conservation and Development.

F. Zone boundaries shall be established, changed or repealed only by a majority vote of all the members of the Commission (5 member Commission - 3 votes required) except that, if a protest against a proposed change is filed at or before a hearing with the Commission, signed by the owners of twenty percent (20%) or more of the area of the lots affected by such proposed change or of the lots within 500 feet in all directions of the property included in the proposed change, such change shall not be adopted except by a vote of two-thirds of all the members of the Commission (5 member Commission - 4 votes required).

11.5.5 Action Documentation:

A. Whenever the Commission acts upon a Zone Change application, it shall state upon the record:

1. the reasons for its decision; and
2. its findings on consistency of the proposed zone change with the Plan of Conservation and Development, as amended.

B. The Commission shall establish an effective date for any Zone Change. A notice of the decision of the Commission must be published before such effective date in a newspaper having a substantial circulation in Ledyard, and a copy of the Zone Change must be filed in the office of the Town Clerk before the effective date. If the Commission has not specified an effective date, the effective date shall be deemed to be the day immediately following the date of publication of the notice or the date of filing of the Zone Change in the Town Clerk's office, whichever is later.

C. The Commission shall send, by certified mail, a copy of any decision on a Zone Change application to the applicant within fifteen (15) days after such decision is rendered.

D. The Commission shall cause notice of the approval or denial of the Zone Change application to be published, within fifteen (15) days after such decision is rendered, in a newspaper having a substantial circulation in Ledyard.

E. In any case in which such notice is not published within the 15-day period after a decision has been rendered, the person who submitted such application may provide for the publication of such notice within ten days thereafter.

11.6 PROCEDURAL REQUIREMENTS

11.6.1 Application Submittal Requirements:

A. Applications to the Commission shall be submitted to the Land Use Office.

B. Applications shall be submitted on forms obtained from the Land Use Office for the type of application being submitted.

C. Applications shall be accompanied by the appropriate fee(s) except that the Commission or the Town shall be exempt from any Planning and Zoning application fee.

D. Applications shall be submitted with such supporting plans, materials, and other information as required by these Regulations.

E. Applications shall be signed by the applicant.

F. Applications shall also be signed by an owner of the property affected unless the application is for a text change or is a map change initiated by the Commission.

11.6.2 Date of Receipt: For the purposes of calculating statutory timeframes for processing applications, the date of receipt of an application to the Commission shall be:

A. the day of the next regularly scheduled meeting of the Commission immediately following the day of submission of the application to the Land Use Office; or

B. thirty-five (35) days after submission, whichever is sooner.

11.6.3 Incomplete Applications:

A. The ZEO and/or Planning Director shall review each application and shall advise the Commission whether they believe the application is substantially complete and, if not, what information or materials it believes are missing. The Commission shall have the final discretion to determine whether an application is substantially complete.

B. It is the responsibility of the applicant to provide a complete application, and failure to do so is grounds for denial of the application. The Commission may deny an incomplete application, or an application submitted without the requisite fee.

11.6.4 Hearings: Where a proposed development or activity requires multiple applications, the Commission may conduct any public hearings simultaneously or in the order it deems appropriate. Whenever a public hearing is required on an application described in this Chapter 11, the Commission shall process the application within the period of time permitted under CGS §8-7d, as follows:

A. the public hearing shall commence within sixty-five (65) days after the official date of receipt of the application;

B. the public hearing shall be completed within thirty-five (35) days after such hearing commences;

C. all decisions shall be rendered within sixty-five (65) days after completion of such hearing;

D. the applicant may consent to one or more extensions of any period specified herein provided the total extension of all such periods shall not be for longer than sixty-five (65) days; and

E. the provisions of Sections (a) through (d) shall not apply to any action initiated by the Commission.

11.6.5 Consultations:

A. On any application, the Commission may seek the advice and opinion of other officials, boards, or Commissions to assist it in evaluating applications.

B. On any application, the Commission may retain an engineer, architect, landscape architect, professional land use planner, or other consultant to review, comment, and guide its deliberations on any application.

11.6.6 Notice by Newspaper:

A. When a public hearing is required by these Regulations or scheduled by the Commission, the Land Use Office shall cause notice of the hearing to be published in a newspaper having a substantial circulation in Ledyard.

B. Such notice shall be published at least twice at intervals of not less than two days, the first not more than fifteen (15) days, nor less than ten (10) days, before the date of the hearing, and the last not less than two (2) days before the date of the hearing.

11.6.7 Notification to Property Owners:

A. When required by these Regulations, the applicant (other than the Commission) shall notify owners of property within 100 feet of the subject property (including owners of all condominium units both on and adjacent to the subject property), whether inside or

outside Ledyard, of a pending application by mailing a notice at least fifteen (15) days prior to the first scheduled hearing.

B. At a minimum, such notice shall consist of:

1. a description of the proposed activity;
2. notification of the date, time, and place of the first scheduled hearing; and
3. a copy of the application form submitted to the Commission.

C. The applicant shall prove such mailing by submitting, at or prior to the first scheduled hearing regarding the application:

1. a copy of the complete package of information sent to abutters;
2. a list of the abutters to whom the notices were sent; and
3. certificates of mailing from the U.S Postal Service, provided that the Commission may accept other proof of mailing or delivery that it deems equivalent to such certificates.

D. The most recent Assessor's records on file in the Ledyard Assessor's Office shall be utilized to determine the owner of each property for the purpose of this mailing.

11.6.8 Notification to Abutting Municipalities:

A. As required by CGS §8-7d(f), the Commission shall notify the clerk of an adjoining municipality of any application concerning any project on any site in which:

1. any portion of the property affected by a decision is within 500 feet of the boundary of the adjoining municipality;

2. a significant portion of the traffic to the completed project would use streets within the adjoining municipality to enter or exit the site;

3. a significant portion of the sewer or water drainage from the project would flow through and significantly impact the drainage or sewerage system within the adjoining municipality; or

4. water runoff from the improved site would impact streets or other municipal or private property within the adjoining municipality.

B. Such notice shall be made by certified mail, return receipt requested and shall be mailed within seven (7) days of the day of the submission to the Land Use Office of the application, petition, request or plan.

C. No hearing shall be conducted on any such application unless the adjoining municipality has received the notice required under this section.

D. Such adjoining municipality may, through a representative, appear and be heard at any hearing on any such application, petition, request or plan.

11.6.9 Notification to Water Companies:

A. As required by CGS §8-3i, an applicant shall provide written notice to a water company and the Commissioner of Public Health when an application is filed with the Commission concerning any project on any site that is within:

1. an aquifer protection area, provided such area has been delineated in accordance with CGS §22a-354c; or

2. the watershed of a water company, provided such water company or said Commissioner has filed a map with the Commission and on the Ledyard land records showing the boundaries of the watershed.

B. Such notice shall be made by certified mail, return receipt requested and shall be mailed not later than seven (7) days after the date of the day of the submission to the Land Use Office.

C. Prior to the scheduled meeting regarding the application, the applicant shall submit the following to the Land Use Office, or the application may be considered incomplete:

1. a copy of the complete package of information; and

2. proof of mailing.

B. Such water company and the Commissioner of Public Health may, through a representative, appear and be heard at any hearing on any such application, petition, request or plan.

11.6.10 Notification of DEEP:

A. If any portion of the property which is the subject of an application is located within an area designated as "State and Federal Listed Species & Significant Natural Communities" on the most current Natural Diversity Data Base Areas map for Ledyard prepared by the Connecticut Department of Energy and Environmental Protection (DEEP), the applicant must notify DEEP of the application.

B. A report from DEEP shall be a required for any application for Site Plan approval or a Zoning Permit for any such property, and any such application submitted without a DEEP report shall be considered incomplete (see §11.6.3).

11.6.11 Notification to Southeaster CT Council of Governments:

A. The Commission shall give written notice to the Southeastern Connecticut Council of Governments (SCCOG) when any portion of the land affected by a regulation change affecting the use of a zone is located within 500 feet of the boundary of another Connecticut municipality. Such notice shall be made by certified mail, return receipt requested, or by electronic mail to the electronic mail address designated by SCCOG on its Internet web site for receipt of such notice, not later than thirty (30) days before the public hearing to be held on the Zone Change application.

B. If such notice is sent by electronic mail and the Commission does not receive an electronic mail message from SCCOG confirming receipt of such notice, then not later than twenty-five (25) days before the public hearing, the Commission shall also send such notice by certified mail, return receipt requested, to SCCOG.

C. SCCOG may submit its advisory findings and recommendations to the Commission at or before the hearing, but if such report is not submitted, the Commission shall presume that SCCOG does not disapprove of the proposal.

11.6.12 Beneficiaries of a Trust: Any person who makes an application to the Commission pertaining to real property, the record title to which is held by a trustee of any trust, shall

file with the application a sworn statement disclosing the name(s) of the equitable owner(s) of such real property or the beneficiary(ies) of the trust.

11.6.13 Bonds:

A. Where a bond or surety is required by any Commission decision, it shall be in one of the following forms, and the ZEO shall require evidence of compliance with the following standards before accepting any bond:

1. cash deposited with the Town;
2. certified bank check to the order of the Town when the amount of the check is fully insured by the FDIC;
3. bank deposit (such as a passbook savings account) assigned irrevocably and solely to the Town when the amount of the deposit is fully insured by the FDIC; or
4. Other form of bond (such as a performance bond) acceptable in form and substance to the Town.

B. Any required bond shall not be released by the Commission until:

1. the release has been requested, in writing, by the applicant;
2. the ZEO has submitted a letter stating that all pertinent conditions and requirements of the Commission's approval have been satisfied; and
3. the applicant's engineer or surveyor has certified to the Commission, through submission of a set of detailed "Record" plans on mylar, that all improvements and other work pertinent to the bond are in accordance with submitted Site Plans;

C. Any cost of collecting a bond, including without limitation, attorney, bank and other collection fees and expenditures, shall be for account of the applicant and may be deducted from amounts released in §11.6.13B

12.1 COASTAL AREA MANAGEMENT (CAM)

A. **Purpose:** All buildings, uses, and structures fully or partially within the coastal boundary, as defined in Chapter 444, §22a-94 of the Connecticut General Statutes and depicted on the Town of Ledyard Zoning Map, shall be subject to the Coastal Site Plan review requirements and procedures in §s 22a-105 through 22a-109 of the Connecticut General Statutes.

B. The following applications are subject to the Coastal Site Plan review requirements and procedures if located fully or partially within the coastal area:

1. Site Plans submitted to the Commission in accordance with §22a-109 of the Connecticut General Statutes;
2. Applications for a Special Permit submitted to the Commission in accordance with §8-2 of the Connecticut General Statutes and §11.3 of these regulations;
3. Applications for a variance submitted to the Zoning Board of Appeals in accordance with subdivision (3) of §8-6 of the Connecticut General Statutes and §14.0 of these regulations; and,
4. A referral of a proposed municipal project to the Planning & Zoning Commission in accordance with §8-24 of the Connecticut General Statutes.

C. The following activities are hereby exempted from Coastal Site Plan review requirements under the authority of subsection (b) of §22a-109 of the Connecticut General Statutes:

1. Gardening, grazing, and the harvesting of crops,
2. Minor additions to, or modifications of, existing Buildings or Accessory Buildings,
3. Construction of new or modification of existing Structures incidental to the enjoyment and maintenance of residential property including, but not limited to, walks, terraces, driveways, tennis courts, and accessory buildings,
4. Construction of new, or modification of existing, on-premise fences, walls, pedestrian walks and terraces, underground utility connections, essential electric, gas, telephone, water and sewer service lines, signs and such other minor structures as will not substantially alter the natural character of coastal resources as defined by §22a-93 (7) of the Connecticut General Statutes,
5. Construction of a single-family dwelling except in or within one hundred (100) feet of the following coastal resource areas as defined by §22a-93 (7) of the Connecticut General Statutes: tidal wetlands, coastal bluffs and escarpments, and beaches and dunes,
6. Activities conducted for the specific purpose of conserving or preserving soil, vegetation, water, fish, shellfish, wildlife, and other coastal land and water resources,
7. Interior modifications to buildings, and
8. Minor change in uses of buildings, structures, or property, except those changes occurring on properties adjacent to or abutting coastal waters.

D. **Coastal Site Plan:** In addition to meeting the other requirements of these regulations, all applicants for Zoning Permits, Special Permits, or variances relating to uses proposed for location fully or partially within the coastal area shall submit a Coastal Site Plan which shall accomplish the following:

1. Show the location and spatial relationship of coastal resources on and contiguous to the site;

2. Describe the entire project with appropriate plans, indicating project location, design, timing and methods of construction;
3. Assess the capability of the resources to accommodate the proposed use;
4. Assess the suitability of the project for the proposed site;
5. Evaluate the potential beneficial and adverse impacts of the project and describe proposed methods to mitigate adverse effects on coastal resources; and
6. Demonstrate that the adverse impacts of the proposed activity are acceptable and demonstrate that such activity is consistent with the goals and policies in §22a-92 of the Connecticut General Statutes.

E. **Coastal Site Plan Review:** In addition to any other applicable Site Plan review criteria prescribed by these Zoning Regulations and Appendix B, a Coastal Site Plan required under this Section shall be reviewed and may be modified, conditioned, or denied in accordance with the procedures and criteria listed in this Section of these Zoning Regulations.

1. The Commission may, at its discretion, hold a public hearing on any Coastal Site Plan submitted to it for review.
2. In determining the acceptability of potential adverse impacts of the proposed activity described in the Coastal Site Plan on both the coastal resources and the future water dependent development opportunities, the Commission shall:
   a. Consider the characteristics of the site, including the location and condition of any coastal resources defined in §22a-93 of the Connecticut General Statutes;
   b. Consider the potential effects, both beneficial and adverse, of the proposed activity on coastal resources and future water-dependent development opportunities; and
   c. Follow all applicable goals and policies stated in §22a-92 of the Connecticut General Statutes and identify any conflicts between the proposed activity and any goal or policy. When approving, modifying, conditioning or denying a Coastal Site Plan based on the criteria herein prescribed, the Commission shall state, in writing, the findings and reasons for its action and shall send a copy of any decision by certified mail to the person who submitted such plan within fifteen (15) days after such decision is rendered.
3. In approving any activity proposed in a coastal area, the Commission shall make a written finding that the proposed activity, with any conditions or required modification:
   a. Is consistent with all applicable goals and policies in §22a-90 of the Connecticut General Statutes; and
   b. Incorporates as conditions or modifications all reasonable measures that would mitigate the adverse impacts of the proposed activity on both coastal resources and future water-dependent development activities.

F. **Bond:** As a condition to a Coastal Site Plan approval, the Commission may require a bond or other surety or financial security arrangement to secure compliance for any public improvements stated in its approval of the plan.

G. **Violations:** Any activity within the defined coastal area not exempt from Coastal Site Plan review pursuant to §12.1(C) above, which occurs without having received a lawful approval from the Commission under all the applicable procedures and criteria prescribed by these Zoning Regulations or which violates the terms and conditions of such approval, shall be deemed a public nuisance and appropriate legal remedies will be taken by the Commission for the abatement of such nuisance.

H. **Time Limitations**: Whenever the approval of the Coastal Site Plan is the only requirement to be met or remaining to be met under these regulations for a proposed building use or structure, a decision on an application for approval of such Site Plan shall be rendered within sixty-five (65) days after receipt of such plan. The applicant may consent to one (1) or more extensions of such period, provided the total period of any such extension or extensions shall not exceed one (1) additional sixty-five (65) day period per CGS §8-7d(b), or may withdraw such plan.

12.2 FLOOD PROTECTION

A. **Purpose**: To promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas. The flood hazard areas of the Town of Ledyard are subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

B. **Definitions**: Unless specifically defined below, words or phrases used in this regulation shall be interpreted to give them the meaning they have in common usage and to give this ordinance it's most reasonable application.

1. **AREA OF SPECIAL FLOOD HAZARD:** The land in the floodplain within a community subject to one percent (1%) or greater chance of flooding in any given year.
2. **BASE FLOOD:** The flood having a one percent (1%) chance of being equaled or exceeded in any given year.
3. **BASE FLOOD ELEVATION (BFE):** Is the elevation of the crest of the base flood or 100-year flood. The height in relation to mean sea level expected to be reached by the waters of the base flood at pertinent points in the floodplains of coastal and riverine areas.
4. **BASEMENT:** Is any area of the building having its floor subgrade (below ground level) on all sides.
5. **EXISTING MANUFACTURED HOME PARK OR SUBDIVISION:** For this Section only, a manufactured home park or subdivision for which the construction of facilities for servicing the lots of which the manufactured homes are to be affixed (including, as a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) was completed before March 11, 1981, the effective date of the floodplain management regulations adopted by the community.
6. **EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION:** For this Section only, means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).
7. **FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA):** The federal agency that administers the National Flood Insurance Program (NFIP).
8. **FINISHED LIVING SPACE**: For this Section only, means, as related to fully enclosed areas below the base flood elevation (BFE), a space that is, but not limited to, heated and/or cooled, contains finished floors, (tile, linoleum, hardwood, etc.), has sheetrock walls that may or may not be painted or wallpapered, and other amenities such as furniture, appliances, bathrooms, fireplaces and other items that are easily damaged by floodwaters and expensive to clean, repair or replace.

9. **FLOOD or FLOODING:** A general and temporary condition of partial or complete inundation of normally dry land areas from either the overflow of inland or tidal waves, or the unusual and rapid accumulation/runoff of surface waters from any source.
10. **FLOOD INSURANCE RATE MAP (FIRM):** An official map of a community, on which the National Flood Insurance Program Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community.
11. **FLOOD INSURANCE STUDY:** An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide and/or flood related erosion hazards.
12. **FLOODWAY:** The channel of a river or other watercourse and the adjacent land areas that must be reserved to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.
13. **FUNCTIONALLY DEPENDENT USE OR FACILITY:** A use or facility that cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities. The term does not include seafood processing facilities, long-term storage, manufacturing, sales or service facilities.
14. **LOWEST FLOOR:** The lowest floor of the lowest enclosed area (including basement).
15. **MANUFACTURED HOME:** For purposes of the National Flood Insurance Program, means a structure, transportable in one (1) or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle".
16. **MANUFACTURED HOME PARK OR SUBDIVISION**: For this Section, means a parcel or contiguous parcels of land divided into two (2) or more manufactured home lots for rent or sale.
17. **MARKET VALUE:** For this Section, means the value of the structure as determined by the appraised value prior to the start of the initial repair or improvement, or in the case of damage, the value of the structure prior to the damage occurring.
18. **MEAN SEA LEVEL:** For purposes of the National Flood Insurance Program, the North American Vertical Datum (NAVD) of 1988 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.
19. **NEW CONSTRUCTION:** The purposes of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after March 11, 1981, the effective date of floodplain management regulations adopted by the community and includes any subsequent improvements to such structures.
20. **NEW MANUFACTURED HOME PARK OR SUBDIVISION:** For the purpose of this Section, means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after March 11, 1981, the effective date of the floodplain management regulation adopted by the community.

21. **STRUCTURE:** For floodplain management purposes, a walled and roofed building which is principally above ground, including a manufactured home, a gas or liquid storage tank, or other man-made facilities or infrastructures.
22. **SUBSTANTIAL DAMAGE:** Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.
23. **SUBSTANTIAL IMPROVEMENT:** For this Section, any combination or repairs, reconstruction, alteration, or improvements to a structure, taking place during a one (1) year period, in which the cumulative cost equals or exceeds fifty percent (50%) of the market value of the structure. The market value of the structure should be (A) the appraised value of the structure prior to the start of the initial repair or improvement, or (B) in the case of damage, the value of the structure prior to the damage occurring. This term includes structures that have "substantial damage," regardless of the actual repair work performed. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, if that alteration affects the external dimensions of the structure. The term does not, however, include any project for improvement of a structure required to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the Zoning Official and are solely necessary to assure safe living conditions.
24. **VARIANCE:** A grant of relief by a community from the terms of the floodplain management regulation that allows construction in a manner otherwise prohibited and where specific enforcement would result in unnecessary hardship.
25. **VIOLATION:** Failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without required permits, lowest flood elevation documentation, flood-proofing certificates or required floodway encroachment calculations is presumed to be a violation until such time as that documentation is provided.
26. **WATER SURFACE ELEVATION:** The height, in relation to the North American Vertical Datum (NAVD) of 1988 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

C. **General provisions:** These regulations shall apply to all areas of special flood hazard identified by the Federal Emergency Management Agency (FEMA) in its Flood Insurance Study (FIS) for New London County, Connecticut, dated July 18, 2011 (as may be amended from time to time), and accompanying Flood Insurance Rate Maps (FIRM), dated July 18, 2011 (as may be amended from time to time), and other supporting data applicable to the Town of Ledyard are adopted by reference and declared to be a part of these regulations.

1. Since mapping is legally adopted by reference to this regulation, it must take precedence when more restrictive until such time as a map amendment or map revision is obtained from FEMA.
2. The area of special flood hazard includes any area shown on the FIRM as Zones A and AE, including areas designated as a floodway on a FIRM.
3. Areas of special flood hazard are determined utilizing the base flood elevations (BFE) provided on the flood profiles in the FIS for a community. BFEs provided on a FIRM are only approximate (rounded up or down) and should be verified with the BFEs published in the FIS for a specific location.

4. A Zoning Permit shall be required in conformance with the provisions of this regulation prior to the commencement of any development activities.
5. The degree of flood protection required by this regulation is considered the minimum reasonable for regulatory purposes and is based on scientific and engineering consideration and research. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes.
6. This regulation does not imply or guarantee that land outside the Special Flood Hazard Area or uses permitted in such areas will be free from flooding and flood damages.
7. This regulation shall not create liability on the part of the Town of Ledyard or by any officer or employee thereof for any flood damages that result from reliance on this regulation or any administrative decision lawfully made thereunder.
8. The Town of Ledyard, its officers and employees shall assume no liability for another person's reliance on any maps, data or information provided by the Town of Ledyard.
9. These regulations are not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this regulation and another ordinance, regulation, easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

D. Duties and responsibilities of the Commission or its Designated Agent shall include, but not be limited to:

1. Review all permit applications to determine whether proposed building sites will be reasonably safe from flooding;
2. Advise permitted that additional Federal or State permits may be required and notify adjacent communities and the Department of Environmental Protection, Water Resources Unit prior to any alteration or relocation of a watercourse;
3. Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished;
4. Record the elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved or flood-proofed structures. When flood proofing is utilized for a particular structure the Zoning Official shall obtain certification from a Licensed Professional Engineer or architect;
5. When base flood elevation data or floodway data have not been provided, then the Zoning Official shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source to administer the provisions of § 12.2(E); and
6. Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard, the Zoning Official shall make the necessary interpretation. All records pertaining to the provisions of this regulation shall be maintained in the Zoning Office.

E. Provisions for flood hazard reduction:

1. **General standards:** In all areas of special flood hazard the following provisions are required:

   a. **New construction and substantial improvements shall be**:

      i. anchored to prevent flotation, collapse, or lateral movement of the structure,

      ii. constructed with materials and utility equipment resistant to flood damage, and

iii. constructed by methods and practices to minimize flood damage.

b. Water supply and sanitary sewage systems:

i. New and replacement Water Supply Systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.

ii. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the system into floodwaters.

iii. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.

c. Manufactured Homes: All manufactured homes to be placed within Zones A and AE on the Town's Flood Insurance Rate Map shall be installed using methods and practices that minimize flood damage. For the purposes of this requirement:

i. Manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement.

ii. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors.

d. Utilities. Electrical, heating, ventilation, plumbing, air conditioning equipment, HVAC ductwork, and other service facilities, or any machinery or utility equipment or connections servicing a structure shall be elevated to or above the base flood elevation (BFE) to prevent water from entering or accumulating within the components during conditions of flooding. This includes, but is not limited to, furnaces, oil or propane tanks, air conditioners, heat pumps, hot water heaters, ventilation ductwork, washer and dryer hook-ups, electrical junction boxes, and circuit breaker boxes.

2. Specific standards: In all areas of special flood hazard where base flood elevation data has been provided, as set forth in §12.2(C) or as determined in §12.2(D)(5), the following provisions, in addition to those in §12.2(E)(1), are required:

a. Residential structures: New construction or substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to or above the base flood elevation.

b. Non-residential structures:

i. New construction, substantial improvement of any commercial, industrial, or non-residential structure located in a Special Flood Hazard Area shall have the lowest floor, including basement, elevated to or above the level of the base flood elevation.

ii. **Flood proofing**: Non-residential structures located in all A and AE Zones may be flood proofed in lieu of being elevated provided that together with all attendant utilities and sanitary facilities the areas of the structure below the required elevation are watertight with walls substantially impermeable to the passage of water and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy.

iii. A Licensed Professional Engineer or Architect shall review and/or develop structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with acceptable standards of practice for meeting the provisions of this subsection.

c. Manufactured Homes shall:

i. Have the lowest floor elevated to or above the base flood elevation.

ii. Be placed on a permanent foundation which is securely anchored and to which the structure is securely anchored. This includes manufactured homes located outside a manufactured home park or subdivision, in a new manufactured home park or subdivision, in an existing manufactured home park or subdivision, in an expansion to an existing manufactured home park or subdivision, or on a site in an existing park which a manufactured home has incurred substantial damage as a result of flood.

d. Recreational vehicles placed on sites in all A and AE Zones shall either:

i. Be on a site for fewer than one hundred and eighty (180) consecutive days, Be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions, or

ii. Meet the permit requirements of this Section and the elevation and anchoring requirements for "manufactured homes" in §12.2(E)(1)(c) of the General Standards Section.

e. In AE Zones where base flood elevations have been determined, but before a floodway is designated, it is required that no new construction, substantial improvement, or other development (including fill) be permitted which would increase base flood elevations more than one (1) foot at any point in the community when all anticipated development is considered cumulatively with the proposed development.

3. Floodways:

a. In areas where floodways have been designated or determined, these regulations shall prohibit encroachments, including fill, new construction, substantial improvements and other developments within the floodway unless demonstrated through hydraulic and hydrologic analysis performed in accordance with standard engineering practice and certified by a Licensed Professional Engineer that encroachments shall not result in any (0.00) increase in flood levels during occurrence of the base flood discharge.

b. When utilizing data other than that provided by the Federal Emergency Management Agency, the following standard applies: select and adopt a regulatory floodway based on the principle that the area chosen for the regulatory floodway must be designed to carry the waters of the base flood, without increasing the water surface elevation of that flood more than one (1) foot at any one (1) point.

F. Variances: The Zoning Official shall maintain a record of all flood protection variance actions, including justification for their issuance, and report such variances issued in the annual report submitted to the National Flood Insurance Program Administrator.

1. An applicant for a variance to this Section shall be notified by the Zoning Official that the issuance of a variance to construct a structure below the base flood level will result in increased rates for insurance coverage up to amounts as high as twenty-five dollars ($25.00) for one hundred dollars ($100.00) of insurance coverage, and that such construction shall be maintained with a record of all flood protection variance actions.

2. A variance shall not be granted if the Zoning Board of Appeals determines that:
   a. No exceptional hardship would result from the failure to grant the variance, and
   b. Granting of the variance would result in increased flood heights, additional threats to public safety, extraordinary public expenses, or creation of nuisances.

G. Equal Conveyance: Within the floodplain, except those areas that are tidally influenced, as designated on the Flood Insurance Rate Map (FIRM) for Ledyard, encroachments resulting from filling, new construction or substantial improvements involving an increase in footprint of the structure is prohibited.

1. **Exception:** If the applicant provides certification by a licensed professional engineer demonstrating, with supporting hydrologic and hydraulic analyses performed in accordance with standard engineering practice, that such encroachments will not result in any (0.00 feet) increase in flood levels (base flood elevation).
2. Work within the floodplain and the land adjacent to the floodplain, including work to provide compensatory storage, shall not be constructed in such a way to cause an increase in flood stage or flood velocity.

H. Compensatory storage: The water holding capacity of the floodplain, except in those areas that are tidally influenced, shall not be reduced. Any reduction caused by filling, new construction, or substantial improvements involving an increase in the footprint to the structure, shall be compensated for by deepening and/or widening of the floodplain.

1. **Storage shall be**:
   a. Provided on-site, unless easements have been gained from adjacent property owners,
   b. Provided within the same hydraulic reach and a volume not previously used for flood storage, and/or
   c. Hydraulically comparable and incrementally equal to the theoretical volume of flood water at each elevation, up to and including the 100-year flood elevation, which would be displaced by the proposed project. Such compensatory volume shall have an unrestricted hydraulic connection to the same waterway or water body. Compensatory storage can be provided off-site if approved by the municipality.
2. **Above ground storage tanks**: Above ground storage tanks (oil, propane, etc.) which are located outside or inside of the structure must either be elevated above the base flood elevation (BFE) on a concrete pad, or be securely anchored with tie-down straps to prevent flotation or lateral movement, have the top of the fill pipe extended above the BFE, and have a screw fill cap that does not allow for the infiltration of flood water.
3. **Portion of structure in flood zone**: If any portion of a structure lies within the Special Flood Hazard Area (SFHA), the entire structure is considered to be in the SFHA.
4. The entire structure includes any attached additions, garages, decks, sunrooms, or any other structure attached to the main structure.
5. Decks or porches that extend into a more restrictive flood zone will require the entire structure to meet the standards of the more restrictive zone.
6. **Structures in two (2) flood zones**: If a structure lies within two or more flood zones, the construction standards of the most restrictive zone apply to the entire structure (i.e., V zone is more restrictive than A zone; structure must be built to the highest BFE).

7. The structure includes any attached additions, garages, decks, sunrooms, or any other structure
8. Decks or porches that extend into a more restrictive zone will require the entire structure to meet the requirements of the more restrictive.

13.1 Enforcement

A. Pursuant to CGS §8-3(e), CGS §8-12, and CGS §8-12a, these regulations shall be enforced by the Zoning Official appointed by the Mayor pursuant to Chapter IV §4 of the Ledyard Town Charter and as designated by the Planning & Zoning Commission. The Zoning Official is an Agent of the Commission and is given the power and authority to enter and inspect property at reasonable times as required in the performance of his duties, and may institute any appropriate action or proceedings to prevent the unlawful erection, construction, reconstruction, alteration, repair or conversion of any building or structure, or the unlawful use of land, to restrain, correct or abate such violations, to prevent the occupancy of said building, structure or land, or to prevent any illegal act, conduct, business or use in or about the premises.

13.2 Violation Procedure

A. Procedures to be followed in the event of violations of these regulations shall be pursuant to CGS §8-12, CGS §8-12a as amended, and/or Ordinance #300-009 as appropriate.

13.3 Fees:

A. Pursuant to CGS §8-1(c) and Town Ordinance #300-008, the Town of Ledyard shall establish a schedule of Zoning Fees for zoning review of residential and commercial building permits, Site-plan and Special Permit reviews, Subdivision review, Home Occupation, Change of Use (permits), certificates of use and compliance, and all other planning and/or zoning applications to reasonably defray the municipal costs of administering the State of Connecticut General Statutes and the Ledyard Zoning Regulations and publishing the public hearings and decisions of the Commission. The fee schedule may be amended from time to time.

B. The Zoning Official shall not issue any permit, and the Commission shall take no final action, until the Zoning Official or his representative has received payment of applicable fees.

C. All Fees are non-refundable regardless of application withdrawal by applicant or denial by staff or Commission.

D. No fee shall be charged for zoning applications for projects by or for the Town of Ledyard, or for permits for repair or replacement of owner-occupied single-family residential buildings that have been destroyed or damaged by fire, storm, or other casualty.

CHAPTER 14.0 ZONING BOARD OF APPEALS

14.1 **Powers and Duties:** The Zoning Board of Appeals (ZBA) shall have such powers and duties as may be provided in the Connecticut General Statutes (CGS), including, but not limited to, CGS §8-6. The Zoning Board of Appeals shall have the following powers and duties:

A. To hear and decide appeals where it is alleged that there is an error in any order, requirement or decision made by the Zoning Official charged with the enforcement of Chapter 124 or any bylaw, ordinance or regulation adopted under the provisions of Chapter 124. Such appeal shall be taken within fifteen (15) days of the action of said official.

B. To determine and vary the application of the zoning bylaws, ordinances or regulations in harmony with their general purpose and intent, and with due consideration for conserving the public health, safety, convenience, welfare and property values solely with respect to a parcel of land where, owing to conditions especially affecting such parcel but not affecting generally the district in which it is situated, a literal enforcement of such bylaws, ordinances or regulations would result in exceptional difficulty or unusual hardship, and so that substantial justice will be done and the public safety and welfare secured if the variance is granted.

C. Hear and decide all matters required by the specific terms of the Connecticut General Statutes.

14.2 **Limitations on Use Variances**: The ZBA shall be prohibited from granting any variance for a use in any district in which such use is not otherwise permitted.

14.3 **Procedures**: Procedures for submission of applications to the Zoning Board of Appeals shall be as provided in the Connecticut General Statutes, including, but not limited to, CGS §8-7, or as may be established by rule or regulation of the Zoning Board of Appeals.

14.4 **Decisions**:

A. Prior to granting a variance there must be a finding by the ZBA that all the following conditions exist:

B. If the owner complied with the provisions of these regulations that he would not be able to make any reasonable use of his property.

C. The difficulties or hardship are peculiar to the property in question, in contrast with other properties in the same district.

D. The hardship was not result of the applicant's own action.

E. The hardship is not merely financial or pecuniary.

14.5 **Following Approval**:

A. A variance granted by the Board shall become effective only upon the filing of a copy, certified by the Board, in the land records of the Town, in accordance with the following provisions.

1. The applicant shall record the variance in the office of the Town Clerk of Ledyard, and any variance not so recorded within ninety (90) days following its approval, or within ninety (90) days of the date upon which said plan is taken as approved by reason of the failure of the Board to act, shall become null and void.
2. The applicant may request two (2) additional ninety (90) day extensions. The request for an extension must come before the expiration for the initial time period.

3. A signed copy of the approved variance shall be provided by the applicant to the Zoning Enforcement Officer and to the office of the Town Assessor.

B. A variance shall authorize only the particular activities specified in the Board's approval.

14.6 FLOODPLAIN VARIANCES

14.6.1 Specific Situation Variances:

A. Buildings on a Historic Register: Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places, the State Inventory of Historic Places, or any locally-adopted historic district without regard to the procedures set forth in the remainder of this section and provided the proposed reconstruction, rehabilitation or restoration will not result in the structure losing its historical designation.

B. Functionally Dependent Use or Facility: Variances may be issued for new construction and substantial improvements and other development necessary for the conduct of a functionally dependent use or facility provided the structure or other development is protected by methods that minimize flood damage, creates no additional threat to public safety and meet all the requirements of subpart C below.

C. Floodway Prohibition: Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

14.6.2 Considerations for Granting Floodplain Variances: In passing upon such applications, the Zoning Board of Appeals shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this regulation and the items listed below. Upon consideration of these factors and the purposes of this regulation, the Zoning Board of Appeals may attach such conditions to the granting of variances as it deems necessary to further the purposes of this regulation.

A. The danger that materials may be swept onto other lands to the injury of others.

B. The danger to life and property due to flooding or erosion damage.

C. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.

D. The importance of the services provided by the proposed facility to the community.

E. The necessity of the facility to waterfront location, in the case of a functionally dependent facility.

F. The availability of alternative locations not subject to flooding or erosion damage for the proposed use.

G. The compatibility of the proposed use with existing and anticipated development.

H. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area.

I. The safety access to the property in times of flood for ordinary and emergency vehicles.

J. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site.

K. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.

14.6.3 Conditions for Floodplain Variances:

A. Variances shall only be used upon a determination that the variance is the minimum necessary to afford relief considering the flood hazard; and in the instance of a historical building, a determination that the variance is the minimum necessary as not to destroy the historic character and design of the building and result in the loss of historic designation of the building. Variances pertain to a piece of property and are not personal in nature. A properly issued variance is granted for a parcel of property with physical characteristics so unusual that complying with the regulation would create an exceptional hardship to the applicant or the surrounding property owners. Those characteristics must be unique to that property and not be shared by adjacent parcels. For example, economic or financial hardship is not sufficient cause for a variance, nor are inconvenience, aesthetic considerations, physical handicaps, personal preferences or disapproval of one's neighbors.

B. Variances shall only be used upon (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship, and; (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, damage the rights or property values of other persons in the area, cause fraud on or victimization of the public, or conflict with existing local laws, ordinances or regulations. Only hardships that are based on unusual or unique physical characteristics of the property in question, characteristics that are not shared by adjacent parcels, shall quality to meet subsection (ii) above. Claims of hardship based on the structure, on economic gain or loss, or on personal or self-created circumstances are not sufficient cause for the granting of a variance.

C. No variance may be issued within a regulatory floodway that will result in any increase in the 100-year flood levels. A variance may be issued for new construction, substantial improvements and other development necessary for the conduct of a "functionally dependent use" provided that there is good and sufficient cause for providing relief; and the variance does not cause a rise in the 100-year flood level within a regulatory floodway. The structure and other development must be protected by methods that minimize flood damages.

D. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation (BFE), and that the cost of flood insurance will be commensurate with the increased risk resulting from the lowest floor elevation up to amounts as high as $25 for $100 of insurance coverage.

CHAPTER 15.0 AQUIFER PROTECTION AGENCY

15.1 Designation of Membership:

A. In accordance with the provisions of CGS §22a-354a et seq., and the Town of Ledyard Ordinance #300-007, the Planning and Zoning Commission is designated as the Aquifer Protection Agency (the "Agency") of the Town of Ledyard. The staff of the Commission shall serve as the staff of the Agency.

B. Members of the Commission shall serve coexisting terms on the Agency. The membership requirements of the Agency shall be the same as those of the Commission including, but not limited to the number of members, terms, method of selection and removal of members, and filling of vacancies.

C. At least one (1) member of the Agency or staff shall complete the course in technical training. formulated by the Commissioner of Energy and Environmental Protection (DEEP) of the State of Connecticut, pursuant to CGS 22a-354V.

15.2 Adoption of Regulations:

A. The Agency shall adopt regulations in accordance with CGS §22a-354p, as amended and Regulations of Connecticut State Agency (RCSA) §22a-354i-3, which shall provide for:

1. The manner in which boundaries of aquifer protection areas shall be established and amended or changed.
2. Procedures for the regulation of activity within the area.
3. The form for an application to conduct regulated activities within the area.
4. Notice and publication requirements.
5. Criteria and procedures for the review of applications.
6. Administration and enforcement.

15.3 Inventory of Land Use:

A. To carry out the purposes of the Aquifer Protection Program, the Agency will conduct an inventory of land use to assess potential contamination sources.

B. Within and not to exceed three (3) months following the Commissioner's approval of Level A mapping of aquifers, the Agency shall inventory land use within and overlying the mapped zone of contribution and recharge areas of such mapped aquifers in accordance with guidelines established by the Commissioner pursuant to CGS 22a-354r. Such inventory shall be completed not more than one (1) year after the authorization of the Agency pursuant to CGS §22a-354e.

History of Zoning Code Amendments:

The provisions of these regulations and the boundaries of any Zoning District established hereunder may from time to time be amended, modified, changed or repealed by the Commission in accordance with the provisions of Chapter 124, Connecticut General Statutes, Revision of 1958, as amended. Any petition requesting a change in these regulations shall be in writing and in a form prescribed by the Commission. Such petitions shall be accompanied by a filing fee to be deposited with the Commission to defray the cost of publication of the notice for a hearing on such change.

These regulations became effective on October 11, 1963, as amended on May 5, 1968; October 6, 1970; August 3, 1971; October 1, 1975; April 30, 1977; June 8, 1978; January 4, 1979; June 1, 1979; July 15, 1979; December 1, 1979; January 7, 1980; February 1, 1980; March 1, 1980; July 15, 1980; August 15, 1980; January 1, 1982; April 1, 1982; October 1, 1983; December 15, 1983; February 1, 1984; July 1, 1984; July 15, 1984; October 10, 1984; June 1, 1985; July 15, 1985; August 1, 1985; November 1, 1985; April 16, 1986; October 16, 1986; August 25, 1987; March 30, 1988; March 30, 1988; June 30, 1988; July 15, 1988.

Amended as of July 1, 1989:

(1) The amendment of these regulations was for the purpose of reformatting without substantive change of content.

Amended as of July 18, 1990:

Section 3.0 Residential Districts: **3.1.5** Allowance of accessory apartments; **3.4.3** Allowance of farm animals as of right in R-80 Districts; **3.6.1.4** Clarification of cluster lot sizes and increase in minimum lot area required for an R-40 District; **3.7.3** Allowance of interior lots as part of a non-subdivision; **3.8.5** Review of residential institutional uses by Zoning Commission; **3.9** Deletion of family apartments; **3.10.3** Increase in height allowance on accessory structures; **3.10.4** Allowance of accessory structures closer to street than principal structure.

Section 17.0 Definitions: Deletion of family apartment; Changes in child day care centers and barns; New definitions: accessory apartment, accessory building, and family day care home.

Amended as of December 18, 1990:

Section 3.12 Home Occupation Permits: All sections changed.

Section 17.0 Definitions: Home Occupation.

Amended as of February 21, 1992:

Section 4.0 Ledyard Center Development District: **4.3.8** Allowance of Alcoholic Liquor; **4.4** Clarification of Prohibited Uses; **4.6.4** Clarification of Site Plan Requirements; **4.6.5** Allowance of Waiver of A-2 Survey Requirement.

Section 5.0 Resort Commercial Cluster District: All sections new.
Section 6.0 Industrial District: Deletion of Zones I-1, I-2, and I-3; clarification of all

sections.

Section 7.0 Commercial Districts: Deletion of Commercial Marine.

Section 8.0 Special Use Districts: All sections new.

Amended as of September 3, 1992:

Section 13.12 Bed and Breakfast Operations: Entire section changed.

Amended as of June 8, 1993:

Section 3.0 Residential Districts: **3.5.3** Clarify travel trailer use; **3.11.6** Allowance for replacement of mobile homes within a State approved mobile home park.

Section 9.0 Bulk Requirements: Correction of R-80 requirements.

Section 13.0 Special Exceptions: **13.1.9** One year waiting period for hearing substantially same application.

Section 17.0 Definitions: Changes in Bed and Breakfast.

Amended as of August 25, 1994:

Section 5.3.1.2 Principal Uses: To allow all restaurants, including fast food restaurants, to be developed as stand-alone establishments within the RCCD.

Amended as of September 22, 1994:

Section 13.6 Central Oil Distribution Systems: Entire section deleted.

Amended as of September 14, 1995:

Section 3.0 Residential Districts: **3.1.3** Clarification of letting of rooms or furnishing of board. **3.11.5** Deletion of sub-section which eliminates the requirement of a ZBA variance for replacement mobile homes.

Section 17.0 Definitions: New definitions: Boarder, Guest at a Bed and Breakfast, Roomer. Clarification: Bed and Breakfast.

Amended as of April 25, 1996:

Section 13.12 Country Inn: All sections new.

Section 17.0 Definitions: Country Inn.

Section 15.5 Miscellaneous: Temporary Mobile Units For Construction in Non-Residential Zones. All sections new.

Amended as of August 8, 1996:

Section 4.5.1.2 (minimum 100 ft. lot frontage): Deleted.

Section 13.1.5 (minimum frontage): Deleted.

Section 10.5.17.1: New section.

Amended as of October 31, 1996:

Section 3.12 Home Occupations: Entire section changed.

Amended as of May 3, 1997:

Section 4.3.3 Ledyard Center Development District (LCDD) Permitted Uses: Addition of Country Inns.

Section 3.10.6 Residential Districts Accessory Buildings: Addition of membrane-covered frame structures (hoop houses).

Section 17.0 Definitions: Membrane-covered Frame Structures.

Section 15.6 Miscellaneous: Addition of handicap ramps in residential districts.

Amended as of January 29, 1998:

Section 12.3 Flood Protection: Updates to comply with State and Federal mandates consistent with minimum standards of The National Flood Insurance Program as administered by the Federal Emergency Management Agency.

Section 13.5 Mobile Manufactured Home Land Lease Communities For Older Persons Formerly Known As (Mobile Home Retirement Villages [RM-40 Zones]): Entire section changed.

{Numerical typographical error corrected ~ Section 13.3.5 Screening change to 13.3.6, also sequence 13.3.6 change to 13.3.7 and 13.3.7 change to 13.3.8.}

Amended as of July 4, 1998:

Section 14.0 Wireless Telecommunication Facilities, Antennas, and Towers: Entire New Section.

NOTE: All section previously numbered 14 - 20, hereby numbered 15 - 21, respectively.

NOTE: June 15, 1999 ~ typographical error corrected in Section 13.3.5.1 {Section 11.4 changed to Section 12.4} and typographical error corrected in Section 13.5.2.5 {convents changed to covenants}.

NOTE: Visual aids showing building setback envelope for attached and detached structures in Section 9, updated February 9, 2000.

Amended as of April 15, 2000:

Section 16.2 Junk and Hobby Vehicles: Amended to include Junk and Hobby Vehicles.

Section 18 Definitions: Junk and Hobby Vehicles.

Amended as of May 10, 2000:

Section 6.6.1 Industrial District: Amended.

Section 6.6.1.1 Industrial District: New subsection.

Amended as of September 19, 2001:

Section 9.1 Table of Height, Area, Width, Coverage, and Yard Setbacks: Increase the maximum building height from 30 feet to 35 feet.

Amended as of September 19, 2001:

Section 4.5.1.7 Ledyard Center Development District: Amended to authorize the zoning commission to waive the 100-ft. setback from the centerline of a state highway.

Amended as of February 2, 2002:

Section 4.8 through 4.17 Gales Ferry Development District (G.F.D.D.): All new section (former C-2 and C-3 zones and the former Gales Ferry School site which was zoned R-20).

Section 9.1 Table of Height, Area, Width, Coverage, and Yard Setbacks: Amended to include G.F.D.D. requirements.

Amended as of April 6, 2002:

Section 3.1.7 and 3.2.1: Amended to allow an accessory parking lot on a contiguous lot via a Special Permit.

Section 11.2.14: New section to specify the number of parking spaces for a museum.

Section 11.3.5: New section to describe buffer requirements for a parking lot in a residential zone.

Section 11.3.6: New section to describe lighting requirements for a parking lot in a residential zone.

Section 11.3.7: New section to limit noise from parking lots approved via a Special Permit.

Amended as of September 21, 2003:

Section 4.11.1.3 Gales Ferry Development District: Amended to describe types of laundries and laundromats allowed.

Section 4.11.1.6: Amended to allow outdoor recreation with exclusions.

Section 4.11.1.12: New subsection .2 to allow a restaurant, pub or tavern to sell alcoholic liquor as an accessory use.
Section 4.11.1.14: New subsection .1 to allow hotels and motels throughout the zone.

Section 4.11.1: New subsection .22 to allow stores that sell power equipment, recreational vehicles and accessories throughout the district with outside display restricted to business hours.

Section 4.11.5: Adjust subsection numbers to accommodate hotels and motels as an allowed use throughout the zone, and to add text to new subsection .3 that prohibits the discharge of volatile organic compounds.

Section 4.11.5.3: Add new subsection .1 to define recreational vehicles. Add new subsection .2 to describe the restriction on the size of trailers. Add new subsection .3 to describe the location and screening of repair facilities, pick up, drop off and storage areas. Add new subsection .4 to further clarify where other motor vehicles may be sold.

Section 4.12: Add definitions of Prohibited Uses, which were moved to the "Definition" section.

Amended as of November 2, 2003

Section 6.4.3: Add new subsection .6 to allow the consideration of the construction of a water tank/tower in Industrial Zones without full screening from view, through a special permit process.

Amended as of April 3, 2004

Section 18: Add new definition of Age Restricted Housing.

Section 13.3.2.1: Amended to allow three (3) bedroom apartment/condominiums for age restricted housing only.

Amended as of October 16, 2005

Section 4.0 through 4.13 Ledyard Center Village District (LCVD): All new section (former Ledyard Center Development District [L.C.D.D.] and LCDD zone) now four (4) new zones: LCVD-1, LCVD-2, LCVD-3, MFVD.

NOTE: All sections previously numbered 4.8 through 4.17, hereby numbered 4.14 through 4.23 respectively.

Amended as of December 30, 2005

Section 8.3.10 Amended to allow fast food restaurants if entry and exit are on Route 12.

Add new Section 8.3.13 to CID Zone to include convenience stores, gas stations with fast-food facilities and drive-thru's.

Amended as of February 17, 2006

Section 13.5: Amended to render the regulation compatible with requirements for Federal National Mortgage Association financing of dwelling units in Mobile Manufactured Home Land Lease Communities for Older Persons and make certain additional technical amendments.

Amended as of April 15, 2006

Section 3.6: Deleted "Cluster Residential Developments" add new "Conservation Subdivision Developments."

Amended as of August 5, 2006

Section 3.7.1: Add new Section 3.7.1.6 to allow interior lots in a Conservation Subdivision not to comply with Sections 3.7.1.1 and 3.7.1.2.

Amended as of October 8, 2006

Section 5.3 Add principle uses to the Resort Commercial District, and a change to Section 5.5.1.4 – building height. Also new definition "Resort Facility."

Amended as of February 3, 2007

Corrections of Internal References, and a change to Section 13.5 to remove regulations that are governed by the State of Connecticut Building Code. Also new definition "Mobile Manufactured Home."

Amended as of October 20, 2008

Section 10.2.5 change to banner regulation and new regulation to add signage on municipal water towers.

Amended as of July 6, 2009

New Section 8.7 Permitting interior lots in CID Zones

Amended as of January 28, 2010

Section 17.2 amend entire section

Amended as of September 1, 2010

Section 13.3 Apartments/Condominiums

Amended as of October 15, 2010

Section 3.1.1 to allow one additional residential unit for farm employees on properties of 50 acres or more.

Amended as of June 1, 2011

(1) Section 12.3 Flood Protection regulations to incorporate changes required by FEMA and DEEP (includes updated flood maps).

Amended as of January 11, 2012

(1) Section 2.2 (Definitions) & Section 8.18 (Country Inn) to allow for (i) a restaurant, if part of a Country Inn, to be open to the general public; (ii) operated under its own name; (iii) the contracting out or leasing of the restaurant; and (iv) non-resident ownership of a Country Inn.

Amended as of October 18, 2012

(1) Sections 1.0 through Section 17.0 (Replacement of Ledyard Zoning Regulations)

(2) Attachment A – "Schedule of Permitted Uses" (New)

(3) Attachment B – "Area and Bulk Schedule" (New)

(4) Attachment C – "Parking Table" (New)

(5) Attachment D – "Design Guidelines" (New)

Amended as of November 4, 2013

(1) Section 13.1 B(2) Non-conforming Uses, Structures and Properties to allow the Planning and Zoning Commission to approve a non-conforming use to be changed to another non-conforming use.

Amended as of January 1, 2015

(2) Attachment A – "Schedule of Permitted Uses" Legend for RM-40 District – removed "for older persons districts" and replaced with "(Overlay to underlying R-40 Districts)"

(3) Section 4.3 Mobile Manufactured Home Land Lease Community (RM-40) added 4.3.B to allow R-40 uses in all areas marked RM-40 on the zoning map

Amended as of June 1, 2015

8.11 Dwellings, Multiple Family (Apartments, Condominiums, Townhouses)

A. Apartment/Condominium complexes may consist of multiple buildings and shall not be permitted on lots of less than five acres.

B. Density. The permitted density for an Apartment/Condominium complex shall be determined as follows:

(1) No public sewers: A maximum average density of four (4) bedrooms per acre.

(2) Public sewers: A maximum average density of eight (8) bedrooms per acre.

(3) Age restricted housing developments (with or without public sewers): A maximum average density of twelve (12) bedrooms per acre.

(4) Deleted

(5) No building shall contain more than eight (8) dwelling units except that a building may contain no more than thirty-two (32) dwelling units when the following criteria are met:

(a) At least fifty percent (50%) of the units are affordable housing, as defined in CGS §8-39a, with income and rent or sale price limits;

(b) Restrictions, consistent with CGS §8-39a, are recorded in the Land Records, maintaining the affordability for at least forty (40) years;

(c) Occupancy for units in the development requires at least one (1) person age fifty-five (55) or older, and no persons under age eighteen (18) or younger are permitted;

(d) Common spaces for socializing and gathering are provided in the building;

(e) The building is fully accessible to persons with disabilities, including installation of an elevator if on more than one (1) floor; and

(f) Parking provided at a minimum rate of 1.25 spaces per dwelling unit, which shall take precedence over the minimum requirement in §10.0 of these regulations.

C. Water and Sewer.

A community water system, or public water, shall be provided.

D. Minimum floor size. One-bedroom units shall contain a minimum of 540 square feet, and two-bedroom or larger units shall contain a minimum of 750 square feet of habitable living area. Apartment and condominium units with zero (0) bedrooms are not permitted.

E. Buffers:

(1) A suitable landscaped buffer strip not less than fifty (50) feet wide shall be provided along the parcel's boundary with any other lot or parcel unless such adjacent lot or parcel is already zoned for multi-family residential uses in which case the Commission may provide for a buffer strip of not less than twenty-five (25) feet from the adjacent boundary line.

(2) The amount of screening required for Apartments/Condominiums & Multifamily Developments, will be reviewed by the Commission, who will take into consideration existing topography and foliage, the structure's use, location, size and aesthetic impact on the adjoining properties, and the use of adjoining properties.

(3) All buffer areas shall be planted or preserved in a natural state in a mixture of evergreen and deciduous trees and shrubs and shall be maintained in proper order to protect adjacent properties and present a reasonably opaque, natural barrier to a minimum height of ten (10) feet.

(4) Buffer strips shall contain no parking areas or buildings. The Commission may allow other structures within the buffer area, such as wells, site utilities, recreation facilities, and drainage facilities. This determination will be made by the Commission, after evaluating existing and potential adjacent land uses, if it is satisfied that adequate screening is provided; and, in the Commission's opinion, the structure, its location, and/or its use will not adversely affect the buffering intent of the overall project.

(5) No building shall be erected within fifty (50) feet of a property line.

F. Recreational Space

(1) For any multi-family housing development, an area equal to ten (10) percent of the total lot area shall be set aside as open space. Buffer strips may be included in the computation of open space. The Commission shall approve the location of recreational space

(2) The condition, size and shape shall be readily usable for recreational space purposes.

(3) Such areas shall be easily accessible and balanced in design and location to preclude grouping of recreational space into the extremities of the parcel except for good cause.

G. Screening. deleted

H. Off-street Parking. Off-street parking shall be provided as required by §10.0.

I. The Commission may require the posting of a bond to assure completion of public improvements under the conditions noted in §15.6.

J. Rooming and/or Boarding are not permitted within the apartments in a multi-family development.

Amend "Attachment A: Schedule of Permitted Uses" Effective: November 1, 2015

Amend the Use Table by adding "public educational use (schools) permitted by Special Permit in R20, R40, R60, R80, GFDD1, GFDD2, LCVD1, LCVD2, LCVD3 zones"

And

"Note 47 Schools - Public: minimum lot size: 3 acres; building setback: 50 feet from the property line; parking setback: minimum 5 feet from the property line."

Amend "Attachment A: Schedule of Permitted Uses" Effective: November 1, 2015

Add Recreation Facility Outdoor P(CR) as permitted in the CID District with the Commission Review of the site plan

Amend "Attachment A: Schedule of Permitted Uses" Effective: April 4, 2016

Make "Recreational Facility, Outdoor" Permitted by Special Permit in the LCVD 1,2,3 Zones.

Amend "Attachment A: Schedule of Permitted Uses" Effective: August 8, 2016

Modify Note 47 to read minimum lot size 3 acres, building setback of 50 feet to the property line, parking setback 5 feet from the property line, **the Commission may approve a maximum building height of 65 feet.**

Amend Application PZ#4830, Effective September 1, 2017

Amend Ledyard Zoning Regulations Section 2.0 Definitions, Section 8.0 Supplemental Regulations & Attachment A relating to Personal Services.

Amend Application PZ#4870 – Effective September 1, 2017

Complete text of zoning regulations as proposed by "Ad Hoc" Committee, updated thru public hearing comments for Applications 4354 & 4540.

Amend Application PZC #4896 & #4923, effective April 1, 2018

Comprehensive revision of the Town of Ledyard Zoning Regulations and Zoning Map.

Amend Application #4935, effective February 1, 2019

Comprehensive revisions to Zoning Regulations, including text & map amendments.

Include Appendix "1" Design Guidelines and Zoning Map Amendments, including Zoning Map Properties List.

Clerical revisions, i.e., spelling, grammar, formatting only.

Amended as of March 9, 2020

PZ#19-04RC – Zoning Regulation change to add Section 4.13 (Technology Park District) to the Ledyard Zoning Regulations

1. Sec. 4.13.1.2, Line 6 – Add the words "at the Commission's sole discretion" after the words "Notwithstanding the foregoing, any substantial and material change."
2. Sec. 4.13.1.2, Line 10 – Substitute the word "approved" for the word "enacted" and the word "replace" for "supersede."
3. Sec. 4.13.1.2, Line 11 – Add the word "future" after the words "pre-existing zoning."
4. Sec. 4.13.2, Line 2 – Add the word "as" after the word "such."
5. Sec. 4.13.3.3, Line 4 – Add the sentence "The Commission may, at its sole discretion, hold a public hearing on any addition or alteration to the Master Plan."
6. Sec. 4.13.3.4, Line 1 – Delete the words "become null and" and add the words "be void, without any further action of the Commission and the property shall automatically return to its prior zoning designation."
7. Sec. 4.13.6.6.6 – add the words "as a principal use" after the words "Outdoor storage."

Amended as of May 1, 2021

SECTION 8.27 – Temporary Forms of Outdoor Entertainment: New Section (Supplemental Regulation).

SECTION 3.5 (USES BY DISTRICT) TO ADD TO SCHEDULE OF PERMITTED USES (Page 16)

DEVELOPMENT DISTRICT USES	LCDD	LCTD	MFDD	GFDD	RCDD
Temporary Forms of Outdoor Entertainment				P	

Map Amendment PZ#21-08 Effective October 2, 2021

Amend Ledyard Zoning Map to reflect new Zoning District designation for MBL 121/2120/1528 -1528 Rte 12, Gales Ferry . Property changed from the CID District to the GFDD.

Regulation Amendment Application #PZ21-13RA Effective December 17, 2021

Add New Section 3.5B: Uses Subject to a Moratorium. Cannabis Establishments. Moratorium approved for 12-months.

Regulation Amendment Application #PZC21-14RA Effective February 28, 2022

Add new section 8-28: Short-Term Rentals (Hosted) and associated definitions and usage table insertions

Regulation Amendment Application #PZC22-5RA Effective: _____

APPENDIX B: SITE PLAN REQUIRED STANDARD ELEMENTS (SITE PLAN CHECK SHEET)

Standard Elements of the Site Plan. As indicated in Chapter 11 of the Zoning Regulations, the following information is usually required with any application for Site Plan approval. However, the Commission may approve or modify and approve a Site Plan application that does not include all such information if it finds that such information is not needed to assure that the proposed use or uses will comply with the substantive provisions of these Regulations. The Commission may also require additional information if necessary to determine compliance.

All Applications for a Special Permit must be accompanied by a Site Plan Application. See also Supplemental Regulations for additional required elements. *These standards elements do not apply to Single-family and Duplex Dwelling applications (see Check Sheet in Appendix C) or for basic Zoning Permits for Accessory Structures and Uses See Appendix D for required elements of a Plot Plan.)*

For modifications to Site Plans produced prior to 1996, additional boundary information shall be required.

The Site Plan is only one element of an application. See additional submission requirements for Site Plan (§11.2), Special Permit Applications (§11.3), and Procedural Requirements in §11.6

B-1 General Information

The following information shall be provided on a 24 x 36 inch plan, with scale of 1" = 40'. Applicant shall submit three (3) full size plans. Eight (8) additional copies of the Site Plan shall be provided on an 11 x 17 (reduced copy) plan.

A. Property and applicant information:

1. address of the property and Map/lock/Lot;
2. name and address of owner of record; and
3. name of and address of the applicant.

B. A zoning compliance chart or table that indicates the dimensional, use, and other relevant standards such as parking and loading requirements for the property in the Zone and how the proposed structure and uses will comply with the requirements.

C. An approval block on the Site Plan for Commission Chairman or Secretary, date of approval, and date of expiration. (Required only for Site Plans requiring Commission approval, including Site Plans submitted as part of Special Permit applications.)

D. Names and addresses of current owners of property within 100 feet of the parcel as shown in the Assessor's records, including properties across from any street/road, right of way, river, and/or municipal boundary, and properties sharing a driveway with the subject property.

E. Zone of site and of all property within 500 feet.

F. North arrow (if other than North American Datum (NAD) 83 the applicant shall state why and provide standard for alternative), scale, name(s) of person(s) preparing plan, date of drawing, and any revision dates with description of revisions (revision dates shall appear on each plan sheet that has been revised and shall include a description of the revisions).

B-2 Parcel Information – Boundary, Topography, Wetlands and Watercourses, Soils, etc.

A. Property boundaries (Class A-2 with dimensions, angles, and area of the parcel and/or parcels subject to the application).

B. Existing and proposed street and lot lines and the dimensions of applicable setbacks.

C. Existing and proposed contour lines. For all areas of the parcel within 100 feet of any proposed work (including construction, excavation, filling, grading, and clearing of vegetation), the contour interval shall be no greater than two (2) feet (T-2 or T-3 accuracy). Topography taken from USGS Quadrangle interpolation shall not be acceptable for such areas, but may be used for other portions of the site. The Commission may require the applicant to submit design drawing(s), including cross sections and elevation, of all proposed activity. Additional spot elevations may be required where necessary to indicate drainage patterns.

D. Any existing or proposed easements and deed restrictions affecting the property including Utility Easements, Right's pf way, Conservation and/or Open Space areas including any areas/easements required by the Inland Wetlands Commission.

B-3 Soils Data, Wetlands and Waterbodies, CAM, FEMA and Watersheds

A. Identification of surface and groundwater resources on and around the site, including any public or private domestic users of such waters; the depth to groundwater and description of adjacent soils, and an evaluation of the impact of the proposal on existing and potential surface and ground drinking water supplies. The Commission may require additional information necessary to ensure protection of water resources and may require that the report be prepared by a hydrogeologist or other qualified professional.

B. Where appropriate, the mean high-water line, the flood hazard boundaries, and the channel encroachment line should also be shown.

C. If an inland wetlands and watercourses permit is required, an application to the wetlands agency shall be made prior to, or on the same day, as submission of the application for the Zoning Permit.

D. Areas within 100 year flood hazard areas as delineated by the Federal Emergency Management Agency (FEMA) and as shown on the most recently amended maps prepared by FEMA must be shown with a note saying "Limits of Flood Hazard Zone are approximate and are scaled from the Federal Flood Hazard maps." When a lot does not include land within the 100-year flood hazard area, the map shall include the following notation: "This lot does not include land areas within the Federal Emergency Management Agency's 100-year flood hazard area."

E. Any boundaries of any sub-regional watersheds that lie within the site, as shown on maps available from the Natural Resources Center of the Department of Energy and Environmental Protection including the boundaries of Groton Utility Watershed Areas.

F. All soil types per "Soil Survey of New London County, Connecticut." Provide signature block for the soil scientist certifying that all wetlands and watercourses have been delineated or that there are none on the property shall be placed on the plans.

G. Demarcation line showing CAM boundary.

B-4 Site Features; Structures and Uses; Site and Building Detail

A. A brief written description of the proposed use or uses and the type of work proposed.

B. Locations and specifications of all existing and proposed structures and uses including, but not limited to, buildings, stone walls, fences, sidewalks, driveways, decks, overhangs, staircases, parking and loading areas, exterior storage areas, recreational amenities (i.e. pools, tennis court, gazebos, firepits etc.), dumpsters, signs, abutting streets, utility structures, fuel tanks and hydrants.

C. Existing and proposed buildings and structures shall detail the number and type of rooms including the total number of bathrooms.

D. Identification of any chemicals or potential contaminants to be used, stored or produced on site or discharged on or off the site, and a detailed description of methods and procedures by which any chemicals or potential contaminants on site will be stored, used, applied, discharged, and disposed.

E. Renderings of any proposed building, specifying siding materials, should be provided; front, side, and rear elevations shall be shown.

F. Any stonewalls, monuments, and other structures having historical significance.

G. Any archaeological sites including but not limited to those known to the State Archaeologist's Office. The Commission may require the Applicant to submit a report from the State Archaeologist's Office.

H. Any historic buildings and sites listed on the National Register of Historic Places.

I. All wooded areas, specimen trees (exceeding 30 inches diameter at breast height (dbh), five feet above the ground), rock outcroppings (greater than 200 square feet surface area) and any unique and fragile natural features.

J. The general location of any endangered special and/or species of special concern per DEEP NDDB Map.

B5 Access and Parking

A. Location, arrangement and dimensions of automobile parking spaces, aisles, vehicular drives, fire lanes, entrances, exits and ramps.

B. Sight line information at proposed driveway cut(s), and statement that plans have either been submitted to DOT for review or that DOT review is not required.

C. Location, arrangements and dimensions of loading and unloading areas.

D. Location and dimensions of pedestrian walkways, entrances, and exits.

E. Surface treatment and detail of all driveways/Accessways, parking areas and loading areas.

B6 Utilities and Drainage

A. Locations and descriptions of water supply wells or other public water connection, septic system or connection to public sewer line.

1. Fire Protection: The applicant shall identify the source of water for fire protection.

B. Location of proposed subsurface sewage disposal systems and reserve fields, showing distances to adjacent land, distances from all wells within 75 feet (on or off the tract) together with percolation and test pit data.

C. Locations of existing and proposed drainage facilities on the site and those off-site that may be affected by the proposed activity, as well as any points of collected drainage discharges (i.e., discharges other than natural sheet flow) onto or off the site.

B7 Other

A. Any other information deemed necessary by the Commission to determine compliance with these Regulations. The Commission may require evaluation reports by Commission-approved independent professionals and other experts, including and not limited to: civil or traffic engineers, hydrologists, soil scientists, and/or geologists.

APPENDIX C: SINGLE FAMILY OR DUPLEX DWELLING PLAN REQUIRED STANDARD ELEMENTS (CHECK SHEET) & AS-BUILT CHECK SHEET

The following steps and associated required information are all part of the Single-Family or Duplex Residence Application Process and are necessary to properly review the application:

STEP 1: COMPLETE ZONING APPLICATION & PAY FEE.

NOTE: FEES ARE NON-REFUNDABLE

STEP 2: If the property is subject to any Easements (i.e. Conservation Easements), **NOTIFY THE OWNERS OF ANY EASEMENTS LOCATED ON THE SUBJECT PROPERTY** and submit proof that written notice of this application was made, by certified mail, to the party holding such restriction not later than 60 days prior to filing this permit application or submit a letter from the holder of the restriction verifying that the application is in compliance with the terms of the restriction.

STEP 3: SUMBIT PROFESSIONALLY PREPARED PLOT/SITE PLAN drawn to scale. Plan must be prepared, signed and sealed (with live signatures and seals) by a licensed Surveyor and/or Engineer containing the following information:

- North Arrow and Scale
- All Improvements to proposed building lot showing:
- Boundary points, angles and or bearings & distances. If plan is prepared solely by an Engineer, reference must be made to a filed A-2 Survey plan (**prepared after 1996**)
- Required Zoning District setback lines **AND** Zone District line (if applicable)
- Proposed buildings, accessory structures, porches, decks, stoops, stairs, patios & pools, etc.
- Driveway location, **existing and proposed grades, AND type of driveway surface.** In some cases – proof of adequate Site-lines must be shown from proposed driveway location
- Location of any easements * see above pertaining to restrictions
- Location of Wetlands & water courses (if applicable) **OR** note stating that there are no wetlands on the property
- Location of ledge outcrops (if applicable)
- Flood Zone classification (if applicable)
- Location of ALL proposed utilities (water, septic, electric, gas, solar, telephone, cable TV, etc.)
- Location of footing and/or gutter drains and outlets
- Limits of lot clearing
- Location and detail of Erosion & Sediment controls to be used
- Existing and Proposed Contours at 2' intervals based on **actual field data**
- A Bench Mark set on the property and location of all existing monumentation **
- Location of adjacent structures, wells and septic, when applicable
- Zoning Compliance Chart showing required and proposed bulk requirements

** Missing monumentation (IP, DH, RB or Monument) that as part of any prior approval, has been certified in writing as having been set, must be reset and verified by ZEO prior to approval of As-built and issuance of a final C.O.

For lots abutting a State Road: If your driveway will front on a State highway, an encroachment permit is required. Contact CONNDOT District II at (860) 889- 3301 for instructions.

STEP 4: SUBMIT BUILDING PLANS drawn to scale showing dimensions of building and individual rooms. Label use of all rooms and provide profile views from all sides. Footprint of house and outbuildings proposed must match the footprint shown on the site Plan.

STEP 5: PROVIDE COPIES OF THE FOLLOWING ITEMS *:

- Current Property Card and Deed describing the property being developed (See Assessor and Town Clerk).
- Wetlands Permit (if applicable)
- ZBA variance (if applicable)
- Driveway Permit
- Proof of notification to holder of conservation or preservation restriction (if applicable)

NOTE: It is the applicants' responsibility to supply this information – Land Use Office can assist applicant with these items.

STEP 6: ZEO WILL REVIEW APPLICATION AND ALL PLANS, CONDUCT A SITE VISIT, AND ISSUE A ZONING COMPLIANCE PERMIT IF ALL IS IN COMPLIANCE WITH APPLICABLE REGULATIONS.

NOTE: While you are free to begin the Building Permit Application process at the same time you submit your initial Zoning Permit Application, please note that (1) the Zoning Permit Application must be approved by the ZEO and an approved Zoning Compliance Permit issued and (2) and application must be submitted, reviewed, and approved by Ledge Light Health District before the Building Official can issue a Building Permit to allow construction to begin.

STEP 7: CERTIFICATE OF ZONING COMPLIANCE (NOTE: This is different than the Zoning Compliance Permit. The Certificate of Zoning Compliance is issued AFTER all construction and site work have been completed and you demonstrate that the work complies with the approved Plans. A Zoning Compliance Permit and Building Permit are required before you BEGIN any construction.)

Five (5) days' notice required from permittee that premises are ready for occupancy before Certificate of Zoning Compliance can be issued.

All disturbed soils are to be stabilized with a permanent vegetative cover or seeded and mulched.

An As-Built plan, prepared by a licensed surveyor (At least a Class B), showing all site improvements in relation to the boundary lines including actual building location, decks, retaining walls, footing and gutter drain outlets, driveway (Location and final grade), septic system (per installer's as-built), utilities (water-lines, septic, electric, gas, solar, telephone & cable, etc.) and well location will be required **(SEE AS-BUILT CHECKSHEET)**

THE BUILDING DEPARTMENT WILL NOT ISSUE A FINAL CERTIFICATE OF OCCUPANCE WITHOUT A CERTIFICATE OF ZONING COMPLIANCE ISSUED BY THE ZEO

RESIDENTIAL SINGLE FAMILY/DUPLEX AS-BUILT REQUIREMENTS FOR CERTIFICATE OF ZONING COMPLIANCE

AS BUILT (2 COPIES), PREPARED SIGNED & SEALED BY A LICENSED SURVEYOR TO AT LEAST CLASS B STANDARDS, IS REQUIRED TO SHOW THE FOLLOWING IN RELATION TO THE PROPERTY LINES AND BUILDING SETBACK LINES. THE PLAN MUST BE DRAWN TO THE SAME SCALE AS THE SITE PLAN APPROVED FOR THE SINGLE FAMILY/DUPLEX ZONING PERMIT.

1. Building footprint, including all decks, steps, bulkhead doors, enclosed mechanicals, and overhangs.
2. The location of all accessory structures. (Sheds, garages, barns, gazebos, screen houses, patios, carports, pools etc.)
3. Location of benchmark and installed monumentation. Any monumentation (IP, DH, RB or Monument) shown on initial Site Plan or Subdivision Plan or that as part of any prior Site Plan or Subdivision approval, was certified in writing as having been set, must be reset and re-certified by the licensed Land Surveyor preparing the As-built Survey.
4. The **location**, **type of surface** and **percent grade** of the driveway.
5. The location of the well.
6. The location of the septic system.
7. The location of any footing and/or gutter drains and their point of origin. (Rodent proof cover required on footing drains)
8. The location of any drainage structures or pipes installed on the property.
9. The approximate location of the utilities servicing the new home.
10. The location and height of installed retaining walls.

Spot elevations confirming any proposed significant regrading may be required.

PRIOR to final As-built inspection and issuance of the Certificate of Zoning Compliance, all disturbed soils on the site are to be stabilized with a permanent vegetative cover or seeded and mulched. In some instances, the Zoning Compliance may be conditioned on the completion of seeding and mulching if the house is completed during the winter months. In these cases, a signed contract with an appropriate contractor will be required.

Site Erosion and Sediment Controls are to remain in place until the permanent cover is established.

A street identification number, visible at night, is to be placed at the end of the access driveway to the house.

Be advised. Final Approvals/Signoffs may be required from Ledge Light Health District and/or the Director of Public Works, (As applicable) before a Certificate of Zoning Compliance can be issued.

The Building Official may not issue the Final Certificate of Occupancy until you have received your Certificate of Zoning Compliance.

APPENDIX D: PLOT PLAN CHECK SHEET

Applicability: A Plot plan is required for applications for accessory uses and structures that do not require a Site Plan such as sheds, pools, barns, decks, additions, minor change of use etc. (See Section 3.5(3))

Your Plot Plan need not be prepared professionally, but it must contain a Map of your property, a Floor Plan of the building you will use for your Accessory Use or Structure and a Sign Sketch that shows the design of your sign, if applicable.

All DRAWINGS must:

• Show the total acreage of the property and all property boundaries with lengths indicated in feet. Applicant may submit any of the following provided all information necessary to show compliance is included on the drawing:

o a Class D survey;

o a detailed plan drawn to scale utilizing CAD;

o GIS maps prepared by town staff; or

o a neatly drawn to scale plan with applicable labels and legends

• Be on 8 ½" x 11" or larger white paper (larger is preferred);

• Be in ink or be a copy-machine reproduction

The MAP must contain the following information:

- Your name, the property owner's name, and the property address;
- The name of the frontage road;
- The location of all existing buildings/structures;
- The location of all existing driveways, parking areas, and turn-around areas;
- The location of your well and septic system (if applicable);
- Location of wetlands, watercourses and wetlands buffers;
- Any existing or proposed easements and deed restrictions affecting the property including Conservation and/or Open Space areas including any areas/easements required by the Inland Wetlands Commission;
- Any stonewalls monuments, and other structures having historical or archeological significance;
- **The location of the proposed building or the building in which your activity will occur;**
- **Provide accurate setback distances from proposed structures to existing property lines and any other applicable setback line;**
- The words "Prepared By" followed by the preparer's signature and date.

Property Information:

- **Please provide a copy of your current property card and deed. (See Assessor and Town Clerk)**

The FLOOR PLAN (if applicable) must contain the following information:

- Show all interior and exterior building walls to scale;
- Labeled uses for all rooms;
- **For Home Occupations**: Show the area (in square feet) of the residence and the area (in square feet) of the space in which the Home Occupation activity will occur; and show all indoor storage areas, partitions, and other features to be installed or constructed. Outside storage of materials associated with a Home Occupation is prohibited.

Note: For all applications for change of use, boundary line adjustments, additions to existing structures, new accessory uses, accessory structures >200sf, and all pools, a LEDGE LIGHT HEALTH DISTRICT application and approval is required. For all proposed structures >200sf, a BUILDING PERMIT is required.

APPENDIX E: DIAGRAMS

LEGAL NOTICE
LEDYARD PLANNING & ZONING COMMISSION
NOTICE OF PUBLIC HEARINGS

At 6:00 PM, Thursday, July 14, 2022, the Ledyard PZC will hold a Special Meeting and Public Hearing Meeting on **Application PZ#22-6RA** of the Ledyard Planning and Zoning Commission, to consider an amendment to replace the existing Zoning Regulations, Section 8.1 Accessory Dwelling Unit with proposed new regulation.

At 7:00 PM, or after the end of the Special Meeting, Thursday, July 14, 2022, the Ledyard PZC will hold its Regular Meeting and Public Hearing Meeting on **Application PZ#22-7RA** of the Ledyard Planning and Zoning Commission, to consider comprehensive revisions to all sections of the Zoning Regulations.

The Special and Regular Meetings and Public Hearings will be held remotely via ZOOM and in-person at the Council Annex Building, (**Access information available on Town website):

A copy of the applications and all supporting documents will be on file for inspection in the Town Clerk's Office and the Land Use Department at Town Hall, 741 Colonel Ledyard Hwy, Ledyard, CT 06339.

FOR PUBLICATION IN THE DAY ON Thurs., June 30 & Thurs., July 7, 2022

Katrina Aligata

From: legal <legal@theday.com>
Sent: Wednesday, June 29, 2022 10:47 AM
To: Katrina Aligata
Subject: RE: Notice of Public Hearings for Ledyard PZC

Good morning 😊

All set to run on 6-30 and 7-7

Have a great rest of the week and long weekend!

Total : $425.50

d01035458

LEGAL NOTICE
LEDYARD PLANNING & ZONING COMMISSION NOTICE
OF PUBLIC HEARINGS

At 6:00 PM, Thursday, July 14, 2022, the Ledyard PZC will hold a Special Meeting and Public Hearing Meeting on Application **PZ#22-6RA** of the Ledyard Planning and Zoning Commission, to consider an amendment to replace the existing Zoning Regulations, Section 8.1 Accessory Dwelling Unit with proposed new regulation.

At 7:00 PM, or after the end of the Special Meeting, Thursday, July 14, 2022, the Ledyard PZC will hold its Regular Meeting and Public Hearing Meeting on Application **PZ#22-7RA** of the Ledyard Planning and Zoning Commission, to consider comprehensive revisions to all sections of the Zoning Regulations.

The Special and Regular Meetings and Public Hearings will be held remotely via ZOOM and In- person at the Council Annex Building, (**Access Information available on Town website):

A copy of the applications and all supporting documents will be on file for inspection in the Town Clerk's Office and the Land Use Department at Town Hall, 741 Colonel Ledyard Hwy, Ledyard, CT 06339.

Matt Suraci

Classified & Legal Account Executive
860-701-4410
Direct: m.suraci@theday.com
Legals: legal@theday.com
The Day Publishing Company
47 Eugene O'Neill Drive, PO Box 1231
New London, CT 06320
www.theday.com

From: Katrina Aligata <land.use.asst@ledyardct.org>
Sent: Wednesday, June 29, 2022 10:15 AM
To: legal <legal@theday.com>
Subject: Notice of Public Hearings for Ledyard PZC

Good Morning,

Attached is the notice for public hearings for the Ledyard PZC. To be in the newspaper on 6/30/22 and 7/7/22. Thank you.

Katrina Aligata
Land Use Office Assistant

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)

June 14, 2022

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

Dear Mr. Capon:

I am writing in response to three applications to amend the zoning regulations of the Town of Ledyard. The applications were referred to this agency pursuant to Section 8-3b of the Connecticut General Statutes.

The proposed revisions include a comprehensive re-write of all sections of the current Zoning Regulations, revisions to Section 8.1 Accessory Apartments to comply with changes to the Connecticut General Statutes, and amendments to the Short Term Rental regulations.

Based a review of the material provided, I have determined that the proposed amendment will not 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
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: 6/9/2022

TO: SCCOG

FROM: Ledyard Zoning Commission

RE: Notice of Public Hearing for Zoning Regulation Change
Applications #22-6RA & 22-7RA & **22-9RA.**

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

Comprehensive re-write of all sections of the current Zoning Regulations, Revisions to Section **8.1** Accessory Apartments to comply with changes to the Connecticut General Statutes, and Proposed amendments to the Short Term Rental Regulations. The Public Hearings for the applications will be held on July 14th.

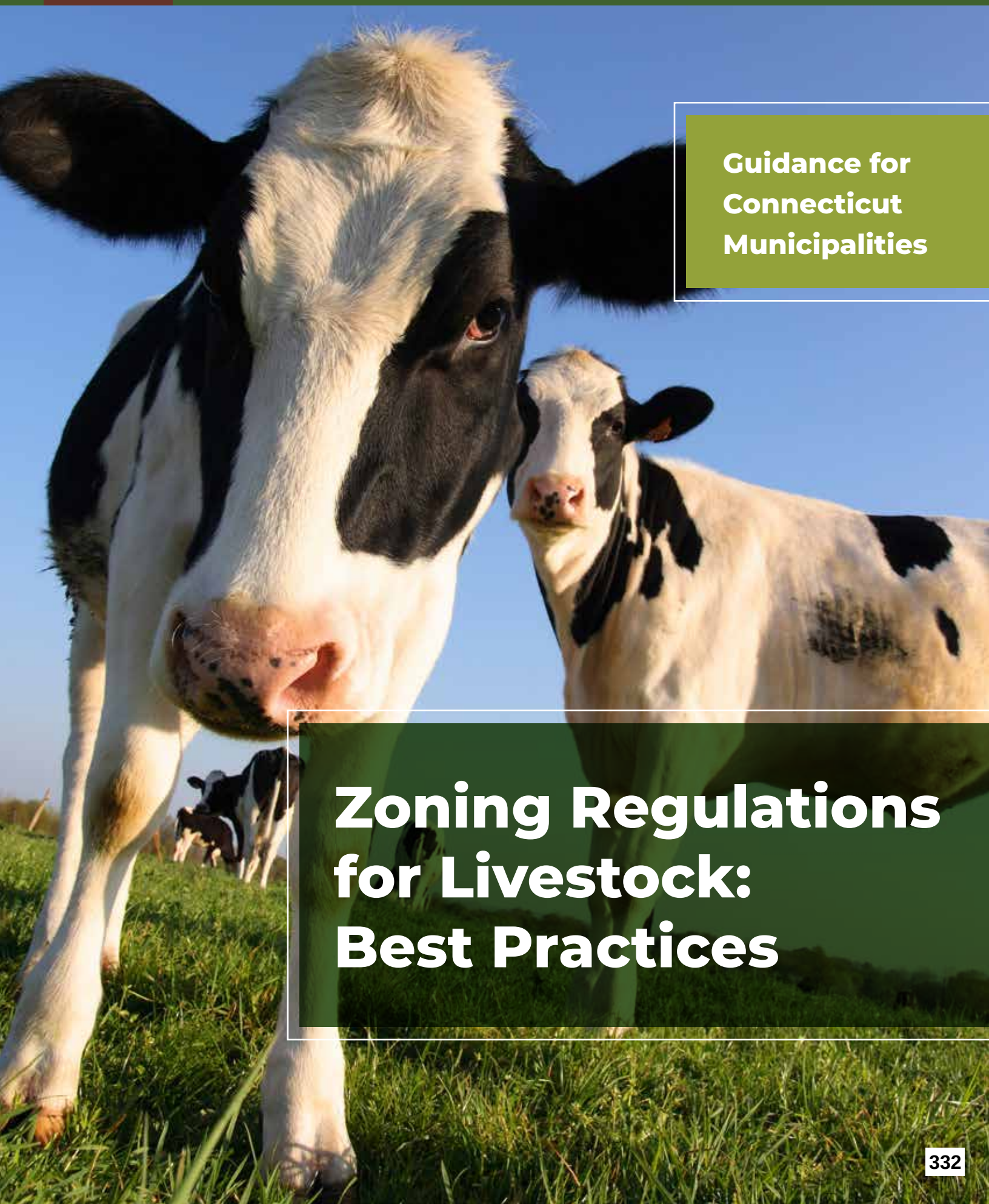
Please Refer to attached documents.

Sincerely,

Katrina Aligata
Land Use Office Assistant

2019
EDITION

A publication of Connecticut Resource Conservation & Development Area



Guidance for Connecticut Municipalities

Zoning Regulations for Livestock: Best Practices

Acknowledgements

This guide was produced by the Connecticut Resource Conservation and Development Area, Inc. (CTRC&D) in cooperation with the Connecticut Farm Bureau Association and the Connecticut Department of Agriculture. The CTRC&D would like to thank the following Advisory Committee members for their expertise, support and assistance:

- **Ann-Marie Aubrey**, Director of Planning and Development, Killingly
- **Eric Barz**, AICP, Windsor Town Planner
- **Bonnie Burr**, University of Connecticut Extension
- **Mark Creighton**, Connecticut Agricultural Experiment Station
- **Susan Brett Davis**, Cow/calf herd manager, Lebanon
- **Jeanne Davies**, AICP - Executive Director, CT Resource Conservation and Development
- **Jeremy DeCarli**, Planning and Zoning Official, East Hampton
- **Doug Dubitsky, Esq.**, Connecticut General Assembly
- **Chelsea Gazillo**, Working Lands Alliance: A Project of American Farmland Trust
- **John Guszkowski**, AICP, CME Associates, Inc.
- **Janice Ehlemeyer**, Lower Connecticut River Valley Council of Governments
- **Amanda Fargo Johnson**, CT Resource Conservation and Development
- **Wayne Kasacek**, Connecticut Department of Agriculture
- **Kip Kolesinskas**, Consulting Conservation Scientist
- **Joyce Meader**, University of Connecticut Extension
- **Dwight Merriam**, FAICP, Attorney at Law, Simsbury
- **Jenifer Nadeau**, University of Connecticut Extension
- **Joan Nichols**, Connecticut Farm Bureau Association
- **Joyce Purcell**, USDA Natural Resources Conservation Service
- **Richard Roberts**, Halloran & Sage, LLP
- **Dr. Bruce Sherman**, Connecticut Department of Agriculture
- **Joe Wettemann**, Connecticut Department of Energy and Environmental Protection
- **Members of the Lower Connecticut River Valley Regional Agricultural Council**

This publication is funded in part by matching funds from the Connecticut Department of Agriculture through the Community Investment Act PA 05-228.

Foreword

This guide was originally produced in June 2012 by Eastern Connecticut Resource Conservation and Development Area, Inc. in collaboration with American Farmland Trust, Connecticut Department of Agriculture, Connecticut Department of Energy and Environmental Protection, Connecticut Farm Bureau Association and University of Connecticut Cooperative Extension System with financial support from USDA Natural Resources Conservation Service.

Prior to 2012, Connecticut municipalities had little guidance on how to locally regulate and zone for livestock raised for either production agriculture or personal use. This updated publication is intended to provide guidance to municipalities drafting land-use regulations related to livestock.

Connecticut Resource Conservation and Development Area, Inc. is grateful for the expertise and guidance the Advisory Committee contributed to this publication and trusts this will be a valuable and widely used resource.



Contents

Section 1: Livestock Farming in Connecticut Municipalities 5

Section 2: Planning and Zoning for Agriculture 7
Municipal Restrictions on Livestock Farming 7
Farmer and Community Engagement in the Regulatory Process 8

Section 3: State Guidance on Livestock Farming 10
Definition of Agriculture, Farming and Farm 10
Definition of Livestock and Poultry 11
Right to Farm 12
Powers of the Commissioner of Agriculture and "generally accepted agricultural practices" 13
Advisory Opinion of the Commissioner of Agriculture 14

Section 4: Specific Guidance on Livestock Farming 16
Animal Density 16
Site Suitability 17
Setbacks & Buffers 19
Buffers for New Residences 19
Setbacks for Livestock Buildings 19
Setbacks for Swine 20
Setbacks for Fencing 20
Other Requirements for Livestock Buildings and Structures 21
Manure Management 22

Section 5: Livestock for Educational Projects and Small Plot Farming 24
Youth Organizations 24
Small Plot Farming (including Urban Backyards) 24
Sample Ordinances 25
Hens and Roosters 25
Backyard Poultry 26
Bees 27
Other Livestock 28

Section 6: Contact an Expert Directory 30

Appendix A: Connecticut General Statutes 31

Appendix B: Connecticut Public Health Code 37

Checklist for Land Use Administrators and Commission Members 39

Notes 41

Livestock Farming in Connecticut Municipalities

Throughout the history of agriculture in Connecticut, livestock has played a critical role in shaping the economic development and social life of Connecticut's municipalities. Livestock production sustained rural farm families, supplied raw products for manufacturing, and provided food exports for non-producing families in adjacent cities.

Today, consumer demand for "locally produced" meat, eggs, poultry, fiber, cheese and other animal products has stimulated a renewed interest in livestock production for both retail and at-home consumption. According to the 2017 USDA Census of Agriculture 2,244 farms are raising livestock in Connecticut.

Facts and Figures About Livestock Farms

- 40% of those 2,224 Connecticut farms raising livestock reported sales from livestock, poultry, dairy or related products of over $160 million.
- Milk and eggs are two of Connecticut's most valuable livestock products.
- The total economic impact of dairy products produced and sold exclusively in Connecticut is $6.89 billion.
- 440 Connecticut farms reported income from sheep, goats, wool, mohair and milk.
- Over 90,000 acres of Connecticut farmland are dedicated to producing forage and corn to feed livestock.
- Over 41,000 acres are reportedly used for pasture and grazing land.

***Source**: 2017 Census of Agriculture, U.S. Department of Agriculture (USDA), National Agricultural Statistics Service (NASS).*

Another large and very important sector of the state's livestock industry is horse farms. Connecticut's equine sector has over 43,000 horses that are used for a variety of recreational, competitive and therapeutic purposes. While 88% of horses are privately owned, the remaining 12% are owned by businesses offering, boarding, training and breeding services with a total annual income of $39 million.

***Source**: University of Connecticut, HorsePower, 2007*

The Connecticut equine industry supports other sectors of the agricultural economy such as hay farmers, feed stores, large animal veterinarians, farriers, truck and trailer sales, fencing and farm suppliers and the construction trades.

In this publication, the term "livestock" is used broadly and refers to animals raised for an agricultural purpose, such as food, fiber or labor. The term "livestock" includes poultry and horses.

Although aquaculture is an important sector of livestock production in Connecticut, this guide does not attempt to provide recommendations on land use regulations related to aquaculture production.





In 2015, the Connecticut agricultural industry contributed **$4 billion** to the state economy and employed **21,000** workers.



University of Connecticut, Economic Impacts of Connecticut's Agricultural Industry Update 2015, September 2017

The Importance of Connecticut Agriculture

Over the past decade, Connecticut consumer interest in local farms and foods has skyrocketed. Schools, institutions, Community Supported Agriculture farms, year-round farmers markets and farm stores provide a bounty of fresh Connecticut-grown produce. Between 2012 and 2017, the market value of farm produce from direct consumer sales increased by 35%. *2017 USDA Census of Agriculture*

Connecticut farmland provides a variety of ecosystem services and environmental benefits. A typical Connecticut farm's cropland, pastures, wetlands and woodlands act as a natural filter for surface and groundwater and provide not just aquifer recharge areas but habitat for many land and aquatic species, feeding and breeding areas for local bird populations, and stopovers for migrating birds.

Farms and farmland remain cornerstones of many Connecticut communities, linking the past to the future through a landscape of fields and pastures, stone walls and weathered barns shaped by generations of hard-working farm families. By maintaining the rural and historical New England landscape that visitors to Connecticut find so attractive, working farms serve an important role in the state's $ 14.7 billion travel and tourism industry and its 121,500 jobs. *Connecticut Office of Tourism, Department of Economic and Community Development April 2018*

Agriculture's Contribution to Municipal Budgets

Farms provide additional fiscal benefits in helping balance local town budgets. Over 20 years of studies around the country have shown that, even when assessed at its agricultural use value, farmland and other open space consistently generate more public revenue than they require in municipal services.

Research in eight Connecticut towns concluded that for every $1 in property tax revenue generated by farmland, forestland and open space, on average just 31 cents is required in municipal services. That net positive fiscal impact means that for every $1 of property tax revenue from farm, forest and open space uses, fully 69 cents, more than two-thirds, is available to support other municipal services such as schools, emergency services and public works.

Compare that positive fiscal impact with the negative fiscal impact from residential uses, for which a municipality must spend $1.11 to provide the services required for every $1 received in tax revenue.

American Farmland Trust, Farmland Information Center, Fact Sheet; Cost of Community Services, September 2016

Planning and Zoning for Agriculture

As with other businesses, a supportive municipal environment is important to the success of local farms. Each municipality's Plan of Conservation and Development (POCD) is the primary document through which a future vision of each town is expressed. Many municipalities refer to agriculture in their POCD and may cite the contributions of local farms to rural character, scenery and historical significance. However, regulations implementing the POCD may not always advance the plan's vision of a supportive environment for farming.

Regulations that address issues specific to agriculture and provide the flexibility needed to accommodate growth and change in farm businesses help existing farms and encourage new ones. Zoning regulations, such as limits on signage and retail sales, can impact farm businesses in many ways. Enabling on-farm retail sales of livestock products, including raw milk, eggs, wool, manure compost and young animals, helps to maximize farm profits and ensure the viability of farm businesses.

For a full discussion and recommendations for signage, on-farm retail, farm stands and farm stores, please review "Planning for Agriculture: A Guide for Connecticut Municipalities." View the guide online by visiting farmlandinfo.org and searching for "planning for agriculture guide."

Municipal Restrictions on Livestock Farming

The inclusion of non-agricultural development into traditionally agricultural areas, and the emergence of new agricultural businesses and homesteading in urban and suburban communities, have led many towns to introduce restrictions on livestock ownership.

Some towns have adopted local regulations that:

- limit the number of animals per acre,
- require minimum acreage to own an animal,
- establish buffer requirements,
- prohibit certain classes of livestock,
- impose special permit requirements on livestock farming,
- seek to regulate animal husbandry, or
- create blanket prohibitions on any agricultural activity in dense residential zones.

Such restrictions fail to take into consideration generally accepted farm management practices and sound science. Inconsistent regulations across town boundaries can create impediments for farmers who own or lease land for livestock farming in multiple towns. Finally, overly detailed regulations can result in confusion and a need for enforcement by municipal officials not trained to address livestock management issues.

Farmer and Community Engagement in the Regulatory Process

Livestock farming is a unique land use that does not easily fit into conventional zoning regulations. In simplistic terms, it is not a one-size-fits-all application. Factors such as the breed and number of animals, animal husbandry, topography and soils, farm management practices, proximity to open space versus residential development, the scale of the operation, forage and pasture management, diversity of livestock housing, and manure and nutrient management practices need to be considered when drafting zoning regulations for the raising of livestock.



Most municipal land-use officials and zoning commissions do not have expertise in livestock management to adequately write zoning regulations that will address all of these factors. Farmers want to be good neighbors by utilizing best-management practices to minimize impact to their surrounding community and the environment.

The following are recommended steps municipalities should take before drafting zoning regulations for livestock:

1. Schedule an open forum in which local farmers, small-plot livestock owners, FFA and 4H members and advisers, and the non-farming community can come together to share ideas and provide input to local land-use officials and the zoning commission on draft regulations for the keeping of livestock.

2. Consult with the local agricultural commission or regional agricultural council.

3. Consult with experts from UConn Extension, the Connecticut Department of Agriculture, the USDA Natural Resources Conservation Service and Connecticut Farm Bureau Association. (See Contact an Expert Directory).

4. Schedule follow-up forums during which comments can be received on draft regulations before a public hearing is held.

This process ensures that the adopted regulations are based on the needs of the farming and non-farming communities.

Farmers want to be good neighbors by utilizing best-management practices to minimize impact to their surrounding community and the environment.

Regional Agricultural Councils: Lower Connecticut River Valley Regional Agricultural Council

CASE STUDY

In 2011, CGS § 7-131v was enacted allowing for two or more municipalities to form a regional agricultural council. In 2013, the Lower Connecticut River Valley Council of Governments, composed of elected officials from 17 towns in the lower Connecticut River Valley, unanimously voted to move forward with forming the first regional agricultural council in Connecticut. The Lower Connecticut River Valley Regional Agricultural Council represents the interests of agriculture in that region. The Council provides input on municipal zoning regulations and Plans of Conservation and Development, and helps promote agricultural businesses in the region with an interactive website. Residents who are supportive of agriculture or are engaged in farming and are interested in joining the Council are approved by the Chief Executive Officer (CEO). For additional information on the Lower Connecticut River Valley Regional Agricultural Council visit: www.knowyourfarmers.org

Agricultural Commissions

Many Connecticut municipalities have created a formal town commission or committee to provide farmer input into town policies that impact local agriculture, and to help develop initiatives that will keep farming in the community viable. "Agricultural commissions" are typically advisory commissions created by ordinance, with no regulatory or enforcement authority. As an alternative to a formal agricultural commission, a municipality may consider appointing an informal advisory board or group of representatives to serve as the voice of agriculture in municipal affairs.

Agricultural commission functions may vary by town, but most are established to help identify issues of concern to farmers, to raise public awareness of the benefits of local farms and working lands, and to identify ways in which towns can support the businesses and land-use needs of local farms. An agricultural commission can help ensure that the needs of agriculture are considered and integrated into town policies and regulations. For example, an agricultural commission can provide input on a Plan of Conservation and Development (POCD) or on zoning regulations, or to identify farmland that the town may wish to protect. A commission can help facilitate the resolution of farmer-neighbor conflicts, sponsor farmers markets or town celebrations of agriculture, and serve as a clearinghouse for information on state and federal agricultural programs.

Many commissions are taking an active role in establishing community farms and gardens, bringing agricultural education activities into the community, and developing marketing and tourism materials to promote local agricultural businesses and destinations as part of building local economic development.

The AGvocate Program

The AGvocate Program is administered by the Connecticut Resource Conservation and Development Area, Inc. (CT RC&D) in partnership with a steering committee composed of members from The Last Green Valley, USDA Farm Service Agency (FSA), USDA Natural Resources Conservation Service (NRCS), USDA Rural Development (RD), UConn Extension, participating communities, agricultural businesses and other federal, state and nonprofit agencies and organizations. AGvocate is a grassroots program providing a forum for municipal officials, agricultural producers and other stakeholders to strengthen the farm-friendliness of Connecticut towns. The AGvocate program assisted 14 eastern Connecticut towns in adopting their own agricultural commissions and committees. Today the AGvocate program continues to provide guidance and support to agricultural commissions, farmers and municipalities. To learn more about the AGvocate program visit: https://agvocatect.org.



The AGvocate program provides guidance and support to agricultural commissions, farmers and municipalities. To learn more, visit agvocatect.org.

State Guidance on Livestock Farming



CGS § 1-1(q) does not distinguish between commercial and non-commercial farms. Municipal wetland and watercourse regulations use CGS § 1-1(q)'s definitions as well.

Connecticut has long recognized the importance of agriculture and its unique nature as a land use. State laws and regulations governing agriculture place the authority to regulate farm activities with various state agencies, including the Connecticut Department of Agriculture, Connecticut Department of Energy and Environmental Protection and the Connecticut Department of Public Health. State policies are intended to strike a balance between protecting natural resources and ensuring public health, while allowing agriculture to grow as an industry.

State laws that pertain to agriculture include Public Act 490 (Connecticut's current use assessment law for farmland, forest land and open space), tax exemption laws, sales and use tax, the Community Investment Act, Definition of Agriculture and Farming, the Inland Wetlands and Watercourses Act, the Right to Farm Law, Connecticut Public Health Code, Control of Rabies, Scrapie Eradication, Water Pollution Control regulations, Connecticut Fertilizer Law, as well as animal and anti-cruelty statutes.

State law related to livestock production provides guidance for town officials seeking to develop municipal land use regulations. Whenever possible, municipalities should consider using state agriculture definitions in their municipal regulations to avoid creating inconsistent regulations that may adversely affect farm businesses and conflict with state statute.

This section will focus on the following state statutes:

- Definition of Agriculture, Farming and Farm
- Definitions of Livestock and Poultry
- Right to Farm
- Powers of Commissioner of Agriculture and "generally accepted agricultural practices"

Definition of Agriculture, Farming and Farm

The Connecticut General Statute (CGS) § 1-1(q) provides a definition of "agriculture" and "farming" that includes the "raising, shearing, feeding, caring for, training and management of livestock, including horses, bees, poultry, fur-bearing animals and wildlife" as well as numerous other activities, both intrinsic and incidental to ordinary farming operations. In the same subsection, the term "farm" includes farm buildings, and accessory buildings thereto, nurseries, orchards, ranges, greenhouses, hoop houses and other temporary structures or other structures used primarily for the raising and, as an incident to ordinary farming operations, the sale of agricultural or horticultural commodities.

A common issue in municipal regulations is the lack of definitions or inconsistent definitions for certain agriculture-related terms. Some municipalities have created regulations that apply to narrowly defined subsets of agriculture, such as "livestock." These definitions narrow the scope of land uses considered "farming" and "agriculture" or limit the type of farming allowed.

Municipalities may attempt to distinguish between non-commercial and commercial definitions of agriculture and between for-profit and not-for-profit operations. These distinctions are not helpful and are difficult to enforce. Farmers may not rely on the sales of their livestock as their sole source of income, however they may still have a need to sell livestock or agricultural products derived from their livestock. The land use impacts of a livestock farm are the same whether they are for-profit or nonprofit, and such distinctions serve little or no purpose.

Recommendation

Municipalities should make use of the statutory definitions of "agriculture," "farming" and "farm." In addition, CGS §8-2 requires municipal zoning commissions to use the state's definition of agriculture when considering the impact of zoning regulations upon agriculture. Zoning regulations should not attempt to distinguish between "commercial" and "non-commercial" farms and between for-profit and not-for-profit farms.

Recommended language

Definition of Agriculture and Farming: The terms "agriculture", "farming" and "farm" shall have all those meanings set forth in Section 1-1(q) of the Connecticut General Statutes, as amended.

Local regulations may create exceptions to the state definitions. For example, the state statutory definition provides that "agriculture" and "farming" include "processing." Processing is commonly interpreted to include slaughtering. Towns wishing to restrict livestock slaughtering in certain areas may do so, while still using the state definitions.



Definitions of Livestock and Poultry

The definition of "livestock" as "any camelid or hooved animal raised for domestic or commercial use" in CGS § 22-278, even though limited to that chapter on diseases, is useful. CGS § 22-326s (5) defines the term "poultry" as "any species of domestic fowl, including, but not limited to, chickens, turkeys, ostriches, emus, rheas, cassowaries, waterfowl and game birds raised for food production, breeding, exhibition or sale." Both statutory definitions are broadly inclusive to promote the continued viability of livestock operations in the state.

Recommendation

Municipalities should make use of the statutory definitions of "livestock" and "poultry" to limit potential disparities in the interpretation and enforcement of regulations and provide consistency across municipal boundaries.

Recommended language

Definition of Livestock: The term "livestock" shall be defined as it is in CGS §22-278, as amended.

Definition of Poultry: The term "poultry" shall be defined as it is in CGS §22-326(s)(5), as amended.

Right to Farm Law

The Connecticut Right to Farm Law, CGS § 19a-341, was signed into law by Gov. William A. O'Neill in May 1981. As more people and businesses moved to the rural areas of Connecticut, agricultural operations often were the subject of complaints. Right to Farm legislation was necessary to limit the circumstances under which agricultural operations could be subject to lawsuits.

Municipalities should refer to the Right to Farm Law when responding to issues related to nuisance complaints covered under the law.

Key Points of the Right to Farm Law



Connecticut General Statutes also use the term "generally accepted agricultural practices" in reference to cruelty to animals (CGS § 53-247).

- The Right to Farm Law limits the circumstances under which agricultural or farming operations may be deemed to constitute a nuisance.
- The nuisances are:
  - **Odor:** From livestock, manure, fertilizer or feed.
  - **Noise:** From livestock or farm equipment used in normal, generally accepted farming practices.
  - **Dust:** Created during plowing or cultivation operations.
  - **Chemical Use:** Provided that the chemicals and their method of application conform to practices approved by the Commissioner of the Department of Energy and Environmental Protection or where applicable, the Commissioner of the Department of Public Health.
  - **Water Pollution:** From livestock or crop production activities, except the pollution of public or private drinking water supplies, provided such activities conform to acceptable management practices for pollution control approved by the Commissioner of the Department of Energy and Environmental Protection.
- This law does not protect a farmer when a nuisance is due to negligence or willful or reckless misconduct.
- The Commissioner of the Connecticut Department of Agriculture or their designee shall determine whether the operation is following generally accepted agricultural practices.
- There are three conditions that qualify a farm for coverage under the Right to Farm Law. These include operations that: 1) have been in operation for one year or more, 2) have not been substantially changed, and 3) are following generally accepted agricultural practices.
- The law preempts local zoning relative to nuisances covered under the Right to Farm Law.

The state's Inland Wetlands and Watercourses Act permits most farming activities—including grazing—in wetlands and watercourses "as of right" (CGS § 22a-40).

Recommendation

A municipality may consider adopting a local right to farm ordinance. Several Connecticut communities have enacted local right to farm ordinances. A local right to farm ordinance provides a policy statement that a municipality supports and encourages local agriculture. These ordinances do not create any additional protections for farmers above and beyond what the state statutes provide.

A Municipal Right to Farm Ordinance

- helps inform new and prospective residents that they are moving into a farming community;
- can provide guidance to municipal enforcement officials on how to respond to issues related to the nuisances covered in the state Right to Farm Law, CGS § 19a-341;
- should mirror the state statute with a provision that the ordinance does not negate or diminish the authority of the various local regulatory agencies and commissions;
- is adopted through a vote of the municipal legislative authority;
- should not usurp the authority of the Commissioner of Agriculture.

Recommended Language:
See the Town of Lebanon ordinance (page 15)

The Town of Lebanon Right to Farm Ordinance demonstrates the use of the state's definition of agriculture, reinforces the state Right to Farm Law, and recognizes the Commissioner of Agriculture's authority to determine generally accepted agricultural practices.

Powers of Commissioner of Agriculture and "Generally Accepted Agricultural Practices"

Standards and management practices for agriculture frequently change as new practices are developed and advances in science and technology are made. Under the Right to Farm Law, CGS § 19a-341, the Commissioner of Agriculture has specifically been granted authority to determine "generally accepted agricultural practices."

While not defined in the Connecticut General Statutes, generally accepted agricultural practices are those methods of managing a farm operation that do not violate federal, state or local laws; damage public health, safety and general welfare; and are customary in the agricultural industry. Generally accepted agricultural practices are management practices recognized by various governmental agencies and departments, such as the Connecticut Department of Agriculture, the Connecticut Department of Energy and Environmental Protection, University of Connecticut Cooperative Extension System, The Connecticut Agricultural Experiment Station, and the USDA Natural Resources Conservation Service.

Several state laws regulate agricultural management practices. For example, all farm operations, including livestock farms, are subject to the state's water pollution control statutes (CGS § 22a-430, 22a-471, 22a-471(a), as well as the Connecticut Public Health Code, which specifically prohibits creating a breeding place for flies.

Connecticut Public Health Code, Chapter 11 Environmental Health. 19-13-B1: Conditions specifically declared to constitute public nuisances. The following conditions are specifically declared to constitute public nuisances: (c) Barns or stables, hogpens, chicken yards or manure piles or accumulation of organic material so maintained as to be a breeding place for flies.

Advisory Opinion of the Commissioner of Agriculture

The Commissioner of Agriculture is enabled pursuant to CGS §22-4c(4) to render an advisory opinion, upon request of any municipality, state agency, tax assessor or any landowner as to what constitutes agriculture or farming pursuant to CGS 1-1(q), (the state definition of agriculture and farming), or regarding classification of land as farmland or open space land pursuant to sections 12-107b to 12-107f (PA 490 statutes).

Recommendation

Zoning regulations should avoid detailed sections about livestock management and, instead, simply reference "generally accepted agricultural practices." The Connecticut Commissioner of Agriculture is authorized to opine on whether a factual situation is consistent with "generally accepted agricultural practices." Dust, noise, odor or any other issues that are specified in the state Right to Farm Law should be referred to the Connecticut Department of Agriculture. Questions related to whether certain activity is considered agriculture or farming should be referred to the Connecticut Department of Agriculture. Relying on expertise at the Connecticut Department of Agriculture is preferable to creating regulations for municipal officials who may not have the depth of experience or training to fully assess livestock management issues.

Zoning regulations should avoid detailed sections about livestock management and, instead, simply reference "generally accepted agricultural practices."

Recommended language

Farming and agriculture, as defined under Connecticut General Statute § 1-1(q), allowed by right. All livestock operations shall follow generally accepted agricultural practices. Inspection and approval of the agricultural or farming operation, place, establishment or facility by the Commissioner of Agriculture or their designee shall be prima facie evidence that such operation follows generally accepted agricultural practices.



Town of Lebanon
Right-To-Farm Ordinance

Be it ORDAINED that the electors of the Town of Lebanon at a duly warned Special Town Meeting to be held on August 25, 2009:

Section I: Purpose and Intent

Agriculture plays a significant role in Lebanon's heritage and future. The Town officially recognizes the importance of farming to its rural quality of life, heritage, public health, scenic vistas, tax base, wetlands and wildlife, and local economy. This Right to Farm ordinance encourages the pursuit of agriculture, promotes agriculture-based economic opportunities, and protects farmland within Lebanon by allowing agricultural uses and related activities to function with minimal conflict with abutters and Town agencies.

It is the declared policy of the Town of Lebanon to conserve, protect and encourage the maintenance and improvement of agricultural land for the production of food and other agricultural products and for its natural and ecological value. It is hereby further determined that whatever impact may be caused to others through generally accepted agricultural practices, such impact is offset and ameliorated by the benefits of farming to the neighborhood, community and society in general.

Section II: Definitions

The terms "agriculture" and "farming" shall have all those meanings set forth in Section 1-1(q) of the Connecticut General Statutes, as amended.

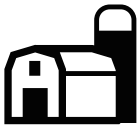
Section III: Right to Farm

No present or future agricultural operation conducted or maintained in a manner consistent with accepted agricultural practices, which is engaged in the act of farming as defined in this ordinance shall become or be considered a nuisance solely because such activity resulted or results in any changed condition of the use of adjacent land. Agricultural operations may occur any day or night provided such activities do not violate applicable health, safety, fire, zoning, wetlands, life safety, environmental or building codes and regulations and shall include, without limitation:

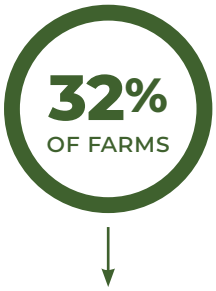
1. The incidental noise from livestock or farm equipment used in generally acceptable farming practices;
2. Odors from livestock, manure, fertilizer or feed;
3. Dust and fumes associated with normally accepted farming practices;
4. The use of agricultural chemicals provided such chemicals and the method of their application conform to practices approved by the State of Connecticut; and
5. Irrigation and water management associated with generally accepted farming practices.

Inspection and approval of the agricultural or farming operation, place, establishment or facility by the Commission of Agriculture or his/her designee shall be prima facie evidence that such operations follow generally accepted agricultural practices. Nothing contained in this ordinance shall restrict the powers of Lebanon's Inland Wetlands Commission, Planning and Zoning Commission, Building or Health Departments under Connecticut General Statutes.

Specific Guidance on Livestock Farming



Farm parcels in Connecticut tend to be relatively small.



are between

1 - 9 acres



are between

10 - 49 acres

***Source**: 2017 Census of Agriculture U.S. Department of Agriculture, National Agricultural Statistics Service.*

Connecticut farmers typically manage multiple farmland parcels and are accustomed to utilizing careful land-use management practices to maintain soil and plant health, and nutrient management practices to maximize efficiency. Thus, animal housing, growing of feedstock, and management of manure may take place on multiple parcels. Livestock farming should not pose environmental risk or threat to public health if managed responsibly.

A municipality choosing to regulate livestock farms should employ guidelines for livestock farming that focus on site suitability, reasonable setbacks and generally accepted agricultural practices for manure management. Regulation should not focus on acreage needs or animal units.

Animal Density

Animal density formulas were originally based on the pasture yield needed to support the animals' nutrient needs. They were not intended to be used in municipal zoning regulations. Animal density formulas do not consider modern feeding and husbandry methods – including rotational grazing, measured feed rations (grown off site), manure management techniques, and dedicated exercise programs. To address animal density issues, one needs to consider the management practices in place that reduce nuisances and provide for a healthy environment for the animals regardless of density.

Animal density formulas that find their way into municipal zoning regulations can create enforcement issues, raising the expectation that zoning enforcement officers will spend their days literally counting sheep.

Neither the state's definition of agriculture (CGS § 1-1(q)) nor Public Act 490, the state's land use value assessment law (CGS § 12-107b (1)), set minimum acreage requirements for farming, including the raising of livestock. Unfortunately, municipalities have often relied solely on animal density formulas (setting minimum acreage requirements or establishing an allowable number of animals per acre), regardless of the suitability of the site for livestock. (see Site Suitability below).

Current Use Assessment Law

Public Act 490 is Connecticut's current use assessment law for farmland, forestland, open space and maritime heritage land. A parcel may meet the statutory requirements for classification as farmland under PA 490 because the use of the land is agricultural, even though the parcel may not be used as a farm due to minimum acreage requirements under municipal zoning regulations.

Pasturing Requirements

The extensive pasture acreage once considered necessary under traditional grazing methods may not be an appropriate assumption for today's smaller farm operations. Pasture is not always necessary. If zero pasturing is practiced, the livestock owner will have to provide adequate purchased feed, have an exercise yard and develop a sound plan for stormwater and manure management. Larger poultry and livestock operations are sometimes handled in confinement type operations and managed intensely using science-based systems that provide a productive, safe, healthy environment for farm animals.

Recommendation

Zoning regulations for the raising of livestock should focus on setbacks, buffers and site suitability to minimize impact to the environment and adjacent properties. In moderate- to high-density residential areas, it may be prudent to restrict agricultural and farm use to some extent. In those areas, a permit for livestock should be considered to enable site-specific review and potentially allow livestock where it can be demonstrated to be appropriate, sometimes with conditions.

Recommended language

Consultation with an agency, organization or consultant recognized by the Connecticut Department of Agriculture as having expertise in the area of generally accepted agricultural practices may be required or requested as a condition of approval by the livestock owner. In public water supply watersheds or designated aquifer recharge areas, a Conservation Plan developed in consultation with said expert may be required.

Site Suitability

Land parcel characteristics that contribute to site suitability include the degree of slope, location, soil characteristics and surface water runoff. Farming—including the grazing of animals—is allowed "as of right" under Connecticut's Inland Wetlands and Watercourses Act (CGS § 22a-40).

Slope: Sites with steep slopes should be avoided or improved to avoid heavy surface water runoff, soil erosion, downgradient sedimentation or conditions that are hazardous for keeping of animals. Areas with a steep slope may be used for certain agricultural production activities, such as grazing, if they are properly maintained so that soils are not exposed and utilize buffers to filter and trap nutrients before they enter surface waters.

Location: Animals should be kept in a location that does not negatively impact an on-site sewage disposal system, water supply well, surface water or wetlands.

Surface Water Runoff: Surface water runoff systems should be designed to avoid contamination of water supplies and should comply with Connecticut Department of Energy and Environmental Protection water quality standards.



Larger poultry and livestock operations are sometimes handled in confinement type operations and managed intensely using science-based systems that provide a productive, safe, healthy environment for farm animals.

Recommendation

Zoning regulations should focus on site suitability to protect soil and water quality, on-site sewage disposal areas, wells, surface water and impact to abutting properties.

Recommended language

Paddocks, Pastures and Pens: A contiguous owned or leased area, used for confining of livestock which excludes areas occupied by dwelling units, non-agricultural buildings, onsite sewage disposal systems, and meets general criteria as described below in Site Suitability and Impact. Animal shelters are permitted within the confined area.

Site Suitability and Impact: In order to minimize potential adverse impacts, all farms shall use the following criteria for compliance:

- Sites with slopes dominantly greater than 15% shall be avoided or improved utilizing generally accepted agricultural practices to avoid excessive surface water runoff, soil erosion or hazardous conditions for keeping animals.
- Animal confinement areas shall not be permitted directly over land containing an on-site subsurface sewage disposal system.
- Proper drainage shall be provided to avoid ponding of water. Clean water shall be diverted from animal confinement areas. Contaminated stormwater runoff shall be collected or treated to minimize impact on surface or subsurface water supplies, and runoff shall not be directed to neighboring properties.
- All livestock shall be kept in such a manner that shall not cause unreasonable noise, odor, vermin or insects.
- Livestock shall always be suitably and adequately confined or controlled.
- Requirements of public health code shall be followed.

Zoning regulations should focus on site suitability to protect soil and water quality, on-site sewage disposal areas, wells, surface water and impact to abutting properties.



Setbacks and Buffers

Setbacks and other buffers create a physical separation between land uses that can help prevent land-use conflicts and potential nuisance lawsuits. However, some communities require excessively large setbacks that effectively eliminate opportunity for even small-scale livestock production. Large setbacks are not needed when farmers are following generally accepted agricultural practices.

Buffers for New Residences

Recommendation

To minimize conflicts between existing farms and new residences, towns can require that new building lots abutting farmland install landscaped buffers or maintain undisturbed natural vegetation along property lines to create a sight barrier and help reduce the impact of odors, noise and dust from farms.

In approved subdivisions, an agricultural buffer could be part of the open space requirement and maintained by the non-farming lot owners. The burden of maintaining a vegetative buffer should not be placed on existing farm operations but rather on adjacent new residential development to avoid the potential for future conflict.

Recommended language

Agricultural Buffer for New Residences: A 100-foot agricultural buffer is required where a new residence is proposed adjacent to agricultural land. The agricultural buffer shall be considered part of the open space. The planting of trees and shrubbery may be required as part of an agricultural buffer. A buffer of lesser width may be approved if it can be demonstrated to adequately protect both the residential lot and the agricultural use.

Setbacks for Livestock Buildings

Recommendation

Zoning regulations could include reasonable setbacks for buildings that are used to house and shelter animals. What is reasonable may vary from town to town. If a town chooses to enact setbacks for livestock buildings, some livestock owners may be forced to seek a variance for small or oddly shaped parcels. It is important that setbacks are not treated as zero-activity buffers. A building setback should not hinder the movement of animals up to the property line. Towns may choose to be less restrictive by applying the setback to only the portion of a building used to house or shelter livestock. There is specific guidance from the state on setbacks for a pigsty (enclosure for raising pigs). See Setbacks for Swine. For the raising of small food-producing animals, including hens, rabbits, bees, ducks, sheep and goats, see Section 5.

Recommended language

The portion of a building used for the housing and shelter of livestock shall be at least 100 feet from any property line. A setback of lesser width may be approved if it can be demonstrated to adequately protect both the residential and the agricultural and livestock use.



To minimize conflicts between existing farms and new residences, towns can require that new building lots abutting farmland install landscaped buffers or maintain undisturbed natural vegetation along property lines.



Municipalities should allow the raising of swine when a farm complies with state public health code and utilizes generally accepted agricultural practices.

Setbacks for Swine

Some zoning regulations prohibit the keeping of swine or piggeries within their municipality. There is a renewed interest in fresh, locally raised pork. Municipalities should allow the raising of swine when a farm complies with state public health code and utilizes generally accepted agricultural practices.

The Connecticut Public Health Code (Section 19-13-B23(a)) requires setbacks for pigs. However, such setbacks are measured from adjacent dwellings, not from property lines. The Code states that a pigsty (enclosure for raising pigs) must be 300 feet from any adjacent dwelling.

A gestation and farrowing barn on a property which has been in continuous use as a farm for at least 50 years may continue if it is 200 feet from any inhabited dwelling on the property, except the proprietor of the barn (CGS § 19a-341a).

Recommendation

Allow the raising of swine and piggeries provided the farm complies with the Connecticut Public Health Code, utilizes generally accepted agricultural practices and meets the requirements for setbacks and site suitability.

Setbacks for Fencing

Farms should be able to utilize all their suitable acreage for pasture. Municipal regulations should not require setbacks for fencing from property lines. Setbacks for fencing take land out of agricultural production, create a maintenance problem for the farmer, and can create confusion over where the property line is legally located. State statutes allow, and in certain limited circumstances may require property owners to fence up to the property line (CGS § 47-43).

Recommendation

Since the fencing requirements of livestock vary greatly depending on the type, size and age of the animals, municipalities should not attempt to regulate fencing construction, height or location.

Recommended language

Fencing for livestock shall be installed so that no part of the animal can reach over the property boundary line and of a nature to ensure the livestock safely stay within the fenced area.

Other Requirements for Livestock Buildings and Structures

The shelter and enclosure requirements for livestock vary greatly depending on the animal species and the farming operation. Shelters may be permanent or temporary, or may be trees and other natural windbreaks. The size may vary based on the access to outside lots and overall management of the farm. Regulations should allow the landowner to erect or install any number of structures that are appropriate as long as setbacks and other dimensional requirements are met.



Fencing for livestock shall be installed so that no part of the animal can reach over the property boundary line and of a nature to ensure the livestock safely stay within the fenced area.

Recommendation

The shelter and enclosure requirements of livestock are an issue of animal husbandry and should not be addressed in municipal zoning regulations. A "plot plan" may be required as part of a building permit for any permanent structure that will be used to house livestock. Permanent structures would not include movable shelters for poultry, for example, that are designed to be periodically relocated on the lot. In most cases, a licensed surveyor should not be required for this process unless the structure is very large or the setback line is in question.

Recommended language

An owner or lessee may request that the Zoning Enforcement Officer review compliance with zoning requirements by providing:

- A sketch/diagram which can be created using the town GIS system, and best available boundary and site data;
- The boundaries of the property on which the animals are to be kept;
- Location of all existing structures including dwellings on abutting properties, on-site wells and sewage disposal systems (refer to the Health Department);
- Location of proposed animal shelter and paddocks, pasture(s) and pens, including fences;
- Number and type of animals to be kept;
- Location of watercourses, water bodies and wetlands;
- Areas of slope in excess of 15%; and
- A narrative describing the total acreage of the site where animals are to be kept, the general nature and scope of the proposed use, and the provisions for storage of feed, grain, hay, animal excrement and any associated wastewaters.

Manure Management

Poor management of livestock manure and wastewater can create issues and complaints from neighbors about odors, flies and contamination of well and surface water. Farmers who follow generally accepted agricultural practices can prevent potential issues and nuisance complaints. These practices include the proper collection, storage, land application and removal of livestock manure, management of flies and control of runoff.

Various state agencies regulate management of manure and wastewater from livestock production. They have the expertise and authority to properly enforce manure and wastewater management practices and water management practices to protect human health and natural resources. Livestock owners must comply with the Right to Farm Law (CGS § 19a - 341); Connecticut Department of Energy and Environmental Protection water pollution control statutes (CGS § 22a - 430), and the Connecticut Public Health Code.



Farmers who follow generally accepted agricultural practices can prevent potential issues and nuisance complaints. These practices include the proper collection, storage, land application and removal of livestock manure, management of flies and control of runoff.

For planning purposes, livestock owners are encouraged to consult the guidance presented in the USDA Natural Resources Conservation Service Electronic Field Office Technical Guides for Connecticut (eFOTG) www.nrcs.usda.gov. Technical and financial resources are available to help develop farm conservation plans and design and install conservation practices through the USDA Natural Resources and Conservation Service. Connecticut's five Conservation Districts may also assist in developing farm conservation plans.

Recommendation

Municipalities should avoid prescribing manure management practices through zoning regulations. Municipal officials should instead focus on ensuring livestock operators are aware of resources to aid in manure management (see Text Box). Since best management practices are constantly evolving, zoning regulations should not mandate strict adherence to any specific management technique. In some cases, site plans may be required for engineered waste management systems.

Problems associated with manure management should first be referred to the Connecticut Department of Agriculture. The Connecticut Department of Agriculture may need to rule on whether the farm is following generally accepted agricultural practices. University of Connecticut Cooperative Extension System and USDA Natural Resources Conservation Service specialists may assist with best management practices to address manure management issues.

Concerns about water quality are within the purview of the Connecticut Department of Energy and Environmental Protection.

Problems with flies are within the purview of the local public health district.

Assistance to Livestock Operators on Manure Management

Connecticut Department of Agriculture

- Opinion on "generally accepted agricultural practices" on a case-by-case basis
- Technical assistance and guidance for composting

Connecticut Department of Energy and Environmental Protection

- Planning guidance through the "Manual of Best Management Practices for Agriculture: www.ct.gov/deep/lib/deep/aquifer_protection/BMPs_agriculture.pdf
- Review and approval of Comprehensive Nutrient Management Plans (CNMP) developed by a conservation planner for compliance with state and federal water pollution control regulations
- Review and approval of manure management plans developed for producers who are required to have such a plan on a case-by-case basis

University of Connecticut Extension

- Technical assistance on best management practices for nutrient management, odor and fly control, and water quality

USDA Natural Resources Conservation Service

- Financial assistance to help develop conservation plans and design, inspect, and install the necessary conservation practices and management plans
- Technical assistance to develop farm conservation plans and design conservation practices
- Development of Comprehensive Nutrient Management Plans (CNMPs), in partnership with CT DEEP, CT Department of Agriculture, and University of Connecticut Cooperative Extension
- Development and maintenance of standards for the design and installation of conservation practices to reduce impacts from animal agriculture. Available through the Electronic Field Office Technical Guide (EFOTG) at www.ct.nrcs.gov/technical
- Planning guidance through "2011 Good Horse Keeping Best Practices Manual for Protecting the Environment." Available through the Connecticut Natural Resource Conservation Service Office

Connecticut Conservation Districts

- Technical assistance to assess the farm and assist in the development of a conservation plan and Comprehensive Nutrient Management Plan



RESOURCES FOR FARM OPERATIONS

Livestock for Educational Projects and Small Plot Farming

Youth organizations (such as FFA, 4-H) and other agricultural education projects

FFA students often choose to raise livestock as part of their required high school curriculum to satisfy their supervised agricultural experiences. Younger children are introduced to the raising and care of animals through local 4-H clubs. These invaluable projects teach youth about responsibility and decision-making and provide training for careers in animal science, veterinary science and livestock production. Overly restrictive zoning regulations may unintentionally limit or eliminate these educational and training opportunities.

Recommendation

Zoning regulations should permit the raising of livestock for FFA, 4-H and other student projects provided generally accepted agricultural practices are followed.

Recommended language

Student projects involving the keeping of farm animals are authorized by right subject to issuance of a certificate of zoning compliance. The application for approval of the certificate of zoning compliance shall include the certification by the 4H Club Agent of the Cooperative Extension System or a qualified school instructor or project manager that the applicant's Statement of Use and Animal Management Plan comprehensively describes the proposed project, including shelter provisions, outside confinement areas and manure management; protects animal welfare and is expected to have no potential adverse environmental and neighborhood impacts.



Small Plot Farming (including Urban Backyards)

In recent years, there has been growing interest in small-plot farming in which urban and suburban residents replace their lawns with fruit and vegetable gardens, edible landscapes, beehives, and protein sources e.g., hens for fresh eggs. The trend reflects a consumer preference for locally grown food, especially food grown in one's backyard, that is healthier, tastier and environmentally more sustainable. For low-income households, access to healthy foods can be a chronic issue. Small-plot farming can offer an important solution. To illustrate, New Haven recently revised its zoning regulations to allow up to six hens on any property for personal use.

Recommendation

Municipalities should allow intensive use of small residential parcels for some types of food production, including raising livestock and poultry. Generally accepted agricultural practices should always be applied regardless of the scale of the operation.

Farms, as defined in municipal zoning regulations, should be exempt from regulations pertaining to the keeping of livestock and poultry on small residential parcels.

There are numerous examples of regulations for the keeping of livestock and poultry on small plots. The following sample ordinances are useful to consider as models for zoning that would allow the raising of food-producing animals – including hens, rabbits, bees, ducks, goats and sheep – on small plots.



These sample ordinances are useful to consider as models for zoning that would allow the raising of food-producing animals, including hens, rabbits, bees, ducks, goats and sheep, on small plots.

SAMPLE ORDINANCE

Hens | New Haven, Connecticut

- No more than six hens may be kept on any property located in residence zoning districts as a non-commercial accessory use.
- The use shall be confined to a fenced enclosure of no more than 200 square feet in area, located in a rear yard. The fenced enclosure shall be at least 25 feet from any street line, at least 15 feet from any residential dwelling and at least five feet from any property line. In the instance that more than one distance requirement shall apply, the greater distance requirements shall apply.
- Any portion of the enclosure located closer than ten feet to a property boundary or directly visible from a street line at any distance shall be screened by either a fence or a landscaped buffer of at least four feet in height.
- A building shall be required for the hens. Any building used for this purpose shall be located at least ten feet from any lot line. All such buildings shall be constructed, and all food products kept so as to prevent offensive odors and the presence of pests and predators.
- No rooster shall be kept on any property.
- The keeping of hens shall be conducted in a manner consistent with and in compliance with the Health Code of the City of New Haven.

SAMPLE ORDINANCE

Backyard Poultry | Ellington, Connecticut

Keeping of Backyard Poultry

- **Applicability:** Backyard poultry shall include chickens, ducks, turkeys, and other birds of similar mature size, but not guinea hens, peacocks, emus or ostriches. Farms shall have no limit on the number of poultry that may be kept.
- **Minimum Lot Size:** A property must be greater than or equal to 20,000 square feet in order to keep backyard poultry.
- **Number of Poultry:** A property which meets the minimum lot size may keep up to a maximum of 8 backyard poultry.
- **Roosters:** Roosters are not permitted on property which has less than 3 acres.
- **Management:** Backyard poultry shall be suitably contained on the premises at all times. Free range backyard poultry are prohibited.
- **Waste Management:** The storage and management of waste (e.g. a combination of manure and bedding) for backyard poultry shall be in accordance with the Public Health Code, as amended. In no case shall waste be located closer to property lines than the minimum setback requirements for structures and enclosures for the keeping of backyard poultry and shall not exceed 2 cubic yards at any given time.



- **Setbacks and Permitting Requirements:**
  - Structures less than 200 square feet and enclosures (such as fenced areas) for the keeping of backyard poultry shall be a minimum of 20 feet from the side and rear property lines and 50 feet from the front property line, or meet the setbacks of the underlying zone (whichever is greater). These structures and enclosures shall not require a Zoning Permit, but all owners of backyard poultry shall submit a written statement to the Zoning Enforcement Officer certifying compliance to these regulations.
  - Any structure for the keeping of backyard poultry that is greater than or equal to 200 square feet shall require review in accordance with Section 7.14.2.B or Section 7.14.3.A, as applicable.
- **Site Suitability and Impact:** In order to minimize potential adverse impacts, the following shall apply:
  - Sites with slopes greater than 15% shall be avoided or improved to avoid heavy surface water runoff, soil erosion, sedimentation or hazardous conditions for keeping backyard poultry.
  - Structures for the keeping of backyard poultry shall not be permitted directly over land containing an on-site sewage disposal system. Structures and enclosures (such as fenced areas) shall not be permitted directly over wells.
  - Proper drainage shall be provided to avoid collection of water. Water shall be diverted from poultry keeping areas; however, such water shall not pollute surface or subsurface water supplies nor shall runoff be directed to neighboring properties.

SAMPLE ORDINANCES

Bees | Connecticut Agricultural Experiment Station

Recommendations

Honeybee colonies are considered livestock in Connecticut and should be treated humanely at all times. Honeybees are required by law to be registered annually with the office of the State Entomologist and are subject to inspection at reasonable times. Beekeepers and regulatory officials can contact the State Bee Inspector at the Connecticut Agricultural Experiment Station for technical guidance.

Hive Placement: Hives should be placed away from roads, walkways or rights of way. They should be placed in a quiet part of a yard. They should not be placed near any location where there is human or pet traffic. The hive entrance should be placed facing the hive owner's property. If placed near a property line (not closer than 10 feet), there should be either a fixed wall or a dense vegetative barrier, of at least six feet in height, between the hives and the property line.



Hive Density: Urban neighborhoods – There are many examples of bees being managed in urban settings. Honeybee hives are currently being kept in downtown locations like: Hartford, New Britain and New Haven and on the campus of several high schools, without issues.

The more developed an area is, the more a beekeeper must be attentive to his bees to prevent conflicts.

- Lots of ¼ acres or less should limit the number of colonies to no more than two colonies and up to two nucleus colonies (nucs).
- Lots of ¼ acre to 1 acre should limit the number of colonies to six colonies and up to four nucs.
- Lots greater than 1 acre will not be limited as long as the guidelines on hive placement are followed.
- Limitations will not be imposed under the following two conditions:
- If the hives are situated more than 200 feet from a property line.
- If the adjoining property is undeveloped land.

Keeping of Bees | Ellington, Connecticut

- **Minimum Lot Size:** The keeping of bees shall be allowed on any property greater than or equal to 30,000 square feet.
- **Setbacks & Permitting Requirements:** Beehives shall be a minimum of 10 feet from all property lines or conform to the setback requirements of the underlying zone, whichever is greater and shall be a minimum of 25 feet from any dwelling on abutting properties.

SAMPLE ORDINANCE

Other Livestock | Wethersfield, Connecticut

The town of Wethersfield allows for the keeping of pets and livestock on residential property greater in area than 8,000 square feet. The provisions of Section 3.5 of the zoning regulations establish the requirements for pets and livestock. The town has created this guide in an effort to summarize the requirements of these regulations for individuals interested in keeping pets and/or livestock on their property.

What Is Considered Livestock?

The term livestock includes horses, cows, sheep, goats, hens, rabbits and similar animals.

What Is Considered a Livestock Unit?

A livestock unit is defined as follows:

- one horse, cow or similar large animal whose mature weight exceeds 500 pounds;
- three sheep, goats or similar medium-size animals whose mature weight is between 30 and 500 pounds; or
- fifteen hens, rabbits or similar small animals whose mature weight is less than 30 pounds.

Livestock Allowed by Zoning Permit Approval Issued by the Zoning Enforcement Official

Livestock is allowed (following the permit approval process by the zoning enforcement official) on residential premises solely for the personal use of the occupants or when accessory to a farm, under the following conditions:

- The keeping of livestock may include raising, breeding, instructing, training, sales, boarding, riding, driving and other similar uses.
- The keeping of bees is permitted in conjunction with a residence.
- All livestock shall be confined in keeping areas with adequate fencing located at least 25 feet from any lot line.
- An appropriate permanent shelter shall be provided for all livestock and such shelter shall be located at least:
  - 100 feet from the street line,
  - 50 feet from a rear property line,
  - 25 feet from a side property line, and
  - 100 feet from a reservoir, pond, or watercourse.
- All manure shall be:
  - Kept in a covered, water-tight pit or chamber as approved by the Wethersfield Health Department.
  - Removed at least once a week during the period from May 1st to October 1st and during the other months at intervals sufficiently frequent to maintain a condition which is sanitary and free from offensive odors to the satisfaction of the Director of Health. Located at least 100 feet from any street line and 50 feet from any lot line.
  - Visually screened from the street or any neighboring lot.

Any pre-existing non-conforming fence for confining livestock may be repaired, maintained or replaced. Additional regulations of the Public Health Code, the Department of Energy and Environmental Protection, the Connecticut Department of Agriculture, and the Connecticut General Statutes may apply.





The keeping of bees is permitted in conjunction with a residence.

Contact an Expert Directory

Several state and federal agencies across Connecticut have been given the authority to regulate agriculture and the keeping of livestock. Staff in these agencies are experts and are available to assist farmers and municipalities. Contact one of the experts listed below when questions arise concerning issues related to the keeping of livestock.

Generally Accepted Agricultural Practices

- **CT Department of Agriculture**
  (860) 713-2500
  www.ct.gov/doag

Water Quality and Wetlands

- **CT Department of Energy and Environmental Protection**
  (860) 424-3000
  www.ct.gov/deep
- **USDA Natural Resources Conservation Service**
  (860) 871-4011
  www.ct.nrcs.usda.gov

Animal Health and Husbandry

- **CT Department of Agriculture**
  (860) 713-2500
  www.ct.gov/doag
- **University of CT Extension**
  (860) 486-9228
  www.extension.uconn.edu
- **Horse Environmental Awareness Program**
  www.ct.nrcs.usda.gov/programs/rc&d/km_heap-program.html
- **University of CT Extension Equine Specialist**
  (860) 486-4471
  www.animalscience.uconn.edu (equine extension program)
- **Bees: CT Agricultural Experiment Station**
  (203) 974-8485
  www.ct.gov/caes

Manure Management

Note: Fly issues associated with manure management should be referred to the Connecticut Department of Agriculture first for assessment and resolution of the issue. The DOA will assist the local or district health department official when evaluating a manure management practice and/or fly issue that may be within their legal jurisdiction.

- **CT Department of Agriculture**
  (860) 713-2500
  www.ct.gov/doag
- **CT Department of Energy and Environmental Protection**
  (860) 424-3000
  www.ct.gov/deep
- **University of CT Extension**
  (860) 486-9228
  www.extension.uconn.edu
- **USDA Natural Resources Conservation Service**
  (860) 871-4011
  www.ct.nrcs.usda.gov
- **CT Conservation Districts**
  www.conservect.org

General Site Suitability

- **USDA Natural Resources Conservation Service:**
  (860) 871-4011
  www.ct.nrcs.usda.gov
- **CT Conservation Districts**
  www.conservect.org

General Farm Resources

- **CT Farm Bureau Association:**
  (860) 768-1100
  www.cfba.org
- **CT Resource Conservation and Development**
  (860) 345-3977
  www.ctrcd.org
- **CT Conservation Districts**
  www.conservect.org
- **Regional Councils of Government**
  https://portal.ct.gov/OPM/IGPP-MAIN/Responsible-Growth/Regional-Planning-Organizations-RPO
- **Lower CT River Valley Regional Agricultural Council**
  (860) 581-8554
  www.knowyourfarmers.org
- **Northeast Organic Farming Association of CT**
  (203) 408-6819
  www.ctnofa.org



Appendix A

Selected Connecticut General Statutes**

Definition of Agriculture, Farming and Farm: CGS § 1-1(q)

§ 1-1. Words and phrases. (q) Except as otherwise specifically defined, the words "agriculture" and "farming" shall include cultivation of the soil, dairying, forestry, raising or harvesting any agricultural or horticultural commodity, including the raising, shearing, feeding, caring for, training and management of livestock, including horses, bees, poultry, fur-bearing animals and wildlife, and the raising or harvesting of oysters, clams, mussels, other molluscan shellfish or fish; the operation, management, conservation, improvement or maintenance of a farm and its buildings, tools and equipment, or salvaging timber or cleared land of brush or other debris left by a storm, as an incident to such farming operations; the production or harvesting of maple syrup or maple sugar, or any agricultural commodity, including lumber, as an incident to ordinary farming operations or the harvesting of mushrooms, the hatching of poultry, or the construction, operation or maintenance of ditches, canals, reservoirs or waterways used exclusively for farming purposes; handling, planting, drying, packing, packaging, processing, freezing, grading, storing or delivering to storage or to market, or to a carrier for transportation to market, or for direct sale any agricultural or horticultural commodity as an incident to ordinary farming operations, or, in the case of fruits and vegetables, as an incident to the preparation of such fruits or vegetables for market or for direct sale. The term "farm" includes farm buildings, and accessory buildings thereto, nurseries, orchards, ranges, greenhouses, hoophouses and other temporary structures or other structures used primarily for the raising and, as an incident to ordinary farming operations, the sale of agricultural or horticultural commodities. The term "aquaculture" means the farming of the waters of the state and tidal wetlands and the production of protein food, including fish, oysters, clams, mussels and other molluscan shellfish, on leased, franchised and public underwater farm lands. Nothing herein shall restrict the power of a local zoning authority under chapter 124.

Definition of Livestock: CGS § 22-278

§ 22-278. Orders and regulations for control of livestock diseases. For the purposes of this chapter "livestock" is defined as any camelid or hooved animal raised for domestic or commercial use. The Commissioner of Agriculture is authorized, subject to sections 4-168 to 4-174, inclusive, to make orders and regulations concerning the importation, transportation, trailing, riding, driving, exhibiting, examining, testing, identification, quarantining or disposing of livestock to prevent the spread of contagious and infectious diseases among livestock and to protect the public from such diseases as may be transmissible to human beings, either directly or through the products of such animals, and orders and regulations for the conservation of livestock the products from which are used for food or clothing. The commissioner shall give notice of any such order to any person named therein by leaving a copy of such order with, or at the last-known place of abode of, such person, if a resident of the state; if not a resident of the state, by leaving a copy with, or at the last-known place of abode of, an agent of such person, or the person having custody → **continued next page**

Definition of Livestock, continued of the animals described in such order, if within the state, or by forwarding a copy of such order by registered or certified mail addressed to the last-known address of the person named therein. The commissioner, in case of emergency, may give notice of any regulation limiting or prohibiting the importation, transportation, trailing, riding, driving, exhibiting or disposing of livestock on any highway by publishing a copy of such regulation in a newspaper published or having a substantial circulation in the town in which the highway affected by such regulation may be located. The commissioner shall give notice of any such order or regulation to any common carrier named therein or affected thereby by leaving a copy of such order or regulation with the president, secretary or treasurer of the company acting as common carrier, or by leaving a copy with any person or firm acting as a common carrier, or at the last-known residence of any such person or a member of such firm in charge of any office of such carrier. The commissioner is authorized to employ assistants needed to enforce any such order or regulation. Any person or any officer or agent of any corporation who violates any provision of any such order or regulation, or who obstructs or attempts to obstruct the commissioner or any assistant engaged in the discharge of any duty hereunder, may be fined not more than one hundred dollars or may be assessed an administrative civil penalty in accordance with section 22-7.

Definition of Poultry: CGS § 22-326s

§ 22-326s (5) "Poultry" means any species of domestic fowl, including, but not limited to, chickens, turkeys, ostriches, emus, rheas, cassowaries, waterfowl and game birds raised for food production, breeding, exhibition or sale.

Damage by Dog to Domestic Animals or Poultry: CGS §22-355

§ 22-355. Damage by dog to domestic animals or poultry.

(a) When any person sustains damage by dogs to such person's sheep, goats, horses, hogs, cattle, poultry or domestic rabbits kept in enclosures as described in subsection (f) of this section, such person shall report such damage to the chief administrative officer of the town in which such damage was sustained, or the chief administrative officer's agent, or, if such damage was sustained on land located in two or more towns, such person shall report such damage to such authority of either of such towns. Upon receiving such report, the authority, with the person claiming to have sustained such damage, shall estimate the amount of such damage, including expenses of veterinary care, the fair monetary value of the animals or poultry killed, injured or damaged by such dogs and burial expenses for the animals or poultry killed by such dogs. If such authority and the person claiming to have sustained such damage are unable to agree as to the amount thereof, they shall choose some disinterested third person to assist in estimating the damage. Information required by this subsection shall be given within twenty-four hours after the person claiming under this section has or should have had knowledge of the same or, if the intervention of a Sunday or holiday prevents the reporting thereof, on the next succeeding business day. No claim for such damages shall be allowed to any person (1) who owns, keeps or has in possession any unlicensed dog, (2) whose employee, living on the premises, keeps an unlicensed dog which is six months of age or over, or (3) who fails to report such damage within the time limited by this section. The burden of proving the allegations of any claim under this section shall be on the person claiming under this section.

(b) The amount of damage agreed upon or estimated by any two of such three persons shall be paid by such town, and the town may recover such amount, when paid, with the compensation of such disinterested third person, from the owners, keepers or harborers of such dogs, if such persons are the residents of the town. If the owners, keepers or harborers of such dogs are not residents of the town in which the damage has been done, the town paying the damage may recover such damage and compensation from the town or towns where such owners, keepers or harborers reside, unless such owners, keepers or harborers, or such town or towns, on notice, pay to the treasurer of the town which paid such damage the amount of such damage and compensation. Any town which is obliged to pay any such damage may recover the amount thereof from the owners, keepers or harborers of the dogs doing such damage.

(c) When additional or increased damages are claimed to sheep, goats, horses, hogs, cattle, poultry or domestic rabbits, which damages were not apparent at, and accrued subsequent to, the first appraisal of damage, a supplemental notice of such claim for additional damage may be given to such authority at any time within thirty days from the discovery of the original damage. The supplemental notice of claim shall set forth the facts upon which such claim is based. The claim shall be made to such authority and shall be acted upon in the manner provided in subsections (a) and (b) of this section.

(d) Any authority who has received notice pursuant to the provisions of this section and within a period of fifteen days after receiving such notice, fails to estimate the amount of such damage, or if such authority is unable, within a period of five days, to agree with the person claiming to have sustained such damage as to the amount thereof, or fails to agree with such person on a disinterested third person to assist in estimating such damage, or if such authority and such person agree on such disinterested third person and two of such three persons fail to agree as to the amount of such damage, the person who claims to have sustained damage may institute a civil action against the town in which the damage was sustained for the recovery of such damage. No such action shall be maintained unless brought within one year from the date the damage was sustained.

(e) When the selectmen, town manager or other chief executive officer of the town receives notice from any person claiming to have sustained damage by dogs to his sheep, goats, horses, hogs, cattle, poultry or domestic rabbits in excess of one hundred dollars, such authority shall, within twenty-four hours, report the same to the commissioner for investigation and shall call upon the commissioner or his agent to act for the town in appraising the damage as provided in subsections (a), (b), (c) and (d) of this section. The fact that said commissioner or his agent has acted for such authority shall not bar an action for the recovery of the damage as provided in subsection (d) of this section.

(f) Sheep, goats, horses, hogs, cattle, poultry and domestic rabbits shall be confined or shall be enclosed by a fence or wall of material and height sufficient to restrain them from roaming. In any case in which any town has paid an amount in excess of one hundred dollars for such damage to the owner of any such animal or poultry, and the amount of such damage cannot be collected from the owners, keepers or harborers of such dogs, the selectmen, town manager or other chief executive officer of such town, city or borough shall forward to the commissioner a statement of the facts, showing the amount so paid, and the State Treasurer, at the request of the commissioner, shall reimburse such town, city or borough for the amount of such damage, from the funds received by the state under the provisions of this chapter.

Damage Caused by Roaming Poultry: CGS §52-561a

§ 52-561a. Damage by domestic fowls. Any owner or keeper of domestic fowls who allows them to trespass upon the premises of another person shall be liable to the owner or occupant of such premises for all damage done by such fowls. (This is a seldom used law in the Civil Actions section of the statutes)

Right-to-Farm: CGS § 19a-341

§ 19a-341. Agricultural or farming operation not deemed a nuisance; exceptions. Spring or well water collection operation not deemed a nuisance. (a) Notwithstanding any general statute or municipal ordinance or regulation pertaining to nuisances to the contrary, no agricultural or farming operation, place, establishment or facility, or any of its appurtenances, or the operation thereof, shall be deemed to constitute a nuisance, either public or private, due to alleged objectionable (1) odor from livestock, manure, fertilizer or feed, (2) noise from livestock or farm equipment used in normal, generally acceptable farming procedures, (3) dust created during plowing or cultivation operations, (4) use of chemicals, provided such chemicals and the method of their application conform to practices approved by the Commissioner of Environmental Protection or, where applicable, the Commissioner of Public Health, or (5) water pollution from livestock or crop production activities, except the pollution of public or private drinking water supplies, provided such activities conform to acceptable management practices for pollution control approved by the Commissioner of Environmental Protection; provided such agricultural or farming operation, place, establishment or facility has been in operation for one year or more and has not been substantially changed, and such operation follows generally accepted agricultural practices. Inspection and approval of the agricultural or farming operation, place, establishment or facility by the Commissioner of Agriculture or his designee shall be prima facie evidence that such operation follows generally accepted agricultural practices.
(b) Notwithstanding any general statute or municipal ordinance or regulation pertaining to nuisances, no operation to collect spring water or well water, as defined in section 21a-150, shall be deemed to constitute a nuisance, either public or private, due to alleged objectionable noise from equipment used in such operation provided the operation (1) conforms to generally accepted practices for the collection of spring water or well water, (2) has received all approvals or permits required by law, and (3) complies with the local zoning authority's time, place and manner restrictions on operations to collect spring water or well water.

(c) The provisions of this section shall not apply whenever a nuisance results from negligence or wilful or reckless misconduct in the operation of any such agricultural or farming operation, place, establishment or facility, or any of its appurtenances.

Sec. 19a-341a. Maintenance of swine gestation and farrowing barn. Permissible location. Notwithstanding any provision of the general statutes or the regulations of Connecticut state agencies, a swine gestation and farrowing barn maintained on property which has been in continuous use as a farm for not less than fifty years may continue to be maintained provided such barn is no closer than two hundred feet from any inhabited house located upon the property other than that of the proprietor of such barn.

Powers of Commissioner: CGS § 22-4c

§ 22-4c. Powers of commissioner. Recording and transcription of hearings. Payment of related costs or expenses. (a) The Commissioner of Agriculture may:

(4) provide an advisory opinion, upon request of any municipality, state agency, tax assessor or any landowner as to what constitutes agriculture or farming pursuant to subsection (q) of section 1-1, or regarding classification of land as farm land or open space land pursuant to sections 12-107b to 12-107f, inclusive;

Fencing: CGS § 47-43, §47-47 and §47-48

§ 47-43. Proprietors to maintain. The proprietors of lands shall make and maintain sufficient fences to secure their particular fields. Within cities and adjacent to house lots, a tight board fence four and one-half feet high, an open picket fence four feet high, the opening between pickets not to exceed four inches, or a slat rail fence four feet high, the opening between slats not to exceed six inches, the lower slat not over six inches from the ground, a fence not less than four feet high of chain link galvanized wire not smaller than number nine gauge supported upon galvanized tubular steel posts set in concrete, all end and corner posts to be suitably braced, and all to be substantially erected, or any other fence which in the judgment of the selectmen or other officials charged with the duty of fence viewers is equal thereto, shall be a sufficient fence; in places outside of incorporated cities, a rail fence four and one-half feet high, a stone wall four feet high, suitably erected, a wire fence consisting of four strands not more than twelve inches apart, stretched tightly, the lower strand not more than twelve inches and the upper strand not less than four feet from the ground, with good substantial posts not more than sixteen feet apart, and any other fence which in the judgment of the selectmen is equal to such a rail fence, shall be a sufficient fence. Adjoining proprietors shall each make and maintain half of a divisional fence, the middle line of which shall be on the dividing line, and such fence shall not exceed in width, if a straight wood fence or hedge fence, two feet; if a brick or stone fence, three feet; if a crooked rail fence, six feet; and, if a ditch, eight feet, not including the bank, which shall be on the land of the maker. No ditch shall be made adjacent to a house lot without the consent of the owner of the house.

§ 47-47. Barbed wire between adjoining premises or enclosing grounds of public buildings. No person shall use barbed wire in the construction of fences, or have barbed wire upon existing fences, between his own premises and those of an adjoining proprietor, within twenty-five rods of any house or barn belonging to such proprietor, unless either premises are used in connection with raising livestock, without first obtaining his written consent. No barbed wire shall be used in the construction of fences, or retained upon existing fences, connected with or enclosing the grounds of any public school or public building, except a Department of Transportation storage facility or a vessel operations area of a state-owned waterfront facility or aircraft operations area of a state-owned airport. Any person who violates any provision of this section shall be fined not more than one hundred dollars.

§ 47-48. Barbed wire along sidewalks. No barbed wire shall be installed along any sidewalk unless it is at least six and one-half feet above the ground. Any barbed wire in use in conformity with section 7156 of the general statutes, revision of 1949, on October 1, 1957, may be continued in use.

Discharge into State Waters: CGS § 22a-430

§ 22a-430. (Formerly Sec. 25-54i). Permit for new discharge. Regulations. Renewal. Special category permits or approvals. Limited delegation. General permits.

(This statute provides DEEP with the authority to regulate discharge or run-off of substances such as manure and silage leachate that serve as a source of pollution and to issue orders for abatement. Due to its length, this statute has not been reproduced in this list.)

Local and Regional Agricultural Councils: CGS § 7-131 (v)

§ 7-131v. Local and regional agricultural councils. (a) Any municipality may, by vote of its legislative body or, in a municipality where the legislative body is a town meeting, by vote of the board of selectmen, establish a local agricultural council to: (1) Provide information to local farmers and to municipal boards and commissions about the benefits of a balance between agriculture and other land uses; (2) educate municipal officials about agricultural laws and safety issues; (3) identify grant sources for farmers and municipalities; (4) enable a common understanding of agriculture among all municipal departments; (5) provide information and guidance about zoning issues relating to agriculture; (6) support local, regional and state vocational agricultural programs concerning agricultural matters; (7) provide conflict resolution and advisory services; (8) identify innovative opportunities for agriculture; and (9) create a climate that supports the economic viability of agriculture in the municipality.

(b) Any two or more municipalities may form a regional agricultural council for the purposes set forth in subsection (a) of this section by vote of the legislative body or, in a municipality where the legislative body is a town meeting, by vote of the board of selectmen, of each municipality.

Department of Agriculture statutes and regulations pertaining to animal and poultry disease control, the quality and safety of animal and poultry derived foods, and state statutes enforced by the Department regarding animal cruelty are not included in this list of statutes and regulations.

Appendix B

Connecticut Public Health Code

Definition of Nuisance

19-13-B1. Conditions specifically declared to constitute public nuisances

The following conditions are specifically declared to constitute public nuisances:

(a) Bakeries, restaurants and other places where food is prepared or served that are not kept in a clean and sanitary condition; or in which persons who have any communicable disease are employed; or for which suitable toilet facilities are not provided; or in which there is evidence that rats, mice or vermin are present.

(b) Spoiled or diseased meats, whether exposed and offered for sale or being transported or kept for sale.

(c) Barns or stables, hogpens, chicken yards or manure piles or accumulations of organic material so maintained as to be a breeding place for flies.

(d) The discharge or exposure of sewage, garbage or any other organic filth into or on any public place in such a way that transmission of infective material may result thereby.

(e) Privies not screened against flies in populous districts and privies likely to pollute the ground or surface water from which water supply is obtained.

(f) Transportation of garbage, night soil or other organic filth except in tight, covered wagons which prevent leakage or access of flies.

(g) Stagnant water likely to afford breeding places for mosquitoes within a residential district or within a distance of one thousand feet there from.

(h) Bone boiling, fat rendering establishments, or tallow or soap works, or other trades, when they can be shown to affect public health or produce serious offense.

(i) Buildings or any part thereof which are in a dilapidated or filthy state.

Director of Health Authority in Nuisance Abatement

19-13-B2. Abatement of nuisance

(a) Any local director of health, upon information of the existence of a nuisance or any pollution occurring within his jurisdiction, or when any such nuisance or pollution comes to his attention, shall, within a reasonable time, investigate and, upon finding such nuisance or pollution exists, shall issue his order in writing for the abatement of the same.

(b) Such order shall specify the nature of such nuisance or pollution and shall designate the time within which such abatement or discontinuance shall be accomplished; and if such order is not complied with within the time specified, the facts shall be submitted to the prosecuting authority. Copies of all orders shall be kept on file by the director of health in his office and copies of the same shall be furnished the state commissioner of health on request.

Pigs and Carcass Disposal

19-13-B23. Keeping of animals

(a) No pigsty shall be built or maintained on marshy ground or land subject to overflow, nor within three hundred feet of any inhabited house or public meeting house upon property other than that of the proprietor of the pigsty.

(b) The carcass of any dead animal not killed for food shall be removed and disposed of within twenty-four hours after death by burial, incineration or other method approved by the local director of health.

Manure Disposal in Populous Districts

19-13-B21. Garbage and refuse

(b) In populous districts stable manure shall be kept in a covered water-tight pit or chamber and shall be removed at least once a week during the period from May first to October first and during the other months at intervals sufficiently frequent to maintain a sanitary condition satisfactory to director of health. Manure on farms or isolated premises other than dairy farms need not be so protected and removed unless ordered by the director of health.

Creating and Revising Zoning Regulations for Livestock

CHECKLIST FOR LAND USE ADMINISTRATORS AND COMMISSION MEMBERS

Why is it Important to Understand Land Use and Agriculture?

Other than backyard hobbyists, agriculture is a multi-million-dollar economic sector in Connecticut employing thousands of residents. Support for expansion and proactive awareness Connecticut's agriculture business sector, including livestock, is critical to Connecticut's economy, food security and sustainable future.



Understanding Agriculture

_____Assign a Commission Member or Committee to research information on agriculture in the municipality and region

_____Consult Connecticut State Statutes.

_____Utilize this Livestock Guide for Resources

_____Review Town Ordinances and Right to Farm Ordinances



Rely on the Experts

_____Connecticut Department of Agriculture

_____USDA Natural Resources Conservation Service

_____AGvocate website sources

_____UConn Extension

_____Connecticut Farm Bureau Association



Public Outreach and Engagement

_____Schedule an open forum where local farmers, small plot livestock owners, FFA and 4H members and advisors, and the non-farming community can come together to share ideas and provide input to local land use officials and the zoning commission on draft regulations for the keeping of livestock.

_____Consult with the local agricultural commission or regional agricultural council.

_____Invite experts from UConn Extension, the Connecticut Department of Agriculture, the USDA Natural Resources Conservation Service and Connecticut Farm Bureau Association.

_____Schedule follow-up forums where comments can be received on the draft regulations before going to public hearing.

Drafting Recommendations

_____Avoid regulating types of livestock, health codes or animal density. Create regulations that provide for site review toward setbacks for structures, fencing and natural resource protection.

_____Definitions for Livestock: Ensure the municipal land use regulations are consistent with Connecticut statutes: https://www.cga.ct.gov/current/pub/title_22.htm

_____Look at your Geography – Use digital geographic information (GIS) to identify areas of concern within your municipality: aquifers, source drinking water areas, riverine and wetland protection areas, lake quality management, coastal management, transportation and freight, housing density, etc. If your municipality does not have GIS data, ask your representative Council of Governments and/or University of Connecticut Center for Land Use Education and Research: http://cteco.uconn.edu/

_____Consider an overlay zone technique to identify areas to separate areas of agriculture/livestock regulation, such as: designated areas for administrative site plan review and areas for land use commission review by permit. (see pages 3A – 4A)

- https://www.planning.org/divisions/planningandlaw/propertytopics.htm#Overlay
- https://conservationtools.org/guides/67-agricultural-protection-zoning
- https://www.codepublishing.com/WA/Puyallup/html/Puyallup20/Puyallup2050.html

_____Regulating no-or-low impact areas versus high impact areas for agriculture/livestock. Examples:

- High Density Housing Areas: A commission site plan review to review compliance with municipal zoning or subdivision regulations for livestock near high density housing.

_____Cross reference agriculture in other areas of POCD, Zoning Code, Inland Wetland Regulations and Subdivision.

_____Where new conflicting uses are anticipated adjacent to established agriculture uses, consider regulations for site plan criteria that provide for a natural undisturbed vegetative buffer between the new land use and the existing agricultural use. Subdivisions which provide for enhanced buffers during permit review would ensure compatibility near livestock area. The onus to provide an undisturbed natural vegetative buffer should fall on the new land use and not the existing livestock operation.

Advocacy

_____Support designation or hiring of an ombudsman who has a background in planning, zoning, conservation and enforcement with an expertise in current agricultural practices to support land use.

Notes

Notes



CONNECTICUT FARM BUREAU

78 Beaver Road
Wethersfield CT 06109
860.768.1100
www.cfba.org



A Review of Application PZC #22-07-RA

Analysis of Proposed Rewrite of the Ledyard Zoning Regulations

Eric Treaster
14 July 2022

A Preliminary Review of Application PZ #22-07RA
Proposed Comprehensive Revisions to the Ledyard Zoning Regulations

Eric Treaster
14 July 2022

****

The proposed rewrite of the Zoning Regulations was a major undertaking. It is clear that Juliet spent hundreds of hours working on it, and that she has created an impressive and comprehensive document. Chapter I4, which is the Chapter regarding the Zoning Board of Appeals, is excellent. I admire her for her effort and expertise.

I believe our town is special, and like most residents, I want to preserve the good things about Ledyard for our children and grandchildren. Although I believe in smart growth, I do not believe in growth and high density for the sake of growth and high density. Although the proposed regulations are comprehensive and are technically excellent, they appear to have been developed without public input and, as a result, are too generic and probably do not represent the will of the public.

Some of the proposed regulations are in conflict with the POCD, such as its failure to help ensure the preservation of agricultural land (bottom of page 5, top of page 6), its failure to encourage the development of a primary site for community events in Ledyard Center (page 9), its failure to permit well-regulated land lease communities in its mix of housing types (page 13 & 18), and its many provisions, such as its increases in density, increases in heights, and reductions in setbacks, that conflict with the POCD goal of protecting the character of Ledyard (page 10).

This handout is identical to the information that I entered into the record on Tuesday. It is in two sections. The first has to do with its readability and user-friendliness. The second lists concerns regarding policy and legal issues. I am assuming that everyone has read both sections and there is no need to go into its details and specific suggestions. Does anyone have any questions?
****

Although the proposed revisions are technically excellent, some chapters are too difficult to understand. One of the reasons is because the chapters appear to have been copied from zoning regulations for other towns and, as a result, are sometimes inconsistent with other chapters. For example, the first sentence in Appendix D references §3.5(3) in the zoning regulations, which does not exist.

Another example is represented by §4.1.A, which is a single sentence that states: *"All new building lots must contain seventy-five (75%) contiguous buildable area, based on actual lot size proposed; therefore, the area of any portion of any lot which is comprised of existing and/or proposed streets, conservation, access or utility easement areas and/or deeded rights-of-way for vehicular access, drainage and utilities; land which is classified as flood zone A or AE per FEMA maps; and/or inland wetlands or watercourses under §§22a 28 through 22a 45 of the Connecticut General Statutes, (as indicated on the Town of Ledyard Inland Wetlands and Watercourses Map, or as determined in the field by a certified soil scientist), shall not be used to satisfy more than twenty-five percent (25%) of the minimum lot area and the remaining seventy-five percent (75%) shall be contiguous."*

You are not alone if you did not understand §4.1.A after a single reading. However, Juliet does understand it, and she and her staff will be able to explain the regulations to the public when needed. The concern is that this style of writing is not appropriate for Ledyard. Zoning regulations, which are publically available on the town's website, represent the town's policies regarding its development. Regulations with clear policies and are easy to understand help to encourage its development. Regulations that are unclear and require interpretation tend to discourage development.

The second reason the proposed regulations are difficult to understand is because some chapters use archaic, legal English. For example, §3.4 states, *"The boundaries of **said** districts shall be shown on a map entitled: "Zoning Map of the Town of Ledyard" which is on file in the Office of the Town Clerk of Ledyard. **Such** maps and any **duly adopted revisions thereto**, with the **explanatory matter thereon**, are a part of these regulations as if **set forth herein**."*

The last sentence contains the phrase, ***"set forth herein***," and the words, ***duly, thereto, thereon, and herein***. Why not simply say, "*Zoning districts, which are part of these regulations, are shown on the "Zoning Map of the Town of Ledyard" that is filed with the Town Clerk."*

The word, "***herein,***" is used 21 times in the proposed regulations.
The word "***pursuant***" is used 33 times,
the word, "***elsewhere***" 11 times, and
the phrase, "***set forth"*** is used 19 times.

The regulations use the word "***your***" 12 times, which should not be in the regulations. The word "***your***" should usually be replaced with the phrase, ***"The Applicant", or the "Property Owner"***.

The word "***No***" is used about 180 times. Regulations that begin with the word "***no***" are not user-friendly, but can usually be made user-friendly. For example, a regulation that states, "*No building shall be occupied until a Certificate of Zoning Compliance is issued*" should be changed to, *"A Certificate of Zoning Compliance is required before a building can be occupied."* Both have the same meaning, but the second sentence, without the word, "**no**", is more user-friendly.

The regulations use the words "***unless***", "***otherwise***" and "***elsewhere***" in a manner that creates uncertainty for the user. Examples include ***"unless otherwise specified***", "***unless it is provided elsewhere in the regulations***", and "***unless authorized elsewhere in these regulations***." Unless there is no choice, the words "***elsewhere***" and "***otherwise***" should not be in regulations that are intended for use by the public.

The regulations use the word "***expressly***", 12 times. There is no difference between a regulation being in the regulations and a regulation being "**expressly**" in the regulations. The word, exp***ressly"***, is unnecessary and should be deleted throughout the regulations.

The proposed regulations use the phrase, "*in no **case***" 5 times. For example, the regulations state, "*In no case shall such use include storage*", or "*but in no case shall they be located in a front yard setback*." It would be better if the regulations said, *"Storage is not an allowed use"* or *"Storage is not allowed in a front yard setback"*. There is never a need to use the word "*case*" in land use regulations.

Surprisingly, the regulations use the word "***please***", which is a pleasant request that is inappropriate in formal regulations. For example, the proposed regulations include a sentence that states, "*Please note that the zoning application must be approved."* Another example states, "*Please provide a copy of your current property card*." It would be better if the regulations simply stated, "*The zoning application must be approved."* Or, "*A copy of the property card is required."* Admittedly, the word "please" is in an appendix where it might be OK. However, the appendix is an enforceable part of the regulations, and in my opinion, regulations should never include the word "*please*".

The regulations use the word "**staff**" 14 times, sometimes in a manner that makes it unclear if the town planner, in addition to the ZEO, is authorized to approve by-right zoning permit applications. It is confusing. It is also important, because normally, the ZBA can hear appeals of decisions made by the ZEO, but not the town planner, unless the regulations clearly give the town planner the authority to make zoning permit decisions.

The proposed regulations incorrectly use the word "***shall***". §2.1.A.4 states that "*The word "shall" is always mandatory"*, which is OK. The problem is that the proposed regulations use the word "*shall*" when it is not appropriate. For example, the regulations state that "*The ZBA shall be prohibited from granting any variance for a use in any district in which such use is not otherwise permitted."* The regulations should say, *"The ZBA is not permitted to grant use variances."* Simple, and it means the same thing. The proposed regulations state, *"At least one member of the agency or staff shall complete the course."* In my opinion, there is no need for this requirement in the zoning regulations, and it is unclear what the word, "agency" refers to. But if it is important, the regulations should say, *"at least one member of the Commission or its staff is required to complete the course."*

The proposed regulations state that *"The applicant shall record the variance in the office of the Town Clerk of Ledyard."* It should say, "*the applicant is responsible for recording the variance with the Town Clerk."* The regulations state, "*Ledyard shall establish a schedule of Zoning Fees."* The responsibility for who establishes zoning fees is not important, but if retained in the regulations, it should state that *"Zoning Fees are established by the Town."* These are simple changes that have the same meaning, but are more readable and user-friendly. I recommend that the number of "*shalls*" in the proposed regulations be reduced.

The proposed regulations also contain too many words and phrases that are underlined, bold, bold & underlined, in all capital letters, in all capital letters and in bold, in all capital letters in bold & underlined, in all capital letters, bold, and double underlined, and words that are in italic, underlined italic, bold italic, and bold underlined italic. This writing style, which is presumably to clarify and emphasize certain regulations over others, is not appropriate in formal regulations.

And last, the proposed regulations use an inappropriate font. Fonts used in statutes, ordinances, and formal regulations should be simple, such as Calibri, Ariel, Helvetica, or Palatino.

In summary, the proposed regulations should be edited into a simple, uniform, modern style of English, with as little legalease and as few uncommon words as possible, with a simple font, and with less bold, capitilzed underlined, and italicized text, with the goal of making the regulations as user-friendly as possible.

The **second section** is titled "***Analysis of Proposed Rewrite of the Ledyard Zoning Regulations – Chapters 1 to 10"*.** It documents the results of my review of the first 10 chapters. I did not do a review of Chapters 11 through 15, or the appendixes. I used a black font to identify a subject area, a red font to describe the problem or issue, and a blue font to document my suggestions.

I discovered some surprises in the regulations, which I call nuggets. They represent changes to existing policies that are so important they should each have a separate decision by the commission. I also found changes regarding the expansion of nonconforming uses, without a variance, that should be reviewed by a land-use attorney.

The 1st nugget is that the proposed regulations allow duplexes in R20, R40, and R60 districts with a by-right zoning permit issued by the zoning official. The existing regulations require a special permit for duplexes in residential districts, which is a big change.

In my opinion, a duplex in an R20, R40, or R60 district should require a special permit for the same reasons triplexes and multifamily developments require a special permit in an R20, R40, or R60 district. I urge you to consider the unintended consequences and risks of not being allowed to impose conditions of approval to satisfy the subjective standards in §11.3.4 required for duplexes. For example, even with a required site plan review, without the special permit requirement, you will not be able to impose conditions of approval regarding if an applicant's Low Impact Development proposal, landscape proposal, or his required plans to retain and protect existing trees, stonewalls, and unique site features, are reasonable.

The 2nd nugget is that the proposed regulations contain changes to setbacks, scale, mass, height, and density that will result in the development of complexes with excessive density. For example, the proposed changes allow the height of multi-family developments to be increased from 50' to 65', and for the health code to determine density instead of the number of bedrooms per acre as in the existing regulations.

If these changes are approved, and if there is sufficient public water, public sewer, and parking available, the proposed regulations will allow apartment complexes with well over 400 units on less than 3 acres in a single flat-roofed 65' six-story apartment building that overlooks all the other buildings in Ledyard Center. In comparison, the Fox Run Apartments on Flintlock Road, which consists of about 192 units in 24 New England style buildings on 27 acres, is only two-stories tall. The new Docks apartment complex on the corner of Bank Street & Howard Street in Shaws Cove in New London contains 137 units on 2 1/2 acres and is four stories tall. Do we really want to allow six-story multi-hundred unit flat-roofed apartment complexes in Ledyard center? They will dramatically change appearance of Ledyard Center, and in my opinion, will diminish the desirability of our town. I urge that density not be established by the health code and the department of health, but that the

density of multifamily developments continue to be controlled by imposing a reasonable limit on the number of bedrooms per acre.

The 3rd nugget is the discovery of substantially changed setback requirements.

In 1963, when the regulations were first adopted, the minimum front setback distance was 100' to the center of state highways, 75' to the center of major town roads, and between 50' and 65' to the center of secondary town roads depending on the zoning district. The 100' and 75' distances were justified by the expected future need to widen these roads.

The current regulations require a minimum 35' setback from the front property line when fronting on a town road, and a minimum 50' setback from the front property line when fronting on a state road, which are minor reductions from the setback to centerline distances in the original 1963 zoning regulations.

The issue is that the proposed regulations reduce the 35' and 50' setbacks to only 25' for major town roads and for state highways. These are big changes, a 28% reduction for town roads, and a 43% reduction for state roads.

Perhaps you believe that if the state does not care if a house is only 25' from a highway, then why should you care. There are at least three answers. The first is that the state, by its nature, does not have a vested interest in the impact of traffic noise, sirens, headlight glare, and exhaust odors on the quality of life of nearby residents.

The second is that when a new house is setback only 25' from the road, and the other houses in the neighborhood are set back 50' or 75', it is natural to wonder what is wrong with the house that is too close to the road, or if something is fundamentally wrong with the neighborhood. This is true even if all the homes are equivalent and are well cared for. A home with a significantly different setback than nearby homes diminishes the appearance and desirability of a neighborhood.

The third is that many people believe reasonable land-use limitations are necessary when people live in proximity to each other. The existing setback limitations have worked well for over 60 years to create attractive desirable neighborhoods. People who choose to live and raise their families in Ledyard should not have to worry about changes in the regulations that may harm their neighborhoods. If the goal is to allow residents to have the right to use more of the land that they pay taxes on, then to be fair, the proposed reduced minimum setbacks should be applicable only for new subdivisions.

The following photos are of the 3-unit multifamily at 83 Inchcliff Drive, which is in a high-end residential neighborhood in Gales Ferry that has public water. The building has 3 one-bedroom apartments, is about 40' tall, and is only about 25' from the front property line. It was allowed as the result of an 8-30g affordable housing proposal. Even though it is nowhere near being in compliance with our existing regulations, with the exception of lot size, it is close to complying with the proposed setback, height, and density requirements in the proposed regulations. Try to visualize what this building would look like if it were a 50-unit 5-story 50' tall flat-roof building, which would be allowed


AUG/14/2018
382


AUG/14/2018
383

on a 3-acre lot in our residential districts with public water and sewer if you adopt the proposed setback and height regulations, and allow density to be established by the health code. I urge that you retain the existing setback, height, lot size, and density regulations, especially for multifamily developments in residential districts.

The 4th nugget consists of changes to other setback distances. Some changes increase minimum setback distances, while others decrease setbacks. The minimum side yard setback distance in the CM, NC, and CIP districts is increased from 12' to 25'. Most of the proposed changes decrease the minimum setback distances. Each of the proposed changes should be reviewed to determine if they will be beneficial to Ledyard, and their likelihood of creating unintended consequences.

For example, the existing regulations require a minimum of a 12' side yard setback in an R-20 district, 16' in an R40 district, and 20' in an R60 district. The proposed regulations reduce the minimum side yard setbacks to 10' in an R20 district, 15' in an R40 district, and 20' in an R40 district. I initially thought these reductions were not enough to be important.

However, the proposed regulations allow exceptions to the side yard setback requirements. For example, although a single-family dwelling can be 10' from a side property line in an R20 district, the proposed regulations allow the home to have a canopy, awning, eave, chimney, or bay window to project 3' into that 10' setback, which is 30% of the 10' minimum setback distance. A side entry patio is allowed to intrude 5' into the minimum 10’ setback distance.

As a result, two single-family dwellings in an R20 district that are required to be 24 feet apart under the current regulations can, under the proposed regulations, be as close as 14' apart if they have bay windows facing toward each other. If they have a side entry patio, the two patios could be only 10' apart. Although 10' between patios may be OK on tiny lots in New London, it is much too close for Ledyard, especially considering its 20,000' minimum lot size. In my opinion, the original setback distances should be retained, and there should be no exceptions for windows, awnings, eaves, patios, or canopies. The changes in side yard setback distances, and the proposed exceptions, are important and should be individually discussed and evaluated.

The 5th nugget is the *Accessory Dwelling* entry in the proposed §5.3 *Schedule of Uses on page 5-2 of the proposed regulations and the corresponding changes in the §8.1 supplement regulations for accessory apartments.* Our existing regulations allow accessory apartments within and attached to a principal single family dwelling. The proposed regulation not only allows an accessory apartment within or attached to a single-family dwelling, but will also allow a one, two, or three-story 420' to 1000' 35' tall accessory apartment, which can be a mobile home, in rear, side, and in a front yard only 25' from the front property line. A 1000' detached free-standing apartment or mobile home in someone's front yard will have a deleterious effect on the neighborhood and is unnecessary. The existing regulations that allow accessory apartments within and attached to single-family homes are adequate. You may think that no one is going to install a mobile home in their front yard. Are you confident enough to place a bet that it will never happen? I doubt it.

The 6th nugget also has to do with changes to uses that require a special permit and uses allowed by right. For example, the existing regulations require a special permit for hotels and motels. The proposed regulations allow hotels by right in the Ledyard Center Development District, Gales Ferry Development District, and the Resort Commercial Cluster District, but retain the special permit requirement for hotels and motels in the Ledyard Center Transition District and the Multi-Family Development District.

There are several examples in the proposed regulations where uses that require special permits in the existing regulations are proposed as being allowed by right. The commission should review each of these changes. Uses with subjective evaluation standards, including the criteria in §11.3.4, should require a special permit, and uses with objective evaluation criteria should be permitted by right.

The 7th nugget has to do with the proposed farm regulations, which I reviewed on pages 64 through 67 in the handout.

The purpose of the farm regulations, as stated in §8.5.A, includes a provision that the regulations are intended to promote the economic and operational viability of existing agricultural opertions. The proposed regulations do the opposite. For example, §8.5.D.1 requires a zoning permit or a commission review whenever a farmer wants to change the principal use of his farm, such as from the raising of chickens and producing eggs to growing corn or wheat. In my opinion, there is no need for the town to require a zoning permit or a commission review whenever a farmer desires to establish a new principal use on his farm.

The proposed farm regulations also regulates the accessory uses of farms in a manner that is unnecessary and will significantly reduce farming income. For example, the proposed regulations limit *the number of guests, the days per week, the number of events per year, the hours of operation, and the sizes of on-farm events for* wine tastings, farm weddings, and farm festivities, even though there have been few or no complaints.

The regulations, in addition to being unnecessary, are inconsistent. For example, the regulations do not *limit the number of guests, days per week, events per year, the hours of operation, or the size of events in community centers, campgrounds, schools, parks, clubs, hotels, indoor and outdoor recreational facilities, resort facilities, theaters, churches, pubs, or in restaurants*. Why are you imposing these constraints only on farms? Farms are not near residential development, and there is little or no history of problems. I urge that you take a close look at §8.5 and remove the size limit, days per week limit, number of events per year limit, and the hours of operation limit on the accessory uses of farms. You should also review and confirm that the proposed farm regulations do not conflict with the marketing rights farmers have under the state's right-to-farm law, and under the definition of a farm in §2.2.

I also discovered some legal issues that should be examined by a land-use attorney.

The first is in §4.4.A. Section 4.4 is titled "Exceptions", which refers to exceptions to the minimum setback requirements. §4.4.A states, "*For existing residences built on legal lots of record before or after the adoption of the subdivision regulations in 1963, that are nonconforming with respect to any required front, side, or rear yard setback, the required setback shall be reduced to the actual distance between the front, side and/or rear boundary line and the existing non-conforming portions of the principal structure."*

This means, for example, that for a pre-1963 home built 10' from the front property line, which was not unusual for pre-1850 farm homes, the applicable minimum front setback for additions to the house, and for new accessory structures, such as a detached accessory apartment, shed, barn, or garage, would continue to be 10' from the front property line, and not the required 35' in the current regulations or the 25' in the proposed regulations. This is true even for all lots.

As a result, the pre-1963 house can be expanded, and its accessory structures can be built, in perpetuity, only 10' from the front property line, even if there is no hardship, without a variance.

In my opininion, any expansion of a nonconforming use is illegal unless the ZBA grants a variance. The Zoning Board of Appeals exists to address these types of issues, and the same rules should apply to everyone. The proposed exception to the setback requirements means that a nonconforming residential use can be expanded, without limitation, for any or no reason, by right, in perpetuity – while his neighbor cannot. It is unfair, and I believe it may be unlawful. To protect the town, I urge the Commission to obtain a written legal opinion to determine if the proposed setback waiver in §4.4.A is legal.

The second is in §4.4.B – which reduces the minimum s*etback distances for vacant nonconforming lots in residential districts.*

§4.4.B is a scheme where a vacant undersized lawfully nonconforming lot is allowed to have reduced minimum setbacks, without a variance, for new residential construction. In my opinion, allowing reduced setbacks constitutes an expansion of a nonconforming use, and is illegal without a variance.

The proposed regulation, in many instances, is unfair and may not be needed. For example, as worded, the proposed regulations would allow a new home to be built on a 15,000' lot in an R20 district only 20' from the front property line, even though the home could be built on the lot in compliance with the setback requirements in the current regulations. To protect the town, I recommend that you obtain a written legal opinion to determine if it is legal to allow a setback waiver, by right, for undersized lawfully nonconforming lots, especially when the reduced setback is not necessary to comply with the standard setback requirements for the district.

The third has to do with permits to allow home husbandry in commercial districts. The proposed regulations allow a nonconforming home husbandry use on commercial lots with a pre-existing nonconforming duplex or single-family dwelling.

In my opinion, although the residential use of a nonconforming dwelling in a commercial district is protected, it cannot be expanded. For example, a nonconforming house in a commercial district cannot be enlarged because its residential use would have an expanded footprint, which would constitute an expansion of a nonconforming use. Similarly, animal husbandry, which is not allowed in commercial districts, would create a new nonconforming use in the district without a variance.

I recommend that you obtain a written legal opinion to determine if the proposed regulations that allow a new nonconforming use, such as animal husbandry in a commercial district, is lawful.

The fourth is also related to the expansion of a nonconforming use without a variance. The proposed §7.7.4.A states that "*Additions may be made to single-family or duplex residential dwellings that have become non-conforming solely because of a zone or text amendment ... .*"

Almost all nonconformities are due to a zone or text amendment. This particular change will allow for the expansion, by right, for lawfully nonconforming single-family dwellings into the front setback, but conforming single-famiy dwellings in the same neighborhood would need a variance. I urge that you obtain a written legal option to confirm if the proposed regulations that will allow single-family dwellings to be expanded into the setbacks, without a variance, is lawful.

WORDS AND PHRASES THAT MAKE THE PROPOSED ZONING REGULATIONS UNNECESSARILY COMPLICATED

Prepared for the July 14, 2022 Public Hearing
Application PZC #22-07-RA*

Eric Treaster

REGARDING FRIENDLINESS & READABILITY OF THE PROPOSED LEDYARD ZONING REGULATIONS

Prepared for the June 9, 2022 Public Hearing
For Application #22-5RA Regarding the Proposed Rewrite of the Ledyard Zoning Regulations

Eric Treaster

The proposed regulations use legalistic terminology, which makes them difficult to understand and efficiently use.

For example, §3.4 of the proposed regulations states, "*Such maps and any **duly** adopted revisions **thereto**, with the explanatory matter **thereon**, are a part of these regulations as if **set forth herein**."*

This single sentence uses the words, "**duly**", "**thereto**", "**thereon**", "**herein**", and "**set forth**", which slows down the reader, adds no value to the sentence, and makes the regulation more difficult to understand. §3.4 should simply state, "*The zoning maps, as revised, are part of these regulations."*

The word, "***herein,***" is used 21 times in the proposed regulations, even though the word is used only 3 times in Chapter 124 of the Connecticut General Statutes, which are the entire set of statutory laws regarding zoning.

The proposed regulations use the word, "***pursuant***", 33 times, the word, "***elsewhere***" 11 times, and the phrase, "***set forth"*** 19 times.

The regulations use the word "***your***" 12 times, which is a word that should not be in regulations. The word "***your***" can usually be replaced with the phrase, ***"The Applicant"***.

The word "***No***" is used about 180 times. Regulations that begin with the word "***no***" are not user-friendly, but can easily be made user-friendly. For example, a regulation that states, "*No building shall be occupied until a Certificate of Zoning Compliance is issued*" should be changed to, *"A Certificate of Zoning Compliance is required before a building can be occupied."* Both have the same meaning, but the second sentence, without the word, "**no**", is friendlier.

The regulations use the words "***unless***", "***otherwise***" and "***elsewhere***" that create unnecessary uncertainty for an applicant. Examples include **"*unless otherwise specified***", "***unless it is provided elsewhere in the regulations***", or "***unless authorized elsewhere in these regulations***."

The regulations use the word "***expressly***", 12 times. The word is unnecessary and should be deleted throughout the regulations.

The regulations use the word "***please***", which is inappropriate in a book of regulations.

The regulations use the word, "**staff**" 14 times in a manner that makes the reader uncertain if the zoning official, building official, town planner, or a secretary in the land use department has approval authority. As used in the proposed regulations, the word "staff" sometimes implies that in addition to the zoning official, the town planner is authorized to approve by-right zoning permit applications. It is confusing.

a **duly** endorsed and recorded subdivision plan ?led on the Ledyard Land Records.

any **duly** adopted revisions thereto, with the explanatory matter thereon, are a part of

amendment **thereto)** if the development work is completed according to such plans within the

buildings **thereto,** nurseries, orchards, ranges, greenhouses, hoop houses and other temporary structures or other

revisions **thereto,** with the explanatory matter thereon, are a part of these regulations as

changes **thereto,** with these Regulations. The ZEO or Planning Directormay require submission of additional

amendment **thereto)** if the developmentwork is completed according to such plans within the period

matter **thereon,** are a part of these regulations as if set forth herein. 3.5

uses **thereon.** One-way driveways, access ways, thoroughfares, entrances, and exits for nonresidential use

hearing **set forth** in §8—3,Connecticut General Statutes, Revision of 1958, as amendedand

as **set forth** in that Chapter. C. Words and Terms Not Defined: Words and terms

specifically **set forth** in these regulations. Pavement markings and driveway directional arrows painted on the

standards **set forth** in these Zoning Regulations would be met and that such speci?c

if **set forth** herein. 3.5 ZONINGDISTRICTBOUNDARIES:The District boundary lines are intended generally to follow

requirements **set forth** herein. 3. In that the approval of a TPD constitutes a change

be **set forth** in proper documents. Such document(s). which shall be presented with the

requirements **set forth** in the" Area and Bulk Requirements," with the following conditions and/or

criteria **set forth** in the Subdivision Regulations of the Town of Ledyard. 4. Interior lots

requirements **set forth** in the "Area and Bulk Schedule," with the following conditions and/

minimum **set forth** in applicable building codes, whichever is greater. For an ADU located entirely

set forth in Chapter 11 apply. 1. Agricultural Tourism: A Site Plan review by

as **set forth** in § 8.2 apply. 4. Commercial Services Home Occupations shall not be

purposes **set forth** in §§9.l and 9.2 of these Regulations, these landscaping

criteria **set forth** herein. . Perimeter Landscape Area Reguirements: Any use subject to Site Plan/

standards **set forth** in §9.4E shall be deemed to specify the necessary and appropriate

set forth elsewhere in these Regulations. If no minimumnumber of parking spaces has been

shall **set forth** such information as may be required in order to allow the appropriate

as **set forth** in §l2.2(C) or as determined in §l2.2(D)(5),

- to **herein** as “these Regulations.” AUTHORITY: These regulations are enacted pursuant to the
- Nothing **herein** contained shall require any change to approved Site Plans, or to the
- ned **herein** and inoperable, damaged, Solid waste disposal facility - dismantled partially dismantled vehicles
- **herein,** excluding any portion of land located under a body of water. LOT
- ned **herein.** OPENSPACE,PASSIVE:Restricted land and set aside for parks, gardens, linear corridors,
- used **herein,** does not include an “amusement park” or any type of park
- ned **herein,** approved administratively by the Commission or ZEO (as appropriate) after the
- forth **herein.** 3.5 ZONINGDISTRICTBOUNDARIES:The District boundary lines are intended generally to follow the
- provided **herein,** these Regulations operate independentlyfrom laws and regulations established by agencies other than
- as **herein** prescribed by these regulations. applicationsfor a Zoning Permit shall be accompanied by
- forth **herein.** 3. In that the approval of a TPD constitutes a change of
- ned **herein,** or eight (6) or fewer poultry with no roosters may be
- ed **herein.** Maximumheight as defined by these Regulations for Single-family Dwellings shall be
- ed **herein.** Accessory Dwelling Units are not permitted within or on a lot containing
- contained **herein.** . Bond: Before a permit is granted to an applicant starting an
- Regulations **herein** to continuethe STR use. SMALLWINDENERGYSYSTEMS A. Purpose: To allow for on-site
- forth **herein.** . Perimeter Landscape Area Reguirements: Any use subject to Site Plan/Special
- described **herein** expire. A Zoning Permit issued by the ZEO that is not associated
- Nothing **herein** contained shall require any change to approved Site Plans, or to the
- ed **herein** provided the total extension of all such periods shall not be for
- criteria **herein** prescribed, the Commission shall state, in writing, the ?ndings and reasons

enacted **pursuant** to the provisions of Chapter 124, Connecticut General Statutes, Revision of 1958

Appeals **pursuant** to Connecticut General Statutes §§8-6 and 8-7 as

pursuant to §§22a-28 through 22a-35 of the Connecticut General

regulated **pursuant** to §§22a-28 through 22a-35 inclusive of the Connecticut

Necessity **pursuant** to §§8-25a and 16-262m of the Connecticut General

protected **pursuant** to the provisions of C.G.S §8-26a(b)(l),

zone **pursuant** to these regulations and as required by PA 21-29. The following

property. **Pursuant** to §l1.2B, the Site Plan does not require a new signed

enforced **pursuant** to §l3.l and §l3.2 of the Zoning Regulations, and

issued **pursuant** to this ordinance shall expire if the small wind energy system is

Plans **pursuant** to CGS §22a-325 to §22a-329 based on the

Review: **Pursuant** to CGS §7-159b, for applications requiring Commission approval, an applicant

Plans **pursuant** to CGS §22a-325 to §22a- 329 based on the

regulated **pursuant** to CGS §22a-36 to §22a—45, inclusive, the applicant

regulated **pursuant** to CGS §22a~36 to § 22a-45, inclusive and the

regulated **pursuant** to CGS §22a-36 to § 22a—45, inclusive, the Commission

G. **Pursuant** to CGS §8—3(h), if (A) developmentwork under a

proposals **pursuant** to a Special Permit, is also in compliance with the conditionsof approval

B. **Pursuant** to §20-3 0O—l0b—(obf)the Department of Consumer ProtectionRules

Plan **pursuant** to §ll.2 of these Regulations. 11.3.2 ?ubmissionRequirements: A. A

regulated **pursuant** to CGS §22a-36 to § 22a-45, inclusive, the applicant

regulated **pursuant** to CGS §22a—36 to §22a-45, inclusive and the

regulated **pursuant** to CGS §22a- 36 to §22a—45, inclusive, the Commission

pursuant to CGS §8-23. . In accordancewith CGS §8-3a(

prepared **pursuant** to CGS §8-23. . In accordance with CGS §8—

review **pursuant** to §l2.l(C) above, which occurs without having received a

A. **Pursuant** to CGS §8-3(e), CGS §8—12, and CGS

Mayor **pursuant** to Chapter IV §4 of the Ledyard Town Charter and as

be **pursuant** to CGS §8-12, CGS §8—l2a as amended, and/

A. **Pursuant** to CGS §8—l(c) and Town Ordinance #300-008,

Connecticut, **pursuant** to CGS 22a-354V. 15.2 Adoption of Regulations: A. The Agency shall

Commissioner **pursuant** to CGS 22a-354r. Such inventory shall be completed not more than

Agency **pursuant** to CGS §22a—354e.

for **elsewhere** in these regulations.

provided **elsewhere** in these Regulations (See Accessory Structures). No projections ?'om structures

allowed **elsewhere** in these Regulations. A non-conforming use of an existing building shall

allowed **elsewhere** in these Regulations, a non-conforming use of land or of a

authorized **elsewhere** within these regulations shall be erected within the right-of~waylines of

occurring **elsewhere)** or a home-based business involving n_o non-resident employee(s)

forth **elsewhere** in these Regulations. If no minimumnumber of parking spaces has been established

facilities **elsewhere.** The Commission may deny or require modi?cations for an application that

provided **elsewhere** each required loading berth shall be at least twelve (12) feet

elsewhere in these Regulations. B. The maximum horizontal foot-candle measurement at any

provided **elsewhere** in these Regulations, a Site Plan application shall be submitted: 1. for

pick- **your—** ownoperations, retailing farm and

If **your** driveway will front on a State highway, an encroachment permit is required.

your initial Zoning Permit Application, please note that (l) the Zoning Permit

received **your** Certi?cate of Zoning Compliance.

Your Plot Plan need not be prepared professionally, but it must contain a

of **your** property, a Floor Plan of the building you will use for your

for **your** Accessory Use or Structure and a Sign Sketch that shows the design

of **your** sign, if applicable. All DRAWINGS must: 0 Show the total acreage of

Your name, the property owner's name, and the property address; 0 The name

of **your** well and septic system (if applicable); 0 Location of wetlands, watercourses

which **your** activity will occur; 0 Provide accurate setback distances from proposed structures to

of **your** current property card and deed. (See

d. **No** driveway serving a current single—familyor duplex dwelling that is located within
applicable). **No** obstruction, hedge, bush, tree or other growth, wall, fence, or sign shall
sightlines. **No** vehicle shall be parked in such a way as to obstruct the
District. **No** more than one (1) vehicle that
is **no** limitationon the numberof hobby motor vehicles that are stored or parkedwithin a
no construction occurs within any required setbackand does not create a new or
No construction or use shall be permitted on any non-conforming lot unless
with **no** change in location, design, or structure, shall not be deemed a modification
contain **no** advertising. Flashing signs: These are illuminated or indirectly illuminated signs
A. **No** person shall erect, alter, or relocate any sign structure or sign face
No illuminated sign shall have exposed electrical wires. D. No sign shall be
D. **No** sign shall be illuminated between the hours of ll pm. and 6
Motion: **No** sign or any part thereof shall be moving, whether by mechanicalor other
A. **no** sign shall extend into a vehicular public way (unless associatedwith a
no sign shall obstruct free entrance or exit from a required door, window,
no sign shall be constructed or located in a manner that obstructs light
no sign shall be placed in such a location as to confuse or
if **no** setback requirement is speci?ed; . No signs, other than those speci?
No signs, other than those speci?cally authorized elsewhere within these regulations shall
at **no** point more than sixteen (16) inches from one another. . Real
area **no** larger than sixteen (16) square feet per side, limited to two
no size limit applies to "
no time, however, shall any farm have more than six (6) seasonal
no larger than eighteen (18) square feet. No more than two (
feet. **No** more than two (2) temporary signs are permitted. Temgoragy Signs shall:
that **no** such sign shall exceed one half (1/2) the length of
sign **no** larger than four (4) square feet in sign area (per
building. **No** portion of any such sign shall interfere with pedestrian traffic. 2. Awning
have **no** advertising on the unit. The same setbacks and heights for signs in
No more than one (1) ADU is allowed per parcel. No ADU
No ADU shall be approved as an accessory to a duplex residential or
be **no** maximum size limit. If the ADU is located entirely within a one-
be **no** in-street drop-off or waiting. Circular driveways are permitted. ASSISTEDLIVINGFACILITY A.
of **no** more than 15,000 barrels a year. However, in the Industrial (I)
d. **No** more than one (1) Farm Stand shall be permitted on a

of **no** more than 3,000 square feet of production space that engages in commercial

has **no** direct frontage on - Fabrication of metal for tools a public or

contain **no** accessory structures or facilities. OPENSPACESUBDIVISION:A subdivision or re—subdivisionof land in

and **no** customers are served in motor vehicles. RESTAURANTF,ASTFOOD: An establishment specializingin take

In **no** event shall the word "sign" be construed to mean any sign

contain **no** advertising are to be excluded from this de?nition. The American Flag

bearing **no** commercial advertising. SIGN,GROUND- A sign which is different from a free-

with **no** open space between the ground and the sign face. SIGN,KIOSK: A

A. **No** building and/or portion of a building shall be erected, moved or

B. **No** building and/or portion of a building shall be erected, moved or

C. **No** Accessory use/structure shall be established/erected without first establishing/erecting a

No stand-alone building foundation or root cellar may be used as a

unit. **No** building shall be occupied until a Certificate of Zoning Compliance and a

No person shall occupy a travel trailer or motorized camper as a residence

Act **No.** 21-1 "An Act Concerning Responsible and Equitable Regulation of Adult~

Act **No.** 21 "An Act Concerning Responsible and Equitable Regulation of Adult-Use

No building, structure, or use shall be located within the required setback areas,

No projections ?'om structures shall be permitted in any required setback except

when **no** longer necessary. Fences and Walls: The required setback distances shall not apply

No such fence or wall shall be located within the right-of-way

ms)(**No—** ireFarms) §8.2l.1 §8.2l.2 ~ S S Nursing Home,

a. **No** more than two (2) additional residential lots may share any portion

however, **no** contiguous open space area shall be less than 80,000 square feet. The

No- Firearms) §8.2l.2 Mixed Use (Residential/Commercial) §8.21.2 Mixed

in **no** event will the extensions exceed twenty-four (24) additional months. .

that **no** onsite patient visits are permitted. e. Highly specialized manufacturing, including but not

that **no** other existing or planned tower or structure can accommodatethe applicant's antenna. 2.

that **no** monopole tower is available that will satisfy the minimum height, shape, size,

No lights or illumination shall be permitted unless required by the FAA. No

No signs or advertisingshall bepermitted on any tower or antenna, except that no

that **no** trespassing, warning, and ownership signs are

is **no** limit on the number of times a renewal permit can be granted

under **no** obligation to provide a reminder notice regarding an expiring

In **no** case shall such uses include the storage of oil, fuel, or hazardous

but **no** ampli?ed music is permitted and the events shall be limited to

is **no** limit on the number of animals that may be kept on active

with **no** roosters may be permitted after the issuance of a Zoning

area **no** less than 40,000 square feet. For each one (1) additional large

that **no** roosters shall be permitted and provided all applicable provisions of these regulations

system. **No** keeping area permitted in wetlands. Keeping areas for any animal will be

No persistent, offensive odors shall be detected off the premises. No condition shall

No condition shall be created that will adversely affect the performance of sewage

No campground shall be permitted on a site of less than twenty—?ve(

No campground may accommodate or rent space to any person or group of

No space shall be closer than one hundred (100) feet to any

be **no** in—streedt rop—ofofr waiting. . A minimumtwenty-?ve (25) foot

No building, parking lot, driveway (except for the entrance of the driveway

No material, vehicles, and equipment associated with the Commercial Service shall be allowed

No material shall be stacked higher than six (6) feet from the

be **no** additional outdoor storage of any kind other that what has been approved.

district, **no** additionalpatrons will be seated after 10PM and alcohol bar service will be

with **no** bar seating. 5. Adaptive reuse of properties containing historic structures or within

be **no** less than twenty (20) feet long and no less than ten

and **no** less than ten (10) feet wide (twelve (12) feet

E. **No** exit or entrance for such facilities shall be within 100 feet of

contain **no** parking areas or buildings. The Commission may allow other structures within the

No Short-term Rental (STR) shall be permitted in a multi-family

No more than one (1) Single-family Dwelling shall be permitted on

where **no** additionalpermits or approvals are necessary from the Zoning Official. Any removal of

under **no** obligation, to provide a reminder notice regarding an expiring permit for soil,

is **no** limit on the number of times a renewal permit can be granted.

operations, **no** permit shall be issued for a subsequent phase until the prior phase

approval, **no** removal shall take place within twenty—?ve(25) feet of a property

necessary. **No** operation shall take place closer than ?fty (50) feet from

operations, **no** bank shall exceed a slope of one (1) foot Vertical rise

no steeper than a two to one ratio (2:1). 8.17 HOMEOCCUPATION(

be **no** industrial uses permitted as a home Occupation. Uses such as hospitality,

d. **No** Zoning Permit Required for a simple home office where there is occasional

and **no** patron, client, or associate visits to the business, and in either case

and **no** patron, client, or associate visits to the business, and in either case

No business is conducted on the premises except by computer, mail, telephone or

No external evidence of the business is visible; 0 No business signs are

No business signs are erected; and I No pedestrian or vehicular traffic is

I **No** pedestrian or vehicular traffic is generated by the business. The owner of

No permanent dedication of the residential structure to non-residential uses shall result

No more than one (1) non-resident shall be engaged in the

No mustering of employees permitted on—site). Waste materials generated by the home

was **no** home occupation. Medical and hazardous waste is not permitted. Dumpsters are not

be **no** exterior indication of the home occupation, other than a sign that does

no outdoor storage of small equipment, parts or any other material related to

No more than twenty-five percent (25%) the gross ?oor space

No more than four trips shall be generated per day from the site.

be **no** more than three vehicles in excess of 26,000 pounds of gross vehicle

no structures or parking shall be located within the required side or required

In **no** case shall a hotel/motel unit be

where **no** additional facilities are grmitted. 8.20 KENNEL,COMMERCIAL A. Purpose: To allow for

be **no** other dwelling units or overnight accommodationsprovided in association with, or located on

Club **No-** Firearms This section deals with membership clubs other than those described in

no-? rearms) shall be that of the underlying zone. The use of the

be **no** other dwelling units or overnight accommodations provided in association with or located

no-? rearms). 4. Food service may be provided to members and their guests.

no-? rearms) include, but are not limited to, special events such as club

No individual building associated with a mixed residential and commercial use shall have

is **no** minimum number of dwelling units. . For all new Mixed-Use developments,

be **no** residential use allowed. Mixed-use (Commercial/Industrial) developments involving multiple structures

be **no** Vehicle, Boat or Equipment sales associated with this use unless a Mixed-

of **no** more than twenty (20) beds (residents) per acre. PERSONALSERVICEESTABLISHMENT A.

is **no** limit on the number of times a renewal permit can be granted.

No later than sixty (60) days after the completion of work, the

be **no** signage, lighting, or other indication the dwelling is an STR. The Host

a. **No** solar energy building or structure shall be permitted in any required front

No freestanding accessory solar energy building or structure shall exceed ?fteen (

Period: **No** single event shall exceed a time period of seven (7) consecutive

No dust, dirt, ?y ash or smoke shall be emitted into the

No offensive odors or noxious, toxic or corrosive fumes or gases shall be
structures, **no** noise which is unreasonable in volume, intermittence,frequency or shrillness shall be
structures, **no** vibration shall be transmitted beyond the boundaries of
buffer **no** less than twenty—?ve(25) feet in width shall be provided along
but **no** fewer than four (4) spaces. Places of Public Assemblv(includir;g_
If **no** minimumnumber of parking spaces has been established in these Regulations for a
accessory. **No** entrance or exit for any off-street loading area shall be located
in **no** case shall they be located in a front yard setback area. C.
no case may the angle between the street line and the driveway centerline
No parking area or driveways shall be closer than ten (10) feet
in **no** case may the angle between the street line and the access—way
No refuse storage area shall be located in the required front yard setback
No outside—storagematerials shall be permitted that will attract animals or insects. No
No perishable merchandise shall be stored outdoors. B. Location: 1. 2. The location
No outdoor storage shall be allowed in the required front, side, or rear
A. **No** perishable items shall be displayed outside, except as permitted for farm stands.
B. **No** merchandise shall be displayed outdoors that will attract animals or insects. C.
C. **No** goods that are leaking or have broken packaging shall be displayed. Location:
B. **No** merchandise display shall be allowed in areas required
E. **No** outdoor merchandise display shall be allowed within the front yard setback with
Applicability: **No** building and/or portion of a building shall be constructed, reconstructed, altered,
provided **no** such decision may be made until after the Commission has provided the
if **no** work has commenced or if the site work has ceased for a
Permits: **No** Building Permit shall be issued by the Building Of?cial for a
or **no** longer maintained. Notice Provisions 1. In accordance with CGS §8-3(
Occupancy: **No** Certi?cate of Occupancy shall be issued by the Building Of?cial
and **no** development rights shall attach to the review or consideration of any Concept
make **no** decision on the plan, and its review shall not be binding on
if **no** previous Site Plan was approved for such use, and such physical feature(
is **no** additional information needed to know the location of boundary lines, interior lot
is **no** need for additional monumentation, and; The exact horizontal and/or vertical locations
No fees will be charged if the proposed development will be located on
Marshal **no** later than the date the application is ?led with the Commission.
C. **No** Site Plan application shall be approved unless it is materially in conformance
which **no** action has been taken, the Commission shall send a letter of approval

that **no** adverse effect would result to the property values or historic features of

and **no** Zoning Permit or Certification of Zoning Compliance may be issued for such

records **no** later than ninety (90) days after the approval by the Commission,

that **no** such revocation shall be ordered unless the Commission or its agent provides

in **no** signi?cant change in the use or its intensity, and that do

C. **No** hearing shall be conducted on any such application unless the adjoining municipality

assume **no** liability for another person's reliance on any maps, data or information provided

has **no** permanently attached additions, or ii. Meet the permit requirements of this Section

that **no** new construction, substantialimprovement, or other development (including fill) be permitted which

No exceptional hardship would result from the failure to grant the variance, and

take **no** ?nal action, until the Zoning Of?cial or his representative has

D. **No** fee shall be charged for zoning applications for projects by or for

creates **no** additional threat to public safety and meet all the requirements of subpait

C. **No** variance may be issued within a regulatory ?oodway that will result

No public sewers: A maximum average density of four (4) bedrooms per

No building shall contain more than eight (8) dwelling units except that

contain **no** more than thirty—two(32) dwelling units when the following criteria are

and **no** persons under age eighteen (18) or younger are permitted; (d)

contain **no** parking areas or buildings. The Commission may allow other structures within the

No building shall be erected within ?fty (50) feet of a

be **no** greater than two (2) feet (T-2 or T-3

are **no** wetlands on the property Location of ledge outcrops (if applicable) Flood

as **otherwise** speci?cally de?ned, the words "agriculture" and "farming" shall

otherwise good health, that provides the support of services, both licensed and unlicensed,

as **otherwise** permitted by law, to be separately owned, used, developed and/or built

or **otherwise** unusable material destined for disposal or reclamation that is generated from animal

or **otherwise** veri?ed by a licensed surveyor, engineer, or other quali?ed professional

otherwise prescribed. EXCEPTIONS: A. For existing residences built on legal lots of record

as **otherwise** speci?ed by the DOT where applicable).No obstruction, hedge, bush, tree

or **otherwise** encumberedby it. INTERIORLors A.

unless **otherwise** specified. e. The area of the access strip shall not count toward

or **otherwise** encumberedby it. 3. Interior Lots that are created as part of a

or **otherwise** interferes with the proper functioning of a building; no sign shall be

otherwise noted. A. Residential Districts (R-20, R-40, R-60 and

otherwise speci?ed. . Accessory structure building area is limited to eighty per-

unless **otherwise** speci?ed. ADULTDAYCARECENTER A. B. C. Minimum lot size shall be two

as **otherwise** specified. D. The following activities/uses require a Zoning Permit and/or

tourists. **Otherwise,** agricultural tourism requires only a Zoning Permit. 2. Farm Worker Dwelling Unit:

farm. **Otherwise,** such uses require only a Zoning Permit. Small Events Venue for uses

unless **otherwise** speci?ed herein. Maximumheight as defined by these Regulations for Single-family

unless **otherwise** speci?ed herein. Accessory Dwelling Units are not permitted within or on

whatwould **otherwise** be required for a single—familydwelling if there was no home occupation.

or **otherwise** abandonedper subsectionE below. . The ZEO shall issue a Notice of Abandonment

not **otherwise** create a fire or other safety hazard. B. Solar Energy Systems as

unless **otherwise** specified, and shall be designed with a combination of grass, shrubs, ?

otherwise ceases, immediately upon termination of the emergency condition; C. fossil fuel lamps;

otherwise, the application shall be denied and the reasons for

days; **otherwise,** the Certi?cation shall be denied for stated reasons. 4. A Certi?

otherwise provided or allowed by state law. "Work" means all physical improvements

manner **otherwise** prohibited and where speci?c enforcement would result in unnecessary hardship. 25.

not **otherwise** permitted. Procedures: Procedures for submission of applications to the Zoning Board of

are **expressly** excluded/prohibited.

not **expressly** permitted by these Regulations as a principal use in a particular Zoning

as **expressly** provided herein, these Regulations operate independentlyfrom laws and regulations established by agencies

not **expressly** permitted in a District is prohibited. Use Variances are not permitted. Special

be **expressly** provided elsewhere in these Regulations (See Accessory Structures). No projections ?'

be **expressly** allowed elsewhere in these Regulations. A non-conforming use of an existing

be **expressly** allowed elsewhere in these Regulations, a non-conforming use of land or

expressly authorizedby these Regulations . When a non-conforming characteristic of a building

unless **expressly** allowed elsewhere in these Regulations. B. The maximum horizontal foot-candle measurement

be **expressly** provided elsewhere in these Regulations, a Site Plan application shall be submitted:

whether **expressly** speci?ed in the decision or not, upon the remediation of such

expressly stated on the record. If the use, as actually established and operating,

Application, **please** note that (I) the Zoning Permit Application must be approved by

Please provide a copy of your current property card and

- Requiring **Staff** Approvals 10.1 10.2 10.3 Zoning Permit Post-Development Certi?cations of Zoning
- **Staff** Approval). Any use marked "P" is a permitted use by-right,
- either **Staff** or Commission review, in addition to the Site Plan and/or Plot
- includingmanagement, **staff,** and all other persons employed by the relevant business) are located at
- Ledyard **staff** member, or its consultant, followed by a review by the Commission. All
- by **staff.** 10.1 Zouluc PERMITS A. Applicability: No building and/or portion of a
- Use **staff/** of?cial to determine the conformance of any proposed buildings, structures or
- for **staff** approved commercial/business and industrial construction, the ZEO shall require the submission
- **staff** to conduct a site walk of the propeity. (May contain reasonable
- **staff** or Commission. D. No fee shall be charged for zoning applications for
- The **staff** of the Commission shall serve as the staff of the Agency. B.
- the **staff** of the Agency. B. Members of the Commission shall serve coexisting terms
- or **staff** shall complete the course in technical training. formulated by the Commissioner of
- town **staff;** or o a neatly drawn to scale plan with applicable labels and

hearing **set forth** in §8—3,Connecticut General Statutes, Revision of 1958, as amendedand

as **set forth** in that Chapter. C. Words and Terms Not Defined: Words and terms

specifically **set forth** in these regulations. Pavement markings and driveway directional arrows painted on the

standards **set forth** in these Zoning Regulations would be met and that such speci?c

if **set forth** herein. 3.5 ZONINGDISTRICTBOUNDARIES:The District boundary lines are intended generally to follow

requirements **set forth** herein. 3. In that the approval of a TPD constitutes a change

be **set forth** in proper documents. Such document(s). which shall be presented with the

requirements **set forth** in the" Area and Bulk Requirements," with the following conditions and/or

criteria **set forth** in the Subdivision Regulations of the Town of Ledyard. 4. Interior lots

requirements **set forth** in the "Area and Bulk Schedule," with the following conditions and/

minimum **set forth** in applicable building codes, whichever is greater. For an ADU located entirely

set forth in Chapter 11 apply. 1. Agricultural Tourism: A Site Plan review by

as **set forth** in § 8.2 apply. 4. Commercial Services Home Occupations shall not be

purposes **set forth** in §§9.l and 9.2 of these Regulations, these landscaping

criteria **set forth** herein. . Perimeter Landscape Area Reguirements: Any use subject to Site Plan/

standards **set forth** in §9.4E shall be deemed to specify the necessary and appropriate

set forth elsewhere in these Regulations. If no minimumnumber of parking spaces has been

shall **set forth** such information as may be required in order to allow the appropriate

as **set forth** in §l2.2(C) or as determined in §l2.2(D)(5),

Parking **should** be located onsite to the extent feasible, but not lead to excessive

areas **should** maximizelandscaping and prevent large expanses of imperviousarea. Stormwater management shallbe designed to

banks **should** be no steeper than a two to one ratio (2:1).

consideration **should** be given to the overall mix and intensity of current uses, building

roof **should** emphasize the use of natural materials or should be those associated with

or **should** be those associated with traditional New England architecture. Preferred facadematerials are brick,

proposed **should** be incorporated into the design for new constructionand should relate harmoniouslyto adjacent

constructionand **should** relate harmoniouslyto adjacent buildings. Architectural details of a period need not be

they **should** suggest the extent, nature, and scale of the period. C. Large structures

structures **should** have well-articulated facadesto reduce the appearance of signi?cant bulk. Provision

ines **should** be varied to provide architectural interest. 9.9.3 Development District Design Objectives A.

qualities **should** complement and enhance the architectural style and unique featuresofthe building and those

lighting **should** be off when suf?cient daylight is available and whenthe lighting is

should also include comment on the availability of water for any ?re—?

plan **should** include a description of the natural resources located on the parcel and

boundaries **should** be: 1. in harmony with the Plan of Conservation and Development for

structure **should** be (A) the appraised value of the structure prior to the

and **should** be veri?ed with the BFEs published in the

line **should** also be shown. If an inland wetlands and watercourses permit is required,

materials, **should** be provided; front, side, and rear elevations shall be shown. Any stonewalls,

Analysis of Proposed Rewrite of the Ledyard Zoning Regulations
Chapters 1 – 10

Eric Treaster
For 7/14/22 Public Hearing

Suggestions Regarding Chapter 1 - Authority, Purpose, Retroactivity & Severability

1. "*Chapter 1.0*: ..." at the top of the page should be renumbered as *"Chapter 1: ..."* so it is consistent with the Chapter # shown in the Table of Contents.

   Chapter 1.0 implies that there is also a *Chapter* 1.1, and perhaps a *Chapter* 1.2 etc. However, there is no *Chapter* 1.1, 1.2, etc. in the regulations.

2. Delete: §1.1 "Title"

   Although §1.1 is called "Title", it is not a "title." A "title" is a "*name, heading, legend, caption, or inscription.*" What is provided is an *announcement* that the regulations were adopted after notice and a public hearing, which is not a "title, " but is a historic procedure. The "title" is also unnecessary at this location and should be deleted. Its historic adoption procedure is not important.

   However, its date of adoption or approval, which is important, should be on the cover, top of the table of contents, and in the §XXX listing of the history of changes.

   A definition for "Zoning Regulations" should be added to §2.2.

   Suggestion – perhaps the definition should be: "*A general plan to control and direct the use and development of property in the Town of Ledyard by dividing it into districts according to the present and potential use of the properties. Zoning Regulations are also known as the "Comprehensive Plan.""*

3. Modify: §1.2 "Authority"

   What does *" .... in consideration of the Plan of Conservation and Development adopted under §8-23*" mean? Does it mean consistent with? No. What does a conflict between the Plan of Conservation and Development and the "Comprehensive Plan" signify? Usually nothing. If a provision is not clear or adds no value, it should be deleted.

   §1.2 should also be written in the past sense.

   §1.2 includes *".... and serve as the Town's Comprehensive Plan ...."*

   §1.2 should state *".... and, together with its Zoning Map, is the Comprehensive Plan for the Town of Ledyard ..."*

   §1.2 includes "These regulations are enacted pursuant to .... "

   §1.2 should state, "These regulations were enacted under.... "

4. Suggestion: Replace §1.2 "Authority" with:

"§1.2 These regulations were enacted under the provisions of Chapter 124 of the Connecticut General Statutes as amended. Together with its zoning map, they constitute the Comprehensive Plan for the Town of Ledyard."

5. Amend §1.3 "Purpose" as follows:

The proposed §1.3 Purpose includes, *"... (G) consider the impact of permitted land uses on contiguous municipalities and on the planning region, as defined in §4-124i, in which such municipality is located; ...."*

§1.3 should include, *"... (G) consider the impact of permitted land uses on contiguous municipalities and on the Southeastern Planning Region; ...."*

(The regulations should be for Ledyard, not generic regulations for any CT town.)

6. Amend §1.3 "Purpose" as follows:

Delete: *"(I) promote efficient review of proposals and applications; "*

Although the regulations are required to be *designed to promote efficient review of proposals and applications*, it is not a "*purpose*" of the regulations.

Delete: *"(J) affirmative further the purposes of the federal Fair Housing Act ... "*

Although the regulations are required to be *designed to further the purpose of the Fair Housing Act*, it is not a "*purpose*" of the regulations themselves.

7. Amend §1.3 "Purpose" as follows:

Add the following purposes (after the above deletions):

"(I) encourage the most appropriate use of land;
(J) provide for the development of housing opportunities, including opportunities for multifamily dwellings;
(K) promote housing choice;
(L) promote economic diversity in housing, including housing for both low and moderate-income households;
(M) allow for the development of housing to meet the housing needs in the Southeastern Planning Region;
(N) reduce hypoxia, pathogens, toxic contaminants, and floatable debris on Long Island Sound;
(O) protect the existing and potential public surface and ground drinking water supplies."

8. Delete the section in §1.4 that states, *""Work" for purposes of this subsection, means all physical improvements required by the approved plan."*

Move the definition of "Work" to §2.2 as follows: (All definitions should be in §2.2.)

WORK: *Physical improvements required by an approved site plan.*

Suggestions Regarding Chapter 2 -
Definitions

1. "*Chapter 2.0*: ..." at the top of the page should be renumbered as *"Chapter 2: ..."* so it is consistent with the Chapter # shown in the Table of Contents.

   (Chapter 2.0 implies that there is also a *Chapter* 2.1, and perhaps a *Chapter* 2.2, etc. However, there is no *Chapter* 2.1, 2.2, etc. in the regulations.)

2. Add the following after §2.1.A-8.

   "9. The word "*must*" is mandatory; the word "*should*" is advisory."

3. For consistency, each in a series of entries under a subsection should end with either a semicolon or a comma.

   For example, semicolons separate each entry under §1.3. To be consistent, semicolons should also separate each entry under §2.1.A, §2.1.C, etc. Or, periods, or commas. Consistency is the goal.

4. §2.1.B is *"Words and Terms Defined: Words defined in Chapter 2.0 of these Regulations shall be interpreted as set forth in that chapter."*

   Suggested alternative:

   "Words and Terms Defined: The definition of words and phrases defined in §2.2 take precedence over the definition of the same words or phrases defined elsewhere."

5. Sections 2.1.C -1, 2, & 3 – *"Words and Terms Not Defined: ..."* is not clear as to which definition takes precedence in the event of conflicts.

   a. The heading for §2.1.C includes the phrase, *"... not defined:"* However, the first entry under §2.2.C-1 states, "If the word or phrase *is defined* ...." Confusing.

   b. What does "1. If *the* word or phrase *is defined* or *used* in the Ledyard Subdivision Regulations, it [the word] *shall be* interpreted *to be consistent* with *such* [???] *definition* or *usage*"

      What does this sentence mean? Not clear. It appears to be circular logic. Perhaps an example would be helpful.

   c. If a word is defined in the subdivision regulations, does that definition take precedence over a different definition for the same word in the CGS? Not clear. (It should not.)

   d. In the event of a conflict, does the definition of a word in the subdivision regulations take precedence over a different definition for the same word in §2.2 of the zoning regulations? Not clear. (Should not.)

e. If a word is defined in the *zoning* regulations, and there *is no definition* for the word in the *subdivision* regulations, is the definition for the word in the zoning regulations applicable to the planning regulations? (Should be no.)

f. Similarly, if a word is defined in the *zoning* regulations, and there is no definition for the word in the *subdivision* regulations, is the definition for the word in *Webster's dictionary* or the zoning regulations applicable to the planning regulations?

g. If a word is defined in the *subdivision* regulations, and there is no definition for the word in the *zoning* regulations, is the definition in the *subdivision* regulations applicable to the *zoning* regulations?

Note: The proposed §2.1.C -1, 2, & 3 are new and important, and it is good that the subject is addressed in the zoning regulations. But §2.1.C - 1, 2, & 3 needs clarification to be useful.

6. A general suggestion regarding §2.2 – perhaps the following idea should be considered to improve searchability.

Add a *§2.2.1 "General Definitions*"

Under the §2.2.1 "*general definitions*" would be the terms and phrases associated with the zoning regulations, *except for the agricultural terms and phrases*.

Add a *§2.2.2 "Agricultural Definitions"*

Under the §2.2.2 "*agricultural definition*" section would be the terms and phrases associated with "*Agriculture*" and "*Farming*."

For example, §2.2.2 would define *agriculture, agricultural buildings and structures, agricultural tourism, ag-tivities, ... farm store, livestock, etc.*

This would have the benefit of maintaining alphabetical order throughout the definition section, which would make the definitions more easily searchable.

6.1 Access Strip: (should be in §2.2.1)

Is: *"A narrow strip of land, which forms an integral part of flag lot to provide frontage on a highway and vehicular access from the highway to the remainder of the lot."*

Suggested: *"The narrow strip of a lot or easement that is used to provide street access to a flag lot."*

6.2 Access, Unobstructed: (should be in §2.2.1)

Is: *"An area of the site that can be feasibly designed and constructed using established engineering practices and can be used legally for vehicular entry and exit."*

Suggested: *"An area of a site that can be designed and developed using established engineering practices and legally used for vehicular entry and exit."*

6.3 Accessory Apartment (Accessory Dwelling Unit) (should be in §2.2.1)

Change to: "*Accessory Apartment*" (in suggested §2.2.1)

Rationale: The phrases "*dwelling unit*" and "*accessory dwelling unit*" are not used in the statutes, including in PA21-29. The phrase, *"accessory apartment*" is extensively used.

To be consistent with the statutes, the regulations should use the same terminology. There is no need, benefit, clarification, or purpose in using alternative phrases, such as "*Accessory Dwelling Unit*" or "*ADU*." As such, there is no need for the phrase to be defined, and it should be replaced with "*accessory apartment*" wherever "*Accessory Dwelling Unit* or "*ADU*" occurs in the proposed regulations.

6.4 Under the proposed definitions, is a *detached* "*accessory apartment*" an "*accessory use,*" an "*accessory building*" or an "accessory structure"?

If the answer is yes (an *accessory structure* & an *accessory building)*, then a *detached accessory apartment* is limited in §8.2.D to 80% of the living area of the principal structure, but is also limited under §8.1.A-4 to 30% of the total floor area and the same height as the primary dwelling. Which takes precedence, §8.2.D or §8.1.A-4, in the regulation of the floor area and height of an *accessory structure/accessory apartment/ADU?* Not clear.

Suggestion: Add the following to the §2.2.1 definition of "*Accessory Apartment*."
"A detached accessory apartment is not an accessory structure or use."

Suggestion: Add the following to the definition of *"Accessory use/Accessory Building"*: *"A detached accessory structure/accessory building is not an accessory apartment."*

6.5 The last sentence in the definition of "*Accessory Apartment*" states, *"Accessory Apartments are not permitted within or on the same parcel as a Duplex Dwelling."*

The "*are not permitted*" part in the last sentence is not "definitional," but is regulatory. It is also unnecessary because it is replicated in §8.1.A-2 *"No ADU shall be approved as an accessory [use] to a duplex residential or multi-family residential use."*

6.6 Accessory Use/Accessory Building (should be in §2.2.1)

Suggestion: Split into three definitions - one for "*Accessory Use*," one for "*Accessory Structure*," and one for "Accessory Building."

Rationale: IMO, there is a difference between an *Accessory Use*, an *Accessory Structure*, and an *Accessory Building*, and their definitions should not be combined into a single definition. (If there is no difference, then delete the redundant terminologies from throughout the regulations.)

For example, an *accessory use* might be the storage of a lawnmower in a garage. An *accessory structure* might be a swimming pool, tennis court, or a fence. An *accessory building* might be a detached garage or a storage shed. A definition for each (use, structure, building) would be helpful.

6.7 Age Restricted Housing: The proposed zoning regulations deleted the last sentence in the existing definition, which stated, *"Age-restricted housing proposed for development shall be so designated on any site plan submitted to the Zoning Commission for approval."*

Admittedly, the last sentence is regulatory, not definitional, and should not be in the §2.2.1 definitions. But the phrase is important to assure an age restriction is memorialized. I cannot find a requirement in the proposed zoning regulations requiring a proposed age-restricted development to be so noticed (memorialized) on its site plan or elsewhere. The requirement for *the memorialization* of a permanent age restriction on a development is important and should be added somewhere, perhaps in §11 and/or Appendix B.

6.8 Farm, Accessory Dwelling Unit: *"An accessory dwelling unit on a Home or Commercial Farm that is used by a caretaker/worker of the farm and/or the farm's livestock.* (Should be in §2.2.2)

a. Is an accessory dwelling unit (farm accessory apartment) on a farm limited for use only by a caretaker/worker of the farm? If not (as expected), why is a definition needed for a *farm accessory dwelling unit*?

b. If multiple temporary farmworkers are required, is only one farm accessory dwelling unit (farm accessory apartment) permitted on a farm? If yes, (as expected) why? (A limit, if any, should be addressed in the section on farms.)

c. Is a Farm Accessory Dwelling Unit (farm accessory apartment) subject to the 30% net floor area requirement of PA21-29? If yes, (as expected), there is no need for a definition for a farm accessory dwelling unit (farm accessory apartment), and the phrase should be removed from the definitions.

d. Is it subject to 80% of the size /height of the principal structure limits for accessory structures?

e. Can a single-section (14' wide) mobile home be used as a farm accessory dwelling unit if it is used *only* for housing *temporary* farmworkers? (The answer is no, but it is unclear and should be addressed in the regulations for farms.)

Suggestion for §2.2.2: Either delete in its entirety, or replace "*Farm, Accessory Dwelling Unit*" with: "*Farm, Accessory Apartment: An accessory apartment on a farm*."

Suggestion: The phrase, "*home farm,*" as used in the definition, needs a definition in §2.2.2.

6.9 The definition (in §2.2.2) for "Farm, Commercial" is: *"A farm producing farm products for sale by wholesale, or for sale at locations (not including Farmers' Markets) other than the farm property on which they were produced. A minimum of five (5) contiguous acres is required to be considered a commercial farm for the purposes of these Regulations (Tracts of land used for agriculture that are separated by a road, but otherwise abutting, are considered contiguous for the purpose of these regulations.)."*

The important part of the proposed definition is not its minimum 5-acre size, but how its farm products are marketed. A *commercial farm*, per the proposed definition, requires its products to be sold wholesale or offsite (excluding farmers' markets).

However, its 5-acre requirement means that a 4.9-acre apple "tract" is not a commercial farm and, as a result, cannot sell its apples *wholesale* to the Village Market. However, by definition, a 25-acre tract that grows apples it sells at retail using a farm stand on its property, or with "*pick your own*" *retail* marketing, is *not a commercial farm*.

Is this the intent? Probably not. Is it important? The regulations are not clear.

Suggestion: If the phrase, "*Farm, Commercial*" is important, it should be defined in §2.2.2 as follows:

"Farm, Commercial: Land that produces income or a loss from an agricultural use or uses, and that income or loss is required by law to be recorded on a "Form 1040 Schedule F: Profit or Loss From Farming," and its owner manages the agricultural use or uses as a business with the intent to make a profit."

6.10 The proposed definition of "*Farm Stand*" is: *"An accessory building in support of farming, specifically for the seasonal sale of products produced on local farms in accordance with §8.5.G(5).*

a. The definition references §8.5.G(5) in the regulations. Although regulations can and should reference the definitions, it is usually not a good idea for definitions to reference into the regulations. One risk is that of circular logic, where a regulation references a definition, and the definition references the same regulation. Another risk is that, when the regulations are amended and their sections renumbered, a reference to a regulation from a definition is unlikely to be updated.

b. Its definition as an "*accessory building*" means that a farm without a principal structure (no single-family dwelling, no barn) is not allowed to have an *accessory* farm stand. Is this the intent?

Suggestion for §2.2.2: "*Farm Stand: A structure on a farm to support the direct sale to the public of agricultural products produced in Ledyard."*

(See comments on §8.5.G(5)-2)

6.11 The proposed definition for "*Amusement Park*" includes, *"... A theme park is a type of amusement park that ..."* (should be in §2.2.1)

Suggestion: Delete the "*theme park*" sentence, which is a definition. Insert it as a separate definition for "*Theme Park*" in §2.2.1

6.12 Add a definition for *Dog Park*. (should be in §2.2.1)

6.13 The definition for "*Apartment*" includes *"(b) above or behind a commercial use; ..."*

Suggestion: Replace (b) with *"(b) above, behind, or attached to a commercial use; ..."*

6.14 Regarding the proposed definition of "*Barn*." (should be in §2.2.2)

Suggestions:

a. Replace "*shall be considered*" with "*is*".
b. Add "*the*" before "*parcel*."
c. Delete the word, "*considered*."

6.15 Regarding the definition of "*Bed And Breakfast*." (should be in §2.2.1)

Suggestion: In the definition, replace the word, "*dwelling*" with the phrase, "*single-family dwelling.*"

See comments regarding §8.6 (Bed & Breakfast (ACC USE))

6.16 Regarding the definition of "*Building Height*" (should be in §2.2.1).

The proposed definition includes, *"The vertical distance from ... to the highest point of the following elevations ... : • to the highest point of the highest dome ...; • to the mean level ... ; • to three-quarter of the distance ...; • to the highest point of ..."*
IMO - confusing.

Suggestion: *"Building Height" "The vertical distance from the average finished grade to the top of the highest dome, flat, shed, mansard roof, or parapet; the halfway point between the highest ridge and its lowest corresponding eve of a gable, hip, gambrel, or saltbox roof; the three-quarter point of the distance to the height of an A-Frame structure; or the highest point of any other structure, including rooftop equipment, screening, fencing, and other structures placed on a roof, unless exempted in these regulations."*

6.17 Regarding the definition of "*Building Line*".

Suggestion: Replace the definition with*: "Building Line: The line or lines on a site plan that establishes a building envelope.*

Add a definition to §2.2.1: *"Building Envelope: An area on a lot where a principal structure is allowed."*

6.18 Regarding the definition of "*Civic Building*".

Is the Ledyard Food Pantry "barn" a "Civic Building"? (IMO, it is, but it is not under the proposed definition).

Suggestion: Replace the definition of Civic Building with: *"A building owned or operated by a public agency and used for providing service to the public."*

6.19. Regarding the definition of *Coastal Site Plan* – its definition refers forward to §12 of the regulations.

Although regulations can and should reference the definitions, it is usually not a good idea for definitions to reference into the regulations. One risk is that of circular logic, where the regulations reference a definition, and the definition references the same regulation. Another risk is that, when the regulations are amended and their sections renumbered, a reference to a regulation from a definition is unlikely to be updated.

Suggestion: Replace the definition with: *"Coastal Site Plan: The site plans, applications, and project referrals listed in CGS §22a-105."*

6.20 Regarding the definition of "Community Center" - its definition is, *"A building or group of buildings and associated grounds either privately owned or municipally leased or owned, in or on which members of a community may gather for social, educational, or cultural activities."*

IMO, the ownership of a building has nothing to do with determining if a building or group of buildings is a "*community center.*"

Suggestion: Replace the definition with: "*Community Center: A building, or a group of buildings, available for use by residents for social, educational, and cultural activities."*

6.21 Regarding the definition of "Cottage Cluster Housing" - what is a *"... live work unit ..."* as used in its definition?

Suggestion: For consistency in the regulations, replace "*housing units*" with "*dwelling units*"

6.22 Suggestion: Change "C.G.S." to "CGS"

6.23 The proposed definitions deleted the definition for "*Design Guidelines*" I am saddened by this, but understand they may hinder commercial development. The Dime Bank, police station, and the most recent gas station in Ledyard Center were developed under the guidelines. Village Market was developed under the predecessor to the design guidelines. They turned out well (IMO). Hopefully, sections of the design guidelines can be reused.

6.24 Regarding the phrase, "*Dwelling, Single-Unit*"

Presumably, this phrase replaces the "*Dwelling, Single-Family*" entry in the existing zoning regulations. It is not clear why.

The statutes, case law, training manuals, and the existing zoning regulations, do not use the term, "*Dwelling, single-unit,*" but near-universally use the term, "*Single-family dwelling."*

As such, if the new term, "*Dwelling, Single-Unit*" is adopted, then the term "*single-family dwelling*" must be replaced by "*Single-Unit Dwelling*," or "*Dwelling, Single-Unit*" wherever it appears throughout the regulations.

IMO, this proposed change in commonly recognized terminology offers little or no benefit, is in conflict with the land use statutes and case law, and will be confusing. It also has the

appearance of discriminating against "*families*." The benefits of the change, if any, are not worth the confusion and disadvantages.

Suggestion: Retain the phrase and the existing definition for "*Dwelling, Single-Family*," and not change it to "*Dwelling, Single-Unit*."

6.25. Regarding the phrase, "Dwelling, Multi-Unit"

The comments above in §6.23, in red, for "*Dwelling, Single-Unit*," are similarly applicable to the phrase, "*Dwelling, Multi-Unit.*"

Suggestion: Retain the existing phrase and the existing definition for "*Dwelling, Multiple-Family*," and not change it to "*Dwelling, Multi-Unit*."

6.26. Regarding the phrase, Dwelling, Two-Unit (Duplex)

The proposed definition includes, *"... on a lot that does not contain any other principal dwelling units."* This part of the definition is regulatory, not definitional, and should be removed from the definition.

Suggestion: In §8.15 (Dwelling – Two-Family (Duplex)), – add: "*E. No other dwelling units are allowed on a lot with a duplex."*

6.27 Regarding the phrase, "*Dwelling, Two-Unit Duplex."*

The comments above in §6.24 for "*Dwelling, Single-Unit*," are similarly applicable to the phrase, "*Dwelling, Two-Unit (Duplex).*"

Suggestion: Retain the existing phrase and the existing definition for "*Dwelling, Two-Family (Duplex)*," and not change it to "*Dwelling, Two-Unit (Duplex).*

6.28 Regarding the definition of "*Home Occupation*"

The definition of "Home Occupation" includes, *"... except as may be permitted in these regulations."*

Exceptions to a use *constrained by its definition* are always a possibility in the body of the regulations. As such, the possibility of an *exception* is unnecessary *in the definition*.

Suggestion: Delete *"... except as may be permitted in these regulations"* from the definition of Home Occupation.

6.29 Regarding the definition of "*Home Occupation*"

The proposed definition for a "*Home Occupation*" also includes a requirement that the home occupation must be *"... within a residential dwelling by the resident owner(s) thereof ..."*

The definition of a Home Occupation in the *existing* regulations requires that the home occupation must be *"... within a single-family dwelling in a residential district by the resident owner(s) thereof ..."*

The most significant consequence of the change is that a home occupation will, for the first time, be allowed in condominiums, duplexes, mobile home parks, and in owner-occupied accessory apartments – because such units are "dwelling units" as the phrase is defined.

It means that *customers, vendors, suppliers, raw materials, manufacturing equipment, and tools would pass through common areas* of private property that are not under the control of the owner of the home occupation. It is a big change.

Likewise, it means that if something goes wrong (overloaded electrical, creation of odors, creation of noise, waste materials, UPS deliveries to the business *in the common areas*, a clogged sewer due to the business, insufficient parking, etc.), the impact would not be limited to the home of the owner of the home occupation. The impact could affect the common areas (including the parking ares), and the residents below, above, and adjacent to the unit with the home occupation. A home occupation would be unfair to those neighbors. Home occupations should only be allowed in owner-occupied single-family dwellings, as in the existing regulations. (Essentially, for the equivalent reasons that STRs are not allowed in multifamily dwellings.)

Suggestion: Restore "*... within a single-family dwelling in a residential district by the resident owner(s) thereof ...*" to the definition of Home Occupation.

6.30 Regarding the definition of "*Lot*."

IMO, there is confusion as to the difference(s) between a plot, tract, *lot*, plat, and *parcel*.

For practical purposes, a "lot" is *technically* equivalent to a "parcel." However, normally the word "lot" and "lot lines" are used, and not "parcel" or "parcel lines." IMO, the definition should reflect the technical equivalence.

Suggestion: *"Lot: A designated area of land established by subdivision or as otherwise established by law, and is formally described and recorded with map, block, and lot numbers. A parcel can consist of one or more lots; a lot cannot consist of more than one parcel."*

6.31 Regarding the definition of "*Lot Area, Minimum*"

The proposed definition is: *"The minimum required area of contiguous buildable area as defined herein, excluding any portion of land located under a body of water."*

If a 40,000 lot in an R20 district is one-half underwater (on a pond, for example), and 20,000 feet of the lot is dry and buildable, is its owner allowed to construct a *cantilevered* home above the pond? Can he build a principal dwelling on pilings that go into the pond? Should these possibilities be addressed in the regulations? Just curious.

Suggestion: Such designs should be allowed to encourage the development of interesting homes.

6.32 Regarding the definition of "Lot Line, Frontage"

The proposed definition, at the end of the definition, includes, *"(Uninterrupted? Or combined total)"* This is (presumably) a reminder note and should be deleted from the application.

Suggestion: Delete *"(Uninterrupted? Or combined total)"* from the end of the definition.

6.33 Restore the definition of "*Mobile Manufactured Home Land Lease Community*"

Suggestion: Add the following definition.

Mobile Manufactured Home Land Lease Community: *"A land lease community in which two (2) or more mobile homes or mobile manufactured homes are located on a single parcel and occupied as dwelling units."*

Justification: Ledyard has several land lease communities (aka mobile home parks). Stonegate Village is the newest, best, and recently (and may still be) Ledyard's 10th highest paying taxpayer. Hopefully, well-designed and regulated land lease communities will be seriously considered as an important part of providing safe, desirable, and affordable housing, and restored to the Use Table. The suggested definition mirrors the definition in CGS §21-64-(2).

6.34 Regarding the definition of "*Motor Vehicle*."

Presumably, the definition is important since it will be applied to "*motor vehicle dealers"* and other business uses.

The proposed definition, first line, includes "*A man-made object or device, whether motorized or unmotorized, ..."*

The second sentence includes, *"Includes all automobiles, ... or any other powered wheeled vehicle used on or off road and which may be required to be registered ... . Devices powered by humans are not considered a vehicle under this definition."*

The problem is that the proposed definition appears to lump *unmotorized* and *motorized* objects or devices together as a *motor vehicle*, which is confusing.

A possible definition for "Motor Vehicle" is:

"A vehicle which is self-propelled and capable of transporting a person or persons or any material or any permanently or temporarily affixed apparatus, unless any one or more of the criteria set forth below are met, in which case the vehicle shall be deemed not a motor vehicle: (1) The vehicle cannot exceed a maximum speed of 25 miles per hour over level, paved surfaces; or (2) The vehicle lacks features customarily associated with safe and practical street or highway use, such features including, but not being limited to, a reverse gear (except in the case of motorcycles), a differential, or safety features required by state and/or federal law; or (3) The vehicle exhibits features which render its use on a street or highway unsafe, impractical, or highly unlikely, such features including, but not being limited to, tracked road contact means, an inordinate size, or features ordinarily associated with military combat or tactical vehicles such as armor and/or weaponry."

6.35 Regarding the proposed definition of "*Non-Conforming Lot*"

The definition references §14.3 in the zoning regulations, which is titled "Zoning Board of Appeals – Procedures," and does not apply to the definition of a "*non-conforming lot*".

More importantly, although regulations can and should reference the definitions, to avoid the risk of circular logic, it is usually not a good idea for definitions to reference into the regulations.

Suggestion: The definition of a"Non-Conforming Lot" should be: *"A Lot of Record which does not conform to these Regulations."*

6.36 Regarding the proposed definition of "*Non-Conforming, Legally Existing (a.k.a. "Grandfathered Use:"*

Add a close parenthesis after *"... Use:"*

6.37 Regarding the definition of "*Open Space*"

The last sentence states, *"Land may be subject to a Conservation Easement, or other form of develoment restriction, including that within a Conservation Subdivision or an Open Space Subdivision."*

What does the word "*that*" refer to in the last sentence? (Not clear)

Suggestion: Replace the last sentence with: *"Land areas designated as open space, including open space areas in Conservation Subdivisions and Open Space Subdivisions, may be subject to a Conservation Easement or other forms of development restriction."*

6.38 Regarding the definition of "*Parcel*"

Add the following at the end of the proposed definition.

"*A parcel can consist of one or more lots; a lot cannot consist of more than one parcel."*

6.39 Regarding the definition of "Park/Playground"

IMO, a "dog park" is principally for the benefit of dogs, and not for its owner. A dog park is not principally for (human) recreation; or for scenic, leisure, conservation, historic, or ornamental purposes as in the proposed definition. As such, a "*dog park*" (like an "air park," "skate park," "water park," or an "amusement park"), should not be a type of "Park/Playground" that is encompassed by the definition. A "*dog park*" should, however, be a listed use, have supplemental regulations, and require a special permit.

Suggestion: Add the following sentence to the end of the proposed definition for "Park/Playground"

"*A park does not include any type of park principally designed and intended for use by "dogs."*

6.40 Add a definition for "*Dog Park*"

Also, add supplemental regulations for dog parks.

Suggestion: Add: "*Dog Park: A dog park is a fenced or secured area for dogs to exercise and play off-leash in a controlled environment under the supervision of their owners."*

6.41 Regarding the proposed definition for "*Personal Service Establishment*"

a. Is a business that offers "*training*" a "*personal service establishment*"?

For example, if someone who is not certified, registered, or licensed operates a business that teaches computer programming, tennis lessons, swimming lessons, art classes, history classes, foreign languages, property management, welding, or classes on grant writing, is his training business a "*personal service establishment*? It is not clear under the proposed definition for "Personal Service Establishment", "Professional Service", or §8.26.

b. If not, where is *training* by non-certified, non-registered, or unlicensed instructors (non-professional) allowed under the regulations?

6.42 Regarding the proposed definition for "*Sawmill*"

Suggestion: Delete the "*as well*" at the end of the last sentence.

6.43 Regarding the proposed definition for "*Sawmill, Temporary*"

Suggestion: Delete the word, "*immediately*" from the proposed definition.

6.44 Regarding the proposed definition for "*Setback, Front Yard*"

The last phrase in the proposed definition,*"(or Front Building Setback Line),"* is confusing. Also, the use of the word "*Yard*" is inconsistent with its common definition. (A "*yard* "is commonly defined as a piece of ground adjoining a building or house, which means a "*front yard*" would commonly be understood as the ground area between the front of a house and the street.) If possible, the alternative use of the word "*yard*" should be avoided.

Also, as shown in the following suggestion, freestanding accessory structures (i.e., sheds, hoop houses, garages, carports, accessory apartments, swimming pools, jungle-gyms, tree houses, solar panels, wind mills, ground-mounted satellite dishes, antennas, etc.) should not be in front yards, as provided in the existing regulations. (A flag pole should be ok.)

Suggestion: Replace the proposed definition of "*Setback, Front Yard*" with:

"*Setback, Front: A line extending the full width of a lot delineating the minimum required distance between the front property line or boundary line and the front boundary of the building envelope for a principal structure.*

6.45 Regarding the proposed definition for "*Setback, Rear Yard*"

See comments regarding "*Setback, Front Yard*"

Suggestion: Replace the definition of "*Setback, Rear Yard*" with:

"*Setback, Rear: A line extending the full width of a lot delineating the minimum required distance between the rear property line or boundary line and the rear boundary of the building envelope for a principal structure.*

6.46 Regarding the proposed definition for "Setback, Side Yard"

See comments regarding "*Setback, Front Yard*"

Suggestion: Replace the definition of "*Setback, Side Yard*" with:

"Setback, Side: A line extending the full depth of a lot delineating the minimum required distance between a side property line or boundary line and the side boundaries of the building envelope for a principal structure."

6.47 Regarding the proposed definition of "Sign, Ground"

The proposed definition states, "*A sign which is different from a free-standing sign and is mounted on the ground attached either to footings or a base with no open space between the ground and the sign face."*

Suggested definition: *"A permanent sign with no open space between the ground and the sign face."*

6.48 Regarding the proposed definition of "*Solar Energy System*"

The proposed definition includes a statement that it produces "*cooling*". I am not aware of solar energy systems that are intended to provide "*cooling*."

The word "cooling" should be deleted from the definition (unless I am mistaken).

6.49 Regarding the proposed definition of *"Special Permit (Special Exception)"*

The proposed definition, "*The type of permit required for a specially permitted use,"* is technically correct, but is not helpful. It is almost circular logic, essentially representing that a *special permit* is to allow a use that *requires a special permit*.

Suggested Alternative: *"Special Permit (aka a Special Exception): A process, which includes a public hearing, that is intended to allow a generally compatible use in a zoning district, but because of the nature of the proposed use, special attention must be given to its location and method of operation to determine if the proposal satisfies the standards in the regulations for the use, to keep the use compatible with uses allows as of right in that district, and to allow the Planning and Zoning Commission to impose conditions to protect public health, safety, convenience, and property values. Special permits are typically required for churches, schools, medical facilities, multiple-family dwellings, and commercial uses."*

6.50 Regarding the definition of "*Structure*"

Is a "fence" a "structure" or an "accessory structure"? According to the definition of "structure", it is. Is this the intent? Is a zoning permit required for a fence? Not clear. Similarly, is a paved driveway a structure? A brick driveway?

6.51 Regarding the definition of "Use, Specially Permitted"

The last sentence *("... designated in the Schedule of Permitted Uses.")* refers to the regulations. Generally, the regulations can refer to the definitions, but definitions should not reference specific areas of the regulations.

6.52 Regarding the definition of "Warehouse"

There is a new warehouse in Groton that is used as a dance studio. Should the definition of a "*warehouse*" encompass uses such as a *dance studio, gymnastic training facility, health club, karate training, and other uses where no physical product is manufactured, stored, or sold*, but which require a large open heated and cooled area of mostly enclosed open space?

6.53 Miscellaneous Suggestions

a. Add a definition for "Special Development Zones"
(Note: The technology park district special development zone should be removed from the regulations. The justification for its removal is provided later.)

b. Add a definition for "Plot Plan"

c. Add a definition for "Site Plan"

d. Add a definition for "MAP" (as used in Appendix D)

e. Add a definition for each "class" of Survey, such as a "*Class D Survey*".

Suggestions Regarding Chapter 3 -
Establishment of Districts and Special Development Zones

1. Change §3.1 "Residential Zoning Districts:"
   To: §3.1 "Residential Districts"

   Change §3.2 "Non-Residential Zoning Districts"
   To: §3.2 "Commercial Districts"

   Change §3.3 "Special Non-Residential Zoning Districts and Development Zones"
   To: §3.3 "Special Development Districts"

   Justification: The words "*Zoning*" and "*Districts*" are nearly synonymous. As such, the word "Zoning", or the word "District", should be deleted. My recommendation is to retain the term, "*district(s)*" and eliminate the word "*zone*", wherever possible.

2. The "*purpose*" (which is not a regulation) of each district is described in §5.1 (which should be limited to just regulations). It should be moved into §3.

   (Which is a section intended to be introductory, not regulatory).

3. A "purpose" of a "*Technology Park District*" should be established and moved into §3.

   (I suggest deleting technology park districts and floating zones. See comments for §6)

4. Regarding §3.3 regarding the "*TPD*" district:

   It should be moved to §3.2, and §3.3 deleted.
   (*Commercial Districts*) [Or *Non-Residential Zoning Districts*].

5. Regarding §3.4 "*Zoning Map*"

   This section uses the words, "*duly*", "*thereto*", "*thereon*", and "*herein" – in a single sentence*.

   Such words are too legalistic and unnecessary. They should be avoided throughout the regulations.

6. Regarding §3.4 "*Zoning Map*"

   This section is written with a mixture of present and future tense. For example, "The boundaries of said districts shall be shown [future] on a map ... which is on [present] file ... "

   Suggested alternative: "*Zoning district boundaries are shown on a map titled, "Zoning Map of the Town of Ledyard", as filed with the Town Clerk. The map is, by reference, incorporated as part of these regulations."*

7. Regarding §3.5 "*Zoning District Boundaries*".

Change to: §3.5 "*District Boundaries*" or "*Zoning Boundaries*"

(Use of the words "zone", "zoning", and "district" should be consistent throughout the regulations.)

8. Regarding §3.5 "*Zoning District Boundaries*"

This section is not necessary because the subject of district boundaries is addressed in §3.4 (Zoning Map).

Although knowing that boundary lines are "*intended generally to follow* ..." is interesting, that information is of no value to an applicant, staff, or the PZC or ZBA. The only thing important is the location of the boundaries on the map, not the intended location of boundaries.

Suggestion: §3.5 should be deleted.

9. Questions regarding §3.6 "Permits and Applicability"

The answer to each of the following questions is unclear in the regulations. Clarification is necessary, especially for uses intended to be allowed.

a. Is a zoning permit required for a basketball hoop on a driveway outside the building envelope? Inside the building envelope? If not, where in the regs is a basketball hoop allowed inside or outside the building envelope?
b. Is a zoning permit required for a mailbox? If not, where in the regs is a mailbox allowed?
c. Is a zoning permit required for a 25' tall flagpole in the building envelope? If not, where in the regs is a 25' flagpole allowed? What if the flagpole is attached to the principal dwelling?
d. Is a zoning permit required for solar panels in the building envelope in front yards? If not, where on a lot (in the regs) are they allowed (in front yards)?
e. Is a zoning permit required for solar panels in the front yard outside the building envelope? If not, where in the regs clarifies where on a lot solar panels are allowed?
f Is a zoning permit required for a windmill in the front yard building envelope? In front of the front building envelope? Where in the regs?
g. Is a zoning permit required for a windmill to be attached to a roof peak? Where in the regs?
h. Is a zoning permit required for a 51 square foot tree house? Where in the regs?
i. Is a zoning permit required for an unoccupied tiny house on wheels stored in the rear yard? Where in the regs?
j. Is a zoning permit required to store a trailered boat in a rear yard? Where in the regs?
k. Is a zoning permit required for an above ground pool in the building envelope? Outside the envelope? Where in the regs?
l. Is a zoning permit required to install lights on a tennis court in the building envelope in the front yard? If yes, where in the regulations.

m. Is a zoning permit required for a power pole located in a building envelope? Outside a building envelope? Where is this addressed in the regulations?

n. Is a zoning permit required to install a paved driveway. A driveway apron? Not clear.

10. Regarding §3.6-A - The regulations use the word, "*Commission,*" and the phrase, "*Planning and Zoning Commission*".

The regulations should be uniform and use one or the other, but not both.

Suggestion: Add a definition in §2.2 for "Commission" as "The Planning and Zoning Commission", and then use the word "*Commission*" throughout the regulations when referring to the "Planning and Zoning Commission."

11. Regarding §3.6-A – which includes, *"... has been issued by the Zoning Enforcement Officer or the Commission indicating conformance: ...."*

Suggestion: Consider the following alternatives (more readable).

a. Replace the definition of "*Zoning Permit*" in §2.2 with:

"A zoning permit, issued by the Zoning Official, or a Special Permit, issued by the Commission, indicates that a proposed use, building, or portion of a building intended to be developed, erected, moved, or structurally altered, or a use proposed to be established or changed, including excavation, conforms with these zoning regulations, or the conditions of a variance."

b. Replace §3.6-A with *"A zoning permit, or a special permit, as determined by the Schedule of Permitted Uses, is required to develop a use, or to construct, erect, move, or structurally alter a building or structure."*

c. Delete §§'s 3.6.A-1, 2, & 3 (because they are addressed in the expanded §2.2 definition of a zoning permit).

12. Regarding §3.6.B

Replace §3.6.B with: *"A zoning permit and a building permit are required to develop, erect, move, excavate, or structurally alter a building."*

13. Regarding §3.6.C

Replace §3.6.C with: *"An accessory use or accessory structure on a lot requires a principal use or a principal structure on the same lot."*

14. Regarding §3.6.D (Prohibited if not permitted:)

    a. Replace the title of §3.6.D with "*Prohibited Uses*"

    b. Replace the body of §3.6.D with: *"D. Any principal or accessory use not listed in the Schedule of Permitted Uses, or is otherwise permitted in a district, is prohibited."*

15. Regarding §3.6.E (Application of Other Laws) (Note: §3.6.E is a "*lecture*", not a regulation.)

    a. Replace the title of §3.6.E with "*Other Requirements*"

    b. Replace the body of §3.6.E with "*E. A zoning permit does not signify a proposed use is lawful or does not require other permits or approvals."*

16. Regarding §3.6.F (Conflicting Standards)

    Replace with: *"F. Conflicting Regulations: In the event of conflicting regulations, the most restrictive is applicable."*

17. Regarding §3.6.G (References to Statutes and Regulations)

    Delete §3.6.G

    Justification: Not necessary. It is generally recognized that the most recent version of laws and regulations is always the applicable version – and not an earlier version of those laws and regulations. There are also no exceptions in the proposed zoning regulations.

18. Regarding §3.7 (Schedule of Uses)

    General Comment: This section, and throughout the proposed regulations, uses the phrases "*Specially Permitted"* and "*Specially Permitted Uses*". However, the statutes and case law do not. They use the phrases "*Special Permits*", "*Uses allowed by Special Permit*", and "Special Permit Uses".

    I do not see a benefit of deviating from the conventional terminology.

    For readability, the common terminology of "*Special Permits*" and "*Uses allowed by Special Permit*" should replace "*Specially Permitted*" and "*Specially Permitted Uses*" in the proposed regulations.

19. Regarding §3.7 (Schedule of uses) - The first sentence states, *"The Schedule of Uses found in establishes the Permitted and Specially Permitted uses for each District:"* [Confusing]

    §3.7 should be titled, "*Schedule of Permitted Uses*"

20. Regarding §3.7.A (untitled)

Replace § 3.7.A with *"Legend"*

ZP	*Uses allowed by right – with Zoning Official approval of applications*
P	*Uses allowed by right – with Commission approval of site plans*
S	*Uses that require a special permit (see definition) and Commission approvals*

21. Delete §§'s 3.7.A, B, & C.

(Replaced with above Legend codes)

22. Regarding §3.7.D (untitled)

NOTE: The proposed regulations (Schedule of Uses, and §8.15 in its supplemental regulations) allow duplexes allowed by right in residential districts, instead of by special permit. The proposed regulations also allow duplexes by-right on any sized lot in the MFDD district in Ledyard Center, which was intended to be reserved for multifamily developments. Is the Commission certain it wants to allow duplexes in the MFDD intended for multi-families, and does it want to eliminate the existing special permit requirements for duplexes? LET'S DELIBERATE! This is a big change.

23. Regarding §3.7.D. and D.1 -

Replace 3.7.D and D.1 with: *"The Zoning Official is authorized to approve zoning permit applications for:*

1. Single-family dwellings, two-family (duplex) dwellings, and additions or expansions to such dwellings; accessory apartments; mobile manufactured homes in mobile home parks and mobile manufactured homes that replace existing mobile manufactured homes; accessory buildings and accessory uses in residential districts; and additions or expansions to accessory buildings and accessory uses in residential districts."

24. Regarding §3.7.D.5 -

§3.7.D.5 states, "*5. such other uses as herein prescribed by these regulations. applications for a Zoning Permit shall be accompanied by a plot plan or Site Plan and shall contain the information specified on the applicable check sheets provided to allow the ZEO to determine compliance with all relevant provisions of these regulations. the Zeo may require that such plans be certified or otherwise verified by a licensed surveyor, engineer, or other qualified professional when necessary to determine such compliance."*

Replace with: *"5. Any other use that does not require Commission approval."*

25. Note that §3.7 is titled, "*Schedule of Uses*"

However, §3.7.D and §3.7.E have nothing to do with the "*Schedule of Uses*". They should be deleted and moved into §3.10. titled, "*Application Requirements*"

26. Add §3.10 titled, *"Application Requirements"*

"1. Zoning Permit applications require a plot plan or site plan consistent with Appendix B, Appendix C, or Appendix D, as appropriate."

2. When necessary, the ZEO may require an applicant to have a qualified professional certify compliance of a proposed development, use, or structure(s) with the Zoning Regulations."

27. General Comment regarding §3 and the entire set of proposed regulations.

The regulations excessively use a **BOLD FONT** together with ALL CAPS together with **BOLD FONT AND UNDERLINING** (and sometimes double underlining) – which is TOO MUCH.

Use either a Bold Font, or all caps, or underlining – but not all three, especially in one sentence.

28. General Comment regarding font selection.

Use a font intended for regulation manuals, instruction manuals, and formal documents – such as Calibri (my preference) or Arial.

Suggestions Regarding Chapter 4 -
Dimensional Requirements – General All Districts

1. The title of Chapter 4 is "*Dimensional Requirements – General All Districts*"

   Change title to "*Dimensional Requirements*"

2. Regarding §4.1 "*Minimum Lot Area"*

   §4.1 and §4.1.A are difficult to comprehend. Perhaps the following alternative should be considered:

   "4.1 Minimum Lot Area

   4.1.1 Purpose – To assure sufficient contiguous buildable land exists for a proposed principal use or structure after complying with open space, well, septic, access, parking, wetlands, flood zone, impervious coverage, and other requirements.

   4.1.2 Requirements.

   a. *Proposed building lots require a minimum of 75% of its space to be a contiguous buildable area.*

   b. *The remaining area of a lot may be used for an existing or proposed street, conservation area, easement, deeded rights-of-way, drainage, wetlands, watercourses, or classified as a flood zone A or AE per FEMA maps.*

      (What is a flood zone A or a flood zone AE? If important, the terms need a definition in §2.2 If not important, they should be removed from the regulations.)

   c. *Easements and rights-of-way with an unspecified width are assumed to be 25 feet in width.*

   d. *The area of a lot under a body of water shall not count towards the minimum required lot area."*

   Note that the proposed §4.1.C ["*No portion of land located under a body of water shall* ***not*** *count toward the minimum lot area.*"], and the proposed definition of "*lot coverage*" in §2.2, are in conflict due to the double-negative. (As proposed, the underwater land counts towards the minimum lot area.)

   Suggestion: *"Land under a body of water shall not count towards minimum lot area requirements."*

3. Replace §4.2 (*Frontage*) -A, B, C, & D with the following:

"*A. When one side of a corner lot conforms with the minimum frontage requirement, that side is considered the front of the lot and must satisfy the width and front setback requirements for the district.*

B. When two or more sides of a corner lot conform with the minimum frontage requirement, its owner specifies the front of his lot.

C. The proposed frontage for frontage and interior lots must accommodate a driveway into the building envelope that conforms with the driveway standards.

D. A right-of-way, or part of a right-of-way, is not part of the required frontage.

E Land on which a driveway is to be located must be owned in fee by the same entity who owns the remainder of the lot, unless a shared driveway is proposed in accordance with the requirements in §7.4C."

NOTE: The proposed regulations do not have a §7.4.C.

4. Regarding §4.3 "*Setback Requirements*"

The proposed regulations require a minimum of a 25' setback from the front property line to the front of a principal building for both town roads and state roads. THIS IS NEW.

The existing regulations require 35' when fronting on a town road, and 50' when fronting on a state road. Between 1963 and 2012, the setback distances for town roads to the center of the roadway were 75' for town roads and 100' for state highways. The distances were justified by an expected need to widen the streets in the future. WHY IS THE DISTANCE REDUCED FROM THE EXISTING 35' AND 50' TO ONLY 25'?

Percentage-wise, the 10' reduction (28%) and the 25' reduction (50%) are big changes. It is equivalent to zoning for some of New London's urban districts. IT IS NOT APPROPRIATE FOR LEDYARD. What has changed in Ledyard that requires or justifies a reduced front setback? The change will dramatically alter the character of our town over the years. This must be discussed.

5. Regarding §4.3 "*Setback Requirements*"

The proposed regulations require a minimum of 10' side yard setback in all districts. The existing regulations required a minimum of 12' in an R-20 district.

However, the proposed regulations allow exceptions. For example, although a single-family dwelling can be 10' from a side property line, it can have a canopy, awning, eave, chimney, or bay window project 3' into the setback, which is 30% of the minimum setback distance.

With two single-family dwellings only 20 feet apart, the exceptions allow bay windows on adjacent homes to be only 14' apart. Entry steps or a patio on the side of each house are

allowed an intrusion of 5' into the setback, which means two adjacent homes would have side entry steps or an patio only 10' apart. THIS IS TOO CLOSE FOR LEDYARD.

The regulations should restore the original side yard setback distances, and not allow exceptions.

What has changed in Ledyard that requires or justifies a reduced side yard setback, with big exceptions? The proposed changes will alter the character of the town. This must be discussed.

6. §4.3.C-1 uses the phrase, "*right-of-way of any street*"

   What is a "right-of-way" of a street? It needs a definition in §2.2

7. §4.3.C *"Fences and Walls*", as worded, provides that *"... setback distance shall not apply .... to wire livestock fences ...."*

   Does this mean a *"wire livestock fence*" (a chain link fence) 20' high, and used for a permitted tennis court in the building envelope, is permitted if in a setback? Not clear.

8. §4.3.D includes *"A paved terrace or patio shall not be counted as part of impervious surface coverage, ..."*

   The subject of the sentence is "*impervious surfaces*", which is not related to setbacks or setback requirements. The sentence should be moved into a section appropriate for regulations applicable to impervious and permeable surfaces.

9. §4.3.E states, *"Minimum setback from Front Lot Line is ten (10) linear feet for all districts, or as otherwise prescribed."*

   §7.9.8.E states *"All signs ... must be a minimum of ten (10) feet from the edge of payment if no setback requirement is specified."*

   a. The "*edge of payment*" is not the same as the "*front lot line*."

   b. What is the minimum setback distance required for a construction sign, temporary real estate "for sale" sign, portable or sandwich board sign, or off-site temporary directional signs? Not clear.

   c. What, or where in the regulations, are minimum setbacks "*otherwise prescribed*?" (None?) Not clear.

      If there are no "*otherwise prescribed*" exceptions, then delete "*otherwise prescribed*" so applicants do not have to search for exceptions.

Suggestion: Signs constitute a unique land use because they are not a principal use or accessory use (as defined). For example, a for "sale sign" can be on a vacant lot, with no principal use of the property, which means the for sale sign is also not an accessory use.

Because signs are unique (not principal and often not accessory uses, as defined), setbacks for signs should only be in the sign section.

10. Regarding §4.4-A – *Setback Exceptions for Occupied Lots* (Under §4.4 Exceptions)

NOTE: The proposed scheme in §4.4.A means that for a pre-1776 farm home built ≈3' from the street line (common in 1776), the applicable front setback on his property for new construction is also ≈3' from his front property line, and not the existing required 35' (or the proposed 25').

And this means that if the lot is wide, a freestanding garage, a storage shed, and a detached accessory apartment can be constructed, by right, ≈3' from the front property line of the lot.

A new garage, shed, or accessory apartment ≈3' from the front property line is an *intensification of a nonconforming use*, which may be illegal unless the ZBA grants a variance. A legal opinion should be obtained to determine if the proposed scheme is lawful.

11. Regarding §4.4.B – *Setback Distances for Vacant Nonconforming Lots* (Under §4.4 exceptions)

NOTE: The proposed scheme in §4.4.B means that an undersized lot created before 1963 can have reduced setbacks for a new home on the lot, which is an intensification of a nonconforming use.

For example, a new home built 20' from the front property line instead of 35' (or the proposed 25'), as in the proposed regulations for a pre-existing 6000' lot, is an *intensification of a nonconforming use*, (reduced setback, excessive density, % of lot coverage, etc.) and may be illegal unless the ZBA grants a variance.

A legal opinion should be obtained to determine if the proposed scheme for the regulations to allow the intensification of a non-conforming use on an undersized lot, without a variance, is lawful.

12. Regarding §4.4-A and §4.4-B (Under §4.4 Exceptions) – Difficult to understand.

Suggestion: Consider the following alternatives:

"A. The minimum setbacks for a dwelling on an undersized lot created before 1963 are the distances from the lot lines to the dwelling, or the minimum setbacks in §5.2, whichever is less."

"B. The minimum setbacks for undersized vacant lots created before 1963 are the same as the minimum setbacks for conforming lots in the district, or as shown in the following table, whichever is less:"

13. Regarding the untitled §4.4.B *Setback Exception Table*

    a. Suggestion: Add a title to the top of the table: "*Setbacks for Vacant Nonconforming Lots"*

    b. Replace the word, "parcel" with "lot" (within the table)

    c. Replace the words, *"[in] all zones"* with "*in all residential districts*" (within the table)

14. Regarding the Title and Contents of Chapter 4.

    The title of Chapter 4, "*Dimensional Requirement – General All Districts*" – is inconsistent with its contents. For example, Chapter 4 contains setback exceptions (§4.4) for R20, R40, and R60, but does not list the standard R20, R40, and R60 setbacks, which are in Chapter 5 (§5.2).

    Suggestion: Chapter 4 should encompass all setback requirements in all districts.

Suggestions Regarding Chapter 5 -
Residential Zoning District Regulations

1. Regarding the title of Chapter 5 – "*Residential Zoning District Regulations*"

   Change title to "*Regulations for Residential Districts*"

   (IMO, the words "Zoning", "Zone", and "District" are duplicative. Use either "zone" or "district", but not both, throughout the regulations. My preference is "district".)

2. Regarding the first sentence.

   Replace the word "*section*" in the first sentence with the word "chapter".
   The first sentence should not be in italics.
   The first sentence should have a preface heading of "Scope" or "Applicability"

3. Regarding the phrase, "*Legally existing*" in the first sentence.

   The first sentence uses the phrase, "*Legally existing*". The phrase is also used throughout the regulations.

   Suggestion: The phrase needs a definition in §2.2.

4. Regarding §5.1.A – *R20 High-Density Districts*

   The "*purpose*" of each district is too generic and difficult to understand. For example, what does "*To maintain existing higher density residential development ...* " actually mean?

   Does it mean that without R-20 districts, existing higher-density residential development would vanish? Of course not. Is R-20 to allow *"additional housing types and other residential and civic uses compatible in design, mass, and scale"* as stated in the section? The same provision is duplicated in the *purpose* sections for R40 and R60 districts. What is unique about R20 districts that deserve unique regulations? Not clear.

   Suggestion: Replace §5.1.A with: *"The purpose of R20 districts is to encourage more efficient and cost-effective housing developments, dwelling units closer to employment opportunities and commercial services, less expensive road maintenance costs per dwelling unit, less costly police services per dwelling unit, less costly student transportation costs per household, to generate less traffic per dwelling unit compared with medium and low-density residential districts, to foster a community environment, and to reduce suburban sprawl."*

5. Regarding §5.1.C – *R60 Low-Density Districts*

   Suggestion: Replace §5.1.C with: *"The purpose of R60 districts is to provide areas for residential development with very little traffic, a high level of privacy, that are peaceful, suitable for large gardens, attractive to wildlife, suitable for outdoor pets, suitable for home husbandry, to provide large yards for children to play, allow for larger homes, oversized garages, and to allow for pools, RV parking, tennis courts, and other amenities."*

6. Regarding §5.1.B – *R40 Medium-Density Districts*

   Suggestion: Replace §5.1.B with: *"The purpose of R40 districts is to provide areas available for residential development with moderate traffic, moderate privacy, reasonable areas for gardens, pets, and multi-vehicle parking; and a reasonable level of amenities."*

7. Regarding the table of dimensional requirements for R20, R40, and R60 districts. (Bottom of Page 5-1) – Header Line at the top of the table

   Replace: "*Requirement*" with "*Requirement - (in linear feet or square feet)"*

8. Suggestions for the "*Front Lots*" section (at the top of the table in §5.2):

   a. Replace "*Minimum Lot Area (sf)*" with: "*Minimum Lot Size"*
   b. Replace "*Minimum Lot Frontage AND Lot Width at Front Building Line (lf)*" with: *"Minimum Lot Frontage"*
   c. Add a new line entry in table: "*Lot Width at Front Building Line" [100' 100' 100')*
   d. Replace "*Minimum Lot Frontage for lots on a cul-de-sac (lf) (Min. Lot Width still applies)"* with: "*Minimum frontage for cul-de-sac lots."*
   e. Add a line entry: "*Minimum width for cul-de-sac lots*"

9. Suggestions for the "*Interior Lots*" section of the table in §5.2

   a. Replace "*Minimum Lot Area (sf)"* with: *"Minimum Lot Size" [30k, 60k, 90k]*
   b. Replace *"Minimum Frontage/Lot Width at Front Building Line (lf) Lot width must be achieved within 400 ft. of property line that abuts the road."* with: "*Minimum Lot Frontage" [25' 25' 25')*
   c. Add a new line entry in the "Interior Lots" section of the table: *"Lot Width at Front Building Line*" [100' 100' 100']*
   d. Add an (*) at the bottom of the chart: *"*Must be within 400' of the front property line"*
   e. Remove the dark gray (or the added background color) applied to the lines in the Interior Lots section of the table.

[for readability, especially for black and white scanned copies of the regulations.]

10. Suggestions for the "*Front and Interior Lots"* section of the table in §5.2

    a. Replace the *(20*), (25*), and (30*)* entries with *(20**), (25**), and (30**).*
    b. Replace the single (*) entry below the chart with (**).
    c. Delete *"** Maximum Building Height for permitted Non-residential Principal Uses and/or Multi-family Dwellings in the R20, R40 or R60 Districts is 50 feet."*

    (Repetitive, the 50' limit is provided in §8.13-G. Also, the schedule of uses does not impose height limits for single-family or duplex dwellings. To be consistent, it should also not impose a height limit on multi-family dwellings.)

11. Regarding §5.3 – *"Schedule of Uses – Residential Districts" (Duplexes)*

    The proposed regulations allow a duplex by right. The existing regulations require a special permit for a duplex. It is likely, especially in an R20 district, that a 35' high duplex will be inappropriate if surrounded by single-story ranch-style homes. Why was the special permit requirement eliminated for duplexes, but not for multi-family developments, which can have fewer units per acre than a duplex? Both uses have the same issues, and both should require a special permt.

12. Regarding §5.3 – *"Schedule of Uses – Residential Districts"*

    A duplex in an R40 district, or in an R60 district, is not consistent with the "*purpose*" in §5.1.B and §5.1.C of an R40 district or an R60 District.

    Suggestion: Do not allow duplexes in R40 and R60 districts.

13. Suggestion: Change the title of the §5.3 Chart to: "*Uses Permitted In Residential Districts*"

14. Suggestion: Remove the dark gray (or the added background color) applied to the column headings in the §5.3 chart [for readability, especially for black and white scanned copies of the regulations].

15. Regarding the *"Accessory Dwelling, Apartment §8.1"* entry in the §5.3 *Schedule of Uses.*

    a. The statutes and PA 21-29 do not use the phrase, "*Accessory Dwelling, or Accessory Dwelling Unit*", but use the phrase, "*Accessory Apartment*"

    Suggestion: To be consistent with the statures, replace *"Accessory Dwelling*" and "*Accessory Dwelling Unit*" with "*Accessory Apartment*" throughout the proposed regulations.

    b. Do not include references into the §8 supplemental regulations.

    It is likely that the supplement regulations will often be renumbered to maintain their alphabetical order. The process of renumbering will likely overlook references to §8 in §5.3.

16. Regarding the "*Bed & Breakfast*" entry as a "*Residential - Accessory Use*" in the table on page 5-1:

The existing regulations require a special permit for a bed and breakfast establishment in residential districts. The proposed regulations allow a commercial bed and breakfast establishment in residential districts, by right, with site plan approval by the Commission. Why the change?

a. Why should a commercial bed and breakfast establishment in a residential district be allowed, by right, considering its *subjective requirements* in §8.6. These include:

"[The] *... existing home has unique structural or site characteristics ...) and the intent is "... to ensure that Bed and Breakfast operations do not infringe upon the privacy, peace, and tranquility of surrounding residents or decrease the aesthetic or real value of surrounding properties."*

If ever there was a need for a special permit, it would be for a commercial bed and breakfast establishment in a residential neighborhood.

b. Why is a commercial bed and breakfast establishment in a residential district considered an "*accessory use*", even though the (B&B) use will likely be more intense than its residential use. (IMO, a B&B is a subset of an "*Inn*" or "*Motel*" use.)

Suggestions: Make the "*bed and breakfast*" "use" a commercial use, and retain its existing special permit requirement if in a residential district.

17. Regarding the "*Accessory Structures/Uses §8.2*" line on page 5-2,

The line should be divided into two lines as follows:

"Accessory Structures"
"Accessory Uses"

Although "*Structures"* and "*Uses*" are similar in the zoning context, they are defined differently in §2.2, and are not identical.

A "*structure*" is defined as "*Anything constructed or erected, the use of which requires location on the ground including, but not limited to, dwellings, swimming pools, decks, sheds, pens, runs, barns, accessory buildings, and garages. ... "*

A "*Use*" is defined as "*The purpose or activity for which land or buildings are designed, arranged or intended or for which land or buildings are occupied or maintained."*

An "*Accessory Use*" is defined as "*A use of land, buildings or structures that is incidental and subordinate to, customarily used in connection with, and located on the same lot as the principal building, structure, or use."*

An "Accessory Use/Accessory Building" is defined as a *"use, building, structure and/or portion thereof customarily incidental and subordinate to the principal use of the land or building and located on the same lot as the principal use."*

These are different. There should be separate entries on page 5-2, and separate entries in the §8 Supplemental Regulations, for "*Accessory Uses*" and for "*Accessory Structures*".

18. Regarding the "*Family Day Care Home"* line on page 5-2.

Are there any unique requirements? Are the statutes sufficient (should be referenced)? Why are there no supplemental regulations?

19. Regarding the "*Home Husbandry*" line on page 5-2.

The existing regulations require a special permit for home husbandry in R20, R40, and R60 districts. However, the proposed regulations allow home husbandry by right in R20, R40, and R60 districts. Why the change?

The proposed §8.5J-B requires an inspection of the premises *to ensure that the land is capable of livestock or poultry keeping*. It also states the *"Commission" may consult* with any agency it deems appropriate for assistance .... . However, a home husbandry "use" is allowed by right, where the approval authority is the zoning official, not the Commission.

The proposed §8.5.J-E-1 requires that *"All animals shall be suitably and adequately confined or controlled at all times."* This is a subjective determination, and uses that require subjective determinations should normally require a special permit so conditions of approval can be imposed, where necessary.

The proposed §8.5.J-E-2 requires that shelter areas be "*on well-drained soils*", which is not objectively defined. A special permit is appropriate.

The proposed §8.5.J-E-6 also provides that "*Keeping areas for any animal will be evaluated for compliance with [non-identified] best animal management practices to ensure that animals are kept in a manner that will not constitute a public nuisance."* This sounds like a *subjective "standard"* appropriate for a special permit.

Perhaps a special permit should be required, as is the case in the existing regulations, for most home husbandry proposals. These concerns are more important for home husbandry in high density R20 districts.

20. Regarding the "*Educational Facility - Public or Private*" (allowed by right with Commission site plan approval) line on page 5-2.

Presumably, these would be a commercial use, if privately owned, in residential districts. If public, they would be a public school.

Suggestions: Due to traffic and other concerns, an educational facility in a residential district should always require a special permit. They should also have appropriate standards in the regulations.

Alternatively, do not permit public or private profit oriented educational facilities in residential districts, but instead establish a new district designation for educational facilities (public or private).

21. Regarding the "*Farm Store §8.5H7*" (page 5-2) as a nonresidential principal use in residential districts (Allowed by right with Commission site plan approval) line on page 5-2

This section has several issues:

a. There is no §8.5.H.7 as referenced.
b. As worded, §8.5.G.5-3 allows a farm store of any size anywhere in any residential district, and does not require a farm store to be on a farm.
c. As worded, it is unclear if a Farm Store requires a zoning permit from the ZEO, or a site plan approval by the commission.
d. As worded, it is unclear what requirements must be satisfied for a permit to construct and operate a farm store.

Suggestions

a. Prohibit farm stores in residential districts. (Delete use from table on page 5-2)
b. Treat commercial farm stores the same as any other retail store.
c. Add unique requirements, if any, that must be satisfied for a by-right farm store.
d. Allow a farm stand on any farm in any district.
e. Allow a farm stand on any farm, by right (with ZEO approval).
f. Add more unique objective requirements that must be satisfied for a by-right farm stand on a farm.

22. Regarding "*Membership Club (Firearms) (no-Firearms) §8.21.1 §8.21.2)*" (page 5-2)

It is unclear what the standards are for granting a special permit for a Firearms Membership Club. A "harmony" standard will be a challenge.

A 100-acre *Firearms Membership Club* should be limited to R60 districts. (Otherwise, an excessive amount of R20 or R40 land is lost for new housing, which is a more important use of developable land.)

23. Regarding *"Rooming and Boarding"* as an Accessory Use in Residential Districts

It is unclear why *Rooming and Boarding* are prohibited in the proposed regulations under *Residential – Accessory Uses R20, R40, R60*

Add: "*Rooming & Boarding" ZP ZP ZP* in table on page 5-2 (under Residential - Accessory Uses)

In §8.X, add: *Rooming and Boarding (Accessory Use)*

"1. A single-family dwelling may have roomers or boarders if its owner lives in and is domiciled in the home.
2. The health department must inspect and approve the single-family dwelling.
3. There must be one on-site parking space reserved for each roomer or boarder that does not block entry or exit from other parking spaces.
4. A single-family dwelling is limited to not more than two roomers or two boarders at a time.
5. A single-family dwelling with an accessory apartment shall not have roomers or boarders.
6. A single-family dwelling with a short-term rental special permit, or a home occupation permit, shall not have roomers or boarders.
7. Roomers or boarders are required to reside in the home under a written agreement for minimum terms of longer than 30 days.
8. The application for a rooming/boarding zoning permit must include a copy of the blank rental agreement."

24. Restore "*Construction Trailer – Temporary*" as an allowed principal use in all districts.

25. Add "*Multi-family – Age Restricted*" as an allowed principal use in residential districts.

26. Add "*Dwelling, Two family (Duplex) – Age Restricted*" as an allowed principal use in residential districts.

27. Regarding §5.4 – Special Residential Zoning Districts, Overlays and Developments

1. Reference: §5.4.1.A "Applicability" should be deleted. *Conservation Subdivisions* should be added as an entry under R40 and R60 in the "Schedule of Uses – Residential Districts" under Residential – Principal Uses (top of page 5-2).

2. Reference: §5.4.1.A "Applicability" should be deleted. *Open Space Subdivisions* should be added as an entry under R40 and R60 in the "Schedule of Uses – Residential Districts" under Residential – Principal Uses (top of page 5-2).

3. An illustrative drawing is shown for a conventional subdivision and a conservation/open space subdivision. However, it is not clear what the differences are between a conservation subdivision and an open space subdivision.

4. Do open space and/or conservation subdivisions require a zoning permit? If not, why are they in the zoning regulations? Duplicative regulations are likely to be in conflict. As much as possible, the regulations for subdivisions should only be in the subdivision regulations.

5. It appears that the evaluation of many of the requirements in §5.4.1.E-2, 3, & 5 requires subjective decisions by the Commission, and will likely require conditions of approval. Why is a special permit not required for conservation and open space subdivisions? If a special permit is not required, how are conditions of approval imposed?

6. The chart on page 5-4, titled "D. Bulk Requirements" under "Interior or Special Lot" show that a "*special interior lot*" can have 0' of frontage. A *special interior lot* should have its own definition, preferably in §2.2.

7. A definition is required for the phrase, "*Special Residential Zoning Districts*".

Suggestions Regarding Chapter 6 -
Non-Residential Zoning District Regulations

1. The title of Chapter 6 is "*Non-Residential Zoning District Regulations*"

   Change title to "*Regulations for Commercial Districts*"

2. Regarding *§6.1.- A, C, D.*

   Delete the word "*Development*" from the titles of the commercial districts.

§6.1.A.	*Change LCDD*	*to LCD*	*For:*	*Ledyard Center District*
§6.1.C.	*Change MFDD*	*to MFD*	*For:*	*Multifamily District*
§6.1.D.	*Change GFDD*	*to GFD*	*For:*	*Gales Ferry District*

   The word "*development*" in the proposed name of each of the commercial districts adds no value, clarification, or meaning to the intended appearance or character of development.

3. Regarding §6.1.A - LCDD

   This section is appropriate for a design or village district, but is misleading for a district that is no longer a design or village district.

   The section uses terms such as *"village", "scale", "harmonious streetscapes", "sense of place", and "intensification",* none of which are required or encouraged in the regulations for the LCDD (LCD) district.

4. Regarding §6.1.B - LCTD

   This section uses the term *"... village center ..."* which is misleading because Ledyard Center is not a "village". The term "*village*" should no longer be used in the zoning regulations.

   This section also includes a statement, *"The LCTD district is the immediate area abutting the LCDD area to the west."* Although this is true, the zoning map is controlling (as for all districts), which means the statement is unnecessary, and the regulations do not specify the relative locations of other districts in or around Ledyard Center.

5. Regarding §6.1.C - MFDD

   This section includes, "*This District is intended to accommodate primarily high-density residential development and limited non-residential uses."*

   This is OK. However, the regulations allow "*small wind energy systems and solar energy systems"* by right as "*limited non-residential uses*" in the MFDD, which are incompatible with high-density residential developments.
   Suggestion: Delete *wind energy systems* and *solar energy systems* as permitted uses in the MFDD district. Replace the last sentence in §6.1.C with, "*This District is for high-density residential development."*

6. Regarding §6.1.D - GFDD

This section is appropriate for a design or village district, but is wrong for a district that is no longer a design or village district.

The section uses terms and phrases including, *"village", "unified design and scale", "intended to encourage family activities", "encourage cohesive architectural design", "encourage coordinated development", and "minimize sign clutter"* — none of which are addressed, required or encouraged in the regulations for the GFDD (GFD) district.

7. Regarding the "§6.2.1 *Design, Cluster & Transition District Dimensional Requirements*" table on page 6-2.

The bottom of the page, below the table, is an exception to the height limits to allow the height of a multifamily development or mixed-use building to be increased from 50' to 65' in the LCDD, LCTD, MFDD, and RCCD districts if there are fire hydrants and the building has a full sprinkler system. The 15' increase is a 30% increase from the maximum height in the existing regulations. At 11'/story, 65' will allow six-story flat-roof apartment buildings, which is too high (and too ugly) for Ledyard. Why is the increase in the height limit proposed?

Suggestion: Delete the maximum height exception at the bottom of page 6-2.
Suggestion: Limit the height to 35' in all except industrial and RCCD districts.

8. Regarding the *"§6.3.1 General Commercial and Industrial District Dimensional Requirements"* on page 6-3.

The table allows the principal building height to be 65' in "I" and "CID" districts. The existing regulations limit the heights to 50'. Is 65' too high for Ledyard, especially in CID? Percentage-wise, it is a big change. Why is it being proposed? Is the change consistent with the POCD?

9. Regarding the table in §6.3.1 (page 6-3) for Front Lots (Lot Size - Commercial)

The minimum lot area in the proposed regulations is:	100k	for the "I" district.
The minimum lot area in the existing regulations is:	200k	for the "I" district.

Why is there a 50% reduction in the minimum lot size?
What are the benefits to the town?
Is the proposed change consistent with the POCD?

10. Regarding the table in §6.3.1 (page 6-3) for Front Lots (Frontage - Commercial)

The minimum lot frontage in the proposed regulations is:

200'	for the "I" district
150'	for the "CM" district
150'	for the "NC" district
50'	for the "CID" district

The minimum lot frontage in the existing regulations is:

100'	for the "I" district
100'	for the "CM" district
100'	for the "NC" district
50'	for the "CIP" district

Why is there a 50' increase in the frontage requirement for the "CM" and "NC" districts? What are the benefits?

And, why is there a 100' increase in the frontage requirement for the "CID" districts? What are the benefits?

Why is there a 50% decrease in the minimum lot size together with a 100' increase in the required lot frontage in the "I" district?

Is the intent to require or allow smaller, wider lots? Why?
What are the benefits to the town?

Do these changes create new nonconformities? (Probably yes when going from larger to smaller). Are they consistent with the POCD?

11. Regarding the table in §6.3.1 (page 6-3) for Front Lots (Sidewalks - Commercial)

The proposed regulations require 5' wide sidewalks in "NC" and "CID" districts.
The existing regulations do not require sidewalks in "NC" and "CID" districts.

Why is a new, expensive sidewalk requirement imposed in "NC" and "CID" districts? What are the benefits? Are the benefits justified by the cost of installation, maintenance, etc.?

12. Regarding the table in §6.3.1 (page 6-3) for Interior Lots (Frontage - Commercial)

The minimum lot frontage in the proposed regulations is:

50'	for the "I" district
50'	for the "CM" district
30'	for the "NC" district
50'	for the "CID" district

The minimum lot frontage in the existing regulations is:

20'	for the "I" district
20'	for the "CM" district
20'	for the "NC" district
20'	for the "CIP" district

The proposed regulations require significantly more frontage, sometimes by over 200%, than the existing regulations. Why? What are the benefits of the increases?

Do these changes create any new nonconformities? (Probably yes when going from smaller to larger). Are they consistent with the POCD?

13. Regarding the table in §6.3.1 (page 6-3) for All Lots (Lot Width at Building Line - Commercial)

The minimum lot width in the proposed regulations is:

200'	for the "I" district
150'	for the "CM" district
150'	for the "NC" district
100'	for the "CID" district

The minimum lot width in the existing regulations is:

500'	for the "I" district
100'	for the "CM" district
100'	for the "NC" district
100'	for the "CIP" district

Why are some width requirements increased, and some decreased?
Do these changes create any new nonconformities? (Probably yes when going from smaller to larger).
Are the changes consistent with the POCD?
What is the goal of the changes?

14. Regarding the table in §6.3.1 (page 6-3) (Front Setback - Commercial)

The minimum front setback in the proposed regulations is:

35'	for the "I" district
25	for the "CM" district
25'	for the "NC" district
35'	for the "CID" district

The minimum front setback on state roads in the existing regulations is:

50'	for the "I" district
50'	for the "CM" district
50'	for the "NC" district
50'	for the "CIP" district

The minimum front setback on town roads in the existing regulations is:

35'	for the "I" district (on town roads)
35'	for the "CM" district
35	for the "NC" district
35'	for the "CIP" district

Why is the front setback reduced to only 25' for "CM" and "NC" districts? This is barely enough for parking a full size pickup. UGLY.

15. Regarding the table in §6.3.1 (page 6-3) (Max Front Setback - New - Commercial)

The *maximum* Front Setback in the proposed regulations is:

50'	for the "I" district
None	for the "CM" district
None	for the "NC" district
50'	for the "CID" district

The *maximum* Front Setback in the existing regulations is:

None	for the "I" district
None	for the "CM" district
None	for the "NC" district
None	for the "CIP" district

Are the proposed changes consistent with the POCD? Why are they being imposed at this time? What are the goals of the changes? Not obvious.

16. Regarding the table in §6.3.1 (page 6-3) (Side Yard Setback - Commercial)

The minimum side setback in the proposed regulations is:

25'	for the "I" district
25'	for the "CM" district
25'	for the "NC" district
25'	for the "CID" district

The minimum side setback in the existing regulations is:

30'	for the "I" district
12'	for the "CM" district
12'	for the "NC" district
12'	for the "CIP" district

Why are the side yard setback requirements increased, and some decreased? Do these changes create new nonconformities? (Probably yes when going from smaller to larger). Are the changes consistent with the POCD? What is the goal of the changes?

17. Regarding the table in §6.3.1 (page 6-3) (Rear Yard Setback - Commercial)

The minimum rear yard setback in the proposed regulations is:

25'	for the "I" district
20'	for the "CM" district
20'	for the "NC" district
25'	for the "CID" district

The minimum rear yard setback in the existing regulations is:

30'	for the "I" district
20'	for the "CM" district
20'	for the "NC" district
35'	for the "CIP" district

Why are some rear yard setback requirements decreased? Are the changes consistent with the POCD? What is the goal of the changes? Not obvious.

18. Regarding the table in §6.3.1 (page 6-3) (Lot Coverage - Commercial)

The maximum lot coverage % in the proposed regulations is:

70%	for the "I" district
60%	for the "CM" district
60%	for the "NC" district
70% f	for the "CID" district

The maximum lot coverage % in the existing regulations is:

80%	for the "I" district
80%	for the "CM" district
80%	for the "NC" district
80%	for the "CIP" district

These are big reductions! Do they create nonconformities? Probably.
Are they consistent with the POCD?
Why are they being imposed at this time?
What is the "source" of the changes?
What are the goals of the changes?
What is the justification? Not obvious.

19. Regarding the table in §6.3.1 (page 6-3) (Building Height - Commercial)

The maximum Building Height in the proposed regulations is:

65'	for the "I" district
50'	for the "CM" district
50'	for the "NC" district
65'	for the "CID" district

The maximum Building Height in the existing regulations is:

None	for the "I" district
50'	for the "CM" district
50'	for the "NC" district
None	for the "CIP" district

Are the proposed changes consistent with the POCD?
Why are they being imposed at this time?
What are the goals of the changes? Not obvious.

20. Question Regarding impact of min/max "front" setback in "I" & "CID" districts – §6.3.1 (page 6-3)

The *minimum* front setback in the "I" and "CID" districts is 35'
The *maximum* front setback in the "I" and "CID" district is 50'

Does this mean the front setback line (front of the building envelope) must be between 35' and 50' in "I" and "CID" districts? If yes, why?

What are the criteria for how the actual front setback line of the building envelope is established? And, who decides if the front setback of the building envelope is required to be 35' or 50', or somewhere in between? Not Clear.

If this is the intent, *change the minimum front setback:*
from 35' to 35'-50 '(for both "I" and "CID")

Delete *"maximum front setback entry*"

21. Regarding §6.4 Schedule of "*Permitted and Specially Permitted Uses*" - Non-Residential (page 6-4) *(Residential Principal Uses in Commercial Districts)*

1. Change the title of the table to: "Commercial Uses" (For simplification)
2. Delete "Dwelling, single-family" (No need for entry)
3. Delete "mobile manufactured home" (No need for entry)
4. Delete "Duplex" as a permitted use in the MFDD.

   By definition, a duplex is not a multi-family, and will be out of character if surrounded by multifamily developments. (If a duplex is allowed in the MFDD, then single-family dwellings should also be permitted for the same reasons.)

5. Require a special permit "S" for a duplex in the LCTD

   For the same reasons, a special permit is required for a duplex in residential districts – to allow for conditions of approval to be imposed if necessary.

6. Delete "Dwelling, Multi-family" as a permitted use in the LCDD.

   The "purpose" of the LCDD (§6.1.A) is to concentrate commercial businesses along a main street. The LCDD, per its "purpose", is to be developed as a *destination for shopping, services, and social gatherings*.

   Although "residential" is listed as a use in §6.1.A, it is intended to be minor, such as for mixed uses with apartments above commercial businesses. Large multi-family developments are not intended for "downtown" Ledyard.

7. Require a special permit for "*Dwelling, Multi-family" in the MFDD, GFDD & RCCD'*
8. Require a special permit for "*Assisted Living Facility" in the LCTD, MFDD, & RCCD"*
9. Require a special permit for "*Bed & Breakfast*" wherever the use is allowed.

10. Require a special permit for *"Nursing Home & Residential Care Home" in LCTD, MFDD, and RCCD*."

    Large developments, including multi-family developments, assisted living facilities, large bed and breakfast establishments, and nursing homes, should always require a special permit, so conditions of approval can be imposed where necessary for health, safety, convenience, and the protection of property values. For example, additional screening may be appropriate to block headlight glare, or a fence to block noise or create privacy. A wider turn radius may be needed for refuse trucks or fire trucks, or an area established for exercise. These are areas where appropriate conditions of approval may be necessary, which were not anticipated in the regulations. (The Commission does not have the authority to impose conditions of approval for by-right uses.)

22. Regarding §6.4 Schedule of "*Permitted and Specially Permitted Uses*" - Non-Residential (page 6-4) *(Residential Accessory Uses in Commercial Districts)*

    1. Accessory Uses should be allowed by-right with ZEO approval (ZP)
    2. Home occupations should be allowed by-right with ZEO approval (ZP)
    3. Adult or Child Day Care Centers should require a special permit (S) where allowed.
    4. An STR should not be allowed in a DUPLEX in any district.

23. Regarding §6.4 Schedule of "*Permitted and Specially Permitted Uses*" - Non-Residential (page 6-4) (*Agriculture)*

    Why is a commission ("P") site plan approval required for a proposed new agricultural farm use (from §2.2) in a commercial district, but only a ZEO (ZP) approval is necessary for a new agricultural use (new farm) in a residential district?

    What are the application requirements for ZP approval of a new farm (agriculture use) as the principal use of land?

    What are the application requirements for P approval of a new farm (agriculture use) as the principal use of land?

    Are the application requirements reasonable for a new agriculture use as a principal use? (Not clear for a new farm.)

24. Regarding §6.4 Schedule of "*Permitted and Specially Permitted Uses*" - Non-Residential (page 6-5) (*Agriculture)*

The *existing* regulations do not permit home husbandry in commercial districts.
The *proposed* regulations allow home husbandry in commercial districts on lots with lawful pre-existing dwellings (single-family dwellings, duplexes)

The regulations should not allow animal husbandry in commercial districts.

Note: There may be a disagreement on this technical issue.

A land-use attorney should be consulted to identify the case law or to provide an opinion that supports the position that pre-existing lawfully nonconforming structures have the right to be used in an equivalent manner as if they were conforming. IMO, nonconforming uses are protected, but do not have the right to be expanded. A single-family dwelling with an accessory home husbandry use is a more expansive use (land area, foot print, odors, etc) than is a single-family dwelling without an accessory home husbandry use.

25. Animal Husbandry should not be an allowed accessory use on a non-farm if there is a multifamily or duplex on the lot.

(The neighbors may not want a goat or chickens in common or shared areas of the property.)

26. Regarding Agriculture and the §8.5 Supplemental Regulations for Agriculture

Section 8.5 (Agriculture) contains many "*subjective*" requirements, such as "what is the *anticipated maximum* parking *necessary* to *safely accommodate all existing and proposed agricultural uses*; parking must be *a suitable* all-weather surface ..., *adequate* existing or *planned* sanitary facilities, a solid waste management plan based on the number of *expected visitors*, when any agricultural tourism event *may reasonably be expected* to require parking for 20 or more vehicles".

The Commission cannot impose conditions of approval unless a use requires a special permit.

Most commercial accessory uses of farms (weddings, apple picking, wine tasting, farm stores --- should require a special permit if the regulations are *subjective* as proposed.

27. Regarding the Institutional Civic/Municipal & Commercial Uses in Commercial Districts (page 6-6)

Suggestion: Revisit all listed uses to determine if they should require a special permit.

The criteria should be if (a) a public hearing is appropriate *(may bring important insight to the decision-making process)* (b) there are *subjective* (vs objective) *requirements* in the regulations for the use, (c) there are *few or missing regulations* for the use, and/or (d) it is likely that *conditions of approval may be necessary.*

For example, conditions of approval are often necessary for safety, such as improving sightlines, improving ventilation, facilitating internal traffic circulation, moving a dumpster to keep out of the reach of children, etc., or improving queuing for drive-throughs, or making exiting of property safer.

IMO, almost all principal commercial, civic, or municipal uses that will be extensively used by the public should require a special permit.

Examples include - Hotels and Motels, which are proposed as allowed by right in the LCDD, GFDD, and RCCD districts – with site plan approval by the Commission. However, hotels should always require a special permit, especially if they have a restaurant, swimming pool, area for bus pickup, dumpsters, live music, EV overnight charge stations, etc. Conditions of approval are almost guaranteed to be necessary.)

28. Miscellaneous – Regarding Institutional Civic/Municipal/Commercial Uses in Commercial Districts (page 6-6)

1. Hotels and motels should not be allowed in the MFDD, even with a special permit.
   Hotels and motels are commercial uses that should not be commingled with residential uses.

   It is unclear why an indoor recreational facility is allowed by right (commission approval) in the GFDD, but requires a special permit in the LCDD?

   What is the underlying policy that determines if a special permit or site plan review is required?

2. Motor vehicle sales/rentals should be allowed in the LCDD (by special permit).
3. Indoor recreation facilities should require a special permit in the GFDD.
4. Campgrounds should not be allowed in the LCTD.
5. Warehouses should not be allowed in the LCDD (do not attract people to downtown)
6. LCDD should replace LCCD throughout.
7. Mixed uses should require a special permit in the LCDD.
8. Small wind energy systems should not be allowed in Ledyard Center or Gales Ferry.
   (Too noisy, eyesores, do not attract people to downtown)
9. Solar energy systems should not be allowed in Ledyard Center unless roof-mounted & out of view.
   (Too much land coverage, an eyesore, does not attract people to downtown.)

10. Drive-through windows should either have or reference regulations regarding speaker boxes, volume, headlight glare, screening of lane, etc., or require a special permit.

29. Miscellaneous – Regarding §6.4 Schedule of Permitted and Specially Permitted Uses (Pages 6-4, 6-5, 6-6, 6-7) and §5.3 Schedule of Uses – Residential Districts (pages 5-1, 5-2, 5-3)

The subheadings in §6.4 *[(Residential, Principal), (Residential, Accessory), (Agricultural), Institutional/Civic/Municipal), (Commercial), (Industrial, Principal), (Industrial, Accessory), and (Misc/Other)*] are too "fine-grained", making the table more difficult to comprehend.

Take, for example, a "*small wind energy system*". A "*small wind energy system*" is not an accessory use, as the phrase is defined in §2.2, and is correctly listed as an allowed accessory use under the "Industrial, Accessory" subtitle in all commercial districts.

However, a "small wind energy system" should also be allowed if there is a duplex, multi-family structure, bed & breakfast, nursing home, civic building, church, or a car dealership as a principal use on a lot in commercial districts. But it is not. Does this mean small wind energy systems are prohibited if there is a civic building on the property? The answer is yes, as shown in the table, but is this the intent?

Suggestions:	Retitle the §6.4 table to:	Non-Residential District Uses
	Limit subheadings to:	Principal Uses
		Accessory Uses
	Retitle the §5.3 table to:	Residential District Uses
	Limit subheadings to:	Principal Uses
		Accessory Uses

30. Regarding the legend for the §5.3 and §6.4 tables:

The proposed tables have a legend that assigns "P" to uses that require site plan approval by the Commission, "S" that require a special permit granted by the Commission, and "ZP" for uses that require approval by the ZEO or staff.

§3.7.D - 1 & 2 list the uses that can be approved by the ZEO. §3.7.E shows that *"... all other uses and buildings shall be reviewed by the Commission ..."* [either site plan review or special permit).

There is too much redundancy between §3.7.D-1 and the tables in §5.3 and §6.4.

Suggestion: Delete §3.7.D-1. In the §5.3 and §6.4 tables, assign the letter "P" to permitted uses allowed by right approved by the ZEO.
(This change is to maintain consistency with the convention in the list of uses in the existing regulations. Note that “staff” should not have approval authority for land-use applications.)

In the tables, assign the letter "S" to permitted uses that require a special permit. (This maintains consistency with the convention in the existing regulations.)

In the tables, assign the letters "PC" to permitted uses allowed by right, but require a site plan approval by the Commission.

Amend the §8 supplemental regulations to eliminate unnecessary situations (if possible), where a type of use can sometimes require approval by the ZEO, sometimes require a special permit, and sometimes requires a site plan approval by the Commission.

For situations where there is no choice, add a separate line, with a reference to a particular section (usually into §8), to differentiate those situations when different levels of approvals are required based on the intensity, frequency, or differences in the characteristics of the use.

31. Regarding §6.5 and §6.5.1 (Special Development Techniques and Floating Zones) & (Technology Park Districts)

The proposed regulations are difficult to comprehend. For example, under §6.5.1.A.1, the proposed regulations state, *"... may establish site specific ... Districts for those properties suitable for the development of high technologies by ..."*, while §6.5.1.2 says a TPD is a [non-site specific] "*floating zone*."

Floating zones, by definition, are not site-specific, and cannot be predicted exactly where they will land.

Floating zones should be discouraged, and only be allowed to land within existing specific districts based on *objective* criteria.

In addition, §7.5.2 states, *"... It is recognized that the Master Plan may require certain fluidity to accommodate market changes ... "*. What does "*certain fluidity*" mean? What does "*market change*" mean in the context of land use? Where can a TPD "land"? Unclear.

The entire section is a "*word salad*".

The TPD section in the existing regulations (§4.13) was drafted and submitted by an attorney for a possible "*data center*". The proposal originally specified a minimum of 200 acres for a TPD for a "*data center*". The data center never materialized.

Subsequently, it was learned that data centers consume huge amounts of electricity, require diesel generators running 24 hours per day forever, with backup diesel generators, and the highest level of security, including security fencing and security perimeter lighting. Does Ledyard want such a use? Originally, yes, for tax dollars, which is why the regulations were adopted. But do we really want it? It seems that a data center (in a TPD) has the same characteristics as a private prison. The benefits are not worth the costs.

SUGGESTION: DELETE §6.5 IN ITS ENTIRETY.

Suggestions Regarding Chapter 7 -
General/Miscellaneous Regulations

1. Regarding §7.1 – "Antenna & Antenna towers

   a. The Residential - Accessory Use table (page 5-2), non-residential principal subheading, shows that ZP/P allows antenna and antenna towers in R20, R40, and R60 districts. However, §7.1 does not *clearly* differentiate when an ordinary zoning permit from the ZO is required, and when a permit approved by the Commission is required.

   b. For example, §7.1.D states "Amateur Radio... Antennas, and Towers *that **may** be approved* by the Zoning Official if they meet ... standards [in §7.1.D.1.a, b, c, & d]." The word, "**may**" is one cause of the confusion.

   c. §7.1.D.1.a requires towers, transmitters, and antenna installations to comply with Part 97 of FCC rules and regulations. Does this mean that if the installation does not comply with Part 97 of FCC rules and regulations, the installation requires a permit issued by the Commission? Not clear.

   e. §7.1.D.1.b requires the distance to the nearest property boundary *"shall not be less than two-thirds of the tower height..."* Does this mean that if the installation is less than 2/3rd of the tower height to the tower height, the Commission is the approval agent? Not clear.

   f. §7.1.D.1.c requires a copy of the applicant's amateur radio license. Does this mean that if it is a CB antenna, and the applicant does not have an amateur radio license, then the Commission is the approval agent? Not clear.

   g. As worded (§7.1.D), "*Homeowner Antennas*" ***may*** require a zoning permit. Is a permit required for an ordinary TV antenna, or a Direct TV dish antenna? It appears dish antennas are not permitted if over 3' in diameter, but it is unclear if a permit is required for smaller dish antennas. Is a definition necessary for "Homeowner Antennas"?

   h. The "Purpose" section indicates that the regulations are intended to *"... minimize the adverse visual and operational effects through careful design, siting and screening."* However, §7.1 does not include regulations applicable to visual, operational, careful design, or screening.

   i. What is the *maximum* height limit for antennas approved by the Commission? Not clear.

   j. There is no need to state (§7.1.A) *"This section of the Zoning Regulations is consistent with the Telecommunications Act of 1996 in that it does not discriminate ...."*

   k. What are "head-in" structures (in §7.1.B)? Does it need a definition in §2.2?

   l. This section needs clarification as to exactly, within a district, are the characteristics of a proposed antenna tower that the zoning official approves, and exactly what are the characteristics of a proposed antenna tower that the Commission approves.

   m. Preferably, the differentiation will be via a second entry in the accessory use table (page 5-2)

n. Replace §7.1.C with "*Application Requirements*"
o. Add specific requirements for all antennas and towers.
p. Add specific requirements for antennas and towers, requiring approval by the ZEO.
q. Add specific requirements for antennas and towers, requiring approval by the Commission.

r. There are two §7.1.D (bottom of page 7-1 and middle of page 7-2) – Renumbering required.

s. §7.1.D.10 (top of page 7-3) states *"... a minimum of three co-users [are required] ..."* However, it also states that *"These co-users shall include other wireless telecommunication companies, and local police, fire, and ambulance companies." This is a minimum of four co-users. Which is correct?*

t. The requirements in §7.1.D.2 (page 7-2) require *"... or if it is unlikely that a structure will be constructed on adjacent property within the fall circle, the distance to the property lines ... may be reduced by the Commission ...."* The "*unlikely*" determination is a subjective safety decision, where a special permit should be required.

u. It is unclear why Antennas and Towers were moved from the §8 supplemental regulations to the §7 General/Miscellaneous regulations. Suggestion: Restore Antennas and Antenna Towers into the supplemental regulations.

v. This section could use a more thorough review and possibly a rewrite.

2. Regarding §7.2 – "Cemeteries"

a. Cemeteries are one of the few uses that should reference the appropriate state statutes and require a special permit.

b. There may be locations where a special permit should be required. For example, should a vacant 20K foot lot in the Highlands become a cemetery? Perhaps.

c. Does a mausoleum or columbarium require a zoning permit? What kind and who issues? Does the 20' setback apply?

d. The regulations for cemeteries should be restored into the §8 supplemental regulations. §7 should be reserved for uses that do not fit well into §8.

3. Regarding §7.3 – "Construction Trailers"

a. Reference §7.2.A - the word "*mobile*" is not necessary. All trailers are mobile.
b. Reference §7.2.A - Replace the phrase, "mobile trailer" with "construction trailer" to be consistent with the title of §7.3
c. Add: A construction trailer consisting of multiple connected trailers requires a single construction trailer permit.
d. Add: *"A construction trailer must be on the construction site, or on a site adjacent to the construction site."* (Sometimes necessary if there is not enough room on a site for a construction trailer, or if a developer is building two or more houses simultaneously on contiguous lots.)
e. Reference §7.2.A - the phrase, "*provided it is not used for sleeping or living quarters",* is not necessary. (The first sentence *lists the allowed uses of a construction trailer.)*

f. *The phrase "valid* zoning permit" should be replaced with "*zoning permit*". (An invalid zoning permit is not a zoning permit.)

g. Replace §7.3.C with "Zoning Permits are issued with renewable 6-month terms".

h. Delete §7.3.G (In no case shall such uses include the storage of oil, fuel, or hazardous chemicals ..." (Not necessary – §7.3.A lists the allowed uses for a construction trailer.)

i. Replace §7.3.H *"Such mobile units shall be arranged to allow access by emergency vehicles."* with "*Construction trailers must be accessible by emergency vehicles"*

Suggestion: Throughout the proposed regulations, replace "*shall", "can", and "may"* with "*must*" or "*are required*" where appropriate. Where it is inappropriate, *be consistent* in the use of "*shall*", "*can*", "*may*", and "*should*". "*Shall be*" should often be "*is required to be*". My preference is to use the word "*must*", or the phrase, "*are required*", or "*is required*", instead of "*shall*," when possible.

4. Regarding §7.4 Driveways, Residential

a. §7.4 should be retitled, "Residential Driveways". (My preference, no good reason.)

b. The bold, underlined part of §7.4.A under "*Applicability*" should state, in normal non-underlined font, *"Non-residential driveways are required to comply with §9.5 "Access Management" requirements." (It can also be omitted, since it is in §9.5, and internal references increase the likelihood of errors when regulations are amended.)*

c. Why does a three-unit multifamily building require compliance with *"... the Town's standards for road construction"*? The costs will be at least double the cost of an ordinary driveway. Is it necessary? Also, the Town's standards for road construction are exhausting. Is the Commission certain it wants to impose these standards (width, design, thickness, curbing, material, curve radius, slope, sightlines, road markings, etc.), on small multi-family developments? What does the building code require?

d. §7.4 appears to be a cut-and-paste effort from a set of regulations applicable to larger cities, and may not be appropriate to Ledyard. Their appropriateness for Ledyard should be discussed.

e. There are several requirements that are subjective, which means they should require a special permit.

For example, §7.4.B.6 requires a "reasonable transition in terms of grade between the driveway and the gutter line." What happens if the ZEO or the Commission (not clear) determines a transition is not reasonable, but the applicant claims the transition is reasonable. Without a special permit, the Commission cannot impose a condition regarding transition.

f. Are permeable driveways allowed? Encouraged? Where?

5. Regarding §7.5 Interior Lots

a. §7.5.1 states, *"Interior Lots may be permitted in all Residential Districts subject to the requirements set forth in the "Area and Bulk Requirements," with the following conditions and/or exceptions: ..."*

It should state, *"Interior Lots **are** permitted in all Residential Districts subject to area and bulk requirements and the following conditions or exceptions: ..."*

Note: There is no specific chart or table titled, "*Area and Bulk Requirements*" or "*Area and Bulk Schedule*" It is a challenge to find the information. Confusing. I prefer only a single "Area and Bulk Schedule".

b. Is it necessary or appropriate for "Driveways" to be an entry in the zoning regulations? It seems these regulations, or part of the regulations, are more appropriate in the subdivision regulations. For example, the requirement *"The proposed frontage of a lot ... must be capable of accommodating a driveway ..."* is more oriented to the design of a subdivision than to the regulation of land use.

Similarly, the "sightline distance," and the *driveway width and length constraints*, are more oriented to lot design and location than to the regulation of land. Just my thoughts.

6. Regarding §7.6 Junk, and Unregistered, Inoperable and/or Hobby Vehicles

a. This section (§7.6.A) addresses registered *inoperable* motor vehicles, which is new.

It provides that *"Junk .... , where not fully screened ..., shall not be placed, stored, co-located, or maintained on any lot in any District."* This means that *screened junk* is OK. This is different from what is in the existing regulations. Is this the intent?

b. It also provides that *"... partially dismantled motor vehicles, where not fully screened from all property lines, shall not be placed, stored, co-located, or maintained outside on any lot in any District."* As such, it treats "*partially dismantled motor vehicles*" as junk, and, like junk, must be screened to be on a lot. Is this the intent?

Question: What is the definition of "*partially dismantled*"? For example, is a car with a missing taillight, a missing bumper, or a missing spare tire, prohibited outside unless it is screened from all property lines? A definition of "*partially dismantled*" may be appropriate.

c. §7.6.A added (from the existing regulations) *"... No more than one (1) vehicle ... or* [that is] *registered but currently inoperable may be parked or stored outside ... regardless of screening, and may not remain for longer than six (6) months."*

Question: Why is a non-operational, registered or non-registered, non-dismantled "hobby motor" vehicle", regardless of age or condition, maintained by its owner, allowed to be stored outside indefinitely, but a non-operational, registered, non-dismantled motor vehicle can only be stored outside for six months? Not clear.

This section needs improvement. (Why was the existing §14.7 amended?)

7. Regarding §7.7 – Non-conforming Uses, Structures, and Lots

a. To simplify the regulations, consider the definitions in §2.2 when writing the regulations.

For example, §7.7.1.A states, "*Any nonconforming use lawfully existing at the time of adoption of these regulations, or any amendments hereto, may be continued as a nonconforming use.*"

Replace §7.7.1.A with: *"Legally nonconforming uses may be continued."*
Replace §7.7.2.A with "*Legally existing nonconforming structures may be continued.*"

b. §7.7.1 Delete the words "*expressly*", "hereto", "*thereafter*", and other unnecessary legal terminology from the regulations.

The proposed regulations should be reviewed in their entirety, with the goal of simplification, moving definitions into §2.2, eliminating redundancy, and confirming that conditions of approval are unlikely to be needed for by-right uses. I believe several "standards" and "requirements" for some uses are subjective, and a special permit should be required for those uses.

8. Regarding §7.7.4 – Exceptions

The proposed regulations (§7.7.4.A) state that *"Additions may be made to single-family or duplex residential dwellings that have become non-conforming solely because of a zone or text amendment ...."*

Note: There may be disagreements on this technical issue. IMO, the physical enlargement of a nonconforming use constitutes an expansion of its nonconformity. Although nonconforming uses are protected, they do not have the right to be expanded except by variance from the ZBA.

Increasing the footprint of a 750' single-family 2-bedroom dwelling by adding a large master bedroom, which changes the dwelling from a two-bedroom single-family dwelling into a larger 1,200' three-bedroom single-family dwelling, constitutes an expansion of a nonconforming use of the original 750' two-bedroom single-family dwelling.

This regulation appears to be an attempt to bypass the ZBA, and may be an unlawful method of allowing what is effectively a variance without an appeal to the ZBA.

A land-use attorney should be consulted to identify the case law or to provide an opinion that supports the position that pre-existing lawfully nonconforming structures and uses have the right to be physically enlarged or expanded, without a variance.

9. Regarding §7.7.6 – Rule of Merger of Non-Conforming Lots.

   a. Delete *"(process?)"* at the end of the title line of §7.7.6

   b. §7.7.6.A states that, *unless protected by CGS §8-26a(b)(1),* adjoining non-conforming parcels and/or lots of record in common ownership shall be considered merged. However, CGS §8-26a(b)(1) is silent and not applicable regarding lot mergers or the protection of property rights associated with the ownership of land.

      It seems fundamentally unfair that a person who purchases two adjacent lots in an approved subdivision is prohibited from building on each, while the two lots could each have a principal structure, via variance (to allow a reasonable use) if different entities had purchased the lots.

      A land-use attorney should be consulted to identify the case law or to provide an opinion that supports the position that adjacent non-conforming lots owned by the same entity constitute a permanently merged single lot, but constitute two separate lots if owned by different entities. (I cannot find this in the statutes, or in the training materials.)

   c. What prevents the owner of one of the two lots from donating one lot to one child, and the other lot to another child? Are the two children forever prohibited from building on their nonconforming lots? Unfair.

10. Regarding §7.8 – Portable storage unit: See accessory structure.

    It is unclear where the regulations are for accessory structures applicable to portable storage units. If it is §8.2 (Accessory Structures and Uses), it should so state. (If yes, it is not a good match - §8.2 is intended for non-portable structures and uses.)

11. Regarding the "purpose" of the sign regulations (§7.9.1).

    §7.9.1 states, "*The purpose of this section is to regulate the number, height, size, brightness and location of advertising signs and billboards in all zones to ensure public safety, to protect both property values and to allow individual, commercial, and public interests to be communicated through signs."*

    Suggestion: Replace with: *"To ensure public safety and to protect property values, while allowing individual, commercial, and public interests to be communicated through signs."*

12. Regarding §7.9.2 – Application for Sign Permit for a Permanent Sign'

    §7.9.2.A.3 states, "*Permanent new signs .... require an application..., and shall include the following information: Proposed Location of the sign in relation to the building and all property lines and streets."*

    The existing regulations (in §9.6.A-3) reference the specific site plan requirement (in §6.6-B- (5)) for a new sign. Where, specifically, are the equivalent site plan requirements for a new sign in the proposed regulations? Not clear.

13. Regarding §7.9.6 - Sign illumination

§7.9.6.A allows LED and digital signs *in commercial districts*.

IMO, such signs in Ledyard are an eyesore, inappropriate, and not necessary. They are in conflict with the quiet and low-key bedroom community of Ledyard. LED changeable signs are sometimes risky by distracting drivers, and their benefits, if any, do not outweigh their disadvantages.

Such signs should not be allowed in Ledyard. (This should be discussed.)

14. Regarding §7.9.6 - Sign illumination

§7.9.6.B allows LED signs in residential zones for non-residential uses.

This means that neighborhood identification signs, home occupation signs, resident identification signs, farm identification signs, and farm stands (& directional signs) can be internal LED signs.

Internally lighted signs should absolutely be prohibited in residential districts.

Residential districts should be protected as much as possible from commercialization. There is no need for illuminated signs in residential districts. This should be discussed.

15. Regarding §7.9.6 – Sign Illumination

§7.8.6 states, *"Signs .... provided that comply with the outdoor illumination standards in §9.10 and the limitations set forth below."*

However, §9.10, which is titled "Outdoor Illumination", is silent regarding sign illumination.

The reference to §9.10 should be removed.

16. Regarding §7.9.6. – Sign Illumination

§7.9.6.D states, *"No sign shall be illuminated between the hours of 11 p.m. and 6 a.m. unless the premises on which it is located is open for business at that time."*

It also conflicts with §7.9.13.4-f - which provides that EMC's automatically dim to an acceptable level from one hour before dusk to one hour after dawn.

Suggestions: Replace §7.9.6.D with "No sign shall be illuminated unless the premises on which it is located is open for business at that time." Delete the dusk to dawn dimming requirement for EMC's in §7.9.13.4-f. Move the definition of an EMC in §7.9.13.f-a into §2.2.

17. Regarding §7.9.8.E (Setback for signs).

§7.9.8.E states, *"All signs ... must be a minimum of ten (10) feet from [the] edge of [the] pavement if no setback requirement is specified."*

However, all signs have a setback requirement.

Reference §4.3.E, which states, "*Minimum setback from Front Lot Line is ten (10) linear feet for all districts, or as otherwise prescribed.*" I am unable to find any "*otherwise prescribed*" setbacks for signs.

18. Regarding §7.9.8 – Sign Location

§7.9.8-F - the second sentence states, *"Signs shall be located on the property they are associated with unless otherwise allowed by this section."*

The sentence is not related to the subject of signs in the right-of-way, which is the purpose of §7.9.8-F.

The sentence should be a stand-alone sentence with its own identification, §7.9.8-G.

19. Regarding §7.9.13 – Additional Signs

§7.9.13 is a three (3) line title that includes regulatory constraints, such as a combined limit of 48 square feet for hanging, awning, portable, window, and clock signs. Confusing.

Suggestion: Replace §7.9.13 with *"Constraints on Other Sign Types" and*
delete the 48' combined limit.

Note: If retained, it is unclear if it applies to one side or both sides of hanging signs. If on both sides, it would limit a building with multiple commercial units to only six hanging maximum size signs. Is this the intent?

It is also unclear how the 48' constraint applies to window signs, which is in §7.9.13-6. For example, is a large store (i.e., a CVS, with lots of big windows) limited to not covering more than 30% of its windows with product signs (§7.9.13.6), and the 30% covered cannot exceed 48'. Perhaps. Why is the 48' important? Complicated and unclear.

Suggestions Regarding Chapter 8.0
Supplemental Regulations

1. Regarding §8.1 – Purpose (Missing)
§8.1 needs a purpose.

Replace §8.1.A with:

"§8.1.A Purpose: To allow an accessory apartment on lots with a single-family dwelling."
"

OR – IF THE PZC & COUNCIL ELECT TO OPT OUT (RECOMMENDED)

"§8.1.A Purpose: To allow an accessory apartment within or attached to a single-family dwelling if density, setbacks, heights, off-street parking, sunlight, ventilation, screening, and other conditions are satisfied such that the appearance of its neighborhood is not diminished." [Requires a special permit.]

2. Regarding §8.1.A "General Requirements."

Delete §8.1.A "General Requirements"
Replace with: *"§8.1.B Requirements"*

There is no need for the word "*General*".
In addition, because there is a §8.1.A, there should also be a §8.1.B.

3. Regarding § 8.1.A.4 – Primary Dwelling Unit & Primary Dwellings

§8.1.A.4 uses the phrases "*primary dwelling unit*" and "*primary dwellings*".

The statutes (PA #21-29, §§'s 6(a)(2), (3), (4), (6)-(A), (6)-(D), (6)-(F), & (6)(c)(2)) use the phrase "*principal dwelling*". The regulations should mirror the statute, unless there is a substantial reason to not do so.

Add the following definition of *Principal Dwelling* in §2.2.
PRINCIPAL DWELLING: A single-family dwelling located on a lot with an accessory apartment.

In §8.1.A.4 – Replace "*primary dwelling unit*" with "*principal dwelling*".
In §8.1.A.4 – Replace "*primary dwellings*" with "*principal dwellings*".

4. Regarding the terms, "lot" and "parcel"

The applicable statute (PA #21-29) uses the term "*lot*", but not "parcel." A "*parcel*" is seldom the same as a "*lot*."

The existing §2.2 definition of "*parcel*" includes: *"(1) A piece or area of land formally described and recorded with map, block & lot numbers, by metes and bounds, by ownership, or in such a manner as to specifically identify the dimensions and/or boundaries; excluding any parcel of land that is a lot as defined in these regulations; ... "*

The existing §2.2 definition of "*Lot*" is defined as *"A designated parcel, tract or area of land established by plat, subdivision, or as otherwise permitted by law, to be separately owned, used, developed or built upon."*

A "lot" can be a "parcel". A "parcel" can, *but is not required*, to have more than one lot. (The definitions of "lot" and "parcel" in §2.2 are circular and should be improved)

Replace the word *"parcel"* with the word *"lot"* throughout §8.1.

For example, in §8.1.A.1

Replace, "No more than one (1) ADU is allowed per parcel".
With: "One accessory apartment is allowed on a lot."

5. The mandate does not use the term "Accessory Dwelling Unit" or "ADU", but instead uses the term "Accessory Apartment."

However, the proposed regulations only use the phrase "*Accessory Dwelling Unit*" and its abbreviation, "*ADU*". The regulations should mirror the statute, unless there is a substantial reason to not do so.

The phrase, "*Accessory Dwelling Unit*" and its abbreviation, *"ADU*" as used *in the title of §8.1, in the table of contents, and in the §2.2 definitions*, should be replaced with the phrase, "*Accessory Apartment*".

The phrase, "*Accessory Dwelling Unit*" and its abbreviation, *"ADU*", as used *throughout the balance* of the proposed application, should be replaced in each instance with the phrase, "*Accessory Apartment*".

6. The definition of "accessory apartment" in §2.2 is inconsistent with the definition of "accessory apartment" in the mandate.

   The definition of the phrase "*accessory apartment*" in §2.2 should be amended to mirror the definition in the mandate.

   The definition of an accessory apartment should be, *"A separate dwelling unit that (A) is located on the same lot as a principal dwelling unit of greater square footage, (B) has cooking facilities, and (C) complies with or is otherwise exempt from any applicable building code, fire code and health and safety regulations."*

   The regulations should mirror the statute, unless there is a substantial reason to not do so.

7. Regarding §8.1.3 – Regarding locations allowed for accessory apartments

   The proposed §8.1.A-3 states, "*The ADU may be either attached or detached."*
   The problem, as worded, is that it is unclear exactly what can be attached or detached from what.

   Replace*: "The ADU may be either attached or detached."*

   With: "An accessory apartment may be located within a proposed or existing single-family dwelling, or if within the building envelope, may be attached to or detached from a proposed or existing single-family dwelling.

8. §8.1.A.4 in the proposed regulations uses the phrase "*Total Floor Area*."

   However, Section 6-(a)-(3) of the mandate uses the phrase "*Net Floor Area*".

   The proposed regulations should mirror the mandate and only use the phrase "*net floor area*", unless there is a substantial reason to not do so.

9. §8.1.A.4 in the proposed regulations excludes the area of *finished basements in determining the net floor area of the principal dwelling.*

   Although it may be reasonable to exclude unfinished rooms, including unfinished basements and unfinished attics, the exclusion of a finished part of a home does not make sense.

   More importantly, the exclusion of finished basements is in conflict with the last sentence of §6(e) in the mandate, which states, *"A municipality may not use or impose additional standards beyond those set forth in subsections (a) to (d) inclusive, of this section."* The *exclusion of the area of a finished basement* in determining the *"net floor area*" is an *additional standard*, which is not allowed under the mandate.

A legal opinion should be obtained regarding this issue.

10. Regarding §8.1.A.4 – A Definition for Net Floor Area

Add the following definition for the phrase, "*net floor area*" in §2.2:

NET FLOOR AREA: The finished area of a dwelling unit.

Rationale: An accessory apartment, with no size limit, is permitted in a basement. As such, the area of a finished heated basement, if it complies with the building code, should be considered part of the net floor area of the home.

11. §8.1.A.1 and §8.1.A.2 in the proposed regulations are not user-friendly.

For example, §8.1.A.1 states, "No more than one (1) ADU is allowed per parcel."

It would be better if it mirrored §6(a)(1) of the mandate by stating, "One accessory apartment shall be allowed as of right on each lot that contains a single-family dwelling."

Similarly, §8.1.A.2 in the proposed regulations states, *"No ADU shall be approved as an accessory to a duplex residential or multi-family residential uses."*

This sentence is not necessary, but if retained, it should state, *"An accessory apartment is allowed for single-family dwellings."*

12. §8.1.A.4 in the proposed regulations contains a mathematical error regarding the maximum net floor area allowed for an accessory apartment.

The proposed regulations allow the net floor area of an accessory apartment to be 420' if the net floor area of the principal single-family dwelling is less than 1200'.

If the net floor area of the principal single-family dwelling is larger, say 1201', the net floor area of the accessory apartment is limited to 30% of the net floor area of the single-family dwelling, which for a 1,201' single-family dwelling, would be 360'.

This creates a situation where a smaller principal single-family dwelling (under 1,200') can have an accessory apartment larger than the size of the accessory apartment allowed for a larger principal single-family dwelling (between 1201' and 1,400').

The error can be remedied by replacing the proposed 1,200' cutoff threshold with a 1,400' cutoff threshold for 420' accessory apartments.

13. Regarding the size of a principal dwelling and its accessory apartment. (Reference #12)

Consistent with the 1988 Builders Service Corporation vs. the East Hampton Planning and Zoning Commission decision, which determined that zoning regulations cannot impose minimum dwelling sizes, the proposed comprehensive rewrite of the zoning regulations correctly *deletes the minimum size requirement for single-family dwellings*.

However, deleting the minimum size requirement also means a 1-bedroom *421' single-family dwelling* (a large tiny-house) can have a 420' detached accessory apartment (also a large tiny-house) under the proposed §8.1.A.4.

Or, a 400' 1-bedroom single-family dwelling (also considered a large tiny-house) can have a 399' detached accessory apartment (a tiny-house).

As such, the proposed §8.1.A.4 creates the situation where an accessory apartment can be taller and almost the same size as the single-family dwelling on the lot. (Whichever structure is "larger" becomes the "single-family dwelling on the lot".)

This problem cannot be avoided (unless the PZC opts out of the mandate) if a 420' accessory apartment is allowed as proposed for small single-family dwellings (less than 1,200' (or 1,400') in §8.1.A.4).

14. Regarding §8.1.5 – Height

Suggestion: Delete §8.1.5. Replace with:

"The maximum height of an attached or detached accessory apartment is the maximum height permitted for a single-family dwelling."

Note: An opt-out from PA #21-29 would allow removal of this quirk in the mandate.

15. §8.1.A.8 in the proposed regulations states that a new driveway curb cut to serve the principal unit, or the accessory apartment, shall not be permitted.

The only reason a new curb cut would be necessary would be to provide required access. As proposed, it means an accessory apartment would not be allowed if it or its principal dwelling requires a new curb cut.

The proposed prohibition on a new curb cut would be a "*standard*" that conflicts *with* the mandate, which states, *"A municipality may not use or impose additional standards beyond those set forth in subsections (a) to (d) inclusive, of this section."* As such, an accessory apartment must be allowed, even when it may require a new curb cut.

A legal opinion may be appropriate on this issue.

16. §8.1.A.9 in the proposed regulations states that *"One (1) additional parking space shall be provided for a studio or one-bedroom ADU, and two (2) additional parking spaces shall be provided for a two-bedroom ADU."*

    §6(a)(6)(C) in PA 21-29 (the mandate) prohibits the regulations from requiring more than one parking space *for any accessory apartment*, even if it has two or three bedrooms.

    As such, if a lot has three or more parking spaces, the *addition* of another parking space for a proposed accessory apartment cannot be required. However, as proposed, one or two *additional* parking spaces would be required.

    To comply with the mandate, §*8.1.A.9 should state, "A minimum of one parking space must be provided for an accessory apartment, and a minimum of two parking spaces must be provided for a single-family dwelling with two or more bedrooms."*

    [This is, of course, inadequate for a large 3, 4, or 5 bedroom house with a large 2 or 3 bedroom accessory apartment, but the only way to fix it is to opt out of the mandate.]

17. §8.1.A.7 in the proposed regulations is a duplicate of the definition of an accessory apartment.

    It is not necessary and should be deleted.

18. §8.1.A.10 requires an accessory apartment to comply with health, building, and fire codes.

    This requirement is unnecessary and should be deleted – because all habitable buildings must comply with health, building, and fire code requirements.

19. Regarding – "Passageways, Exterior Doors, and Utility Service"

    The following suggestion should be adopted to notify the property owner/applicant that it would be a good idea for the design of an accessory apartment to provide its residents with access to the principal dwelling to restore electric power, water, or unclog sewer lines when necessary, especially during times when the principal dwelling may be vacant.

    Suggestion: Add §8.1.A.11: "An accessory apartment may have its own electrical service, water service, door, or passageway into the principal dwelling."

    Note: An opt-out of PA #21-29 would allow removal of this quirk so a regulation could be adopted that requires an accessory apartment to have its own electrical service and water service, or as a minimum, direct access to the electric panel that controls electricity to the apartment.

20. §8.1.A.6 in the proposed regulations is intended to identify structures that are not permitted as accessory apartments.

It lists recreational vehicles, travel trailers, and structures on wheels as not allowed. However, it allows mobile homes as an exception if they are 22' or larger in width if their (net) floor area complies with the regulations. (The floor requirement is unnecessary because it is applicable to all types of accessory apartments.)

§8.1.A.6 should be replaced with something simpler, such as *"Accessory apartments must comply with the Connecticut Building Code or the Manufactured Home Construction and Safety Standards, as amended."* This change would prevent RV's, travel trailers, and other structures not built to either the HUD (mobile manufactured home code) or the Connecticut building codes from being an accessory apartment.

However, the change would also allow 420' to 1000' *single-section* mobile homes, if built to the HUD code (which is normal), to be used as detached accessory apartments. This is because *single-section* mobile homes comply with the definition of "*accessory apartment*" in Section 6 of the mandate, which is:

"A separate dwelling unit that (A) is located on the same lot as a principal dwelling unit of greater square footage, (B) has cooking facilities, and (C) complies with or is otherwise exempt from any applicable building code, fire code and health and safety regulations."

The first paragraph on page 3 of Section 6 in the mandate states, *"A municipality may not use or impose additional standards beyond those set forth in subsections (a) to (d) inclusive, of this section".*

The imposition of the 22' "standard" [in an unrelated section of PA21-29] is applicable only for mobile homes *used as single-family dwellings*, and is not applicable for mobile homes used as accessory apartments – because the 22' "*standard*" would be in conflict *with subsection (a) to (d)* of Section 6 of the mandate.

The keyword is "*applicable*", and if the HUD code is *applicable*, then single-section mobile homes (HUD homes) must be allowed as accessory apartments. However, it can be argued that perhaps the HUD code is not an "*applicable*" building code.

But if this were true, then no mobile manufactured homes, including mobile homes that are 22' or wider, can be an accessory apartment.

I believe *subsections (a) to (d) take precedence, and the HUD code is an "applicable" code.*

As such, single-section mobile homes, under the mandate, must be allowed as accessory apartments. (Which means a *single-section mobile home* can be in a rear, side, or front yard as a detached accessory apartment.)

21. Regarding §8.2 – Accessory Structures and Uses

The proposed regulations allow accessory structures in front yards.

This is a big change. Most Connecticut communities prohibit storage sheds, garages, and swimming pools in the front yard. Is the PZC certain it wants to allow hoop houses, sheds, pools, gazebos, garages, and carports in the front yard, only 25' from the front property line?

Suggestion: Restore the prohibition on accessory structures in front yards.

Add §8.2.E as follows: *"In Residential Districts, Accessory Buildings shall be located in rear yard or side yards (exclusive of the required rear and side yard setbacks) and are prohibited in front yards."*

This is important and should be discussed.

22. Regarding §8.3 – Adult Day Care

This section includes (§8.3.C) "*Parking areas and driveways must accommodate all vehicles dropping off or picking up children at any one time. There must be no in-street drop-off or waiting. ... "*

Question: Why are children dropped off in an Adult Day Care Facility?

The proposed regulations also include *subjective* criteria (i.e., no in-street drop-off, must accommodate all vehicles dropping off ... at any one time). However, it is listed as a by-right use that requires commission review. It is likely that approval conditions will be necessary. Why is a special permit not required for this type of commercial use, especially in residential districts?

Suggestion: Require a special permit for Adult Day Care, and for Child Day Care.

23. Regarding §8.3 – Adult Day Care

§8.3.A – Why are two acres required to have an "Adult Day Care Center". It seems too big, especially for a small facility. (A special permit would be appropriate to determine if the proposed size of the day care facility and lot are compatible.)

24. Regarding §8.4 – Assisted Living Facility

§8.4.A – Why are five acres required, and only 35% lot coverage allowed, especially if there is public water and sewer. It seems extreme. The minimum size should be a function of the number of apartments and proposed facilities.

25. Regarding §8.5.A - Purpose of Zoning Regulations for Agriculture

a. The introductory purpose section (§8.5.A) implies that the regulations *"... preserve existing farms, ... encourage new farming activities, to clearly define agriculture, to promote the economic and operational viability of existing agricultural operations while facilitating and promoting new [farming] operations."*

However, the proposed regulations are obviously not designed for Ledyard, are intimidating, unreasonable, and will discourage, not encourage, farming and agriculture.

For example, §8.5.D states that the following activities require a zoning permit or Commission review. §8.5.D.1 requires "new agriculture principals use[s] ..." to have a zoning permit or Commission review. Why do "*new agricultural principal uses*" require a zoning permit? Does it mean a zoning permit is required to transition from corn to wheat to pumpkins? A major purpose of zoning is to protect public health, safety, convenience, and property values. The proposed regulations do not.

b. §8.5.D.5 requires a zoning permit or commission review for *"any other use/activity specifically identified as requiring a permit"*. This requirement forces a user to search the regulations to determine if what he wants to do needs a permit. A need to search the regulations to *satisfy a specific requirement* makes the regulations *user unfriendly*, and *should be avoided.*

c. The indirect costs of the proposed regulations will exceed their value.

d. The town adopted zoning regulations on October 11, 1963, for several purposes, including *"to conserve the value of buildings and encourage the most appropriate use of land ... "* and *"... to conserve and improve the physical appearance of the Town."*

The original 1963 zoning regulations did not list "*farms or farming*" as a principal land use. This means that after 1963, pre-existing farms were protected from the new regulations, but new farms and the expansion of existing farms were technically not allowed. Fortunately, the regulations were changed, and the existing regulations are clear that *farming*, and most *accessory uses* of farms, are allowed by-right in all districts *without supplemental regulations and without zoning permits,* except for farm stands and some types of home husbandry. As such, under the existing zoning regulations, *new farms, the expansion of existing farms, and their accessory (customarily incidental) uses, are allowed by-right without zoning permits*. It also means that, as in 1963, *existing farms and their existing accessory uses will be protected* if the regulations are amended, but *new farms, the expansion of farms, and their new accessory uses,* would be subject to changes in the regulations.

e. The POCD recognizes that *"Maintaining and growing Ledyard's agricultural base contributes to public health and happiness, provides job and agritourism opportunities, and contributes to the pastoral vistas that residents have come to associate with our community."* Two goals in the POCD (page 12) are for the town to "*encourage agriculture*" and "*promote agribusiness*." Other POCD goals include the *"protection of farming*" (page 71), to *"... encourage agritourism"* (page 80 & 81), and to adopt *"... right-to-farm regulations"* (page 83). The proposed farming regulations do not *encourage agriculture* or *agritourism*.

f. Farming is important in Ledyard, and caution is warranted to ensure the benefits of its regulation outweigh the costs resulting from those regulations.

The Commission, before it considers changes to the farming regulations, should have workshops with our farmers and reach a consensus as to exactly what are the goals the PZC wants to achieve. The ad-hoc meetings on the proposed farming regulations did not establish goals.

For example, is the goal to protect farms from existing or future nearby residential development? Is the goal to protect residential developments from existing, expanding, or new farms? Is the goal to limit population growth, encourage more farming, protect farms from nearby farms, or ? Not clear.

If the current Department of Health regulations, Department of Agriculture regulations, Fire Code regulations, OSHA regulations, and Building Code regulations are sufficient, is there a need for land use regulations to achieve the farming goals in the POCD? Probably not.

g. Potential goals could or should include:

(1) To protect the general welfare of the agricultural community from the encroachment of unrelated uses that, by their nature, would be detrimental to the physical and economic well-being of the agricultural community and the community at large.

(2) To prevent or minimize land-use conflicts or injury to the physical or economic well-being of urban, suburban, or other non-agricultural uses by agricultural uses.

(3) To prevent or minimize the negative interaction between agricultural uses.

(4) To disburse intensive animal agricultural uses to avoid air, water, or land pollution that would otherwise result from the compact distribution of such uses.

(5) To establish a minimum standard for a farm, such that a further breakdown would adversely affect the well-being of the agricultural community and the community at large.

(6) To function as a holding area retained for agricultural uses until conditions warrant conversion of such land uses to other uses.

h. Whatever the goals are, they should be identified in the proposed §8.5 and be consistent with the POCD.

i. The goals should also be achievable with as little regulation as possible. However, in the real world, some goals may not be achievable, because Connecticut's "right-to-farm" law may make corresponding farming regulations unenforceable.

j. The following is Connecticut's CGS §19a-341 right-to-farm law:

"19a-341 Agricultural or farming operation not deemed a nuisance.

Exceptions. (a) Notwithstanding any general statute or municipal ordinance or regulation pertaining to nuisances to the contrary, no agricultural or farming operation, place, establishment or facility, or any of its appurtenances, or the operation thereof, shall be deemed to constitute a nuisance, either public or private, due to alleged objectionable

(1) odor from livestock, manure, fertilizer or feed,

(2) noise from livestock or farm equipment used in normal, generally acceptable farming procedures,

(3) dust created during plowing or cultivation operations,

(4) use of chemicals, provided such chemicals and the method of their application conform to practices approved by the commissioner of environmental protection or, where applicable, the commissioner of public health and addiction services, or

(5) water pollution from livestock or crop production activities, except the pollution of public or private drinking water supplies, provided such activities conform to acceptable management practices for pollution control approved by the commissioner of environmental protection; provided such agricultural or farming operation, place, establishment or facility has been in operation for one year or more and has not been substantially changed, and such operation follows generally accepted agricultural practices.

Inspection and approval of the agricultural or farming operation, place, establishment or facility by the commissioner of agriculture or his designee shall be prima fascia evidence that such operation follows generally accepted agricultural practices."

k. As far as farming is concerned, due to CGS §19a-341, there is little that can be "regulated" related to farm odors, noise, dust, chemicals, and/or water pollution. For example, *setbacks* for grazing, fences, horse tracks, manure management, crop plantings, outdoor food storage, weed control, and fertilizer application cannot be regulated if the intent of the regulations is to reduce odors, noise, dust, and pollution nuisances at the property lines.

l. Contrary to the POCD (page 83 top), in Ledyard, there is little or no history of "complaints" regarding the impact of farms on nearby commercial or residential developments, and there is little or no history of "complaints" regarding the impact of nearby commercial and residential developments on farms. Even though they may occasionally create nuisances, farms often cause adjacent or nearby residential developments to be more valuable than similar developments that are not adjacent to farms. Fortunately, most farms in Ledyard are in low-traffic areas and far from residential dwellings. Ledyard's population growth is near

zero, and there is little risk of new subdivisions affecting farms, or of farms affecting new subdivisions.

m. The proposed agricultural regulations conflict with Ledyard's POCD guidance to encourage agriculture. If adopted, they would limit farming, increase farming costs, reduce farm values and net farm income, and do more harm than good. They require zoning permits for many ordinary aspects of farming. In addition, several of its proposed regulations conflict with CGS §19a-341 and CGS §8.2.(a) zoning enabling statutes. For example, screening cannot be regulated for uses allowed by right.

n. The proposed regulations also conflict with the POCD as they apply to *agritourism*. They unnecessarily l*imit the number of guests, days per week, events per year, hours of operation, and sizes of farm events* in a manner that will significantly reduce the income from *customarily incidental accessory uses* of farms.

o. The proposed regulations would reduce income from wine tastings at farm wineries, wedding festivities at apple, vineyard, and horticulture farms, cut-your-own Christmas tree farms, and pick-your-own apples on apple farms.

p. Such regulations would be inconsistent, make little sense, are generally unneeded, and are hypocritical. For example, why should Ledyard *prohibit amplified music* and *limit the size, number, hours, and days per week* that *on-farm* weddings are allowed, but *not prohibit amplified music or limit the size, number, hours, and days per week that weddings on church property* are allowed? And few, if any, farms are near dense residential developments.

q. Under the §2.2 definition for *accessory uses* and accessory structures in the *existing* zoning regulations, *customarily incidental uses of farms* include, but are not limited to weddings, reception venues, meetings, gatherings, festivities, art shows, wine tasting events, microbreweries, conferences, riding lessons, animal competitions, horse and animal shows, recreational horse riding, horse competitions, pumpkin picking patches, corn mazes, "u-pick" operations, petting and feeding zoos, sheep shearing, hayrides, snowshoeing, cross-country skiing, and cut-your-own Christmas trees.

r. They [*Accessory uses* and *accessory structures]* are, by definition, *synonymous* and *allowed by-right* in the *§3.5 Schedule of Permitted Uses* in the *existing* zoning regulations, most without requiring a zoning permit and without supplemental regulations. If conflicting regulations are adopted, these current customarily incidental (*accessory)* uses of farms would become pre-existing, protected, and not subject to changes in the regulations. So why bother?

s. As with all land uses, farms should be regulated only to the extent necessary for the protection of public health, safety, convenience, and property values. In my opinion, there is no need to require a zoning permit (as appears in the proposed §8.5.D.1 and the table on page 5-2 "*Agricultural (Farm & Farming"* entry) for the town to know when a farmer changes the acreage or types of new crops he plants, when he allows his farm to lie fallow, or when he applies fertilizer. (If this is not the intent of the proposed regulations, then they should be clarified so it is clear exactly what farm *events* need zoning permits.)

26. Regarding §8.5.1 – Home Husbandry

a. Animal husbandry is an accessory use in residential districts, and has little to do with agriculture and farming as a principal use.
Home Husbandry should have its own entry in the table of contents and in §8.

b. §8.5.1 "*Purpose*" includes, *"... and encourage keeping animals ..."*
Although the regulations should regulate the keeping of farm animals on non-farms, they should not *encourage* people to keep goats and other farm animals on non-farms.

c. §8.5.1.A.1 includes, *"No person shall keep or maintain livestock and/or poultry in Residential Districts without first obtaining a Site Plan or Zoning Permit as further indicated herein."*

Where possible, regulations should not begin with "*No*", and should not include the words "*further, indicated, and herein*", which force the reader to search the regulations to find where "*further, indicated, and herein*" additional requirements may be applicable.

Suggestion: Replace with: *"A zoning permit or Commission site plan approval is required to keep livestock or poultry in residential districts."*

d. The above means that home husbandry is not permitted in the RCCD and other commercial districts. Is this the intent? IMO, home husbandry on a lot with a single-family home in the LTDD would constitute an expansion of a nonconforming use, and a variance required.

e. §8.5.1.A.1 - the statement, *"Note: there is no limit on the number of animals that may be kept on active commercial farms having five (5) acres or more ..."* should be in the farming regulations, not in the home husbandry section.

27. Regarding §§'s 8.5.D.3, 8.5.G & 8.5.H, (New Accessory Uses - Specifically Agritourism)

8.G.1 The (Agricultural Tourism Use) requires the Commission to approve a site plan if agricultural tourism is conducted six or more times per year. WHY. What difference does it make if it is five times per year and does not affect the neighbors, or 365 days per year and does not affect the neighbors?

28. Regarding §§'s 8.5.D.3, 8.5.G & 8.5.H, (New Accessory Uses - Specifically Agritourism)

§8.G.1 The use also requires a site plan approval by the Commission if 20 or more motor vehicles are "*reasonably expected*". "*Reasonably expected*" is a *subjective standard*, which means it should require a special permit for its evaluation. For example, if the ZEO believes that a proposed 19 parking spaces on an application are inadequate, who has the authority to impose a change? The ZEO does not. And the Commission does not, unless a special permit is required. In addition, as proposed, such uses are allowed by right, which means the Commission cannot impose conditions of approval.

If adequate parking is important, and requires a subjective evaluation, then agritourism should require a special permit.

29. Regarding §8.5.G.4 – Farm Winery

The first two sentences are the definition of a farm winery. They should be in §2.2

30. Regarding §8.5.G.4.A – Lot Sizes for small and large-scale events.

Agritourism should not be allowed or prohibited based on 5 or 10-acre lot sizes, but on its effect on the surrounding area. As long as the land's principal use is a "farm", agritourism should be allowed, provided it does not harm nearby properties or create health and safety issues.

Suggestion: Replace §8.5.G.4.A with: *"Agritourism is allowed as an accessory use on farms."*

31. Regarding §8.5.H.1 – Recreational Uses

The first sentence is a definition, which should be in §2.2.

32. Regarding §8.5.H.1 – Recreational Uses

§8.5.H.1 provides that "Recreational Uses" require a site plan approval by the Commission if 10 or more motor vehicles are "*reasonably expected*".

"*Reasonably expected*" is a *subjective standard*, which means it should require a special permit for its evaluation. For example, if the ZEO believes that a proposed 9 parking spaces on an application are inadequate, who has the authority to impose a change? The ZEO does not. He also does not have the authority to deny the application because it only has 9 parking spaces. The Commission also does not, unless a special permit is required. In addition, as proposed, "Recreational Uses" are allowed by right, which means the Commission cannot impose conditions of approval, and the ZEO or the Commission cannot deny the application unless it does not conform to the regulations. *Adequacy of parking* is a subjective standard for a special permit, not a criterion for approval or denial for a by-right use.

33. Regarding §8.5.H.2 – Small Events Venue

Although unclear, it appears that a small events venue, if there are fewer than 10 parking spaces, may be allowed by right and may require a zoning permit from the ZEO.

However, §8.5.H.2 - 2nd paragraph - requires screening with *"... a mix of plants, shrubbery and trees (including evergreen trees) ..."*

Screening requirements cannot be imposed for uses allowed by right.

Suggestion: Delete the 2nd paragraph of §8.5.H.2.

34. Regarding §8.5.H.2 – Small Events Venue

§8.5.H.2 - lst sentence - states, *"... Event Venues must be set back a minimum of fifty (50) feet from all property lines that directly abut a residentially zoned parcel or existing residence."*

Regarding the 50' setback requirement for an Event Venue on the same property as an existing residence, must the abutting property have an existing residence, or is it simply 50' from any residentially zoned parcel? If the latter, why include any reference to an existing residence? It is improper to impose regulations for uses on one site as a function of how an adjacent property is used. What is the setback required if the adjacent parcel is not residentially zoned? Confusing.

35. Suggestion: The proposed regulations for "Small Events Venue" are deficient. Delete the entire concept of "small events venue" on farms from the proposed regulations. Replace with alternative regulations similar to those suggested in #39.

36. Regarding §8.5.H.3 – Large-scale Events Venue

Apparently, small scale events are determined by if the number of expected motor vehicles is fewer than 10, but can be more than 10; and a large scale events venue is determined by if the events include weddings of any size, or if there will be amplified music, or if 31 or more vehicles are expected.

Confusing!

37. Regarding §8.5.H.3.a.i, which states, "*The Commission may limit the number of events per year ...*"

What, or where, are the criteria the Commission will use to limit the number of events per year?

Why, for example, limit a large event venue to 20 events per year if the neighbors will not be affected by having 50 events per year? Is the goal to limit income to the farm owner? If yes, it is improper. What is the reason a large event venue should be limited to music 3 days per week if the music does not affect the neighbors? If there is not a good reason, then do not limit the number of days music is allowed.

38. Suggestion: The proposed regulations for "Large-Scale Events Venue" are deficient. Delete the entire concept of "Large-scale Events Venue" on farms from the proposed regulations. Replace them with alternative regulations similar to those suggested in #35.

39. An Alternative Proposal for Agritourism Regulations

8.X Agritourism

A. Purpose: To encourage agritourism as an accessory use of a farm and its farm buildings and equipment without undue risks to public health, safety, convenience, and property values; without commercial development incompatible with the rural character of Ledyard; and without the risks of accelerating commercial development in rural areas, which may eventually undermine the viability of agricultural operations as the principal use of farms.

B. Types of Agritourism: Agritourism includes, but is not limited to, wine tastings, apple cider tastings, apple picking, reception venues (with or without alcohol), wedding venues (with or without alcohol), concerts, art shows, classes and workshops related to farming, the retail sale of farm produce from farm stands on the farm, horse riding lessons, animal training, horse racing, "petting zoos", the hosting of hunting and fishing clubs, corn mazes, snowshoeing, cross-country skiing, hayrides, and guest or summer camps. Agritourism does not include the boarding of dogs, dog training, or dog shows.

C. Standards for review and approval:

In addition to determining if the [*generic*] §8.X.X "Special Permit Standards" are satisfied, the Planning and Zoning Commission shall determine if:

(1) There will be adequate off-street parking for the number of tourists, guests, or customers allowed to participate in the proposed agritourism use at one time.

(2) The agritourism use will not create significant areas of impervious surfaces.

(3) The agritourism use will not generate significant additional traffic.

(4) There will be adequate parking for oversized vehicles, if allowed.

(5) There will be adequate sanitary facilities.

(6) There will be adequate refuse and waste management service.

(7) There will be sufficient sight line distances for safe entry and exit.

(8) There will be an acceptable amount of sky glow.

(9) There will be adequate seating.

(10) There will be adequate electricity.

(11) There will be adequate heat and hot water.

(12) The health and safety regulations applicable to the proposed agritourism use, including sanitation, will be satisfied.

(13) The proposed agritourism use will not constitute a nuisance, or a risk to public health, safety, convenience, or property values.

(14) That sounds associated with the agritourism will likely not exceed 40 DB at the property lines of adjacent properties.

(15) That odors associated with the agritourism use will likely not be detectable at the property lines of adjacent properties.

(16) That the agritourism use, except for signage, will be virtually invisible from public roads.

(17) The agritourism will have a substantial link to the agricultural use(s) of the farm.

(18) The agritourism use will not generate hazardous waste.

(19) That overnight guest parking shall not be allowed.

(20) That overnight tenting for guests will not be allowed.

(21) That the agritourism identification sign, if any, is not a digital electronic display or a changeable digital electronic message center.

(22) The amount of land, including adjacent property owned, leased, or otherwise under the control of the agritourism owner, that supports the proposed agritourism use, including its parking, does not exceed 25% of the amount of land available on the farm for agriculture.

(23) The parking and signage for the agritourism use are on the farm, or on an adjacent property owned, leased, or otherwise under the control of the agritourism owner.

[Note – the schedule(s) of permitted uses will need to show that agritourism is allowed in all districts by *special permit*]
[Note – the table of contents will need to show that agritourism is addressed in the supplemental regulations.]

40. Regarding §8.6 – Bed and Breakfast

§8.6.A states the purpose is to allow for the *"... offering of overnight accommodations and meals to travelers .... where an existing home has unique structural or site characteristics ... ."* The regulations also require that a B&B not alter the residential nature of the neighborhood or the character of the dwelling as a residence. B&B's are also limited to only "small special events" for its guests.

However, the bed and breakfast use is allowed by right, requiring only a site plan approval by the Commission. As such, under the proposed regulations, the commission cannot deny a B&B application based on the "*unique structural or site characteristics*" requirements, the alteration of the nature of the neighborhood, or impose a size or number limit for its special events – unless a special permit is required.

Suggestion: Either require a special permit for B&B's or delete the subjective standards for a B&B.

41. Regarding §8.6 – Bed and Breakfast

Suggestion: In §8.6.B.6, increase the maximum length of stay from 21 days to 30 days to be consistent with Connecticut's transient housing laws.

42. Regarding §8.7 - Campgrounds

Delete campgrounds as an allowed use in the LCTD district.
(Ledyard should not allow campgrounds, especially 10-acre campgrounds, so close to Ledyard Center.)

43. Regarding §8.7 - Campgrounds

§8.7.3 allows a minimum size of 1000' per campground site, with a maximum of 15 sites per acre. §8.7.4 requires a campground to consist of at least 25 acres. Together, these mean that a campground, if proposed, will likely have 375 sites on 25 acres. It means that if the average number of campers per site is 3, the campground could have almost 1200 campers at one time on 25 acres, and far more if larger than 25 acres. Is this density excessive? Should there be an upper limit? Are our police and emergency services able to handle it? Also, by allowing continuous stays of 179 days, would children in the campground be required to enroll in our school system? Does the town benefit? How? The density, costs, and educational issues associated with a large campground should be discussed, especially since campgrounds are proposed as allowed by right, with only a commission approval of its site plan if in the RCCD.

44. Regarding §8.12 – Drive-Through Window

A drive-through window is not a "land" use. It should be relocated into §7.0 "General/Miscellaneous Regulations", along with the regulations for antennas, temporary construction trailers, driveways, and portable storage units, which are also not land uses in the traditional sense.

45. Regarding §8.13 - Dwellings, Multiple Family

§8.13.G states the maximum height for a multifamily dwelling in a residential district is 50 feet. However, the table (§6.2.1) shows the maximum height to be 65 feet if in the LCDD, MFDD, GFDD, and the RCCD (if sprinkled).

Suggestion: Add §8.13.H *"The maximum height for multifamily dwellings is 65' in the LCDD, MFDD, GFDD, and the RCCD districts, if sprinkled."*

46. Regarding §8.13 and the table in §6.4

The table shows that multifamily dwellings are allowed by right, with site plan approval by the commission, for multifamily developments in the LCDD, MFDD, GFDD, and RCDD.

However, §8.13.D.1.2 requires that *"... buffer areas ... be planted ... with other vegetative materials skillfully designed to provide a visual landscaped buffer ... and present a reasonably opaque, natural barrier to a height of ten (10) feet."* And, "*The Commission will take into consideration existing topography and foliage, when determining whether the proposed buffer meets the intent of the regulations.*" §8.13.D.1.3 states that *"The Commission may allow other structures within the buffer area, ..."*

The problems are that, for by-right uses, even with site plan approval by the Commission, the Commission does not have the authority to "may allow", or determine if a barrier will be *reasonably opaque*, or if the proposed plan meets the (vague or missing) *intent* of the regulations.

If these are important, a special permit is required.

47. Regarding §8.13 - Dwellings, Multiple Family

§8.13.B limits the density for multiple-family dwellings to whatever is allowed by the health code, the 50' or 65' height limit, and the size of the building envelope.

The existing regulations generally control the density by specifying the maximum number of bedrooms per acre, with variations based on age restriction, and public water and sewer.

Why was this changed in the proposed regulations to whatever density is allowed by the health code? (IMPORTANT)

48. Regarding §8.13 - Dwellings, Multiple Family

The change in #43 will lead to unintended consequences.

For example, assume there is public water and sewer, and a two-acre 80,000’ lot in the MFDD. Half, or 40,000’ of the lot, with the required 10' wide buffer, based on a 60% lot coverage, would have about a 24,000' building envelope. Most of the remaining 40,000' of the lot could be used for parking.

If 65' high (and sprinkled), a multifamily building could be five stories (with a flat roof) on the 24,000' building envelope, where each floor could have as many as 44 540' apartments. This would theoretically be about 220 1-bedroom apartments on two acres, by right, if in the MFDD. The limitation is the parking requirement of one space per apartment. The remaining 40,000' can support about 166 angled parking spaces. Is the PZC certain it wants to allow this level of density in the MFDD in our little town?

Admittedly, the above is an unlikely worse-case situation, but it shows the absurdity of allowing density to be controlled by the health code. Density should be a function of the neighborhood, neighborhood attractiveness, uniformity, and compatibility with the nature of our town.

Suggestion: Specify a maximum number of bedrooms per acre for multiple family developments for each district.

49. Regarding §8.14 - Dwelling, Single-Family

§8.14.A states that "No more than one (1) single-family dwelling shall be permitted on a lot unless otherwise specified herein."

However, the proposed regulations allow an accessory apartment wherever there is a single-family dwelling.

Suggestion: Change §8.14.A to: "*One single-family dwelling is allowed on a lot in the R20, R40, and R60 districts.*"

50. Regarding §8.14 - Dwelling, Single-Family

§8.14.B states that "Maximum height as defined by these Regulations for Single-Family Dwellings shall be thirty-five (35) feet".

Suggestion: Change §8.14.B to: *'A single-family dwelling is limited to a maximum of 35' in height*."

51. Regarding §8.15 – Dwelling, Two Family

§8.15.B states that "*Accessory Dwelling Units are not permitted within or on a lot containing a Duplex Dwelling.*"

However, §8.1.2 prohibits accessory apartments on lots with duplexes or multifamily developments.

Suggestion: To avoid unnecessary redundancy, delete the sentence in §8.15.B that states "*Accessory Dwelling Units are not permitted within or on a lot containing a Duplex Dwelling.*"

52. Regarding §8.17 – Home Occupation

§8.17.B is a definition for a home occupation.
It should be moved into §2.2.

53. Regarding §8.17 – Home Occupation

1. The proposed regulations need a "purpose".
   The purpose described in the existing §8.16.A should be retained.

2. The existing §8.16.C.3.b limits a home occupation to only having a single 14,000-pound GVW class 3 heavy-duty motor vehicle or trailer on the property.

   The proposed §8.17.D.2 allows three vehicles to each be in excess of 26,000 pounds in weight, which is in conflict with the requirement in §8.17.C.1.a, which requires the home occupation to be consistent with the residential nature and use of the premises.

   Three 26,000+ pound trucks in a residential neighborhood, even if stored out of sight, are excessive in a residential neighborhood. Restore the single-vehicle 14,000-pound limit to better protect our residential neighborhoods.

3. The proposed §8.17.E. will allow a resident homeowner in a commercial district to *expand* his commercial home occupation use into its accessory structures and into nearly 100% of his home to "try out" his business in that location, and forever retain the option to change the commercial use of his property to a nonconforming residential use without a variance.

§8.17.E.2.a states, *"The non-conforming residential use of the parcel shall remain until a formal change of use application is submitted to change the SFR to a permitted non-residential use ... ."*

It means some property owners will forever be allowed to co*nvert* a conforming commercial use into a non-conforming residential use, without a variance. This is in direct conflict with the purposes of zoning, and is unlawful.

Suggestion: *Delete the proposed §8.17.E in its entirety*.
Juliet and I will likely disagree on this. A legal opinion should be obtained. It is an important change in the regulations.

54. Regarding §8.22 – Mixed Uses

1. §8.22.A states, *"The mixture of uses shall include residential uses, and any non-residential uses currently allowed in the Zone."* "Zone" should be "district".

2. What does "*currently allowed in the Zone*" mean? Does currently refer to the date these regulations were adopted, or uses allowed in the district per these regulations? Not clear.

3. Are there any duplexes in the commercial districts? If not, the word "duplex" can be deleted throughout §8.22.

55. Regarding §8.30. – Small Wind Energy Systems

1. §8.30.C, the proposed definition for *small wind energy system*, *tower*, *total height*, and *wind energy system* should be moved into the §2.2 definition section.

2. §8.30.E is the abandonment section. §8.30.E.3 states, "The proposed small wind energy system design is required to be certified ...". "Certification" is unrelated to abandonment. §8.30.E.3 should be relocated into §8.30.D, which should be titled, "Requirements".

56. Regarding §8.31 – Solar Energy Systems

1. §8.31.A.2 states that *"Accessory ground mounted solar systems in the Ledyard Center Development District or Gales Ferry Development District are prohibited, and accessory roof mounted panels are not permitted on front facing roofs in these districts."*

Solar energy systems in the LCDD and GFDD are allowed by right (P) - with Commission site plan approval. [A special permit is required for solar panels in the LCTD.] Presumably, the purpose of the proposed requirement is to protect the aesthetics and character of the LCDD and GFDD districts.

Solar panels can be prohibited, and they can be limited to certain areas of a lot. However, it is uncertain if it is lawful to prohibit their location on front facing roofs, unless the roof is in a design or village district. The LCDD and GFDD are no longer design or village districts. It is a gray area, and a legal opinion may be appropriate.

2. The chart on pages 6-5, 6-6, & 6-7 mistakenly shows "LCCD" as the column headings for "*Commercial*," "*Industrial*, "*Principal*," *Industrial*, *Accessory*", and "*Misc/Other*" use classifications. It should be LCDD.

57. Regarding §8.32 – Temporary Forms of Outdoor Entertainment

1. To be consistent with the §8.32.A "*Purpose*", which is to allow for an "*Administrative Site Plan approval*" of "Temporary Forms of Outdoor Entertainment" event applications – the corresponding entries in the §6.4 table (page 6-7) should be "ZP" (zoning permit), and not the "S" (special permit) as shown for the LCTD and CM districts, or the "P" (commission site plan approval) as shown for the LCCD, GFDD, and RCDD districts.

   (To address the possibility of hundreds or thousands of event attendees, a "Temporary Outdoor Entertainment" event, especially if an annual event, should require a special permit*.)*

2. "*Temporary Forms of Outdoor Entertainment*" requires a definition in §2.2.

3. §8.32.A includes the statement, "*Such activities ... shall be open to the public ...* " This is a regulatory requirement, not a purpose. It should be moved to §8.32.C.10.

4. §8.32.B states that the application *shall* be submitted to the zoning official at least 30 days prior to the event. As proposed, this means the zoning official, or the commission if referred, is required to deny the application if it is submitted to the zoning official 29 days before the event, because the application did not comply with the regulations. (It is the same justification for denial as if the application fee is not paid, or the application is not signed.) Is this the intent? (If there is not enough time to process the application, so be it.) 30 days is not enough time if a special permit or commission site plan approval is required.

   Suggestion – change "*shall*" to "should".

5. §8.32.B includes the phrase, *"... at his/her discretion ...".*
   The phrase is necessary and should be deleted...

6. §8.32.B includes the phrase, *"... and such other information as the Zoning Official may require ..."*

   The phrase should be deleted, because zoning regulations for by-right uses must prescribe the information required in an application. The applicant must know, by reading the regulations, the information he is required to provide to have a complete and compliant application.

   The Zoning Enforcement Officer can identify missing information that makes an application incomplete, and advise the applicant, but he does not have the authority to *require information not required or identified in the regulations.*

7. §8.32.C.4 states that *"Lighting ... shall be properly shielded so that* [it] *does not adversely affect abutting property or public streets."*

   The phrases, "*properly shielded*" and "*adversely affect*" are requirements that require a subjective determination of compliance, which is not permitted for land uses allowed by right. Temporary forms of outdoor entertainment, as proposed in §8.32, are allowed by right.

   If "*properly shielded*" and "*adversely affect*" are important, either a special permit is necessary so the shielding can be evaluated and, if necessary, conditions of approval can be imposed, or the regulations must reference *objective criteria* regarding light shielding.

   (Do such lighting regulations exist for carnival rides? Perhaps this requirement should be relaxed for a carnival event.)

8. §8.32.C.1 states, "There must be a minimum lot area of ten (10) acres for a temporary event."

   The §6.4 table (page 6-7) is unclear if "*Temporary Outdoor Events*" constitute accessory or principal uses. §8.32 is also unclear regarding this question. As such, is the minimum 10 acres required to be clear, other than for the proposed temporary event, or can the 10+ acres have an existing principal use, or an existing principal and accessory use?

   For example, the Riverside Mall on Route 12 in the GFDD is on about 11 acres, but has about two acres used for its shopping center buildings as the principal use. This leaves about 9 acres, which is a paved parking lot. It is unclear in the proposed regulations if "temporary outdoor events" are permitted on the Riverside Mall property. This is important and needs clarification.

9. §8.32.C.7 includes the sentence: *"Parking shall not spill over into the surrounding neighborhood unless a specific parking plan is approved.*"

   A determination of whether the proposed "*parking*" will or will not *spill over* into the surrounding neighborhood will be *subjective*. Subjective decisions are improper for uses allowed by right. A special permit is necessary if this is important.

10. §8.32.C.7 includes the sentence: *"Parking shall not spill over into the surrounding neighborhood unless a specific parking plan is approved.*"

    It is unclear what town entity is responsible for reviewing and approving the *"parking plan*?" What criteria is applicable? What happens if, as is likely, there is no town-approved "parking plan"? Not clear.

11. §8.32.C.8 requires, "*A fifty (50) foot buffer shall be provided between a designated event area and any parcel currently containing a residential use sufficient to provide an all-season visual buffer ... "*

    Setbacks and buffer sizes should only be a function of the zoning designation of the subject property, and not the use of an adjacent or nearby property.

12. Why are *potentially intrusive* "*temporary outdoor entertainment*" events (circuses, rodeos, etc.) that could draw thousands of people a day allowed *by right instead of by special permit*?

13. Suggestion:

    A special permit requirement could include an administrative license renewal provision for annual "events". A special permit could also provide automatic expiration if it is unused for a specified period. Ordinary zoning permits do not offer this adaptability, and it is difficult for an ordinary zoning permit for a single use, such as for a fair, to also be applicable for a circus.

    (Reference *"International Investors v Town Plan And Zoning Commission Of The Town Of Fairfield" ET AL. Docket No. AC 43035 Trial Court Docket No. FBTCV186074152S*)

14. Suggestions:

    The *conditions of approval for a special permit*, if in the regulations and/or if imposed by the PZC, could include:

    (i) *Subjective* (and objective) "conditions" that would better protect the public regarding noise, nuisance, parking, lighting, sanitation, congestion, etc.;

    (ii) A provision for the land-use office to issue a *renewable "license*" for annual temporary outdoor entertainment events;

    (iii) A provision that the special permit for an "event" will remain valid *only* if the permit is used at least one day per year. *This would make it easier for the event sponsor to make long-term plans for annual temporary outdoor entertainment events, and would also help protect the town from the risks of inappropriate use of the permit in the future after several years of having no events on the property.*

15. Who must be the applicant?

    The proposed regulations do not address who the applicant must be. This normally means the applicant must be the landowner. However, perhaps the applicant should be the sponsor of the special event, with written permission from the landowner? "*Who must be the applicant*" should be clarified in the proposed regulations.

16. Reference § 8.32.A. Under the proposed regulations, is ice skating allowed as a temporary form of outdoor entertainment?

As proposed, the ZEO (or PZC) will not be able to administratively approve an application for a small temporary outdoor ice skating event. This is because ice skating is not recognized in the regulations as "entertainment" or "educational. "Ice skating" is also not a "fair, bazaar, concert, exhibition, rodeo, circus, carnival, festival, or outdoor theater production.

The best approach to avoid these technical issues is to require temporary outdoor entertainment "events" to require a special permit. This would enable the PZC to evaluate subjective criteria, make subjective decisions, and impose conditions of approval where necessary.

Or for the ice skating example, replace §8.32.A *"... shall be open to the public for entertainment or education ..."* with *"... shall be open to the public for entertainment, exercise, recreation, sports, or education ..."*

Suggestions Regarding Chapter 9.0
Site Development Standards

1. Regarding §9.0 - Site Development Standards

1. §9.0 states, "*All the Site Design Requirements in Chapter 9 of these Regulations shall be applicable to any use that requires a Commission Review of a Site Plan, Special Permit or Master Plan.*"

However, uses that require a Commission Review of a Site Plan are "by right" uses, not special permit uses. The §9 regulations impose *several requirements* that require subjective evaluations, but are not appropriate for uses allowed by right. For example, §9.2.B requires, *where feasible*, the implementation of *Low Impact Development* practices and techniques.

The ZEO, and the Commission, do not have the authority to determine *"LID feasibility*" for by-right uses. Another example is in §9.3.B.3, which requires, "*To the extent possible, existing trees, vegetation, and unique site features ... shall be retained and protected.*" The ZEO, and the Commission, do not have the authority to determine the "*extent possible*" requirement or what are "*unique site features*". Too subjective. There are many other examples throughout the regulations.

If important, a special permit should be required for uses that are required to comply with *subjective requirements*.

2. §9.4.2 states, *"... If no minimum number of parking spaces has been established in these Regulations for a particular use, the minimum number shall be determined by the Commission ..."*

Without criteria, the Commission does *not have the authority to determine the minimum amount of required parking* for uses allowed by right. If important, the regulations should impose a formula for determining the minimum amount of parking for uses allowed by right.

3. §9.2.D states, *"For new developments, all utilities shall be located underground."*

This requirement may have costly, unintended consequences. For example, it means new subdivisions will not have power poles. Technically, propane tanks and fuel oil tanks (if considered utilities) will have to be buried. There will be no overhead wires. Very costly, especially when a "new utility" is desired in the future. It also means that streetlights will have their own poles, instead of sharing power poles. Is the PZC certain it wants to impose this *performance standard* on *all new developments* (homes, subdivisions, apartments, offices, etc.,)?

4. §9.4.4 (page 9-6) specifies dimensions for "*bays*" and "*spaces*". What is the difference? It also uses the term, "*single-loaded parking bays.*" Not clear. Perhaps "parking bay", "double parking bay", "parking space", and "single-loaded parking bay" should be defined in the §2.2 definitions.

5. §9.4.5 (page 9-8) is titled "Parking for Buses and other Large Vehicles

§9.4.5.C is applicable only for hotels and restaurants. It provides that *"The Commission may require additional parking spaces that can accommodate larger vehicles ..."*

Hotels are allowed by right, with site plan approval by the Commission, in the LCDD, GFDD, and the RCCD districts (page 6-6).

Restaurants are allowed by right, with site plan approval by the Commission, in the LCDD, GFDD, RCCD, CM, and NC districts (page 6-6).

The issue is that, because hotels and restaurants are allowed by right in these districts, it is improper for the Commission to "*... require additional parking spaces that can accommodate larger vehicles"* in these districts. If it is important, a special permit is required for the Commission to evaluate compliance with subjective requirements and impose conditions of approval, where needed.

6. §9.12 – Regarding "*Consolidated Parcels*"

What is a consolidated parcel?

A §2.2 definition is needed.

It is unclear if a "*consolidated parcel*" is a grouping of merged lots, or can it be something else.

If not, what kind of permit is required to consolidate lots?

What are the site plan requirements for a group of lots to be consolidated? What, if any, are the benefits to the property owner?

Not clear.

Suggestions Regarding Chapter 10 -
Applications Requiring Staff Approval

1. Suggestion: Replace Chapter 10 with the following:

****

CHAPTER 10: ZONING PERMIT REQUIREMENTS

10.1 Fundamentals

A. A zoning permit is required to construct, alter, install, move, excavate for, or expand a structure; establish or change a use; or remedy a zoning violation.

B. Zoning permits will be issued for new buildings, structures, and/or uses allowed in the district if the application complies with (a) these regulations, (b) with these regulations as varied by the Zoning Board of Appeals, or (c) is approved by the Commission.

C. A zoning permit is required for a building permit for a new building, use, or structure, subject to these regulations.

D. A Certification of Zoning Compliance is required before a Certificate of Occupancy can be issued to use a newly erected building, structure, or addition; or to begin a new or amended use.

E. A zoning permit is not necessary for repairs, maintenance, or alterations that do not increase the area, height, or footprint of a structure."

F. A zoning permit will not be issued for a property with a zoning violation unless (a) it is to remedy the violation, or (b) the violation is exempt under CGS §8-13a(a)(1) for permanently founded structures.

G. A zoning permit based on false information may be annulled, provided the Commission has provided the permit holder a hearing opportunity.

H. A zoning permit may be annulled if its conditions of approval are not satisfied, provided the Commission has provided the permit holder a hearing opportunity.

I. A decision to issue or deny a zoning permit or a certificate of zoning compliance may be appealed by an aggrieved party (a) within 15 days of receipt of the decision, (b) upon actual or constructive notice of the decision, or (c) upon publication of a notice per CGS §8-3(f).

10.2 Application Requirements for Residential Principal Uses Allowed By-right

The zoning permit application and site plan requirements for new residential uses (single-family dwellings, duplexes, mobile manufactured homes on individual lots) allowed by-right are in Appendix C – Step 3.

10.3. Application Requirements for Accessory Uses and Accessory Structures Allowed By-right

The zoning permit application and plot plan requirements for new accessory uses and accessory structures (accessory apartments, sheds, pools, barns, decks, gazebos, tennis courts, storage pods, home occupations (selected), animal husbandry (selected), towers, and antennas) are in Appendix D.

10.4 Zoning Permit Application Requirements for Minor Changes of Use

A "Change of Use" application, as specified in Appendix D, must be filed for changes in use that do not involve the enlargement, modification, or reconfiguration of an existing building footprint, parking area size, or the number of spaces, access drives, or site layout design.

10.5 Zoning Permit Application Requirements for Changes in Ownership of Non-residential Uses

A "Change of User" form must be filed when the ownership changes for a principal or accessory non-residential use listed in the §5.3 and §6.4 Schedules of Permitted Uses.

10.6 Zoning Permit Application Requirements for Property Line Adjustments & Lot Divisions

A. Property line adjustments and lot divisions (splits) must comply with the zoning and subdivision regulations.

B. A property line adjustment is allowed if it does not create an additional lot, does not create a lot or a condition that violates the zoning regulations, and does not increase existing dimensional nonconformities.

C. A property line adjustment that does not create a lot, affects a street layout, or affects an area designated as open space is not a subdivision or re-subdivision.

D. A "free-split" division into two or more conforming lots is permitted, without Commission approval, if the parcel was not divided after October 18, 1963.

E. A division of a parcel created after October 18, 1963, into two or more conforming lots is permitted with Commission approval.

F. The ZEO may require an application for a property line adjustment or a lot division to include a copy of the property deed, certified title search, property history map, and/or a survey with a Class A-2 level of accuracy.

G. The Applicant is allowed 90 days, plus one or two 90-day extensions, if requested, to file a copy of the approved survey with the ZEO, the Town Assessor, and the Town Clerk. The approval of the survey is annulled if not filed within the time allowed.

10.7 Time Limits

A. Zoning permits are issued within 30 days if the application satisfies (a) these regulations, (b) these regulations as varied by the Zoning Board of Appeals, or (c) is approved by the Commission.

B. The ZEO may request, with the applicant's consent, an extension of time to amend an application. The request and consent must be in writing.

C. A zoning permit application is denied if the requested permit is not issued within 30 days, unless an extension is granted.

D. The ZEO will provide the reasons for a denial.

E. A zoning permit is annulled if, after one year, no work has commenced.

F. A zoning permit is annulled if the required work commenced, but has ceased for a year.

G. The ZEO may grant a one-year extension to commence or resume work.

10.8 Certification of Zoning Compliance

A. A Certification of Zoning Compliance must be requested for any newly erected building or structural addition and/or use to determine compliance with these regulations and the conditions of approval of its zoning permits.

B. A Certification of Zoning Compliance must be issued before a newly erected building or structural addition is used, or a new or amended use begins.

C. The request for a Certification of Zoning Compliance must include information sufficient to demonstrate compliance with these regulations and any conditions of approval.

D. The ZEO may require an "As-Built" plan prepared by a licensed surveyor to determine if the zoning regulations and zoning permit conditions of approval are satisfied.

E. A Certification of Zoning Compliance may be annulled if the building, structure, lot, or use no longer conforms with these regulations, or to the conditions of approval of a zoning permit.

F. A Certification of Zoning Compliance may be requested for any property to determine compliance with these regulations and the conditions of approval of its zoning permits.

G. A Certification of Zoning Compliance will be issued within 15 days of request if the building, structural addition, and/or use is completed; the conditions of its zoning permit(s) are satisfied; and its sewage disposal and water supply systems, if any, are approved.

****

Note: *§10.2 & §10.4 reference* Appendix D. The first sentence in Appendix D references §3.5(3) in the proposed regulations. However, §3.5(3) does not exist.

The above-suggested replacement for Chapter 10 is intended to include all requirements in the proposed Chapter 10, even though some may be inappropriate. For example, it is unclear why the ZEO, instead of the applicant, would ask for an extension to grant a zoning permit. It is also unclear why the fee for an application for a zoning permit does not include the fee for the mandatory Certification of Zoning Compliance. The above-suggested replacement for Chapter 10 "fixes" the issues identified in the following comments. As such, the following comments (#2 - #6) can be disregarded if the Replacement Suggestion (#1) for Chapter 10 is adopted.

2. Regarding §10.1.E – Contents of Application – contains:

"The ZEO or Planning Director may require submission of additional information, including any information that might be required for a Site Plan (e.g., soils data, topography, drainage computations, etc.), and a plot plan prepared, signed, and sealed by a licensed land surveyor, to ensure compliance with these Regulations."

As proposed, the regulations give the town planner authority traditionally reserved for the ZEO. They also give both the ZEO and the town planner the authority to *demand any information he or she chooses,* under the implied threat that a zoning permit will not be issued unless the applicant complies with his or her demands, even if the information is not identified in the regulations.

For example, the proposed 2nd sentence states that the ZEO or Planning Director may require additional information including **but not limited** to soils data, topography, drainage computations, **etc**." The word, "*et cetera*" means unlimited, and is representative of the problem.

In addition, it may be difficult or impossible for an applicant to get a licensed land surveyor to seal a "plot plan" that complies with the relaxed requirements in Appendix D.

3. §10.1.E – Content of Application – contains:

"*The ZEO may further require that location markers for the building foundation be set by a Connecticut licensed land surveyor in accordance with the **plot plan prior** to the issuance of a Zoning Permit."*

A ***plot plan***, per Appendix D, is for applications that do not require a site plan. It may be difficult or impossible for a property owner to get a licensed land surveyor to set location makers for a building foundation, such as a storage shed, based on a "plot plan" that complies with the relaxed "plot plan" requirements in Appendix D.

As proposed, the ZEO **may, but not necessarily will, require** location markers, which is a problem. How will an applicant know from the regulations if location markers are required, or if he has to hire a " Connecticut licensed engineer and/or land surveyor to set location markers"? What are the criteria? It should be clear in the regulations.

4. §10.1.E – Content of Application – contains:

"For new dwellings and for staff approved commercial/business and industrial construction, the ZEO shall require the submission of a survey with Class A-2 level of accuracy in order to determine zoning compliance and shall require that such plans be prepared by a Connecticut licensed engineer and/or land surveyor."

Appendix C Step 3 is for new dwellings. There are no commercial/business or industrial construction "uses" in the schedule of permitted uses that the ZEO approves. As such, the phrase "... *and for staff approved commercial/business and industrial construction*" should be deleted from §10.1.E.

In addition, Appendix C Step 3 is for residential uses, not commercial/business or industrial construction uses.

The *regulations* must be made clear *exactly* what information is necessary for an application to be approved.

5. §10 is unclear as to what are "*activities*" or what is the *difference* between a "*use*" and an "*activity*"?

   Is a definition for "*activity*" needed?

   In addition, there is never a need to *explicitly* justify a regulation – which means there is never a need to use the word "*therefore*" in zoning regulations.

6. §10.1.A, as proposed, is virtually identical to §3.6. Is the duplication necessary?

Juliet Hodge

From: Jessica Cobb <jessilynn.p.cobb@gmail.com>
Sent: Thursday, July 14, 2022 12:00 PM
To: Juliet Hodge
Subject: New Zoning regs
Attachments: PZ-22-7RA--Proposed-Text-of-Amended-Zoning-Regulations-7-14-22.pdf

You don't often get email from jessilynn.p.cobb@gmail.com. Learn why this is important

Hi Juliet,

I got a notification from the town news that the new zoning regs will be reviewed at tonight's P&Z meeting. I reviewed them and made some notes, mostly related to formatting- bolded text, indentation, etc. There were a few words misspelled (mis-typed no doubt). The table of contents looks like it's missing a lot of page numbers, which if it's an automatically generated TOC in Word, just means the headings aren't formatted as headings and is an easy fix. There was one place in the home husbandry section where the number of animals was written in word and number and they didn't match, ie "eight(6)".
There also seemed to be some artifacts of the drafting process that weren't meant to be in the final draft, which I indicated as well.
I don't know the current version of the zoning regs well enough to make any comments other than you have greatly improved the readability in your revisions, but I'm looking forward to the discussion tonight.

Have a great day!

Jessica Cobb

Juliet Hodge

From: Kelly, Patrick <PKELLY@providence.edu>
Sent: Thursday, July 14, 2022 11:38 AM
To: Juliet Hodge
Subject: July 14 Planning and Zoning Meeting

You don't often get email from pkelly@providence.edu. Learn why this is important

Dear Juliet Hodge,

My name is Patrick Kelly and I live at 20 Lynn Drive in Ledyard. I understand that the Planning and Zoning Commission is considering a number of zoning changes at its July 14th meeting, including providing some flexibility in the placement of residential outdoor storage sheds. I am presently considering acquiring an outdoor shed at my residence and would appreciate a change in which I would be able to have the shed sited on the side of my driveway in front of my house. Any changes being considered by the Planning and Zoning Commission to permit this would be most appreciated.

Please let me know if you have any questions. Thank you.

Sincerely,

Patrick Kelly

Patrick T. Kelly, Ph.D.
Professor of Accountancy
Director, Ethics in Business Education Program
Providence College School of Business
401-865-1266 (office)
401-865-2978 (fax)

Considerations When Planning for Agritourism on Connecticut Farms

DEFINITIONS:

Agriculture, farming and farm:

- ✓ Consider adopting state definition for agriculture and farming (CGS 1-1q):

CGS, Sec. 1-1 (q) Except as otherwise specifically defined, the words "**agriculture**" and "**farming**" shall include cultivation of the soil, dairying, forestry, raising or harvesting any agricultural or horticultural commodity, including the raising, shearing, feeding, caring for, training and management of livestock, including horses, bees, poultry, fur-bearing animals and wildlife, and the raising or harvesting of oysters, clams, mussels, other molluscan shellfish or fish; the operation, management, conservation, improvement or maintenance of a farm and its buildings, tools and equipment, or salvaging timber or cleared land of brush or other debris left by a storm, as an incident to such farming operations; the production or harvesting of maple syrup or maple sugar, or any agricultural commodity, including lumber, as an incident to ordinary farming operations or the harvesting of mushrooms, the hatching of poultry, or the construction, operation or maintenance of ditches, canals, reservoirs or waterways used exclusively for farming purposes; handling, planting, drying, packing, packaging, processing, freezing, grading, storing or delivering to storage or to market, or to a carrier for transportation to market, or for direct sale any agricultural or horticultural commodity as an incident to ordinary farming operations, or, in the case of fruits and vegetables, as an incident to the preparation of such fruits or vegetables for market or for direct sale. The term "**farm**" includes farm buildings, and accessory buildings thereto, nurseries, orchards, ranges, greenhouses, hoop houses and other temporary structures or other structures used primarily for the raising and, as an incident to ordinary farming operations, the sale of agricultural or horticultural commodities. The term "aquaculture" means the farming of the waters of the state and tidal wetlands and the production of protein food, including fish, oysters, clams, mussels and other molluscan shellfish, on leased, franchised and public underwater farm lands. Nothing herein shall restrict the power of a local zoning authority under chapter 124.

AGRITOURISM AS ACCESSORY TO THE PRIMARY USE OF LAND WHICH IS FARMING:

- ✓ Consider utilizing the state statutes for PA 490 Farmland classification:

Sec. 12-107b. Definitions. (1) The term "farm land" means any tract or tracts of land, including woodland and wasteland, constituting a farm unit;

Sec. 12-107c. Classification of land as farm land. (a) An owner of land may apply for its classification as farm land on any grand list of a municipality by filing a written application for such classification with the assessor thereof not earlier than thirty days before or later than thirty days after the assessment date, provided in a year in which a revaluation of all real property in accordance with section 12-62 becomes effective such application may be filed not later than ninety days after such assessment date. The assessor shall determine whether such land is farm land and, if such assessor determines that it is farm land, he or she shall classify and include it as such on the grand list. In determining whether such land is farm land, such assessor shall take into account, among other things, the acreage of such land, the portion thereof in actual use for farming or agricultural operations, the productivity of such land, the gross income derived therefrom, the nature and value of the equipment used in connection therewith, and the extent to which the tracts comprising such land are contiguous.

- ✓ Consider terminating agritourism when the agricultural operation ceases:

Should the principal farm use be abandoned and/or discontinued, the accessory uses provided shall be terminated and shall not become the principal use. (Killingworth, Stafford, Griswold, Deep River)

- ✓ Consider the 51% Rule, CT Farmers Tax Exemption Permit, IRS Schedule F:

Principally produced on the farm: More than 50% (by volume or weight) of the agricultural products stored, prepared or sold at the farm, are grown or produced on the farm.

CT Farmers Tax Exemption Permit requires minimum of $2,500 in gross sales from agricultural production.

IRS Schedule F Farm Profit and Loss.

AGRITOURISM AS ACCESSORY TO AN EXISTING FARMING OPERATION:

- ✓ Consider the length of time the applicant has been farming. Is this an established successful farming operation or a new operation?

OTHER CONSIDERATIONS:

- ✓ Minimum acreage
- ✓ Setbacks
- ✓ Parking
- ✓ Noise
- ✓ New construction or repurposing of existing farm buildings
- ✓ Sanitation
- ✓ Site plan
- ✓ Permitting process
- ✓ Hours of operation
- ✓ Public safety
- ✓ Other:

_____

_____

_____

_____

_____

_____

RESOURCES:

University of Vermont – VT Agritourism Collaborative: https://www.uvm.edu/vtagritourism/

Prepared by: Joan Nichols – Executive Director and Director of Member Relations
Connecticut Farm Bureau Association
78 Beaver Road Suite 2A Wethersfield, CT 06109
Phone: (860) 768-1105 Cell: (860) 951-2791 Email: Joann@cfba.org

CONNECTICUT FARM BUREAU

JN 10/1/2019

THE CONNECTICUT RIGHT TO FARM LAW

What it means to the State's Agriculture

CONNECTICUT FARM BUREAU

"The Voice of Connecticut Agriculture"

78 Beaver Road Suite 2A
Wethersfield, CT 06109
(860) 768-1100
www.cfba.org

♦ ♦ ♦ ♦ ♦ ♦ ♦ ♦ ♦ ♦ ♦ ♦

History:

The Right to Farm was signed into law by Governor O'Neill in May of 1981. As more people and business relocated to the rural areas of Connecticut, agricultural operations often became the subject of complaints.

Right to Farm legislation was necessary to limit the circumstances under which agricultural operations could be subject to lawsuits and town ordinances. When local planning and zoning regulations permit agriculture, or if an agricultural operation is grandfathered, then the Right to Farm Law is applicable under Section 19a-341 of the Connecticut General Statutes.

THE PURPOSE:

The Right to Farm law limits the circumstances under which agricultural or farming operations may be deemed to constitute a nuisance.

NUISANCES ARE:

Odor: From livestock, manure, fertilizer, or feed.
Noise: From livestock or farm equipment used
in normal, generally accepted farming practices.
Dust: Created during plowing or cultivation operations.
Chemical Use: Provided that the application conforms to the practices approved by the Commissioner of the Department of Energy and Environmental Protection or where applicable, the Commissioner of the Department of Public Health.
Water Use: From Livestock or crop production
activities conforming to acceptable management practices approved by the Commissioner of Energy and Environmental Protection.

It is important to remember that sometimes farmers, those who are not following good management practices, try to hide behind the Right to Farm Law. This type of behavior threatens the future effectiveness of this Law.

All agriculturalists must do their best to promote a positive image of Connecticut's farming enterprises.

NEGLIGENCE:

The Right to Farm Law does not protect a farmer when a nuisance is due to negligence or willful or reckless misconduct.

APPROVAL OF AGRICULTURAL PRACTICES:

The Commissioner of the Connecticut Department of Agriculture or his/her designee shall determine whether the operation is following generally accepted agricultural practices.

CONDITIONS:

There are three conditions that qualify a farm for coverage under the Right to Farm Law. These include operations that: 1) have been in operation for one year or more, 2) have not been substantially changed, and 3) are following generally accepted agricultural practices.

♦♦♦

CONNECTICUT GENERAL STATUTE SEC. 19A-341

(a) Notwithstanding any general statute or municipal ordinance or regulation pertaining to nuisances to the contrary, no agricultural or farming operation, place, establishment or facility, or any of its appurtenances, or the operation thereof, shall be deemed to constitute a nuisance, either public or private, due to alleged objectionable (1) odor from livestock, manure, fertilizer or feed, (2) noise from livestock or farm equipment used in normal, generally acceptable farming procedures, (3) dust created during plowing or cultivation operations, (4) use of chemicals, provided such chemicals and the method of their application conform to practices approved by the Commissioner of Environmental Protection or, where applicable, the Commissioner of Public Health, or (5) water pollution from livestock or crop production activities, except the pollution of public or private drinking water supplies, provided such activities conform to acceptable management practices for pollution control approved by the Commissioner of Environmental Protection; provided such agricultural or farming operation, place, establishment or facility has been in operation for one year or more and has not been substantially changed, and such operation follows generally accepted agricultural practices. Inspection and approval of the agricultural or farming operation, place, establishment or facility by the Commissioner of Agriculture or his designee shall be prima facie evidence that such operation follows generally accepted agricultural practices.

(c) The provisions of this section shall not apply whenever a nuisance results from negligence or wilful or reckless misconduct in the operation of any such agricultural or farming operation, place, establishment or facility, or any of its appurtenances.

An informational brochure by the Connecticut Farm Bureau Association

Updated 2/2013

Local Right to Farm Ordinances

Background:

A local right to farm ordinance provides a policy statement that a municipality supports and encourages local agriculture.

Key Points:

- A local right to farm ordinance helps inform new and prospective residents that they are moving into a farming community.
- A local right to farm ordinance helps provide guidance to municipal enforcement officials on how to respond to issues related to the nuisances covered in the state Right to Farm Law **(CGS Section 19a-341).**
- A local right to farm ordinance should mirror the state statute with a provision that the ordinance does not negate or diminish the authority of the various local regulatory agencies and commissions.
- A local right to farm ordinance is adopted through a vote of the municipal legislative authority.

Statute:

CGS Section 19a--341: (a) Notwithstanding any general statute or municipal ordinance or regulation pertaining to nuisances to the contrary, no agricultural or farming operation, place, establishment or facility, or any of its appurtenances, or the operation thereof, shall be deemed to constitute a nuisance, either public or private, due to alleged objectionable (1) odor from livestock, manure, fertilizer or feed, (2) noise from livestock or farm equipment used in normal, generally acceptable farming procedures, (3) dust created during plowing or cultivation operations, (4) use of chemicals, provided such chemicals and the method of their application conform to practices approved by the Commissioner of Environmental Protection or, where applicable, the Commissioner of Public Health, or (5) water pollution from livestock or crop production activities, except the pollution of public or private drinking water supplies, provided such activities conform to acceptable management practices for pollution control approved by the Commissioner of Environmental Protection; provided such agricultural or farming operation, place, establishment or facility has been in operation for one year or more and has not been substantially changed, and such operation follows generally accepted agricultural practices. Inspection and approval of the agricultural or farming operation, place, establishment or facility by the Commissioner of Agriculture or his designee shall be prima facie evidence that such operation follows generally accepted agricultural practices.

(*Over*)

2 Local Right to Farm Ordinances (*continued*)

FAQs:

Q: Is a farm protected under Connecticut's Right to Farm Law if the municipality in which it is located does not adopt a local right to farm ordinance?

A: Yes. The state Right to Farm Law (CGS 19a-341) is applicable in every municipality in Connecticut whether the municipality adopts a local right to farm ordinance or not.

Q: Does a local right to farm ordinance protect a farm from complaints or infractions related to municipal zoning or wetlands regulations or state building or health codes?

A: No. A right to farm ordinance strictly addresses complaints related to the five nuisances identified in the state statute, which should be reiterated in the local ordinance. Farms must still comply with all applicable municipal zoning and wetlands regulations as well as state building and health codes.

Q: There are other state laws, but local ordinances are not created for every state law on the books. Why should a municipality adopt a local right to farm ordinance?

A: Many state laws are further implemented through local municipal regulations. A local right to farm ordinance helps reaffirm the intent of the state Right to Farm Law and helps provide guidance especially to new and beginning farmers, the non-farming community and municipal enforcement agents.

Q: How should a municipality respond to a complaint related to the five nuisances addressed in the ordinance and state statute?

A: Based on the complaint, the municipal enforcement agent should meet with the farmer to determine the cause of the complaint. If it appears the complaint is related to an issue that is covered under the Right to Farm Law, the enforcement agent should contact the Connecticut Department of Agriculture for a determination of whether the farmer is following generally accepted agricultural practices. The enforcement agent may also consult with the local agricultural commission before contacting the Connecticut Department of Agriculture, if this is one of the charges of the commission.

Notes:

RECEIVED
AUG 18 2022
LAND USE DEPARTMENT

August 23, 2022

To: Juliet Hodge

From: Karen Parkinson

Re: Zoning regulations/farm issues

All the revisions look good, plus the addition of 2nd accessory dwelling. Thank you.

My one concern: is there is a need to have a definition to "working farm" I know there is a concern that someone could start a "farm" and immediately go to large events. My suggestion would be that :

Working farm: A farm, greater than 5 acres, in operation of "farming" as defined under Agriculture for a minimum of two years prior to application for non-agricultural activities/events

Or. Imbedded into events. Working farm as demonstrated active "farming" for the previous two years.

The rationale is that the need for a farm to expand into non-agricultural activities is to generate additional income to sustain the existing working farm.

CHAPTER 1: AUTHORITY, PURPOSE, RETROACTIVITY & SEVERABILITY

1.1 **TITLE:** These Regulations were adopted in accordance with the provisions for notice and public hearing set forth in §8-3, Connecticut General Statutes, Revision of 1958, as amended and shall be known as the "Zoning Regulations, Town of Ledyard, Connecticut," and are referred to herein as "these Regulations."

1.2 **AUTHORITY**: These regulations are enacted pursuant to the provisions of Chapter 124, Connecticut General Statutes, Revision of 1958 as amended and serve as the Town's Comprehensive Plan in consideration of the Plan of Conservation and Development adopted under §8-23.

1.3 **PURPOSE**: The purpose of these regulations is to:

(A) lessen congestion in the streets; (B) secure safety from fire, panic, flood and other dangers; (C) promote health and the general welfare; (D) provide adequate light and air; (E) protect the state's historic, tribal, cultural and environmental resources; (F) facilitate the adequate provision for transportation, water, sewerage, schools, parks and other public requirements; (G) consider the impact of permitted land uses on contiguous municipalities and on the planning region, as defined in § 4-124i, in which such municipality is located; (H) address significant disparities in housing needs and access to educational, occupational and other opportunities; (I) promote efficient review of proposals and applications; and (J) affirmatively further the purposes of the federal Fair Housing Act, 42 USC 3601 et seq., as amended from time to time.

1.4 **RETROACTIVITY:** Nothing herein contained shall require any change to approved Site Plans, or to the construction or designated use of a building for which a building permit has been issued and construction shall have commenced, based upon regulations in effect prior to the effective date of these regulations (or any amendment thereto) if the development work is completed according to such plans within the period specified by CGS §8-3(i) & CGS §8-3(j). "Work" for purposes of this subsection, means all physical improvements required by the approved plan. The Commission can grant extensions as provided by law.

1.5 **SEVERABILITY:** If any part of these Zoning Regulations, the Attachments to these Zoning Regulations, and/or the Ledyard Zoning Map, is declared invalid and/or unenforceable for any reason, such invalidity or unenforceability shall not affect the validity or enforceability of the remainder of these Zoning Regulations, the Attachments to these Zoning Regulations, and/or the Ledyard Zoning Map, which shall remain in full force and effect.

CHAPTER 2: DEFINITIONS

2.1 INTERPRETATION AND USE OF WORDS

A. The following terms shall be interpreted as follows:

1. The masculine includes the feminine,
2. The singular includes the plural, and the present tense includes the future tense,
3. The word "person" includes an individual, firm or corporation, limited liability company, trust, and federally recognized tribe,
4. The word "shall" is always mandatory; the word “may” is permissive or discretionary,
5. The words "used" or "occupied," as applied to any land or building, shall be construed to include the words "intended, arranged, or designed to be used or occupied,"
6. Any reference to a residential district shall be interpreted to mean any district with the word "residence" in its title,
7. A building or structure includes any part thereof,
8. The words “zone”, “zoning district”, and “district” have the same meaning,

B. Words and Terms Defined: Words defined in Chapter 2.0 of these Regulations shall be interpreted as set forth in that Chapter.

C. Words and Terms Not Defined: Words and terms not defined in Chapter 2 of these Regulations shall be interpreted in accordance with the following hierarchy.

1. If the word or phrase is defined or used in the Ledyard Subdivision Regulations, it shall be interpreted to be consistent with such definition or usage.

2. If the word or phrase is defined in the Connecticut General Statutes, it shall be interpreted to be consistent with such definition.

3. A comprehensive general dictionary; e.g., Webster’s Dictionary.

2.2 DEFINITIONS

ABANDONMENT: The discontinuance of a use of property with the intent by its owner to voluntarily, intentionally, and permanently renounce said prior use. Failure to maintain a use for a specific time period is not, by itself, sufficient to constitute abandonment.

ACCESS STRIP: A narrow strip of land, which forms an integral part of flag lot to provide frontage on a highway and vehicular access from the highway to the remainder of the lot.

ACCESS, UNOBSTRUCTED: An area of the site that can be feasibly designed and constructed using established engineering practices and can be used legally for vehicular entry and exit.

ACCESSORY APARTMENT: A separate dwelling unit that (A) is located on the same lot as a single family principal residence of greater square footage, **or** within or attached to the principal single-family residence (B) has cooking facilities, and (C) complies with or is otherwise exempt from any applicable building code, fire code and health and safety regulations; Accessory Apartments are not permitted within or on the same parcel as a Duplex or Multi-family residence.

ACCESSORY USE/ACCESSORY BUILDING: A use, building, structure and/or portion thereof customarily incidental and subordinate to the principal use of the land or building and located on the same lot as the principal use.

ADULT DAY CARE CENTER: Any building or structure which is used to provide supervision for persons who are eighteen (18) years of age or older who may be elderly, physically ill, infirm, or physically handicapped such that they require daily supervision and medical treatment incidental to such supervision. The term does not include uses which provide residential, surgical, medical, or special treatment as relates to housing persons who have a chronic illness, disease or injury, or other condition that would require the degree and treatment provided by a nursing home or hospital.

AGE RESTRICTED HOUSING: Housing intended for residents aged fifty-five (55) or older. Age restricted housing is subject to state and federal fair housing regulations and may be single-family dwellings, mobile manufactured homes, two-family residences , and multi-family dwellings.

AGRICULTURE: Connecticut General Statutes, Sec. 1-1 (q) Except as otherwise specifically defined, the words "agriculture" and "farming" shall include cultivation of the soil, dairying, forestry, raising or harvesting any agricultural or horticultural commodity, including the raising, shearing, feeding, caring for, training and management of livestock, including horses, bees, poultry, fur-bearing animals and wildlife, and the raising or harvesting of oysters, clams, mussels, other molluscan shellfish or fish; the operation, management, conservation, improvement or maintenance of a farm and its buildings, tools and equipment, or salvaging timber or cleared land of brush or other debris left by a storm, as an incident to such farming operations; the production or harvesting of maple syrup or maple sugar, or any agricultural commodity, including lumber, as an incident to ordinary farming operations or the harvesting of mushrooms, the hatching of poultry, or the construction, operation or maintenance of ditches, canals, reservoirs or waterways used exclusively for farming purposes; handling, planting, drying, packing, packaging, processing, freezing, grading, storing or delivering to storage or to market, or to a carrier for transportation to market, or for direct sale any agricultural or horticultural commodity as an incident to ordinary farming operations, or, in the case of fruits and vegetables, as an incident to the preparation of such fruits or vegetables for market or for direct sale. The term "farm" includes farm buildings, and accessory buildings thereto, nurseries, orchards, ranges, greenhouses, hoop houses and other temporary structures or other structures used primarily for the raising and, as an incident to ordinary farming operations, the sale of agricultural or horticultural commodities. The term "aquaculture" means the farming of the waters of the State and tidal wetlands and the production of protein food, including fish, oysters, clams, mussels and other molluscan shellfish, on leased, franchised and public underwater farmlands.

AGRICULTURAL BUILDINGS AND STRUCTURES: Buildings or other structures used in connection with agriculture, including shelter for livestock and storage for farm machinery, equipment, supplies, and harvested crops.

AGRICULTURAL TOURISM: The opening to the public of a working farm or any agricultural, horticultural or agribusiness operation for the purpose of enjoyment, education, or active involvement in the activities of the farm or operation

AG-TIVITIES: Events of limited duration on a farm that are incidental to agricultural uses, including, but not limited to, hayrides, corn mazes, festivals and other similar activities; on-farm sales such as farm stands and pick-your-own operations, retailing farm and farm related products

(farm store); recreational and/or competitive equine enterprises, and on farm processing operations provided they comply with all applicable state and municipal health codes.

AQUACULTURE: The farming of any waters and/or wetlands and the production of plant or protein food, including fish, oysters, clams, mussels and other molluscan shellfish. "Aquaculture" includes, without limitation, outdoor and/or indoor hatcheries, aquaponics, and hydroponics.

FARM: A tract of land used, principally for agriculture, with or without an associated single-family dwelling. In zoning districts in which a farm is allowed, both the agricultural activities and any single-family dwelling that may exist, shall be permitted as joint principal uses. A "tract" may consist of one or more lots under common ownership and used for farming operations.

FARM, ACCESSORY DWELLING UNIT: An accessory dwelling unit on a farm that is used by a caretaker/worker of the farm and/or the farm's livestock.

FARM PRODUCTS: Any products of agriculture, including fruits; vegetables; mushrooms; nuts; shell eggs; honey or other bee products; maple syrup or maple sugar; flowers; nursery stock; Christmas trees; other horticultural commodities; livestock food products, including meat, milk, cheese and other dairy products; food products of "aquaculture," as defined above, including, but not limited to, all plant food, fish, oysters, clams, mussels and other molluscan shellfish; products from any tree, vine or plant and their flowers; or any such products that have been processed by a farmer, including, but not limited to, goods made with farm products.

FARMERS' MARKET: A for-profit or nonprofit cooperative, enterprise, or association that regularly occupies a given location, and that operates principally as a common marketplace for a group of farmers, at least two of whom are selling Connecticut-grown fresh produce, to sell Connecticut-grown farm products directly to consumers.

FARM STAND: An accessory building in support of farming, specifically for the seasonal sale of products produced primarily on local farms in accordance with § **8.15.E(5).**

FARM STORE: A building or other structure greater than 200 square feet from which agricultural products are sold seasonally or year-round.

LIVESTOCK: Animals raised for an agricultural purpose, such as food, fiber, or labor. Livestock shall not include domestic animals kept as a companion and housed with human occupants in a residential building.

AMUSEMENT PARK: A park that features various attractions, including mechanical and motorized rides and devices (such as a merry-go-round, Ferris wheel, roller coaster, etc.), booths for games and refreshments, and other events for entertainment purposes. A theme park is a type of amusement park that bases its structures and attractions around a central theme, often featuring multiple areas with different themes.

APARTMENT: A dwelling unit located (a) in a building consisting of one or more other dwelling units; (b) above or behind a commercial use; or (c) on the same lot as, or within a single-family dwelling.

APARTMENT, COMMERCIAL CARETAKER: An accessory dwelling on a nonresidential premises, occupied by the persons employed principally on-site for purposes of overseeing the nonresidential operation/facility.

ASSISTED LIVING FACILITY: A multi-family dwelling development, for those who are in otherwise good health, that provides the support of services, both licensed and unlicensed,

necessary to maintain its residents in a semi-independent lifestyle. An assisted living facility may include convalescent care.

BARN: A building for the storage of farm products, feed, and/or the housing of farm animals or farm equipment located on a farm..

BED AND BREAKFAST: An owner-occupied dwelling with guest rooms where overnight accommodation and breakfast are provided to travelers for a fee.

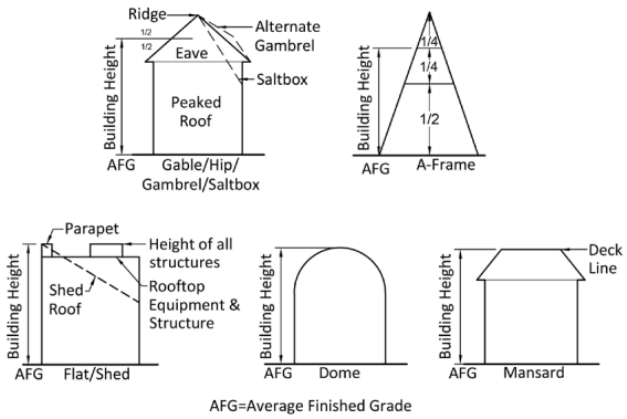
BUFFER AREA: An area that may be designed or required to contain trees, shrubs, walls, rocks, berms, and other landscaping materials whose primary function is to provide visual, noise, and odor insulation from adjacent property and roadways.

BUFFER STRIP: A strip of land unoccupied by buildings, structures or pavements that is landscaped and/or maintained in its natural state as required by these regulations.

BUILDABLE AREA: A contiguous area of land required on each lot that does not contain streets; conservation or utility easement areas; access easement areas and/or deeded rights-of-way for vehicular access, drainage and/or utilities; land which is classified as flood zone A or AE per FEMA maps; and/or inland wetlands, water bodies and/or watercourses, where the principal building, accessory uses and on-site water and sewer facilities can be located without major physical alterations of the land. **See also LOT AREA, MINIMUM**

BUILDING HEIGHT: The vertical distance from the average finished grade for a building or other structure, or for a building wing or distinct portion of a building or other structure, to the highest point of the following elevations on the building or other structure:

- To the highest point of the highest dome, flat, shed, or mansard roof, including the top of any parapet;
- To the mean level between the highest ridge and its lowest corresponding eave of a gable, hip, gambrel, or saltbox roof;
- To 3/4 of the distance from the average finished grade to the highest point of a A-Frame structure;
- To the highest point of buildings or structures not mentioned here, or for any structures that do not have a roof. This includes to the highest point of all roof-top equipment, screening, fencing, and any other structures placed on or extending above a roof



BUILDING LINE: The line or lines created by the required minimum and/or maximum front, rear, and side yard setback dimensions for unoccupied space of a lot, to establish an area within which structures allowed by these Regulations may be located (a.k.a. the Building Envelope).

BUILDING SETBACK LINE – FRONT: A line delineating the minimum required distance between the front property line and the line beyond which a structure may be located on that lot. The front setback line extends the full width of the lot.

BUILDING SETBACK LINE – REAR: A line delineating the minimum allowable distance between the rear property line and the line beyond which a structure may be located on that lot (other than for permitted accessory structures). The rear setback line extends the full width of the lot.

BUILDING SETBACK LINE – SIDE: A line delineating the minimum allowable distance between the side property line and the line beyond which a structure may be located on that lot. The side setback line extends from the required minimum front building setback line to the required minimum rear building setback line.

CAMPGROUND, RECREATIONAL: a parcel of land intended for the temporary occupancy of tents, campers, and/or recreational vehicles, where the primary purpose is recreational.

CARETAKER: A person who is in charge of the maintenance of a building, estate, etc.

CHANGE OF USE: A change from one permitted use to another permitted use listed in the Schedule of Permitted Uses for the district. A change within a unit to a use listed in the Schedule of Permitted Uses that exists in another unit within the same structure does not constitute a change of use.

CHANGE OF USE, MINOR: A change in the current use of a lot to a different use listed in the Schedule of Permitted Uses for the district that will not result in additional dwelling units, additional employees, additional clients or customers, additional floor space, site modification, additional refuse, additional traffic, a change in building footprint, an increase in impermeable surface, or additional parking requirements.

CHILD DAY CARE CENTER: A place that offers or provides a program of supplementary care to more than twelve (12) related or unrelated children outside their own homes on a regular basis as provided in CGS §19a-77.

CIVIC BUILDING: a building owned or leased by a public agency or non-profit organization for the primary purpose of providing a service to the general public dedicated to arts, culture, education, recreation, government, transit, and municipal/public parking.

CLUB (MEMBERSHIP CLUB): An establishment operated solely for recreational, social, fraternal, religious, political, or athletic purposes, in which activities are confined to the members and guests of an organization whose primary purpose is not financial gain, and which meets the criteria for exemption from federal income tax under Internal Revenue Code §501(c)(7).

COASTAL SITE PLAN: The Site Plans, applications and project referrals listed in §22a-105 of the Connecticut General Statutes and are addressed in §12 of these regulations.

COMMERCIAL ESTABLISHMENT: A use or facility intended as a profit-making enterprise.

COMMERCIAL FISHING, LOBSTERING, SHELL FISHING BASE: A base of operations for the farming of the waters of the state and tidal wetlands on leased, franchised and public underwater farmlands.

COMMERCIAL SERVICES: Business services that generally relate to real or personal property (as opposed to services that are performed on people, such as barbering and hairdressing).

COMMUNITY CENTER: A building or group of buildings and associated grounds either privately owned or municipally leased or owned, in or on which members of a community may gather for social, educational, or cultural activities.

CONSTRUCTION TRAILER: A temporary structure, which may be mobile, established for the specific purpose of providing contractor office space at a site during the construction phase of a building.

COST: As related to substantial improvements, the cost of any reconstruction, rehabilitation, addition, alteration, repair or other improvement of a structure as established by a detailed written contractor's estimate. The estimate shall include but is not limited to: the cost of materials (interior finishing elements, structural elements, utility and service equipment); sales tax on materials, building equipment and fixtures, including heating and air conditioning and utility meters; labor; built-in appliances; demolition and site preparation; repairs made to damaged parts of the building worked on at the same time; contractor's overhead; contractor's profit; and grand total. Items to be excluded include: cost of plans and specifications, survey costs, permit fees, outside improvements such as septic systems, water supply wells, landscaping, sidewalks, fences, yard lights, irrigation systems, and detached structures such as garages, sheds, and gazebos.

COTTAGE CLUSTER HOUSING: A grouping of at least four detached housing units, or live work units, per acre that are located around a common open area;

COUNTRY INN: A property providing, for a fee, overnight accommodations for not more than twenty-one (21) consecutive days, meals, and a venue for corporate meetings, retreats, and social events, and which may include a restaurant that can be open to the public.

C.G.S.: Shall mean the Connecticut General Statutes, as may be amended from time to time.

DATE OF RECEIPT, STATUTORY: The day of the next regularly scheduled meeting of the Commission or Board immediately following the day of submission of an application, or thirty-five (35) days after such submission, whichever is earlier.

DISTURBED AREA: An area of land that is subject to accelerated erosion due to the removal of the vegetative ground cover and/or earthmoving activities.

DWELLING UNIT: Any single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

EASEMENT: A right established in deed or other legal means, of one party to use a designated portion of a second party's land for a specific limited purpose.

EDUCATIONAL FACILITY: A public, parochial, or private institution that provides educational instruction to students.

ELECTRIC VEHICLE CHARGING STATION: A piece of infrastructure that supplies electric energy for the charging/recharging of plug -in electric vehicles.

EMERGENCY SERVICES: Private or public services, such as fire protection, ambulance, and rescue, provided in times of emergency for the general health and welfare of Town residents.

EXCAVATION: The removal, relocation or the movement of earth, sand, gravel, clay, rock or other natural earth products.

EXCAVATION, MAJOR: The excavating or relocating or the movement of 300 cubic yards or more of topsoil, sand, gravel, clay, stone or other materials to, on, or from any lot.

EXCAVATION, MINOR: The excavating or relocating or the movement of less than 300 cubic yards topsoil, sand, gravel, clay, stone or other materials to, from, or on any lot.

FAMILY: An individual or any number of individuals living together as a single housekeeping unit in a dwelling unit, with common access to, and with common use of, all living areas, eating areas, and all areas and facilities for the preparation and storage of food.

FAMILY CHILD DAY CARE HOME: A facility which consists of a private family home caring for not more than six (6) children, including the provider's own children not in school full time in accordance with CGS §19a-77 as amended.

FOOD AND BEVERAGE PRODUCTION, LARGE SCALE: Any facility of more than 3,000 square feet of production space that engages in commercial on-site production and packaging of food, food related products, and/or alcoholic or non-alcoholic beverages, including wholesale. Examples may include machine-produced bakery and confectionary products, machine processing and jarring or canning of fruits and vegetables, large-scale dairy, meat, fish processing, and the commercial production of wine, beer or spirits which includes wholesale sales, crushing, brewing, distilling, fermenting, blending, aging, storage, bottling, and warehousing. For purposes of Use Classification, Large Scale Food and Beverage Production is considered to be a Heavy Industrial Use.

FOOD AND BEVERAGE PRODUCTION, SMALL SCALE: Any facility of no more than 3,000 square feet of production space that engages in commercial on-site production of artisan or small batch food, food related products, and/or alcoholic or non-alcoholic beverages, generally produced by hand or with limited mechanization, and including limited wholesale. Examples may include coffee roasting, ice cream, baked goods, confectioneries, canned and preserved fruits and vegetables, Sodas and seltzers, and small-batch production of wine, beer or spirits which includes brewing, distilling, fermenting, blending, aging, storage, bottling, warehousing, and may include retail sales. For purposes of Use Classification, Small Scale Food and Beverage Production is considered to be a Light Industrial Use.

FRONTAGE, LOT LINE: The length of the Front Lot (Property) Line of a lot abutting on a public or private road, street, or right-of-way.

GAS STATION (FUELING STATION): An establishment, with or without an associated convenience store and/or food service, whose primary business is to provide petroleum products for motor vehicles

GRADE, AVERAGE FINISHED: A reference plane established by the average of the ground level adjoining the building or structure along all exterior walls, from the exterior wall to a point 10-feet from the building or structure.

GRADE, FINISHED: The final vertical elevation of the ground surface after man-made alterations such as grading, excavating, filling or grubbing have been made on the ground surface.

GROUP CHILD DAY CARE HOME: A program of supplementary care for not less than seven (7) nor more than twelve (12) related or unrelated children on a regular basis, or that meets the definition of a family day care home as provided in CGS §19a-77 except that it operates in a facility other than a private family home.

HISTORIC STRUCTURE: Any structure that is: (A) listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on

the National Register; (B) certified or preliminarily determined by the Secretary of the Interior as contributing to the historic significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (C) individually listed on the state inventory of historic places; or (D) individually listed on the local inventory of historic places that have been certified.

HOBBY MOTOR VEHICLE: Any antique, rare, special interest, off-road, and/or racing vehicle, regardless of age or condition, not currently designed or intended for daily use, that is being actively restored, repaired, modified, and/or maintained by its owner.

HOME HUSBANDRY: The non-commercial cultivation and production of edible crops or the keeping of certain permitted listed livestock and/or poultry as an accessory use of a home for the benefit of its residents.

HOME OCCUPATION: An accessory use carried out for intended financial gain conducted within a residential dwelling by the resident owner(s) thereof that is clearly incidental and secondary to the residential use of the structure, does not involve the use of other than customary home appliances and equipment, does not involve the use of keeping stock in trade, and does not have any exterior visual, audible, or physical evidence of such incidental secondary accessory use except as may be permitted in these regulations.

HOOP HOUSE: (Membrane-Covered Frame Structure): A non-pressurized structure composed of a rigid framework to support a tensioned membrane to provide a weather barrier. A hoop house is also a greenhouse if the membrane is transparent or translucent (a.k.a. High Tunnel).

HOSPITAL/EMERGENCY TREATMENT CENTER: A facility for health maintenance, diagnosis or treatment of human diseases, pain, injury or physical condition. Such facility may include overnight accommodations for patients, ancillary services such as pharmacies, cafeterias, and gift shops, and emergency room facilities with accommodations for ambulance traffic.

HOTEL: A facility offering transient lodging accommodations for the general public, and which may include additional accessory facilities and services, such as restaurants, meeting rooms, entertainment, personal services and recreational facilities.

IMPERVIOUS COVERAGE: The percent of a lot covered by impervious surface/cover.

IMPERVIOUS SURFACE/COVER: A hard material that prevents the percolation of water into the soil including building roofs, streets, parking lots, driveways, sidewalks, swimming pools, and other impenetrable surfaces.

INDUSTRIAL, LIGHT: The manufacturing, predominately from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, and packaging of such products, and incidental storage, sales, and distribution of such products, provided all manufacturing activities are contained entirely within a building and noise, odor, smoke, heat, glare, and vibration resulting from the manufacturing activity are confined entirely within the building.

INDUSTRIAL, HEAVY: The manufacturing, predominately from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, and packaging of such products where the activity is not confined entirely within a building and the process generates fumes, gases, smoke, vapors, vibrations, noise or glare, or similar nuisances that may cause adverse effects on users of adjacent land.

INTERIOR LOTS: a lot which accesses a street but does not have the required minimum frontage of the zoning district. The front lot line of an interior lot shall be considered that lot line where the access strip meets the main portion of the property. Interior Lots are also called "Flag Lots."

INTERIOR LOTS, SPECIAL: A lot that has no direct frontage on a public or private street, but which obtains access to such streets by way of an unobstructed, dedicated Right-of-way (access agreement) across land owned by another party or parties.

JUNK: Any worn-out, cast-off or discarded articles, equipment or materials, which are ready for destruction or have been collected or stored for salvage or conversion for some use.

JUNKYARD: For the purposes of these Regulations, the term junkyard shall be defined to include Junk Yard as defined by §21-9 of the CT General Statutes, as may be amended; or a Motor vehicle recycler's business or motor vehicle recyclers yard as defined in §14-67g of the CT General Statutes, as may be amended. Junk yards are not permitted in the Town of Ledyard.

LIGHT INDUSTRIAL
Examples may include:
- Manufacture of furniture/ fixtures
- Jewelry assembly
- Musical instruments and parts
- Photo processors and photo labs
- Printing and publishing
- Professional, scientific, and controlling instruments
- Screen printing/embroidery of clothing
- Stone, clay, glass, and firewood production

HEAVY INDUSTRIAL
Examples may include:
- The manufacture of clothing, fabrics, and other textiles
- Production of chemicals, drugs, plastics
- Dry cleaning plants and dyeing facilities
- Fabrication of metal for tools and machines
- Jewelry manufacturing or plating
- Lumber, wood, and paper production
- Foundries and rolling and extruding of metals
- Solid waste disposal facility
- Electrical equipment production

KENNEL, COMMERCIAL: A commercial establishment that provides boarding, medical care, breeding, grooming, exercise, whelping, raising, and/or training of puppies, dogs, and other household pets.

KENNEL, HOBBY: The boarding, breeding, raising, grooming, or training of two or more dogs, cats, or other household pets that are owned by the owner or occupant of the premises and are not regularly intended for sale.

LIVING AREA: The total usable space available within the perimeter walls on all floors of a building including interior corridors, stairs, elevators, passageways, and finished basements serving the primary function of the building. Unfinished basements and attics, unheated porches and breezeways, garages, and maintenance shops are excluded from living area determination.

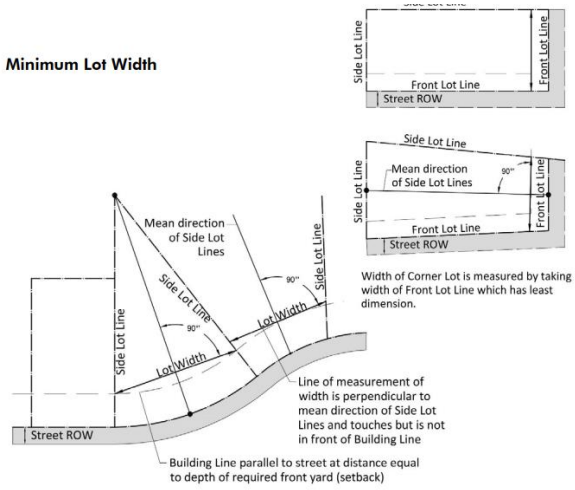
LOT: A designated parcel, tract or area of land established by plat, subdivision, or as otherwise permitted by law, to be separately owned, used, developed and/or built upon (See also **LOT OF RECORD**).

LOT AREA, MINIMUM: The minimum required area of contiguous buildable area as defined herein, excluding any portion of land located under a body of water.

LOT COVERAGE: The percentage of the total lot area covered by the combined area of all buildings, structures and other impervious surfaces on the lot.

LOT (PROPERTY) LINE, FRONT: A boundary line dividing a lot from a public or private road, street, or right-of-way.

LOT LINE, FRONTAGE: The length (contiguous) of the Front Lot (Property) Line of a lot abutting on a public or private road, street, or right-of-way.



LOT (PROPERTY) LINE, REAR: A line separating one lot from other lots or from land in different ownership, being the boundary of a lot that is opposite the front lot line.

LOT (PROPERTY) LINES, SIDE: Any boundary line other than a front or rear lot (boundary) line**.**

LOT OF RECORD: A tract or parcel of land which does not conform to the dimensional requirements of these regulations and which either (A) was owned separately from any adjoining parcel of land prior to the date of enactment of the Ledyard Zoning Regulations (October 11, 1963) or any amendment thereto which rendered such tract or parcel of land non-conforming to these regulations, as evidenced by a deed filed on the Ledyard Land Records or (B) a tract or parcel of land which has received final subdivision approval from the Ledyard Planning and Zoning Commission as evidenced by a duly endorsed and recorded subdivision plan filed on the Ledyard Land Records.

LOT, THROUGH: A lot with the front and rear lot lines abutting the rights of way of two (2) Town-accepted or State roads.

LOT WIDTH: The distance between the side lots lines, at the required Front Yard Setback line, measured parallel to the front lot line. The width line measurement for lots on the outer or inner arc of a curve (i.e. off a cul-de-sac) is perpendicular to the mean direction of Side Lot Lines and touches, but is not in front of the Building Line.

LOW IMPACT DEVELOPMENT (LID): A range of development practices and operational methods, all having the objective of reducing or mitigating environmental impacts. LID may include use of stormwater infiltration, clustering of buildings to reduce land clearing and grading, use of

overland (sheet) flow and grass swales, use of pervious pavement or other pervious materials, shared or deferred parking, "rain gardens," and other similar techniques.

MANUFACTURING: The making or fabrication of raw material by hand, art, machinery, or combination thereof, into finished parts or products. (See also **INDUSTRIAL, LIGHT/HEAVY**).

MEDICAL/HEALTH CARE OFFICE/CLINIC: A facility where human patients, who are typically not lodged overnight, are treated by physicians, dentists, therapists, other health care professionals or similar professions. Such facility may include ancillary laboratory, rehabilitation, and pharmacy services.

MEDICAL/HEALTH CARE OFFICE/CLINIC
Examples may include:
- Health Clinic
- Physician or Dentist Office
- Massage Therapist
- Physical Therapy Clinic
- Acupuncture Clinic
- Chiropractic Clinic
- Mental Health Therapist

MIXED USE (COMMERCIAL/INDUSTRIAL USES): A single building containing more than one type of commercial and/or industrial land use that is planned, developed, and operated as a coordinated and integrated facility, where each use is permitted in the zone, with consideration for access and circulation, parking, signage, and utility needs.

MIXED USE (RESIDENTIAL & COMMERCIAL/INDUSTRIAL USES): A single building containing more than one type of land use, or a single development of more than one mixed-use structure, where the different types of land uses are in close proximity, planned as a unified complementary whole, and functionally integrated to the use of shared vehicular and pedestrian access and parking areas.

MOBILE HOME: A manufactured home produced prior to the passing of the federal Manufactured Home Construction and Safety Standards (MHCSS) of 1976.

MOBILE MANUFACTURED HOME: A manufactured home built after 1976 in compliance with the Manufactured Home Construction and Safety Standards (HUD Code) and which displays a certification label on the exterior of each transportable section. Mobile Manufactured Homes are built in the controlled environment of a manufacturing plant and are transported in one (1) or more sections on a permanent chassis, suitable for year-round habitation, and equipped with a means to connect to water, sanitary, and electric facilities.

MOTEL: An establishment providing transient lodging accommodations for the general public with a majority of the rooms having direct access to the outside and without additional facilities or services.

MOTOR VEHICLE: A man-made object or device, whether motorized or unmotorized, that is designed or used primarily to move persons, materials or goods from one place to another. Includes all automobiles, trucks, trailers, vans, camp trailers, house trailers, recreational vehicles, motor homes, motorcycles or any other powered wheeled vehicle used on or off road and which may be required to be registered by the State of Connecticut Motor Vehicle Department. Devices powered by humans are not considered a vehicle under this definition.

MOTOR VEHICLE AND EQUIPMENT REPAIR AND SERVICE: Repair of vehicles and equipment including repairs and replacement of cooling, electrical, fuel, and exhaust systems, brake adjustments, relining and repairs, wheel alignment and balancing, and repair and replacement of shock absorbers, ignition systems, and mufflers are conducted. Includes engine, motor and transmission repair.

MOTOR VEHICLE DEALER: The use of any building, land area or portion thereof, for the display, sale, lease or service of new and/or used motor vehicles. Manufacturer certified pre-owned automobiles or vehicles shall also be considered new for this definition

MOTOR VEHICLE RENTAL: The use of any building, land area or portion thereof, for the display and rental of automobiles, panel trucks or vans, trailers, or recreational vehicles, including incidental parking and servicing of vehicles for rent or lease.

NON-CONFORMING LOT: A Lot of Record which does not currently conform to these Regulations and is subject to the requirements of §14.3 of these Regulations.

NON-CONFORMING STRUCTURE: Any building or structure that does not conform to the requirements of these regulations or any amendment thereto upon the effective date of enactment.

NON-CONFORMING: A use or structure that does not conform to the current use regulations for the district in which the property is situated.

NON-CONFORMING, LEGALLY EXISTING (a.k.a. "Grandfathered Use": A land **use** or structure that was legal when established but no longer conforms to the standards of the current zoning regulations .

NURSING HOME: See Residential Care Home

OPEN SPACE: Land areas designated for protection from commercial or residential development, including but not limited to lands reserved for protection of public health and safety, outdoor recreation, natural resource protection, and farmland and/or forest use and preservation. Land may be subject to a Conservation Easement, or other form of development restriction, including that within a Conservation Subdivision or an Open Space Subdivision.

OPEN SPACE, ACTIVE: Restricted land that has been consciously planned and designed for active recreation as defined herein.

OPEN SPACE, PASSIVE: Restricted land and set aside for parks, gardens, linear corridors, and conservation areas/nature reserves. Passive open space includes functionally natural features that promote and provide facility for non-motorized passive recreation opportunities and typically contain no accessory structures or facilities.

OPEN SPACE SUBDIVISION: A subdivision or re-subdivision of land in the Town of Ledyard into individual residential building lots with respect to which not less than sixty percent (60%) of the total area of the land subdivided shall be permanently dedicated as active or passive open space, and with respect to which setbacks and density shall be based upon the applicable provisions of the Ledyard Subdivision and Zoning Regulations for open space subdivisions, and not upon the bulk requirements in the underlying residential Zoning District, and which otherwise comply with **all** municipal requirements of the Town of Ledyard.

OUTDOOR STORAGE AND SALES: Storage and/or sales of any materials, merchandise, stock, supplies, machines and the like that are not kept within a structure, regardless of how long such materials are kept on the premises. Outdoor storage shall not include junk or junkyards.

PARCEL: (1) A piece or area of land formally described and recorded with map, block & lot numbers, by metes & bounds, by ownership, or in such a manner as to specifically identify the dimensions and/or boundaries; excluding any parcel of land that is a lot as defined in these Regulations; (2) informally, as land in general.

PARK/PLAYGROUND: An area of land and/or water primarily in its natural state, except for man-made recreational facilities or other improvements related to the purposes hereafter stated, and dedicated and used for recreation, scenic, leisure, conservation, historic, or ornamental purposes. A park, as used herein, does not include an "amusement park" or any type of park with mechanical rides, games, arcades, or similar amusements

PERMANENT FOUNDATION SYSTEM: A permanent rigid structure or structures constructed upon and/or below the surface of a mobile manufactured home site designed for attaching and anchoring a mobile manufactured home, in such a manner that the home will not be subject to movement due to frost, frost heaves, freezing, flooding or wind.

PERSONAL SERVICE ESTABLISHMENT: Establishments primarily engaged in providing services based on the intellectual or manual efforts of an individual (as for salary or wages) rather than a salable product of his or her skills.

PROFESSIONAL SERVICE: a service requiring specialized knowledge and skill usually of a mental or intellectual nature and usually requiring a license, certification, or registration. Professional Service uses include **MEDICAL/HEALTH CARE OFFICE/CLINICS.**

PHOTOMETRIC PLAN: A graphical representation of illuminance used to show the level and/or evenness of a lighting design and how light fixtures will perform on a given site.

RECREATION (ACTIVE): Recreational activities and uses that require either: (A) the use of a playing field or playground; (B) the installation of buildings or other structures; or (C) the substantial modification or grading of a tract of land.

PERSONAL SERVICES
Examples may include:
- Tailoring and shoe repair
- Beauty and barber services and day spas; Nail Salons
- Tattoo parlor
- Laundry and dry cleaning, self-service or pick-up only
- Repair of office equipment and personal and household items

PROFESSIONAL SERVICES
Examples may include:
- Offices for architects, engineers, lawyers, real estate, insurance, and other professional occupations
- Banks and financial services
- Offices of Government agencies

RECREATION (PASSIVE): Recreational activities such as running, walking, biking, and similar outdoor activities and uses that are not included in the definition of "active recreation." The installation of a building or structure in connection with a particular recreational activity shall not, in and of itself, cause the activity to be classified as "active" if the building or structure was not necessary to allow the activity to occur. For example, the installation of posts, signs, or water fountains along a hiking trail will not cause hiking to be deemed an active recreational use.

RECREATIONAL USE (INDOOR): A commercial recreational land use conducted entirely within a building, including, but not limited to an arcade, indoor water park, arena, art gallery and studio, art center, assembly hall, athletic clubs, auditorium, bowling alley, club or lounge, community center, conference center, exhibit hall, gymnasium, library, movie theater, museum, performance theater, pool or billiard hall, and accommodations for a variety of individual or organized non-professional athletic activities, including but not limited to basketball, ice hockey/skating, wrestling, soccer, tennis, volleyball, racquetball, or handball. Such facility may also provide health and fitness club facilities, swimming pool, snack bar, restaurant, and retail sales of related sports, health or fitness items, and other support facilities. Franchised sports facilities and events, and racetracks of any kind are expressly excluded/prohibited.

RECREATIONAL USE (OUTDOOR): Recreational uses conducted wholly outdoors or in partially enclosed or screened facilities, and characterized by potentially moderate impacts on traffic, the natural environment, and the surrounding neighborhood.

Outdoor Recreational Facilities may also include areas consisting of woodlands, water courses, and fields used for active recreational activities that do not require significant modification to the existing setting, including but not limited to, paintball, laser tag, disc golf, and orienteering.

OUTDOOR RECREATIONAL USE

Examples may include:

- golf driving ranges (not associated with a golf course)
- miniature golf; adventure activity centers
- athletic fields
- Skateboard parks
- Swimming facilities
- Tennis, handball, and basketball courts; batting cages

RECREATIONAL SPACE, ACCESSORY: An area of a residential complex development that is designated on a Site Plan by the Applicant as exclusively reserved, in perpetuity, for recreation by residents of the development. The area is designated by the applicant but is to be maintained by the owner of the development, or a homeowner's or condominium association as appropriate. Recreational Space shall not be used for residential dwellings, accessory structures to residential dwellings, storage, or parking, but may be used for swimming, hiking, running, picnicking, baseball, exercise, barbequing, tent camping, and similar activities. The Recreational Area may also remain in its natural state.

RECREATIONAL VEHICLE: A vehicle which is: (A) built on a single chassis; (B) 400 square feet or less when measured at the largest horizontal projection; (C) designed to be self-propelled or permanently towable by a light duty truck; and (D) designed primarily as temporary living quarters for recreational, camping, travel, or seasonal use. A Recreational Vehicle is not a dwelling unit (principal or accessory).Includes "travel trailer" and "motorized camper."

REPAIR FACILITY, MOTOR VEHICLE: A building, or portion thereof, used primarily for the purpose of repairing or rebuilding of

REPAIR FACILITY, NON-MOTOR VEHICLE: A building, or portion thereof, used primarily for the purpose of repairing or rebuilding of appliances, shoes, or other consumer products, but not including motor vehicles.

RESIDENCE, DUPLEX: A structure which contains two (2) separate dwelling units located on a lot that does not contain any other principal dwelling units.

RESIDENCE, MULTI-FAMILY: A structure, or group of structures, on one (1) lot, each containing three (3) or more dwelling units, with each dwelling unit having either a separate or joint entrance. May include apartments, condominiums, townhouses, and cooperatives.

RESIDENCE, SINGLE-FAMILY: A structure containing a single dwelling unit as its principal use located on a lot that does not contain any other principal dwelling units.

RESIDENTIAL CARE HOME (NURSING HOME): An establishment which furnishes nursing services and assistance with activities of daily living to a population that is chronic and stable; or nursing supervision under a medical director twenty-four (24) hours per day, or any chronic and convalescent nursing home which provides skilled nursing care under medical supervision and direction to carry out non-surgical treatment and dietary procedures for chronic diseases, convalescent stages, acute diseases or injuries.

RESORT FACILITY: A resort is a full-service lodging facility that provides access to or offers a range of amenities and recreation facilities to emphasize a leisure experience**.** Resorts serve as the primary provider of the guests' experience, often provides services for business and meetings and are characteristically located in vacation-oriented settings.

RESTAURANT, EXCLUDING FAST FOOD: An establishment where food and/or beverages are prepared, served, and consumed and where customers are served primarily when seated at tables or counters, any food take out is incidental to the primary sit-down restaurant use, and no customers are served in motor vehicles.

RESTAURANT, FAST FOOD: An establishment specializing in take out, quick service food, frozen dessert and/or beverage, where such items may be consumed anywhere on the premises or removed from the premises and where orders are placed at a central counter or drive-through/walk-up window.

RETAIL: A commercial establishment that provides goods and/or services directly to the consumer, where such goods are available for immediate purchase and removal from the premises by the purchaser.

RETAIL WITH OUTDOOR SALES AND STORAGE: Any retail establishment with an outdoor area that has been altered, improved or used for the temporary or longer-term storage of equipment, supplies, products, and materials as an accessory use. Such materials are generally in bulk and/or collectively do not serve the purpose of outdoor display.

SAWMILL: A place or building in which timber is sawed into planks, boards**,** etc., by machinery as its principal use. Sawmills typically include a log sort yard, milling machines, sorting and storage areas, and administration and maintenance areas.

SAWMILL, TEMPORARY: A place or building temporarily established to process timber cut from the parcel on which it is located or on immediately adjacent parcels.

SETBACK, FRONT YARD: A line delineating the minimum required distance between the front property/boundary line and the line beyond which a structure may be located on that lot. The Front Yard Setback line extends the full width of the lot.

SETBACK, REAR YARD: A line delineating the minimum allowable distance between the rear property line and the line beyond which a structure may be located on that lot (other than for permitted accessory structures). The Rear Yard Setback line extends the full width of the lot.

SETBACK, SIDE YARD: A line delineating the minimum allowable distance between the side property line and the line beyond which a structure may be located on that lot. The Side Yard Setback line extends from the required minimum Front Yard Setback line to the required minimum Rear Yard Setback line.

SIGN: Any permanent or temporary device placed in view of the general public; composed of or employing any medium that is man-made or natural; and is freestanding or attached to a building, structure, or natural object, or erected, painted, represented or reproduced inside or outside any building, structure, or natural object (including window display area which displays, reproduces or includes any lettered or pictorial matter), which is used for the purposes of advertising, demonstrating, directing, displaying, identifying, illustrating, or promoting. In no event shall the word "sign" be construed to mean any sign in the interior of any structure that is not visible from the outside, unless specifically set forth in these regulations. Pavement markings and driveway

directional arrows painted on the ground that contain no advertising are to be excluded from this definition. The American Flag is not a sign in the context of these regulations.

SIGN – DIRECTIONAL: Used to indicate location, distance, hours of operation of activity concerned, parking, or other functional activity such as bathroom facilities, telephones, entrances, offices, etc., bearing no commercial advertising.

SIGN, GROUND - A sign which is different from a free-standing sign and is mounted on the ground attached either to footings or a base with no open space between the ground and the sign face.

SIGN, KIOSK: A sign listing the tenants or occupants of a building or group of buildings and that may also indicate their respective professions or business activities.

SIGN – SPECIAL: Banners, pennants, sandwich board signs and sidewalk or curb signs used for special events or sales.

SIGN – TEMPORARY IDENTIFICATION: A Temporary Sign intended for pre-development opening or closing, displayed in advance of advertised activity and removed within a specified timeframe.

SITE PLAN: A drawing or series of drawings by which proposed or existing uses, dimensions, or conditions of land or any building or structure are graphically illustrated.

SOIL EROSION AND SEDIMENT CONTROL PLAN: A scheme that minimizes soil erosion and sedimentation resulting from development and includes, but is not limited to, a map and narrative.

SOLAR ENERGY SYSTEM: An energy system which directly uses solar radiation to produce space heating, hot water or electricity through the process of collecting solar radiation, converting it to another form of energy, storing the converted energy, protecting against unnecessary dissipation and distributing the converted energy.

SPECIAL FLOOD HAZARD AREA: The land area, as defined by the Federal Emergency Management Agency (FEMA), covered by the floodwaters of the base flood on National Flood Insurance Program (NFIP) maps.

SPECIAL PERMIT (SPECIAL EXCEPTION): The type of permit required for a specially permitted use. As used in these Regulations, a "Special Permit" is not a "Zoning Permit."

START OF CONSTRUCTION: Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means either: (A) The first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns; or (B) Any work beyond the state of excavation, or the placement of a manufactured home on a foundation.

Permanent construction does not include: (A) Land preparation, such as clearing, grading and filling; (B) Installation of streets and/or walkways; (C) Excavation for a basement, footings, piers or foundations; (D) The erection of temporary forms; (E) Installation of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

STRUCTURE: Anything constructed or erected, the use of which requires location on the ground or an attachment to something having location on the ground including, but not limited to, dwellings, swimming pools, decks, sheds, pens, runs, barns, accessory buildings, and garages.

Wells, septic systems and utility connections are not considered structures. Mobile coops and high tunnels used in farming are not considered "structures" under this definition.

USE: The purpose or activity for which land or buildings are designed, arranged or intended or for which land or buildings are occupied or maintained.

USE, PRINCIPAL: The main or primary purpose for which a structure or lot is used

USE, ACCESSORY: A use of land, buildings or structures that is incidental and subordinate to, customarily used in connection with, and located on the same lot as the principal building, structure, or use.

USE, PERMITTED AS OF RIGHT: A Permitted Use, as defined herein, approved administratively by the Commission or ZEO (as appropriate) after the submission and approval of a Site Plan and/or Zoning Permit Application that demonstrates compliance with all applicable requirements and standards set forth in these Zoning Regulations for the permitted use.

USE, SPECIALLY PERMITTED: A use of property that would not be appropriate generally or without restriction throughout the zoning district, but that may be allowed by the Commission upon issuance of a Special Permit in accordance with applicable statutory and regulatory procedures and upon determination that all requirements and standards set forth in these Zoning Regulations would be met and that such specific use would be in harmony with the neighborhood and the Town as a whole. Specially Permitted Uses are so designated in the Schedule of Permitted Uses.

UTILITY, PUBLIC/PRIVATE: A publicly or privately owned business that furnishes water, electricity, natural gas, telephone service, and other essentials to the public at large.

VARIANCE: A relaxation or modification of the terms of these Regulations by the Ledyard Zoning Board of Appeals pursuant to Connecticut General Statutes §§8-6 and 8-7 as amended.

WAREHOUSE: A building or premises, for storing of goods, materials and merchandise, whether for the owner or for others, prior to shipment to final sale.

WAREHOUSE DISTRIBUTION: A use where goods are received and/or stored for delivery to the ultimate customer at remote locations.

WASTE PRODUCT: Any defective, superfluous, or otherwise unusable material destined for disposal or reclamation that is generated from animal or human activity or process or is the byproduct of an operation or service. Earthen materials are excluded from this definition providing they are clean, inert, and uncontaminated (e.g., rock or soil that is natural, crushed, or ground and is free of hazardous wastes, scrap metal, wood, trash, and garbage).

WATERCOURSE: Any river, stream, brook, waterway, lake, pond, marsh, swamp, bog, or other body of water, natural or artificial, public or private, vernal or intermittent, that is contained within, flows through, or borders upon the Town or any portion thereof, and is not regulated pursuant to §§22a-28 through 22a-35 of the Connecticut General Statutes.

WETLAND: Land, including submerged land, that is not regulated pursuant to §§22a-28 through 22a-35 inclusive of the Connecticut General Statutes, and that consists of any of the soil types designated as poorly drained, very poorly drained, alluvial and flood plain by the National Cooperative Soils Survey, as it may be amended from time to time, of the Natural Resources Conservation Service of the U.S. Department of Agriculture (USDA). Such areas may include

filled, graded or excavated sites, which possess an aquatic (saturated) soil moisture regime as defined by the National Cooperative Soil Survey.

ZONING PERMIT: The type of permit required for a generally permitted use. As used in these Regulations, a "Special Permit" is not a "Zoning Permit."

CHAPTER 3: ESTABLISHMENT OF DISTRICTS AND SPECIAL DEVELOPMENT ZONES

3.1 RESIDENTIAL ZONING DISTRICTS:

R-20	High Density Residential District
R-40	Medium Density Residential District
R-60	Low Density Residential District

3.2 NON-RESIDENTIAL ZONING DISTRICTS:

LCDD	Ledyard Center Development District
LCTD	Ledyard Center Transition District
MFDD	Multi Family Developmentn District
GFDD	Gales Ferry Development District
RCCD	Resort Commercial Cluster District
I	Industrial District
CM	Commercial Marine District
NC	Neighborhood Commercial District
CIP	Commercial Industrial Park District

3.3 SPECIAL NON- RESIDENTIAL ZONING DISTRICTS AND DEVELOPMENT ZONES:

TPD	Technology Park District

3.4 ZONING MAP: The boundaries of said districts shall be shown on a map entitled: "Zoning Map of the Town of Ledyard" which is on file in the Office of the Town Clerk of Ledyard. Such maps and any duly adopted revisions thereto, with the explanatory matter thereon, are a part of these regulations as if set forth herein.

3.5 ZONING DISTRICT BOUNDARIES: The District boundary lines are intended generally to follow the center line of streets, and similar rights-of-way, rivers, lot lines, or town boundary lines, all as shown on the Zoning Map; but where a zone boundary line does not follow such a line, its position is shown on said Zoning Map by a specific dimension expressing its distance in feet from a street line or other boundary line as indicated.

3.6 PERMITS AND APPLICABILITY:

A. No building and/or portion of a building shall be erected, moved or structurally altered; nor shall any use be established or changed; nor shall any excavation be made for a proposed building or structure, until a Zoning Permit has been issued by the Zoning Enforcement Officer or the Commission indicating conformance:

1. with these Regulations; or

2. to a Site Plan or Special Permit approval granted by the Planning and Zoning Commission; or

3. to a variance granted by the Zoning Board of Appeals.

B. No building and/or portion of a building shall be erected, moved or structurally altered until a Building Permit has been issued by the Building Official and in most instances, approval has given by Ledge Light Health District.

C. No Accessory use/structure shall be established/erected without first establishing/erecting a principal use/structure except as provided for elsewhere in these regulations.

D. **Prohibited if not permitted**: Any use of land, buildings or structures not expressly permitted by these Regulations as a principal use in a particular Zoning District, or allowable as an accessory use to such a principal use, is prohibited in that District.

E. **Application of Other Laws**: Except as expressly provided herein, these Regulations operate independently from laws and regulations established by agencies other than the Commission. The fact that a use, including a building or other structure, may comply with these Regulations does not mean that it complies with all other applicable laws, regulations or other legal restrictions or requirements. Therefore, the issuance of any permit or approval by the Commission or its authorized agent(s) does not necessarily mean that a landowner has obtained all necessary permits or approvals for the use, or that the use may be lawfully established without such other permits or approvals.

F. **Conflicting Standards**: When two or more differing standards are provided in these Regulations for any use, the most restrictive provision shall apply.

G. **References to Statutes and Regulations**: Whenever any reference is made in these Regulations to a Federal or State Statute or regulation, the reference shall be interpreted to mean the statute or regulation as it may have been most recently amended, revised or renumbered (i.e., the most current form of the statute or regulation), unless the context of the reference to the statute or regulation requires a different interpretation.

3.7 **SCHEDULE OF USES**: The Schedule of Uses found in establishes the Permitted and Specially Permitted uses for each District:

A. Any use marked "P" is a permitted use by-right, subject to these regulations (Site Plan or Zoning Permit Required)**.**

B. Any use marked "S" is a specially permitted use subject to standards governing Special Permits in the regulations and to conditions necessary to protect the public health, safety, convenience, and property values. A public hearing, Site Plan review, and approval by the Commission are required for "S" applications.

C. The Zoning Official (ZEO) may approve an application for a Zoning Permit for:

1. permitted single-family or mobile manufactured home dwellings, duplex residences residential accessory buildings and uses, accessory apartments, inground swimming pools, and additions or expansions to such structures.

2. accessory buildings or expansions of or additions to other existing commercial and industrial uses provided that such building or expansions do not exceed 1,000 square feet;

3. minor changes of uses as defined in these Regulations;

4. boundary line adjustments, lot mergers and free split applications; and

5. such other uses as herein prescribed by these regulations. applications for a Zoning Permit shall be accompanied by a plot plan or Site Plan and shall contain the information specified on the applicable check sheets provided to allow the ZEO to determine compliance with all relevant provisions of these regulations. the ZEO may require that 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.

E. 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.

3.8 PROHIBITED USES:

A. 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.

B. 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 twelve (12) months commencing from the effective date of December 1, 2021. 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.

CHAPTER 4: DIMENSIONAL REQUIREMENTS – GENERAL ALL DISTRICTS

4.1 **MINIMUM LOT AREA**: The intent of the Minimum Lot Area requirement is to assure that a suitable area of buildable land exists to accommodate all required setback areas proposed or required structures, utilities, open spaces, wells, septic systems, driveways, and other improvements; to ensure the ability of on-site septic systems to function indefinitely; and to facilitate appropriate development.

A. All new building lots must contain seventy-five percent (75%) *contiguous* buildable area, based on *actual* lot size proposed; therefore, the area of any portion of any lot which is comprised of existing and/or proposed streets, conservation, access or utility easement areas and/or deeded rights-of-way for vehicular access, drainage and utilities; land which is classified as flood zone A or AE per FEMA maps; and/or inland wetlands or watercourses under §§22a 28 through 22a 45 of the Connecticut General Statutes, (as indicated on the Town of Ledyard Inland Wetlands and Watercourses Map, or as determined in the field by a certified soil scientist), shall not be used to satisfy more than twenty-five percent (25%) of the minimum lot area and the remaining seventy-five percent (75%) shall be contiguous.

B. Easements and rights-of-way of an undefined width shall be deemed to be twenty-five (25) feet in width.

C. No portion of land located under a body of water (as determined by the high-water mark) shall not count toward the minimum lot area.

4.2 **FRONTAGE:**

A. When only one side of a corner lot meets the minimum street frontage requirement, that side shall be considered the lot front and shall comply with the lot width and front yard setback requirements for the zone in which it is located.

B. When the street frontage on two or more sides of a corner lot complies with the minimum street frontage requirements, the landowner may choose which street line shall be deemed to be the front lot line.

C. At the time of application for any subdivision, Resubdivision, or development, the proposed frontage (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) that meets 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.

D. 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.

4.3 **SETBACK REQUIREMENTS**:

A. No building, structure, or use shall be located within the required setback areas, except as may be expressly provided elsewhere in these Regulations (See Accessory Structures).

B. No projections from structures shall be permitted in any required setback except as follows:

1. minor projections of structures, such as pilasters, belt courses, sills, cornices, marquees, canopies, awnings, eaves, chimneys, bay windows, and similar architectural features may project not more than three (3) feet into any required setback area;

2. open steps/stoops less than four (4) feet in height and open fire escapes may project not more than five (5) feet into any required setback area; and

3. ramps for handicapped access may be constructed within required setback areas, provided;

   i. the ramp cannot reasonably be located in any area that is not within the required setback; and

   ii. the proposed intrusion into the required setback area is the minimum reasonably necessary to accomplish the desired access objectives.

   iii. The ramp is removed when no longer necessary.

C. Fences and Walls: The required setback distances shall not apply to fences or walls (including retaining walls) seven (7) feet or less in height or to wire livestock fences through which there is at least eighty percent (80%) visibility.

1. No such fence or wall shall be located within the right-of-way of any street.

D. Terrace or Patio: A paved terrace or patio shall not extend more than five (5) feet into any required front, rear, or side yard setback area. A paved terrace or patio shall not be counted as part of impervious surface coverage, provided that such terrace or patio is unroofed and without walls, parapets, or other forms of enclosure greater than four (4) feet in height.

E. Signs: Minimum setback from Front Lot Line is ten (10) linear feet for all districts, or as otherwise prescribed.

4.4 EXCEPTIONS:

A. For existing residences built on legal lots of record after the adoption of the subdivision regulations in 1963, that are non-conforming with respect to any required front, side or rear yard setback, the required setback shall be reduced to the actual distance between the front, side and/or rear boundary line and the existing principal structure (residence).

B. For existing vacant parcels in any residential zone, created prior to the adoption of the subdivision regulations in 1963, and therefore not protected by 8-26a(b)(1), and are non-conforming with respect to minimum lot size, the setbacks for any principal or accessory structure shall be that of the underlying zone or as follows, whichever is less.

EXISTING LOT AREA	FRONT YARD SETBACK	SIDE YARD SETBACK	REAR YARD SETBACK	EXCEPTION
≤ 15,000SF	20	6	10	Minimum Rear Yard Setbacks for Accessory Structures is 6 feet all zones regardless of parcel size
≤20,000SF ≥15,000SF	25	10	15	
≤ 40,000SF ≥20,000SF	25	10	20	
≤ 60,000SF ≥ 40,000SF	30	15	30	

CHAPTER 5: RESIDENTIAL ZONING DISTRICT REGULATIONS

This section applies to all parcels within the residential zoning districts. Legally existing residential uses on non-residentially zoned parcels are subject to the bulk requirements of the zone in which they are located.

5.1 RESIDENTIAL DISTRICTS

A. HIGH DENSITY RESIDENTIAL DISTRICT (R-20)

B. Purpose: To maintain existing higher density residential development while also allowing additional housing types and other residential and civic uses compatible in design, mass, and scale.**MEDIUM DENSITY RESIDENTIAL DISTRICT (R-40)**

Purpose: To maintain existing medium density residential development while also allowing additional housing types and other residential and civic uses compatible in design, mass, and scale.

C. **LOW DENSITY RESIDENTIAL DISTRICT (R-60)**

Purpose: To maintain the existing low-density residential development while also allowing additional housing types and other residential and civic uses compatible in design, mass, and scale

5.2 DIMENSIONAL REQUIREMENTS: RESIDENTIAL ZONING DISTRICTS R20, R40 & R60 (See also Chapter 4 for general dimensional requirements and exceptions)

*Accessory Structures (detached) can be a minimum of six (6) feet from a rear setback line. (See Diagram Appendix E)

** Hoop Houses, High Tunnels and Mobile/Portable Coops do not count toward the maximum lot coverage.

	Requirement	R20	R40	R60
Front Lots	Minimum Lot Area (sf)	20k	40k	60k
	Minimum Lot Frontage & Lot Width at Front Building Line (lf).	100	150	200
	Minimum Lot Frontage for Lots on a cul-de-sac (lf) (Min. Lot Width still applies)	50	75	100
Interior Lots	**Minimum Lot Area (sf)**	**30K**	**60k**	**90k**
	Minimum Frontage/Lot Width at Front Building Line (lf) Lot width must be achieved within 400 ft. of property line that abuts the road.	**30/100**	**30/ 150**	**30/ 200**
Front AND Interior Lots	Minimum Front Yard Setback (lf)	25	30	35
	Minimum Side Yard (lf)	10	15	20
	Minimum Rear yard (lf)	20*	25*	30*
	Maximum Lot Coverage (% Area)**	30	25	20
	Maximum Building Height of Principal Structure (ft)***	35	35	35

*** Maximum Building Height for permitted Non-residential Principal Uses and/or Multi-family Residences in the R20, R40 or R60 Districts is 45ft / 3.5 Stories.

5.3 SCHEDULE OF USES – RESIDENTIAL DISTRICTS

RESIDENTIAL – PRINCIPAL USES	**R20**	**R40**	**R60**
Assisted Living Facility §8.4	SUP	SUP	SUP
Residence, Mobile Manufactured Home	ZP	ZP	ZP
Residence, Multi-family (Apt. Bldgs., Condos) §8.13	SUP	SUP	SUP
Residence, Two Family (Duplex) §8.15	ZP	ZP	ZP
Residence, Single Family §8.14	ZP	ZP	ZP
RESIDENTIAL – ACCESSORY USES			
Accessory Apartment §8.1	ZP	ZP	ZP
Accessory Structures/Uses §8.2	ZP	ZP	ZP
Bed & Breakfast §8.6	SPL	SPL	SPL
Family Day Care Home	SPL	SPL	SPL
Home Husbandry - Keeping of Animals - §8.5J	ZP	ZP	ZP
Home Occupation §8.17	ZP/SUP	ZP/SUP	ZP/SUP
Short Term Rentals, Hosted §8.31	SUP	SUP	SUP
NON-RESIDENTIAL USES, PRINCIPAL	**R20**	**R40**	**R60**
Agriculture (Farm & Farming) §8.5	ZP	ZP	ZP
Farm Accessory Dwelling Unit	ZP	ZP	ZP
Accessory Uses (See § 8.5G&H)	ZP/SPL/SUP	ZP/ SPL/SUP	ZP/SPL/SUP
Keeping of Animals -Home Husbandry §8.5J	ZP	ZP	ZP
Farm Stand (>50SF < 200SF)	ZP	ZP	ZP
Farm Store (<1,000sf/>1,000sf)	ZP/SPL	ZP/SPL	ZP/SPL
Antenna & Antenna towers §7.1	ZP/SPL	ZP/SPL	ZP/SPL
Campground, Recreational §8.7	-	-	SUP
Cemetery §7.2	SPL	SPL	SPL
Civic/Institutional Building/Use	S	S	S
Country Inn §8.11	SUP	SUP	SUP
Day Care Centers (Adult §8.3; Child §8.8) (Family or Group – See Definitions)	SPL	SPL	SPL

Excavation Operations – Major (≥300 cu yds) §8.16	SUP	SUP	SUP
Excavation Operations – Minor (<300 cu yds) §8.16	SPL	SPL	SPL
Farm Store §8.5H7	ZP	ZP	ZP
Membership Club (Firearms)(No-Firearms) §8.21.1 §8.21.2	-	SUPU	SUP
Nursing Home, Residential Care Home §8.25	SUP	SUP	SUP
Parks and Playgrounds	SPL	SPL	SPL
Public & Private Utility Installations §8.27	SPL	SPL	SPL
Solar Energy System- Principal Use §8.33			SUP
NON-RESIDENTIAL ACCESSORY			
Solar energy systems, (Accessory) §8.33	SPL	SPL	SPL
Small Wind Energy System (Accessory) §8.32	SUP	SUP	SUP
Transformer Substation (Accessory)	SPL	SPL	SPL

("ZP" Zoning Permit-Staff Approval; **"SPL"** Site Plan Approval by Commission; **"SUP"** Special Permit – Public Hearing & Approval by Commission)

5.4 SPECIAL RESIDENTIAL ZONING DISTRICTS, OVERLAYS AND DEVELOPMENTS

5.4.1 CONSERVATION AND OPEN SPACE SUBDIVISIONS

A. Applicability: Conservation and Open Space Subdivisions are permitted in the R40 and R60 Districts in accordance with the Town of Ledyard's Subdivision Regulations *and* all applicable Zoning Regulations.

B. Purpose: This section is to provide flexibility in clustering of residential units on areas of a project site best suited for development and to protect the remaining land as open space. The creation of open space is accomplished by permitting flexibility in the minimum lot size and frontage normally required in specific zones for residential development. The creation of either a Conservation or Open Space Subdivision is intended to:

1. Protect natural streams, water supplies and watershed areas;
2. Maintain and enhance the conservation of wildlife, natural, agricultural, or scenic resources;
3. Promote conservation of soils, wetlands, and other significant natural features and landmarks;
4. Enhance the value to the public of abutting or neighboring parks and unfragmented forests; wildlife preserves, nature reservations or sanctuaries, or other open spaces;
5. Enhance public recreation opportunities;

6. Preserve historic sites;

7. Promote orderly efficient development; and

8. Limit the extent of impervious surfaces and control runoff.

C. <u>Constraints – General</u>:

1. **<u>Overall Residential Density</u>**: A Conservation or Open Space 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 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.

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) lots per 40,000 square feet or six (6) 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

   b. A Water Main Extension Agreement executed by the public water company designated to serve the Conservation or Open Space Subdivision Development.

6. **<u>The following Additional Constraint shall apply only to OPEN SPACE SUBDIVISIONS</u>**

   a. Any improved area belonging to or to be conveyed to a water company in conjunction with the development of an *<u>open space subdivision</u>* may be considered open space for purposes of satisfying the minimum open space dedication requirement for an open space subdivision as long as it meets or exceeds the 80,000 square foot requirement in §5.4.1 E(5). The area need not be contiguous with other open space in the development.

D. <u>Bulk Requirements</u>

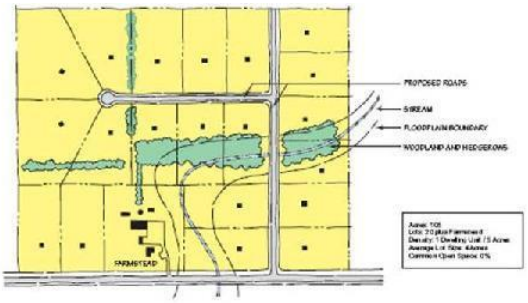
	Conservation Subdivision		Open Space Subdivision	
	R40	**R60**	**R40**	**R60**
Minimum Total Parcel Size for Subdivision	10ac	10ac	40ac	40ac
Minimum Gross Land Preserved	40%	40%	60%	60%
Maximum Lot Impervious Coverage	30%	30%	30%	40%
Minimum Lot Size				
Frontage Lot	20,000	30,000	12,000	20,000
Interior or Special Lot	30,000	45,000	20,000	30,000
MAXIMUM Lot Size – Any Lot	45,000		40,000	
Minimum Lot Frontage/Lot Width				
Frontage Lot	100/100	100/100	100/100	100/100
Interior Lot	30/100	30/100	30/100	30/100
Special Interior Lot	Not Permitted		0/100	0/100
Required Minimum Building Setbacks Frontage or Interior Lots				
Front Yard Setback	25	30	25	30
Side Yard Setback	10	15	10	15
Rear Yard Setback	20	25	20	25

1. Lot width must be achieved at front setback line for frontage lots except as provided for in subsection 2 below, and within 400 feet of the front property line for interior lots.
2. *Frontage may be reduced to fifty (50) feet when the proposed frontage on a cul-de-sac or curved road with a curve radius of fifty (50) feet. 100 foot width must be achieved within fifty (50) feet of the property line.
3. **A maximum of one (1) Special Interior lot per every ten (10) acres shall be permitted in an Open Space Subdivision provided the following conditions are met:
   - **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 Special Interior Lot may be stacked above a frontage lot or above 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.

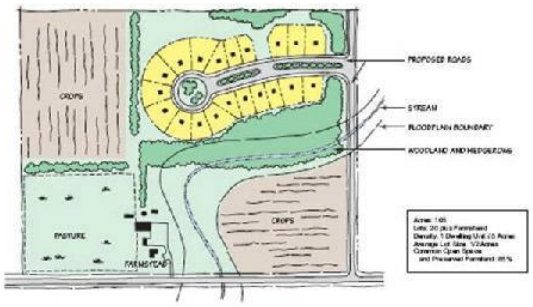
E. Open Space Requirements

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.

Conventional Subdivision



Conservation/Open Space Subdivision



CHAPTER 6: NON-RESIDENTIAL ZONING DISTRICT REGULATIONS

6.1 NON-RESIDENTIAL ZONING DISTRICTS: DISTRICTS AND PURPOSE

A. Ledyard Center Development District (LCDD)

Purpose: To support and encourage the development of a New England Village Center, identifiable as the center of the community, through the concentration of commercial businesses along a main street.

Future development implies an intensification and mixture of appropriately scaled commercial, residential, and civic uses consistent with these Zoning Regulations, harmonious streetscapes, walkways, and plantings to create a "sense of place" and further develop the LCDD as a destination for shopping, services and social gatherings.

B. Ledyard Center Transition District (LCTD)

Purpose: To encourage transition between the developed New England village center, identifiable by Mixed Uses, and the surrounding residential areas. The LCTD district is the immediate area abutting the LCDD area to the west.

C. Multi-Family Development District (MFDD)

Purpose: To encourage development of attractive multifamily developments in a pedestrian-friendly village environment. This District is intended to accommodate only high-density residential development.

D. Gales Ferry Development District (GFDD)

Purpose: To encourage pedestrian-friendly commercial development of unified design and scale to create a higher density in Gales Ferry Village. These regulations are intended to attract and encourage family activities.

1. In addition to the stated purpose, the district is intended to:

- Encourage a blend of low intensity commercial, civic, and residential land uses.
- Encourage cohesive architectural design and coordinated development to ensures safe access and movement of pedestrians and vehicles; minimize curb cuts; and maximize connections to adjacent properties.
- Encourage infill and redevelopment of existing properties and underutilized structures. Allow placement of structures closer to the street to increase business exposure, minimize sign clutter; reduce traffic speeds; and transition away from development with dominant front parking lots.

E. Resort Commercial Cluster District (RCCD)

Purpose: To encourage development of commercial recreational uses and commercial tourism-oriented uses while maintaining the character of the surrounding area.

1. In addition to the stated purpose, the RCCD District is intended to:

- Cluster new commercial buildings and parking areas on the most developable land within the district while retaining significant contiguous land areas in a natural or landscaped condition.
- Discourage uncoordinated strip commercial development consisting of small, individual, unrelated uses varying unpredictably in type, size, style, access arrangements and environmental impact. Such development is inconsistent with the maintenance of a rural appearance and maximum traffic safety.

6.2 GENERAL GUIDELINES: ALL DEVELOPMENT, CLUSTER & TRANSITION DISTRICTS:

A. Site Development Standards in Chapter 9.0 apply to all proposed developments.

B. Changes in Use shall be in conformance with §10.3

6.2.1 DESIGN, CLUSTER & TRANSITION DISTRICT DIMENSIONAL REQUIREMENTS

	Requirement	LCDD	LCTD	MFDD	GFDD	RCCD
Front Lots	Min. Lot Area (sf) – Frontage Lot	20,000	20,000	20,000	10,000	200,000
	Min. Lot Frontage (lf) – Frontage Lot	100	150	150	100	200
	Minimum Lot Frontage for Lots on a cul-de-sac (lf) (Min. Lot Width still applies)	50	50	50	50	75
	Min. Sidewalk Width (ft)	6	5	5	6	6
Interior Lots	**Min. Lot Area (sf) – Interior Lot**	**20,000**	**30,000**	**30,000**	**20,000**	**200,000**
	Min. Lot Frontage (lf) – Interior Lot	**50**	**50**	**30**	**50**	**50**
Front **AND** Interior Lots	Min. Lot Width (lf)	100	150	150	100	200
	Min. Front Yard Setback (lf)	15	25	25	15	25
	Min. Side Yard Setback (lf)	25	25	25	25	25
	Min. Rear Yard Setback (lf)	25	20	20	25	50
	Max. Lot Coverage (% Area)	70	60	60	70	70
	Max. Building Height: Principal Structure (ft)	50*	50	50*	50*	50*

* Maximum height may be increased to sixty-five (65) feet for multi-family and/or mixed-use buildings with full sprinkler systems; located in areas with functioning fire hydrants; and where all sides of the structure are accessible by a ladder fire engine.

6.3 GENERAL COMMERCIAL AND INDUSTRIAL DISTRICTS: PURPOSE

A. Industrial District (I)

Purpose: To encourage the adoption, continuation and expansion of manufacturing, research, and industrial uses in a way that protects our natural assets.

B. Commercial Industrial Park District (CIP)

Purpose: To allow for a mix of compatible commercial and industrial uses specifically permitted in the zone provided the property and all buildings/structures are appropriately designed or laid out to accommodate each use individually and/or the mixture of proposed uses.

C. Commercial Marine District (CM)

Purpose: To maximize the development of appropriate water-dependent and water-related uses on the limited number of waterfront properties in this Zone.

1. Customary Accessory Uses: Typical accessory uses to the permitted uses in this Zone include dockside facilities such as fuel and ice sales, restrooms, and laundry facilities for overnight boaters in a marina; residence for owner of permitted marine use.

D. Neighborhood Commercial District (NC)

Purpose: To encourage development of small local businesses that will serve the daily commercial needs of the surrounding residential neighborhoods.

6.3.1 GENERAL COMMERCIAL & INDUSTRIAL DISTRICT DIMENSIONAL REQUIREMENTS

6.4 SCHEDULE OF PERMITTED AND SPECIALLY PERMITTED USES: ALL NON-RESIDENTAIL DISTRICTS

	Requirement	I	CM	NC	CIP
Front Lots	Min. Lot Area (sf) – Frontage Lot	200,000	40,000	40,000	40,000
	Min. Lot Frontage (lf) – Frontage Lot	200	150	150	100
	Minimum Lot Frontage for Lots on a cul-de-sac (lf) (Min. Lot Width still applies)	50	50	50	50
	Min. Sidewalk Width (ft)				
Interior Lots	**Min. Lot Area (sf) – Interior Lot**	**200,000**	**40,000**	**40,000**	**40,000**
	Min. Lot Frontage (lf) – Interior Lot	**50**	**50**	**30**	**50**
Front **AND** Interior Lots	Min. Lot Width (lf)	200	150	150	100
	Min. Front Yard Setback (lf)	35	25	25	35
	Min. Side Yard Setback (lf)	25	25	25	25
	Min. Rear Yard Setback (lf)	25	20	20	25
	Max. Lot Coverage (% Area)	70	60	60	70
	Max. Building Height: Principal Structure (ft)	65	50	50	65

RESIDENTIAL, PRINCIPAL	LCDD	LCTD	MFDD	GFDD	RCDD	I	CIP	CM	NC
Residence, Singleamily §8.14	-	-	-	-	-	-	-	-	-
Residence, two family (duplex) §8.15	-	ZP	ZP	-	-	-	-	-	-
Residence, Mobile Manufactured Home	-	-	-	-	-	-	-	-	-
Residence Multy- family (apts, condos) §8.13	SPL	SUP	SPL	SPL	SPL	-	-	-	-
Assisted Living Facility§8.4	SUP	SUP	SPL	SUP	SPL	-	-	-	-
Bed and Breakfast §8.6 (Permitted in legally existing residence only)	SPL	SPL	-	SPL	SPL	-	-	-	SPL
Nursing Home & Residential Care home §8.25	SUP	SPL	SPL	SUP	SPL	-	-	-	-
RESIDENTIAL, ACCESSORY	**LCDD**	**LCTD**	**MFDD**	**GFDD**	**RCDD**	**I**	**CIP**	**CM**	**NC**
Accessory Structures/Uses §8.2 (Including Caretaker Apt. §8.9)	ZP/SPL	ZP/SPL	-	ZP/SPL	ZP/SPL	ZP/SPL	ZP/ SPL	ZP/ SPL	ZP/ SPL
Home Occupation (Accessory to legally **existing**, single-family or Duplex Residence ONLY) §8.17	SPL/SUP	SPL/SUP	-	SPL/SUP	SPL/SUP	SPL/ SUP	SPL /SUP	SPL /SUP	SPL /SUP
Adult §8.3 or Child Day Care Center §8.8	SPL	SPL	-	SPL	SPL	-	-	-	-
Short-Term Rental, Hosted (STR) (Accessory to legally **existing**, single-family or Duplex Residence ONLY) §8.31	SUP	SUP	-	SUP	SUP	SUP	SUP	SUP	SUP
AGRICULTURAL	**LCDD**	**LCTD**	**MFDD**	**GFDD**	**RCDD**	**I**	**CIP**	**CM**	**NC**
Agriculture §8.5	ZP	ZP	ZP	ZP	ZP	ZP	ZP	ZP	ZP
Farm Stand (>50sf / <200sf) §8.5F(5)	ZP	ZP		ZP	ZP	ZP	ZP	ZP	ZP

Farm Store <1,000 / >1,000SF) §8.5F(6)	ZP/SPL	ZP/SPPL	-	ZP/SPL	ZP/SPL	ZP/SPL	ZP/SPL	ZP/SPL	ZP/SPL
Accessory Uses (See § 8.5G&H)	ZP/SPL/SUP	ZP/SPL/SUP	-	ZP/SPL/SUP	ZP/SPL/SUP	ZP/SPL/SUP	ZP/SPL/SUP	ZP/SPL/SUP	ZP/SPL/SUP
Keeping of Animals - Home Husbandry §8.5J	ZP	ZP	ZP	ZP	ZP	ZP	ZP	ZP	ZP
INSTITUTIONAL/ CIVIC/ MUNICIPAL	**LCDD**	**LCTD**	**MFDD**	**GFDD**	**RCDD**	**I**	**CIP**	**CM**	**NC**
Civic/Institutional Buildings/Uses	SPL		SPL	SPL	SPL		SUP		SPL
Community Center	SPL	SPL	SPL	SPL	SPL				SPL
Educational Facility, Private	-	SUP	SUP		SUP				
Educational Facility, Public	SPL	-	-	SPL	SPL				
Religious Facility/Use	SUP	SUP	-	SUP	SUP	-	-	-	SUP
Cemetery §7.2	SUP	SUP	-	SUP	SUP	-	-	-	SUP
COMMERCIAL	**LCCD**	**LCTD**	**MFDD**	**GFDD**	**RCDD**	**I**	**CIP**	**CM**	**NC**
Commercial, General Retail	SPL	SPL	-	SPL	SPL	-	-	SPL	SPL
Commercial, Marine	-	-	-	SPL	-	SPL	-	SPL	-
Commercial Services	SUP	SUP	-	SUP	-	SPL	SPL	SPL	-
Hospital and Emergency Medical Facilities §8.18	SUP	-	-	SUP	-	SUP	SUP	-	-
Membership Club (Firearms) §8.21.1 (No-Firearms) §8.21.2	SPL/SUP	-	-	SPL/SUP	SPL/SUP	SPL/SUP	SPL/SUP	-	-
Mixed Use (Residential/Commercial) §8.21.2	SPL	SPL		SPL	SPL	-	-	SPL	SPL

Mixed Use (Commercial/Industrial) §8.21.2	SUP	SUP	-	SUP	SUP	SUP	SUP	SUP	SUP
Motor Vehicle, RV, Boat and/or Equipment Repair (Mechanical) §8.24	SUP	-	-	SUP	-	SPL	SPL	SUP-	SUP
COMMERCIAL, Cont.	**LCCD**	**LCTD**	**MFDD**	**GFDD**	**RCDD**	**I**	**CIP**	**CM**	**NC**
Motor vehicle body repair & painting	SUP	-	-	SUP	-	SUP	SUP	-	-
Office/Business, General	SPL	SPL	-	SPL	SPL	SPL	SPL	SPL	SPL
Office Research	-	-	-	-	SPL	SPL	SPL	-	-
Hospitality, General (Including: Club, Conference Center, Restaurants, Pub/Tavern)	SPL	SUP	-	SPL	SPL	-	SUP	SPL	SPL
Country Inn §8.11	SPL	SPL	-	SPL	SPL	-	-	-	SUP
Hotel or Motel §8.19	SPL	SUP	SUP	SPL	SPL	-	-	-	-
Professional Services	SPL	SPL	-	SPL	SPL	SPL	SPL	SPL	SPL
Kennel, Commercial §8.20	-	-	-	-	-	SPL	SPL	-	-
Veterinary Office & Clinic	SUP	-	-	SUP	-	SPL	SPL	-	-
Personal Service Establishment §8.26	SPL	SPL	-	SPL	SPL			SPL	SPL
Transportation Services, General	SUP	-	-	SUP	SUP	SUP	SUP	SUP	SUP
Gas Station (Fueling Station, w/ or w/o Conv. Store	-	-	-	-	SUP	SPL	-	-	SUP
EV Charging Station	SPL	SPL	SPL	SPL	SPL	SPL	SPL	SPL	SPL
Motor Vehicle Rental/Sales	-	-	-	SUP	SUP	SUP	SUP	-	-
Recreational Facility, Indoor	SUP	-	-	SUP	SUP	SUP	SUP	-	-

Recreational Facility, Outdoor	SUPU	-	-	SPL	SPL	SPL	SPL	-	-
Campground, Recreational §8.7	-	SUP	-	-	SPL	-	-	-	-
Resort Facility	SUP	-	-	SUP	SPL	-	-	-	-
Amusement Parks and Water Parks	-	-	-	SUPU	SUP	SUP	-	-	-
INDUSTRIAL, PRINCIPAL	**LCCD**	**LCTD**	**MFDD**	**GFDD**	**RCDD**	**I**	**CIP**	**CM**	**NC**
Antenna & Antenna Towers §7.1	SUP	SUP	-	SUP	SUP	SPL	SPL	SPL	SUP
Excavation Operations – Major (≥300 cu yds) §8.16	-	-	-	-	SUP	SUP	SUP	-	-
Excavation Operations – Minor (<300 cu yds) §8.16	SUP	SUP	-	SPL	SPL	SPL	SPL	SPL	-
Food and Beverage Manufacturing (Small-scale/Large-scale)	SUP /-	-	-	SUP /-	-	SPL/ SUP	SPL / SUP	-	-
Industrial, Heavy	-	-	-	-	-	SUP	SUP	SUP	-
Industrial, Light	SUP	-	-	SUP	SUP	SPL	SPL	SPL	-
Public & Private Utility Installations §8.27									
Sawmill	-	-	-	-	-	SPL	SPL	-	-
Solar Energy Systems (Principal) §8.33	-	-	-	-	SUP	SUP	SUP	SUP	-
Warehouse/Warehouse Distribution	SUP	-	-	SUP	SUP	SPL	SPL	S	-
INDUSTRIAL, ACESSORY	**LCCD**	**LCTD**	**MFDD**	**GFDD**	**RCDD**	**I**	**CIP**	**CM**	**NC**
Small Wind Energy System §8.32	SPL	SUP	SPL	SPL	SPL	SPL	SPL	SPL	SPL
Solar Energy Systems (Accessory) §8.33	SPL	SUP	SPL	SPL	SPL	SPL	SPL	SPL	SPL

MISC/OTHER	LCCD	LCTD	MFDD	GFDD	RCDD	I	CIP	CM	NC
Temporary Outdoor Events §8.34	SPL	SUP	-	SPL	SPL	-	-	SUP	SUP
Drive-thru Windows §8.12	SPL	SPL	-	SPL	SPL	SPL	SPL	SPL	SUP

("ZP" Zoning Permit-Staff Approval; **"SPL"** Site Plan Approval by Commission; **"SUP"** Special Permit – Public Hearing & Approval by Commission)

6.5 SPECIAL DEVELOPMENT TECHNIQUES AND FLOATING ZONES

6.5.1 TECHNOLOGY PARK DISTRICT

A. General:

1. The Planning and Zoning Commission may establish site specific Technology Park Districts ("TPD") for those properties suitable for the development of high technology industries by approving a Master Plan in conformance with Subsection D below.

2. The TPD is a floating zone governed by a conceptual Master Plan. The Master Plan will be subject to review and approval by the Commission as a zone change, subject to a public hearing and all other applicable terms and conditions of these Regulations. It is recognized that the Master Plan may require certain fluidity to accommodate market changes during the complete development of any project. Notwithstanding the foregoing, any substantial and material change, at the Commission's sole discretion, will be subject to the same procedural requirements for a zone change as required by the original zone change application adopting the TPD. Once approved, the TPD will replace all pre-existing zoning, and any future development on the zoned property will be subject to the specific TPD requirements set forth herein.

3. In that the approval of a TPD constitutes a change of zone, it calls for the Commission to act in its legislative capacity, and to exercise legislative discretion. By filing an application for a TPD, the applicant acknowledges and accepts the nature of such application, and the level of discretion which the Commission possesses in such applications.

B. Statement of Purpose: Technology Park Districts are intended to provide locations for advanced technology industries such as computer software and hardware developers, research and development facilities, data centers, laboratories, highly specialized manufacturing and other similar uses within large-scale, organized, campus-like settings which stimulate economic growth and reinvestment, create quality employment opportunities, and generate significant revenue for the Town through taxes and/or other revenue streams. Factors to be considered by the Commission in approving a TPD include:

1. That the location, uses and layout of the proposed TPD are in conformance with the general intent of, and the goals and objectives contained in, the Plan of Conservation and Development.

2. That there exists harmony between the various uses that are proposed within the TPD and compatibility with neighboring land uses, taking into consideration reasonable buffers and/or screening.

3. That there is a positive economic impact of the proposed TPD to the community, including in terms of both revenue generation and job creation.

C. Establishment of District: The Commission shall establish a TPD by approving a Master Plan, which while not intended to be a substitute for the detailed drawings and documentation associated with a Site Plan, does provide sufficient conceptualized information to determine if the proposal is in conformance with Sub-section B above and the Plan of Conservation and Development. Such adoption shall constitute a zoning map amendment in accordance with these Regulations.

1. Numbering of Technology Park Districts. Each TPD shall be numbered and depicted sequentially on the official zoning map in accordance with the date of adoption as TPD-1, TPD-2 and so forth.

2. District Eligibility. The area proposed for a TPD shall:

   a. Encompass a minimum of 200 acres of contiguous land in one or more parcels under common ownership or other arrangement satisfactory to the Commission; and

   b. Include road frontage along any arterial road or direct access to and from an arterial road via a public road and/or private right-of-way; and

   c. Be serviced by adequate underground public utilities or be capable of being serviced by the same or by the provision of sufficient onsite facilities to be constructed.

3. Additions and Alterations. Any additions or alterations to the Master Plan must comply with the criteria established in Sub-section B above, and any such change shall be made in a manner which will accomplish the purposes stated in §4.13.2 hereof. The Commission may, at its sole discretion, hold a public hearing on any addition or alternation to the Master Plan.

4. District Expiration. Approval of the zone change shall be void, without any further action of the Commission and the property shall automatically return to its prior zoning designation, unless a Site Plan for the TPD is approved within 24 months of the date of zone change approval. The Commission may grant one or more extensions of this period upon written request of the applicant, but in no event will the extensions exceed twenty-four (24) additional months.

D. Master Plan: The purpose of the Master Plan submission is to determine whether the proposed uses and layout conform to Sub-section B above and to the Plan of Conservation and Development. The Master Plan, once adopted, shall establish the development and design standards of the TPD and its uses. All elements of the Master Plan shall be professionally prepared to provide a conceptual plan for the overall development of the TPD. A Master Plan shall include the following components:

1. Master Plan Narrative demonstrating the submitted Master Plan's consistency with the purpose of the TPD, policies, goals, and objectives of the Plan of Conservation and Development, and the orderly development of the Town.

2. Existing Conditions Plan showing: (1) existing topography with 5-foot contours showing the general gradient of the site, existing structures, existing roads and rights-of-way, easements, major topographic features, bedrock outcrops, inland wetlands, watercourses, upland review areas, and flood plains; (2) land uses, zoning and approximate location of buildings and driveways within 100 feet of the site, (3) boundary survey; and (4) location map.

3. Conceptualized Layout Plan showing: (1) general location and nature of proposed land uses; (2) proposed public and private rights-of-way, parking areas, easements, and public and private open space areas; (3) proposed building footprints, floor areas, and building heights; (4) proposed location of landscaping, buffering, and screening; (5) utility and highway improvements; (6) storm water management areas and structures; and (7) construction and improvement phasing plan.

4. Development Standards for the proposed development provided in a narrative form including, but not limited to: (1) permitted uses subject to Site Plan approval; (2) bulk, dimensional, and density requirements; (3) parking and loading; (4) streets and sidewalks; (5) landscaping and screening; (6) lighting; (7) signage; (8) open space and conservation areas; and (9) any other standards the Commission may reasonably require.

5. Architectural Standards for the proposed development provided in either narrative form and/or visual representations detailing: (1) architectural styles; (2) massing and scale; (3) materials and colors; (4) roof lines and profiles; and (5) typical building facades and elevations.

6. Traffic Analysis including: (1) a preliminary traffic memorandum detailing the impact of the proposed development; and (2) a conceptual improvement plan and the measures necessary to mitigate those impacts if necessary.

E. Site Plan: After Master Plan approval and establishment of a TPD by the Commission, an application for a Site Plan must be submitted for approval, following provisions contained in these Regulations. The implementation of a Master Plan approval may be phased by the filing of multiple Site Plan applications.

F. Specific Design Standards: The following design standards shall apply to all TPD Districts:

1. Area and Bulk Requirements: All bulk and dimensional requirements shall be established by the Master Plan.

2. Architectural Design: All new construction shall be designed to provide a high-quality appearance consistent with contemporary standards and all selected materials shall be durable with subtle colors and uniform treatments.

3. Signage: A sign plan evidencing a unified signage program for the TPD, including the general position, size, content and appearance of signs visible from any public right of way shall be included in the Master Plan application and shall be approved by the Commission.

4. Parking: On-site parking areas shall be adequate for the uses proposed. Specific parking standards shall be established as part of the Master Plan. Parking should be located onsite to the extent feasible, but not lead to excessive impervious coverage. Design of parking areas should maximize landscaping and prevent large expanses of impervious area. Stormwater management shall be designed to handle anticipated run-off without creating negative impacts on adjacent properties or natural resources.

5. Permitted Uses: Permitted uses shall be established by the Master Plan and implemented by Site Plan approval. The following list of uses is permitted in the TPD, but it is not exclusive. The Commission may approve other uses, provided said uses are not prohibited by Sub-section F(6) and it is determined said uses are consistent the purposes of the TPD.

   a. Computer software and hardware development.

   b. Research and development facilities.

   c. Data centers.

   d. Laboratories, provided that no onsite patient visits are permitted.

   e. Highly specialized manufacturing, including but not limited to, defense and aviation industries, and electronic and/or communication instruments and devices.

   f. Power generation facilities only as accessory to a principal use and constructed in a manner to prevent distribution to the electric grid.

   g. Professional offices only as accessory to a principal use.

6. **Prohibited Uses**: In addition to the prohibited uses contained in these Regulations, the Commission has determined that the following uses are prohibited in the TPD.

   a. Gasoline filling stations.

   b. Vehicle sales, leasing and renting.

   c. Auto repair, storage, maintenance and paint shops.

   d. Theme parks and amusement parks.

   e. Retail sales.

   f. Outdoor storage as a principal use.

   g. Residential uses.

   h. Commercial Services (Landscaping, construction businesses, etc.).

7. **Buffers**: The purpose of buffer areas is to provide privacy from noise, light glare and visual intrusion to residential dwellings in all locations where uses within the TPD abut a residential district exterior to the TPD. A buffer area shall be required between any developed area in the TPD which is abutting or directly across a street (other than a limited access highway) from any lot used for residential purposes in a residential district exterior to the TPD. Buffer requirements do not apply to

internal property lines which are part of the TPD and do not border adjacent property. The Commission may allow the buffering to be located on adjacent property with the consent of the affected property owner; provided that the right to maintain such buffering and/or screening is memorialized by a permanent easement filed for record in the Ledyard Land Records. Such buffer areas shall comply with the following minimum standards:

a. **Buffers from adjacent residential uses**: The minimum width of the buffer area shall be twenty-five (25) feet from the property line. In the event that the buffer area is not currently vegetated, the Applicant shall install screening within the buffer area in conformance with subsection b.

b. **Screening** shall consist, at minimum, of plantings not less than six (6) feet in height planted at intervals of ten (10) feet on center and other evergreen and deciduous shade trees and shrubs as may be appropriate. As an alternative, an earthen berm, stabilized with appropriate groundcover and plantings, may be permitted by the Commission in order to provide adequate screening for adjoining residentially used property.

c. **The following accessory uses shall be allowed within buffer** areas provided that they are adequately screened from abutting residential properties: access roads, pedestrian sidewalks, utilities, mailboxes and approved signs.

8. **Lighting**: All site lighting shall be designed with full cut-off fixtures and facing in a general downward direction to shield and reduce glare.

CHAPTER 7.0: GENERAL/MISCELLANEOUS REGULATIONS

This section shall apply to the following uses and requirements regardless of location.

7.1 ANTENNAS & ANTENNA TOWERS

A. Purpose: To provide for wireless telecommunication facilities, antennas and towers, while minimizing the adverse visual and operational effects through careful design, siting and screening. This section of the Zoning Regulations is consistent with the Telecommunications Act of 1996 in that it does not discriminate among providers of functionally equivalent services, prohibit or have the effect of prohibiting the provision of personal wireless services, or regulate the placement, construction, and modification of personal wireless service facilities on the basis of environmental effects of radio frequency emissions to the extent that such facilities comply with FCC regulations concerning such emissions.

B. Scope: These regulations are applicable only for Antennas and Antenna Towers that are not subject to the jurisdiction of the Siting Council, which has exclusive jurisdiction for community antenna television towers and head-end structures, including associated equipment, and telecommunication towers, including associated telecommunications equipment, owned or operated by the state, a public service company or a certified telecommunications provider or used in a cellular system, as defined in the Code of Federal Regulations Title 47, Part 22, as amended. Reference CGS §16-50i.

C. Applications must contain the following items:

1. A written description of all proposed antenna and mounting equipment including size and location on existing tower or building. The description shall include the structure's capacity, including the number and type of antennas it can reasonably accommodate as well as the proposed location of all mounting positions for co-located antennas and the minimum separating distances between antennas. A report from a licensed radio engineer indicating that no other existing or planned tower or structure can accommodate the applicant's antenna.
2. A plan showing the location of all proposed towers, structures, fall circle, property lines, buildings, fencing, landscaping (with a list of plant materials), and driveway access to the site. The plan shall indicate how, if failure occurs, the tower will collapse without encroaching outside the site's lease lines (if any) or upon any adjoining property.
3. A design drawing of the proposed tower(s) that includes the cross-section and elevation depictions of the proposed tower, antennas, accessory buildings, boxes, cabinets, and security fencing including sizes and materials.

D. Amateur Radio, CB, Homeowner Antennas, and Towers that may be approved by the Zoning Official:

1. Amateur Radio Service (including Amateur Radio Emergency Service) Antennas and Amateur Radio Service Tower installations meeting the following standards.

   a. Towers, transmitters and Antenna installations shall comply with Part 97 of FCC rules and regulations, as amended.

   b. The distance to the nearest property boundary shall be not less than two-thirds (2/3) of the Tower height. For bracketed Towers supported by a building, the Tower height shall be measured from the bracket attachment height.

c. A copy of the applicant's federal amateur radio license shall be provided to the Zoning Official when applying for a Zoning Permit for an amateur radio service antenna.

d. Towers shall meet all setback requirements for the Zoning District.

2. Traditional radio, television, scanner, Citizen Radio Service (CB) Antennas operated in accordance with FCC regulations and emission standards, and miscellaneous antennas used by homeowners that meet the following requirements.

a. Height of roof-mounted antenna does not exceed twenty (20) feet above the highest point of the structure.

b. Size of roof-mounted dish antennas shall not exceed three (3) feet in diameter.

c. Tower and overall antenna height shall not exceed sixty-five (65) feet.

d. The distance to the nearest property boundary shall be not less than two-thirds (2/3) of the Tower height. For bracketed Towers supported by a building, the Tower height shall be measured from the bracket attachment height.

e. Towers shall meet all setback requirements for the Zoning District.

D. <u>For Antennas and Towers associated with a project subject to Commission review.</u>

1. The tower and/or antenna shall be erected to the minimum height necessary to satisfy technical requirements of the telecommunications facility. Documentation of the minimum height needed, prepared by a licensed radio engineer, is required with the application.

2. The tower and/or antenna shall comply with the setback requirements of the zoning district in which it is located or be set back from all property lines and lease lines (if any) a distance equal to but not less than the height of the tower. However, if it can be demonstrated that the design and installation of the tower limits the collapse distance to less than the tower's height, or if it is unlikely that a structure will be constructed on adjacent property within the fall circle, the distance to the property line or lease line (if any) may be reduced by the Commission by up to one-third the tower's height.

3. The tower and/or antenna may be considered as either a principal or accessory use.

4. More than one (1) tower on a lot may be permitted if all setback, design, and landscape requirements are satisfied for each tower.

5. The tower and/or antenna may be on leased land as long as there is adequate ingress and egress to the site for service vehicles, and such access is documented in a deeded easement presented to the Commission.

6. All towers in residential districts shall be of a monopole design unless the applicant demonstrates that wind loading at the proposed location will exceed monopole tower design specifications, and/or that no monopole tower is available that will satisfy the minimum height, shape, size, or weight requirements of the antenna(s) to be located on the tower.

7. Towers not requiring FAA painting or markings shall be painted a non-contrasting blue, gray, or other neutral color.

8. No lights or illumination shall be permitted unless required by the FAA.

9. No signs or advertising shall be permitted on any tower or antenna, except that no trespassing, warning, and ownership signs are permitted at ground level.

10. The proposed tower, accompanying building and electrical utilities, shall be built to accommodate a minimum of three co-users unless it is determined to be technically unfeasible based upon information submitted by the applicant and verified by the Commission. These co-users shall include other wireless telecommunication companies, and local police, fire, and ambulance companies. If co-users are not known at the time of application, applicants shall base designs for co-users on equipment requirements similar to their own.

E. **Siting Preferences**: The general order of preference for antenna towers is as follows (most preferred to least preferred):

1. Co-location on existing or approved towers,
2. On existing structures such as non-residential structures/facades, water towers/tanks, utility poles, or chimneys,
3. On new towers located on property currently occupied by one or more existing towers.
4. On new towers in industrial districts.
5. On new towers in commercial districts.
6. On new towers in residential districts.
7. On new towers in Development Districts.

7.2 CEMETERIES

A. A twenty (20) foot buffer strip shall be maintained around all cemeteries within any district to prevent desecration. Public Access shall be provided.

7.3 CONSTRUCTION TRAILERS

A. A mobile trailer may be used as field offices, tool shops, and/or as storage sheds for construction projects provided it is not used for sleeping or living quarters.

B. A Zoning Permit is required for a construction trailer and shall expire after six (6) months.

C. Renewal permits can be granted for six (6) month terms during the thirty (30) day period prior to expiration of an existing permit under the same procedure used for the initial approval. There is no limit on the number of times a renewal permit can be granted provided construction activity continues.

D. An application for a new or renewal temporary Zoning Permit for a construction trailer shall include:

1. A certification to the Zoning Official that the construction trailer (a) will be on the construction site in the same location as may be provided on the Site Plan, (b) will be actively used in support of proposed or current construction on the site.

2. Confirmation the construction project has a valid zoning and building permit.

3. A location acceptable to the Zoning Official.

4. Payment of the Zoning Permit fee for a temporary construction trailer.

E. The Zoning Office is under no obligation to provide a reminder notice regarding an expiring temporary Zoning Permit for a construction trailer.

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 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: Driveways 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.

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:

1. Interior Lots may be permitted in Residential Districts R-20, R-40 and R-60, subject to the requirements set forth in §5.2 and §5.4.1 if part of an Open Space or Conservation Subdivision, with the following conditions and/or exceptions:

a. The access strip shall be owned as part of the interior lot and must be a minimum of twenty-five (25) 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

on any lot in any District. No more than one (1) vehicle that has an expired registration, but which can be re-registered in its current physical condition, or registered but currently inoperable may be parked or stored outside on any lot in any district regardless of screening, and may not remain for longer than six (6) months.

B. A maximum of one (1) hobby motor vehicle, as defined by these regulations, may be located in a side yard or rear yard of a residential property, provided it is screened from view from adjacent properties and access roads. Such screening may be achieved by use of a fence or vegetation, or combination thereof. There is no limitation on the number of hobby motor vehicles that are stored or parked within a permitted building, provided the building is maintained in a structurally sound and safe condition.

D. It is the intent of these regulations that the term "Junk" not apply to:

1. Farm equipment ordinarily and regularly used with an active farming operation on the same premises,

2. Materials or items being temporarily stored in rodent-proof containers that are placed on the curb on a regular schedule for refuse pickup,

3. Sawmill inventory,

4. Cordwood,

5. "Hobby Motor Vehicles" that are in compliance with these regulations, and

6. Construction materials and associated debris that are directly associated with a construction project on the same premises with a valid and active building permit provided that the construction materials and associated debris are removed from the premises within fifteen (15) days after the construction project is materially completed.

7.7 NON-CONFORMING USES, STRUCTURES, AND LOTS

7.7.1 Non-conforming Uses:

A. Any nonconforming use *lawfully existing* at the time of adoption of these Regulations, or any amendments hereto, may be continued as a nonconforming use.

B. A non-conforming use shall not be enlarged nor expanded except as may be expressly allowed elsewhere in these Regulations. A non-conforming use of an existing building shall not be extended to occupy land outside such building or space in another building.

C. A non-conforming use of land shall not be moved to another part of a lot or to an adjoining lot. A non-conforming use of a building shall not be moved or extended to any part of the building not manifestly arranged and designed for such use at the time the use became non-conforming. A building containing a non-conforming use shall not be moved unless the use is changed to a conforming use and all zoning requirements are met.

D. Except as may be expressly allowed elsewhere in these Regulations, a non-conforming use of land or of a building shall not be changed to any other non-conforming use. A non-conforming use once changed to a conforming use shall not thereafter be changed to a non-conforming use.

E. Normal upkeep, maintenance, and repair in a building occupied by a non-conforming use is permitted provided that such work does not increase or expand the non-conforming use or the building that houses the non-conforming use.

7.7.2 **Non-Conforming Buildings and Structures**:

A. Any nonconforming structure *lawfully existing* at the time of adoption of these Regulations, or any amendments hereto, may be continued as a nonconforming structure.

B. Any non-conforming building or structure that contains a conforming use and that is damaged by fire, collapse, explosion, neglect, casualty, or act of nature, may be reconstructed, repaired, or rebuilt in the same location, but only to its previous floor area and cubical content, and only if (A) such work does not increase the non-conforming aspect of the structure or complies with other applicable parts of these Regulations for the specific use and zone; and (B) any such reconstruction or rebuilding process is commenced within one year of the date of damage. If a foundation of the former structure exists and remains in a condition capable of supporting a new structure, the one-year timeframe may be extended

C. A structure that is non-conforming because it does not comply with one or more of the requirements regarding required setbacks, height, percentage of lot coverage, or required parking facilities, or is currently located on a lot that does not meet minimum lot size standards for the zone in which it is located, may be altered or expanded provided that no construction occurs within any required setback and does not create a new or intensify existing non-conformities.

D. Normal maintenance and repair to a non-conforming building or structure are permitted provided such work does not further violate the requirements of these Regulations.

7.7.3 **Non-Conforming Lots**:

A. Nothing in these Regulations shall prevent the construction of a permitted building or structure, or the establishment of a permitted use in the relevant zoning district, on a lawfully existing parcel that does not contain the required minimum area, minimum setbacks, or minimum lot frontage for the underlying zone, provided that: (A) as of the date of initial adoption of these Regulations, and continuously thereafter, the parcel was owned separately from an adjoining lot, as evidenced by deed(s) recorded in the land records; and (B) a previously existing lot that does not have frontage on an accepted street must have access to an accepted street over a permanent right-of-way or easement. Note: Use specific, required minimum lot size still apply.

B. Where two (2) or more nonconforming lots are contiguous, and in single/same ownership, and where at least one (1) of the parcels is undeveloped, such parcels shall be combined or merged to create a conforming lot or a more conforming lot to the extent possible in conformance with §7.7.6.

C. A non-conforming lot shall not be altered in such a way as to increase the degree of non-conformity.

D. Any lot that contained more than one (1) residence at the time of adoption of these Regulations may be divided and sold as separate lots, provided that (A) each such lot or lots conforms to the bulk and area requirements of the district in which it or they are situated, and (B) each resulting lot contains at least one (1) of the previously existing residential buildings.

7.7.4 **Exceptions**:

A. Additions may be made to single-family or duplex residences that have become non-conforming solely because of a zone or text amendment change that eliminated residential uses in the zone in which the relevant lot is now located. However, all such additions (A) shall be solely for the use of the house as a residence or for a lawfully permitted Home Occupation (see §8.17), or STR (see §8.31) and (B) must comply with current dimensional/bulk requirements (setback, height, lot coverage, etc.) and any other applicable requirements relevant to the underlying Zone or proposed use.

B. Where two (2) houses exist on one residential lot, each unit will be considered non-conforming, and each may be expanded in conformance with Subsection A above.

C. No construction or use shall be permitted on any non-conforming lot unless there is adequate water and sewerage facilities as determined by the Health District.

7.7.5 Abandonment of Non-Conforming Uses and Characteristics:

A. When a non-conforming use of property, or of a building or other structure, has been formally abandoned, that use may not subsequently be reestablished except as may be expressly authorized by these Regulations

B. When a non-conforming characteristic of a building or other structure has been removed and formally abandoned, all subsequent modifications of the structure or property shall be required to conform to these Regulations.

Formal abandonment shall be determined by the Commission when sufficient evidence exists that the intent is abandonment **7.7.6. Rule of Merger**:

A. Any adjoining non-conforming parcels and/or lots of record in common ownership shall be considered merged until the lot area equals the minimum area of the applicable zoning district unless protected pursuant to the provisions of C.G.S §8-26a(b)(1), as may be amended.

B. Any lot of record shall be deemed to have merged with an adjoining lot or parcel if:

1. The common property line has had a building or other structure constructed thereupon at any time;

2. Any structure has been constructed on the lot or parcel that is necessary to a principal building or use on an adjoining lot;

3. The lot has been used for required parking for a use on the adjoining lot.

4. The lot has been used in conjunction with a use on an adjoining lot.

7.7.7 Replacement of Lawful Nonconforming Mobile Homes:

A. Mobile homes and mobile manufactured homes shall be permitted only on locations occupied by a mobile home on the date Zoning Regulations were adopted (October 11, 1963, as amended).

B. The replacement of a lawfully non-conforming mobile home or mobile manufactured home is permitted as follows:

1. A "removal permit" to remove, and/or a "demolition permit" to destroy, the mobile home or mobile manufactured home that is being replaced must be issued by the Building Official.

2. The mobile home or mobile manufactured home being replaced shall either be demolished or removed from Ledyard.

3. A mobile home, or a mobile manufactured home, in a licensed mobile home park, may be replaced provided the total number of mobile homes and mobile manufactured homes in the mobile home park does not exceed the number of sites listed on the Park License issued by the Department of Consumer Protection.

4. Replacement mobile manufactured homes shall be constructed to the most recent HUD Code.

7.8 PORTABLE STORAGE UNIT: SEE ACCESSORY STRUCTURE

7.9 SIGNS

7.9.1 Purpose: The purpose of this section is to regulate the height, size and location of advertising signs and billboards in all zones to ensure public safety, to protect both property values and to allow individual, commercial, and public interests to be communicated through signs.

7.9.2 Application for Sign Permit for a Permanent Sign:

A. Permanent new signs, relocation of signs, and modifications to existing signs require an application for a sign permit be made on forms provided by the Land Use Department, and shall include the following information:

1. Dimensions of the proposed sign. The size of the proposed sign (area, height, width, thickness), illumination and material from which it is to be constructed.

2. Detailed drawing of the proposed sign. A detailed drawing showing the construction details of the sign and showing the position of lighting or other extraneous devices and support structures.

3. Proposed Location of the sign in relation to the building and all property lines and streets.

B. The repainting, changing of parts, or preventive maintenance of lawful signs, with no change in location, design, or structure, shall not be deemed an alteration and does not require a Sign Permit.

C. The permanent removal of sign face illumination does not require a sign permit.

7.9.3 Prohibited signs:

A. Signs with moving parts: Signs which have visible moving parts, including signs which are designed to achieve movement by action of wind currents, or which have mobile or revolving parts, or which have animated parts, are not permitted. Exceptions include time or temperature devices, barber poles, wind socks, open flags, and welcome flags which contain no advertising.

B. Flashing signs: These are illuminated or indirectly illuminated signs that incorporate flashing or moving illumination or animation.

C. Hazards to public safety: These are any signs or sign supports which constitute a hazard to public safety, including signs which by reason of size, location, content, coloring or manner of illumination obstruct the vision of a driver, or obstruct or detract

from the visibility or effectiveness of any traffic sign or control device on public streets and roads; or which obstruct free ingress to or egress from a fire escape, door, window or other required exit way; or which make use of words such as "stop", "look", "one way", "danger", "yield", or any similar words, phrases, symbols, lights or characters, in such a manner as to interfere with, mislead, or confuse traffic.

D. **Pennants**: String pennants are prohibited, except for the opening of a new business, in which case they shall not exceed fourteen (14) days.

E. **Inflatable signs**

F. **Roof mounted signs**

G. **Signs not specifically authorized by these regulations are prohibited**

7.9.4 **Lawful Non-Conforming Signs**: Existing signs installed prior to the adoption of the Zoning Regulations (as amended) of a size, type, or location currently not permitted in the District in which they are situated, or which do not conform to all the provisions of these regulations, will be considered lawful non-conforming structures under this Section. Any increase in size shall be deemed to be an enlargement or extension producing an unlawful increase in non-conformity. Non-conforming signs shall not be relocated to any other location.

7.9.5 **General Requirements**:

A. No person shall erect, alter, or relocate any sign structure or sign face without first obtaining a Sign Permit except as exempted by these regulations.

B. These regulations shall not apply to indoor signs or interior signs located, for example, within baseball fields, football fields, stadiums, theaters, and parks, provided they cannot be viewed off site.

C. For a proposed development that requires a Special Permit or a Site Plan, the applicant may combine the development application and the sign application into a single application to the Commission.

7.9.6 **Sign Illumination**: Signs may be illuminated either externally or internally provided they comply with the outdoor illumination standards in §9.10 and the limitations set forth below.

A. Signs may not have flashing or intermittent lights, lighting of varying intensity, or exposed neon lights. Internally lit LED and/or digital change copy signs are permitted in all non-residential zones.

B. Internally lit LED are also permitted for non-residential uses legally existing in a residential zone. Electronic Message Centers (EMC's) are not permitted in any residential zone.

C. No illuminated sign shall have exposed electrical wires.

D. No sign shall be illuminated between the hours of 11 p.m. and 6 a.m. unless the premises on which it is located is open for business at that time. This prohibition does

not apply if the illumination occurs because of lighting provided for public safety purposes.

7.9.7 **Sign Motion**: No sign or any part thereof shall be moving, whether by mechanical or other means (including wind) (See §7.9.3A for exceptions).

7.9.8 **Sign Location**: The following general conditions apply to sign location:

A. no sign shall extend into a vehicular public way (unless associated with a drive-through use), or be lower than eight feet above a pedestrian way;

B. no sign shall obstruct free entrance or exit from a required door, window, or fire escape; or be located or constructed in a manner that interferes with access by fire or emergency personnel;

C. no sign shall be constructed or located in a manner that obstructs light or air into a building or otherwise interferes with the proper functioning of a building;

D. no sign shall be placed in such a location as to confuse or obstruct the view or effectiveness of any traffic sign or signal or in a location that creates a sight-clearance problem for traffic flow on a public way;

E. All signs whether they require a permit or not, must be a minimum of ten (10) feet from edge of pavement if no setback requirement is specified;

F. No signs, other than those specifically authorized elsewhere within these regulations shall be erected within the right-of-way lines of any street, sidewalk or public way and Signs shall be located on the property they are associated with unless otherwise allowed by this section.

7.9.9 **Miscellaneous Signage General requirements**:

A. **Exterior bulletin boards on premises of civic buildings**: Such signs shall not exceed eighteen (18) square feet total. There shall be not more than one (1) bulletin board per site. Bulletin boards may have two (2) faces placed back-to-back which are at no point more than sixteen (16) inches from one another.

B. Real Estate and Construction Signs:

1. In residential zones Real Estate signs not in excess of six (6) square feet in area.

2. In non-residential zones, Commercial Real Estate advertising signs not exceeding sixteen (16) square feet in area.

3. Construction signs with message limited to project name, building name, architects, engineers, contractors, sponsors or other individuals or firms involved with the construction, provided such signs do not exceed one sign per site. These signs shall not exceed an area of twelve (12) square feet for single family or duplex construction and thirty-two (32) square feet for multi-family or non-residential construction and are removed within seven (7) days of issuance of a Certificate of Occupancy.

7.9.10 **Agricultural Signs**:

1. One (1) permanent free-standing or attached sign with an area no larger than sixteen (16) square feet per side, limited to two (2) sides (no size limit applies to "signs" painted

on a barn). Agricultural signs must comply with all other applicable standards specified in §7.9

2. Seasonal Agricultural Sign. One temporary free-standing or attached sign associated with a farm stand, seasonal farm stand, or agriculturally related use. Such signs shall not have an area larger than sixteen (16) square feet per side, with a maximum of two (2) sides.
3. One (1) seasonal agricultural sign per farm stand, seasonal farm stand, and/or agriculturally related use is allowed. One (1) additional seasonal agricultural sign per every 300 feet of frontage on a public right-of-way on a farm parcel is also allowed. At no time, however, shall any farm have more than six (6) seasonal agricultural signs.
4. Seasonal agricultural signs shall meet all other applicable standards specified in §7.9

7.9.11 <u>Temporary Signs</u>:

A. Temporary signs differ from permanent signs with temporary or changeable messages.

B. Temporary signs are allowed without a Sign Permit provided they meet the setback requirements for the district in which they are located and notification to the Land Use Office is given indicating location, number of signs, and posting and removal dates for the proposed temporary signs.

C. Temporary Signs are allowed on a property to advertise a special event, each shall be no larger than eighteen (18) square feet. No more than two (2) temporary signs are permitted.

D. <u>Temporary Signs shall</u>:

1. be freestanding and not attached to trees, utility poles, municipal signposts, etc.;
2. be allowed three (3) weeks prior to the event they advertise and must be removed within one (1) week of the completion of the event; and
3. only advertise an event in the Town of Ledyard.

E. <u>Off-Site Directional Signs</u>: Off-Site directional signs are allowed provided the nature and location of such signs do not interfere with required sightlines or pose any potential traffic hazard. The owner of the enterprise/activity for which the Sign is desired shall have permission of the property owner regarding sign location. Placing directional signs in town or state-owned rights of way is not allowed without the permission of the state or town as appropriate. Each sign shall not exceed two (2) square feet in area, whether wall mounted or freestanding.

F. <u>Banner signs</u>: Banners approved by the Mayor and CONNDOT intended to provide notice of municipal events, elections, referendums, fairs, educational, athletic, or other civic events, may be located above roadways provided such banner(s):

1. Do not cause problems with sight lines or clearance, or cause other traffic hazards;
2. Do not exceed minimum and or maximum dimensions specified in state regulations;

3. Are securely attached to permanently installed Town owned poles that comply with design, material, location, installation, height, maintenance, and other applicable regulations; and

4. Are removed within one (1) week after conclusion of the event.

7.9.12 **Sign Standards for Specific Districts**: All permanent signs require a sign permit unless otherwise noted.

A. **Residential Districts (R-20, R-40, R-60 and MFDD Districts)**:

1. Neighborhood entrance signs---Permanent signs at major entrances to residential developments designed only to identify such developments shall be permitted and do not exceed eighteen (18) square feet in area (per side if freestanding). Signs shall not be elevated more than one (1) foot from the grade level of the site. A neighborhood or named development may have a sign at each main road entrance, denoting only the name and/or address of the development. It shall be permanently affixed to the ground on private property with permission from the owner. Neighborhood entrance signs may be lighted only by a continuous white down light to reflect the light away from the adjoining property and away from the street(s).

2. Approved commercial uses, excluding home occupations, in a residential zone are permitted one (1) free standing sign. The freestanding sign shall not exceed eighteen (18) square feet, shall not be more than six (6) feet in height from grade, shall be setback a minimum of ten (10) feet from any property line and shall not require a minimum sight window, but shall not interfere with driver sight lines. Internal lighting and Electronic Message Center Signs (EMC) are prohibited.

3. All external lighting shall conform to §9.10.

B. **Non-Residential Districts (CM, NC, CIP and I Districts and LCDD, LCTD, GFDD, RCCD)**:

1. **Kiosk-- Kiosks are permitted, as follows**:

a. The upper sign board of the Kiosk bearing the name of the site, building or business complex shall not exceed thirty-two (32) square feet, and each business on the site, in the building or in the business complex may have one 1) lower sign board under the kiosk top board with a maximum of eight (8) square feet. The overall width of the upper signboard shall not exceed eight (8) feet.

b. Kiosks shall be configured so that there is at least a four (4) foot sight window from grade level to the lowest signboard. The top edge of the Kiosk top signboard shall not exceed eighteen (18) feet from grade level.

c. One (1) kiosk may be erected at each major entrance to the site if separated by a minimum of two hundred (200) feet, in which case they shall count as only one (1) sign.

2. **Freestanding Sign**: If a kiosk is not being used, one (1) free standing sign is permitted per property which has permitted commercial or industrial uses. Like Kiosks, freestanding signs shall have at least a four (4) foot sight window from

grade level to the lower edge. Maximum height is eighteen (18) feet. Maximum area is eighteen (18) square feet per face.

3. **Wall Mounted Sign**: One (1) wall mounted, single face sign per establishment shall not project more than fifteen (15) inches, and such sign may have a maximum square footage of 200 square feet provided that no such sign shall exceed one half (1/2) the length of the space occupied by the establishment

   a. Any building with a major parking area located in the rear of the building may have a second wall sign also located in the rear of the building that is limited to twelve (12) square feet.

7.9.13 In addition to the principal Kiosk or Freestanding sign, and a Wall Mounted Sign the following additional signs are permitted provided the total square footage of ALL additional signs does not exceed forty-eight (48) square feet.

1. **Hanging Signs**: Each commercial use within a structure is permitted one hanging sign no larger than four (4) square feet in sign area (per face). Hanging signs shall protrude perpendicularly from the front of the building. No portion of any such sign shall interfere with pedestrian traffic.

2. **Awning signs**: A business may have awning signs less than ten (10) square feet in area when such awning is designed to be used for the walkway or main entrance of a business.

3. **Analog clocks, analog time and/or analog temperature displays**: Such signs may not exceed eighteen (18) square feet and shall have no advertising on the unit. The same setbacks and heights for signs in the district shall be observed and may use low power indirect illumination by down-lighting only.

4. **Digital electronic displays / Digital Electronic Message Centers (EMCs)**:

   a. EMCs are signs that utilize computer generated messages or some other electronic means of changing copy. These signs include displays utilizing incandescent lamps, LEDs, or LCDs.

   b. LED, plasma, neon, or flat screen electronic displays are permitted. Such signs may not exceed eighteen (18) square feet per side.

   c. One (1) EMC sign is permitted as either the primary sign or as an additional permitted sign.

   d. LED signs shall have a maximum pixel pitch of eight (8) mm.

   e. Digital signs / EMCs shall display messages that remain constant in illumination intensity and do not have movement or the appearance or optical illusion of movement. The use of animation, dissolve, fade, flashing, frame effects, scrolling and travel are prohibited.

   f. EMCs shall be equipped with a fully operational light sensor that automatically adjusts the intensity of the EMC according to the intensity of ambient light or be programmed to automatically dim to an acceptable level from one hour before dusk to one hour after dawn.

g. EMC's shall not change from one message to another message more frequently than once every fifteen seconds.

h. EMC's shall be designed to freeze the display in one static position, display a full black screen, or turn off in the event of a malfunction.

5. **Portable signs and sandwich board Signs**: One (1) portable or sandwich board sign is permitted per business address per road frontage, during business hours only, not to exceed nine (9) square feet per side.

6. **Window signs**: A business may have window signs permanently erected or maintained which are visible to any public street or highway. Any such sign shall not cover more than thirty-percent (30%) of the window in which it is placed and shall count toward the maximum additional signage permitted.

7. **Service signs**: These are accessory signs incidental to a business, or a profession conducted on the premises indicating hours of operation, credit cards, variable pricing, business affiliations and the like, provided the total area of all such signs for a single business does not exceed eighteen (18) square feet. These signs do NOT count toward the maximum additional signage permitted.

7.10 STONE CRUSHING AND TEMPORARY (PORTABLE) SAWMILLS

7.10.1 To facilitate the clearing of land on parcels that are actively being developed, temporary sawmills and stone crushing equipment may be utilized under the following conditions:

A. A Zoning Permit shall be required for stone crushing activity or use of a portable sawmill and shall expire after six (6) months.

~~B.~~ Renewal permits can be granted for six (6) month terms during the thirty (30) day period prior to expiration of an existing permit under the same procedure used for the initial approval. There is no limit on the number of times a renewal permit can be granted.

C. Hours of operation shall be between 8am and 5pm, Monday-Saturday (excluding Holidays).

D. Operation shall be limited to cutting of trees that are grown on the site or the crushing of stone found on the property.

E. The portable sawmill or rock crushing equipment shall not be located closer than one hundred (100) feet to any property line or five hundred (500) feet to the nearest residence.

F. No later than sixty (60) days after the completion of work, the rock crushing equipment and sawmill shall be dismantled and removed from the site.

8.0 **APPLICABILITY:** All structures and uses are required to conform with constraints imposed by the applicable regulations unique to each zone (see the Zoning District Map), plus the applicable constraints imposed by the Schedule of Permitted Uses, and Dimensional Requirements/Area and Bulk Schedule.

The following regulations are supplemental to many uses listed in the Schedule of Permitted and Specially Permitted Uses in Chapters 5 and 6 and for specific uses that may fall under a general use category but due to their nature, must satisfy additional criteria to protect the public health, public safety, public convenience, and/or property values.

8.1 ACCESSORY APARTMENT *(Effective 8/4/22)*

A. **General Requirements**: An accessory apartment is allowed as an accessory use to a legally existing, single-family residence on an approved single-family residential lot in any zone pursuant to these regulations and as required by C.G.S.A 8.2 (o).

The following requirements apply to all accessory apartments:

1. No more than one (1) accessory apartment is allowed per parcel.

2. No accessory apartment shall be approved as an accessory to a duplex residential or multi-family residential use.

3. The accessory apartment may be either attached or detached.

4. The net floor area of an attached or detached accessory apartment shall not exceed 30% of the net floor area of the primary residence (not including unfinished basements/attics, decks or detached accessory structures) with an overall maximum of 1,000 square feet. For an accessory apartment located entirely in a basement, there shall be no maximum size limit.

5. If the accessory apartment is located entirely within a one-story detached garage, or within the second story of an attached or detached garage, the maximum size may be increased to 1,000 square feet in size regardless of the size of the principal residence. Maximum height shall be in accordance with the bulk table for a principal structure (80% size/ height rule does not apply to detached accessory apartments).

6. Recreational vehicles, travel trailers, manufactured or mobile manufactured homes, structures that previously operated as or were intended to be motor vehicles, and/or structures on wheels (i.e. Park Model Trailers; Tiny Homes) shall not be used as accessory apartments, except that manufactured homes, including mobile manufactured homes, having as their narrowest dimension twenty-two feet or more and built in accordance with federal manufactured home construction and safety standards homes shall be permitted provided they comply with these and all applicable regulations (particularly those pertaining to location and size limits).

7. The accessory apartment shall be self-contained, with cooking, sanitary and sleeping facilities for the exclusive use of the occupant(s).

8. A new driveway curb cut to serve the principal unit, or an accessory apartment shall not be permitted.

9. One (1) dedicated parking space shall be provided for the accessory apartment.

10. An accessory apartment (and the utilities necessary to service it) shall meet all applicable health, building and fire code requirements.

8.2 ACCESSORY STRUCTURES AND USES

A. Accessory buildings and structures with a floor space larger than fifty (50) square feet require a Zoning Permit.

B. A building attached to a principal building by a covered passageway or having a wall or part of a wall in common with it, is an integral part of the principal building and not an accessory building.

C. Accessory buildings and uses require a principal building or use on the same parcel, unless otherwise specified.

D. Accessory structure building area is limited to eighty per-cent (80%) of the living area of the principal structure or building, and the maximum building height shall be 80% of the height of the principal structure. Accessory structures are subject to all other bulk requirements in the underlying zone including setbacks, and maximum lot coverage unless otherwise specified.

8.3 ADULT DAY CARE CENTER

A. Minimum lot size shall be two (2) acres.

B. A single-family residence may coexist on the same lot or in the same building as the Adult Day Care Center.

C. Parking areas and driveways must accommodate all vehicles dropping off or picking up children at any one time. There must be no in-street drop-off or waiting. Circular driveways are permitted.

8.4 ASSISTED LIVING FACILITY

A. If the Assisted Living Facility is located in a residential zone, the minimum lot size shall be five (5) acres, the maximum building height shall be thirty-five (35) feet and the maximum lot coverage shall be thirty percent (30%) regardless of the Zone.

B. Any Assisted Living Facility must have direct access to a collector or arterial street (See Road Ordinance 300-025 for list).

C. Accessory uses and structures are permitted within the facility, such as recreation facilities, or personal and/or professional services for residents, or on the parcel provided all bulk requirements are met.

8.5 AGRICULTURE (FARM & FARMING)

A. **Purpose**: Preserving the Town's existing farms and encouraging new farming activities are strong goals of the Town. Ledyard's farms are central to the community's rural image and overall value by providing many obvious benefits such as providing tax revenue with little demand on Town services; providing wildlife habitats and tracts of open space, essential to maintaining the high quality of life enjoyed by Town residents; and by providing local produce, meat and dairy products year-round. *The purpose of these regulations is to clearly define agriculture and to promote the economic and operational viability of existing agricultural operations while facilitating and promoting new operations.*

B. Agriculture is permitted in Residential and Non-residential Zoning Districts as a principal use or in addition to any existing permitted principal use.

C. The Uses identified in §§8.5 G and H below are only permitted as accessory to a workingfarm as determined by the ZEO. **At no time shall the permitted accessory use become the principal use of the property.**

D. The following activities/uses require a Zoning Permit and/or Commission Review:

1. The establishment of a new agricultural principal use as defined in §2.2 (Established farms do not have to obtain a permit unless one of the situations listed in 8.5D(2-5) below apply.

2. The construction of any new structures on a property.

3. The establishment of new accessory uses, and activities specifically identified in §8.5 G and H.

4. The expansion or modification of an existing commercial farm/agricultural operation (such as the addition or expansion of a permitted accessory use specifically identified in §8.5 G and H and/or the construction of new structures, and/or new activity that would require and excavation permit per these regulations).

5. Any other use/activity specifically identified as requiring a permit.

E. Application Requirements:

1. For uses requiring either Staff or Commission review, in addition to the Site Plan and/or Plot Plan requirements per the respective check sheets in Appendix B or D, plans and supporting material for an accessory use and/or activity must address the following.

a. Plans must show the anticipated maximum parking and parking spaces necessary to safely accommodate all existing and proposed agricultural uses. Parking areas may be permeable or paved, and striped or not striped – but must have suitable all-weather surface and accessible by Emergency Vehicles..

b. On-street parking is not permitted. Accessible parking spaces and signage required in accordance ADA requirements.

c. If accessory uses are proposed, proof of adequate existing or planned sanitary facilities, subject to local health district approval, to support the maximum number of expected daily visitors. Sanitary facilities may include portable toilets (for large events or seasonal use).

d. A detailed plan for solid waste management based on the maximum number of expected visitors, must be provided.

e. Location of existing and/or proposed permanent outdoor stages, pavilions, and seating must be shown on the plan.

f. Signs shall be in accordance with §7.9.10.

F. General Requirements:

1. Setbacks: Building setbacks for the underlying zone are applicable, except where these regulations explicitly modify them.

2. CT Public Health Code: Nothing in this section diminishes the property owner's separate responsibility for addressing compliance with the keeping of livestock and storage and disposal of waste under the State of Connecticut Public Health Code.

G. Farm Accessory Uses: The following activities require a Zoning Permit and/or Commission review (as indicated). For activities that require Commission review, all site development standards in Chapter 9 and Site Plan standards per check sheet, and applicable requirements set forth in Chapter 11 apply.

1. Agricultural Tourism: A Site Plan review by the Commission shall be required when agricultural tourism is to be conducted on any parcel six (6) or more times in any calendar year, or when any agricultural tourism event may reasonably be expected to require parking on any single day for twenty (20) or more motor vehicles at a time, used by agricultural tourists. Otherwise, agricultural tourism requires only a Zoning Permit.

2. Farm Accessory Dwelling Units: A farm which contains an occupied primary residence and has ten (10) or more acres actively used for a farming may have an additional dwelling unit not to exceed 2,000 square feet and to be occupied by a full or part-time caretaker or seasonal workforce. The unit shall be occupied only by individuals responsible for caretaking of the farming activities on the parcel and not involved in caretaking of the primary residence or its occupants. This second dwelling unit may be in addition to an accessory apartment in conformance with §8.1.

3. Farm Breweries require a Special Permit/Site Plan review by the Commission. A Farm Brewery shall be considered accessory to an established agricultural operation if the farmer makes and sells beer from ingredients primarily grown on the farm. A Farm Brewery is permitted wherever agriculture is permitted [Note: A "Brew Pub" would fall under Hospitality Uses, permitted in nonresidential Zones per §6.4. In addition to the requirements of Site Plan approval, the following additional regulations shall apply.

a. The brewery shall be considered a "Pilot" or "Nano" brewery if it has production capabilities of no more than 15,000 barrels a year. However, in the Industrial (I) or Commercial Industrial Park (CIP) Zoning District, the manufacturing of greater quantities of beer and full-scale distribution operations may also be permitted as part of Site Plan approval.

b. The brewery must be clearly subordinate to a primary residence that is owner occupied (or that houses a full-time caretaker/manager)

c. Minimum lot size required: Ten (10) acres

4. Farm Winery: A farm winery is a farm that holds a CT State farm winery manufacturers permit, as defined in CGS 30-16. The land is used for growing, bottling and the production of wine and wine products and include activities such as: retail sale of wine, beer, Connecticut Craft Beverages and a tasting room. A farm winery requires a Site Plan review by the Commission and would require separate permitting for any additional accessory uses as defined in 8.5.G or H. See § 8.5 H(1-3) if events are planned.

A. Minimum lot size required: Five (5) acres (Ten (10) acres if large-scaled events are planned)

5. Farm Stand:

1. Purpose: To allow the sale of agricultural and farm products grown on the farm where the Farm Stand is located or that is grown on other local farms.

2. Farm Stands are permitted in all districts with the following provisions:

a. Farm Stands greater than fifty (50) square feet require a Zoning Permit only and shall not exceed a gross floor area of 200 square feet.

b. Farm stands shall be on private property setback at least ten (10) feet from the paved roadway surface, not in a right-of-way, and at least fifty (50) feet from any intersection.

6. Farm Stores greater than 1,000 square feet require a Commission approval , otherwise only a Zoning Permit is required.

H. **Non-agriculturally Related Accessory Uses:**

1. Recreational Uses: Activities that are part of an agricultural operation's overall offerings, but are not incidental to agriculture, or tied to agricultural buildings, structures, equipment, and/or fields. Such uses may include, but are not limited to, outdoor recreation such as bird watching, snow-shoeing, and other passive recreational activities open to the public. A Site Plan review by the Commission shall be required when such uses may reasonably be expected to require parking for thirty (30) or more motor vehicles used by visitors to the farm. Otherwise, such uses require only a Zoning Permit.

2. Small Events Venue for uses such as, but not limited to, retreats, workshops, classes (i.e. yoga, karate, etc.) are permitted, but no outdoor amplified music is permitted and the events shall be limited to less than thirty (30) motor vehicles. **(Note:** Small speakers, home stereos, etc. are not considered "amplified music")

Parking areas and any outdoor event space should be appropriately screened so as to mitigate headlight glare/light trespass onto abutting residentially zoned properties or existing residences.

In all residential zones, Small Event Venues must be set back a minimum of 50ft from all property lines that directly abut a residentially zoned parcel or existing residence.

3. Large-scale Events Venue for large-scale events, such as but not limited to, weddings, catered events, parties, seasonal festivals, etc.; any events in which the use of outdoor amplified music is planned or anticipated; and any events where greater than thirty (30) motor vehicles are expected require a Special Permit/Site Plan review by the Commission.

Minimum Lot Size required: Ten (10) acres

a. **Special Permit Standards**: Special Permit Standards for Large Events Venues: In order to satisfy the conditions of a Special Permit, the following criteria apply:

i. **Noise**: The Commission may limit the number of events per year and/or prohibit the use or the locations of amplified music outdoors.

ii. Wine tastings, weddings, catered events, meetings, conferences, parties, and workshops shall end not later than 11:00 PM.

iii. Music and amplified sounds for events shall be limited to three (3) days per week, shall not be allowed after 11:00 PM, and shall comply with C.G.S. § 22a-69 as amended, and all DEEP regulations promulgated from such. **(Note:** Small speakers, home stereos, etc. are not considered "amplified music")

iv. **Screening**: Parking areas and any outdoor event space should be appropriately screened so as to mitigate headlight glare/light trespass onto abutting residentially zoned properties or existing residences.

v. In all residential zones, the Commission may require setback distances **up to** 100ft between indoor and outdoor event venues/space and property lines that directly abut a residentially zoned parcel or existing residence.

vi. Provide, and regularly update, the proposed months, days, and hours of operation.

vii. The location of outdoor events and activities associated with Agritourism on the farm shall take into consideration the current use of surrounding properties. The Commission may require a specific separating distance and/or an appropriate buffer strip that screens any such activity from adjacent properties for activities requiring a Special Permit as provided above.

viii. Exterior lighting for walkways and parking areas if any. All lighting shall be full cutoff lights or other acceptable form of lighting in conformance with the lighting standards in §9.10.

6. Food trucks: Food trucks are permitted as an accessory use to a working farm and only require a Zoning Permit, with a plot plan showing adequate parking for the food truck use in addition to parking required for other uses on the farm.

I. Signage: See §7.9 of these Regulations

8.5.1 Keeping of Animals- Home Husbandry:

A. Purpose: This section is intended to promote, protect, and encourage keeping animals for personal and/or educational non-commercial private home use in an appropriate and responsible manner within the Town. The keeping of animals, subject to the following limitations, is permitted in all Zoning Districts *regardless of farm status*.

1. No person shall keep or maintain livestock and/or poultry in Residential Districts that are not working farms greater than 5 acres without first obtaining a Site Plan or Zoning Permit as further indicated herein. **Note:** there is no limit on the number of animals that may be kept on a workingfarms having five (5) acres or more, provided all other applicable provisions of these Regulations are met.

2. For lots less than 40,000 square feet in size, the keeping of six (6) or fewer small animals as defined herein, or eight (8) or fewer poultry with no roosters may be permitted after the issuance of a Zoning Permit issued by the Zoning Official.

3. Livestock and/or poultry kept on Residential properties that are not working farms, shall be owned by residents or owners of the premises on which they are kept.

B. Additional Permit requirements: The ZEO shall inspect the premises before issuing a permit to ensure that the land is capable of livestock and/or poultry keeping in accordance with the requirements of this Section. The ZEO may consult with any agency as it deems appropriate for assistance in application review and property inspection.

C. Definitions:

1. Large Animals include but are not limited to horses, ponies, donkies, cows, bison, and/or other similar animals whose mature weight exceed 400 pounds. Pigs shall be considered large animals regardless of their mature weight.
2. Medium Animals include but are not limited to sheep, goats, miniature horses, and/or animals whose mature weight is between thirty (30) and 400 pounds.
3. Small Animals include but are not limited to fowl and/or animals whose mature weight is less than thirty (30) pounds

D. Number of Animals permitted:

1. The keeping of any one (1) large animal or three (3) of any medium animals (other than domestic cats or dogs) as defined in Subsection 2a and 2b above or the keeping of a flock of more than eight (8) in the aggregate of any fowl, or eight (8) in the aggregate of any other small animal (other than domestic cats or dogs) as defined in Subsection 2c above, whose mature weight is less than thirty (30) pounds, shall require a parcel of land with a minimum contiguous buildable area no less than 40,000 square feet.
2. For each one (1) additional large animal OR three (3) additional medium animals, OR for each additional flock of fowl or group of eight (8) small animals, the parcel must contain an additional 20,000 square feet of contiguous "buildable" area. Limits do not apply to un-weaned animals less than six months in age.
3. A flock of six (6) or fewer fowl or a group of any six (6) or fewer small animals, as defined in Subsection 2c above, may be kept on lots having less than 40,000 square feet of contiguous buildable area, except that no roosters shall be permitted and provided all applicable provisions of these regulations are met.
4. There is no limit on the number of animals that may be kept on working farms having five (5) acres or more, provided all other applicable provisions of these Regulations are met.

E. Confinement – Keeping Area Requirements:

1. All animals shall be suitably and adequately confined or controlled at all times. An appropriate shelter shall be provided for the keeping of livestock and/or poultry.
2. All shelter areas regardless of animal size shall be located on well-drained soils.
3. Setback distances between any shelter housing livestock and/or poultry shall be a minimum of seventy-five (75) feet from any well located on applicant property and abutting properties and fifty (50) feet from any residence on abutting properties. Setback distances for outdoor paddock/keeping area shall be a minimum of twenty (20) feet from property lines where property abuts any residentially zoned parcel or parcel with an existing residential use (Applicable to new permits for the Keeping of Animals only).
4. The living quarters of the livestock and/or poultry and the handling and disposal of solid and liquid wastes shall not create a public health hazard or have an adverse effect on the environmental quality of the surrounding area. An appropriate fly and rodent proof container or structure for manure and bedding waste storage shall be provided and maintained to prevent run-off to adjacent lots or to watercourses.
5. Proper drainage shall be provided to avoid collection of water. Water shall be diverted from animal keeping areas; however, such water shall not be allowed to pollute surface or subsurface water supplies.

6. Animal-keeping areas shall not be permitted directly over land containing an onsite sewage disposal system. No keeping area permitted in wetlands. Keeping areas for any animal will be evaluated for compliance with best animal management practices to ensure that animals are kept in a manner that will not constitute a public nuisance.

F. <u>Animal Waste- Storage and Disposal Best Management Practices:</u>

1. The keeping of animals and fowl and all plans for the storage and disposal of their associated wastes, shall conform to all applicable local, state and federal health, air and water pollution regulations (Note: these may be available through the U.S. Department of Agriculture, Natural Resources Conservation Service, or the UCONN Cooperative Extension Service).

2. No persistent, offensive odors shall be detected off the premises.

3. No condition shall be created that will adversely affect the performance of sewage disposal systems or water supplies located on the property or adjacent properties.

4. **<u>Enforcement</u>**: The ZEO shall have the power to determine Best Management Practices after consulting with appropriate State and/or Local Agencies.

G. **<u>Additional Plan Requirements</u>**: Applications that involve Home Husbandry shall provide the following information in addition information required per the Site Plan or the Plot Plan Check Sheets in Appendix B & D as applicable.

1. The amount of contiguous area available to keep the livestock and/or poultry.
2. Location, type and size of fences, waste storage area and shelters to be used
3. Distances from fences and shelters to property lines, streets, houses on abutting properties, and wells on applicant and abutting properties.
4. Location of septic system.
5. The total number, size and type of animal(s) to be kept.

8.6 <u>BED AND BREAKFAST (ACC USE)</u>

A. **<u>Purpose</u>**: To allow for the offering of overnight accommodations and meals to travelers for a fee where an existing home has unique structural or site characteristics which lend themselves to a Bed and Breakfast-type setting. It is the intent of this Section to ensure that Bed and Breakfast operations do not infringe upon the privacy, peace, and tranquility of surrounding residents or decrease the aesthetic or real value of surrounding properties.

B. **<u>Requirements</u>:** In addition to the Site Plan requirements and Site Development Standards, the following additional criteria apply:

~~1.~~ The lot on which the Bed and Breakfast is located shall consist of a minimum of three (3) acres.

2. Bed and Breakfasts shall be owner-operated, and the Bed and Breakfast establishment shall be the principal residence of the owner. The applicant shall be the owner at the time of application.
3. The operation shall not alter the residential nature of the neighborhood and/or the character of the dwelling as a residence.

4. The proprietor may serve meals to guests only. A public dining room and/or bar is prohibited. Small special events are permitted only for the guests staying at the B&B
5. A maximum of five (5) guest rooms will be allowed.
6. Maximum length of stay per guest is twenty-one (21) days.

8.7 CAMPGROUNDS

A. Recreational Campgrounds shall conform to the following General Criteria:

1. A responsible attendant or caretaker shall be in charge at all times to keep the recreational campground, including facilities and equipment in a clean, orderly, and sanitary condition.

2. The campground shall be located on a well-drained site that is properly graded to ensure drainage and freedom from stagnant pools of water.

3. Each recreational vehicle space shall be at least 1,000 square feet and the total number of spaces shall not exceed fifteen (15) per acre of campground.

4. No campground shall be permitted on a site of less than twenty-five (25) acres.

5. All utilities shall be underground (applies to new installation).

6. There shall be a fence inside the property line between the campground and any public highway or street.

7. A recreational campground may conduct business and accommodate tents and currently registered travel, recreational camping equipment, and vehicles from April 1st to November 1st.

8. From November 1st to April 1st, campgrounds may store currently registered unoccupied travel, recreational camping equipment, and vehicles accessible by emergency vehicles during the off-season winter months. Such equipment and vehicles shall not be connected to campground utility services.

9. No campground may accommodate or rent space to any person or group of persons for more than 179 total days per year.

B. Parking and Access:

1. Parking shall not be permitted on roadways or driveway, which shall be kept open for emergency use by the fire department or ambulance.

2. Off-street parking space shall be provided for visitors and employees per §9.4 of these regulations.

3. All recreational vehicle spaces shall abut upon a driveway not less than twelve (12) feet wide for one-way traffic or less than twenty-four (24) feet wide for two-way traffic.

C. Buffer Requirements:

1. There shall be a minimum fifty (50) foot buffer strip between the recreational campground and property boundary. The strip shall contain a screen of existing dense vegetation, shrubbery or trees not less than four (4) feet above the ground level at the time of occupancy and shall thereafter be suitably and neatly maintained. The screen shall consist of at least fifty (50) percent of evergreens to maintain a dense screen at all seasons of the year.

2. No space shall be closer than one hundred (100) feet to any existing off-site residence.

D. **Recreational Space** shall be provided in accordance with the following standards:

1. A minimum of five hundred (500) square feet per recreational vehicle space shall be developed for recreational or playground uses.
2. Playgrounds shall be protected from main highways and parking areas.
3. Recreational facilities shall be designed and maintained to promote maximum safety for the users, adjacent property owners, and the public.

E. Recreational campgrounds shall provide the following **supporting facilities**:

1. Sanitary facilities, consisting of flush toilets, lavatories, and showers with hot and cold running water shall be provided at all recreational campgrounds.

2. Each recreational campground shall have a lobby or office with a registration clerk.

3. Campgrounds shall provide facilities for the dumping and disposal of wastes from holding tanks.

F. **Additional Permitted Uses**:

1. A recreational campground may maintain a store and coin-operated laundry as an accessory use for the convenience of its campers.

2. A recreational campground may include a single-family residence for the caretaker of the campground.

3. A recreational campground may provide entertainment facilities, including but not limited to, pavilions, pole barns, stages, small sport facilities, piers, boating rentals, and similar accessory structures and uses.

8.8 CHILD DAY CARE CENTER

A. Minimum lot size shall be two (2) acres.

B. A single-family residence may coexist on the same lot or in the same building as the day care/nursery school.

C. Parking areas and driveways must accommodate all vehicles dropping off or picking up children at any one time. There must be no in-street drop-off or waiting.

D. A minimum twenty-five (25) foot buffer area must be established around the perimeter of the lot.

E. No building, parking lot, driveway (except for the entrance of the driveway onto the street), play area, or any other use is permitted in this buffer area.

8.9 COMMERCIAL CARETAKER APARTMENT, ACCESSORY

A. One (1) dwelling unit may be permitted as an accessory use, either attached to or detached from the permitted, non-residential principal use.

B. **General provisions**:

1. Only one accessory Commercial Caretaker apartment shall be allowed on property.
2. The occupant must be employed as an overseer or caretaker (i.e., manager, groundskeeper, or security guard) by the permitted non-residential principal use.

3. Accessory structures (e.g., sheds, carports, etc.) to the Commercial Caretaker accessory apartment are prohibited.

4. Dedicated parking shall be provided for a Commercial Caretaker Accessory Apartment in addition to those required for the principal non-residential use.

8.10 COMMERCIAL SERVICES

A. Commercial services may be provided either on the customer's site (e.g., landscaping, construction, excavation, custom building, painting, and plumbing) or on the provider's site (e.g., copy shops, self-service laundry, photo processing, appliance repair, pet grooming/training, and package and postal services).

B. Commercial vehicles associated with any commercial service and stored on the property must be registered and operational (see additional regulations in §8.17 if associated with a Home Occupation).

C. The location for any areas to be used for outdoor storage of material, vehicles, and equipment associated with the Commercial Service shall be approved by the Commission and clearly designated on the approved Site Plan. The outdoor merchandise is not permitted.

D. No material, vehicles, and equipment associated with the Commercial Service shall be allowed in areas required for parking.

E. No material shall be stacked higher than six (6) feet from the ground.

F. There shall be no additional outdoor storage of any kind other that what has been approved. The Commission may require additional landscaped buffering around approved outdoor storage areas if located adjacent to residential properties and/or zoning districts.

8.11 COUNTRY INN

A. **Purpose**: To allow for the offering of overnight accommodations and meals, and to provide a venue for corporate meetings, retreats, and social events, in homes and buildings that have unique structural and site characteristics including the use of properties containing historic structures or within historic districts, and do not infringe upon the privacy, peace, and tranquility of surrounding residents or decrease the aesthetic or property values of surrounding properties. In addition, the following shall be considered:

B. **General Requirements**: In addition to the Site Plan Requirements and Site Development Standards, the following additional criteria apply:

1. The parcel or lot on which the Country Inn is located shall consist of a minimum of five (5) acres. A maximum of thirty-two (32) overnight guests will be allowed housed in either the principal structure or within both the principal structure and any additional structures that contain only guest bedrooms. Indoor dining facilities seating capacity shall be limited to a maximum of sixty-four (64) seats. Maximum length of stay per guest is twenty-one (21) continuous days.

2. Country Inns must be either owner-operated and the principal residence of the owner-operator, or the principal residence of a full-time resident manager/innkeeper who is employed by and authorized to act as the agent of the owner.

3. The Country Inn shall be located on an arterial or collector road as designated by the Planning & Zoning Commission, as incremental increases in traffic due to the operation are easily absorbed on these roads and will not be likely used by children at play.

4. The Country Inn may include a restaurant operated under an independent name that is open to the public.

   a. If located in a residential district, no additional patrons will be seated after 10PM and alcohol bar service will be limited to a service bar with no bar seating.

5. **Adaptive reuse of properties** containing historic structures or within historic districts is encouraged. Historic structures are those recognized by the town or the state (evidenced by a listing in the Historic Resources Inventory filed with the Connecticut Historical Commission) and/or listing on the National Register of Historic Places.

8.12 DRIVE-THROUGH WINDOW

A. The purpose of this section is to promote good access management by regulating the location and design of drive-through windows. The requirements for drive-through windows are as follows.

B. Off-street stacking for waiting automobiles between the drive-through entrance and drive-through windows ("dedicated stacking lane") shall be provided based on the following ratios:

1. fast food/drive-through restaurant with drive-through service window: ten (10) stacking spaces;

2. drive-through financial institutions/drive-through ATM: eight (8) stacking spaces; four (4) stacking spaces per service window if more than one (1) service window is provided;

3. pharmacies: four (4) stacking spaces; and

4. all other drive-through service windows shall have a minimum of four (4) stacking spaces per window.

C. Stacking provision shall also be made for at least one (1) exiting automobile between the service window and the drive-through exit. Such stacking space shall be no less than twenty (20) feet long and no less than ten (10) feet wide (twelve (12) feet wide if adjacent to building) and shall be designed not to interrupt the smooth flow of traffic within the subject site.

1. Dedicated stacking lanes shall be provided separately from any other drive aisle.

2. All potential conflict between pedestrian traffic and stacking lanes shall be minimized through the use of pavement markings and signage and may include internal walkways and speed bumps in stacking lanes.

D. The minimum distance between the street and the drive-through entrance, and the distance between the drive-through exit and the street line, shall be equal to or greater than the minimum setback required for the zone.

E. No exit or entrance for such facilities shall be within 100 feet of an intersection.

8.13 DWELLINGS, MULTI-FAMILY (SEE RESIDENCE, MULTI-FAMILY

8.14 DWELLING, SINGLE-FAMILY (SEE RESIDENCE, SINGLE-FAMILY)

8.15 DWELLING – TWO-FAMILY (DUPLEX) (SEE RESIDENCE, TWO-FAMILY)

8.16 EXCAVATION (FILLING OR REMOVAL OF SOIL, GRAVEL AND STONE)

A. Filling, excavating, or the relocation of 300 cubic yards or more of topsoil, sand, gravel, clay, stone or other materials in any district is allowed by Special Permit and requires a Plan of Operation.

B. Filling, excavating, or the relocation of less than 300 cubic yards (per calendar year) of topsoil, sand, gravel, clay, stone or other materials in any district is allowed by a Zoning Permit issued by the Zoning Official (except if part of an approved construction site of a permitted building, part of a farming operation, or is an exempt activity as permitted by these regulations.)

C. The sale, destination, or ultimate use of the removed topsoil, sand, gravel, clay, stone, or other materials does not determine whether a Zoning Permit or Special Permit is required.

D. The purpose of these regulations is to insure the following:

1. the landscape is not needlessly marred during and after operations;
2. the work will not be a source of dust, pollution, and/or siltation;
3. the site will not be generally characterized by unsightliness as evidenced by open pits, rubble or other indications of completed digging operations which would have a deteriorating influence on nearby property values; and
4. the site will have future usefulness when the operation is complete.

E. **Exception**: Provided the purpose stated above is satisfied, a permit is not required if the removal is associated with:

1. construction or grading activity associated with an approved Site Plan for which a Zoning and/or Building Permit has been issued;
2. maintenance or operation associated with a farm or farming activity provided the topsoil, subsoil, sand, gravel, clay, stone or other materials from the operation are stockpiled for the farm's future use and not sold or brought off site; or
3. road construction where no additional permits or approvals are necessary from the Zoning Official.

F. Any removal of topsoil, sand, gravel, stone or other materials occurring beyond the stated extent of an existing operation shall be considered a new operation requiring a permit and subject to conditions contained herein.

G. **Bond**: 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.

H. Deviation from the approved Plan of Operation, without the Zoning Official's, or Commission's approval, shall be a violation of these regulations.

I. The use of explosive devices and rock crushing equipment may be limited as a condition of the permit.

J. The Commission may impose hours and days of operation as conditions of the permit.

K. A permit for the removal of topsoil, sand, gravel, clay, stone or other materials shall expire after three (3) years. The Zoning Office may, but is under no obligation, to provide a reminder notice regarding an expiring permit for soil, gravel, and stone removal.

L. A renewal permit can be granted for three (3) years during the thirty (30) day period prior to expiration of an existing permit under the same procedure used for the initial approval. There is no limit on the number of times a renewal permit can be granted.

M. <u>The applicant for a permit shall</u>:

1. Provide a completed application form indicating the nature and extent of the operation, the proposed land use with supporting data, a Site Plan in conformance with applicable criteria per Check Sheet in Appendix B (note, not all may apply), a plan for sediment and erosion control, and a Plan of Operations including a closure plan prepared and approved by a licensed Professional Engineer showing how the entire site will be closed/restored upon completion of the excavation. For phased operations, no permit shall be issued for a subsequent phase until the prior phase has been completed and a report provided by a licensed Professional Engineer.
2. Applications that involve filling, excavating or relocation of topsoil, sand, gravel, clay, stone or other minerals shall also contain:
   a. Applicable Site Plan information per check sheet
   b. The proposed truck access to the excavation.
   c. The hours of operation.
   d. The machinery to be used on site.
   e. The type of buildings or structures to be constructed on site.
   f. Location of existing structures on the subject parcel and adjacent properties, including information regarding depth to the ground water table and a log of soil borings taken to the depth of the proposed excavation.
   g. details for final grading and landscaping after completion of operations, and proper drainage of the area of the operation during and after completion of the work.
3. Applicant shall sign a document provided by the Zoning Official to certify that the excavation/Filling Operation will be conducted in conformance with these regulations, the approved Plan of Operations, and the plan for sediment and erosion control.
4. For a permit renewal application, the applicant shall provide a report on the excavation operation prepared by a licensed Professional Engineer, which shall attest that the excavation, as completed to date, conforms to the approved Plan of Operation.

N. <u>Operations</u>:

1. The gravel bank floor area shall be graded not less than one percent (1%) or more than four percent (4%) to provide for surface drainage.

2. A twenty (20) foot wide by fifty (50) foot long tracking pad at the site entrance consisting of three (3) inch crushed stone shall be installed prior to the start of operations.

3. For Excavations involving Special Permit approval, no removal shall take place within twenty-five (25) feet of a property line, nor within fifty (50) feet of a highway property line: such distances to be measured from the top of the bank. If removal area is within sight of a Town/State Road, the Commission may require additional screening as part of a Special Permit approval. The Commission may require a similar screening if isolation

of adjacent property is deemed necessary. No operation shall take place closer than fifty (50) feet from any wetlands, watercourse or waterbody.

4. Upon completion of operations, no bank shall exceed a slope of one (1) foot vertical rise in three (3) feet of horizontal distance. The disturbed area shall be covered with a minimum of four (4) inches of topsoil and graded. On completion of grading, the area will be limed, fertilized, and seeded in accordance with the approved Plan. The site shall be maintained until the area is stabilized;

5. The active gravel removal area shall not exceed a total of ten (10) acres at any time.

6. Temporary seeding, used to control erosion, is permitted during the time that the operation is being completed.

7. All topsoil and subsoil shall be stripped from the operation area and stockpiled for use in site restoration.

8. Any surface water flowing from the excavated area shall flow through appropriate sediment control devices before leaving the site.

9. If excavation has occurred below the seasonal high-water table, the pond banks should be no steeper than a two to one ratio (2:1).

8.17 HOME OCCUPATION (ACCESSORY USE)

A. Applicability: Home Occupations are permitted as an accessory use to all legally existing single-family residences.

B. Definition: Home occupations are defined as the use of a portion of a residence or out-building(s) for business purposes by the resident occupants when clearly incidental and secondary to the residential use of the dwelling.

C. General Provisions:

1. Activity associated with the home occupation shall not result in conditions or impacts inconsistent with, or detrimental to the residential character of, the premises and the neighborhood.

a. The proposed Home Occupation must be a use that is specifically permitted in the Town of Ledyard (as in, contained within the Table of Uses in Chapters 5 and/or 6) except that there shall be no industrial uses permitted as a home Occupation. Uses such as hospitality, funeral homes, commercial kennels, and animal hospitals are also not considered incidental and accessory to a residential use and shall not be deemed a home occupation.

b. Semi-trailers and special handling equipment typically associated with commercial services, are not permitted at the residence.

c. The boarding, breeding, grooming, whelping, raising, and/or training of puppies and dogs for show, sport, or sale changes the character of the property and is not permitted as a home occupation.

d. No Zoning Permit Required for a simple home office where there is occasional business use (as part of employment typically occurring elsewhere) or a home-based business involving no non-resident employee(s) and no patron, client, or associate visits to the business, and in either case meets the following:

- No business is conducted on the premises except by computer, mail, telephone or future communication technology;
- No external evidence of the business is visible;
- No business signs are erected; and
- No pedestrian or vehicular traffic is generated by the business.

2. The owner of the property shall actively participate in the conduct of the home occupation.

3. The proposed use shall not create any objectionable noise, odor, vibration, or unsightly condition noticeable from any property line.

4. No permanent dedication of the residential structure to non-residential uses shall result from such accessory use.

5. No more than one (1) non-resident shall be engaged in the activity (or parked) at the site. Additional employees are permitted but shall provide their services remote from the residence and shall not park on or about the premises. (No mustering of employees permitted on-site).

6. Waste materials generated by the home occupation shall be limited to a type and quantity that do not require collection service, handling procedures, or disposal locations that differ from what would otherwise be required for a single-family residence if there was no home occupation. Medical and hazardous waste is not permitted. Dumpsters are not permitted.

7. There shall be no exterior indication of the home occupation, other than a sign that does not exceed two (2) square feet in size identifying the name of the business. Personal vehicles not associated with the business shall not contain any signage, and there shall be no outdoor storage of small equipment, parts or any other material related to the home occupation.

8. Home occupations are subject to inspection, with a minimum of twenty-four (24) hour notice, by the Zoning Official to determine compliance with these regulations.

9. No more than twenty-five percent (25%) the gross floor space of all inside heated areas of the principal residence or garage/out building shall be used for a home occupation, except those vehicles and equipment associated with the permitted home occupation may be parked or stored within the garage or a completely enclosed permanent accessory structure. "Waiting rooms" or "lobby" areas, used to seat customers, clients, and vendors of the home occupation, shall count towards the space limit of the home occupation.

10. All visiting customers, clients, vendors, and delivery trucks shall not exceed a combined total of five (5) vehicular visits per day. On site group promotion, training, and teaching is permitted provided the total of the number of customers, clients, and students that come to the residential location of the home occupation shall not exceed a total of twenty-five (25) in any consecutive five (5) day period.

D. For Home Occupations involving Off-site Commercial Services (e.g., Landscaping, Contractors, Oil Delivery, etc.) a Special Permit is required and, in addition to the General Provisions 1-9 above, the following additional provisions apply:

1. No more than four trips shall be generated per day from the site.

2. There shall be no more than three vehicles in excess of 26,000 pounds of gross vehicle weight.
3. All vehicles and equipment, regardless of gross vehicle weight shall be registered and operational and shall be stored out of sight from all property lines. Size restrictions for all accessory structures as set forth in § 8.2 apply.
4. Commercial Services Home Occupations shall not be permitted on a parcel with a shared driveway.
5. As part of the Special Permit approval, the Commission may impose additional restrictions on hours of operation, require additional buffering, and/or require that all vehicles and equipment be stored inside a building.

E. <u>For any Home Occupation accessory to a legally existing Single-family Residence in a non-residential zone, a Site Plan or Special Permit (if Commercial Service) shall be required.</u>

1. **<u>Purpose</u>**: The purpose of this section is to acknowledge the existence of several single-family residences within non-residential zones and allow for an intensification of a traditional home occupation use on these parcels as a way of slowly transitioning the parcel to a conforming commercial principal use or allowing the owner to "try out" a business in that location without losing the single-family residential designation..

2. **<u>The following exceptions to the provisions contained in this §8.17 apply</u>:**

a. A detached structure *that complies with the height and size limits for accessory structures* may be used entirely for the home occupation use (§8.17C (9) does not apply). If a detached structure is used, the principal use of the property will not be considered a "mixed-use" development. The non-conforming residential principal use of the parcel shall remain until a formal change of use application is submitted to change the SFR to a permitted non-residential principal use (which could include mixed-use residential/commercial).

b. The square-footage of the sign identifying the name of the business may be increased to sixteen (16) square feet. Signage may not be internally lit. An additional wall sign not to exceed twenty-four (24) square feet may also be placed on any detached accessory structure being used for the Home Occupation.

c. The detached building may utilize its own access drive in conformance with §9.5 or standard driveway standards as appropriate.

d. 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 lines

F. <u>In addition to the submission requirements for the Zoning Permit, Site Plan or Special Permit (as applicable), the application for any type of Home Occupation shall also include:</u>

1. A certification by its Owner to the Zoning Official that the home occupation will be conducted in conformance with the "conditions of approval and required conduct" as listed in these regulations,

2. A certification by the owner of the proposed home occupation to the Zoning Official that they are (a) a *domiciled* lawful resident of the single-family residence or (b) an owner of the single-family residence, and (c) residing in the residence where the home occupation will be conducted, and (d) will actively participate in the conduct of the home occupation.

3. If the owner of the proposed home occupation is not an owner of the single-family residence, they shall provide a copy of their lease attached to the application that clearly shows they have authorization from the owner of the single-family residenceto conduct the proposed home occupation.

4. Payment of the home occupation permit fee.

8.18 HOSPITAL AND EMERGENCY MEDICAL FACILITIES

A. All ingress and egress from the facility shall have frontage and direct access to a state or town-owned Road.

B. Where any off-street parking, ambulance, or delivery areas that abut any residential district, screening shall be provided as per §§9.3D

8.19 HOTEL

A. These Regulations are intended to establish large, high-quality, temporary accommodations for the traveling public that are located and operated to minimize their impact on local traffic, the environment, and community services and utilities; and to ensure that surrounding property values are maintained. The nature of activities associated with hotels such as the accommodation of large numbers of guests for sleeping, eating, and entertainment; and their frequent late arrival and early departure dictates that requirements be imposed to ensure that guests' needs, safety, and welfare are met and that the impact of the activities on surrounding properties is minimized.

B. **General Requirements**: Hotel use shall be subject to the following standards:

1. the minimum number of units in any hotel shall eighty (80); and
2. no structures or parking shall be located within the required side or required rear setback areas; and required side and rear setback areas shall contain only landscaping, required buffers, permitted signs, driveways, and sidewalks.

C. **Occupancy**: The duration of stay of any guest in a hotel shall be not more than thirty (30) consecutive days. In no case shall a hotel unit be used as a permanent residence.

D. **Accessory Uses**: If a site is used for a hotel, the site and all structures on the site shall be limited to accessory uses incidental to the operation of the hotel. All accessory uses for the hotel shall be planned as an integral part of and shall be located on the same site as the proposed hotel. Such accessory uses shall be limited to the following:

1. one (1) apartment with kitchen facilities to be used by the hotel manager or caretaker;
2. restaurants with or without a full-service bar and other hospitality uses for serving hotel guests and the general public;
3. theaters, auditoriums, convention centers, ballrooms, exhibition halls, conference suites, or other similar facilities serving hotel guests and the general public;
4. recreation and health facilities for use by hotel guests and limited public with a membership;
5. supportive retail shops and service establishments secondary to the principal hotel use;

6. an outdoor patio, terrace, veranda, gallery, portico, or similar structure for leisure use by patrons for entertainment and the consumption of food or drink;
7. a lobby or lobbies, registration desk, manager's office, and public or patron accommodation facilities; and
8. off-street parking lot or parking garage for the use of hotel guests, patrons, and employees.

E. Accessory Use Access: All normal access to hotel accessory uses, except recreation and banquet facilities, shall be from within the hotel through a lobby or foyer.

8.20 KENNEL, COMMERCIAL

A. **Purpose**: To allow for kennels where they will not be a nuisance or a risk to public safety, health, convenience, or detrimental to nearby property values.

B. Kennels, as defined in these zoning regulations, shall comply with the provisions of CGS §22-344 as amended, and the following regulations:

1. The Minimum Lot Area shall be ten (10) acres.

2. Open exercise areas and buildings containing animals shall be a minimum of one hundred (100) feet from any property line.

3. Kennel areas shall be designed to minimize the visual impact from abutting properties. Landscaping and/or fences or walls shall comply with all applicable provisions of §9.3 and shall be so designed as to provide an all-season visual buffer a minimum of twenty-five (25) feet wide between the kennel area and any incompatible use of adjacent properties.

C. Best Management Practices: The applicant shall provide plans describing the design, installation, and maintenance of a system that will collect, store, and subsequently dispose of any animal wastes generated on site.

8.21 MEMBERSHIP CLUB

8.21.1 Membership Club (Firearms): This Section deals with membership clubs that focus on sporting activities and allow the use or handling of firearms on the premises in connection with such activities.

A. General Provisions:

1. The membership club must be a registered or incorporated non-profit establishment (under CGS §501(c) (7)).
2. The minimum acreage required for a membership club (firearms) shall be 100 acres and requires a Special Permit.
3. The use of the membership club facilities and grounds shall be restricted to members of the club and their guests. All non-members shall be accompanied by a regular member at all times.
4. With the exception of living quarters for use by a facilities caretaker, there shall be no other dwelling units or overnight accommodations provided in association with, or located on the property of, the membership club; except that overnight camping may be permitted for members.

5. Food service may be provided to members and their guests. Alcoholic beverages may not be *sold* for consumption on the premises.

B. **Accessory Uses**: Accessory uses to a membership club (firearms) include, but are not limited to, the following:

a. hunting;

b. fishing;

c. overnight camping (e.g., tent camping);

d. hiking and nature walks;

e. keeping of game birds;

f. organized shooting and archery competitions;

g. safety courses and training events;

h. special events such as club dinners, holiday parties, fundraisers, and field day events that may include basic food service; and/or

i. gun ranges, provided the club submits satisfactory evidence to the Commission that such ranges may be used safely and that sufficient measures will be used to protect all nearby properties from danger and harm.

8.21.2 **Membership Club (No-Firearms)** This section deals with membership clubs other than those described in §8.21.1 (i.e. Elks Club, VFW).

A. **General Provisions**:

1. The minimum acreage required for a membership club (no-firearms) shall be that of the underlying zone.
2. The use of the membership club facilities and grounds shall be restricted to members of the club and their guests. All non-members shall be accompanied by a regular member at all times.
3. Except for living quarters for use by a facilities caretaker, there shall be no other dwelling units or overnight accommodations provided in association with or located on the property of the membership club (no-firearms).
4. Food service may be provided to members and their guests. The sale of alcoholic beverages to be consumed on the premises is permitted in conjunction with normal food service operations only.

B. **Accessory Uses:** Accessory uses to a membership club (no-firearms) include, but are not limited to, special events such as club dinners, banquets, fundraisers, community events and picnics.

8.22 MIXED USE (RESIDENTIAL & COMMERCIAL USES)

A. The mixture of uses shall include residential uses, and any non-residential uses *currently allowed* in the Zone.

B. No individual building associated with a mixed residential and commercial use shall have residential uses allowed on or beneath the first floor, except that residential storage shall be permitted in a basement, and as excepted below.

1. For commercially zoned properties that have a legally existing Single-family Residence or Duplex as of the adoption of these regulations, any proposed new commercial construction, may maintain the residential use of the entire structure, where the commercial activity takes place in a separate building. **Note: any such residential property that has converted to Mixed-use and may not convert back to its former Single-family or Duplex residential status.**

2. Where residential uses and commercial uses occur within separate buildings on the same parcel, they shall be treated as one single development for purposes of signage, parking, setbacks, lot size, and buffering. **Note:** A Home Occupation that occurs in a detached structure accessory to a legally existing residence in a non-residential zone per §**8.17 E,** is not considered a "Mixed-use" development for the purposes of these regulations.

C. Each residential dwelling unit shall contain its own designated kitchen and bath facilities.

D. There is no minimum number of dwelling units.

E. For all new Mixed-Use developments, and subsequent changes in use the applicant is encouraged to meet with the Building Official and Fire Marshal to discuss the proposed mixed-occupancy and the required separation of uses and means of fire suppression prior to Commission Approval.

8.23 MIXED USE (COMMERCIAL AND INDUSTRIAL USES)

A. The mixture of uses in one structure or multiple structures, where each proposed commercial and/or industrial use is currently permitted in the underlying zone. There shall be no residential use allowed.

B. Mixed-use (Commercial/Industrial) developments involving multiple structures shall be treated as one single development for purposes of signage, parking, setbacks, lot size, and buffering.

C. For all new Mixed-Use developments, the applicant is encouraged to discuss the proposed mixed-occupancy and the required separation of uses and means of fire suppression prior to Commission Approval.

8.24 MOTOR VEHICLE, RECREATIONAL VEHICLE, BOAT AND/OR EQUIPMENT REPAIR FACILITIES

A. This use is considered a commercial service and subject to the provisions provided in §8.10 above as well as the following additional provisions.

1. Repair facilities may not locate pick up/drop off areas or storage areas for such repair services in front of the principal building. All such areas shall be located along the side or rear of the facility in compliance with applicable setback requirements of the district.

2. Pickup areas, drop-off areas, and storage areas for repair facilities shall be screened to provide an all-season visual buffer between area and any incompatible use of adjacent properties and shall be provided using a combination of grade separation, attractive landscaping, and fencing, and shall be appropriately maintained. Fencing alone shall not satisfy this screening requirement.

B. All proposed/provided accessory uses shall be require additional permits if not approved under the original Site Plan or Special Permit approval (i.e. equipment rental, U-haul rental, etc.).

C. There shall be no Vehicle, Boat or Equipment sales associated with this use unless a Mixed-Use development has been approved and the location approved in accordance with State Statues governing location approval for Motor Vehicle Dealers and Repairers.

8.25 NURSING HOME AND RESIDENTIAL CARE HOME

A. Purpose: To provide for establishments that provide nursing services, assistance with activities of daily living, twenty-four (24) hour medical supervision and/or skilled nursing care for residents.

B. Nursing or Residential Care Homes shall comply with any applicable provisions of the Connecticut General Statutes and the following requirements:

1. Development Standards – Residential Care Homes with more than twelve (12) residents shall be located on lots of one (1) acre or more and shall have a density of no more than twenty (20) beds (residents) per acre.

8.26 PERSONAL SERVICE ESTABLISHMENT

A. Personal service establishments include but are not limited to: health spa/beauty salons; tanning salons; nail salons; barber shops; tattoo and body piercing studios, pet grooming establishment; dressmaker/tailor shop, shoe repair shop; small appliance repair shop including watches, locks and similar small items.

B. For the purposes of these Regulations, a Laundromat is considered to be a "Commercial Service."

8.27 PUBLIC OR PRIVATE UTILITY INSTALLATIONS

A. A public utility substation or telephone equipment building **located in any Residential Zoning District** shall conform to the following special standards.

1. Any building in connection with the use shall have a design that is in harmony with residential style/architecture in the surrounding neighborhood.

2. Any equipment or utility facilities not located in a building shall be enclosed on all sides by evergreen shrubs or trees, or by buildings, fences, walls or embankments so as to be screened from view from any other lot or from any street.

3. There shall not be any rotating equipment, storage of materials, trucks or repair facilities, housing of repair crews, or offices.

8.28 RESIDENCE, MULTI-FAMILY (APARTMENTS, CONDOMINIUMS, TOWNHOUSES)

A. Apartment/Condominium complexes may consist of a single or multiple buildings, and if located within the R20, R40 or R60 districts, shall not be permitted on lots of less than five (5) acres.

B. Density: The density for an Apartment/Condominium complex shall be limited only by applicable building, fire and public health codes and applicable bulk/dimensional requirements of the particular zone.

C. Water and Sewer: A community water system, or public water, shall be provided in accordance with CT Public Health Code.

D. Buffers:

1. A suitable landscaped buffer strip not less than ten (10) feet wide shall be provided along the parcel's side and rear boundary lines.

2. All buffer areas shall be planted with a combination of grass, shrubs, flower, shade trees, evergreen and other vegetative materials skillfully designed to provide a visual landscaped buffer and shall be maintained in proper order to protect adjacent properties and present a reasonably opaque, natural barrier to a height of ten (10) feet. The Commission will take into consideration existing topography and foliage, when determining whether the proposed buffer meets the intent of the regulations.

3. Buffer strips shall contain no parking areas or buildings. The Commission may allow other structures within the buffer area, such as wells, site utilities, and drainage facilities.

E. Off-street Parking: Off-street parking shall be provided as required by §9.4.

F. No Short-term Rental (STR) shall be permitted in a multi-family development.

G. Maximum Building Height for a Multi-family Residence in a the R20, R40 or R60 Districts **is forty-five feet / 3.5 Stories**

8.29 RESIDENCE, SINGLE-FAMILY

A. No more than one (1) Single-family Residence shall be permitted on a lot unless otherwise specified herein.

B. Maximum height as defined by these Regulations for Single-family Residence shall be thirty-five (35) feet.

C. The "Site Plan" for a Single-family Residence shall comply with the Checklist provided in Appendix C.

8.30 RESIDENCE – TWO-FAMILY (DUPLEX)

A. Two-family Residences (Duplex) shall satisfy the Area and Bulk requirements of the schedule with the following exceptions:

1. In an R-20 District, the minimum lot area is: 40,000 square feet

2. In an R-40 District, the minimum lot area is: 60,000 square feet

3. In an R-60 District, the minimum lot area is: 80,000 square feet

B. Only one (1) Duplex is allowed per lot unless otherwise specified herein. Accessory Apartments are not permitted within or on a lot containing a Duplex.

C. Maximum height as defined by these Regulations for Duplex shall be thirty-five (35) feet.

D. The "Site Plan" for a Duplex shall comply with the Checklist provided in Appendix C.

8.31 SHORT-TERM RENTALS, HOSTED

A. Purpose: To permit the public use of a furnished single-family residence or duplex or accessory apartment in a residential district, or in a legally existing single-family residence or Duplex or accessory apartment in a non-residential district, as a short-term rental in accordance with the requirements of this section.

B. **General Requirements**: In addition to compliance with the Special Permit Standards in §11.3.4, the following requirements must be satisfied:

1. An STR must be (a) within a single-family residence or duplex used as its owner's primary residence (domicile), or (b) within a permitted accessory apartment located within the single-family residence or on the same parcel as the single-family residence. Its owner, the STR Host, may (a) occupy his single-family residence as his primary residence and use its accessory apartment as an STR, or (b) occupy the accessory apartment as his primary residence and use the single-family dwelling as an STR. The single-family residence and its accessory apartment, if any, shall not be simultaneously used as STRs.
2. Apartments, and condominiums in multi-family residences, shall not be used as STRs.
3. The applicant must be current on all municipal taxes at the time of application, and for the duration of time the dwelling is utilized as an STR.
4. The proposed STR shall not have Zoning, Building, Fire, or Health Code violations, and shall not be blighted under the Town's Blight Ordinance.
5. The STR shall not constitute or create a risk to public health, safety, convenience, and/or general welfare.
6. STR occupancy is limited to two adult guests per bedroom, where the number of bedrooms is the number shown on the STR's property card (in the tax assessor's office), less the number of bedrooms reserved for use by its host.
7. Unaccompanied minors are not permitted in an STR.
8. Advertising for an STR shall include, but not be limited to, the number of permitted adult guests, number of bedrooms available for use by STR guests, a limit on guest vehicles, a statement that guest parking is off-street, a prohibition on creating a nuisance, pet rules, and a declaration the host is the owner of and has his primary residence in the STR (or its accessory apartment, as appropriate).
9. An STR "use" must (a) be essentially invisible to the neighborhood; (b) not create a nuisance (i.e. noise, odors, trespass, lighting, etc.); (c) not be detrimental to the aesthetic quality of the residence or its neighborhood; and (d) not interfere with the quality of life in the neighborhood.
10. Non-lodging uses by STR guests, such as weddings, receptions, banquets, and corporate retreats, are prohibited.
11. There shall be no signage, lighting, or other indication the residence is an STR.
12. The Host is responsible for the conduct of his guests.
13. The host, or a designated representative, must be reachable at all times by providing a card listing their name, address, phone number, and email address to their guests, adjacent neighbors, the Zoning Enforcement Official, Fire Department, and the Police Department.
14. A duplex , single-family residence or its accessory apartment, shall not be used as an STR if it is serviced by a shared driveway.
15. A dwelling used as an STR without a Special Permit is prohibited.

C. **Application Submittal Requirements**:

1. A copy of the LLHD approval of the proposed STR. (An application for an STR does not constitute a Change of Use and only requires LLHD approval if additional bedrooms are being added or an addition is proposed etc.)
2. A copy of the applicant's official Connecticut photo ID or Connecticut Driver's License showing their primary residence (domicile) is the same as the address of their proposed STR.
3. A copy of the property card showing its ownership and address is the same as shown on the applicant's official Connecticut photo ID or Connecticut Driver's License.
4. A detailed floor plan, drawn to scale, of the single-family residence or 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 host.
5. A Site Plan of the property. Pursuant to §11.2B, 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 – specifically B-1 (A), B-2 (A) (Survey does not have to be to A-2 Standards), B-4 (A-C), B-% (A, C-E) and B-6 (A-B).
6. A copy of the STR Host/Guest Agreement and the STR Rules and Regulations adequate for the protection of nearby properties from the risks of potential deleterious effects of the proposed STR use.

D. Parking:

1. Suitable off-street parking space(s) for the STR owner/host and his STR guests shall be provided.
2. On-street parking, and parking on non-designated spaces, is prohibited.
3. Covered parking (garages & carports) may be used for STR guest parking.
4. All parking spaces shall have an all-weather surface.

E. Lighting: Exterior permanent and temporary site lighting 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: All garbage and recyclables shall be fully contained within the standard durable, insect-proof, and rodent-proof wheeled containers provided by the Town's refuse service provider.

G. Change of Ownership: In the event ownership of an STR is transferred, its new owner, if the intent is to continue the use, must update and resubmit the documents listed in §C(1-6) for the Planning and Zoning Commission to review and approve as a minor amendment to its Special Permit.

H. Enforcement:

1. The Town Building and/or Zoning Officials may inspect an STR with 24-hour notice to determine compliance with these requirements.
2. These regulations may be enforced pursuant to §13.1 and §13.2 of the Zoning Regulations, and Town Ordinance #300-009 (Zoning Citations).
3. The Planning and Zoning Commission may revoke an STR Special Permit, after a public hearing, for failure to comply with the requirements in these regulations.

I. **Exceptions**: All STRs that are currently permitted under Ordinance #300-030 shall be governed by said Ordinance until such time as their permit expires. At that time, a Special Permit shall be required in conformance with the STR Regulations herein to continue the STR use.

8.32 SMALL WIND ENERGY SYSTEMS

A. **Purpose**: To allow for on-site wind generation of electricity for personal use while:

1. Protecting nearby properties from acoustic nuisance and a reduction in property values;

2. Reducing the potential of damage to neighboring properties in the event of a system failure;

3. Reducing the potential of injury to wildlife;

4. Protecting scenic vistas, nature preserves, and scenic roadways.

B. **Applicability**: These regulations are applicable to Small Wind Energy Systems designed for on-site residential, farm, and small private commercial uses.

C. **Definitions**:

1. "Small Wind Energy System" means a wind energy system that is used to generate electricity; has a nameplate capacity of fifty (50) kilowatts or less; and a tower height of one hundred (100) feet or less.

2. "Tower" means the monopole, freestanding, or guyed structure that supports a wind generator.

3. "Total height" means the vertical distance from ground level to the tip of a wind generator blade when the tip is at its highest point.

4. "Wind energy system" means equipment that converts and then stores or transfers energy from the wind into usable forms of energy. This equipment includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, vane, wire, inverter, batteries or other component used in the system.

D. A small wind energy system as defined in these zoning regulations, is permitted in accordance with the Schedule of Uses, provided the following regulations are met:

1. A Small Wind Energy System shall provide electricity only in support of a principal or accessory use of the parcel on which it is located.

2. Setbacks: A wind tower for a Small Wind Energy System shall be set back a distance equal to its total height (including its top rotor tip) from any public road right of way; any overhead utility lines; and/or all property lines.

3. Small Wind Energy Systems, including towers or alternative turbine support structures, and supporting guy wires (if any), shall not encroach on any required setbacks.

4. The small wind energy system shall be designed and sited such that entry onto abutting property is not required for its installation, removal, maintenance, or repair.

5. A Small Wind Energy System shall not be permitted if it requires an easement OR variance for setbacks, fall radius or any other dimensional/bulk requirement.

6. **Access**:

   a. All ground mounted electrical and control equipment shall be labeled and secured to prevent unauthorized access.

   b. The tower shall be designed and installed so as to not provide step bolts or a ladder readily accessible to the public for a minimum height of eight (8) feet above the ground.

7. **Electrical Wires**: All electrical wires associated with a small wind energy system, other than wires necessary to connect the wind generator to the tower wiring, the tower wiring to the disconnect junction box, and the grounding wires shall be located underground.

8. **Lighting**: A wind tower and generator shall not be artificially lighted unless such lighting is required by the Federal Aviation Administration.

9. ~~9.~~ **Appearance, Color, and Finish**: The wind generator and tower shall remain painted or finished with the color or finish that was originally applied by the manufacturer.

10. **Signs**: All signs, other than the manufacturers or installer's identification, appropriate warning signs, or owner identification on a wind generator, tower, building, or other structure associated with a small wind energy system visible from any public road shall be prohibited.

11. **Expiration**: A permit issued pursuant to this ordinance shall expire if the small wind energy system is not installed and functioning within Twenty-four (24) months from the date the permit is issued, or the small wind energy system is out of service or otherwise abandoned per subsection E below.

E. Abandonment:

1. A small wind energy system that is out-of-service for a continuous twelve (12) month period will be deemed to have been abandoned. The ZEO shall issue a Notice of Abandonment to the owner of a small wind energy system that is deemed to have been abandoned. The Owner shall have the right to respond to the Notice of Abandonment within thirty (30) days from Notice receipt date. The ZEO shall withdraw the Notice of Abandonment and notify the owner that the Notice has been withdrawn if the owner provides information that demonstrates the small wind energy system has not been abandoned.

2. If the small wind energy system is determined to be abandoned, the owner of a small wind energy system shall remove the wind generator and the tower on which it is mounted at the Owner's sole expense within three (3) months of receipt of Notice of Abandonment. If the owner fails to remove the wind generator and tower, the ZEO may pursue a legal action to have the wind generator and tower removed at the Owner's expense.

3. The proposed small wind energy system design is required to be certified by a recognized national safety program such as Underwriter Laboratories or the equivalent.

F. Application Requirements:

1. In addition to the required standard Site Plan elements listed on the Check Sheet in Appendix B, the location of any overhead utility lines and required "fall-zones" shall be shown on the Plan.

2. Wind system specifications, including manufacturer and model, rotor diameter, tower height, tower type (freestanding or guyed), tower foundation blueprints or drawings shall be provided with the Application.

   a. The application shall include the make, model, year, specifications, noise level charts, power output, maintenance requirements, and an overview description of the proposed Small Wind Energy System, including footings, tower, rotor or blade system, the associated control or conversion electronics, the generator, the minimum and maximum heights above ground of the turbine blade tips, and appropriate drawings illustrating such dimensions of the various structural components.

   b. Sufficient information to show that the proposed site shall have sufficient access to unimpeded air flow for adequate operation in accordance with the Siting Handbook for Small Wind Energy Conversion Systems, PNL-2521, or other nationally recognized reference.

   c. Sufficient information to show that noise generated by the Small Wind Energy System will comply at the nearest property line with requirements of the Connecticut Regulations for the Control of Noise and Connecticut General Statutes Title 22a (Environmental Protection) Chapter 442 (Noise Pollution Control).

8.33 SOLAR ENERGY SYSTEMS

A. General Requirements:

1. Solar Energy Systems must meet all Site Plan Requirements per the Check Sheet in Appendix B and all Bulk Requirements of the applicable zone.

2. Accessory ground mounted solar energy systems in the Ledyard Center Development District or Gales Ferry Development District are prohibited,and accessory roof mounted panels are not permitted on front facing roofs in these districts.

3. **Septic System Avoidance**: The Solar Energy System shall not be located over a septic system, leach field area or identified reserve area unless approved by LLHD or the CT Department of Energy and Environmental Protection as applicable.

4. **Floodplain Avoidance:** If located in a floodplain as designated by FEMA, or an area of known localized flooding, all panels, electrical wiring, automatic transfer switches, inverters, etc. shall be located above the base flood elevation; and shall not otherwise create a fire or other safety hazard.

B. Solar Energy Systems as a Principal Use (Large Solar Systems not under CT Siting Council Jurisdiction):

1. Solar Energy Systems are allowed as a principal use as listed in the Schedule of Permitted Uses.

2. All electrical and control equipment shall be labeled and secured to prevent unauthorized access.

3. A minimum twenty (20) foot-wide landscaped buffer/screening a minimum six (6) foot height shall be provided to abutting properties/parcels. Fencing alone shall not satisfy this screening requirement.

C. Solar Energy Systems as an Accessory Use (Small Solar Systems): Accessory Solar Energy Systems are ground mounted or rooftop systems that provide energy primarily for on-site use and are permitted as Accessory Uses in all zones. Rooftops or ground mounted systems covering developed parking areas or other hardscape areas are encouraged as preferred locations for a Solar Energy System. The following requirements for the installation and use of accessory solar energy systems shall apply.

1. Accessory solar energy buildings or structures are permitted subject to the following conditions:

a. No solar energy building or structure shall be permitted in any front yard.

b. Solar energy buildings or structures are permitted in the side and rear yard provided they meet the setback requirements.

c. The total of all solar energy buildings or structures shall not occupy more than forty percent (40%) of the side and rear yards combined.

d. No freestanding accessory solar energy building or structure shall exceed fifteen (15) feet in height.

8.32 TEMPORARY FORMS OF OUTDOOR ENTERTAINMENT

A. Purpose: To allow Temporary Forms of Outdoor Entertainment events in the Gales Ferry Development District (GFDD) and Ledyard Center Development District (LCDD) zoning districts with an Administrative Site Plan approval. Such activities permitted under this provision shall be open to the public for entertainment or education and include fairs, bazaars, concerts, exhibitions, rodeos, circuses, carnivals, festivals, outdoor theater productions.

B. Application Process:

An application for approval of such activity shall be submitted to the Zoning Official *at least* thirty (30) days prior to the event and subject to the requirements in 8.32C. The Zoning Official may, at his/her discretion, refer said application to the Planning & Zoning Commission for review and approval. The application shall indicate the address(es) of the event, the type of entertainment to be provided, the period of time over which the event is to occur, the expected number of guests, and whether amplified music will be included. Such application shall be accompanied by a sketch of the site, indicating the location and method of sanitary facilities, on-site parking, traffic controls, provisions for fire safety, proposed seating arrangements, location of all temporary booths, canopies, and/or tents, and such other information as the Zoning Official may require in order to assure that the public health, safety, and welfare is addressed.

C. Requirements:

1. Minimum Lot Area: There must be a minimum lot area of ten (10) acres for a temporary event.

2. Time Period: No single event shall exceed a time period of seven (7) consecutive calendar days. The total of activities permitted that include amplified entertainment shall not exceed twenty-five (25) days within a single calendar year. The total of all activities permitted under this Section on a single property shall not exceed sixty (60) days within a single calendar year.

3. Noise: The operating hours of all events shall not exceed:

a. Sunday through Thursday: 8am to 8pm

b. Friday and Saturday: 8am to 11pm

4. **Lighting**: Lighting from the installation of outdoor lights and illuminated signs shall be properly shielded so that such lighting does not adversely affect abutting property or public streets.

5. **Sanitary Facilities**: The application will include a detailed description of the number and location of all sanitary facilities as approved by LLHD.

6. **Code Compliance**: Prior to the start of the event, all required code compliance approvals shall be obtained, including, but not limited to, the Fire Marshal, the Building Official and Ledge Light Health District.

7. **Parking**: The application shall include a detailed description of how parking for the expected number of guests will be accommodated on site. Parking shall not spill over into the surrounding neighborhood unless a specific parking plan is approved by the Town and written agreements for overflow parking have been secured from abutters.

8. **Buffering**: A fifty (50) foot buffer shall be provided between a designated event area and any parcel currently containing a residential use sufficient to provide an all-season visual buffer and shall be provided using a combination of grade separation, landscaping, and fencing, and shall be appropriately maintained. Fencing alone shall not satisfy this screening requirement.

9. **Signage**: Event signage shall be installed in accordance with § 7.9.10 (Temporary Signs) of these Zoning Regulations.

9.0 **Applicability:** All the Site Design Requirements in Chapter 9 of these Regulations shall be applicable to any use that requires a Commission Review of a Site Plan, Special Permit or Master Plan. The parking requirements in §9.4 and the outdoor lighting requirements in §9.10 shall be applicable to all uses, regardless of whether the application requires Commission Review.

9.1 **Intent:** The Site Design Requirements are intended to protect public health, safety, welfare, property values, and natural resources; to encourage site design and development that is efficient, effective and in keeping with the general architecture, rhythm, aesthetics, and existing development pattern/layout in the immediate neighborhood.

9.2 **SUSTAINABLE DEVELOPMENT**

A. **Energy Efficient Design:** The Commission encourages all applicants to provide energy-efficient site designs and patterns of development, including but not limited to:

1. passive solar energy techniques that maximize solar heat gain and minimize heat loss during the various seasons;

2. renewable energy sources for heating, cooling, and electricity; and

3. appropriate building orientation, street and lot layout, vegetation, natural and man-made topographical features, and solar access.

B. **Low Impact Development (and Design)**: To minimize the negative impacts of development on the environment, all proposed developments, including municipal developments, should, where feasible, implement Low Impact Development (LID) practices and techniques.

C. **Performance Standards**: Uses shall be designed to minimize any injury or nuisance to nearby premises by reason of noise, vibration, radiation, fire and explosive hazard, electromagnetic interference, humidity, heat, glare, and other physical impacts that may be caused by the use. For Special Permit applications, the Commission may impose additional restrictions on the use if it determines, after a hearing for which the owner of the facility is given written notice that the physical impacts of the use are causing a nuisance to nearby properties.

The following performance standards shall apply to all uses of land subject to Chapter 9 of these Regulations.

1. No dust, dirt, fly ash or smoke shall be emitted into the air so as to endanger the public health, safety or general welfare, or to decrease the value or enjoyment of other property or to constitute an objectionable source of air pollution.

2. No offensive odors or noxious, toxic or corrosive fumes or gases shall be emitted into the air.

3. With the exception of time signals and emergency signals and noise necessarily involved in the construction or demolition of buildings or other structures, no noise which is unreasonable in volume, intermittence, frequency or shrillness shall be transmitted beyond the boundaries of the lot on which it originates.

4. With the exception of vibration necessarily involved in the construction or demolition of buildings or other structures, no vibration shall be transmitted beyond the boundaries of the lot on which it originates.

5. Any glare or radiant heat produced shall be shielded so as not to be perceptible at or beyond the boundaries of the lot on which it originates.

6. Fire and explosion hazards. Uses shall conform to the fire safety code of the State of Connecticut, the regulations of the Town of Ledyard, and any other applicable regulation.

D. Infrastructure and Utilities: Internal roads and travel ways must be designed to accommodate all projected traffic flows. **For new developments, all utilities shall be located underground.**

E. Environmental Protection: In accordance with CGS §22a-19, uses that are subject to Commission review and approval shall be designed in such a manner as to avoid any unreasonable pollution, impairment or destruction of the air, water and other natural resources of the state.

9.3 LANDSCAPE DESIGN STANDARDS AND REQUIREMENTS

A. Purpose: In addition to the purposes set forth in §§9.1 and 9.2 of these Regulations, these landscaping design standards are intended to reduce excessive heat, glare, and accumulation of dust; provide privacy from noise and visual intrusion; prevent the excessive runoff of storm water and erosion of soil; and preserve or improve the quality of the environment and attractiveness of the Town of Ledyard.

B. General Requirements:

1. When determining the density and intensity of techniques and materials needed to provide adequate, aesthetically pleasing, year-round screening, due consideration should be given to the overall mix and intensity of current uses, building styles, existing type and presence of street trees, landscaped yards, existing landscaped buffering, stonewalls and/or type of fencing, and the presence of natural or historic features and assets within the surrounding neighborhood or district.

2. Landscape designs shall only use native species. Invasive species shall be prohibited as part of any landscape plan.

3. To the extent possible, existing trees, vegetation and unique site features such as stonewalls, ledge faces, kettle holes, and boulder trains shall be retained and protected.

4. Any disturbed area of a lot or property which is not being used for the location of buildings, accessory structures or uses, parking, loading, storage areas, or other similar purposes shall be landscaped and maintained in such a manner as to minimize stormwater runoff.

5. The retention of existing topography and vegetation in the buffer areas is preferable to regrading and new plantings, however, if natural site conditions are not adequate to meet the purposes of the buffer requirement, then landscaping shall be required to comply with criteria set forth herein.

C. Perimeter Landscape Area Requirements: Any use subject to Site Plan/Special Permit review shall provide an ornamental landscaped area along the perimeter of the property, excluding areas specifically reserved for vehicular or pedestrian access or for other accessory uses designated on the proposed Site Plan. The landscaped areas shall be a minimum of ten (10) feet in width, unless otherwise specified, and shall be designed with a combination of grass, shrubs, flower, shade trees, evergreen and other vegetative materials skillfully designed to provide a visual landscaped buffer between adjacent properties and to enhance the aesthetic appearance of the district.

D. **Landscape Buffer Requirements**: When a Site Plan or Special Permit application is submitted for the establishment of a new non-residential use, and the parcel is located within, or abutted by any Residential Zoning District or abutted by a parcel containing an existing use that would be allowable as of right in a Residential District, a landscaped buffer no less than twenty-five (25) feet in width shall be provided along all such abutting portions of the perimeter. Such buffers shall be designed to provide appropriate screening to minimize any potential negative impacts of noise, light, dust, vibrations, hours of operation, and substantially dissimilar aesthetics.

E. **Outdoor storage areas associated with motor vehicle repair facilities and similar repair facilities shall be fully screened from view from any road or access way, and/or any neighboring building/structure including parking areas. Screening shall include a mixture of landscaping (including evergreens) and hardscape meeting the intent of §9.3. Fencing alone shall not be used for screening.**

F. **Completion of Landscaping**: All landscaping shown on the approved Site Plan shall be completed before issuance of a Certificate of Occupancy unless the landowner provides surety, in a form and amount satisfactory to the Commission, assuring completion within a specific time, not to exceed one year. Such surety shall be forfeited if the work shall not have been completed within such time limit.

9.4 PARKING REQUIREMENTS AND DESIGN STANDARDS

Design Objective: *To locate parking lots behind, below, or between structures, appropriately screened with attractive landscaping in accordance with these regulations. It is the intent of the Commission to ensure safe access for all pedestrians and bicyclists. This is to be achieved by limiting curb cuts, providing clearly marked and designated crosswalks through the use of brick, stamped asphalt, and bollards. All new developments should provide parking at the rear of the building, accessible through either a shared entrance, alley or side streets. This will consolidate and eliminate the need for multiple entrance and egress points for vehicles, slowing vehicle traffic, and forcing entry towards a single shared entrance.*

A. **Application and Scope**: For any use hereafter established, off-street parking and loading shall be provided in accordance with this §9.4.

B. **Maintenance Required**: All spaces required to be provided per this §9.4 shall be permanently maintained and made available for occupancy in connection with, and for the full duration of, the use of land or structure(s) for which such spaces are required.

C. **Change of Use**: Any change of use or the addition of one or more uses to an existing use shall require that the aggregate off-street parking specified in this §9.4 be provided. If such changes are proposed in connection with an existing use that is already non-conforming with respect to parking requirements, such existing use(s) shall also be brought into compliance at such time.

D. **Number and Size of Parking and Loading Spaces and Berths**: Plans for all existing and proposed uses shall provide sufficient on-site parking to accommodate the motor vehicles of all occupants and visitors that may reasonably be expected at any one time, and sufficient loading berths to accommodate the anticipated needs of all planned uses. The standards set forth in §9.4E shall be deemed to specify the necessary and appropriate number and size of parking and loading spaces, berths and areas in the absence of any contrary evidence. However, as part of a proposed Site Plan, an applicant may submit evidence that the same or similar uses can be reasonably accommodated with fewer or smaller spaces or berths, or that

more or larger spaces or berths will be needed. The Commission shall weigh the credibility of any such evidence in deciding whether the proposed parking and loading plans are adequate.

1. **Shared Parking**: Nothing in this section shall be deemed to prohibit a cooperative action to provide in common the parking spaces required for individual uses, provided that the area or a sufficient portion thereof, is located within 600 feet of the building which it serves. Common spaces of two or more parking facilities on adjoining lots, if designed for use as a single parking area, may use the same means of access.
2. **On-street parking** is encouraged throughout the LCDDs and discouraged in the GFDD. In these Districts, on-street parking need not be contiguous with the building or the use it serves. Plans must be reviewed by the Public Works Director and Town Planner. If on-street parking is provided, it shall meet the requirements of the Americans with Disabilities Act (ADA).

E. Parking Ratios: The following off-street parking ratios shall apply to all uses and combinations of uses in the absence of any contrary evidence provided in accordance with §9.4D. If the proposed number of parking spaces is greater than ten percent (10%) above the minimum number of spaces required by this §9.4E, and any such spaces are located outside of a parking garage, the applicant must demonstrate why so many spaces would be necessary or desirable. For purposes of the following ratios, the term "maximum shift" means the time or times during which the greatest number of workers (including management, staff, and all other persons employed by the relevant business) are located at the site on a regular (but not necessarily daily) basis. When the calculation results in a fraction, the number shall be rounded to the next highest whole number. The abbreviation "GFA" means gross floor area.

1. **Motor Vehicle Sales/Service**: One (1) space per employee on the maximum shift, plus one (1) space per 500 square feet of internal display area, plus one (1) space per 2,000 square feet of outdoor display area, plus two (2) spaces per service bay.
2. **Financial Institution**: One (1) space per employee on the maximum shift, plus one (1) space per 200 square feet of floor area accessible to the general public.
3. **Bed and Breakfast/Country Inn**: Two (2) spaces, plus one (1) space per guest bedroom, plus one (1) space per employee at maximum shift, in addition to resident parking. Adequate parking shall be provided for patrons if Country Inn contains a restaurant that is open to the public.
4. **Drive-through Restaurant (Fast Food)**: One (1) space per two (2) permanent seats, plus one (1) space per employee on the maximum shift, plus one (1) space per fifty (50) square feet of floor area devoted to customer service.
5. **School**: Two (2) spaces per classroom, plus one (1) space per four seats in any auditorium or gymnasium, and one (1) space per employee on the maximum shift.
6. **Funeral Home**: One (1) space per fifty (50) square feet of public area.
7. **Home occupation**: Two (2) spaces for the dwelling unit, plus one (1) space for the non-resident employee (if applicable). Adequate parking shall be provided for patrons if applicable.

8. **Hospital**: One (1) space per five beds, plus one (1) per full-time employee on maximum shift and fleet vehicle (if applicable).
9. **Hotel**: One and one quarter (1.25) spaces per guest room, plus one (1) space per employee on the maximum shift. Additional spaces must be provided for accessory uses open to the general public.
10. **Library**: One (1) space per 500 square feet.
11. **Lumber Yard/Building Material Sales/Construction Supply Sales/Service**: One (1) space per employee on the maximum shift, plus one (1) space per 250 square feet of floor area accessible to the general public.
12. **Heavy Manufacturing Facility/ Light Manufacturing/ Warehousing/Distribution Facility**: One (1) space per employee on the maximum shift, plus one (1) space per fleet vehicle. Required parking shall be in addition to any loading areas/spaces.
13. **Medical Office/Clinic/Outpatient Care**: One (1) space per employee (including doctors) on the maximum shift, plus three and one-half (3.5) spaces per treatment room.
14. **Assisted Living Facility**: One (1) space per employee on the maximum shift, plus one and one quarter (1.25) spaces per bedroom.
15. **Mixed - use Commercial or Commercial/Industrial Development**: Four (4) spaces per use, plus one (1) space per 250 square feet of GFA of commercial uses, plus one (1) space per employee on the maximum shift, for each use.
16. **Multiple-use Commercial Developments with Gas Station**: Ten (10) spaces for gas station, plus four (4) spaces per use, plus one (1) space per 250 square feet of GFA of commercial uses plus one (1) space per employee on the maximum shift.
17. **Day Care/Nursery School**: One and one-half (1.5) spaces per employee on the maximum shift, plus four (4) spaces, plus adequate drop-off and pick-up areas for children attending the day-care facility or nursery school.
18. **Office or Professional Building**: One (1) space per 300 square feet of GFA.
19. **Restaurant/General Hospitality**: One (1) space per employee on the maximum shift, plus one (1) space per three (3) seats.
20. **Retail Stores**: One (1) space per 250 square feet of GFA, but no fewer than four (4) spaces.
21. **Places of Public Assembly (including places of worship)** : One (1) space per (3) three single-person, fixed seats or, where capacity is not determined by the number of single-person, fixed seats, one (1) space per sixty (60) square feet of floor area available to patrons.

9.4.2 Uses Not Listed:

A. The minimum number of parking spaces required for certain uses not listed above are set forth elsewhere in these Regulations. If no minimum number of parking spaces has been established in these Regulations for a particular use, the minimum number shall be determined by the Commission based on such evidence as may be provided or available in the record.

An applicant for any such use must submit sufficient information to the Commission to allow it to estimate the number of motor vehicles of all occupants and visitors that may reasonably be expected at any one time. Such information may include, without limitation, evidence regarding the nature, intensity, and mix of the proposed use; projected attendance figures; the number of anticipated employees, visitors or customers; and the experience of similar facilities elsewhere.

The Commission may deny or require modifications for an application that fails to provide sufficient, credible information to enable the Commission reasonably to determine the number of parking spaces likely to be required. The Commission may, alternatively, require the applicant to designate an overflow-parking area in the event the parking plan results in insufficient spaces.

9.4.3 Off-Street Loading Requirements

A. **Size**: Except as provided elsewhere each required loading berth shall be at least twelve (12) feet wide, fifty (50) feet long and fifteen (15) feet high. Such berths shall be in addition to an access driveway and required parking spaces.

B. **Location**: All permitted or required berths shall be on the same lot as the use to which they are accessory. No entrance or exit for any off-street loading area shall be located within fifty (50) feet of any street intersection. Such loading berths may be enclosed or outside, but in no case shall they be located in a front yard.

C. **Access**: Unobstructed access, at least (12) feet wide, to and from a street shall be provided. Such access may be combined with access to a parking lot.

D. **Number**: For every structure used for commercial or industrial purposes, or for public institutions and facilities, loading berth requirements shall be as set forth below:

Floor area	# of Berths
10,000 - 25,000 sq. ft	1 Berth
25,000 - 40,000 sq. ft	2 Berths
40,000 -150,000 sq. ft	3 Berths
Each additional 50,000 sq. ft	1 Additional Berth

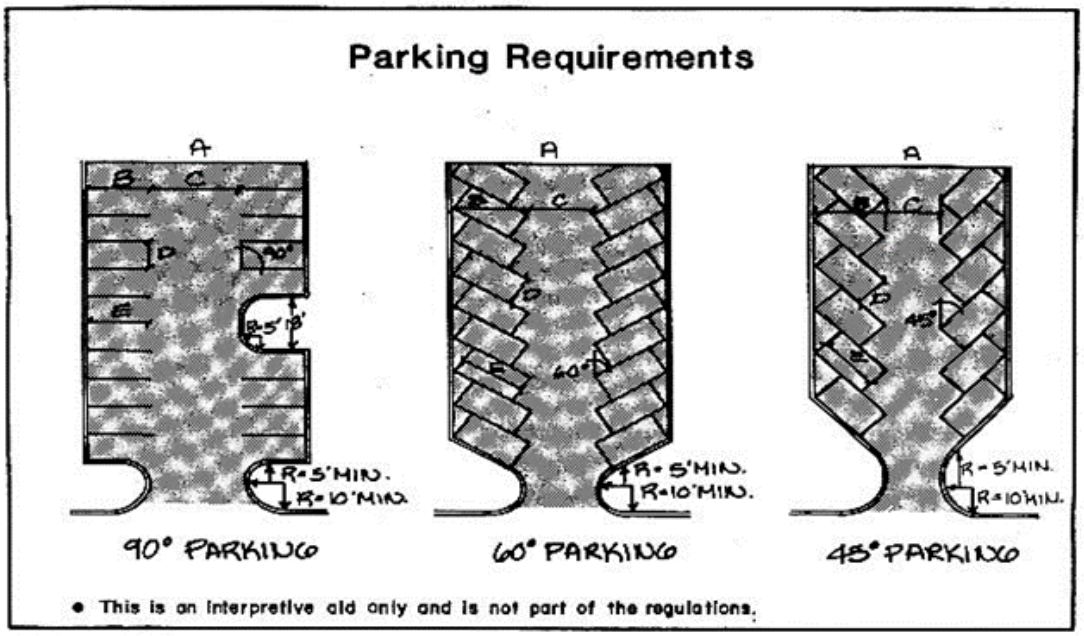
9.4.4 Parking Facilities:

A. The dimensions for parking spaces and drive aisles shall conform to the following table.

		Angle to Drive Aisle		
		90º	60 º	45 º
A)	Double parking bay	60 ft.	58 ft.	53 ft.
B)	Depth of bay	18 ft.	20 ft.	19 ft.
C)	Aisle width	24 ft.*	18 ft.	15 ft.
D)	Width of space	9 ft.	9 ft.	9 ft.

E)	Depth of space	18 ft.	18 ft.	18 ft.

**Aisles for single-loaded parking bays may be twenty-two (22) feet wide.*



B. Aisles for 90-degree parking are for two-way circulation, and aisles for 60- degree and 45- degree parking are for one-way circulation.

C. <u>Other Standards</u>:

1. The outside radius of parking lot end islands shall be ten (10) feet minimum.

2. All other radii shall be five (5) feet minimum.

3. All interior landscaped islands shall be a minimum width of eighteen (18) feet.

D. Where parking spaces abut a concrete or bituminous walk the depth of the parking space may be reduced by two (2) feet.

E. <u>Reduction in parking spaces</u>:

1. <u>Permanent shared use reduction</u>: The Commission may permit a reduction of up to twenty-five percent (25%) of the required parking spaces due to shared use of parking facilities when the parking needs of the uses occur at different hours of the day.

2. <u>Permanent compact space reduction</u>: In parking lots in excess of fifty (50) spaces, the Commission may allow the installation of eight (8) by sixteen foot (16) foot compact spaces, not to exceed twenty-five (25) percent of the total number of spaces installed. These spaces shall be clearly designated as compact-car parking.

F. <u>Parking Lot and Driveway Design</u>:

1. For uses requiring a Special Permit, in order to protect the public safety, where traffic volumes, patterns or street geometry warrants, the Commission may require that only one driveway serve any lot, regardless of the length of street frontage, and may designate the location of any driveway.

2. In the case of corner lots, driveways shall be located not less than 150 feet from the intersection of the street lines of the lot. In the case of a corner lot having frontage of less than 150 feet, the driveway shall be as far from the intersection as is practical. Driveways entering streets at a curve or near the crest of a hill shall be located to provide the maximum sight distances possible.

3. Driveways shall be designed to be as perpendicular to the street line as possible, and in no case may the angle between the street line and the driveway centerline be less than sixty (60) degrees.

4. Parking lots designed for ninety (90) degree parking are encouraged and may be required by the Commission. However, where a one-way circulation pattern is desired due to traffic safety considerations, the Commission may require angled parking.

5. Parking lot aisles longer than forty-five (45) feet may not be dead-ended and must provide continuous circulation unless the Commission finds that sufficient turnaround areas and adequate overall site circulation has been provided.

6. No parking area or driveways shall be closer than ten (10) feet from any portion of a building other than its garage entrance or loading area apron. This ten-foot area may be used for walkways and/or landscaping.

7. See §7.5 for additional requirements for Interior Lots.

9.4.5 Parking for Buses and other Large Vehicles

A. In addition to the required automobile parking, a minimum of one bus parking space shall be provided for every forty (40) units in a hotel and for every eighty (80) seats in a restaurant, except that, if a restaurant is an accessory use to a hotel, the number of bus parking spaces shall be determined by the greater of the two requirements.

B. Minimum bus parking space dimensions shall be ten (10) feet wide by forty (40) feet long.

C. The Commission may require additional parking spaces that can accommodate larger vehicles that include, but are not limited to, shuttle vans or limousines that may be typically associated with the proposed use or expected to be parked on site.

9.4.6 Parking Lot Landscaping Requirements: Any lot that contains parking facilities for more than ten (10) cars shall provide landscaped end islands and at least one (1) landscaped center island (per twenty (20) twenty) within the parking area. Such islands shall be designed and located to maximize the attractiveness of parking lots by providing ornamental landscaped areas and shade. The design of such islands must assure adequate circulation, aesthetic appeal, shade, and capacity for snow storage as a result of plowing.

9.5 ACCESS MANAGEMENT

9.5.1 Purpose. This section is intended to control the number, size, and location of driveways and access points for business uses to promote overall traffic control and promote public safety and welfare.

9.5.2 Commercial Access

A. Commercial access is defined as an access way providing a vehicular connection from a public or private roadway to a parking area serving commercial, recreational, institutional, office, multi-family, mixed use, or industrial land uses.

B. Commercial access shall be designed to be as perpendicular to the street line as possible, and in no case may the angle between the street line and the access-way centerline be less than sixty (60) degrees.

D. **Sightline Distance**: Access shall be designed and located to provide a minimum sight distance, clear of all obstructions, natural or man-made, of 250 feet in either direction on secondary roads, 325 feet on primary roads, and 375 feet on primary and secondary arterial roads.

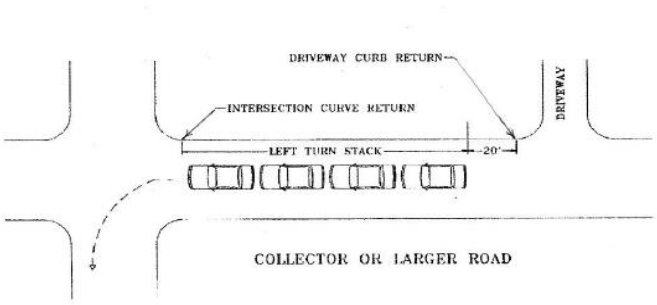
E. **Connection to Roads**: The portion of driveway through the right-of-way connecting the property with the physical roadway shall be the shortest perpendicular distance possible. Any grading, filling, or drainage design in the right-of-way shall require a Zoning Permit (unless the access is part of a road approved as part of a subdivision or Site Plan approval) and the approval of the Town Public Works Director.

F. **Commercial access** shall be placed so the following minimum distances are maintained to any street intersection, including a T-intersection on the opposite side of the street from a property where access is proposed.

1. **Local access or low volume road**: a minimum distance of fifty (50) feet shall be maintained from the driveway curve return to the edge of the right-of-way at the intersection.

2. **Primary road or larger road**: a minimum distance consisting of the left turn stacking distance (described below) plus twenty (20) feet, as measured from the intersection curve return to the driveway curve return, shall be maintained.

3. The **left turn stacking distance** shall be calculated using the following formula (or based on a traffic study, if available or required).



a. Peak Hour Traffic = Average daily traffic/10

b. Peak hour left turns = 1/6 of peak hour traffic for 4-way intersections

c. Peak hour left turns = ¼ of peak hour traffic for T-intersections

d. Driveway to intersection spacing = [1.5 x peak hour left turns x 20 feet] + 20 feet.

4. **Intersection Spacing:**

9.5.3 **Frontage Requirements**: The project's frontage may be traversed by not more than one (1) driveway, unless the Commission finds that more than one driveway is desirable for safety reasons. Applicants are encouraged to arrange common accesses with adjoining properties, and the Commission may approve temporary access designs when a more

desirable permanent access serving more than one property appears achievable in the future.

9.5.4 **Traffic and Access**: Access to the lot and internal circulation shall be designed to promote the safety of pedestrian and vehicular traffic, both on the lot and off site. The Site Plan and/or Special Permit shall be evaluated on the following basis:

A. the effect of the development on traffic on adjacent streets;

B. circulation pattern of vehicular and pedestrian traffic on the site;

C. provision for parking and loading;

D. adequacy of sight lines;

E. relationship of the proposed circulation to circulation on adjacent property, for both vehicles and pedestrians, with special attention to promoting pedestrian traffic among adjacent parcels; and

F. emergency vehicle access (to the satisfaction of Fire and Police).

9.5.5 **Access Driveway Design**:

A. **Access Driveway Widths**: Unobstructed access to and from a street shall be provided on each lot to serve principal and accessory uses thereon. One-way driveways, access ways, thoroughfares, entrances, and exits for nonresidential use shall have a minimum width of twelve (12) feet. Two-way driveways, access ways, thoroughfares, entrances, and exits for nonresidential use shall have a minimum width of twenty-four (24) feet and a maximum width of thirty (30) feet except that an access way may be configured as a boulevard so long as each entrance and exit lane is a maximum of fifteen (15) feet wide, and the median design is appropriately landscaped. **Shared entrances are allowed and encouraged, as well as use of side entrances that provide access to multiple developments.**

B. Driveways shall not be located within ten (10) feet of a side or rear property line abutting a lot that is in a residential Zoning District or that is currently used for single-family or two-family residential purposes. Adequate space for snow stacking must be provided on all lots.

Access Driveway Widths				
Type of Use	**Minimum Access Driveway Width**	**Opening Width (Including flares)**		**Minimum Centerline Radius of Curvature**
		Minimum	**Maximum**	
Non-Residential	12 feet (one-way) 24 Feet (two-way)	24 feet	TBD at SPL Review	65 feet

C. In all nonresidential Zoning Districts, parking areas, parking spaces, and internal access drives may be located within half of the required front yard setback area, when screened

from the street and abutting property by landscape materials, including trees, shrubs and/or earthen berms.

D. **Curbing**: The front or primary driveway, entrance, and exit shall be lined, for its entire length on both sides, with curbing unless the Stormwater Management Plan demonstrates that stormwater will be properly controlled without such curbing.

E. **Surface treatment**: All parking spaces, loading facilities, and access driveways/roadways shall have at least six inches (6") of process stone and two- and one-half inches (2½") of bituminous concrete as surface treatment unless the applicant can demonstrate that an alternate treatment would provide an adequate all-weather surface consistent with LID techniques and capable of H20 Loading. In these cases, the applicant shall submit a maintenance plan to the Commission for their approval.

F. **Grade**: Driveways serving commercial or industrial uses shall have a maximum grade of six percent (6%). Driveways shall provide a reasonable transition in terms of grade between the driveway and the gutter line. The driveway shall maintain a grade equal to or less than the crown slope of the road from the point where the driveway meets the road right-of-way to where the driveway crosses the gutter line. This transition is needed to eliminate plows catching their blades on driveways with abrupt grade changes in the vicinity.

G. **Handicapped Access**: Parking spaces and general access designed and designated for handicapped persons shall be provided in all parking lots in accordance with all applicable state and federal laws and regulations.

H. **Modification of Site Plans**: The Commission may require the modification of any Site Plan if it finds such modifications necessary to satisfy the requirements of these Regulations. Such modifications may include, but are not limited to, the following:

1. closing existing curb cuts, limiting proposed curb cuts, or closing temporary curb cuts when alternative access points become available;

2. limiting turning movements to right turns in or out of curb cuts;

3. aligning access drives or roads with opposing access drives or roads wherever practical;

9.6 REFUSE STORAGE

A. **Purpose**: This section is intended to control the number, size, location, and screening of refuse storage areas in order to protect the public health, safety and general welfare.

B. **Requirements**:

1. Refuse storage facilities shall be located in such a manner as to be inconspicuous to the general public and neighboring properties.

2. Refuse storage areas shall be designed on a concrete pad a minimum of six inches (6") thick and shall be enclosed and screened from view with fencing, wall, hedge/shrubs, or other suitable means.

3. Refuse storage areas shall be easily accessible for service vehicles and building occupants and shall not interfere with required parking spaces or circulation on and off the site.

4. No refuse storage area shall be located in the required front yard setback area or within ten (10) feet of any property line.

9.7 OUTDOOR STORAGE

All uses requiring Site Plan approval may store materials and equipment outside of a building only if such storage is a customary accessory use of the principal use and only under the following conditions:

A. Materials:

1. All outdoor bulk storage items, including recyclable materials, shall be fully enclosed within approved storage containers (Three-sided bins may be permitted as appropriate).

2. No outside-storage materials shall be permitted that will attract animals or insects.

3. No perishable merchandise shall be stored outdoors.

B. Location:

1. The location of all structures to be utilized for outdoor storage must be designated on an approved Site Plan as outdoor storage.

2. No outdoor storage shall be allowed in the required front, side, or rear yard setbacks, required buffer areas and/or areas required for parking on the site.

3. With the exception of mulch, dirt, stone, and other similar material typically associated with landscaping businesses or services if stored in customary, three-sided enclosures, outdoor storage areas shall be screened so as not to be visible from any street in accordance with applicable provisions of §9.3.

4. Maximum height of stored material and storage structures shall be six (6) feet except as provided in subsection C below.

C. Industrial (I) and Commercial Industrial Park (CIP) Districts

1. All areas for outdoor storage of equipment (including vehicles) or materials shall be located to the rear of the principal building and shall be screened so as not to be visible from any street or abutting properties. Box trailers are permitted.

2. Vehicles (or box trailers) shall not be stacked, and storage of materials shall not exceed a maximum height of twenty-five (25) feet.

9.8 OUTDOOR MERCHANDISE DISPLAY

All uses requiring Site Plan approval may display merchandise for sale outside of a building only under the conditions listed below.

9.8.1 Merchandise:

A. No perishable items shall be displayed outside, except as permitted for farm stands.

B. No merchandise shall be displayed outdoors that will attract animals or insects.

C. No goods that are leaking or have broken packaging shall be displayed.

9.8.2 Location:

A. The location of any area to be used for outdoor merchandise display must be designated on an approved Site Plan.

B. No merchandise display shall be allowed in areas required for parking on the site.

C. Displayed merchandise shall not be stacked higher than six (6) feet from the ground. Individual display items that are not stacked may exceed six (6) feet (for example, a kayak leaned against the building of an outdoor recreation store).

D. Outdoor merchandise display shall be screened from adjacent residential properties, as required in accordance with intent and applicable provisions of §9.3.

E. No outdoor merchandise display shall be allowed within the front yard setback with the following exceptions:

1. as part of a permitted roadside stand or farm store; or

2. if the display is located within ten (10) feet of the principal structure and does not block any sidewalks, parking spaces, or entrances. The total area of any such display may not exceed 200 square feet.

9.9 ARCHITECTURAL CHARACTER, AND HISTORIC AND LANDSCAPE PRESERVATION

9.9.1 General Provisions: The overall character of the proposed site layout and the architectural character of proposed structures shall be designed, to the extent feasible, to protect property values in the neighborhood and the Town; preserve the existing historic character in terms of scale, density, architecture, and materials used in construction of all site features; protect the existing historic patterns of arrangement of structural and natural features, including circulation patterns; and preserve public access to scenic views and vistas and to water courses.

A. **Historical and Archaeological Sites**: When a site or portion of a site has been identified by the State Historic Preservation Officer, or the State Archaeologist, as historically significant, the applicant shall identify on the plans the nature and location of the resource and shall indicate what measures are being taken to protect such resource.

9.9.2 Encouraged Materials and Practices:

A. Materials, texture, and color used on the exterior walls and roof should emphasize the use of natural materials or should be those associated with traditional New England architecture. Preferred façade materials are brick, stone, and wood, including narrow-width siding, clapboards, wood shingles, or a reasonable equivalent. Metal, unfinished concrete, and concrete block, as well as asphalt siding, are discouraged.

B. Architectural details characteristic of the particular style and period proposed should be incorporated into the design for new construction and should relate harmoniously to adjacent buildings. Architectural details of a period need not be duplicated precisely, but they should suggest the extent, nature, and scale of the period.

C. Large structures should have well-articulated façades to reduce the appearance of significant bulk. Provision shall be made to coordinate site architecture with that of the surrounding district. Rooflines should be varied to provide architectural interest.

9.9.3 Development **District Design Objectives**

A. When feasible, cluster new commercial buildings and parking areas on the most developable land within the district and retain significant contiguous land areas in a natural or landscaped condition.

B. Assure that the design of new structures, parking, access ways and landscaping is compatible with the natural features and topography of the area.

C. Limit and control access for new development from public roads so that traffic safety is maintained, and a sense of the rural landscape is retained and enhanced (RCCD District only).

D. Discourage uncoordinated strip commercial development consisting of small, individual, unrelated uses varying unpredictably in type, size, style, access arrangements and environmental impact.

E. Minimum five (5) ft Sidewalks required. Wider sidewalks (8 feet) are encouraged in areas of high pedestrian traffic and commercial activity – especially where opportunities for outdoor dining may exist.

F. New Structures strongly encouraged to be built to the sidewalk in the LCDD and GFDD.

9.10 OUTDOOR ILLUMINATION

9.10.1 Purpose: The purpose of this §9.10 is to encourage lighting practices and systems that minimize the degradation of the night-time visual environment, thereby maintaining night-time safety and security while preventing glare, light trespass and light pollution.

Design Objective: *The fixtures chosen, and their illumination qualities should complement and enhance the architectural style and unique features of the building and those typical to the surrounding district.*

9.10.2 Exempt Light: The term "outdoor lighting" includes all exterior lighting systems except those associated with the following:

A. airports;

B. emergency lighting, provided such lighting is temporary and is disconnected, or otherwise ceases, immediately upon termination of the emergency condition;

C. fossil fuel lamps; and

D. temporary residential holiday lighting, provided it is illuminated for fewer than ninety days per year.

9.10.3 Lighting Design Requirements

A. All exterior lighting systems shall be designed, installed and maintained in such a manner as to minimize or substantially reduce disability glare at any location on or off the property; and to minimize or substantially reduce light trespass beyond the property lot line, minimize sky illumination, and present an overall appearance appropriate to the rural/suburban setting. All searchlights are prohibited unless expressly allowed elsewhere in these Regulations.

B. The maximum horizontal foot-candle measurement at any property line shall be two (2) foot-candles. The maximum maintained vertical foot-candle at an adjoining property line shall be two (2) foot-candles, as measured at five feet above grade.

C. The maximum average-maintained foot-candles for a parking lot lighting fixture shall be three (3) foot-candles. The maximum lighting level for a parking lot lighting fixture shall be ten (10) foot-candles.

D. Photometric Plans shall be required for all Site Plans that contain proposed lighting and shall include a description of the proposed lighting fixtures and shall demonstrate compliance with subsection B & C above.

E. Poles and standards used for outdoor lighting shall not exceed twenty (20) feet in height (the Commission encourages twelve (12) foot to fifteen (15) foot light poles).

F. Lighting fixtures shall be full cut-off and shall be located, aimed, and shielded to minimize the glare that is emitted on objects other than a building's façade or landscape walls.

G. All non-essential lighting for security purposes shall be turned off after hours. Exterior lighting should be off when sufficient daylight is available and when the lighting is not required during nighttime hours.

H. Area illuminators for parking lots, driveways, pedestrian walkways, and yards shall be pole-mounted or building-mounted. Flood lighting shall be avoided except for loading areas. Building-mounted floodlights may be installed where full cut-off luminaires are impractical, provided top and side shields are attached and maintained to prevent light emission above a vertical cut-off angle of forty-five (45) degrees.

I. Fixtures shall be designed and mounted such that neither the light source nor the lens are visible from above a height of five (5) feet at the property lot line. Luminaires with sag lens or drop lens shall be shielded.

J. Luminaries are not permitted in buffer areas between adjacent properties and in buffer areas adjacent to roads, except that recessed low intensity up-lights, well lights, louvered lights, and cone lights may be used for landscaping purposes only.

K. The Commission may approve a height greater than twenty (20) feet for sports area luminaires and other commercial, outdoor recreational uses provided the luminaires are designed, located and directed to prevent glare and light trespass.

L. Temporary events shall be exempt from the luminaire height and cut-off requirements of these Regulations, provided a Zoning Permit has been granted for the event and the illumination system will be used only during the temporary event.

M. The ZEO may approve temporary floodlights higher than twenty (20) feet at a construction site for which a Zoning Permit has been issued, provided the luminaires are designed, located and directed to prevent glare and light trespass.

9.11 STORMWATER MANAGEMENT & SOIL EROSION AND SEDIMENT CONTROL REQUIREMENTS

All Stormwater Management systems, Flood and Soil Erosion & Sediment Control measures shall be designed and installed as applicable in accordance with TOWN ORDINANCES #300-16, #300-17 and #300-24

A. The following additional criteria apply to applications that require Utilities, Drainage, and/or Storm Water Control in addition to the Site Plan information required per Check Sheet Appendix B.

1. **Drainage**: Storm water control measures shall be provided within the site.

2. All storm water control measures shall be approved first by the appropriate Town of Ledyard staff member, or its consultant, followed by a review by the Commission.

3. All storm drainage for proposed commercial development in which the combined square footage of roofs, paved Parking Areas and other impervious surfaces exceeds ten thousand (10,000) square feet shall be designed in accordance with, and subject to, the provisions of the Drainage Ordinance.

B. Applications that require Soil Erosion and Sediment Control Plans pursuant to CGS §22a-325 to §22a-329 based on the "Connecticut Guidelines for Soil Erosion and Sediment Control," (1985) as amended (disturbed area cumulatively more than .5 acre) must include the following information in addition to the Site Plan information required per Check Sheet in Appendix B :

1. Locations of areas to be stripped of vegetation, re-graded and contour data indicating existing and proposed grades;
2. A schedule of operations, including the sequence of major improvement phases such as clearing, grading, paving, installation of drainage features etc.;
3. Seeding, sodding or re-vegetation plans and specifications for all unprotected or un-vegetated areas;
4. Location, design and timing of structural control measures, such as diversions, waterways, grade stabilization structures, debris basins, storm water sediment basins, etc. The narrative shall indicate design criteria used in the design of control measures;
5. A description of procedures to be followed to maintain sediment control measures;
6. The name of the individual responsible for monitoring the plan with whom an inspector for the Town may contact routinely; and
7. **The plan map shall show the words**: "Erosion and Sediment Control Plan Approved by:" with space for the date and signature of the Chairman/Vice Chairman of the Zoning Commission or its agent.

9.12 CONSOLIDATED PARCELS

A. Purpose and Applicability:

1. This §9.12 encourages the consolidated development of parcels located in the non-residential zoning districts to preserve the capacity and safety of existing arterial roadways; to provide flexibility in meeting bulk requirements; to facilitate integrated development of large areas of land; to reduce parking requirements through shared parking; and, to facilitate consolidation of stormwater management systems among smaller parcels.

2. Any number of contiguous parcels may be consolidated for the purposes of development regardless of ownership, and the consolidated parcel shall be considered to be one lot for the purposes of meeting the requirements of these Regulations.

3. Consolidated parcels shall be permitted only in the LCDD, LCTD, MFDD, GFDD, RCCD, CIP and I Zoning Districts and shall only consist of uses permitted in the underlying Zone. All consolidated parcels must be located within the same zone.

B. Basic Requirements: The consolidated parcel must be developed with an integrated plan for access, buildings, parking, loading, landscaping, lighting and signage. Applicants for consolidated parcels shall be required to:

1. provide for shared access to abutting properties through common driveways, parking lots, service roads and/or cross-easements (whether existing or future);
2. construct all or a portion of a shared driveway or service road to provide for shared access, where appropriate; and
3. file easements on the land records, acceptable to the Commission and Town Attorney, in favor of the abutting properties and/or the Town to allow for their future interconnection.

C. Additional Requirements:

1. Within a consolidated parcel, the yard, buffer, parking, and building setback requirements shall not apply to individual lots within a consolidated parcel but shall instead apply to the consolidated parcel as a whole.
2. The Commission may limit direct highway access to individual parcels within a consolidated parcel in accordance with the access management requirements of §9.5.

The following requirements/procedures pertain to all uses and activities that do not require a Site Plan or Special Permit, and therefore may be approved by staff.

10.1 ZONING PERMITS

A. Applicability: No building and/or portion of a building shall be constructed, reconstructed, altered, excavated for, moved or structurally altered in whole or in part for any purpose, nor shall any use be established or changed in the Town of Ledyard, without a Zoning Permit issued by the Land Use Department in conformance with:

1. the provisions of these Regulations; or
2. an approval granted by the Commission; or
3. a variance granted by the Zoning Board of Appeals; or
4. Any combination of the above.

B. A Zoning Permit may not be issued for buildings or structures or for uses of land, buildings, or structures not clearly permitted by these Regulations in the various districts.

C. A Zoning Permit is not required for repairs or alterations to existing buildings or structures, provided that such work does not increase the footprint and/or floor area of any building or structure and does not change the use thereof.

D. The ZEO shall not approve any Zoning Permit for any property on which there exists a zoning violation, unless the implementation of such permit would remedy such violation.

E. Contents of Application: All applications shall set forth such information as may be required in order to allow the appropriate Land Use staff/official to determine the conformance of any proposed buildings, structures or uses, or any proposed changes thereto, with these Regulations. The ZEO or Planning Director may require submission of additional information, including any information that might be required for a Site Plan (e.g., soils data, topography, drainage computations, etc.), and a plot plan prepared, signed, and sealed by a licensed land surveyor, to ensure compliance with these Regulations. The ZEO may further require that location markers for the building foundation be set by a Connecticut licensed land surveyor in accordance with the plot plan prior to the issuance of a Zoning Permit. For new dwellings and for staff approved commercial/business and industrial construction, the ZEO shall require the submission of a survey with Class A-2 level of accuracy in order to determine zoning compliance and shall require that such plans be prepared by a Connecticut licensed engineer and/or land surveyor.

F. Application Procedures:

1. An application for a Zoning Permit shall be accompanied by plans and/or other information that comply with applicable requirements in the Appendix C (for residential dwellings) or Appendix D (plot plan) of these Regulations.
2. If all requirements of these Regulations are met, the Zoning Permit shall be issued within thirty (30) days unless the applicant agrees, in writing, to extend the time for decision; otherwise, the application shall be denied and the reasons for denial shall be stated by the ZEO.

3. In the event that any Zoning Permit is issued based on incorrect information or the specific conditions of approval are not adhered to strictly, the ZEO or Commission (as appropriate) may declare such Zoning Permit null and void, provided no such decision may be made until after the Commission has provided the permit-holder an opportunity for a hearing.

G. Expiration of Zoning Permits: Zoning Permits issued by the ZEO for construction, erection or alteration of a building or structure are valid until a Certification of Zoning Compliance is issued, or until applicable time limits described herein expire. A Zoning Permit issued by the ZEO that is not associated with any other Commission approved site work (e.g., Site Plan, Special Permit) shall expire after one (1) year if no work has commenced or if the site work has ceased for a period of one (1) year. The ZEO may grant one extension of one (1) additional year to allow the applicant to commence or continue approved work.

H. Building Permits: No Building Permit shall be issued by the Building Official for a building, use or structure subject to these Regulations without certification in writing from the ZEO that such building, use or structure is in conformity with these Regulations or is a valid non- conforming use under these Regulations. A Zoning Permit shall constitute the required certification of zoning compliance for purposes of issuing a Building Permit.

10.2 POST –DEVELOPMENT CERTIFICATIONS OF ZONING COMPLIANCE

A. Applicability: It shall be unlawful for any newly erected building or any structural addition and/or use for which a Zoning Permit has been issued to be occupied or used, or for any building, lot, or premises or part thereof to be converted or changed from one type of use or occupancy to another, until a post-development Certification of Zoning Compliance has been issued by the ZEO (see also §10.3, Change of Use). The ZEO may require an as-built Site Plan to facilitate this review. In the absence of the ZEO, the Planning Director and/or Chairman of the Commission may issue a Certification of Zoning Compliance. A Certification of Zoning Compliance shall remain valid only so long as the building, structure, lot, or use thereof or the use of the land remains in full conformity with these Regulations or any relevant amendments thereto. The Certification of Zoning Compliance shall be issued within fifteen (15) business days after a written request is made to the ZEO, provided that:

1. any building, structure or alteration and/or use of property for which the Certification is sought has been properly completed and is fully in compliance with these Regulations and that all pertinent conditions of any Zoning Permit or approval for such building, structure or use have been fulfilled; and

2. that the Ledge Light Health District or the responsible regulatory agency (regional/state/federal) has inspected the premises and has given written approval of the installation of the sewage disposal facility and water supply system.

B. Application Procedures

1. A request for a Certification of Zoning Compliance shall be accompanied by plans and/or other information that demonstrate compliance with applicable regulations and approvals.

2. Within ten (10) days of such application, the ZEO or other authorized official shall

inspect the premises.

3. If all requirements of these Regulations are met, including requirements of approved site and plot plans, the Certification shall be issued within five (5) days; otherwise, the Certification shall be denied for stated reasons.

4. A Certification of Zoning Compliance shall remain in effect as long as the specified uses and conditional requirements are properly maintained but shall cease whenever such conditions and uses are terminated or no longer maintained.

C. Notice Provisions

1. In accordance with CGS §8-3(f), the recipient of a Zoning Permit or Certification of Zoning Compliance *may* publish notice of issuance of the Zoning Permit or Certification in order to establish the appeal period per CGS §8-7.

2. Any such notice to be published by the recipient shall contain:

   a. a description of the building, use or structure and its location;

   b. the identity of the applicant; and

   c. a statement that an aggrieved person may appeal to the Zoning Board of Appeals in accordance with the provisions of CGS §8-7.

D. Certificate of Occupancy: No Certificate of Occupancy shall be issued by the Building Official for a building, use or structure subject to these Regulations without certification in writing from the ZEO that such building, use or structure is in conformity with these Regulations or is a valid non-conforming use under these Regulations.

10.3 CHANGE OF NON-RESIDENTIAL USE OF BUILDINGS AND PROPERTIES

A. When any change of ownership occurs to an existing non-residential use, a Change of User form must be submitted to update the Land Use file for the property.

B. Any proposed change to a permitted non-residential use that **does not** involve any enlargement or modification to, or reconfiguration of, existing building/structure footprint, parking (lot size or number of spaces), access drives, or overall site lay-out, shall require completion of a Change of Use Application and subsequent review and approval by the ZEO.

C. Any proposed change in use of a non-residential use that does involve any enlargement or modification to, or reconfiguration of existing buildings/structures, parking (lot size or number of spaces), access drives, or overall site lay-out, shall require completion of a Change of Use Application and review by the Commission. If the Commission finds that the proposed change of use and any related modification to existing buildings/structures and/or site lay-out would not be considered significant, it may, at its discretion, direct the ZEO to issue a Zoning Permit.

D. All other proposed changes shall be deemed to require Site Plan or Special Permit review and approval by the Commission per these Regulations (See Chapter 11).

E. All changes to uses existing at the time of adoption of these regulations that require a Site Plan or Special Permit approval will require upgrading of signs, landscaping, lighting, access ways, and common design elements to the current standards of the district to the extent possible.

F. Any outstanding enforcement issues associated with the parcel shall be resolved prior to the approval of any Change of Use Application.

10.4 PROPERTY LINE ADJUSTMENT/ LOT DIVISION ("FREE SPLIT")

A. **Applicability**: Any and all property line adjustments or lot divisions (splits) within the Town of Ledyard shall require a review by the ZEO or Director of Planning to determine compliance with the Zoning and Subdivision Regulations (as applicable).

B. A property line adjustment is any change in the location of an existing property line that does not create an additional lot, does not result in a lot or condition that violates the Zoning Regulations, and does not increase any existing lot nonconformities with respect to the dimensional requirements of the Zoning Regulations. Such property line adjustment shall not be considered a subdivision or resubdivision so long as it does not create a lot or affect a street layout shown on an approved subdivision or resubdivision map and does not affect any area reserved for public use or established as open space on an approved subdivision plan.

C. A "Free Split" is a one-time division of land permitted on a parcel that has remained undivided, and in the same configuration as it was on or before 10/18/1963. Any subsequent division of land requires subdivision approval.

D. The ZEO may require one or more of the following if he/she deems it necessary to determine whether a proposed property line adjustment or lot division is consistent with these Regulations:

1. deeds;

2. a certified title search;

3. a property history map; and/or

4. a survey with Class A-2 level of accuracy.

E. The applicant shall record the approved survey in the office of the Town Clerk of Ledyard, and any survey not so recorded within ninety (90) days following its approval, shall become null and void. The applicant may request two (2) additional ninety (90) day extensions. The request for an extension must come before the expiration for the initial time period. A signed copy of the approved survey shall be provided by the applicant to the Zoning Enforcement Officer and to the office of the Town Assessor.

CHAPTER 11.0: APPLICATIONS REQUIRING COMMISSION APPORVAL

The following requirements/procedures pertain to all uses and activities that require a Site Plan or Special Permit, and therefore review and approval by the Commission. All applications for Site Plan approval must show conformance with Chapter 9 (Site Design Requirements).

11.1 PRELIMINARY CONCEPT PLAN

A. Applicability: If an application is of such size or nature that providing a Site Plan or other application may be a significant expense, the applicant may submit a Concept Plan for informal presentation to the Commission prior to formal application submission.

B. Concept Plan Review: Pursuant to CGS §7-159b, for applications requiring Commission approval, an applicant may request the Commission conduct a pre-application review. Such pre-application review and any results or information obtained from it may not be appealed under any provision of the general statutes and shall not be binding on the applicant or any authority, Commission, department, agency or other official having jurisdiction to review the proposed project.

1. A Concept Plan shall be submitted to the Land Use Office and shall be accompanied by plans and sufficient information so that the Commission may informally review the plan for general conformance with these Regulations.

2. A Concept Plan shall be considered only informational and advisory in nature and no development rights shall attach to the review or consideration of any Concept Plan. The Commission shall make no decision on the plan, and its review shall not be binding on the applicant or the Commission.

3. A Concept Plan shall be placed on file in the Commission's office for continuing reference purposes for any subsequent application.

11.2 SITE PLAN APPLICATION

A. Applicability: Except as may be expressly provided elsewhere in these Regulations, a Site Plan application shall be submitted:

1. for any proposed new use designated in the Regulations as requiring Site Plan or Special Permit approval. If a proposed Site Plan is being submitted in connection with a Special Permit application, the Commission's review of the Site Plan application shall be deemed to be an integral component of the Special Permit review;

2. in a Residential zone, for any construction, development, expansion, or major alteration of any non-residential use; and/or

3. for any expansion or other alteration of any existing use designated in the Regulations as requiring Site Plan or Special Permit approval if such change would affect the layout of any structure, facility, parking or loading area, or other physical feature shown on a previously approved Site Plan or, if no previous Site Plan was approved for such use, and such physical feature(s) would have been required to be shown on a Site Plan for a new use under any other provision of these Regulations. As used in this §11.2, the term "expansion" includes, but is not limited to, any change that does or is likely to increase the number of parking spaces required by §9.4 of these Regulations.

B. A new or revised Site Plan shall not be required for:

1. interior remodeling work;
2. changes in exterior mechanical equipment, dumpsters or storage structures that occupy less than 200 square feet of floor area;
3. changes in the location of existing fences, or new fence locations;
4. minor modifications as determined by the Zoning Official or Commission, provided the plan submitted is sufficient to demonstrate that the proposed location complies with all bulk requirements of the zoning district; and
   a. there is no additional information needed to know the location of boundary lines, interior lot lines, and/or street lines, and;
   b. there is no need for additional monumentation, and;
   c. The exact horizontal and/or vertical locations of existing buildings and the proposed structure, or other improvements, are not necessary to determine compliance with the zoning regulations.

11.2.1 Submission Requirements

A. **A Site Plan application** shall be submitted to the Land Use Office and shall include a completed application form and the **appropriate fee.**

1. No fees will be charged if the proposed development will be located on Town or state-owned land and/or is in support of a Town of Ledyard Board or Commission, such as the Cemetery Commission, Library Commission, Historic Commission, Economic Development Commission, Conservation Commission, Planning & Zoning Commission, and similar agencies.
2. Site Plans may be reviewed by outside experts and consultants, as determined by the Commission or Zoning Official. A fee may be charged to the Applicant for expert outside review per the Fee Schedule.

B. Copies of the current **tax map, property card** and **deed** associated with the property.

C. Signed permission authorizing Commission members, the Zoning Official, and Town staff to conduct a site walk of the property. (May contain reasonable dates and time limits)

D. If required by the Commission, evidence of submission, review and acceptability of plans to other State and Local regulatory agencies with jurisdiction over some or all of the proposed structures and/or uses including but not limited to the following permits: Inland/Wetland permits, Ledge Light Health District Approval, Dept. of Transportation Encroachment Permit and/or State Traffic Commission permit, DEEP, Water Diversion Permit Floodway Encroachment Permit, WPCA, Groton Utilities, and/or SCWA approval for water supply.

E. A **Site Plan** application shall be accompanied by detailed plans, signed and sealed by one or more appropriate professionals. Generally, in order to determine the compliance of a Site Plan with the applicable provisions of these Regulations, the Commission will require the applicant to provide all information specified in the "Site Plan Check Sheet" in **Appendix B** of these Regulations. However, the Commission may approve or modify and approve a Site Plan application that does not include all such information

if it finds that such information is not needed to assure that the proposed use or uses will be in compliance with the substantive provisions of these Regulations.

Note: All signatures must be live, and date of signature provided (including that of the Soil Scientist).

F. A **Soil Erosion and Sediment Control Plan** shall be submitted for **a**pplications that require Soil Erosion and Sediment Control Plans pursuant to CGS §22a-325 to §22a-329 based on the "Connecticut Guidelines for Soil Erosion and Sediment Control," (1985) as amended (disturbed area cumulatively more than one-half (.5) acre) which shall provide a mapped and written description of the following:

1. Locations of areas to be stripped of vegetation, re-graded and contour data indicating existing and proposed grades;

2. A schedule of operations, including the sequence of major improvement phases such as clearing, grading, paving, installation of drainage features and the like; Seeding, sodding or re-vegetation plans and specifications for all unprotected or un-vegetated areas;

3. Location, design and timing of structural control measures, such as diversions, waterways, grade stabilization structures, debris basins, storm water sediment basins, and the like. The narrative shall indicate design criteria used in the design of control measures;

4. A description of procedures to be followed to maintain sediment control measures;

5. The name of the individual responsible for monitoring the plan with whom an inspector for the Town may contact routinely; and

6. The plan map shall show the words: "Erosion and Sediment Control Plan" with space for the date and signature of the Chairman/Vice Chairman of the Zoning Commission or its agent.

G. **Stormwater Management Plan:** All storm drainage for proposed commercial development in which the combined square footage of roofs, paved Parking Areas and other impervious surfaces exceeds ten thousand (10,000) square feet shall be designed in accordance with, and subject to, the provisions of the Stormwater and Stormwater Runoff Ordinances of the Town of Ledyard Ordinance #300-016 & 017 and shall be reviewed and approved by the Town Engineer and the Commission.

H. **A Utilities Plan** shall be submitted to demonstrate the adequacy of on-site water supply and sewage disposal facilities to serve the needs of all proposed uses. The Utilities Plan should also include comment on the availability of water for any fire-fighting needs that may arise in connection with the proposed uses. The applicant must submit a copy of the Utilities Plan to the Town's Director of Health and Fire Marshal no later than the date the application is filed with the Commission.

I. **A Landscape Plan** shall be submitted with any applications for new construction, or alterations to the size of existing buildings, parking, loading, and driveway areas, or a change in use that will expand the size of the building or parking, loading, and driveway areas demonstrating conformance with applicable sections of Chapter 9 and all other specific landscaping standards required for a particular use or district.

1. Landscape plans and designs shall include the layout, type, and size of all buffers, landscaping, plant materials, fencing and screening materials and shall include a proposed a planting list, with plant names, quantities, size at planting, and size when mature. Typical sections may be shown. Existing plantings shall also be identified on the plan.
2. The landscape plan should include a description of the natural resources located on the parcel and clearly delineate construction boundaries to minimize disturbance of the site's existing vegetative features.
3. Location of existing trees with a trunk caliper of more than six (6) inches, except in densely wooded areas where the foliage line shall be indicated.
4. For development within any Development District, the Commission may require such plans to be prepared by a professional landscape architect (e.g., American Association of Landscape Architects, ASLA).

J. **A Lighting Plan (photometric plan)** shall be submitted demonstrating conformance with §9.10. Plan shall also include the location, size, height, orientation, and design of all outdoor lighting.

K. The Commission may require the submission of additional information as deemed necessary to make a reasonable review of the application.

11.2.3 Proceedings

A. An incomplete Site Plan application may be denied in accordance with §11.6.3.

B. If a Site Plan application involves an activity regulated pursuant to CGS §22a-36 to §22a-45, inclusive, the applicant shall submit an application for a permit to the Inland Wetlands and Watercourses Commission (IWWC) not later than the day such application is filed with the Planning and Zoning Commission.

C. If the Commission finds that any proposed new construction or other activity is significant, the Commission:

1. may hold a public hearing on the application; and
2. if such hearing is to be held, shall require that the applicant give notice to property owners in accordance with the requirements of §11.6.7 of these Regulations.

D. Notification to adjoining municipalities may be required in accordance with the requirements of §11.6.8 of these Regulations.

E. Whenever a Site Plan application is required in conjunction with another application requiring a public hearing by the Commission (such as a Special Permit application or a Zone Change application), the time period for acting on the Site Plan application shall coincide with the time period for acting on the related application.

F. Whenever approval of a Site Plan is the only approval required, a decision on the application shall be rendered within sixty-five (65) days after the date of receipt of such Site Plan application, regardless of whether the Commission holds a public hearing on the application, except that the applicant may consent to one or more extensions of such period, provided the total period of any such extension or extensions shall not exceed an additional sixty-five (65) days.

G. Notwithstanding the provisions of this section, if an application involves an activity regulated pursuant to CGS §22a-36 to § 22a-45, inclusive and the time for a decision by the Commission would elapse prior to the thirty fifth (35th) day after a decision by the IWWC, the time period for a decision shall be extended to thirty-five (35) days after the decision of the IWWC.

H. Approval of a Site Plan shall be presumed unless a decision to deny or modify it is rendered within the applicable time period specified above (approval as a result of failure of the Commission to act).

I. The applicant may, at any time prior to action by the Commission, withdraw such application. **(Note: Application fees will not be refunded**.)

11.2.4 Considerations

A. On a Site Plan application involving an activity regulated pursuant to CGS §22a-36 to § 22a-45, inclusive, the Commission shall:

1. wait to render its decision until the Inland Wetlands and Watercourses Commission (IWWC) has submitted a report with its final decision; and

2. give due consideration to any report of the IWWC when making its decision.

B. On a Site Plan application involving notice to adjoining municipalities, the Commission shall give due consideration to any report or testimony received from such municipalities.

C. No Site Plan application shall be approved unless it is materially in conformance with all applicable provisions of these Regulations, including, but not limited to, the Site Development Standards in Chapter 9.

D. The Commission may modify and approve any proposed Site Plan if it determines such modifications are needed to satisfy the applicable requirements of these Regulations.

E. The Commission may, as a condition of approval of a Site Plan or modified Site Plan, require a financial guarantee in the form of a bond, a bond with surety or similar instrument to ensure (A) the timely and adequate completion of any site improvements that will be conveyed to or controlled by the municipality, and (B) the implementation of any erosion and sediment controls required during construction activities. The amount of such financial guarantee shall be calculated so as not to exceed the anticipated actual costs for the completion of such site improvements or the implementation of such erosion and sediment controls plus a contingency amount not to exceed ten per cent of such costs.

F. The Commission shall not approve any Site Plan for any property on which there exists a zoning violation, unless the implementation of such Site Plan would remedy such violation.

G. The submission of any application for Site Plan approval shall be deemed to represent a certification by the applicant and property owner that the proposed use will comply with the performance standards of §9.2C of these Regulations, and an acknowledgment that any approval of the Site Plan by the Commission will be made in reliance on that certification. If the use, as actually established and operating, fails to meet those performance standards, the Commission's approval of the Site Plan shall not prevent

the issuance of a zoning enforcement order to remediate such noncompliance, even if such order may require a revision of the approved Site Plan.

11.2.5 Action Documentation

A. Whenever it modifies or denies a Site Plan application, the Commission shall state upon its record the reason(s) for its decision.

B. The Commission shall send, by certified mail, a copy of any decision to the applicant within fifteen (15) days after such decision is rendered.

C. The Commission shall cause notice of the approval or denial of Site Plans to be published in a newspaper having a substantial circulation in Ledyard within fifteen (15) days after such decision is rendered.

D. In any case in which such notice is not published within the fifteen (15) day period after a decision has been rendered, the person who submitted such plan may provide for the publication of such notice within ten (10) days thereafter.

E. On any application for which the period for approval has expired and on which no action has been taken, the Commission shall send a letter of approval to the applicant within fifteen (15) days of the date on which the period for approval expired and such letter of approval shall state the date on which the five-year completion period expires.

11.2.6 Following Approval:

A. Following approval of a Site Plan application, one (1) fixed-line mylar copy and one (1) paper copy of the approved plan(s) shall be submitted to the Land Use Office:

1. bearing the raised seal and live signature of the appropriate professionals who prepared the drawing(s) (including the Soil Scientist as applicable);

2. bearing a copy of the decision letter of the Commission and any other Town regulatory agencies authorizing the activity; and

3. containing a signature block where the Chairman of the Commission can indicate the approval of the Commission.

B. Following signature by the Chairman, and other Town regulatory agencies authorizing the activity, the applicant shall record the Site Plan in the office of the Town Clerk of Ledyard, and any plan not so recorded within ninety (90) days following its approval, or within ninety (90) days of the date upon which said plan is taken as approved by reason of the failure of the Commission to act, shall become null and void. The applicant may request two (2) additional ninety (90) day extensions. The request for an extension must come before the expiration for the initial time period.

11.2.7 Expiration and Completion:

A. The approval of such Site Plan shall state the date on which such period expires.

B. Any Site Plan approval under which the construction of any proposed building has not been commenced within twelve (12) months from the date of such approval, shall expire unless the Commission, upon a showing of good cause for the delay, allows a longer time period, not to exceed twenty-four (24) months from the date of approval.

For the purposes of this section, the construction of a building will be deemed to have commenced when foundation or exterior walls have begun to be emplaced or built.

C. Except as may be provided by state law, all work in connection with a Site Plan shall be completed within five (5) years after the date of approval of the plan. Failure to complete all work within such five-year or other required period shall result in automatic expiration of the approval of such Site Plan unless the Commission, upon a showing of good cause for the delay, grants an extension of the time to complete work in connection with such Site Plan.

D. The Commission may grant one or more extensions of the time to complete all or part of the work in connection with the Site Plan, provided the total extension or extensions shall not exceed ten (10) years from the date of approval of such Site Plan, unless otherwise provided or allowed by state law. "Work" means all physical improvements required by the approved plan.

The Commission may condition the approval of such extension on a determination of the adequacy of any bond or other surety**.**

E. A. Nothing herein contained shall require any change to approved Site Plans, or to the construction or designated use of a building for which a building permit has been issued and construction shall have commenced, based upon regulations in effect prior to the effective date of these regulations (or any amendment thereto) if the development work is completed according to such plans within the period of time specified by CGS §8-3(i) & CGS §8-3(j).

F. If a Commission approved Site Plan for a non-residential development expires, a new application for development of the property is required which must conform to the regulations that are in effect at the time of reapplication.

G. Pursuant to CGS §8-3(h), if (A) development work under a Commission approved Site Plan for a residential development is not completed, (B) the Site Plan for the residential development has not expired, (C) the original approved Site Plan was recorded with the Town Clerk, and (D) the applicable zoning regulations for the residential development are amended, the development of the property may conform with the Site Plan and regulations that were in effect when the original application and Site Plan were approved, or alternatively, a new application and Site Plan can be submitted that is in conformance with the regulations that are in effect at the time of reapplication.

11.2.8 <u>Certificate of Use and Compliance</u>:

A. A Certificate of Use and Compliance will be issued only if the Zoning Official determines that the "as-built" development is (A) located and constructed in substantial compliance with its approved Site Plan and in conformance with these regulations; and (B) for development proposals pursuant to a Special Permit, is also in compliance with the conditions of approval imposed by the Commission.

B. Pursuant to §20-300-10b-(b) of the Department of Consumer Protection Rules and Regulations for Professional Engineers and Land Surveyors, in situations where (A) there is a need to measure, evaluate, and/or map topographic conditions; or (B) there is a need to know the exact location of boundary lines, interior lot lines, and/or street lines; or (C) there is a need for additional monumentation; or (D) the exact

horizontal location of new structure(s) is necessary; or (E) the exact vertical location of existing and new buildings, structures, or other improvements, is necessary to determine a development's compliance with its approved Site Plan, the zoning regulations, and with any conditions of approval imposed by the Commission – the Zoning Official may require the applicant submit an Improvement Location (a.k.a. "As-Built") plan certified by a licensed land surveyor to confirm the as-built structures are in substantial compliance with the approved Site Plan, these zoning regulations, and any conditions of approval.

11.3 SPECIAL PERMIT APPLICATION

11.3.1 Applicability:

A. A Special Permit application shall be submitted for any activity designated in the Regulations as requiring Special Permit approval.

B. Notwithstanding the above, a Special Permit application shall not be required for any modifications to a previously approved Special Permit use if such modifications would not change the essential character of the use and would not require the submission of a new or modified Site Plan pursuant to §11.2 of these Regulations.

11.3.2 Submission Requirements:

A. A Special Permit application (original & fifteen (15) copies) shall be submitted to the Land Use Office and shall include a completed application form and the appropriate fee.

B. Each application for a Special Permit shall be accompanied by a Site Plan application. If the applicant believes that the proposed use will not require any changes in a previously approved Site Plan, he or she may submit a copy of the previously approved Site Plan and need not submit any of the additional information or materials noted in the "Site Plan Check Sheet" found in Appendix B of these Regulations, except as may be needed for the Commission to evaluate the Special Permit criteria. However, the Commission may require the submission of additional materials or information from the "Site Plan Check Sheet" if it finds that the application materials are inadequate to evaluate the application or if the proposed Special Permit uses may require modifications to the previously approved Site Plan.

C. The Commission may require the submission of any additional information it may deem necessary to determine compliance with any applicable provisions of these Regulations.

11.3.3 Proceedings:

A. An incomplete Special Permit application may be denied in accordance with §11.6.3.

B. If a Special Permit application involves an activity regulated pursuant to CGS §22a-36 to § 22a-45, inclusive, the applicant shall submit an application for a permit to the Inland Wetlands and Watercourses Commission (IWWC) not later than the day such application is filed with the Planning and Zoning Commission.

C. The Commission shall hold a public hearing on the Special Permit application and:

1. publish a legal notice in accordance with the requirements of §11.6.6 of these Regulations, and

2. require that the applicant give notice to property owners in accordance with the requirements of §11.6.7 of these Regulations.

D. Notification to adjoining municipalities may be required in accordance with §11.6.8 of these Regulations.

E. The Commission shall process the Special Permit application and any accompanying Site Plan application within the period of time specified in §11.6.4.

F. Notwithstanding the provisions of this section, if an application involves an activity regulated pursuant to CGS §22a-36 to §22a-45, inclusive and the time for a decision by the Commission would elapse prior to the thirty fifth (35^{th}) day after a decision by the IWWC, the time period for a decision shall be extended to thirty-five (35) days after the decision of the IWWC.

G. The applicant may, at any time prior to action by the Commission, withdraw such application. **(Note: Application fees will not be refunded**.)

11.3.4 Special Permit Criteria: In considering an application for a Special Permit, the Commission shall evaluate the merits of the application with respect to all of the following criteria that the Commission may determine are relevant to the application. To the extent the Commission finds such criteria applicable, the applicant shall have the burden to prove:

A. that the application is materially in conformance with all applicable provisions of these Regulations, including, but not limited to, the Site Design Requirements in Chapter 9, and that the standards for approval of any accompanying Site Plan application have been met;

B. that transportation services would be adequate and that the uses would not cause traffic congestion or undue traffic generation that would have a deleterious effect on the welfare or the safety of the motoring public;

C. that the proposed uses and structures would be in harmony with the appropriate and orderly development of the Zoning District in which they are proposed to be situated, and that the use(s) would not be noxious, offensive, or detrimental to the area by reason of odors, fumes, dust, noise, vibrations, appearance, or other similar reasons;

D. that no adverse effect would result to the property values or historic features of the immediate neighborhood;

E. that the character of the immediate neighborhood would be preserved in terms of scale, density, intensity of use, existing historic/natural assets/features and architectural design;

F. In accordance with CGS §22a-19, that the proposed uses would not cause any unreasonable pollution, impairment or destruction of the air, water and other natural resources of the state; and

G. that all proposed uses and structures would be consistent with future development as identified and envisioned in these Regulations and the Ledyard Plan of Conservation and Development.

11.3.5 Decision Considerations:

A. Before the Commission may approve a Special Permit application, it must determine that the application satisfies:

1. the Special Permit criteria in §11.3.4 of these Regulations; and

2. all other applicable provisions of these Regulations.

B. On a Special Permit application involving an activity regulated pursuant to CGS §22a-36 to §22a-45, inclusive, the Commission shall:

1. wait to render its decision until the Inland Wetlands and Watercourses Commission (IWWC) has submitted a report with its final decision; and

2. give due consideration to any report of the IWWC when making its decision.

C. On a Special Permit application involving notice to adjoining municipalities, under **§11.6.8,** the Commission shall give due consideration to any report or testimony received from such municipalities.

D. The Commission may approve an application for a Special Permit, deny the application, or approve the application subject to such conditions as it may deem necessary to protect the public health, safety, welfare, property values, and natural resources of the state. The Commission may also require that some or all conditions of approval be met prior to the issuance of the Zoning Permit by the Zoning Enforcement Officer.

E. The approval of any Special Permit for any property on which there exists a zoning violation shall be deemed conditioned, whether expressly specified in the decision or not, upon the remediation of such violation, and no Zoning Permit or Certification of Zoning Compliance may be issued for such Special Permit uses until any such violation has been remediated.

F. The submission of any application for Special Permit approval shall be deemed to represent a certification by the applicant and property owner that the proposed use will comply with the performance standards of §9.2C of these Regulations, and an acknowledgment that any approval of the Special Permit by the Commission will be made in reliance on that certification and that such approval is conditioned on continuing conformance with those standards, whether or not such condition is expressly stated on the record. If the use, as actually established and operating, fails to meet those performance standards, the Commission's approval of the Special Permit shall not prevent the issuance of a zoning enforcement order to remediate such noncompliance, even if such order may require a revision of the approved Special Permit.

11.3.6 <u>Action Documentation</u>:

A. Whenever it acts on a Special Permit application, the Commission shall state upon its record the reason(s) for its decision.

B. The decision to grant a Special Permit shall:

1. state the name of the owner of record;

2. contain a description of the premises to which it relates;

3. identify the section and/or sections of the Regulations under which the Special Permit was granted or denied; and

4. specify the nature of the Special Permit.

C. The Commission shall send, by certified mail, a copy of any decision on a Special Permit application to the applicant within fifteen (15) days after such decision is rendered.

D. The Commission shall cause notice of the approval, approval with conditions, or denial of the Special Permit application to be published in a newspaper having a substantial circulation in Ledyard within fifteen (15) days after such decision is rendered.

E. In any case in which such notice is not published within the fifteen-day period after a decision has been rendered, the person who submitted such application may provide for the publication of such notice within ten (10) days thereafter.

11.3.7 <u>Following Approval</u>:

A. Within **ninety (90) days** after the Commission's approval of a Special Permit and Site Plan, the applicant shall submit to the Land Use Office three (3) sets of final plans, one (1) on mylar and two (2) on paper. Such plans shall be identical to those approved by the Commission, except that they shall incorporate any conditions or modifications required in the Commission's approval. Such plans shall be signed and sealed by the surveyor, engineer and/or other professional who has participated in the preparation of such plans.

If such plans are found to be in accordance with the final approval, the Chairman of the Commission shall endorse such plans. The endorsed mylar plans shall be filed by the applicant in the land records no later than ninety (90) days after the approval by the Commission, except that the Commission may act to extend this filing period for an additional ninety (90) day period upon the request of the applicant.

A Special Permit granted by the Commission shall become effective only upon the filing of a copy of the Special Permit, certified by the Commission, in the land records of the Town, in accordance with the provisions of CGS §8-3d.

B. A Special Permit shall authorize only the particular use or uses specified in the Commission's approval.

C. Failure to strictly adhere to the documents, plans, terms, conditions and/or safeguards approved by the Commission shall be a violation of these Regulations and the Commission shall have the authority to revoke the Special Permit at any time the operation is found to be in noncompliance with the original permit, provided, however, that no such revocation shall be ordered unless the Commission or its agent provides written notice of the violations to the current landowner and the Commission provides the landowner with an opportunity for a hearing on the violations.

D. A Special Permit may be amended or modified in like manner as provided above for the granting of a Special Permit, except those amendments the Commission finds to be of a minor nature, that result in no significant change in the use or its intensity, and that do not materially alter the Special Permit, may be authorized with Commission approval only, without another public hearing.

11.4 TEXT AMENDMENT APPLICATION

11.4.1 Applicability: A Text Amendment application shall be submitted for any proposal to amend, change, or repeal any provisions of these Regulations.

11.4.2 Submission Requirements:

A. A Text Amendment application shall be submitted to the Land Use Office and shall include a completed application form and the appropriate fee.

B. A Text Amendment application shall be accompanied by fifteen (15) copies of the precise wording of the existing and proposed text and any other supporting information, including reasons for the proposed amendment.

C. The Commission may require the submission of additional information as deemed necessary to make a reasonable review of the application.

D. The Commission may, but shall not be required to, hear any petition or petitions relating to the same text changes, or substantially the same text changes, more than once in a period of twelve (12) months.

11.4.3 Proceedings:

A. The date of receipt for the Text Amendment application shall be determined in accordance with §11.6.2.

B. An incomplete Text Amendment application may be denied in accordance with §11.6.3.

C. The Commission shall hold a public hearing on the Text Amendment application and shall cause a legal notice to be published in accordance with the requirements of §11.6.4 and §11.6.6 of these Regulations.

D. The Commission shall give written notice to the Southeastern Connecticut Council of Governments (SCCOG) when any portion of the land affected by a regulation change affecting the use of a zone is located within 500 feet of the boundary of another Connecticut municipality in accordance with Section 11.6.11.

E. Notification to adjoining municipalities may be required in accordance with §11.6.8.

F. Notification to water companies may be required in accordance with §11.6.9.

G. A copy of the proposed Text Amendment shall be filed by the applicant in the office of the Town Clerk for public inspection at least ten (10) days before the public hearing.

H. The Commission shall process the Text Amendment application within the period of time specified in §11.6.4.

I. The applicant may, at any time prior to action by the Commission, withdraw such application. **(Note: Application fees will not be refunded.)**

11.4.4 Decision Considerations:

A. The Commission may approve, modify and approve, or deny the changes requested in such Text Amendment application.

B. Zoning regulations shall be established, changed or repealed only by a majority vote of all the members of the Commission (5 member Commission - 3 votes required) except that, if a protest against a proposed change is filed at or before a hearing with the Commission, signed by the owners of twenty percent (20%) or more of the area of the lots affected by such proposed change or of the lots within 500 feet in all directions of the property affected by the proposed change, such change shall not be adopted except by a vote of two-thirds of all the members of the Commission (5 member Commission - 4 votes required).

C. On a Text Amendment application involving notice to adjoining municipalities, water companies, or SCCOG:

1. any report received from those agencies shall be made a part of the record of such hearing; and

2. the Commission shall give due consideration to any report or testimony received.

D. In making its decision the Commission shall:

1. consider whether the Text Amendment would be in accordance with a comprehensive plan; and

2. take into consideration the Plan of Conservation and Development, prepared pursuant to CGS §8-23.

E. In accordance with CGS §8-3a(a), the Commission shall state on the record its findings on consistency of a proposed zoning regulation or text change with the Plan of Conservation and Development, as may be amended.

11.4.5 <u>Action Documentation</u>:

A. Whenever the Commission acts upon a Text Amendment application, it shall state upon the record the reasons for its decision.

B. In making its decision, the Commission shall state upon the record its findings on consistency of the proposed establishment, change or repeal of such Regulations with the Plan of Conservation and Development, as amended.

C. The Commission shall establish an effective date for any Text Amendment. A notice of the decision of the Commission must be published before such effective date in a newspaper having a substantial circulation in Ledyard. A copy of the Text Amendment, as approved, must also be filed in the office of the Town Clerk before the effective date. If the Commission has not specified an effective date, the effective date shall be deemed to be the day immediately following the date of publication of the notice or the date of filing of the Text Amendment in the Town Clerk's office, whichever is later.

D. The Commission shall send, by certified mail, a copy of any decision on a Text Amendment application to the applicant within fifteen (15) days after such decision is rendered.

E. The Commission shall cause notice of the approval or denial of the Text Amendment application to be published in a newspaper having a substantial circulation in Ledyard within fifteen (15) days after such decision is rendered.

F. In any case in which such notice is not published within the fifteen-day period after a decision has been rendered, the person who submitted such application may provide for the publication of such notice within ten days thereafter.

11.5 ZONE CHANGE APPLICATION

11.5.1 Applicability: A Zone Change application shall be submitted for any proposal to alter the zoning designation of any parcel(s) of land or part thereof.

11.5.2 Submission Requirements:

A. A Zone Change application shall be submitted to the Land Use Office and shall include a completed application form and the appropriate fee.

B. A Zone Change application shall be accompanied by fifteen (15) copies of a map showing the location and boundaries of all lots, or portions of lots, proposed to be rezoned. If, and to the extent that, the zone change does not follow established lot lines, the proposed new zone boundaries must be shown on a map signed and sealed by a land surveyor licensed in the State of Connecticut.

C. The Commission may require the submission of additional information as deemed necessary to make a reasonable review of the application.

D. A Zone Change application may be submitted only by:

1. an owner of the real property proposed for the zone change; or

2. persons who submit evidence of a substantial legal interest in the property proposed for the zone change.

E. The Commission also may propose and consider a Zone Change on its own initiative.

F. The Commission may, but shall not be required to, hear a Zone Change application that has been rejected for a period of one (1) year after the date of rejection.

11.5.3 Proceedings:

A. The date of receipt for the Zone Change application shall be determined in accordance with §11.6.2.

B. An incomplete Zone Change application may be denied in accordance with §11.6.3.

C. The Commission shall hold a public hearing on the Zone Change application and shall:

1. publish a legal notice in accordance with the requirements of §11.6.6 of these Regulations; and

2. require that the applicant give notice to property owners in accordance with the requirements of §11.6.7 of these Regulations.

D. The Commission shall give written notice to the Southeastern Connecticut Council of Governments (SCCOG) when any portion of the land affected by a proposed Zone Change is located within 500 feet of the boundary of another Connecticut municipality in accordance with §11.6.11.

E. Notification to adjoining municipalities may be required in accordance with §11.6.8.

F. Notification to water companies may be required in accordance with §11.6.9.

G. The Commission may refer any Zone Change application to any Town department or other agency the Commission deems appropriate and may request any such department or agency to submit a report to the Commission on matters that are of concern to it in connection with its own responsibility.

H. A copy of the proposed zoning map change shall be filed by the applicant in the office of the Town Clerk for public inspection at least ten (10) days before the public hearing.

I. The Commission shall conduct the public hearing within the period of time specified in §11.6.4.

J. The applicant may, at any time prior to action by the Commission, withdraw such application. (**Note: Application fees will not be refunded.)**

11.5.4 <u>Decision Considerations</u>:

A. The Commission may approve, modify and approve, or deny the changes requested in such Zone Change application.

B. On a Zone Change application involving notice to adjoining municipalities, water companies, or SCCOG:

1. any report received from those agencies shall be made a part of the record of such hearing; and

2. the Commission shall give due consideration to any report or testimony received.

C. Changes in Zone District boundaries should be:

1. in harmony with the Plan of Conservation and Development for the Town of Ledyard, as amended;

2. consistent with a comprehensive plan;

3. where possible, constitute logical extensions of like or compatible districts; and

4. where appropriate, along property lines or easily distinguishable geophysical features.

D. In making its decision the Commission shall take into consideration the Plan of Conservation and Development, prepared pursuant to CGS §8-23.

E. In accordance with CGS §8-3a(a), the Commission shall state on the record its findings on consistency of a proposed Zone Change with the Plan of Conservation and Development.

F. Zone boundaries shall be established, changed or repealed only by a majority vote of all the members of the Commission (5 member Commission - 3 votes required) except that, if a protest against a proposed change is filed at or before a hearing with the Commission, signed by the owners of twenty percent (20%) or more of the area of the lots affected by such proposed change or of the lots within 500 feet in all directions of the property included in the proposed change, such change shall not be adopted except by a vote of two-thirds of all the members of the Commission (5 member Commission - 4 votes required).

11.5.5 <u>Action Documentation</u>:

A. Whenever the Commission acts upon a Zone Change application, it shall state upon the record:

1. the reasons for its decision; and
2. its findings on consistency of the proposed zone change with the Plan of Conservation and Development, as amended.

B. The Commission shall establish an effective date for any Zone Change. A notice of the decision of the Commission must be published before such effective date in a newspaper having a substantial circulation in Ledyard, and a copy of the Zone Change must be filed in the office of the Town Clerk before the effective date. If the Commission has not specified an effective date, the effective date shall be deemed to be the day immediately following the date of publication of the notice or the date of filing of the Zone Change in the Town Clerk's office, whichever is later.

C. The Commission shall send, by certified mail, a copy of any decision on a Zone Change application to the applicant within fifteen (15) days after such decision is rendered.

D. The Commission shall cause notice of the approval or denial of the Zone Change application to be published, within fifteen (15) days after such decision is rendered, in a newspaper having a substantial circulation in Ledyard.

E. In any case in which such notice is not published within the 15-day period after a decision has been rendered, the person who submitted such application may provide for the publication of such notice within ten days thereafter.

11.6 PROCEDURAL REQUIREMENTS

11.6.1 Application Submittal Requirements:

A. Applications to the Commission shall be submitted to the Land Use Office.

B. Applications shall be submitted on forms obtained from the Land Use Office for the type of application being submitted.

C. Applications shall be accompanied by the appropriate fee(s) except that the Commission or the Town shall be exempt from any Planning and Zoning application fee.

D. Applications shall be submitted with such supporting plans, materials, and other information as required by these Regulations.

E. Applications shall be signed by the applicant.

F. Applications shall also be signed by an owner of the property affected unless the application is for a text change or is a map change initiated by the Commission.

11.6.2 Date of Receipt: For the purposes of calculating statutory timeframes for processing applications, the date of receipt of an application to the Commission shall be:

A. the day of the next regularly scheduled meeting of the Commission immediately following the day of submission of the application to the Land Use Office; or

B. thirty-five (35) days after submission, whichever is sooner.

11.6.3 Incomplete Applications:

A. The ZEO and/or Planning Director shall review each application and shall advise the Commission whether they believe the application is substantially complete and, if not, what information or materials it believes are missing. The Commission shall have the final discretion to determine whether an application is substantially complete.

B. It is the responsibility of the applicant to provide a complete application, and failure to do so is grounds for denial of the application. The Commission may deny an incomplete application, or an application submitted without the requisite fee.

11.6.4 Hearings: Where a proposed development or activity requires multiple applications, the Commission may conduct any public hearings simultaneously or in the order it deems appropriate. Whenever a public hearing is required on an application described in this Chapter 11, the Commission shall process the application within the period of time permitted under CGS §8-7d, as follows:

A. the public hearing shall commence within sixty-five (65) days after the official date of receipt of the application;

B. the public hearing shall be completed within thirty-five (35) days after such hearing commences;

C. all decisions shall be rendered within sixty-five (65) days after completion of such hearing;

D. the applicant may consent to one or more extensions of any period specified herein provided the total extension of all such periods shall not be for longer than sixty-five (65) days; and

E. the provisions of Sections (a) through (d) shall not apply to any action initiated by the Commission.

11.6.5 Consultations:

A. On any application, the Commission may seek the advice and opinion of other officials, boards, or Commissions to assist it in evaluating applications.

B. On any application, the Commission may retain an engineer, architect, landscape architect, professional land use planner, or other consultant to review, comment, and guide its deliberations on any application.

11.6.6 Notice by Newspaper:

A. When a public hearing is required by these Regulations or scheduled by the Commission, the Land Use Office shall cause notice of the hearing to be published in a newspaper having a substantial circulation in Ledyard.

B. Such notice shall be published at least twice at intervals of not less than two days, the first not more than fifteen (15) days, nor less than ten (10) days, before the date of the hearing, and the last not less than two (2) days before the date of the hearing.

11.6.7 Notification to Property Owners:

A. When required by these Regulations, the applicant (other than the Commission) shall notify owners of property within 100 feet of the subject property (including owners of all condominium units both on and adjacent to the subject property), whether inside or

outside Ledyard, of a pending application by mailing a notice at least fifteen (15) days prior to the first scheduled hearing.

B. At a minimum, such notice shall consist of:

1. a description of the proposed activity;
2. notification of the date, time, and place of the first scheduled hearing; and
3. a copy of the application form submitted to the Commission.

C. The applicant shall prove such mailing by submitting, at or prior to the first scheduled hearing regarding the application:

1. a copy of the complete package of information sent to abutters;
2. a list of the abutters to whom the notices were sent; and
3. certificates of mailing from the U.S Postal Service, provided that the Commission may accept other proof of mailing or delivery that it deems equivalent to such certificates.

D. The most recent Assessor's records on file in the Ledyard Assessor's Office shall be utilized to determine the owner of each property for the purpose of this mailing.

11.6.8 Notification to Abutting Municipalities:

A. As required by CGS §8-7d(f), the Commission shall notify the clerk of an adjoining municipality of any application concerning any project on any site in which:

1. any portion of the property affected by a decision is within 500 feet of the boundary of the adjoining municipality;

2. a significant portion of the traffic to the completed project would use streets within the adjoining municipality to enter or exit the site;

3. a significant portion of the sewer or water drainage from the project would flow through and significantly impact the drainage or sewerage system within the adjoining municipality; or

4. water runoff from the improved site would impact streets or other municipal or private property within the adjoining municipality.

B. Such notice shall be made by certified mail, return receipt requested and shall be mailed within seven (7) days of the day of the submission to the Land Use Office of the application, petition, request or plan.

C. No hearing shall be conducted on any such application unless the adjoining municipality has received the notice required under this section.

D. Such adjoining municipality may, through a representative, appear and be heard at any hearing on any such application, petition, request or plan.

11.6.9 Notification to Water Companies:

A. As required by CGS §8-3i, an applicant shall provide written notice to a water company and the Commissioner of Public Health when an application is filed with the Commission concerning any project on any site that is within:

1. an aquifer protection area, provided such area has been delineated in accordance with CGS §22a-354c; or

2. the watershed of a water company, provided such water company or said Commissioner has filed a map with the Commission and on the Ledyard land records showing the boundaries of the watershed.

B. Such notice shall be made by certified mail, return receipt requested and shall be mailed not later than seven (7) days after the date of the day of the submission to the Land Use Office.

C. Prior to the scheduled meeting regarding the application, the applicant shall submit the following to the Land Use Office, or the application may be considered incomplete:

1. a copy of the complete package of information; and

2. proof of mailing.

B. Such water company and the Commissioner of Public Health may, through a representative, appear and be heard at any hearing on any such application, petition, request or plan.

11.6.10 Notification of DEEP:

A. If any portion of the property which is the subject of an application is located within an area designated as "State and Federal Listed Species & Significant Natural Communities" on the most current Natural Diversity Data Base Areas map for Ledyard prepared by the Connecticut Department of Energy and Environmental Protection (DEEP), the applicant must notify DEEP of the application.

B. A report from DEEP shall be a required for any application for Site Plan approval or a Zoning Permit for any such property, and any such application submitted without a DEEP report shall be considered incomplete (see §11.6.3).

11.6.11 Notification to Southeaster CT Council of Governments:

A. The Commission shall give written notice to the Southeastern Connecticut Council of Governments (SCCOG) when any portion of the land affected by a regulation change affecting the use of a zone is located within 500 feet of the boundary of another Connecticut municipality. Such notice shall be made by certified mail, return receipt requested, or by electronic mail to the electronic mail address designated by SCCOG on its Internet web site for receipt of such notice, not later than thirty (30) days before the public hearing to be held on the Zone Change application.

B. If such notice is sent by electronic mail and the Commission does not receive an electronic mail message from SCCOG confirming receipt of such notice, then not later than twenty-five (25) days before the public hearing, the Commission shall also send such notice by certified mail, return receipt requested, to SCCOG.

C. SCCOG may submit its advisory findings and recommendations to the Commission at or before the hearing, but if such report is not submitted, the Commission shall presume that SCCOG does not disapprove of the proposal.

11.6.12 Beneficiaries of a Trust: Any person who makes an application to the Commission pertaining to real property, the record title to which is held by a trustee of any trust, shall

file with the application a sworn statement disclosing the name(s) of the equitable owner(s) of such real property or the beneficiary(ies) of the trust.

11.6.13 Bonds:

A. Where a bond or surety is required by any Commission decision, it shall be in one of the following forms, and the ZEO shall require evidence of compliance with the following standards before accepting any bond:

1. cash deposited with the Town;

2. certified bank check to the order of the Town when the amount of the check is fully insured by the FDIC;

3. bank deposit (such as a passbook savings account) assigned irrevocably and solely to the Town when the amount of the deposit is fully insured by the FDIC; or

4. Other form of bond (such as a performance bond) acceptable in form and substance to the Town.

B. Any required bond shall not be released by the Commission until:

1. the release has been requested, in writing, by the applicant;

2. the ZEO has submitted a letter stating that all pertinent conditions and requirements of the Commission's approval have been satisfied; and

3. the applicant's engineer or surveyor has certified to the Commission, through submission of a set of detailed "Record" plans on mylar, that all improvements and other work pertinent to the bond are in accordance with submitted Site Plans;

C. Any cost of collecting a bond, including without limitation, attorney, bank and other collection fees and expenditures, shall be for account of the applicant and may be deducted from amounts released in §11.6.13B

CHAPTER 12.0 COASTAL AREA MANAGEMENT AND FLOOD PROTECTION

12.1 COASTAL AREA MANAGEMENT (CAM)

A. **Purpose:** All buildings, uses, and structures fully or partially within the coastal boundary, as defined in Chapter 444, §22a-94 of the Connecticut General Statutes and depicted on the Town of Ledyard Zoning Map, shall be subject to the Coastal Site Plan review requirements and procedures in §s 22a-105 through 22a-109 of the Connecticut General Statutes.

B. The following applications are subject to the Coastal Site Plan review requirements and procedures if located fully or partially within the coastal area:

1. Site Plans submitted to the Commission in accordance with §22a-109 of the Connecticut General Statutes;
2. Applications for a Special Permit submitted to the Commission in accordance with §8-2 of the Connecticut General Statutes and §11.3 of these regulations;
3. Applications for a variance submitted to the Zoning Board of Appeals in accordance with subdivision (3) of §8-6 of the Connecticut General Statutes and §14.0 of these regulations; and,
4. A referral of a proposed municipal project to the Planning & Zoning Commission in accordance with §8-24 of the Connecticut General Statutes.

C. The following activities are hereby exempted from Coastal Site Plan review requirements under the authority of subsection (b) of §22a-109 of the Connecticut General Statutes:

1. Gardening, grazing, and the harvesting of crops,
2. Minor additions to, or modifications of, existing Buildings or Accessory Buildings,
3. Construction of new or modification of existing Structures incidental to the enjoyment and maintenance of residential property including, but not limited to, walks, terraces, driveways, tennis courts, and accessory buildings,
4. Construction of new, or modification of existing, on-premise fences, walls, pedestrian walks and terraces, underground utility connections, essential electric, gas, telephone, water and sewer service lines, signs and such other minor structures as will not substantially alter the natural character of coastal resources as defined by §22a-93 (7) of the Connecticut General Statutes,
5. Construction of a single-family dwelling except in or within one hundred (100) feet of the following coastal resource areas as defined by §22a-93 (7) of the Connecticut General Statutes: tidal wetlands, coastal bluffs and escarpments, and beaches and dunes,
6. Activities conducted for the specific purpose of conserving or preserving soil, vegetation, water, fish, shellfish, wildlife, and other coastal land and water resources,
7. Interior modifications to buildings, and
8. Minor change in uses of buildings, structures, or property, except those changes occurring on properties adjacent to or abutting coastal waters.

D. **Coastal Site Plan:** In addition to meeting the other requirements of these regulations, all applicants for Zoning Permits, Special Permits, or variances relating to uses proposed for location fully or partially within the coastal area shall submit a Coastal Site Plan which shall accomplish the following:

1. Show the location and spatial relationship of coastal resources on and contiguous to the site;

2. Describe the entire project with appropriate plans, indicating project location, design, timing and methods of construction;
3. Assess the capability of the resources to accommodate the proposed use;
4. Assess the suitability of the project for the proposed site;
5. Evaluate the potential beneficial and adverse impacts of the project and describe proposed methods to mitigate adverse effects on coastal resources; and
6. Demonstrate that the adverse impacts of the proposed activity are acceptable and demonstrate that such activity is consistent with the goals and policies in §22a-92 of the Connecticut General Statutes.

E. Coastal Site Plan Review: In addition to any other applicable Site Plan review criteria prescribed by these Zoning Regulations and Appendix B, a Coastal Site Plan required under this Section shall be reviewed and may be modified, conditioned, or denied in accordance with the procedures and criteria listed in this Section of these Zoning Regulations.

1. The Commission may, at its discretion, hold a public hearing on any Coastal Site Plan submitted to it for review.
2. In determining the acceptability of potential adverse impacts of the proposed activity described in the Coastal Site Plan on both the coastal resources and the future water dependent development opportunities, the Commission shall:
   a. Consider the characteristics of the site, including the location and condition of any coastal resources defined in §22a-93 of the Connecticut General Statutes;
   b. Consider the potential effects, both beneficial and adverse, of the proposed activity on coastal resources and future water-dependent development opportunities; and
   c. Follow all applicable goals and policies stated in §22a-92 of the Connecticut General Statutes and identify any conflicts between the proposed activity and any goal or policy. When approving, modifying, conditioning or denying a Coastal Site Plan based on the criteria herein prescribed, the Commission shall state, in writing, the findings and reasons for its action and shall send a copy of any decision by certified mail to the person who submitted such plan within fifteen (15) days after such decision is rendered.
3. In approving any activity proposed in a coastal area, the Commission shall make a written finding that the proposed activity, with any conditions or required modification:
   a. Is consistent with all applicable goals and policies in §22a-90 of the Connecticut General Statutes; and
   b. Incorporates as conditions or modifications all reasonable measures that would mitigate the adverse impacts of the proposed activity on both coastal resources and future water-dependent development activities.

F. Bond: As a condition to a Coastal Site Plan approval, the Commission may require a bond or other surety or financial security arrangement to secure compliance for any public improvements stated in its approval of the plan.

G. Violations: Any activity within the defined coastal area not exempt from Coastal Site Plan review pursuant to §12.1(C) above, which occurs without having received a lawful approval from the Commission under all the applicable procedures and criteria prescribed by these Zoning Regulations or which violates the terms and conditions of such approval, shall be deemed a public nuisance and appropriate legal remedies will be taken by the Commission for the abatement of such nuisance.

H. Time Limitations: Whenever the approval of the Coastal Site Plan is the only requirement to be met or remaining to be met under these regulations for a proposed building use or structure, a decision on an application for approval of such Site Plan shall be rendered within sixty-five (65) days after receipt of such plan. The applicant may consent to one (1) or more extensions of such period, provided the total period of any such extension or extensions shall not exceed one (1) additional sixty-five (65) day period per CGS §8-7d(b), or may withdraw such plan.

12.2 FLOOD PROTECTION

A. Purpose: To promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas. The flood hazard areas of the Town of Ledyard are subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

B. Definitions: Unless specifically defined below, words or phrases used in this regulation shall be interpreted to give them the meaning they have in common usage and to give this ordinance it's most reasonable application.

1. **AREA OF SPECIAL FLOOD HAZARD:** The land in the floodplain within a community subject to one percent (1%) or greater chance of flooding in any given year.
2. **BASE FLOOD:** The flood having a one percent (1%) chance of being equaled or exceeded in any given year.
3. **BASE FLOOD ELEVATION (BFE):** Is the elevation of the crest of the base flood or 100-year flood. The height in relation to mean sea level expected to be reached by the waters of the base flood at pertinent points in the floodplains of coastal and riverine areas.
4. **BASEMENT:** Is any area of the building having its floor subgrade (below ground level) on all sides.
5. **EXISTING MANUFACTURED HOME PARK OR SUBDIVISION:** For this Section only, a manufactured home park or subdivision for which the construction of facilities for servicing the lots of which the manufactured homes are to be affixed (including, as a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) was completed before March 11, 1981, the effective date of the floodplain management regulations adopted by the community.
6. **EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION:** For this Section only, means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).
7. **FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA):** The federal agency that administers the National Flood Insurance Program (NFIP).
8. **FINISHED LIVING SPACE**: For this Section only, means, as related to fully enclosed areas below the base flood elevation (BFE), a space that is, but not limited to, heated and/or cooled, contains finished floors, (tile, linoleum, hardwood, etc.), has sheetrock walls that may or may not be painted or wallpapered, and other amenities such as furniture, appliances, bathrooms, fireplaces and other items that are easily damaged by floodwaters and expensive to clean, repair or replace.

9. **FLOOD or FLOODING:** A general and temporary condition of partial or complete inundation of normally dry land areas from either the overflow of inland or tidal waves, or the unusual and rapid accumulation/runoff of surface waters from any source.
10. **FLOOD INSURANCE RATE MAP (FIRM):** An official map of a community, on which the National Flood Insurance Program Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community.
11. **FLOOD INSURANCE STUDY:** An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide and/or flood related erosion hazards.
12. **FLOODWAY:** The channel of a river or other watercourse and the adjacent land areas that must be reserved to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.
13. **FUNCTIONALLY DEPENDENT USE OR FACILITY:** A use or facility that cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities. The term does not include seafood processing facilities, long-term storage, manufacturing, sales or service facilities.
14. **LOWEST FLOOR:** The lowest floor of the lowest enclosed area (including basement).
15. **MANUFACTURED HOME:** For purposes of the National Flood Insurance Program, means a structure, transportable in one (1) or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle".
16. **MANUFACTURED HOME PARK OR SUBDIVISION**: For this Section, means a parcel or contiguous parcels of land divided into two (2) or more manufactured home lots for rent or sale.
17. **MARKET VALUE:** For this Section, means the value of the structure as determined by the appraised value prior to the start of the initial repair or improvement, or in the case of damage, the value of the structure prior to the damage occurring.
18. **MEAN SEA LEVEL:** For purposes of the National Flood Insurance Program, the North American Vertical Datum (NAVD) of 1988 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.
19. **NEW CONSTRUCTION:** The purposes of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after March 11, 1981, the effective date of floodplain management regulations adopted by the community and includes any subsequent improvements to such structures.
20. **NEW MANUFACTURED HOME PARK OR SUBDIVISION:** For the purpose of this Section, means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after March 11, 1981, the effective date of the floodplain management regulation adopted by the community.

21. **STRUCTURE:** For floodplain management purposes, a walled and roofed building which is principally above ground, including a manufactured home, a gas or liquid storage tank, or other man-made facilities or infrastructures.
22. **SUBSTANTIAL DAMAGE:** Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.
23. **SUBSTANTIAL IMPROVEMENT:** For this Section, any combination or repairs, reconstruction, alteration, or improvements to a structure, taking place during a one (1) year period, in which the cumulative cost equals or exceeds fifty percent (50%) of the market value of the structure. The market value of the structure should be (A) the appraised value of the structure prior to the start of the initial repair or improvement, or (B) in the case of damage, the value of the structure prior to the damage occurring. This term includes structures that have "substantial damage," regardless of the actual repair work performed. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, if that alteration affects the external dimensions of the structure. The term does not, however, include any project for improvement of a structure required to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the Zoning Official and are solely necessary to assure safe living conditions.
24. **VARIANCE:** A grant of relief by a community from the terms of the floodplain management regulation that allows construction in a manner otherwise prohibited and where specific enforcement would result in unnecessary hardship.
25. **VIOLATION:** Failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without required permits, lowest flood elevation documentation, flood-proofing certificates or required floodway encroachment calculations is presumed to be a violation until such time as that documentation is provided.
26. **WATER SURFACE ELEVATION:** The height, in relation to the North American Vertical Datum (NAVD) of 1988 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

C. General provisions: These regulations shall apply to all areas of special flood hazard identified by the Federal Emergency Management Agency (FEMA) in its Flood Insurance Study (FIS) for New London County, Connecticut, dated July 18, 2011 (as may be amended from time to time), and accompanying Flood Insurance Rate Maps (FIRM), dated July 18, 2011 (as may be amended from time to time), and other supporting data applicable to the Town of Ledyard are adopted by reference and declared to be a part of these regulations.

1. Since mapping is legally adopted by reference to this regulation, it must take precedence when more restrictive until such time as a map amendment or map revision is obtained from FEMA.
2. The area of special flood hazard includes any area shown on the FIRM as Zones A and AE, including areas designated as a floodway on a FIRM.
3. Areas of special flood hazard are determined utilizing the base flood elevations (BFE) provided on the flood profiles in the FIS for a community. BFEs provided on a FIRM are only approximate (rounded up or down) and should be verified with the BFEs published in the FIS for a specific location.

4. A Zoning Permit shall be required in conformance with the provisions of this regulation prior to the commencement of any development activities.
5. The degree of flood protection required by this regulation is considered the minimum reasonable for regulatory purposes and is based on scientific and engineering consideration and research. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes.
6. This regulation does not imply or guarantee that land outside the Special Flood Hazard Area or uses permitted in such areas will be free from flooding and flood damages.
7. This regulation shall not create liability on the part of the Town of Ledyard or by any officer or employee thereof for any flood damages that result from reliance on this regulation, or any administrative decision lawfully made thereunder.
8. The Town of Ledyard, its officers and employees shall assume no liability for another person's reliance on any maps, data or information provided by the Town of Ledyard.
9. These regulations are not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this regulation and another ordinance, regulation, easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

D. Duties and responsibilities of the Commission or its Designated Agent shall include, but not be limited to:

1. Review all permit applications to determine whether proposed building sites will be reasonably safe from flooding;
2. Advise permitted that additional Federal or State permits may be required and notify adjacent communities and the Department of Environmental Protection, Water Resources Unit prior to any alteration or relocation of a watercourse;
3. Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished;
4. Record the elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved or flood-proofed structures. When flood proofing is utilized for a particular structure the Zoning Official shall obtain certification from a Licensed Professional Engineer or architect;
5. When base flood elevation data or floodway data have not been provided, then the Zoning Official shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source to administer the provisions of § 12.2(E); and
6. Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard, the Zoning Official shall make the necessary interpretation. All records pertaining to the provisions of this regulation shall be maintained in the Zoning Office.

E. Provisions for flood hazard reduction:

1. **General standards:** In all areas of special flood hazard the following provisions are required:

   a. New construction and substantial improvements shall be:

      i. anchored to prevent flotation, collapse, or lateral movement of the structure,

      ii. constructed with materials and utility equipment resistant to flood damage, and

iii. constructed by methods and practices to minimize flood damage.

b. <u>Water supply and sanitary sewage systems</u>:

i. New and replacement Water Supply Systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.

ii. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the system into floodwaters.

iii. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.

c. <u>Manufactured Homes</u>: All manufactured homes to be placed within Zones A and AE on the Town's Flood Insurance Rate Map shall be installed using methods and practices that minimize flood damage. For the purposes of this requirement:

i. Manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement.

ii. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors.

d. <u>Utilities</u>. Electrical, heating, ventilation, plumbing, air conditioning equipment, HVAC ductwork, and other service facilities, or any machinery or utility equipment or connections servicing a structure shall be elevated to or above the base flood elevation (BFE) to prevent water from entering or accumulating within the components during conditions of flooding. This includes, but is not limited to, furnaces, oil or propane tanks, air conditioners, heat pumps, hot water heaters, ventilation ductwork, washer and dryer hook-ups, electrical junction boxes, and circuit breaker boxes.

2. <u>Specific standards</u>: In all areas of special flood hazard where base flood elevation data has been provided, as set forth in §12.2(C) or as determined in §12.2(D)(5), the following provisions, in addition to those in §12.2(E)(1), are required:

a. <u>Residential structures</u>: New construction or substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to or above the base flood elevation.

b. <u>Non-residential structures</u>:

i. New construction, substantial improvement of any commercial, industrial, or non-residential structure located in a Special Flood Hazard Area shall have the lowest floor, including basement, elevated to or above the level of the base flood elevation.

ii. **<u>Flood proofing</u>**: Non-residential structures located in all A and AE Zones may be flood proofed in lieu of being elevated provided that together with all attendant utilities and sanitary facilities the areas of the structure below the required elevation are watertight with walls substantially impermeable to the passage of water and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy.

iii. A Licensed Professional Engineer or Architect shall review and/or develop structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with acceptable standards of practice for meeting the provisions of this subsection.

c. <u>Manufactured Homes shall</u>:

i. Have the lowest floor elevated to or above the base flood elevation.

ii. Be placed on a permanent foundation which is securely anchored and to which the structure is securely anchored. This includes manufactured homes located outside a manufactured home park or subdivision, in a new manufactured home park or subdivision, in an existing manufactured home park or subdivision, in an expansion to an existing manufactured home park or subdivision, or on a site in an existing park which a manufactured home has incurred substantial damage as a result of flood.

d. <u>Recreational vehicles placed on sites in all A and AE Zones shall either</u>:

i. Be on a site for fewer than one hundred and eighty (180) consecutive days,
Be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions, or

ii. Meet the permit requirements of this Section and the elevation and anchoring requirements for "manufactured homes" in §12.2(E)(1)(c) of the General Standards Section.

e. In AE Zones where base flood elevations have been determined, but before a floodway is designated, it is required that no new construction, substantial improvement, or other development (including fill) be permitted which would increase base flood elevations more than one (1) foot at any point in the community when all anticipated development is considered cumulatively with the proposed development.

3. <u>Floodways</u>:

a. In areas where floodways have been designated or determined, these regulations shall prohibit encroachments, including fill, new construction, substantial improvements and other developments within the floodway unless demonstrated through hydraulic and hydrologic analysis performed in accordance with standard engineering practice and certified by a Licensed Professional Engineer that encroachments shall not result in any (0.00) increase in flood levels during occurrence of the base flood discharge.

b. When utilizing data other than that provided by the Federal Emergency Management Agency, the following standard applies select and adopt a regulatory floodway based on the principle that the area chosen for the regulatory floodway must be designed to carry the waters of the base flood, without increasing the water surface elevation of that flood more than one (1) foot at any one (1) point.

F. <u>Variances</u>: The Zoning Official shall maintain a record of all flood protection variance actions, including justification for their issuance, and report such variances issued in the annual report submitted to the National Flood Insurance Program Administrator.

1. An applicant for a variance to this Section shall be notified by the Zoning Official that the issuance of a variance to construct a structure below the base flood level will result in increased rates for insurance coverage up to amounts as high as twenty-five dollars ($25.00) for one hundred dollars ($100.00) of insurance coverage, and that such construction shall be maintained with a record of all flood protection variance actions.

2. A variance shall not be granted if the Zoning Board of Appeals determines that:
   a. No exceptional hardship would result from the failure to grant the variance, and
   b. Granting of the variance would result in increased flood heights, additional threats to public safety, extraordinary public expenses, or creation of nuisances.

G. Equal Conveyance: Within the floodplain, except those areas that are tidally influenced, as designated on the Flood Insurance Rate Map (FIRM) for Ledyard, encroachments resulting from filling, new construction or substantial improvements involving an increase in footprint of the structure is prohibited.

1. Exception: If the applicant provides certification by a licensed professional engineer demonstrating, with supporting hydrologic and hydraulic analyses performed in accordance with standard engineering practice, that such encroachments will not result in any (0.00 feet) increase in flood levels (base flood elevation).

2. Work within the floodplain and the land adjacent to the floodplain, including work to provide compensatory storage, shall not be constructed in such a way to cause an increase in flood stage or flood velocity.

H. Compensatory storage: The water holding capacity of the floodplain, except in those areas that are tidally influenced, shall not be reduced. Any reduction caused by filling, new construction, or substantial improvements involving an increase in the footprint to the structure, shall be compensated for by deepening and/or widening of the floodplain.

1. **Storage shall be**:
   a. Provided on-site, unless easements have been gained from adjacent property owners,
   b. Provided within the same hydraulic reach and a volume not previously used for flood storage, and/or
   c. Hydraulically comparable and incrementally equal to the theoretical volume of flood water at each elevation, up to and including the 100-year flood elevation, which would be displaced by the proposed project. Such compensatory volume shall have an unrestricted hydraulic connection to the same waterway or water body. Compensatory storage can be provided off-site if approved by the municipality.

2. Above ground storage tanks: Above ground storage tanks (oil, propane, etc.) which are located outside or inside of the structure must either be elevated above the base flood elevation (BFE) on a concrete pad, or be securely anchored with tie-down straps to prevent flotation or lateral movement, have the top of the fill pipe extended above the BFE, and have a screw fill cap that does not allow for the infiltration of flood water.

3. Portion of structure in flood zone: If any portion of a structure lies within the Special Flood Hazard Area (SFHA), the entire structure is considered to be in the SFHA.

4. The entire structure includes any attached additions, garages, decks, sunrooms, or any other structure attached to the main structure.

5. Decks or porches that extend into a more restrictive flood zone will require the entire structure to meet the standards of the more restrictive zone.

6. Structures in two (2) flood zones: If a structure lies within two or more flood zones, the construction standards of the most restrictive zone apply to the entire structure (i.e., V zone is more restrictive than A zone; structure must be built to the highest BFE).

7. The structure includes any attached additions, garages, decks, sunrooms, or any other structure
8. Decks or porches that extend into a more restrictive zone will require the entire structure to meet the requirements of the more restrictive.

CHAPTER 13.0 ADMINISTRATION AND ENFORCEMENT

13.1 Enforcement

A. Pursuant to CGS §8-3(e), CGS §8-12, and CGS §8-12a, these regulations shall be enforced by the Zoning Official appointed by the Mayor pursuant to Chapter IV §4 of the Ledyard Town Charter and as designated by the Planning & Zoning Commission. The Zoning Official is an Agent of the Commission and is given the power and authority to enter and inspect property at reasonable times as required in the performance of his duties, and may institute any appropriate action or proceedings to prevent the unlawful erection, construction, reconstruction, alteration, repair or conversion of any building or structure, or the unlawful use of land, to restrain, correct or abate such violations, to prevent the occupancy of said building, structure or land, or to prevent any illegal act, conduct, business or use in or about the premises.

13.2 Violation Procedure

A. Procedures to be followed in the event of violations of these regulations shall be pursuant to CGS §8-12, CGS §8-12a as amended, and/or Ordinance #300-009 as appropriate.

13.3 Fees:

A. Pursuant to CGS §8-1(c) and Town Ordinance #300-008, the Town of Ledyard shall establish a schedule of Zoning Fees for zoning review of residential and commercial building permits, Site-plan and Special Permit reviews, Subdivision review, Home Occupation, Change of Use (permits), certificates of use and compliance, and all other planning and/or zoning applications to reasonably defray the municipal costs of administering the State of Connecticut General Statutes and the Ledyard Zoning Regulations and publishing the public hearings and decisions of the Commission. The fee schedule may be amended from time to time.

B. The Zoning Official shall not issue any permit, and the Commission shall take no final action, until the Zoning Official or his representative has received payment of applicable fees.

C. All Fees are non-refundable regardless of application withdrawal by applicant or denial by staff or Commission.

D. No fee shall be charged for zoning applications for projects by or for the Town of Ledyard, or for permits for repair or replacement of owner-occupied single-family residential buildings that have been destroyed or damaged by fire, storm, or other casualty.

CHAPTER 14.0 ZONING BOARD OF APPEALS

14.1 **Powers and Duties:** The Zoning Board of Appeals (ZBA) shall have such powers and duties as may be provided in the Connecticut General Statutes (CGS), including, but not limited to, CGS §8-6. The Zoning Board of Appeals shall have the following powers and duties:

A. To hear and decide appeals where it is alleged that there is an error in any order, requirement or decision made by the Zoning Official charged with the enforcement of Chapter 124 or any bylaw, ordinance or regulation adopted under the provisions of Chapter 124. Such appeal shall be taken within fifteen (15) days of the action of said official.

B. To determine and vary the application of the zoning bylaws, ordinances or regulations in harmony with their general purpose and intent, and with due consideration for conserving the public health, safety, convenience, welfare and property values solely with respect to a parcel of land where, owing to conditions especially affecting such parcel but not affecting generally the district in which it is situated, a literal enforcement of such bylaws, ordinances or regulations would result in exceptional difficulty or unusual hardship, and so that substantial justice will be done and the public safety and welfare secured if the variance is granted.

C. Hear and decide all matters required by the specific terms of the Connecticut General Statutes.

14.2 **Limitations on Use Variances**: The ZBA shall be prohibited from granting any variance for a use in any district in which such use is not otherwise permitted.

14.3 **Procedures**: Procedures for submission of applications to the Zoning Board of Appeals shall be as provided in the Connecticut General Statutes, including, but not limited to, CGS §8-7, or as may be established by rule or regulation of the Zoning Board of Appeals.

14.4 **Decisions**:

A. Prior to granting a variance there must be a finding by the ZBA that all the following conditions exist:

B. If the owner complied with the provisions of these regulations that he would not be able to make any reasonable use of his property.

C. The difficulties or hardship are peculiar to the property in question, in contrast with other properties in the same district.

D. The hardship was not result of the applicant's own action.

E. The hardship is not merely financial or pecuniary.

14.5 **Following Approval**:

A. A variance granted by the Board shall become effective only upon the filing of a copy, certified by the Board, in the land records of the Town, in accordance with the following provisions.

1. The applicant shall record the variance in the office of the Town Clerk of Ledyard, and any variance not so recorded within ninety (90) days following its approval, or within ninety (90) days of the date upon which said plan is taken as approved by reason of the failure of the Board to act, shall become null and void.

2. The applicant may request two (2) additional ninety (90) day extensions. The request for an extension must come before the expiration for the initial time period.

3. A signed copy of the approved variance shall be provided by the applicant to the Zoning Enforcement Officer and to the office of the Town Assessor.

B. A variance shall authorize only the particular activities specified in the Board's approval.

14.6 FLOODPLAIN VARIANCES

14.6.1 Specific Situation Variances:

A. Buildings on a Historic Register: Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places, the State Inventory of Historic Places, or any locally-adopted historic district without regard to the procedures set forth in the remainder of this section and provided the proposed reconstruction, rehabilitation or restoration will not result in the structure losing its historical designation.

B. Functionally Dependent Use or Facility: Variances may be issued for new construction and substantial improvements and other development necessary for the conduct of a functionally dependent use or facility provided the structure or other development is protected by methods that minimize flood damage, creates no additional threat to public safety and meet all the requirements of subpart C below.

C. Floodway Prohibition: Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

14.6.2 Considerations for Granting Floodplain Variances: In passing upon such applications, the Zoning Board of Appeals shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this regulation and the items listed below. Upon consideration of these factors and the purposes of this regulation, the Zoning Board of Appeals may attach such conditions to the granting of variances as it deems necessary to further the purposes of this regulation.

A. The danger that materials may be swept onto other lands to the injury of others.

B. The danger to life and property due to flooding or erosion damage.

C. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.

D. The importance of the services provided by the proposed facility to the community.

E. The necessity of the facility to waterfront location, in the case of a functionally dependent facility.

F. The availability of alternative locations not subject to flooding or erosion damage for the proposed use.

G. The compatibility of the proposed use with existing and anticipated development.

H. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area.

I. The safety access to the property in times of flood for ordinary and emergency vehicles.

J. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site.

K. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.

14.6.3 <u>Conditions for Floodplain Variances</u>:

A. Variances shall only be used upon a determination that the variance is the minimum necessary to afford relief considering the flood hazard; and in the instance of a historical building, a determination that the variance is the minimum necessary as not to destroy the historic character and design of the building and result in the loss of historic designation of the building. Variances pertain to a piece of property and are not personal in nature. A properly issued variance is granted for a parcel of property with physical characteristics so unusual that complying with the regulation would create an exceptional hardship to the applicant or the surrounding property owners. Those characteristics must be unique to that property and not be shared by adjacent parcels. For example, economic or financial hardship is not sufficient cause for a variance, nor are inconvenience, aesthetic considerations, physical handicaps, personal preferences or disapproval of one's neighbors.

B. Variances shall only be used upon (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship, and; (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, damage the rights or property values of other persons in the area, cause fraud on or victimization of the public, or conflict with existing local laws, ordinances or regulations. Only hardships that are based on unusual or unique physical characteristics of the property in question, characteristics that are not shared by adjacent parcels, shall quality to meet subsection (ii) above. Claims of hardship based on the structure, on economic gain or loss, or on personal or self-created circumstances are not sufficient cause for the granting of a variance.

C. No variance may be issued within a regulatory floodway that will result in any increase in the 100-year flood levels. A variance may be issued for new construction, substantial improvements and other development necessary for the conduct of a "functionally dependent use" provided that there is good and sufficient cause for providing relief; and the variance does not cause a rise in the 100-year flood level within a regulatory floodway. The structure and other development must be protected by methods that minimize flood damages.

D. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation (BFE), and that the cost of flood insurance will be commensurate with the increased risk resulting from the lowest floor elevation up to amounts as high as $25 for $100 of insurance coverage.

CHAPTER 15.0 AQUIFER PROTECTION AGENCY

15.1 Designation of Membership:

A. In accordance with the provisions of CGS §22a-354a et seq., and the Town of Ledyard Ordinance #300-007, the Planning and Zoning Commission is designated as the Aquifer Protection Agency (the "Agency") of the Town of Ledyard. The staff of the Commission shall serve as the staff of the Agency.

B. Members of the Commission shall serve coexisting terms on the Agency. The membership requirements of the Agency shall be the same as those of the Commission including, but not limited to the number of members, terms, method of selection and removal of members, and filling of vacancies.

C. At least one (1) member of the Agency or staff shall complete the course in technical training. formulated by the Commissioner of Energy and Environmental Protection (DEEP) of the State of Connecticut, pursuant to CGS 22a-354V.

15.2 Adoption of Regulations:

A. The Agency shall adopt regulations in accordance with CGS §22a-354p, as amended and Regulations of Connecticut State Agency (RCSA) §22a-354i-3, which shall provide for:

1. The manner in which boundaries of aquifer protection areas shall be established and amended or changed.

2. Procedures for the regulation of activity within the area.

3. The form for an application to conduct regulated activities within the area.

4. Notice and publication requirements.

5. Criteria and procedures for the review of applications.

6. Administration and enforcement.

15.3 Inventory of Land Use:

A. To carry out the purposes of the Aquifer Protection Program, the Agency will conduct an inventory of land use to assess potential contamination sources.

B. Within and not to exceed three (3) months following the Commissioner's approval of Level A mapping of aquifers, the Agency shall inventory land use within and overlying the mapped zone of contribution and recharge areas of such mapped aquifers in accordance with guidelines established by the Commissioner pursuant to CGS 22a-354r. Such inventory shall be completed not more than one (1) year after the authorization of the Agency pursuant to CGS §22a-354e.

APPENDIX A

History of Zoning Code Amendments:

The provisions of these regulations and the boundaries of any Zoning District established hereunder may from time to time be amended, modified, changed or repealed by the Commission in accordance with the provisions of Chapter 124, Connecticut General Statutes, Revision of 1958, as amended. Any petition requesting a change in these regulations shall be in writing and in a form prescribed by the Commission. Such petitions shall be accompanied by a filing fee to be deposited with the Commission to defray the cost of publication of the notice for a hearing on such change.

These regulations became effective on October 11, 1963, as amended on May 5, 1968; October 6, 1970; August 3, 1971; October 1, 1975; April 30, 1977; June 8, 1978; January 4, 1979; June 1, 1979; July 15, 1979; December 1, 1979; January 7, 1980; February 1, 1980; March 1, 1980; July 15, 1980; August 15, 1980; January 1, 1982; April 1, 1982; October 1, 1983; December 15, 1983; February 1, 1984; July 1, 1984; July 15, 1984; October 10, 1984; June 1, 1985; July 15, 1985; August 1, 1985; November 1, 1985; April 16, 1986; October 16, 1986; August 25, 1987; March 30, 1988; March 30, 1988; June 30, 1988; July 15, 1988.

Amended as of July 1, 1989:

(1) The amendment of these regulations was for the purpose of reformatting without substantive change of content.

Amended as of July 18, 1990:

Section 3.0 Residential Districts: **3.1.5** Allowance of accessory apartments; **3.4.3** Allowance of farm animals as of right in R-80 Districts; **3.6.1.4** Clarification of cluster lot sizes and increase in minimum lot area required for an R-40 District; **3.7.3** Allowance of interior lots as part of a non-subdivision; **3.8.5** Review of residential institutional uses by Zoning Commission; **3.9** Deletion of family apartments; **3.10.3** Increase in height allowance on accessory structures; **3.10.4** Allowance of accessory structures closer to street than principal structure.

Section 17.0 Definitions: Deletion of family apartment; Changes in child day care centers and barns; New definitions: accessory apartment, accessory building, and family day care home.

Amended as of December 18, 1990:

Section 3.12 Home Occupation Permits: All sections changed.

Section 17.0 Definitions: Home Occupation.

Amended as of February 21, 1992:

Section 4.0 Ledyard Center Design District: **4.3.8** Allowance of Alcoholic Liquor; **4.4** Clarification of Prohibited Uses; **4.6.4** Clarification of Site Plan Requirements; **4.6.5** Allowance of Waiver of A-2 Survey Requirement.

Section 5.0 Resort Commercial Cluster District: All sections new.
Section 6.0 Industrial District: Deletion of Zones I-1, I-2, and I-3; clarification of all

sections.

Section 7.0 Commercial Districts: Deletion of Commercial Marine.

Section 8.0 Special Use Districts: All sections new.

Amended as of September 3, 1992:

Section 13.12 Bed and Breakfast Operations: Entire section changed.

Amended as of June 8, 1993:

Section 3.0 Residential Districts: **3.5.3** Clarify travel trailer use; **3.11.6** Allowance for replacement of mobile homes within a State approved mobile home park.

Section 9.0 Bulk Requirements: Correction of R-80 requirements.

Section 13.0 Special Exceptions: **13.1.9** One year waiting period for hearing substantially same application.

Section 17.0 Definitions: Changes in Bed and Breakfast.

Amended as of August 25, 1994:

Section 5.3.1.2 Principal Uses: To allow all restaurants, including fast food restaurants, to be developed as stand-alone establishments within the RCCD.

Amended as of September 22, 1994:

Section 13.6 Central Oil Distribution Systems: Entire section deleted.

Amended as of September 14, 1995:

Section 3.0 Residential Districts: **3.1.3** Clarification of letting of rooms or furnishing of board. **3.11.5** Deletion of sub-section which eliminates the requirement of a ZBA variance for replacement mobile homes.

Section 17.0 Definitions: New definitions: Boarder, Guest at a Bed and Breakfast, Roomer. Clarification: Bed and Breakfast.

Amended as of April 25, 1996:

Section 13.12 Country Inn: All sections new.

Section 17.0 Definitions: Country Inn.

Section 15.5 Miscellaneous: Temporary Mobile Units For Construction in Non-Residential Zones. All sections new.

Amended as of August 8, 1996:

Section 4.5.1.2 (minimum 100 ft. lot frontage): Deleted.

Section 13.1.5 (minimum frontage): Deleted.

Section 10.5.17.1: New section.

Amended as of October 31, 1996:

Section 3.12 Home Occupations: Entire section changed.

Amended as of May 3, 1997:

Section 4.3.3 Ledyard Center Design District (LCDD) Permitted Uses: Addition of Country Inns.

Section 3.10.6 Residential Districts Accessory Buildings: Addition of membrane-covered frame structures (hoop houses).

Section 17.0 Definitions: Membrane-covered Frame Structures.

Section 15.6 Miscellaneous: Addition of handicap ramps in residential districts.

Amended as of January 29, 1998:

Section 12.3 Flood Protection: Updates to comply with State and Federal mandates consistent with minimum standards of The National Flood Insurance Program as administered by the Federal Emergency Management Agency.

Section 13.5 Mobile Manufactured Home Land Lease Communities For Older Persons Formerly Known As (Mobile Home Retirement Villages [RM-40 Zones]): Entire section changed.

{Numerical typographical error corrected ~ Section 13.3.5 Screening change to 13.3.6, also sequence 13.3.6 change to 13.3.7 and 13.3.7 change to 13.3.8.}

Amended as of July 4, 1998:

Section 14.0 Wireless Telecommunication Facilities, Antennas, and Towers: Entire New Section.

NOTE: All section previously numbered 14 - 20, hereby numbered 15 - 21, respectively.

NOTE: June 15, 1999 ~ typographical error corrected in Section 13.3.5.1 {Section 11.4 changed to Section 12.4} and typographical error corrected in Section 13.5.2.5 {convents changed to covenants}.

NOTE: Visual aids showing building setback envelope for attached and detached structures in Section 9, updated February 9, 2000.

Amended as of April 15, 2000:

Section 16.2 Junk and Hobby Vehicles: Amended to include Junk and Hobby Vehicles.

Section 18 Definitions: Junk and Hobby Vehicles.

Amended as of May 10, 2000:

Section 6.6.1 Industrial District: Amended.

Section 6.6.1.1 Industrial District: New subsection.

Amended as of September 19, 2001:

Section 9.1 Table of Height, Area, Width, Coverage, and Yard Setbacks: Increase the maximum building height from 30 feet to 35 feet.

Amended as of September 19, 2001:

Section 4.5.1.7 Ledyard Center Design District: Amended to authorize the zoning commission to waive the 100-ft. setback from the centerline of a state highway.

Amended as of February 2, 2002:

Section 4.8 through 4.17 Gales Ferry Design District (G.F.D.D.): All new section (former C-2 and C-3 zones and the former Gales Ferry School site which was zoned R-20).

Section 9.1 Table of Height, Area, Width, Coverage, and Yard Setbacks: Amended to include G.F.D.D. requirements.

Amended as of April 6, 2002:

Section 3.1.7 and 3.2.1: Amended to allow an accessory parking lot on a contiguous lot via a Special Permit.

Section 11.2.14: New section to specify the number of parking spaces for a museum.

Section 11.3.5: New section to describe buffer requirements for a parking lot in a residential zone.

Section 11.3.6: New section to describe lighting requirements for a parking lot in a residential zone.

Section 11.3.7: New section to limit noise from parking lots approved via a Special Permit.

Amended as of September 21, 2003:

Section 4.11.1.3 Gales Ferry Design District: Amended to describe types of laundries and laundromats allowed.

Section 4.11.1.6: Amended to allow outdoor recreation with exclusions.

Section 4.11.1.12: New subsection .2 to allow a restaurant, pub or tavern to sell alcoholic liquor as an accessory use.
Section 4.11.1.14: New subsection .1 to allow hotels and motels throughout the zone.

Section 4.11.1: New subsection .22 to allow stores that sell power equipment, recreational vehicles and accessories throughout the district with outside display restricted to business hours.

Section 4.11.5: Adjust subsection numbers to accommodate hotels and motels as an allowed use throughout the zone, and to add text to new subsection .3 that prohibits the discharge of volatile organic compounds.

Section 4.11.5.3: Add new subsection .1 to define recreational vehicles. Add new subsection .2 to describe the restriction on the size of trailers. Add new subsection .3 to describe the location and screening of repair facilities, pick up, drop off and storage areas. Add new subsection .4 to further clarify where other motor vehicles may be sold.

Section 4.12: Add definitions of Prohibited Uses, which were moved to the "Definition" section.

Amended as of November 2, 2003

Section 6.4.3: Add new subsection .6 to allow the consideration of the construction of a water tank/tower in Industrial Zones without full screening from view, through a special permit process.

Amended as of April 3, 2004

Section 18: Add new definition of Age Restricted Housing.

Section 13.3.2.1: Amended to allow three (3) bedroom apartment/condominiums for age restricted housing only.

Amended as of October 16, 2005

Section 4.0 through 4.13 Ledyard Center Village District (LCVD): All new section (former Ledyard Center Design District [L.C.D.D.] and LCDD zone) now four (4) new zones: LCVD-1, LCVD-2, LCVD-3, MFVD.

NOTE: All sections previously numbered 4.8 through 4.17, hereby numbered 4.14 through 4.23 respectively.

Amended as of December 30, 2005

Section 8.3.10 Amended to allow fast food restaurants if entry and exit are on Route 12.

Add new Section 8.3.13 to CIP Zone to include convenience stores, gas stations with fast-food facilities and drive-thru's.

Amended as of February 17, 2006

Section 13.5: Amended to render the regulation compatible with requirements for Federal National Mortgage Association financing of dwelling units in Mobile Manufactured Home Land Lease Communities for Older Persons and make certain additional technical amendments.

Amended as of April 15, 2006

Section 3.6: Deleted "Cluster Residential Developments" add new "Conservation Subdivision Developments."

Amended as of August 5, 2006

Section 3.7.1: Add new Section 3.7.1.6 to allow interior lots in a Conservation Subdivision not to comply with Sections 3.7.1.1 and 3.7.1.2.

Amended as of October 8, 2006

Section 5.3 Add principle uses to the Resort Commercial District, and a change to Section 5.5.1.4 – building height. Also new definition "Resort Facility."

Amended as of February 3, 2007

Corrections of Internal References, and a change to Section 13.5 to remove regulations that are governed by the State of Connecticut Building Code. Also new definition "Mobile Manufactured Home."

Amended as of October 20, 2008

Section 10.2.5 change to banner regulation and new regulation to add signage on municipal water towers.

Amended as of July 6, 2009

New Section 8.7 Permitting interior lots in CIP Zones

Amended as of January 28, 2010

Section 17.2 amend entire section

Amended as of September 1, 2010

Section 13.3 Apartments/Condominiums

Amended as of October 15, 2010

Section 3.1.1 to allow one additional residential unit for farm employees on properties of 50 acres or more.

Amended as of June 1, 2011

(1) Section 12.3 Flood Protection regulations to incorporate changes required by FEMA and DEEP (includes updated flood maps).

Amended as of January 11, 2012

(1) Section 2.2 (Definitions) & Section 8.18 (Country Inn) to allow for (i) a restaurant, if part of a Country Inn, to be open to the general public; (ii) operated under its own name; (iii) the contracting out or leasing of the restaurant; and (iv) non-resident ownership of a Country Inn.

Amended as of October 18, 2012

(1) Sections 1.0 through Section 17.0 (Replacement of Ledyard Zoning Regulations)

(2) Attachment A – "Schedule of Permitted Uses" (New)

(3) Attachment B – "Area and Bulk Schedule" (New)

(4) Attachment C – "Parking Table" (New)

(5) Attachment D – "Design Guidelines" (New)

Amended as of November 4, 2013

(1) Section 13.1 B(2) Non-conforming Uses, Structures and Properties to allow the Planning and Zoning Commission to approve a non-conforming use to be changed to another non-conforming use.

Amended as of January 1, 2015

(2) Attachment A – "Schedule of Permitted Uses" Legend for RM-40 District – removed "for older persons districts" and replaced with "(Overlay to underlying R-40 Districts)"

(3) Section 4.3 Mobile Manufactured Home Land Lease Community (RM-40) added 4.3.B to allow R-40 uses in all areas marked RM-40 on the zoning map

Amended as of June 1, 2015

8.11 Dwellings, Multiple Family (Apartments, Condominiums, Townhouses)

A. Apartment/Condominium complexes may consist of multiple buildings and shall not be permitted on lots of less than five acres.

B. Density. The permitted density for an Apartment/Condominium complex shall be determined as follows:

(1) No public sewers: A maximum average density of four (4) bedrooms per acre.

(2) Public sewers: A maximum average density of eight (8) bedrooms per acre.

(3) Age restricted housing developments (with or without public sewers): A maximum average density of twelve (12) bedrooms per acre.

(4) Deleted

(5) No building shall contain more than eight (8) dwelling units except that a building may contain no more than thirty-two (32) dwelling units when the following criteria are met:

(a) At least fifty percent (50%) of the units are affordable housing, as defined in CGS §8-39a, with income and rent or sale price limits;

(b) Restrictions, consistent with CGS §8-39a, are recorded in the Land Records, maintaining the affordability for at least forty (40) years;

(c) Occupancy for units in the development requires at least one (1) person age fifty-five (55) or older, and no persons under age eighteen (18) or younger are permitted;

(d) Common spaces for socializing and gathering are provided in the building;

(e) The building is fully accessible to persons with disabilities, including installation of an elevator if on more than one (1) floor; and

(f) Parking provided at a minimum rate of 1.25 spaces per dwelling unit, which shall take precedence over the minimum requirement in §10.0 of these regulations.

C. Water and Sewer.

A community water system, or public water, shall be provided.

D. Minimum floor size. One-bedroom units shall contain a minimum of 540 square feet, and two-bedroom or larger units shall contain a minimum of 750 square feet of habitable living area. Apartment and condominium units with zero (0) bedrooms are not permitted.

E. Buffers:

(1) A suitable landscaped buffer strip not less than fifty (50) feet wide shall be provided along the parcel's boundary with any other lot or parcel unless such adjacent lot or parcel is already zoned for multi-family residential uses in which case the Commission may provide for a buffer strip of not less than twenty-five (25) feet from the adjacent boundary line.

(2) The amount of screening required for Apartments/Condominiums & Multifamily Developments, will be reviewed by the Commission, who will take into consideration existing topography and foliage, the structure's use, location, size and aesthetic impact on the adjoining properties, and the use of adjoining properties.

(3) All buffer areas shall be planted or preserved in a natural state in a mixture of evergreen and deciduous trees and shrubs and shall be maintained in proper order to protect adjacent properties and present a reasonably opaque, natural barrier to a minimum height of ten (10) feet.

(4) Buffer strips shall contain no parking areas or buildings. The Commission may allow other structures within the buffer area, such as wells, site utilities, recreation facilities, and drainage facilities. This determination will be made by the Commission, after evaluating existing and potential adjacent land uses, if it is satisfied that adequate screening is provided; and, in the Commission's opinion, the structure, its location, and/or its use will not adversely affect the buffering intent of the overall project.

(5) No building shall be erected within fifty (50) feet of a property line.

F. Recreational Space

(1) For any multi-family housing development, an area equal to ten (10) percent of the total lot area shall be set aside as open space. Buffer strips may be included in the computation of open space. The Commission shall approve the location of recreational space

(2) The condition, size and shape shall be readily usable for recreational space purposes.

(3) Such areas shall be easily accessible and balanced in design and location to preclude grouping of recreational space into the extremities of the parcel except for good cause.

G. Screening. deleted

H. Off-street Parking. Off-street parking shall be provided as required by §10.0.

I. The Commission may require the posting of a bond to assure completion of public improvements under the conditions noted in §15.6.

J. Rooming and/or Boarding are not permitted within the apartments in a multi-family development.

Amend "Attachment A: Schedule of Permitted Uses" Effective: November 1, 2015

Amend the Use Table by adding "public educational use (schools) permitted by Special Permit in R20, R40, R60, R80, GFDD1, GFDD2, LCVD1, LCVD2, LCVD3 zones"

And

"Note 47 Schools - Public: minimum lot size: 3 acres; building setback: 50 feet from the property line; parking setback: minimum 5 feet from the property line."

Amend "Attachment A: Schedule of Permitted Uses" Effective: November 1, 2015

Add Recreation Facility Outdoor P(CR) as permitted in the CIP District with the Commission Review of the site plan

Amend "Attachment A: Schedule of Permitted Uses" Effective: April 4, 2016

Make "Recreational Facility, Outdoor" Permitted by Special Permit in the LCVD 1,2,3 Zones.

Amend "Attachment A: Schedule of Permitted Uses" Effective: August 8, 2016

Modify Note 47 to read minimum lot size 3 acres, building setback of 50 feet to the property line, parking setback 5 feet from the property line, **the Commission may approve a maximum building height of 65 feet**.

Amend Application PZ#4830, Effective September 1, 2017

Amend Ledyard Zoning Regulations Section 2.0 Definitions, Section 8.0 Supplemental Regulations & Attachment A relating to Personal Services.

Amend Application PZ#4870 – Effective September 1, 2017

Complete text of zoning regulations as proposed by "Ad Hoc" Committee, updated thru public hearing comments for Applications 4354 & 4540.

Amend Application PZC #4896 & #4923, effective April 1, 2018

Comprehensive revision of the Town of Ledyard Zoning Regulations and Zoning Map.

Amend Application #4935, effective February 1, 2019

Comprehensive revisions to Zoning Regulations, including text & map amendments.

Include Appendix "1" Design Guidelines and Zoning Map Amendments, including Zoning Map Properties List.

Clerical revisions, i.e., spelling, grammar, formatting only.

Amended as of March 9, 2020

PZ#19-04RC – Zoning Regulation change to add Section 4.13 (Technology Park District) to the Ledyard Zoning Regulations

1. Sec. 4.13.1.2, Line 6 – Add the words "at the Commission's sole discretion" after the words "Notwithstanding the foregoing, any substantial and material change."
2. Sec. 4.13.1.2, Line 10 – Substitute the word "approved" for the word "enacted" and the word "replace" for "supersede."
3. Sec. 4.13.1.2, Line 11 – Add the word "future" after the words "pre-existing zoning."
4. Sec. 4.13.2, Line 2 – Add the word "as" after the word "such."
5. Sec. 4.13.3.3, Line 4 – Add the sentence "The Commission may, at its sole discretion, hold a public hearing on any addition or alteration to the Master Plan."
6. Sec. 4.13.3.4, Line 1 – Delete the words "become null and" and add the words "be void, without any further action of the Commission and the property shall automatically return to its prior zoning designation."
7. Sec. 4.13.6.6.6 – add the words "as a principal use" after the words "Outdoor storage."

Amended as of May 1, 2021

SECTION 8.27 – Temporary Forms of Outdoor Entertainment: New Section (Supplemental Regulation).

SECTION 3.5 (USES BY DISTRICT) TO ADD TO SCHEDULE OF PERMITTED USES (Page 16)

DESIGN DISTRICT USES	LCDD	LCTD	MFDD	GFDD	RCDD
Temporary Forms of Outdoor Entertainment				**P**	

Map Amendment PZ#21-08 Effective October 2, 2021

Amend Ledyard Zoning Map to reflect new Zoning District designation for MBL 121/2120/1528 -1528 Rte 12, Gales Ferry . Property changed from the CIP District to the GFDD.

Regulation Amendment Application #PZ21-13RA Effective December 17, 2021

Add New Section 3.5B: Uses Subject to a Moratorium. Cannabis Establishments. Moratorium approved for 12-months.

Regulation Amendment Application #PZ21-14RA Effective February 28, 2022

Add new section 8-28: Short-Term Rentals (Hosted) and associated definitions and usage table insertions

Regulation Amendment Application #PZ22-6RA Effective August 4, 2022

Amend Section 8.1 Accessory Dwelling Unit.

APPENDIX B: SITE PLAN REQUIRED STANDARD ELEMENTS (SITE PLAN CHECK SHEET)

Standard Elements of the Site Plan. As indicated in Chapter 11 of the Zoning Regulations, the following information is usually required with any application for Site Plan approval. However, the Commission may approve or modify and approve a Site Plan application that does not include all such information if it finds that such information is not needed to assure that the proposed use or uses will comply with the substantive provisions of these Regulations. The Commission may also require additional information if necessary to determine compliance.

All Applications for a Special Permit must be accompanied by a Site Plan Application. See also Supplemental Regulations for additional required elements. *These standards elements do not apply to Single-family and Duplex Dwelling applications (see Check Sheet in Appendix C) or for basic Zoning Permits for Accessory Structures and Uses See Appendix D for required elements of a Plot Plan.)*

For modifications to Site Plans produced prior to 1996, additional boundary information shall be required.

The Site Plan is only one element of an application. See additional submission requirements for Site Plan (§11.2), Special Permit Applications (§11.3), and Procedural Requirements in §11.6

B-1 General Information

The following information shall be provided on a 24 x 36 inch plan, with scale of 1" = 40'. Applicant shall submit three (3) full size plans. Eight (8) additional copies of the Site Plan shall be provided on an 11 x 17 (reduced copy) plan.

A. Property and applicant information:

1. address of the property and Map/lock/Lot;

2. name and address of owner of record; and

3. name of and address of the applicant.

B. A zoning compliance chart or table that indicates the dimensional, use, and other relevant standards such as parking and loading requirements for the property in the Zone and how the proposed structure and uses will comply with the requirements.

C. An approval block on the Site Plan for Commission Chairman or Secretary, date of approval, and date of expiration. (Required only for Site Plans requiring Commission approval, including Site Plans submitted as part of Special Permit applications.)

D. Names and addresses of current owners of property within 100 feet of the parcel as shown in the Assessor's records, including properties across from any street/road, right of way, river, and/or municipal boundary, and properties sharing a driveway with the subject property.

E. Zone of site and of all property within 500 feet.

F. North arrow (if other than North American Datum (NAD) 83 the applicant shall state why and provide standard for alternative), scale, name(s) of person(s) preparing plan, date of drawing, and any revision dates with description of revisions (revision dates shall appear on each plan sheet that has been revised and shall include a description of the revisions).

B-2 Parcel Information – Boundary, Topography, Wetlands and Watercourses, Soils, etc.

A. Property boundaries (Class A-2 with dimensions, angles, and area of the parcel and/or parcels subject to the application).

B. Existing and proposed street and lot lines and the dimensions of applicable setbacks.

C. Existing and proposed contour lines. For all areas of the parcel within 100 feet of any proposed work (including construction, excavation, filling, grading, and clearing of vegetation), the contour interval shall be no greater than two (2) feet (T-2 or T-3 accuracy). Topography taken from USGS Quadrangle interpolation shall not be acceptable for such areas, but may be used for other portions of the site. The Commission may require the applicant to submit design drawing(s), including cross sections and elevation, of all proposed activity. Additional spot elevations may be required where necessary to indicate drainage patterns.

D. Any existing or proposed easements and deed restrictions affecting the property including Utility Easements, Right's pf way, Conservation and/or Open Space areas including any areas/easements required by the Inland Wetlands Commission.

B-3 Soils Data, Wetlands and Waterbodies, CAM, FEMA and Watersheds

A. Identification of surface and groundwater resources on and around the site, including any public or private domestic users of such waters; the depth to groundwater and description of adjacent soils, and an evaluation of the impact of the proposal on existing and potential surface and ground drinking water supplies. The Commission may require additional information necessary to ensure protection of water resources and may require that the report be prepared by a hydrogeologist or other qualified professional.

B. Where appropriate, the mean high-water line, the flood hazard boundaries, and the channel encroachment line should also be shown.

C. If an inland wetlands and watercourses permit is required, an application to the wetlands agency shall be made prior to, or on the same day, as submission of the application for the Zoning Permit.

D. Areas within 100 year flood hazard areas as delineated by the Federal Emergency Management Agency (FEMA) and as shown on the most recently amended maps prepared by FEMA must be shown with a note saying "Limits of Flood Hazard Zone are approximate and are scaled from the Federal Flood Hazard maps." When a lot does not include land within the 100-year flood hazard area, the map shall include the following notation: "This lot does not include land areas within the Federal Emergency Management Agency's 100-year flood hazard area."

E. Any boundaries of any sub-regional watersheds that lie within the site, as shown on maps available from the Natural Resources Center of the Department of Energy and Environmental Protection including the boundaries of Groton Utility Watershed Areas.

F. All soil types per "Soil Survey of New London County, Connecticut." Provide signature block for the soil scientist certifying that all wetlands and watercourses have been delineated or that there are none on the property shall be placed on the plans.

G. Demarcation line showing CAM boundary.

B-4 Site Features; Structures and Uses; Site and Building Detail

A. A brief written description of the proposed use or uses and the type of work proposed.

B. Locations and specifications of all existing and proposed structures and uses including, but not limited to, buildings, stone walls, fences, sidewalks, driveways, decks, overhangs, staircases, parking and loading areas, exterior storage areas, recreational amenities (i.e. pools, tennis court, gazebos, firepits etc.), dumpsters, signs, abutting streets, utility structures, fuel tanks and hydrants.

C. Existing and proposed buildings and structures shall detail the number and type of rooms including the total number of bathrooms.

D. Identification of any chemicals or potential contaminants to be used, stored or produced on site or discharged on or off the site, and a detailed description of methods and procedures by which any chemicals or potential contaminants on site will be stored, used, applied, discharged, and disposed.

E. Renderings of any proposed building, specifying siding materials, should be provided; front, side, and rear elevations shall be shown.

F. Any stonewalls, monuments, and other structures having historical significance.

G. Any archaeological sites including but not limited to those known to the State Archaeologist's Office. The Commission may require the Applicant to submit a report from the State Archaeologist's Office.

H. Any historic buildings and sites listed on the National Register of Historic Places.

I. All wooded areas, specimen trees (exceeding 30 inches diameter at breast height (dbh), five feet above the ground), rock outcroppings (greater than 200 square feet surface area) and any unique and fragile natural features.

J. The general location of any endangered special and/or species of special concern per DEEP NDDB Map.

B5 Access and Parking

A. Location, arrangement and dimensions of automobile parking spaces, aisles, vehicular drives, fire lanes, entrances, exits and ramps.

B. Sight line information at proposed driveway cut(s), and statement that plans have either been submitted to DOT for review or that DOT review is not required.

C. Location, arrangements and dimensions of loading and unloading areas.

D. Location and dimensions of pedestrian walkways, entrances, and exits.

E. Surface treatment and detail of all driveways/Accessways, parking areas and loading areas.

B6 Utilities and Drainage

A. Locations and descriptions of water supply wells or other public water connection, septic system or connection to public sewer line.

1. Fire Protection: The applicant shall identify the source of water for fire protection.

B. Location of proposed subsurface sewage disposal systems and reserve fields, showing distances to adjacent land, distances from all wells within 75 feet (on or off the tract) together with percolation and test pit data.

C. Locations of existing and proposed drainage facilities on the site and those off-site that may be affected by the proposed activity, as well as any points of collected drainage discharges (i.e., discharges other than natural sheet flow) onto or off the site.

B7 Other

A. Any other information deemed necessary by the Commission to determine compliance with these Regulations. The Commission may require evaluation reports by Commission-approved independent professionals and other experts, including and not limited to: civil or traffic engineers, hydrologists, soil scientists, and/or geologists.

APPENDIX C: SINGLE FAMILY OR DUPLEX DWELLING PLAN REQUIRED STANDARD ELEMENTS (CHECK SHEET) & AS-BUILT CHECK SHEET

The following steps and associated required information are all part of the Single-Family or Duplex Residence Application Process and are necessary to properly review the application:

STEP 1: COMPLETE ZONING APPLICATION & PAY FEE.

NOTE: FEES ARE NON-REFUNDABLE

STEP 2: If the property is subject to any Easements (i.e. Conservation Easements), **NOTIFY THE OWNERS OF ANY EASEMENTS LOCATED ON THE SUBJECT PROPERTY** and submit proof that written notice of this application was made, by certified mail, to the party holding such restriction not later than 60 days prior to filing this permit application or submit a letter from the holder of the restriction verifying that the application is in compliance with the terms of the restriction.

STEP 3: SUMBIT PROFESSIONALLY PREPARED PLOT/SITE PLAN drawn to scale. Plan must be prepared, signed and sealed (with live signatures and seals) by a licensed Surveyor and/or Engineer containing the following information:

- North Arrow and Scale
- All Improvements to proposed building lot showing:
- Boundary points, angles and or bearings & distances. If plan is prepared solely by an Engineer, reference must be made to a filed A-2 Survey plan (**prepared after 1996**)
- Required Zoning District setback lines **AND** Zone District line (if applicable)
- Proposed buildings, accessory structures, porches, decks, stoops, stairs, patios & pools, etc.
- Driveway location, **existing and proposed grades, AND type of driveway surface.** In some cases – proof of adequate Site-lines must be shown from proposed driveway location
- Location of any easements * see above pertaining to restrictions
- Location of Wetlands & water courses (if applicable) **OR** note stating that there are no wetlands on the property
- Location of ledge outcrops (if applicable)
- Flood Zone classification (if applicable)
- Location of ALL proposed utilities (water, septic, electric, gas, solar, telephone, cable TV, etc.)
- Location of footing and/or gutter drains and outlets
- Limits of lot clearing
- Location and detail of Erosion & Sediment controls to be used
- Existing and Proposed Contours at 2' intervals based on **actual field data**
- A Bench Mark set on the property and location of all existing monumentation **
- Location of adjacent structures, wells and septic, when applicable
- Zoning Compliance Chart showing required and proposed bulk requirements

** Missing monumentation (IP, DH, RB or Monument) that as part of any prior approval, has been certified in writing as having been set, must be reset and verified by ZEO prior to approval of As-built and issuance of a final C.O.

For lots abutting a State Road: If your driveway will front on a State highway, an encroachment permit is required. Contact CONNDOT District II at (860) 889- 3301 for instructions.

STEP 4: SUBMIT BUILDING PLANS drawn to scale showing dimensions of building and individual rooms. Label use of all rooms and provide profile views from all sides. Footprint of house and outbuildings proposed must match the footprint shown on the site Plan.

STEP 5: PROVIDE COPIES OF THE FOLLOWING ITEMS *:

- Current Property Card and Deed describing the property being developed (See Assessor and Town Clerk).
- Wetlands Permit (if applicable)
- ZBA variance (if applicable)
- Driveway Permit
- Proof of notification to holder of conservation or preservation restriction (if applicable)

NOTE: It is the applicants' responsibility to supply this information – Land Use Office can assist applicant with these items.

STEP 6: ZEO WILL REVIEW APPLICATION AND ALL PLANS, CONDUCT A SITE VISIT, AND ISSUE A ZONING COMPLIANCE PERMIT IF ALL IS IN COMPLIANCE WITH APPLICABLE REGULATIONS.

NOTE: While you are free to begin the Building Permit Application process at the same time you submit your initial Zoning Permit Application, please note that (1) the Zoning Permit Application must be approved by the ZEO and an approved Zoning Compliance Permit issued and (2) and application must be submitted, reviewed, and approved by Ledge Light Health District before the Building Official can issue a Building Permit to allow construction to begin.

STEP 7: CERTIFICATE OF ZONING COMPLIANCE (NOTE: This is different than the Zoning Compliance Permit. The Certificate of Zoning Compliance is issued AFTER all construction and site work have been completed and you demonstrate that the work complies with the approved Plans. A Zoning Compliance Permit and Building Permit are required before you BEGIN any construction.)

Five (5) days' notice required from permittee that premises are ready for occupancy before Certificate of Zoning Compliance can be issued.

All disturbed soils are to be stabilized with a permanent vegetative cover or seeded and mulched.

An As-Built plan, prepared by a licensed surveyor (At least a Class B), showing all site improvements in relation to the boundary lines including actual building location, decks, retaining walls, footing and gutter drain outlets, driveway (Location and final grade), septic system (per installer's as-built), utilities (water-lines, septic, electric, gas, solar, telephone & cable, etc.) and well location will be required (**SEE AS-BUILT CHECKSHEET)**

THE BUILDING DEPARTMENT WILL NOT ISSUE A FINAL CERTIFICATE OF OCCUPANCE WITHOUT A CERTIFICATE OF ZONING COMPLIANCE ISSUED BY THE ZEO

RESIDENTIAL SINGLE FAMILY/DUPLEX AS-BUILT REQUIREMENTS FOR CERTIFICATE OF ZONING COMPLIANCE

AS BUILT (2 COPIES), PREPARED SIGNED & SEALED BY A LICENSED SURVEYOR TO AT LEAST CLASS B STANDARDS, IS REQUIRED TO SHOW THE FOLLOWING IN RELATION TO THE PROPERTY LINES AND BUILDING SETBACK LINES. THE PLAN MUST BE DRAWN TO THE SAME SCALE AS THE SITE PLAN APPROVED FOR THE SINGLE FAMILY/DUPLEX ZONING PERMIT.

1. Building footprint, including all decks, steps, bulkhead doors, enclosed mechanicals, and overhangs.
2. The location of all accessory structures. (Sheds, garages, barns, gazebos, screen houses, patios, carports, pools etc.)
3. Location of benchmark and installed monumentation. Any monumentation (IP, DH, RB or Monument) shown on initial Site Plan or Subdivision Plan or that as part of any prior Site Plan or Subdivision approval, was certified in writing as having been set, must be reset and re-certified by the licensed Land Surveyor preparing the As-built Survey.
4. The **location**, **type of surface** and **percent grade** of the driveway.
5. The location of the well.
6. The location of the septic system.
7. The location of any footing and/or gutter drains and their point of origin. (Rodent proof cover required on footing drains)
8. The location of any drainage structures or pipes installed on the property.
9. The approximate location of the utilities servicing the new home.
10. The location and height of installed retaining walls.

Spot elevations confirming any proposed significant regrading may be required.

PRIOR to final As-built inspection and issuance of the Certificate of Zoning Compliance, all disturbed soils on the site are to be stabilized with a permanent vegetative cover or seeded and mulched. In some instances, the Zoning Compliance may be conditioned on the completion of seeding and mulching if the house is completed during the winter months. In these cases, a signed contract with an appropriate contractor will be required.

Site Erosion and Sediment Controls are to remain in place until the permanent cover is established**.**

A street identification number, visible at night, is to be placed at the end of the access driveway to the house.

Be advised. Final Approvals/Signoffs may be required from Ledge Light Health District and/or the Director of Public Works, (As applicable) before a Certificate of Zoning Compliance can be issued.

The Building Official may not issue the Final Certificate of Occupancy until you have received your Certificate of Zoning Compliance.

APPENDIX D: PLOT PLAN CHECK SHEET

Applicability: A Plot plan is required for applications for accessory uses and structures that do not require a Site Plan such as sheds, pools, barns, decks, additions, minor change of use etc. (See Section 3.5(3))

Your Plot Plan need not be prepared professionally, but it must contain a Map of your property, a Floor Plan of the building you will use for your Accessory Use or Structure and a Sign Sketch that shows the design of your sign, if applicable.

All DRAWINGS must:

- Show the total acreage of the property and all property boundaries with lengths indicated in feet. Applicant may submit any of the following provided all information necessary to show compliance is included on the drawing:
  - o a Class D survey;
  - o a detailed plan drawn to scale utilizing CAD;
  - o GIS maps prepared by town staff; or
  - o a neatly drawn to scale plan with applicable labels and legends
- Be on 8 ½" x 11" or larger white paper (larger is preferred);
- Be in ink or be a copy-machine reproduction

The MAP must contain the following information:

- Your name, the property owner's name, and the property address;
- The name of the frontage road;
- The location of all existing buildings/structures;
- The location of all existing driveways, parking areas, and turn-around areas;
- The location of your well and septic system (if applicable);
- Location of wetlands, watercourses and wetlands buffers;
- Any existing or proposed easements and deed restrictions affecting the property including Conservation and/or Open Space areas including any areas/easements required by the Inland Wetlands Commission;
- Any stonewalls monuments, and other structures having historical or archeological significance;
- **The location of the proposed building or the building in which your activity will occur;**
- **Provide accurate setback distances from proposed structures to existing property lines and any other applicable setback line;**
- The words "Prepared By" followed by the preparer's signature and date.

Property Information:

- **Please provide a copy of your current property card and deed. (See Assessor and Town Clerk)**

The FLOOR PLAN (if applicable) must contain the following information:

- Show all interior and exterior building walls to scale;
- Labeled uses for all rooms;
- **For Home Occupations**: Show the area (in square feet) of the residence and the area (in square feet) of the space in which the Home Occupation activity will occur; and show all indoor storage areas, partitions, and other features to be installed or constructed. Outside storage of materials associated with a Home Occupation is prohibited.

Note: For all applications for change of use, boundary line adjustments, additions to existing structures, new accessory uses, accessory structures >200sf, and all pools, a LEDGE LIGHT HEALTH DISTRICT application and approval is required. For all proposed structures >200sf, a BUILDING PERMIT is required.

APPENDIX E: DIAGRAMS

TOWN OF LEDYARD, CONNECTICUT
PLANNING AND ZONING COMMISSION
EXHIBIT LIST

PZC APPLICATION: PZ#22-7RA of the Ledyard Planning and Zoning Commission, to consider comprehensive rewrite of the current Zoning Regulations.

HEARING DATE: August 25, 2022

EXHIBIT#	DESCRIPTION:
#1	Application
#2	Summary of the Significant Changes to Current Zoning Regulations
#3	Comprehensive Re-Write of the Current Zoning Regulations
#4	Letter from SCCOG After Reviewing
#5	Legal Notice to The Day
#6	Letter from Karin Parkinson
#7	Livestock Guidance Book
#8	Letter from Paul Maugle
#9	RA Analysis from Eric Treaster
#10	Letter from Jessica Cobb and marked up document
#11	Letter from Patrick Kelly
#12	Information on Right to Farm Law and Agrotourism

Additional Documents provided August 11, 2022

#13	Comments from Chris Gush
#14	Comments from Mayor Fred Allyn,III

Document added August 15, 2022

TOWN OF LEDYARD, CONNECTICUT
PLANNING AND ZONING COMMISSION
EXHIBIT LIST

#15 Revised Document with comments incorporated– 8/15/22

Document Added August 23, 2022

#16 Comments from Karen Parkinson

RECEIVED
AUG 16 2022
LAND USE DEPARTMENT

August 23, 2022

To: Juliet Hodge

From: Karen Parkinson

Re: Zoning regulations/farm issues

All the revisions look good, plus the addition of 2nd accessory dwelling. Thank you.

My one concern: is there is a need to have a definition to "working farm" I know there is a concern that someone could start a "farm" and immediately go to large events. My suggestion would be that :

Working farm: A farm, greater than 5 acres, in operation of "farming" as defined under Agriculture for a minimum of two years prior to application for non-agricultural activities/events

Or. Imbedded into events. Working farm as demonstrated active "farming" for the previous two years.

The rationale is that the need for a farm to expand into non-agricultural activities is to generate additional income to sustain the existing working farm.

Summary of Major Changes:

Ch. 1

- Minor changes to wording as required by recent changes to Statute

Ch. 2

- Added definitions for all uses and major terms used.
- Revised existing definitions – including those related to setbacks, lots, agriculture, and building height,

Ch. 4

- Added requirement for 75% contiguous buildable area and clarified intent of the Minimum Lot Area requirement. Added criteria for what is buildable vs unbuildable.
- Added provision that applications for ALL proposed lots (subdivision/Resubdivision) or for development on an existing lot (some exceptions apply) must be capable of supporting a driveway that conforms to the regulations at the time of application.
- Added section to allow minor projections from structures such as canopies, eaves, bay windows, open stoops, ramps etc. to be permitted in any required setback (specific distances provided). Added same type of standards for fences, patios and signs.
- **Added Section 4.4 Exceptions**: This is a new section to address the non-conforming location of existing homes built before after subdivision regulations were passed - trying to come up with a way to allow residents to invest in their properties by allowing for setbacks that make more sense for the lot as it is currently developed. The 2nd part of the section addresses vacant lots created before subdivision regulations – basing setbacks distances on the size of the lot vs the underlying zone.
- The dimensional requirements for each district were adjusted significantly to help ensure better subdivision design and better lot-layout.
- Eliminated the higher setback requirement for lots fronting a State Rd. – ROW is typically wider there anyway. Setback requirements based on what makes sense for the lot size in a particular zone rather than the one size fits all approach.
- Added Max height of 45ft and max. stories of 3.5 for NON-residential and Multi-family buildings in residential districts. (Down from 50 as originally proposed)
- Allow Accessory Structures anywhere within the building envelope.
- Added Lot width requirements.

Separated residential and non-residential Zoning District regulations

- Generalized the Land Uses and grouped into categories to allow for proper flexibility – not the kind where the commission decides how to interpret the scope or intent of a particular EXISTING use in order to approve a PROPOSED USE that isn't specifically listed and doesn't quite fit. Will also prevent the practice of classifying a proposed use that is not specifically listed, as a mixture of listed uses listed in the regulations… i.e. Landscaping Business being classified as "warehouse" and "vehicle dispatch" or "outdoor storage and

sales", etc. It is a Commercial Service, and that specific Use needs to be listed in the Use Table.

- The generalization of land uses, coupled with a clear definition of each allows for uses not initially anticipated to be permitted without having to first write a specific regulation and applying for a text amendment to the Table of Uses. This allows for both flexibility on the commission's end and increased predictability on the developer and public's end.
- Took out references to the Design Guidelines and ARB as they are not mandatory and there is no ARB.

Ch. 5

- ***Generalized and categorized the Permitted Uses.***
- Fixed the purposes for each zone to reflect changes in statute regarding use of the word "character."
- Got rid of both AFFORDABLE HOUSING DISTRICT and INCENTIVE HOUSING ZONE –
- Took out AGE RESTRICTED HOUSING and ASSISTED LIVING FOR SENIOR CITIZENS – There were no standards or application process as they were likely tied to a specific development at some point.
- Took out Rooming and Boarding and Mobil Home Leased Communities
- Increased frontage requirements and added maximum distance to achieve minimum lot width.
- Changes to permitted uses to allow Duplex via Zoning Permit and Multi-family in all residentials zones (with minimum acreage requirements). Duplexes no longer require a Special Permit.
- Blended the Conservation and Open Space Subdivision regulations to get rid of redundancy adjusted dimensional regulations for each.
    - Added restrictions related to driveways, access strips and rights of ways across multiple properties;
    - added maximum lot size; and
    - restricted the number of special interior lots to facilitate better design and achieve stated purposes for these types of subdivisions.

Ch. 6

- Changed the "Design Districts" to "Development Districts" as there are no actual formal design districts with mandatory design guidelines. Took out any "design" requirements that are not under the control of PZC and/or created more uniform Site Standards for all uses requiring a Commission review. Old regs the standards were different for each zone and sometimes for different uses within the zone and were scattered throughout the document.
- Adjusted Dimensional requirements and permitted uses to better reflect the actual properties in the zone and desired type of growth while still protecting natural resources.
- Allow height increase to 65ft with conditions.

- Took out specific density restrictions – allow health code and bulk requirements etc. dictate.
- Took out Commercial Complex – replaced with Mixed use and made it a Special Permit in all districts.
- ***Took out Outdoor storage & sales.****-Don't like this one. Should be encouraging products to be in a building so the town gets the tax revenue. Will prevent the selling fireworks form a tent for example. Handle Outdoor Storage in the Site Development Standards. Most of what you were envisioning under this use probably falls under Commercial Services – and you DEFINITELY don't want outdoor storage to be encouraged there.*
- Took out Alcoholic Liquor – no idea what that means.
- Added Commercial Services by SUP. This will cover all the following uses that were in existing Regulations. *Car wash; Equipment sales & repair; Funeral homes & undertaking; Fishing Gear Rental; Laundromat;* ***Motor Vehicle Repair (Mechanical); Motor vehicle body repair & painting;*** *Nurseries, including retail & wholesale; Repair shops (radio, tv, shoes, computer, etc.);RV Sales, Service, & Accessories;* ***Sawmill; Sawmill – Temporary;*** *Storage Facility; Self Storage w/ truck rental accessory use; Vehicle dispatching and repair*
- Added Temp. Forms of Outdoor Entertainment to the LCDD too.
- Took out the regulation that permitted a developer to build multi-family apartments and Planned communities up to 75% of the lot or of building usage if the remaining portion of the lot and/or building OR A BUILING ON ANOTHER LOT is developed commercially….*because that flies in the face of zoning in so many ways!*
- Took out language that seemed to allow multiple uses on a property – no matter the use… even those NOT in the use table… left it to the discretion of the Commission. Not allowed at all. Uniformity rule.
- Took away any requirement related to off-site improvements. *Not legal*
- Allow Multi-family developments in all residential zones including R60 *(Where it was prohibited)*
- Took out the Tier I and Tier II language pertaining to personal services in old supplemental regulations as they were not distinguished as such in the table of uses.

Chapter 7: General Requirements which pertain to all zones and chapter

- Added snow stack requirement for driveways – i.e. can't be closer than 10ft from a property line.
- Added the requirement that 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.
- Added requirement for turnouts for driveways greater than 400ft.
- Revised Shared Driveway requirements:

- Added: "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))."
- Added: "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."
- Reduce the number of lots that can share a driveway from 4 to 3 (exception for Cons. Sub).
- Added a maximum of 400 feet for any interior lot access strip (flag lot).
- Added exception language about Special Interior Lots in Open Space Subdivisions

Added Chapter 8: Supplemental Regulations which pertain to the specific permitted uses in each zone. This section is only for Uses listed in the permitted use tables that needed additional criteria than what is provided in the Site Development Standards – such as acreage requirements, owner occupancy requirements, limits to hours of operation etc.

- Added requirements for new uses as appropriate and edited existing criteria to correct discrepancies and regulations that are outside of the Commission's authority to regulate.
- Added Excavation to this section and out of "Natural Resources" as it is a specific permitted use
- Added Alternative Energy Systems as they are also in the use table
- Removed Conservation and Open Space Subdivisions from the existing Supplemental Regulation Chapter as they are types of development – not "uses"
- Removed Portable Storage Unit and add it to General/MISC Regulations as it is not a specifically listed use.
- Major overhaul of the Agricultural Regulations
- Took out extremely restrictive dimensional requirements for keeping animals.
- Added new type of Home Occupation in non-residential districts where there is an existing house. The thought was to allow someone the opportunity to try out a business without converting the whole property to a commercial use -thereby giving up the non-conforming residential status. Added Home Occupation: Commercial Services.

Added much needed Chapter 9: Site Development Standards: These are absolutely necessary. The PZC MUST add specific criteria for each standard required or discussed (i.e. landscaping and lighting, etc.) so there are clear standards upon which to review applications and determine compliance.

- All applications before the Commission must be evaluated based on conformance to specific standards spelled out in the regulations – that are uniform and applied consistently.
- Added Design Objectives based on the Design Guidelines and based some of the Site Development Standards on these design guidelines as well. The Site Development Standards only apply to uses that require a Site Plan or Special permit – i.e. Commission review. They do NOT apply to applications reviewed and approved by staff. Those applications have their own Site/Plot Plan requirements and review criteria.

- Added standards for Landscaping and Buffering, Lighting, Access Management (for non-residential uses and Multi-family developments), General Performance Standards, Low Impact Design, Refuse Storage, Outdoor Storage, Outdoor Display of merchandise, Architectural Design, Off-street Parking and Loading, Consolidated parcels, Soil & Erosion Control measures, and Stormwater Management. Referenced ordinances as applicable.

Ch. 10 and Ch. 11

Grouped all the administrative "stuff" making sure to differentiate between the process for applications that are reviewed and approved by staff vs the commission or ZBA.

- Added detail on Commission Permit Review and Approval for Concept Plans; Site Plans; Special Permits; Map and Text Amendments and Master Plans
- Added note that "All signatures must be live, and date of signature provided (including that of the Soil Scientist).
- Added timelines for filing Plans and clarified that all Site Plans approved by the Commission are filed with the Town Clerk. Currently are silent about Site Plans.
- Added expiration period for all types of permits/approvals
- Added Change of Use and Free Split/Boundary line adjustment requirements
- Took all the Site Plan requirements that used to be in Chapter 6 and put them on a Check Sheet.
- Took out the additional requirements by district and incorporated mush of the requirements into the Site Development Standards or Supplemental Regs for a particular use rather than the whole zone.
- Beefed up the Special Permit Criteria.

Ch. 12 Put the section on CAM and FEMA together in this Chapter. – No change to the language.

Ch. 13 is now ADMINISTRATION AND ENFORCEMENT

Ch. 14 is Zoning Board of Appeals including Floodplain Variances.

Ch. 15 is the chapter on Aquifer Protection.

Other:

- Added APPENDIX B (Site Plan Standards Check Sheet), APPENDIX C (SFR & Duplex Dwelling Check Sheet) & APPENDIX D (Plot Plan Requirements)
- Additional Changes were made throughout to comply with new Statutes and to clear up many errors and inconsistencies that made the current regulations impossible to enforce at times.

TOWN OF LEDYARD, CONNECTICUT
PLANNING AND ZONING COMMISSION
EXHIBIT LIST

PZC APPLICATION: PZ#22-7RA of the Ledyard Planning and Zoning Commission, to consider comprehensive rewrite of the current Zoning Regulations.

HEARING DATE: August 25, 2022

EXHIBIT#	DESCRIPTION:
#1	Application
#2	Summary of the Significant Changes to Current Zoning Regulations
#3	Comprehensive Re-Write of the Current Zoning Regulations
#4	Letter from SCCOG After Reviewing
#5	Legal Notice to The Day
#6	Letter from Karin Parkinson
#7	Livestock Guidance Book
#8	Letter from Paul Maugle
#9	RA Analysis from Eric Treaster
#10	Letter from Jessica Cobb and marked up document
#11	Letter from Patrick Kelly
#12	Information on Right to Farm Law and Agrotourism

Additional Documents provided August 11, 2022

#13	Comments from Chris Gush
#14	Comments from Mayor Fred Allyn,III

Document added August 15, 2022

TOWN OF LEDYARD, CONNECTICUT
PLANNING AND ZONING COMMISSION
EXHIBIT LIST

#15	Revised Document with comments incorporated– 8/15/22

Document Added August 23, 2022

#16	Comments from Karen Parkinson
#17	Comments from Eric Treaster Ch 1-5 revised

Document Added August 25, 2022

#18	Comments from Eric Treaster Ch. 6
#19	Summary of Changes revised – Juliet Hodge for Commission
#20	Revised full Document – August 25, 2022

Review of Revised Proposed Zoning Regulations

Chapter 1 -
Authority, Purpose, Retroactivity & Severability

1. Delete: §1.1 "Title"

   Although §1.1 is called "Title", it is not a "title." A "title" is a "*name, heading, legend, caption, or inscription.*" What is provided is an *announcement* that the regulations were adopted after notice and a public hearing, which is not a "title, " but is a historic procedure. The "title" is also unnecessary at this location and should be deleted.

2. A definition for "Zoning Regulations" should be added to §2.2.

   Suggestion – "*A general plan to control and direct the use and development of property in the Town of Ledyard by dividing it into districts according to the present and potential use of the properties. Zoning Regulations are also known as the "Comprehensive Plan.""*

3. Replace §1.2 "Authority" with:

   "§1.2 These regulations were enacted under the provisions of Chapter 124 of the Connecticut General Statutes as amended. Together with its zoning map, they constitute the Comprehensive Plan for the Town of Ledyard."

4. Delete the section in §1.4 that states, *""Work" for purposes of this subsection, means all physical improvements required by the approved plan."*

5. Move the above definition of "Work" to §2.2 as follows:

   WORK: *Physical improvements required by an approved site plan.*

   (All definitions should be in §2.2.)

Chapter 2 –
Definitions

1. Add the following after §2.1.A-8.

"9. The word "*must*" is mandatory,
"10. The word "*should*" is advisory."

2. Delete: *"2.1.B.* ***Words and Terms Defined****: Words defined in Chapter 2.0 of these Regulations shall be interpreted as set forth in that Chapter."*

Justification: Confusing and not necessary. It is generally understood that definitions in §2.2 are applicable whenever that word or phrase is used in the zoning regulations.

3.. Delete: *"2.1.C :* ***Words and Terms Not Defined:*** *Words and terms not defined in Chapter 2 of these Regulations shall be interpreted in accordance with the following hierarchy.*

1. *If the word or phrase is defined or used in the Ledyard Subdivision Regulations, it shall be interpreted to be consistent with such definition or usage.*

2. *If the word or phrase is defined in the Connecticut General Statutes, it shall be interpreted to be consistent with such definition.*

3. *A comprehensive general dictionary; e.g., Webster's Dictionary.*

Justification: Confusing. See #4 as follows for simplification.

4. Insert §2.1.A.11: Definitions in the Ledyard Subdivision Regulations are also applicable to Ledyard Zoning Regulations.

Insert 2.1.A.12: Definitions in the Connecticut General Statutes are applicable to the Ledyard Zoning Regulations.]

Insert 2.1.A.13 Definitions in the New Oxford American Dictionary are applicable to terms and phrases that are otherwise not defined.

5. Regarding §2.2 – consider the following to improve searchability and readability.

   Insert a *§2.2.1 "General Definitions*"

   Under the §2.2.1 "*general definitions*" would be the terms and phrases (in alphabetical order) use in the zoning regulations, *with the exception of the agricultural terms and phrases*.

   Add a *§2.2.2 "Agricultural Definitions"*

   Under the §2.2.2 "*agricultural definition*" section would be the agricultural terms and phrases, in alphabetical order.

   Justification: *The above change* would have the benefit of maintaining alphabetical order throughout §2.2.1 & §2.2.2, which would make the definitions more user friendly.

6. Regarding the definition of "*Farm Stand*" *An accessory building in support of farming, specifically for the seasonal sale of products produced primarily on local farms in accordance with §8.15.E(5)."*

   Note: The words, "accessory", "building", "seasonal", "primarily", and §8.15.E(5) are problematic.

   Suggestion: Replace with: *"Farm Stand: A founded or portable (non-founded) structure on a farm used for the direct sale of products from local farms to the public."*

   Justification:

   1. There is no §8.15.E(5).

   2. The word, "*primarily*" is unclear. Is the primary use of a farm stand determined by the amount its floor allocated to local farm products versus to non-local farm products, or to the dollar value of local farm products versus the dollar value of non-local farm products? Not clear. For example, how much wine from non-Ledyard wineries can be sold from a farm stand? There is a similar argument for the word "seasonal". Can wine be sold from a farm stand in January?

   3. Definitions should not reference forward into the regulations to avoid reference errors and the risk of a circular definitions.

   4. The word "accessory" should be deleted since it requires a principal dwelling and/or a barn (or other principal use) to have an "accessory" farm stand. There is no reason

why a mobile farm stand cannot be a principal strucuture on a bonafide farm that does not have a house or barn.

5. Also, the word, "building" implies permanency. However, a farm stand on a farm could be a 10' x 20' tractor-drawn wood sled., covered wagon, or a converted school bus or travel trailer. What is the intent?

7. Change the phrase: "Apartment, Commercial Caretaker"
To: "Apartment, Caretaker"

Justification: The word "commercial" implies "for profit". There are non-residential uses, (uses not be intended to make a profit), that may require a resident caretaker. For example, a caretaker may be required for a non-profit (non-commercial) museum, gallery, or school.

8. Regarding the definition of "Assisted Living Facility" - delete the phrase ... *"for those who are in otherwise good health" ...* from the definition.

Justification: Inappropriate and unnecessary. Most residents in an assisted living facility are not in "otherwise good health."

8A. When is a "Barn" a principal structure or an accessory structure? Where is this identified?

8B. Why is the definition for a "Barn" not in the boxed area for farming terms and phrases?

9. Age Restricted Housing: Add the following sentence to the proposed definition, *"Age-restricted housing shall be memorialized as a deed restriction for properties approved as an age-restricted developments.*

The requirement for *the memorialization* of a permanent age restriction on a development is important. It should be added somewhere, if not in §2, then perhaps in §11 and/or Appendix B.

10. Add the following definition for *Dog Park*.

"A public or private park for dogs to play off-leash in a controlled environment to exercise and socialize under the supervision of their owners. "

Justification: To differentiate between a park and a dog park. Dog parks should not be permitted until appropriate minimum acreage, fencing, lighting, vaccination, noise, rules, sanitation, signage, and hours of operation requirements (regulations) are adopted. Once adopted, a special permit should be required for dog parks as a principal use. A dog park should not be an accessory use in a residential district. A dog

park as an accessory use in a commercial district should require the owner to be present.

11. Regarding the definition of "*Bed And Breakfast*."

Replace the word, "*dwelling*" with the phrase, "*single-family dwelling.*"

12. Regarding the definition of "*Building Line*".

Is: "A line delineating the minimum required distance between the front property line and the line beyond which a structure may be located on that lot. The front setback line extends the full width of the lot."

Proposed: "A line delineating the minimum required distance between the front property line and the line beyond which a ***principal*** structure may be located on that lot. The front setback line extends the full width of the lot."

Rational: To be consistent with the long-term (since 1963) practice in Ledyard of not permitting accessory structures (sheds, hoop houses) between the extended front of a principal structure and the front property line, also known as the front yard. Also, Ledyard has not permitted free standing garages between the extended front of a principal structure and the front property line (in the front yard) since about 2015.

Retention of this long-established policy also requires a change to the revised §8.2 for accessory structures and uses, which allows sheds and hoop houses between the extended front of a principal single family dwelling, or duplex, and the front property line (i.e., in the front yard.)

13. Regarding the definition of "*Civic Building*".

The proposed definition makes a public parking lot a "civic building." Also, it requires the building to be owned or leased by a public agency or non-profit organization. As such, a for-profit museum or art studio would not be a civic building, but an non-profit museum or art studio would be a civic building. Similarly, the Ledyard food bank building, which does not provide "a service to the general public dedicated to arts, culture, education, recreation, government, transit, or public parking" would not be a civic building.

Is the Ledyard Food Pantry "barn" a "Civic Building"? (IMO, it is, but it is not under the proposed definition).

Suggestion: Replace the definition of Civic Building with: *"A building owned or operated by a public agency and used for providing service to the public."*

14. Regarding the definition of *Coastal Site Plan* – its definition refers forward to §12 of the regulations.

Although regulations can and should reference the definitions, it is usually not a good idea for definitions to reference into the regulations. One risk is that of circular logic, where the regulations reference a definition, and the definition references the same regulation. Another risk is that, when the regulations are amended and their sections renumbered, a reference to a regulation from a definition is unlikely to be updated.

Suggestion: Replace the definition with: *"Coastal Site Plan: The site plans, applications, and project referrals listed in CGS §22a-105."*

15. Regarding the definition of "Community Center" - its definition is, *"A building or group of buildings and associated grounds either privately owned or municipally leased or owned, in or on which members of a community may gather for social, educational, or cultural activities."*

Suggestion: Replace the definition with: "*Community Center: A building, or a group of buildings, available for use by residents for social, educational, and cultural activities."*

Rationale: Ownership of a building has nothing to do with determining if a building or group of buildings is a "community center."

16. Delete "Cottage Cluster Housing"

Rationale: Not used in the zoning regulations.

17. Regarding the definition of "*Home Occupation*"

Suggestion: Restore "*... within a single-family dwelling in a residential district by the resident owner(s) thereof ...*" to the definition of Home Occupation.

Rationale:

The proposed definition for a "*Home Occupation*" includes a requirement that the home occupation must be *"... within a residential dwelling by the resident owner(s) thereof ..."*

The definition of a Home Occupation in the *existing* regulations requires that the home occupation must be *"... within a single-family dwelling in a residential district by the resident owner(s) thereof ..."*

The consequence of this change is that a home occupation will, for the first time, be allowed in condominiums, duplexes, multi-family developments, mobile home parks on leased land, and in owner-occupied accessory apartments – because such units are "residential dwellings" as the phrase is defined.

It means that *customers, vendors, suppliers, raw materials, equipment, Fedex deliveries, and tools would pass through common areas* of property that is not under the control or is the responsibility of the owner of the home occupation. It also means that customers and vendors may consume limited shared parking that is not under the control of the owner of

the home occupation. It also means that the refuse generated by the home occupation could increase the refuse pickup costs of the condo association, which is not fair.

Home occupations should only be allowed in owner-occupied single-family residences, as in the existing regulations. (Essentially, for the same types of reasons STRs are not allowed in multifamily dwellings.)

18. Regarding the definition of "*Lot*."

Suggestion: *"Lot: A designated area of land established by subdivision or as otherwise established by law, and is formally described and recorded with map, block, and lot numbers. A parcel can consist of one or more lots; a lot cannot consist of more than one parcel."*

Rationale: IMO, there is confusion as to the difference(s) between a plot, tract, *lot*, plat, and *parcel*. A "lot" can be a "parcel." However, normally the word "lot" and "lot lines" are used, and not "parcel" or "parcel lines." IMO, the definition should reflect the technical equivalence.

19. Restore the definition of "*Mobile Manufactured Home Land Lease Community*"

Suggestion: Add the following definition.

Mobile Manufactured Home Land Lease Community: *"A land lease community in which two (2) or more mobile homes or mobile manufactured homes are located on a single parcel and occupied as dwelling units."*

Justification: Ledyard has several land lease communities (aka mobile home parks). Stonegate Village is the newest, best, and recently (and may still be) Ledyard's 10th highest paying taxpayer. Hopefully, well-designed and regulated land lease communities will be an important part of providing safe, desirable, and affordable housing, and restored to the Use Table. Note: The suggested definition mirrors the definition in CGS §21-64-(2).

20. Regarding the proposed definition of "*Non-Conforming Lot*"

Suggestion: The definition of a"Non-Conforming Lot" should be: *"A Lot of Record which does not conform to these Regulations*

The definition references §14.3 in the zoning regulations, which adds no value and is unnecessary. More importantly, although regulations can and should reference the definitions, to avoid the risk of circular logic, it is usually not a good idea for definitions to reference into the regulations.

."

21. Regarding the proposed definition of "*Non-Conforming, Legally Existing (a.k.a. "Grandfathered Use:"*

Add a close parenthesis after *"... Use:"*

22. Regarding the definition of "*Parcel*"

Suggestion: Add the following at the end of the proposed definition.

"*A parcel consist of one or more lots."*

23. Regarding the definition of "Park/Playground"

Suggestion: Add the following sentence to the end of the proposed definition for "Park/Playground"

"*A park does not include any type of park principally designed and intended for use by "dogs."*

A "dog park" is principally for the benefit of dogs, and not for its owner. A dog park is not principally for (human) recreation; or for scenic, leisure, conservation, historic, or ornamental purposes as in the proposed definition. As such, a "*dog park*" should not be an example of a type of "Park/Playground" encompassed by the definition. A "*dog park*" should, however, be a listed use, have supplemental regulations, and require a special permit. See proposed definition of "dog park".

24. Regarding the proposed definition for "*Personal Service Establishment*"

The definition in the revised application is:

"Personal Service Establishment: Establishments primarily engaged in provided services based on the intellectual or manual efforts of an individual (as for salary or wages) rather than a salable product of his or her skills."

Problem #1: How an individual is paid (salary or wages) should have nothing to do with the determination of if an establishment constitutes a personal service establishment.

Problem #2: Does an individual who prepares tax returns constitute a "personal service establishment" under the proposed definition? Is this the intent?

Problem #3: Is an HR Block franchilse office with a dozen tax preparers a "personal service establishment?

Problem #4: Is someone who repairs cell phones a "personal service establishment?

Problem #5: Is someone who gives swimming lessons in their backyard pool (as a home occupation) a "personal service establishment"? What about music lessons?

If not, where in the regulations are these "services" allowed? Where is *training* by non-certified, non-registered, or unlicensed instructors (non-professionals) allowed under the regulations?

Suggestion: Replace the definition with: "Personal Service Establishment: Activities intended to make a profiit that do not involve the sale of inventory or require a degree, license, periodic testing, certification, or apprenticeship. Examples include music lessons, art classes, history classes, foreign languages, property management, tax preparation, artistic welding, grant writing, political campaign managment, swimming lessons, tailoring, tattoo parlor, office equipment repair, cleaning, and custom video productions

25. Regarding the proposed definition for "*Sawmill, Temporary*"

Suggestion: Delete the word, "*immediately*" from the proposed definition.

Rationale: Adjacent, and immediately adjacent, mean the same thing.

26. Regarding the proposed definition for "*Setback, Front Yard*"

The proposed efinition for "*Building Setback Line – Front*".

Is: *"A line delineating the minimum required distance between the front property line and the line beyond which a structure may be located on that lot. The front setback line extends the full width of the lot."*

The proposed definition for "Setback, Front Yard"

Is: "A line delineating the *minimum* required distance between the front property/boundary line and the line beyond which a structure may be located on that lot. The Front Yard Setback Line extends the full width of the lot.

THESE TWO DEFINITIONS ARE IDENTICAL (and wrong). WHY HAVE BOTH?

Suggestion: Delete "Setback, Front Yard"

Modify defintion of "Building Setback Line - Front" as follows:

"*A line delineating the minimum required distance between the front property line and the line beyond which a **principal** structure may be located on that lot. The front setback line extends the full width of the lot."*

Rational: Long-term zoning regulations and policies should normally be retained, especially if they are desired by a majority of residents and will benefit the town as a whole. The long-term policy (since 1963) in Ledyard of not permitting accessory structures (sheds, hoop houses) between the extended front of a principal structure and the front property line, also known as in the front yard. This policy is one of the reasons Ledyard is aesthetically more attractive than most rural bedroom communitries. Also, Ledyard has not permitted free standing (detached) garages between the extended front of a principal

structure and the front property line (in the front yard) since about 2015. Both policies should be continued

Note that the retention of these policies also requires a change from the revised §8.2 for accessory structures and uses, which as proposed allows sheds, hoop houses, and free standing garages between the extended front of a principal single family dwelling, or duplex, and the front property line (i.e., in the front yard.) Not good.

27. Regarding the proposed definition of "Sign, Ground"

The proposed definition states, "*A sign which is different from a free-standing sign and is mounted on the ground attached either to footings or a base with no open space between the ground and the sign face.*"

Suggested definition: *"A permanent sign with no open space between the ground and the sign face."*

28. Regarding the proposed definition of *"Special Permit (Special Exception)"*

The proposed definition, "*The type of permit required for a specially permitted use,*" is technically correct, but is not helpful. It is almost circular logic, essentially representing that a *special permit* is to allow a use that *requires a special permit*.

Suggested Alternative: *"Special Permit (aka a Special Exception): A process, which includes a public hearing, that is intended to allow a generally compatible use in a zoning district, but because of the nature of the proposed use, special attention must be given to its location and method of operation to determine if the proposal satisfies the standards in the regulations for the use, to keep the use compatible with uses allows as of right in that district, and to allow the Planning and Zoning Commission to impose conditions to protect public health, safety, convenience, and property values. Special permits are typically required for churches, schools, medical facilities, multiple-family dwellings, and commercial uses."*

29. Regarding the definition of "*Structure*"

Is a "fence" a "structure" or an "accessory structure"? According to the definition of "structure", it is. Is this the intent? Is a zoning permit required for a fence? Not clear. Similarly, is a paved driveway a structure? A brick driveway? These questions are commong and should be answered.

30. Regarding the definition of "Warehouse"

There is a new warehouse in Groton that is used as a dance studio. Should the definition of a "*warehouse*" allow uses such as a *dance studio, gymnastic training facility, health club, karate training, and other uses where no physical product is manufactured, stored, or sold* – but which require a large open heated and cooled area of mostly enclosed open space?

31. Miscellaneous Suggestions

1. Add a definition for "Special Development Zones

   (Note: The technology park district special development zone should be removed from the regulations. The justification for its removal is provided later.)

2. Add a definition for "Plot Plan"
   Suggestion: Replace the phrase, "Plot Plan" with "GIS Plan" wherever it appears.

3. Add a definition for "Site Plan"

4. Add a definition for "MAP" (as used in Appendix D)

5. Add a definition for each "class" of Survey, such as a "*Class D Survey*".

Chapter 3 -
Establishment of Districts and Special Development Zones

1. The title of this chapter uses the terms "Districts" and "Zones"

   However, in §2.1.A.8- it states that "*8. The words "zone", "zoning district", and "district" have the same meaning."*

   This creates confusion that should be avoided. Also, the word, "establishment" in the chapter title is not necessary.

   Suggestions:

1.	Change the title of Chapter 3 to:	"Zoning Districts"
2.	3.1 should be:	"Residential Districts"
3.	3.2 should be:	"Non-Residential & Commercial Districts"
4.	3.3 should be: "	Technology Park Districts" (or deleted).

2. Regarding §3.5 "Zoning District Boundaries"

   Suggestion: Change to "Boundaries"

3. The "*purpose*" (which is not a regulation) of each district is introduced in §5.1 (which should be limited to only regulations). The purpose should be moved into §3.

   (Which is the section intended to be introductory).

4. The "purpose" of permitting a "*Technology Park District*" should be established and moved into §3.

5-A. Regarding §3.4 "*Zoning Map*"

   This section includes "Such maps and any duly adopted revisions thereto, with the explanatory matter thereon, are a part of these regulations as if set forth herein."

   Such words as "*duly, thereto, thereon, and herein*" are unnecssary and not user friendly. They should be avoided throughout the regulations.

5-B. Regarding §3.4 "*Zoning Map*": This section is written with a mixture of present and future tense. For example, *"The boundaries of said districts shall be shown [future] on a map ... which is on [present] file ... "*

   Suggestions - replace §3.4 with: "*Zoning district boundaries are shown on a map titled, "Zoning Map of the Town of Ledyard", as filed with the Town Clerk. The map, as amended, is part of these regulations."*

6. Questions regarding §3.6 "Permits and Applicability"

The answer to each of the following questions is unclear in the regulations. Clarification is necessary, especially for uses intended to be allowed.

a. Is a zoning permit required for a basketball hoop on a driveway outside the building envelope? Inside the building envelope? If not, where in the regs is a basketball hoop allowed inside or outside the building envelope?
b. Is a zoning permit required for a mailbox? If not, where in the regs is a mailbox allowed?
c. Is a zoning permit required for a 25' tall flagpole in the building envelope? If not, where in the regs is a 25' flagpole allowed? What if the flagpole is attached to the principal dwelling?
d. Is a zoning permit required for solar panels in the building envelope in front yards? If not, where on a lot (in the regs) are they allowed (in front yards)?
e. Is a zoning permit required for solar panels in the front yard outside the building envelope? If not, where in the regs clarifies where on a lot solar panels are allowed?
f Is a zoning permit required for a windmill in the front yard building envelope? In front of the front building envelope? Where in the regs?
g. Is a zoning permit required for a windmill to be attached to a roof peak? Where in the regs?
h. Is a zoning permit required for a 51 square foot tree house? Where in the regs?
i. Is a zoning permit required for an unoccupied tiny house on wheels stored in the rear yard? Where in the regs?
j. Is a zoning permit required to store a trailered boat in a rear yard? Where in the regs?
k. Is a zoning permit required for an above ground pool in the building envelope? Outside the envelope? Where in the regs?
l. Is a zoning permit required to install lights on a tennis court in the building envelope in the front yard? If yes, where in the regulations.
m. Is a zoning permit required for a power pole located in a building envelope? Outside a building envelope? Where is this addressed in the regulations?
n. Is a zoning permit required to install a paved driveway. A driveway apron? Not clear.

7. Regarding §3.6-A - The regulations use the word, "*Commission,*" and the phrase, "*Planning and Zoning Commission*".

The regulations should be uniform and use one or the other, but not both.

Suggestion: Add a definition in §2.2 for "Commission" as "The Planning and Zoning Commission", and then use the word "*Commission*" throughout the regulations when referring to the "Planning and Zoning Commission."

8. Regarding §3.6.D (Prohibited if not permitted:)

a. Replace the title of §3.6.D with "*Prohibited Uses*"

b. Replace the body of §3.6.D with: *"D. Any principal or accessory use not listed in the Schedule of Permitted Uses, or is otherwise permitted in a district, is prohibited."*

9. Regarding §3.6.E – Change "Application of Other Laws" to "Applicability of Other Laws"

17. Regarding §3.6.G (References to Statutes and Regulations)

Delete §3.6.G

Justification: Not necessary. It is always recognized that the most recent version of laws and regulations is always the applicable version – and not an earlier version of those laws and regulations. (There are also no exceptions elsewhere in the proposed regulations.)

18. Regarding §3.7 (Schedule of Uses)

General Comment: This section, and throughout the proposed regulations, uses the phrases "*Specially Permitted*" and "*Specially Permitted Uses*". However, the statutes do not. They use the phrases "*Special Permits*", "*Uses allowed by Special Permit*", and "Special Permit Uses". There appears to be no benefit of deviating from the conventional terminology.

For readability, the common terminology of "*Special Permits*" and "*Uses allowed by Special Permit*" should replace "*Specially Permitted*" and "*Specially Permitted Uses*" throughout the proposed regulations.

19. Regarding §3.7 (Schedule of uses) - The first sentence states, *"The Schedule of Uses found in [????] establishes the Permitted and Specially Permitted uses for each District:"* [Confusing]

§3.7.A states that any use marked with a "P" is a permitted use by-right. However, there are no entries in the Schedules of Uses (§5.3, page 5-2, §6.4, page 6-4), etc.) that show a "P".

Similarly, §3.7.B states that any use marked with a "S" is a permitted use approved by special permit. However, there are no entries in the Schedules of Uses (§5.3, page 5-2, §6.4, page 67-4), etc.) show an "S".

20. Regarding §3.7.D (untitled)

NOTE: The proposed revised regulations (Schedule of Uses, and §8.15 in its supplemental regulations) allow duplexes allowed by right on conforming lots in residential districts, instead of by special permit. The proposed regulations also allow duplexes by-right on 20,000' lots in the LCTD & MFDD by an ordinary zoning permit. Is the Commission certain it wants to allow duplexes in the MFDD intended for multi-families, and does it want to eliminate the existing special permit requirements for duplexes? This is a big change.

Why do you allow big multifamily residences on tiny 10,000' lots in the GFDD, but not duplexes?

21. Note that §3.7 is titled, "*Schedule of Uses*"

However, §3.7.D and §3.7.E have nothing to do with the "*Schedule of Uses*".

Chapter 4 -
Dimensional Requirements – General All Districts

1. The title of Chapter 4 is "*Dimensional Requirements – General All Districts*"

   Change title to "*Dimensional Requirements*"

2. Regarding §4.1 "Minimum Lot Area" §4.1.A provides the following:

   "All new building lots must contain seventy-five percent (75%) contiguous buildable area, based on actual lot size proposed; therefore, the area of any portion of any lot which is comprised of existing and/or proposed streets, conservation, access or utility easement areas and/or deeded rights-of-way for vehicular access, drainage and utilities; land which is classified as flood zone A or AE per FEMA maps; and/or inland wetlands or watercourses under §§22a 28 through 22a 45 of the Connecticut General Statutes, (as indicated on the Town of Ledyard Inland Wetlands and Watercourses Map, or as determined in the field by a certified soil scientist), shall not be used to satisfy more than twenty-five percent (25%) of the minimum lot area and the remaining seventy-five percent (75%) shall be contiguous."

   §4.1 and §4.1.A (above) are difficult to comprehend. Perhaps the following alternative should be considered:

   "4.1 Minimum Lot Area

   4.1.1 Purpose – To assure sufficient contiguous buildable land exists for a proposed principal use or structure after complying with open space, well, septic, access, parking, wetlands, flood zone, impervious coverage, and other requirements.

   4.1.2 Requirements.

   a. Proposed building lots require a minimum of 75% of its space to be a contiguous buildable area.

   b. The remaining area of a lot may be used for an existing or proposed street, conservation area, easement, deeded rights-of-way, drainage, wetlands, watercourses, or classified as a flood zone A or AE per FEMA maps.

   (What is a flood zone A or a flood zone AE? If important, the terms need a definition in §2.2 If not important, they should be removed from the regulations.)

   c. Easements and rights-of-way with an unspecified width are assumed to be 25 feet in width.

   d. The area of a lot under a body of water, as determined by the high water mark, shall not count towards the minimum required lot area."

   Note that the proposed §4.1.C [*"No portion of land located under a body of water shall **not** count toward the minimum lot area."*], and the proposed definition of "*lot*

coverage" in §2.2, are in conflict due to the double-negative. (As proposed, the underwater land counts towards the minimum lot area.)

Suggestion: *"Land under a body of water shall not count towards minimum lot area requirements."*

3. Regarding §4.3 "*Setback Requirements*"

The proposed regulations require a minimum of a 25' setback from the front property line to the front of a principal building for both town roads and state roads. THIS IS NEW.

The existing regulations require 35' when fronting on a town road, and 50' when fronting on a state road. Between 1963 and 2012, the setback distances for town roads to the center of the roadway were 75' for town roads and 100' for state highways. The distances were justified by an expected need to widen the streets in the future. WHY IS THE DISTANCE REDUCED FROM THE EXISTING 35' AND 50' TO ONLY 25'?

Percentage-wise, the 10' reduction (28%) and the 25' reduction (50%) are big changes. It is equivalent to zoning for some of New London's urban districts. IT IS NOT APPROPRIATE FOR LEDYARD. What has changed in Ledyard that requires or justifies a reduced front setback? The change will dramatically alter the character of our town over the years. This must be discussed.

4. Regarding §4.3 "*Setback Requirements*"

The proposed regulations require a minimum of 10' side yard setback in all districts. The existing regulations required a minimum of 12' in an R-20 district.

However, the proposed regulations allow exceptions. For example, although a single-family dwelling can be 10' from a side property line, it can have a canopy, awning, eave, chimney, or bay window project 3' into the setback, which is 30% of the minimum setback distance.

With two single-family dwellings only 20 feet apart, the exceptions allow bay windows on adjacent homes to be only 14' apart. Entry steps or a patio on the side of each house are allowed an intrusion of 5' into the setback, which means two adjacent homes would have side entry steps or an patio only 10' apart. THIS IS TOO CLOSE FOR LEDYARD.

The regulations should restore the original side yard setback distances, and not allow exceptions.

What has changed in Ledyard that requires or justifies a reduced side yard setback, with big exceptions? The proposed changes will alter the character of the town. This must be discussed.

5. §4.3.C-1 uses the phrase, "*right-of-way of any street*"

What is a "right-of-way" of a street? It needs a definition in §2.2

6. §4.3.C *"Fences and Walls"*, as worded, provides that *"... setback distance shall not apply .... to wire livestock fences ...."*

   Does this mean a *"wire livestock fence"* (a chain link fence) 20' high, and used for a permitted tennis court in the building envelope, is permitted if in a setback? Not clear.

7. §4.3.D includes *"A paved terrace or patio shall not be counted as part of impervious surface coverage, ..."*

   "*Impervious surfaces*" is not related to setbacks or setback requirements (§4.3).

   The sentence should be moved into a section appropriate for regulations applicable to impervious and permeable surfaces.

8. §4.3.E states, *"Minimum setback from Front Lot Line is ten (10) linear feet for all districts, or as otherwise prescribed."*

   §7.9.8.E states *"All signs ... must be a minimum of ten (10) feet from the edge of payment if no setback requirement is specified."*

   a. The "*edge of payment*" is not the same as the "*front lot line*."

   b. What is the minimum setback distance required for a construction sign, temporary real estate "for sale" sign, portable or sandwich board sign, or off-site temporary directional signs? Not clear.

   c. What, or where in the regulations, are minimum setbacks "*otherwise prescribed*?" (None?) Not clear.

   If there are no "*otherwise prescribed*" exceptions, then delete "*otherwise prescribed*" so applicants do not have to search for exceptions.

   Suggestion: Setbacks for signs should only be in the sign section.

10. Regarding §4.4-A – *Setback Exceptions for Lawful Pre-Existing Residences* (Under §4.4 Exceptions)

    NOTE: The proposed scheme in §4.4.A means that for a pre-1776 farm home built ≈3' from the street line (common in 1776), the applicable front setback on his property for new construction is also ≈3' from his front property line, and not the proposed front setback distances (25, 30, or 35', depending on district).

    I believe, but am not certain, that Attorney Falvey indicated in response to a question from myself that this is not good policy - that it may constitute the granting of a variance without satisfying the requirements to grant a variance. (HIS STATEMENT SHOULD BE CONFIRMED FROM THE VIDEO).

11. Regarding §4.4.B – *Setback Distances for Vacant Nonconforming Lots* (Under §4.4 exceptions)

NOTE: The proposed scheme in §4.4.B means that an undersized lot created before 1963 can have reduced setbacks for a new home on the lot, which allows for an intensification of a nonconforming use, EVEN IF THE NEW SETBACK REQUIREMENTS CAN BE ACHIEVED on the undersized lot.

A legal opinion should be obtained to determine if the proposed scheme for the regulations to allow the intensification of a non-conforming use on an undersized lot, without a variance, is lawful.

12. Regarding §4.4-A and §4.4-B (Under §4.4 Exceptions)

Suggestion: IF LAWFUL (NEEDS CHECKING) Consider the following alternatives (to avoid the situation of exceptions to required setbacks when the exceptions are not necessary.)

"A. The minimum setbacks for a dwelling on an undersized lot created before 1963 are the distances from the lot lines to the dwelling, or the minimum setbacks in §5.2, whichever is less."

"B. The minimum setbacks for undersized vacant lots created before 1963 are the same as the minimum setbacks for conforming lots in the district, or as shown in the following table, whichever is less:"

13. Regarding the untitled §4.4.B *Setback Exception Table*

a. Suggestion: Add a title to the top of the table: "*Setbacks for Vacant Nonconforming Lots"*

b. Delete the word "Existing" from "Existing Lot Area".

c. Change the word "parcel" to "lot" under the "Exception" block.

c. Change the word "zones" to "districts" under the "Exception" block. (In general, "districts" should replace "zones" throughout the regulations.)

14. Regarding the Title and Contents of Chapter 4.

The title of Chapter 4, "*Dimensional Requirement – General All Districts*" – is inconsistent with its contents. For example, Chapter 4 contains setback exceptions (§4.4) for R20, R40, and R60, but does not list the standard R20, R40, and R60 setbacks, which are in Chapter 5 (§5.2).

Suggestion: Chapter 4 should encompass all setback requirements in all districts.

Suggestions Regarding Chapter 5 -
Residential Zoning District Regulations

1. Regarding the title of Chapter 5 – "*Residential Zoning District Regulations*"

   Change title to "*Residential District Regulations*"

   (IMO, the words "Zoning", "Zone", and "District" are duplicative. Use either "zone" or "district", but not both, throughout the regulations. My preference is "district".)

2. Regarding the first sentence.

   Replace the word "*section*" in the first sentence with the word "chapter".
   The first sentence should not be in italics.
   The first sentence should have a preface heading of "Scope" or "Applicability"
   The word, "zone" should be "district" (for consistency).

3. Regarding the phrase, "*Legally existing*" in the first sentence.

   The first sentence uses the phrase, "*Legally existing*". The phrase is also used throughout the regulations.

   Suggestion: The phrase needs a definition in §2.2.

4. Regarding §5.1.A – *R20 High-Density Districts*

   Consider the following alternative purpose for R20 Districts:

   Replace §5.1.A with: *"The purpose of R20 districts is to encourage more efficient and cost-effective housing developments, dwelling units closer to employment opportunities and commercial services, less expensive road maintenance costs per dwelling unit, less costly police services per dwelling unit, less costly student transportation costs per household, to generate less traffic per dwelling unit compared with medium and low-density residential districts, to foster a community environment, and to reduce suburban sprawl."*

5. Regarding §5.1.B – *R40 Medium-Density Districts*

   Consider the following alternative purpose for R40 Districts:

   Replace §5.1.B with: *"The purpose of R40 districts is to provide areas available for residential development with moderate traffic, moderate privacy, reasonable areas for gardens, pets, and multi-vehicle parking; and a reasonable level of amenities."*

6. Regarding §5.1.C – *R60 Low-Density Districts*

Consider the following alternative purpose for R40 Districts:

Replace §5.1.C with: *"The purpose of R60 districts is to provide areas for residential development with very little traffic, a high level of privacy, that are peaceful, suitable for large gardens, attractive to wildlife, suitable for outdoor pets, suitable for home husbandry, to provide large yards for children to play, allow for larger homes, oversized garages, and to allow for pools, RV parking, tennis courts, and other amenities."*

7. Regarding §5.3 – *"Schedule of Uses – Residential Districts"*

The proposed regulations allow a duplex by right.
The existing regulations require a special permit for a duplex.

Why was the special permit requirement eliminated for duplexes, but not for multi-family developments, which can have fewer units per acre than a duplex? Both uses have the same issues, and both should require a special permt.

8. Regarding §5.3 – *"Schedule of Uses – Residential Districts"*

Suggestion: Do not allow duplexes in R40 and R60 districts. Duplexes should be limited to only R20 districts.

9. Suggestion: Change the title of the §5.3 Chart to: "*Uses Permitted In Residential Districts*"

10. Suggestion: Remove the dark gray (or the added background color) applied to the column headings in the §5.3 chart [for readability, especially for black and white scanned copies of the regulations].

11. Page 5-2, top of chart, it shows: "Residential – Principal Uses"
Page 5-2, near top of chart, it shows: "Residential – Accessory Uses
Page 5-2, in middle of chart, it shows: "Non-Residential Uses, Principal
Page 5-3, near bottom of same chart, it shows: "Non-Residential Accessory"

For readability & consistency, these should be replaced with:

"Principal Residential Uses"
"Accessory Residential Uses"
"Principal Non-Residential Uses"
"Accessory Non-Residential Uses"

12. Regarding the "*Family Day Care Home"* line on page 5-2.

Needs supplemental regulations in §8.

13. Regarding the "*Home Husbandry*" line on page 5-2.

The existing regulations require a special permit for home husbandry in R20, R40, and R60 districts. However, the proposed regulations allow home husbandry by right in R20, R40, and R60 districts. Why the change?

The proposed §8.5.J-E-1 requires that *"All animals shall be suitably and adequately confined or controlled at all times."*

This is a subjective determination, and uses that require subjective determinations should normally require a special permit so conditions of approval can be imposed, where necessary.

The proposed §8.5.1.E-2 requires that shelter areas be "*on well-drained soils*", which is not objectively defined. A special permit is appropriate.

The proposed §8.5.1-E-6 provides that "*Keeping areas for any animal will be evaluated for compliance with [non-identified] best animal management practices to ensure that animals are kept in a manner that will not constitute a public nuisance."* This is a *subjective "standard"* appropriate for a special permit.

A special permit should be required, as is the case in the existing regulations, for most home husbandry proposals, especially in R20 districts.

14. Regarding the "*Farm Store §8.5H7*" (page 5-3) as a *nonresidential principal use* in residential districts (Allowed by right) line on page 5-2

This section has several issues:

a. There is no §8.5.H.7 as referenced.
b. "Farm Store" is entered 2X under "Non-Residential Uses, Principal"
c. A farm store less than 1000' is allowed by right, a farm store 1000' to 10,000' (no maximum limit) is allowed almost anywhere by site plan review, with no parking, lighting, or other constraints. Is this the intent?

Suggestions:

a. Treat commercial farm stores the same as any other retail store, which means that farm stores are not allowed on farms. They can rent commercial space like any other retail store.

b. Relax the regulations to allow larger farm stands (perhaps up to 1000') on any farm, by right (with ZEO approval).

c. Add more unique objective requirements that must be satisfied for a by-right farm stand on a farm.

d. Farms should be limited to having a maximum of only one farm stand.

15. Regarding "*Membership Club (Firearms) (no-Firearms) §8.21.1 §8.21.2)*" (page 5-2)

It is unclear what the standards are for granting a special permit for a Firearms Membership Club. A "harmony" standard will be a challenge.

A "Membership Club (Firearms)" should not be allowed in any district.

16. Regarding *"Rooming and Boarding"* as an Accessory Use in Residential Districts

It is unclear why *Rooming and Boarding* are prohibited in the proposed regulations under *Residential – Accessory Uses R20, R40, R60*

Add: "*Rooming & Boarding" ZP ZP ZP* in table on page 5-2 (under Residential - Accessory Uses)

In §8.X, add: *Rooming and Boarding (Accessory Use)*

"1. A single-family dwelling may have roomers or boarders if its owner lives in and is domiciled in the home.
2. The health department must inspect and approve the single-family dwelling.
3. There must be one on-site parking space reserved for each roomer or boarder that does not block entry or exit from other parking spaces.
4. A single-family dwelling is limited to not more than two roomers or two boarders at a time.
5. A single-family dwelling with an accessory apartment shall not have roomers or boarders.
6. A single-family dwelling with a short-term rental special permit, or a home occupation permit, shall not have roomers or boarders.
7. Roomers or boarders are required to reside in the home under a written agreement for minimum terms of longer than 30 days.
8. The application for a rooming/boarding zoning permit must include a copy of the proposed rental agreement."

17. Restore "*Construction Trailer – Temporary*" as an allowed accessory use in all districts.

18. §5.4 is titled: Special Residential Zoning Districts, Overlays and Developments

IMO, the word, "special" is overused in the regulations and should be avoided except when referrring to *special* permits.

§5.4.1 is titled "Conservation and Open Space Subdivisions" It is the only entry under §5.4. (There is no §5.4.2.)

Therefore to simplify - Retitle §5.4 to "Conservation and Open Space Subdivisions", and delete line 5.4.1. (§5.4.1.A becomes §5.4.A) (§5.4.1.B becomes §5.4.B, ... etc.)

19. An illustrative drawing is shown for a conventional subdivision and a conservation/open space subdivision, which is educational and ok. However, IMO it is not clear what the differences are between a conservation subdivision and an open space subdivision.

20. Do open space and/or conservation subdivisions require a zoning permit? If not, why are they in the zoning regulations? Duplicative regulations are likely to conflict. As much as possible, the regulations for subdivisions should only be in the subdivision regulations.

21. The chart at the top of page 5-5, titled "*D. Bulk Requirements*" under "Interior or *Special* Lot" show that a "*special interior lot*" can have 0' of frontage.

A special interior lot should be defined in §2.2.

22. A definition is required for the phrase, "*Special Residential Zoning Districts*".

Suggestions Regarding Chapter 6 -
Non-Residential Zoning District Regulations

1. Regarding §6.1.C - MFDD

   This section includes, "*This District is intended to accommodate primarily high-density residential development and limited non-residential uses.*"

   This is OK. However, the regulations allow "*small wind energy systems and solar energy systems*" by right as "*limited non-residential uses*" in the MFDD, which are incompatible with high-density residential developments. (Small wind energy systems are noisy - especially when the bearings begin to fail!)

   It also allows duplexes, which are not considered high density residential developments.

   Suggestion: Delete *wind energy systems* and *solar energy systems* as permitted uses in the MFDD district. Delete duplexes as an allowed use in the MFDD. Replace the last sentence in §6.1.C with, "*This District is for high-density residential development.*"

2. Regarding the "§6.2.1 ***Design, Cluster*** *& Transition District Dimensional Requirements*" table on page 6-2.

   The word "Design" and "Cluster" should be removed from §6.2.1.

   This is because (a) there are no longer any "design" districts, and (b) there are no "cluster" districts.

3. The bottom of the page, below the table, is an exception to the height limits to allow the height of a multifamily development or mixed-use building to be increased from 50' to 65' in the LCDD, LCTD, MFDD, and RCCD districts if there are fire hydrants and the building has a full sprinkler system.

   The 15' increase is a 30% increase from the maximum height in the existing regulations. At 11'/story, 65' will allow six-story flat-roof apartment buildings, which is too high (and too ugly) for Ledyard. Why is the increase in the height limit proposed?

   Suggestion: Delete the maximum height exception at the bottom of page 6-2. Retain the maximum height at 50' except in the RCCD, where the scale can be massive without harm.

4. §6.4 is titled "**Schedule of Permitted and Specially Permitted Uses**: All Non-Residential"

   However, table 6.4 at the bottom of page 6-3 lists *lot areas, lot frontages, sidewalks widths, setbacks, coverage %, and building height* – which are not "*uses*".

5. Require a special permit "SUP" for a duplex in the LCTD.

   For the same reasons a special permit is required for a duplex in residential districts – to allow for conditions of approval to be imposed if necessary.

6. Require a special permit (SUP) for all uses in the LCDD.

   The purpose of the LCDD includes, "... Future development implies ... uses consistent with these Zoning Regulations, ***harmonious streetscapes***, walkways, and plantings to ***create a "sense of place"*** and further develop the LCDD as a destination for shopping, services and social gatherings.

   The evaluation and determination by the Commission of if a proposed USE will create "***harmonius streetscapes***, and a "***sense of place***," (consistent with the purpose of the district) requires **a special permit**.

7. Do not permit a duplex in the MFDD
   (conflicts with purpose of district - same reason as single-family residences are not permitted in the MFDD.)

8. Delete "Dwelling, Multi-family" as a permitted use in the LCDD.

   The "purpose" of the LCDD (§6.1.A) is to concentrate commercial businesses along a main street. The LCDD, per its "purpose", is to be developed as a *destination for shopping, services, and social gatherings*.

   Although "residential" is listed as a permitted use in §6.1.A, it is intended to be minor, such as for mixed uses with apartments above commercial businesses. Large multi-family developments are not intended for "downtown" Ledyard (ok in the MFDD).

9. Require a special permit for "*Dwelling, Multi-family" in the MFDD, GFDD & RCCD'*
10. Require a special permit for "*Assisted Living Facility" in the LCTD, MFDD, & RCCD"*
11. Require a special permit for "*Bed & Breakfast*" wherever the use is allowed.
12. Require a special permit for *"Nursing Home & Residential Care Home" in LCTD, MFDD, and RCCD*."

    Large developments, including multi-family developments, assisted living facilities, large bed and breakfast establishments, and nursing homes, **should always require a special permit**, so conditions of approval can be imposed where necessary for health, safety, convenience, and the protection of property values. For example, additional screening may be appropriate to block headlight glare, or a fence to block noise or create privacy. A wider turn radius may be needed for refuse trucks or fire trucks, or an area established for exercise. These are areas where appropriate conditions of approval may be necessary, which were not anticipated in the regulations.

14. Regarding §6.4 (chart on page 6-3) Schedule of "*Permitted and Specially Permitted Uses*" - All Non-Residential " This chart contains dimensional requirements, not uses. The title is wrong.

15. Regarding §6.4 (chart pages 6-4 to top of page 6-8)) Schedule of "*Permitted and Specially Permitted Uses*" - All Non-Residential "

    1. The chart shows "ZP/SPL" for accessory structures in all districts except for MFDD, which is blank. §8.2 does not differentiate when the zeo makes the decision and when the Commission makes the decision. For example, if the owner of a gas station wants to add a storage shed to the rear of his property, who reviews and approves? Not clear.

    Most new Accessory Uses in all districts should be allowed by-right with ZEO approval (ZP)

    2. Home occupations should not be allowed in duplexes (not fair to adjacent residents).

    3. Adult or Child Day Care Centers should require a special permit (SUP) (for public safety).

    4. An STR should not be allowed in a DUPLEX (not fair to adjacent resident - same reason an STR is not allowed in a mulifamily)

16. Regarding §6.4 Schedule of "*Permitted and Specially Permitted Uses*" - Non-Residential (page 6-5) (*Agriculture)*

    The *existing* regulations do not permit home husbandry in commercial districts.

    The *proposed* regulations (page 6-5, 5th box from top) allow home husbandry by right in commercial districts per §8.5.J. **However, there is no §8.5.J.**

    More importantly, the regulations should not allow animal husbandry in commercial districts unless on a farm, and if on a farm animal husbandry should not require a zoning permit.

17. The proposed regulations (page 6-5, 5th block down) shows that Animal Husbandry is allowed by right in all commercial districts.

    Animal husbandry should not be an allowed accessory use on any property with a duplex or multifamily residence.

    (Other residents in a duplex or multifamily may not want a goat or chickens in their common or shared areas.)

18. Regarding the Civic/Institutional Uses in Commercial Districts (page 6-5) - the proposed regulations show civic/institutional uses allowed by right with commission review in the LCDD, MFDD, GFDD, RCDD, and NC, **but require a special permit in the CIP**.

It is unclear why? All civic/institutional uses in all districts should require a special permit.

Suggestion: Revisit all listed uses in all districts to ***determine if their requirements require "subjective" analysis and decisions and therefore require a special permit***, or if their requirements require "objective" decisions and can be reviewed by the zeo or by the commission as a site plan review.

The assessment may depend on if (a) a public hearing is appropriate *(may bring important insight to the decision-making process)* (b) there are *subjective* (vs objective) *requirements* in the regulations for the use, (c) there are *few or missing regulations* for the use, and/or (d) it is likely that *conditions of approval may be necessary.*

For example, conditions of approval are often necessary for safety, such as improving sightlines, improving ventilation, facilitating internal traffic circulation, moving a dumpster to keep out of the reach of children, etc., or improving queuing for drive-throughs, or making exiting of property safer.

IMO, almost all principal commercial, civic, or municipal uses used by the public should require a special permit.

19. The "Hotel or Motel" use (page 6-6, 8 blocks up from bottom of age), shows that Hotels and Motels are allowed by right with commission review (SPL) in the LCDD, GFDD, RCCD, districts, but require a special permit (SUP) in the LCTD and MFDD districts.

Why? A special permit should be required for hotels or motels in any district.

20. Miscellaneous –

1. Hotels and motels should not be allowed in the MFDD, even with a special permit. Hotels and motels are commercial uses that should not be commingled with residential uses. Hotels and motels are also in conflict with the purpose of the MFDD.

2. New & used **Motor vehicle, RV, and light-truck sales** & rentals should be an allowed use in the LCDD by special permit.

3. Motor Vehicle Rental/Sales should not be allowed in the RCCD, I, and CIP districts.

4. Campgrounds should not be allowed in the LCTD or R60 districts.

5. Campgrounds should only be allowed in the RCCD.

6. Campgrounds should require special permits.

7. Warehouses should not be allowed in the LCDD (in conflict with the purpose of the LCDD)

8. Warehouses should not be allowed in the GFDD (in conflict with the purpose of the GFDD)

9. **LCDD should replace LCCD throughout**. (page 6-5, 7th block up from bottom, page 6-6, 4th block down from top, page 6-7, 7th block down from top; page 6-7, bottom block; & page 6-8, 5th block down from top.)

10. Mixed uses should require a special permit in the LCDD.

11. Small wind energy systems should not be allowed in Ledyard Center or Gales Ferry. (Too noisy, eyesores, do not attract people to downtown)

12. Solar energy systems should not be allowed in Ledyard Center unless roof-mounted & out of view.
(Too much land coverage, an eyesore, does not attract people to downtown.)

13. Drive-through windows should either have or reference regulations regarding speaker boxes, volume, headlight glare, screening of lane, etc., or require a special permit.

21. Regarding §6.5 and §6.5.1 (Special Development Techniques and Floating Zones) & (Technology Park Districts)

The proposed regulations were adopted in response to a request by a prospective developer to allow a data center "by right" so, after a generic master plan is approved, there would be no public hearing on a specific application. Since then, we have learned that data centers have unusual requirements regarding noise, continuously operating diesel generators, security, fencing, and lighting requirements. The TPD regulations are complex and, as written, will allow uses that sometimes should not be allowed. They also consume huge amounts of land. Why should TPD regulations continue to exist?

Floating zones, by definition, are not site-specific, cannot be predicted exactly where they will land, and should be discouraged or prohibited.

In addition, §6.5.1.A.2 states, *"... It is recognized that the Master Plan may require certain fluidity to accommodate market changes ... ".* What does "*certain fluidity*" mean? What does "*market change*" mean in the context of land use? Where can a TPD "land"? Unclear

SUGGESTION: DELETE §6.5 IN ITS ENTIRETY.

LAND USE DEPARTMENT
RECEIVED
2022

Auguat 25, 2022

To Planning and Zoning commission, Chairman Tony Capon

Cc: Juliet Hodge, Town Planner

From: Karen Parkinson, 55 Rose Hill Rd, Ledyard

RE: public comments/P&Z Meeting August 25. 2022

Good Evening, I would like to add my thoughts and comments to this process of zoning regulation changes/revision.

I have listened to and appreciate Mr. Treaster's comments and opinions. His tedious reviews and edits are noteworthy. However, I have a different opinion of what Ledyard, as a community, wants going forward.

Our family has lived in Ledyard since 1970 (except for four years Navy stationed in S.C and Guam) We owned a home on Eagle Ridge, then purchased Rose Hill Farm in 1978. Our three children and one grandson graduated from Ledyard High School and now a great grandson is a student at Gallup Hill. I was employed as Ledyard's first Social Service Director and established the Social Service Board. I served one term as a Town Councilor. I was appointed to and served on the initial Tri Town Trail Committee and am the current President of the Tri town Trail Association.

I have seen many changes in Ledyard and Gales Ferry over these 50 years. Including the slow fade of Gales Ferry after Vality closed. And can recall how unattractive Ledyard Center used to be, with the Lou's Garage, a small grocery store and small Town Hall. In those years Navy folks were attracted to Ledyard and East Lyme for the school systems, and not much else. And yes, Ledyard has maintained a reputable school system and a safe community to reside and "raise your kids," as that was our reason why we choose to remain in Ledyard.

But in the last ten or so years there has been a transformation occurring. Ledyard is no longer simply a bedroom community chosen for its school system. Ledyard Center is becoming a true "center" of town, totally transformed with more to come. Gales Ferry shopping area is expanding and with planned improvements. Schools are combined and upgraded. But more noticeably, community groups are evident. Ledyard Beautification Committee. Ledyard Farmers Market Committee. And social media has a great following, with many comments of helping one another and comments about "what a great community we live in!" The Tri Tn Trail finally became a reality with the first two miles built, with Town cooperation and a great team of volunteers. The Grand Opening theme was "built with community pride!

As an aside note, I had one very dedicated volunteer, who formerly lived in Ledyard, now in a neighboring community, thoughtfully commented that Ledyard now has a sense of "community" that he wished his current community had.

So how does this affect Planning and Zoning? Going forward how does Planning ensure whatever is designed works to ensure there is a way to connect the community and ensure services and amenities focus on connectivity. Folks want to be able to walk and bicycle safely in their own development .....can we have a trail system that encircles each new development, so folks can walk the circumference of their development? Why should they have to drive to Preston Park to find a safe place to simply walk? Folks want to connect safely and is it not the charge of P&Z to provide for public safety? Can there be a plan to eventually connect these to a greater trail system? Can we ensure that any multiunit housing have a pathway to services, such as grocery store, where they could safely walk or use a scooter? And a trail/pathway around the perimeter for safe walking and connecting? Can we develop a pathway so our elderly housing occupants could safely walk or cycle to CVS and other GF shopping?

Approving accessory apartments is a great benefit to retaining our younger generation and allowing seniors to remain as well. It's an indication that Ledyard is a connected community concerned about all. As the Tri Town Trail continues its development to Bluff Point, the design will try to connect as much of the community as possible.

This is my opinion of what Ledyard, as a community, wants going forward.

Thank you

File #: 22-390 **Agenda Date:** 9/8/2022 **Agenda #:** A.

AGENDA REQUEST
PUBLIC HEARING TO OPT OUT OF PA21-29 (CGS 8.2(o))

Subject:
Public Hearing to opt out of PA21-29 (CGS 8.2(o))

Background:
To retain the local zoning control of its parking and accessory unit regulations, as local circumstances may dictate in future, the Town must opt out of the provisions of PA 21-29 before January 1, 2023.

Minimum Parking Requirements

PA 21-29 states that zoning regulations may not require more than one parking space for each studio or one- bedroom dwelling unit or more than two parking spaces for each dwelling unit with two or more bedrooms.

The Town of Ledyard has proposed amendments the current Zoning Regulations to eliminate any minimum number of onsite parking spaces per dwelling unit in residential developments to comply with PA 21-29, but would like to reserve the right to make changes in the future if needed.

Accessory Apartments

PA 21-29 states that:

(a) Any zoning regulations adopted pursuant to section 8-2 of the general statutes, as amended by this act, shall

(1) Designate locations or zoning districts within the municipality in which accessory apartments are allowed, provided at least one accessory apartment shall be allowed as of right on each lot that contains a single-family dwelling and no such accessory apartment shall be required to be an affordable accessory apartment;

(2) Allow accessory apartments to be attached to or located within the proposed or existing principal dwelling, or detached from the proposed or existing principal dwelling and located on the same lot as such dwelling;

(3) Set a maximum net floor area for an accessory apartment of not less than thirty per cent of the net floor area of the principal dwelling, or one thousand square feet, whichever i s less, except that such regulations may allow a larger net floor area for such apartments;

(4) Require setbacks, lot size and building frontage less than or equal to that which is required for the principal dwelling, and require lot coverage greater than or equal to that which is required for the principal dwelling;

(5) Provide for height, landscaping and architectural design exceed any such standards as they are applied to single standards that do not family dwellings in the municipality;

(6) Be prohibited from requiring

(A) a passageway between any such apartment and any such principal dwelling,

(B) an exterior door for any such accessory apartment, except as required by the applicable building or fire code,

(C) any more than one parking space for any such accessory apartment, or fees in lieu of parking otherwise allowed by section 8 2c of the general statutes,

(D) a familial, marital or employment relationship between occupants of the principal dwelling and accessory apartment,

(E) a minimum age for occupants of the accessory apartment

(F) separate billing of utilities otherwise connected to, or used by, the principal dwelling unit, or

(G) periodic renewals permits for such accessory apartments; and

(7) Be interpreted and enforced such that nothing in this section shall be in derogation of (A) applicable building code requirements, (B) the ability of a municipality to prohibit or limit the use of accessory apartments for short-term rentals or vacation stays, or (C) other requirements where a well or private sewerage system is being used, provided approval for any such accessory apartment shall not be unreasonably withheld.

(b) The as of right permit application and review process for approval of accessory apartments shall require that a decision on any such application be rendered not later than sixty-five days after receipt of such application by the applicable zoning commission, except that an applicant may consent to one or more extensions of not more than an additional sixty five days five days or may withdraw such application.

(c) A municipality shall not

(1) condition the approval of an accessory apartment on the correction of a nonconforming use, structure or lot, or

(2) require the installation of fire sprinklers in an accessory apartment if such sprinklers are not required for the principal dwelling located on the same lot or otherwise required by the fire code.

(d) A municipality, special district, sewer or water authority shall not

(1) consider an accessory apartment to be a new residential use for the purposes of calculating connection fees or capacity charges for utilities, including water and sewer service, unless such accessory apartment was constructed with a new single-family dwelling on the same lot, or

(2) require the installation of a new or separate utility connection directly to an accessory apartment or impose a related connection fee or capacity charge.

Section 8.1 of the Ledyard Zoning Regulations

8.1 Accessory Apartment *(Effective 8/4/22)*

A. **General Requirements**: An accessory apartment is allowed as an accessory use to a legally existing, single-family residence on an approved single-family residential lot in any zone pursuant to these regulations and as required by C.G.S.A 8.2 (o).

The following requirements apply to all accessory apartments:

1. No more than one (1) accessory apartment is allowed per parcel.

2. No accessory apartment shall be approved as an accessory to a duplex residential or multi-family residential use.

3. The accessory apartment may be either attached or detached.

4. The net floor area of an attached or detached accessory apartment shall not exceed 30% of the net floor area of the primary residence (not including unfinished basements/attics, decks or detached accessory structures) with an overall maximum of 1,000 square feet. For an accessory apartment located entirely in a basement, there shall be no maximum size limit.

5. If the accessory apartment is located entirely within a one-story detached garage, or within the second story of an attached or detached garage, the maximum size may be increased to 1,000 square feet in size regardless of the size of the principal residence. Maximum height shall be in accordance with the bulk table for a principal structure (80% size/ height rule does not apply to detached accessory apartments).

6. Recreational vehicles, travel trailers, manufactured or mobile manufactured homes, structures that previously operated as or were intended to be motor vehicles, and/or structures on wheels (i.e. Park Model Trailers; Tiny Homes) shall not be used as accessory apartments, except that manufactured homes, including mobile manufactured homes, having as their narrowest dimension twenty-two feet or more and built in accordance with federal manufactured home construction and safety standards homes shall be permitted provided they comply with these and all applicable regulations (particularly those pertaining to location and size limits).

7. The accessory apartment shall be self-contained, with cooking, sanitary and sleeping facilities for the exclusive use of the occupant(s).

8. A new driveway curb cut to serve the principal unit, or an accessory apartment shall not be permitted.

9. One (1) dedicated parking space shall be provided for the accessory apartment.

10. **An accessory apartment (and the utilities necessary to service it) shall meet all applicable health, building and fire code requirements.**

Process to opt-out

The Ledyard Planning and Zoning Commission, by a two-thirds vote, may initiate the process by which such municipality opts the provisions of said subsections regarding minimum parking requirements and allowance of accessory apartments, provided such commission: (1) First holds a public hearing in accordance with the provisions of section 8 7d of the general statutes on such proposed opt-out, (2) affirmatively decides to opt out of the provisions of said subsections within the period of time permitted under section 8-7d of the general statutes, (3) states upon its records the reasons for such decision, and (4) publishes notice of such decision in a newspaper having a substantial circulation in the municipality not later than fifteen days after such decision has been rendered.

Thereafter, the municipality's legislative body or, in a municipality where the legislative body is a town meeting, its board of selectmen, by a two-thirds vote, may complete the process by which such municipality opts out of the provisions of subsections (a) to (d), inclusive, of this section, except that, on and after January 1, 2023, no municipality may opt out of the provisions of said subsections

Department Comment/Recommendation:
Set a Public Hearing for October 13, 2022 in accordance with CGS 8-7

TOWN OF LEDYARD PLANNING AND ZONING COMMISSION

DRAFT RESOLUTION

WHEREAS, Connecticut Public Act 21-29 (PA 21-29) modifies Section 8-2 of the Connecticut General Statutes to limit the number of parking spaces which may be required by zoning regulations for multi-family developments.

WHEREAS, PA 21-29 further modifies Section 8-2 of the Connecticut General Statutes to establish specific provisions regarding zoning regulations for accessory apartments.

WHEREAS, unless a municipality affirmatively votes to opt out therefrom, local zoning regulations would be required to adhere to the PA 21-29 provisions regarding multifamily parking spaces and accessory apartments.

WHEREAS, no municipality may opt out of the accessory apartment provisions of section 8.2 of the CT General Statutes, as amended by PA 21-29, on or after January 1, 2023,

WHEREAS, the Planning and Zoning Commission of a municipality, by a two-thirds vote, may initiate the process by which such municipality opts out of the PA 21-29 provisions regarding parking spaces and accessory apartments,

WHEREAS, although the Ledyard Planning & Zoning Commission has adopted Regulations to comply section 8.2 of the CT General Statutes, as amended by PA 21-29, it desires to retain local zoning control over the regulation of multifamily parking spaces and accessory apartments in the future by opting out of the provisions of PA 21-29 regarding accessory apartments,

NOW, THEREFORE, BE IT RESOLVED, the Ledyard Planning & Zoning Commission hereby opts out from the minimum parking requirements and accessory apartment provisions of Section 8-2, of the CT General Statutes, as amended by the applicable provisions of PA 21-29.

BACKGROUND, The Town of Ledyard's (Town) Zoning Regulations pertaining to Accessory Apartments were amended (effective August 4, 2022) to comply with the requirements contained in CT Public Act 21-29 for accessory apartments. Current proposed revisions also eliminate minimum parking requirements for multi-family developments. To retain the local zoning control of parking requirements for multi-family developments and accessory apartment regulations, as local circumstances may dictate in future, the Town must opt out of the provisions of PA 21-29 before January 1, 2023.

File #: 22-389 **Agenda Date:** 9/8/2022 **Agenda #:** B.

LAND USE APPLICATION

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

TOWN OF LEDYARD

APPLICATION FOR
PLANNING & ZONING COMMISSION REVIEW

Application Number PZ#22-16 SUP Submission Date 8/17/2022 Official Receipt Date 8/25/2022

FEE: $560.00 DATE PAID 8/17/2022 RECEIPT # 575041

==========

Applicant/Agent Victor O'Laughlen
(Please Print Legibly)

Signature: _____

Address: 10 Cardinal Lane Gales Ferry, CT 06335 **Telephone** 781- 656 - 5553

E-Mail Address: volaughlenct@gmail.com preferred

Owner Name (if different): same

Address of Owner: same **Telephone** same - -

Location of Work (Street Address) ~~work remotely~~ N/A

Tax Assessor's Map. 24 **Block** 370 **Lot** 10 **Zone** R40

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

Existing Use single-family home **CAM Exempt** Y N

X **Special Permit** ___ **Site Plan Review** ___ **Regulation Change** ___ **Zone Map Change**

___ **CAM Review** ___ **Other:** _____

Details:
Special permit request to allow for hosted short-term rental use

Approved by _____ **Date** _____

Denied by _____ **Date** _____

Property Location 10 CARDINAL LN | Map ID 24/ 370/ 10/ / | Bldg Name | State Use 1010
Vision ID 570 | Account # 154940 | Bldg # 1 | Sec # 1 of 1 | Card # 1 of 1 | Print Date 08-18-2022 10:06:55

CURRENT OWNER

NEW DIGS LLC

79 FOUNTAIN ST

NORWICH CT 06360

TOPO	UTILITIES	STRT / ROAD	LOCATION
1 Level	2 Public Water	1 Paved	2 Suburban
	6 Private Septic	5 Curb & Gutter	

SUPPLEMENTAL DATA

Alt Prcl ID	24-370-10	Solar Pane	
Sub-div	HOLMBERG	Generator	
Dev.Lot	16	Forest	
Survey#		Farm	
Elderly		MPT SB	
Census	07012		
GIS ID	570	Assoc Pid#	

CURRENT ASSESSMENT

Description	Code	Appraised	Assessed
RES LAND	1-1	74,600	52,220
DWELLING	1-3	211,600	148,120
RES OUTBL	1-4	1,500	1,050
	Total	287,700	201,390

6072

LEDYARD, CT

VISION

RECORD OF OWNERSHIP

	BK-VOL/PAGE		SALE DATE	Q/U	V/I	SALE PRICE	VC
NEW DIGS LLC	615	921	12-20-2021	U	I		
YUAN WAN-HSI + OLAUGHLEN VICTOR JR	607	786	07-19-2021	Q	I	354,350	00
NYBERG MICHAEL J + JILL M	0571	0482	11-29-2018	U	I	285,000	07
WITHROW RONALD LEE JR + SHALENE M	0395	0119	12-21-2004	Q	I	319,000	00
WATER STREET LLC	0390	0379	09-21-2004	U	I	255,000	06

PREVIOUS ASSESSMENTS (HISTORY)

Year	Code	Assessed	Year	Code	Assessed V	Year	Code	Assessed
2021	1-1	52,220	2020	1-1	52,220			
	1-3	148,120		1-3	148,120			
	1-4	1,050		1-4	1,050			
	Total	201390		Total	201390		Total	

EXEMPTIONS

Year	Code	Description	Amount
		Total	0.00

OTHER ASSESSMENTS

Code	Description	Number	Amount	Comm Int

This signature acknowledges a visit by a Data Collector or Assessor

APPRAISED VALUE SUMMARY

Appraised Bldg. Value (Card)	209,000
Appraised Xf (B) Value (Bldg)	2,600
Appraised Ob (B) Value (Bldg)	1,500
Appraised Land Value (Bldg)	74,600
Special Land Value	0
Total Appraised Parcel Value	287,700
Valuation Method	C
Total Appraised Parcel Value	287,700

ASSESSING NEIGHBORHOOD

Nbhd	Nbhd Name	B	Tracing	Batch
0065				

NOTES

BEIGE
FDN=CONC
NEW WINDOWS
8/2101 UPD ROOF
V373 P915 1/12/04 SPLIT
.92 TO LOT 12 CARDINAL LN
V373 P917 1/12/04 SPLIT
.92 FROM 10 CARDINAL LN
8/18/22 5BD

BUILDING PERMIT RECORD

Permit Id	Issue Date	Type	Description	Amount	Insp Date	% Comp	Date Comp	Comments
19-202	06-13-2019	RE	Remodel	9,500		100	06-01-2019	ADD SUPPORT FOR EXISTIN
09-65	04-21-2009	RS	Residential	3,000	07-23-2009	100	05-29-2009	INSTALL ABOVE GROUND 18
02-312	08-01-2002		WOOD STOVE	3,000	10-01-2002	100	10-01-2002	CHIMNEY FLUE Closed per

VISIT / CHANGE HISTORY

Date	Id	Type	Is	Cd	Purpost/Result
06-17-2020	DM			15	Reval Review
03-23-2020	SF			14	Sales Review
01-24-2001	PL			00	Measur+Listed
01-24-2001	PL			00	Measur+Listed
05-18-1992	KS	X		10	Letter Sent no response
05-18-1992	KS	X		10	Letter Sent no response
10-07-1991	CM			01	Measur+1Visit

LAND LINE VALUATION SECTION

B	Use Code	Description	Zone	Land Type	Land Units		Unit Price	Size Adj	Site Index	Cond.	Nbhd.	Nbhd. Adj	Notes	Location Adjustment		Adj Unit P	Land Value
1	1010	Single Fam M01	R40		0.920	AC	72,000	1.07185	1	1.00	0055	1.050			1.0000	81,036	74,600
		Total Card Land Units			0.920	AC	Parcel Total Land Area			0.9200					Total Land Value		74,600

726

Property Location 10 CARDINAL LN | Map ID 24/ 370/ 10/ / | Bldg Name | State Use 1010
Vision ID 570 | Account # 154940 | Bldg # 1 | Sec # 1 of 1 | Card # 1 of 1 | Print Date 08-18-2022 10:06:55

CONSTRUCTION DETAIL

Element	Cd	Description
Style:	01	Ranch
Model	01	Residential
Grade:	04	Average +
Stories:	1	1 Story
Occupancy	1	
Exterior Wall 1	06	Board & Batten
Exterior Wall 2	19	Brick Veneer
Roof Structure:	03	Gable/Hip
Roof Cover	03	Asphalt Shingl
Interior Wall 1	05	Drywall/Sheet
Interior Wall 2		
Interior Flr 1	12	Hardwood
Interior Flr 2	14	Carpet
Heat Fuel	02	Oil
Heat Type:	04	Forced Air-Duc
AC Type:	03	Central
Total Bedrooms	05	5 Bedrooms
Total Bthrms:	3	
Total Half Baths	0	
Total Xtra Fixtrs		
Total Rooms:	7	7 Rooms
Bath Style:	02	Average
Kitchen Style:	02	Modern

CONSTRUCTION DETAIL (CONTINUED)

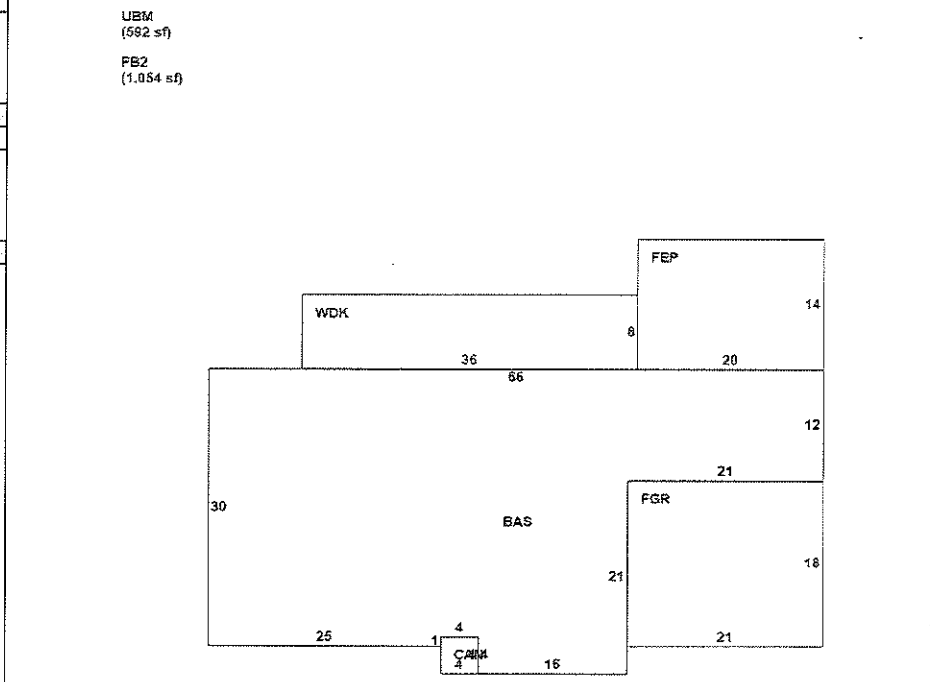
Element	Cd	Description

MIXED USE

Code	Description	Percentage
1010	Single Fam M01	100
		0
		0

COST / MARKET VALUATION

Building Value New	234,831
Adjusted Base Rate	87.79
Year Built	1976
Effective Year Built	2009
Depreciation Code	G
Remodel Rating	
Year Remodeled	
Depreciation %	11
Functional Obsol	0
External Obsol	0
Trend Factor	1
Condition	
Condition %	
Percent Good	89
RCNLD	209,000
Dep % Ovr	
Dep Ovr Comment	
Misc Imp Ovr	
Misc Imp Ovr Comment	
Cost to Cure Ovr	
Cost to Cure Ovr Comment	



OB - OUTBUILDING & YARD ITEMS(L) / XF - BUILDING EXTRA FEATURES(B)

Code	Description	L/B	Units	Unit Price	Yr Blt	Cond. Cd	% Gd	Grade	Grade Adj.	Appr. Value
FPL1	1ST Fireplace	B	1	2200.00	2005		89.00		0	2,000
FLU2	Brick Flue	B	1	700.00	2005		89.00		0	600
SPL4	Pool- Round	L	18	90.00	2009		90.0		0	1,500

BUILDING SUB-AREA SUMMARY SECTION

Code	Description	Living Area	Floor Area	Eff Area	Unit Cost	Undeprec Value
BAS	Main Floor	1,646	1,646	1,646	87.79	144,504
CAN	Canopy	0	16	3	16.46	263
FB2	Finished Bsmt- Ave	0	1,054	369	30.74	32,395
FEP	Finished Enclosed Porch	0	280	196	61.45	17,207
FGR	Finished Garage	0	378	151	35.07	13,256
UBM	Unfinished Basement	0	592	118	17.50	10,359
WDK	Wood Deck	0	288	29	8.84	2,546
	Ttl Gross Liv / Lease Area	1,646	4,254	2,512		220,530

Section 8.28

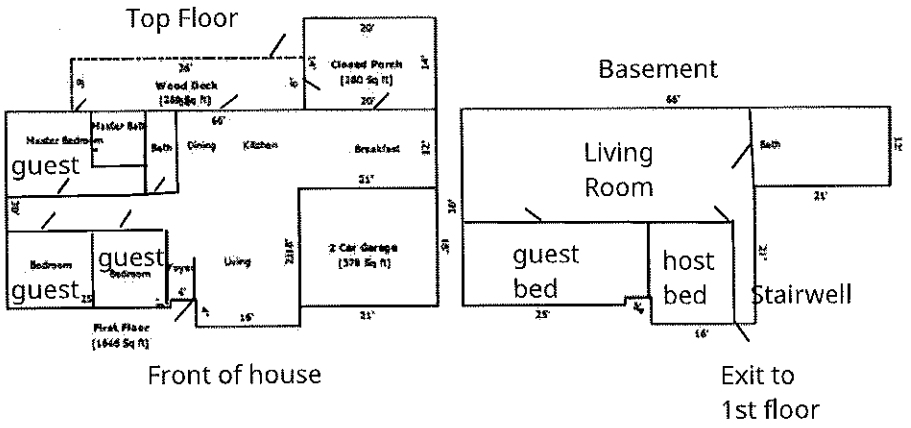
	Reg	Comment
B1	An STR must be (a) within a single-family or duplex dwelling used as its owner's primary residence (domicile), or (b) within a permitted accessory apartment located within the single-family dwelling or on the same parcel as the single-family dwelling. Its owner, the STR Host, may (a) occupy his single-family residence as his primary residence and use its accessory apartment as an STR, or (b) occupy the accessory apartment as his primary residence and use the single-family dwelling as an STR. The single-family dwelling and its accessory apartment, if any, shall not be simultaneously used as STRs	10 Cardinal is a single-family primary residence with the owners bedroom in the basement as highlighted in the site plan
B2	Apartments and condominiums in multi-family dwellings, shall not be used as STRs.	single-family home
B3	The applicant must be current on all municipal taxes at the time of application, and for the duration of time the dwelling is utilized as an STR	confirmed up to date
B4	The proposed STR shall not have Zoning, Building, Fire, or Health Code violations, and shall not be blighted under the Town's Blight Ordinance	no known violations
B5	The STR shall not constitute or create a risk to public health, safety, convenience, and/or general welfare	agreed
B6	STR occupancy is limited to two adult guests per bedroom, where the number of bedrooms is the number shown on the STR's property card (in the tax assessor's office), less the number of bedrooms reserved for use by its host	Agreed, advertised as 4 bedroom home with 2 adults per room
B7	Unaccompanied minors are not permitted in an STR.	agreed, enforced via Airbnb and host
B8	Advertising for an STR shall include, but not be limited to, the number of permitted adult guests, number of bedrooms available for use by STR guests, a limit on guest vehicles, a statement that guest parking is off-street, a prohibition on creating a nuisance, pet rules, and a declaration the host is the owner of and has his primary residence in the STR (or its accessory apartment, as appropriate)	agreed, in house rules
B9	An STR "use" must (a) be essentially invisible to the neighborhood; (b) not create a nuisance (i.e. noise, odors, trespass, lighting, etc.); (c) not be detrimental to the aesthetic quality of the residence or its neighborhood; and (d) not interfere with the quality of life in the neighborhood.	agreed, in house rules
B10	Non-lodging uses by STR guests, such as weddings, receptions, banquets, and corporate retreats, are prohibited	agreed, in house rules
B11	There shall be no signage, lighting, or other indication the dwelling is an STR	confirmed
B12	The Host is responsible for the conduct of his guests	agreed / confirmed

B13	The host or designated representative must be reachable at all times by providing a card listing their name, address, phone number, and email address to their guests, adjacent neighbors, the Zoning Enforcement Official, Fire Department, and the Police Department	Agreed and will be provided upon request / approval
B14	A duplex dwelling, single-family dwelling or its accessory apartment, shall not be used as an STR if it is serviced by a shared driveway.	confired, no shared driveway
B15	A dwelling used as an STR without a special permit is prohibited	agreed, permit in process
C1	A copy of the LLHD approval of the proposed STR. (An application for an STR constitutes a proposed Change of Use that requires LLHD approval.)	completed and provided
C2	A copy of the applicant's official Connecticut photo ID or Connecticut Driver's License showing their primary residence (domicile) is the same as the address of their proposed STR	temporary license provided. Permanent license to be provided when received in September
C3	A copy of the property card showing its ownership and address is the same as shown on the applicant's official Connecticut photo ID or Connecticut Driver's License	provided
C4	A detailed floor plan, drawn to scale, of the single-family or duplex dwelling 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 host	provided
C5	A site plan of the property. Pursuant to §6.2.H-(2), the site plan does not require a new signed and sealed A-2 survey, but must satisfy site plan requirements listed in §6.6.A; §6.6.B-(1)-(a), -(c) [proposed use description], -(e), -(f), -(g), -(m); §6.6.B-(2)-(b) [location and building footprint, including decks, overhangs, pools, gazebos, tennis courts, fences, fire pits, etc.], -(g), -(h), -(j); and §6.6.B-(3)-(b) [location of parking spaces and driveway], and -(e) [surface treatment of parking areas].	provided
C6	A copy of the STR Host/Guest Agreement and the STR Rules and Regulations adequate for the protection of nearby properties from the risks of potential deleterious effects of the proposed STR use	provided
D1	Suitable off-street parking space(s) for the STR owner/host and his STR guests shall be provided	provided, 5 spaces
D2	On-street parking, and parking on non-designated spaces, is prohibited.	agreed, in house rules
D3	Covered parking (garages & carports) may be used for STR guest parking.	agreed, garage available
D4	All parking spaces shall have an all-weather surface	agreed, paved asphault driveway

E	Exterior permanent and temporary site lighting shall comply with applicable Zoning Regulations and be of a design that does not illuminate or create glare on nearby properties	agree, no change from previous owner
F	All garbage and recyclables shall be fully contained within the standard durable, insect-proof, and rodent-proof wheeled containers provided by the Town's refuse service provider	agreed & currently in use
G	In the event ownership of an STR is transferred, its new owner, if the intent is to continue the use, must update and resubmit the documents listed in §3-(A) – §3-(F) for the Planning and Zoning Commission to review and approve as a minor amendment to its Special Permit.	agreed
H1	The Town Building and/or Zoning Officials may inspect an STR with 24-hour notice to determine compliance with these requirements	agreed / understood
H2	These regulations may be enforced pursuant to §15.1-A and §15.2-A of the Zoning Regulations, and Town Ordinance #300-009 (Zoning Citations).	understood
H3	The Planning and Zoning Commission may revoke an STR Special Permit, after a public hearing, for failure to comply with the requirements in these regulations	understood
I	All STRs that are currently permitted under Ordinance #300-30 shall be governed by that Ordinance until such time as their permit expires. At that time, a Special Permit shall be required in conformance with the STR Regulations herein to continue the STR use.	not applicable
	6.6 Site Plan	
A	A minimum of two (2) copies of site plans is required for any application. Applications that require Commission review require an additional eight (8) copies for Commission members.	10 copies to be provided
	The site plan shall be drawn at a scale of one inch (1") equals forty feet (40'), or another scale as may be approved by the Zoning Official or Commission, as appropriate, and shall include the following information:	drawn to scale
B1a	The name and address of the applicant and owner of record as listed on the Town's tax rolls	complete
B1b	Date, north arrow, and a numerical and graphic scale on each map	complete
B1c	A brief written description of the proposed use or uses and the type of work proposed	complete, in package
B1e	The address of the property and/or parcel identification number	complete, in package
B1f	Signed permission authorizing Commission members, the Zoning Official, and Town staff to conduct a site walk of the property. (May contain reasonable dates and time limits)	complete, in package

B1g	The boundaries of the property	complete
B1m	An approval block on the site plan for Commission Chairman or Secretary, date of approval, and date of expiration. (Required only for site plans requiring Commission approval, including site plans submitted as part of special permit applications.)	complete
B2b	Location and building footprint (including decks, overhangs, pools, etc.), design, size (to scale) and height of all existing and proposed buildings and structures, signs, fences, walls and any other structures as may be appropriate. (Reference the Design Guidelines if in a Design District.)	complete
B2g	Well location and/or public water connection	public water
B2h	Septic system	on site plan and details provided in LLHD for 5th bedroom approval
B2j	Location and height of retaining walls	complete
B3b	Location, arrangement and dimensions of automobile parking spaces, aisles, vehicular drives, fire lanes, entrances, exits and ramps	complete
B3e	Surface treatment of all parking and loading areas.	complete, asphalt

Victor O'Laughlen
10 Cardinal Lane Gales Ferry, CT



property card change to 5 BR in progress. LLHD approval provided.

TOTAL Sketch by a la mode, Inc.

Area Calculations Summary

		Calculation Details	
Living Area			
First Floor	1646 Sq ft	30 x 25 =	750
		12 x 21 =	252
		20 x 29 =	580
		16 x 4 =	64
Total Living Area (Rounded):	**1646 Sq ft**		
Non-living Area			
2 Car Garage	378 Sq ft	21 x 18 =	378
Closed Porch	280 Sq ft	20 x 14 =	280
Wood Deck	288 Sq ft	36 x 8 =	288
Patio	201.06 Sq ft	Arc =	100.53
		Arc =	100.53
Basement	1646 Sq ft	30 x 25 =	750
		12 x 21 =	252
		20 x 29 =	580
		4 x 16 =	64

Site Plan - Short-term Rental Application

I. Victor O'Laughlen, applicant and owner of property
II. Proposal to use the single-family property as a hosted short-term rental as specified in section 8.28 of zoning regs
III. Address: 10 Cardinal Lane, Gales Ferry, CT 06335
IV. This document authorizes Commission members, the Zoning Official, and Town staff to conduct a site walk of the property assuming it is scheduled and coordinated between the owner / applicant and the group requesting the consolidated review.
V. Boundaries of the property highlighted in the Ledyard land records map below
VI. Approval block signature to be provided by commission
VII. Location and building footprint added to the Ledyard land records map below
VIII. Location, arrangement and dimensions of automobile parking spaces, aisles, vehicular drives, fire lanes, entrances, exits and ramps added to the Ledyard land records map below
IX. Surface treatment of the driveway and outdoor parking spaces is asphalt and concrete (indoor 2-car garage)

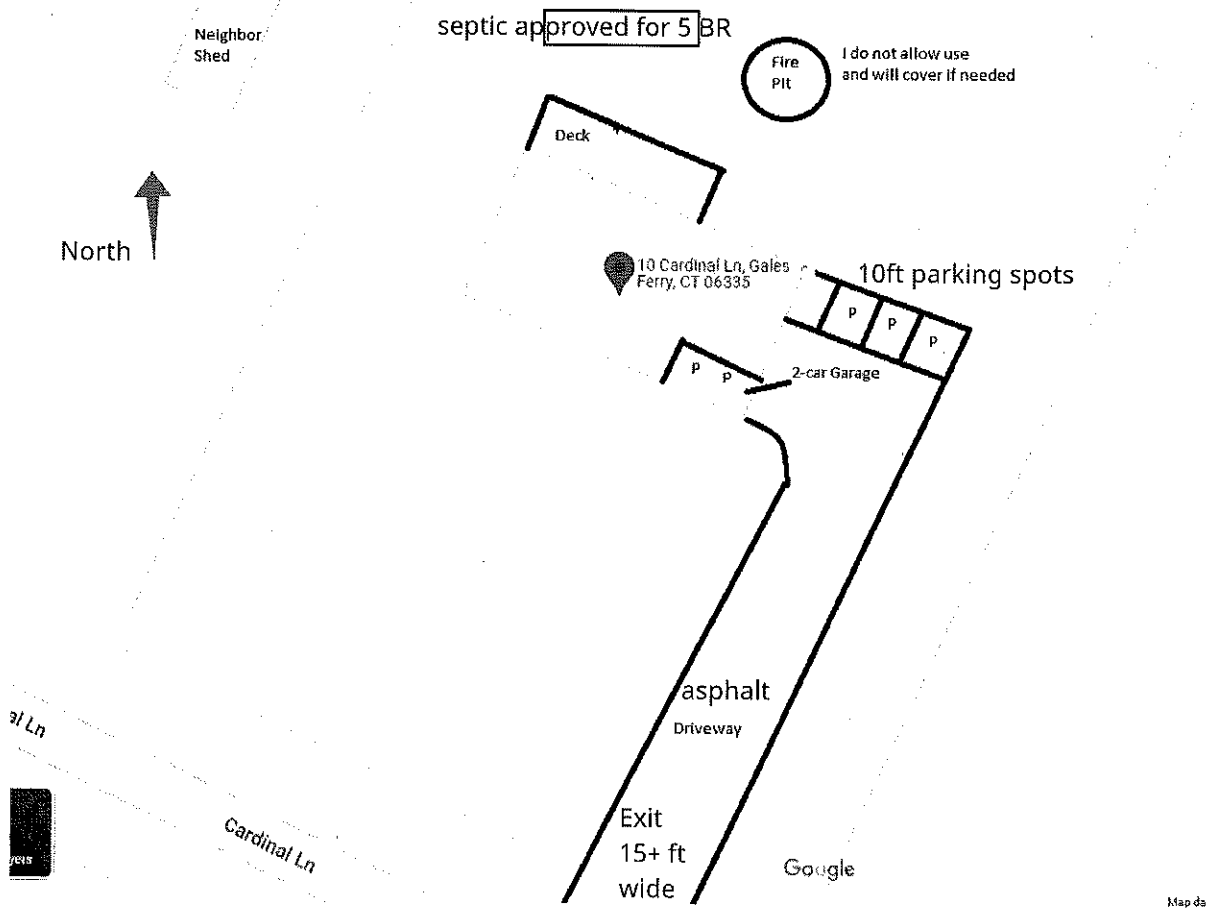
Victor O'Laughlen

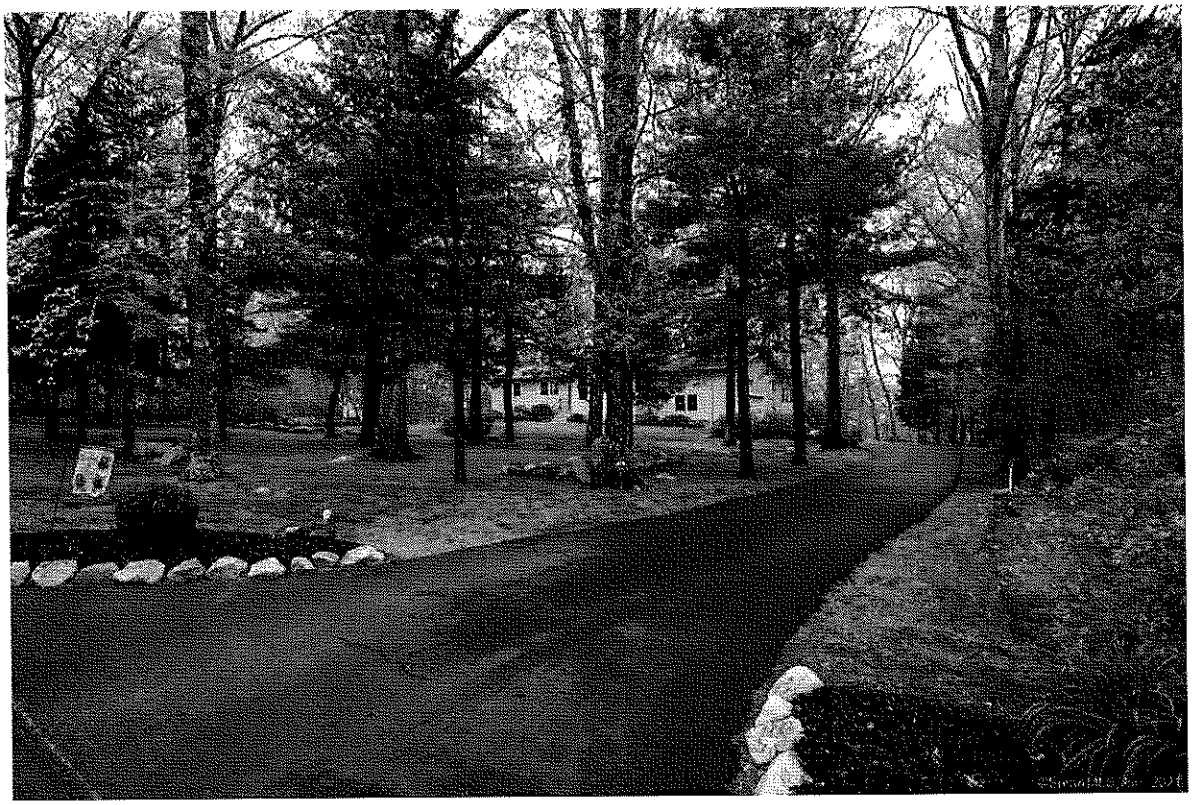
Approval Signature
for Commission Chairman
or Secretary

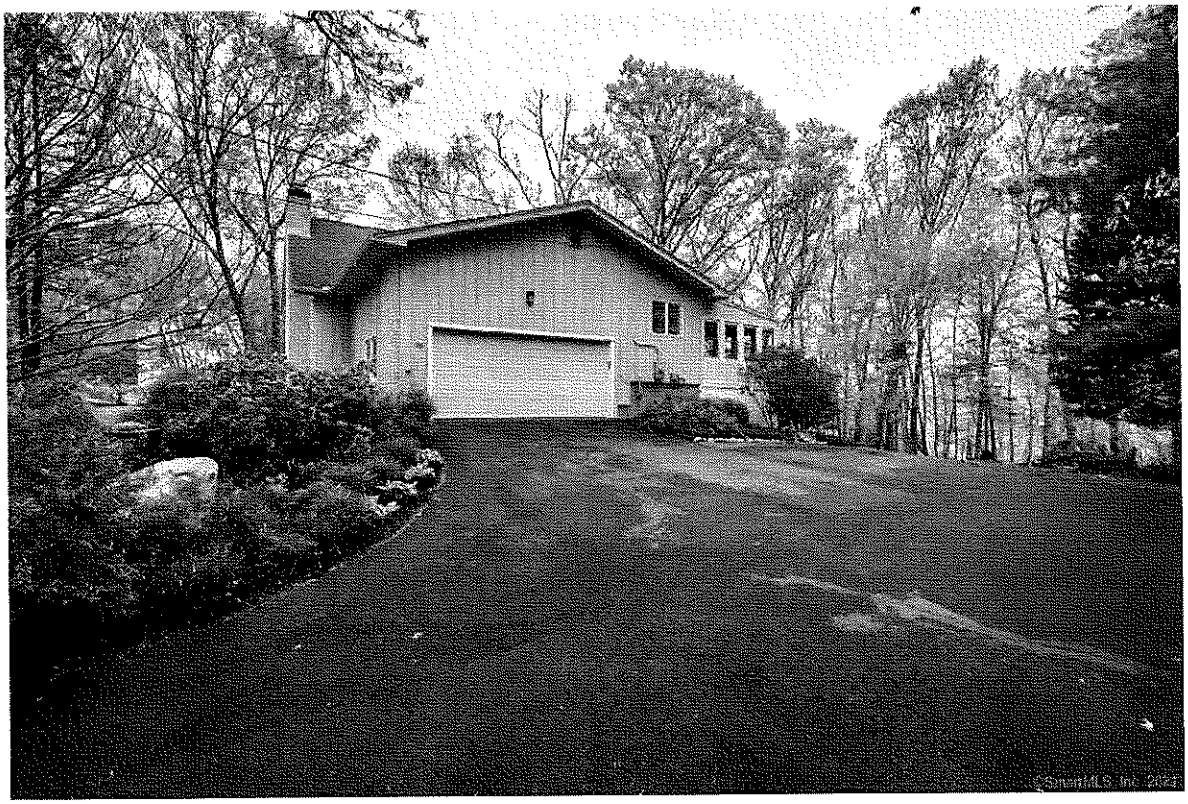
Date of Approval

itaurants | Hotels | Attractions | Transit | Parking | Pharmacies | ATMs

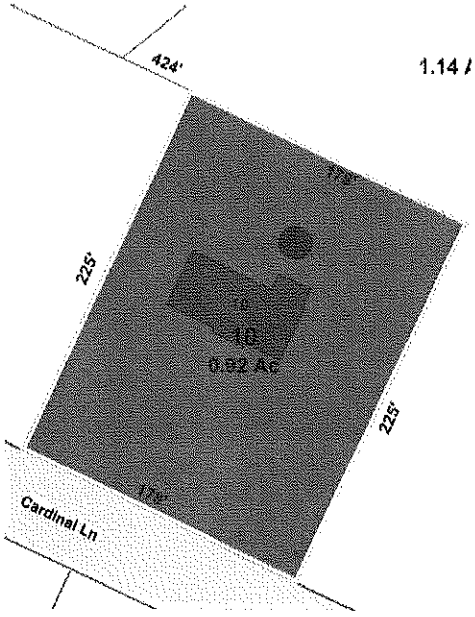
8/17/2022








10 Cardinal Ln, Gales Ferry, CT 06335
Cardinal Ln
Cardinal Ln
Google
Imagery ©2022 Maxar Technologies, Map data ©2022


424'
1.14 /
225'
225'
10
0.92 Ac
Cardinal Ln

This is what is provided in the house rules for each guest that they need to agree to before booking:

No events
No pets
No parking on the road and 5 car limit
Comfortably sleeps up to 8 adults

NO PARTIES AND NO SMOKING!!

- Unfortunately I am removing the fire pit so no fires in the backyard.

- Please respect m neighbors and be quiet going in and out - No shoes in the house please

- Min age 21 to book, no parties
- No prom groups
- Quiet hours after 10pm

NO PARTIES in my house! - Photo ID may be required upon check-in. My family has been living in Connecticut for over a decade. We know our neighbors very well. We love hosting people who are courteous and respectful. Please respect the neighborhood and our neighbors by not being loud or littering outside the home. We value the relationships we have with our neighbors. No unregistered guests allowed.

**Note: All guests are required to follow Airbnb standard requirements, which includes confirmed phone number, email address, payment information, and agreement to your house rules

Paid 7/13/2022

LLHD
Ledge Light Health District

App No._____
Check No._____
Receipt No. _____

REVIEW FEE: $25.00
w/site visit or soil test: $50.00
Make check to LLHD or pay online at www.LLHD.org rev 4/30/17

Promoting healthy communities

B100a: Application for Building Addition, Change in Use, Accessory Structure, or Lot Line Change

Note: Please include the following with your application:

1. *A scaled site plan of your property showing property lines, existing buildings, septic system (s), water line (s)/ well (s), and proposed building addition or accessory structure.*
2. *For additions of living space: existing and proposed floor plans.*
3. *Soil testing information, if available.*

Date: 7/13/22 Property Address: 10 Cardinal Lane Town: Gales Ferry

Applicant Name: Victor O'Laughlen Phone: 781-656-5553

Email: volaughlect@gmail.com

Applicant Address (if different from above): _____

Property Water Supply: ☐ Well (s) ☒ Public Water ☐ Both

Type of Application:
☒ Building Addition (e.g., adding rooms or 2nd floor, finishing attic or basement); additional bedrooms 1
☐ Building Change in Use or Conversion (e.g., office or retail to food service; home winterization)
☐ Accessory Structure (Garage, Shed, Deck, Pool, etc.)
☐ Lot Line Change

Please provide a brief description of the proposed project: Converting common area in basement to an additional bedroom. Finished basement already includes an existing bedroom and bathroom

Signed: VOL * Applicant attests that project information is the same as that supplied to the Building Department (if applicable).

Reviewed by: Joseph Blanchard Title: REHS/RS ☑ Approved ☐ Denied

Signed: Joe Blanchard Date: 7/19/2022

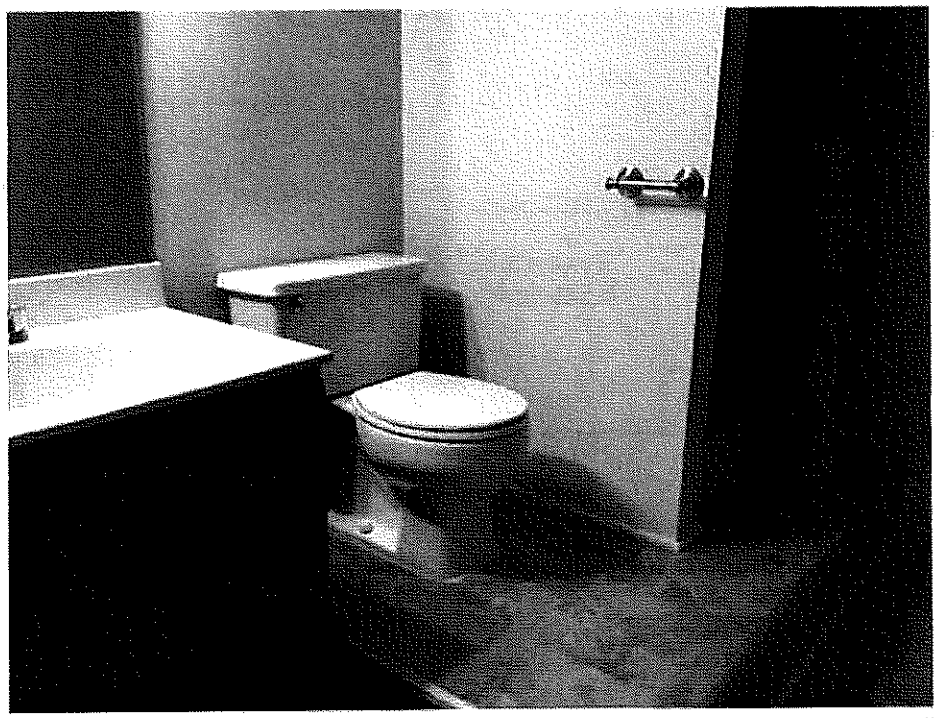
Comments: Soil testing on file, As-built on file, Code complying system on site (Repair in 2008 → 50LF stone trenches & 55LF Mantis 536-8 = 700ft²) oversized for 5 bedroom house per current CT Technical Standards.



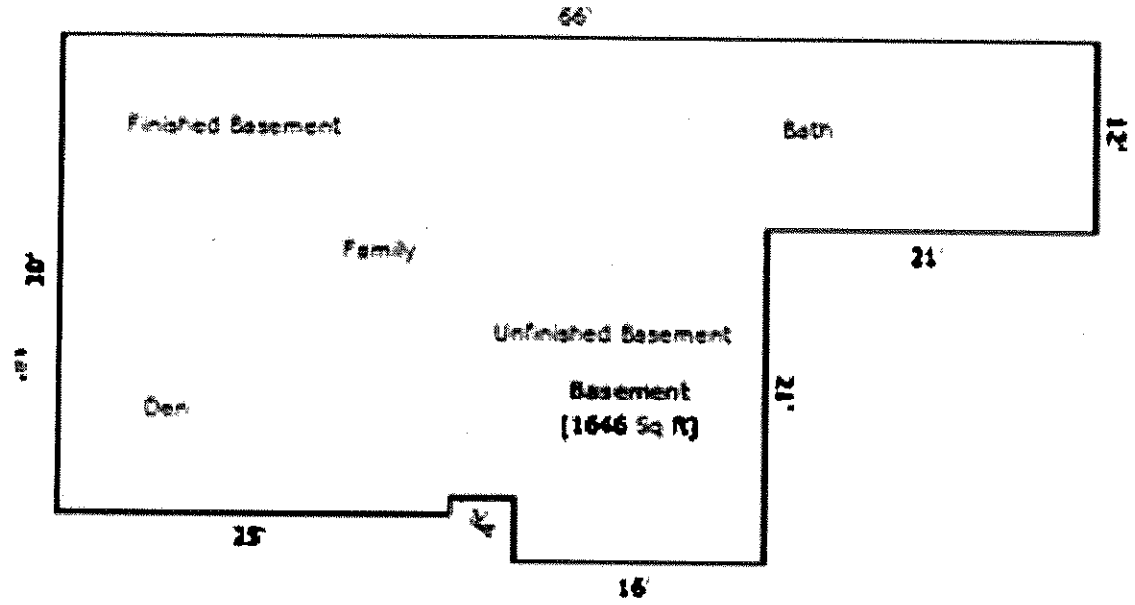
Finished basement room to convert to additional bedroom (photo above). This photo was listed by the listing agent when purchased by me last summer.



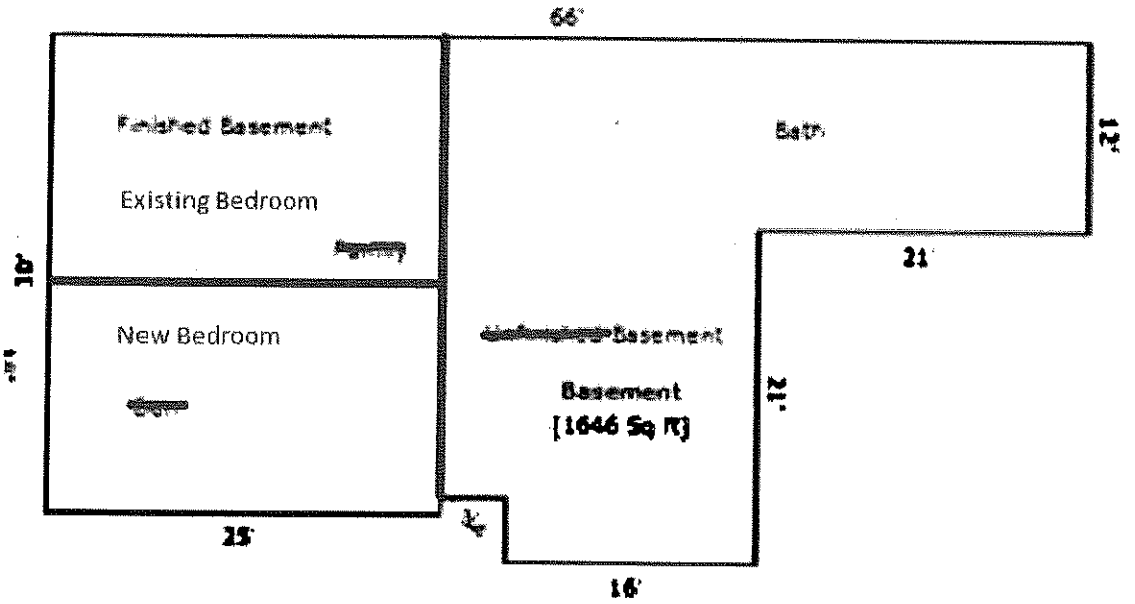
Existing basement bedroom (photo above). This was photo was provided by listing agent when purchased by me last summer.



Existing basement bathroom (photo above). This photo was provided by the listing agent during the purchase last summer. I've made cosmetic updates since then.



Original layout per records though the drawing should highlight the existing bedroom. The finished basement already includes this bedroom plus a bathroom as purchased and as listed on on the property card.

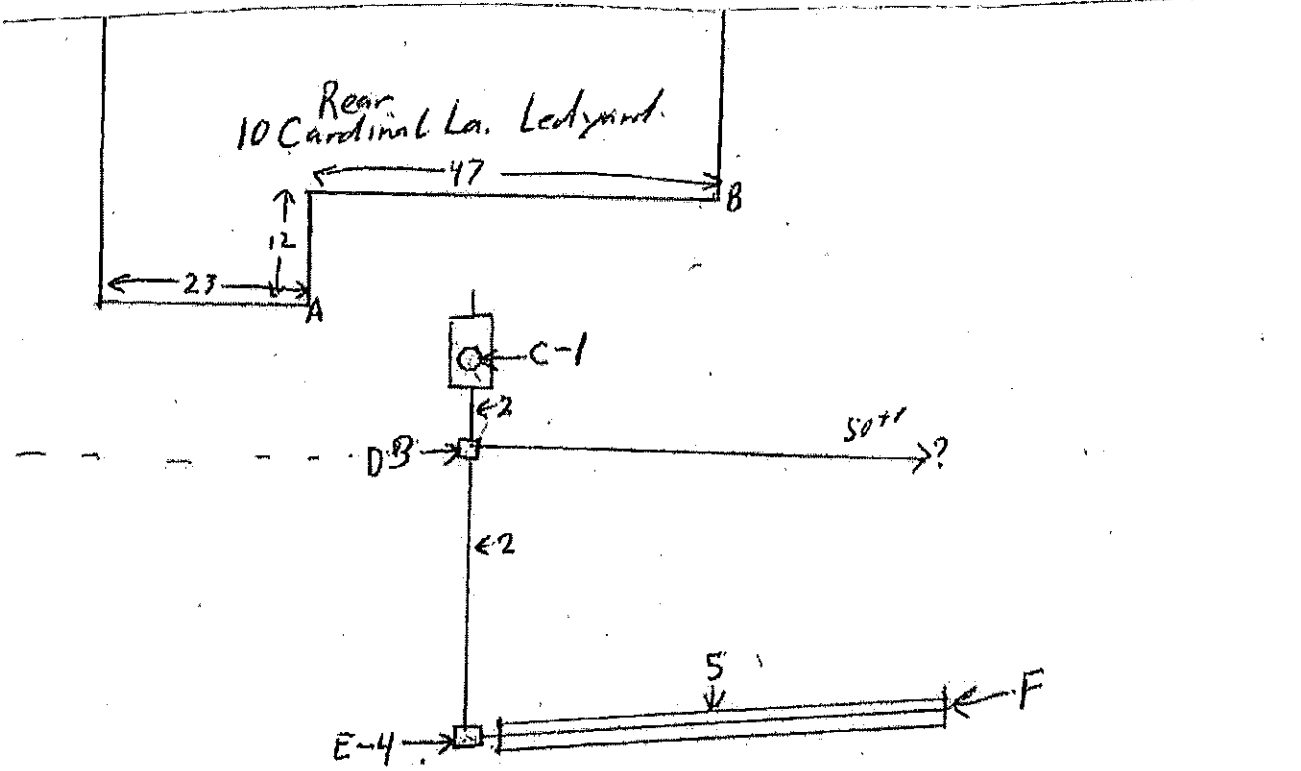


The revised plan as edited in red by me shows the existing bedroom plus the new bedroom. The basement is finished and also includes a small common area by the stairwell.

Septic "As Built" drawing for:

10 Cardinal La. Gales Ferry, Ct.

Repaired for owner Ron & Shalene Withrow by Buttermore's, Steven E. Buttermore Ct. License # 5875 on 08/14/08. System designed by Steven E. Buttermore & approved & inspected by Ledge Light Health Dist.



Received
AUG 21 2008
LEDGE LIGHT HEALTH DISTRICT

Cross measurements:

	A	B
C	20	34
D	25	40
E	54	68
F	87	65

All measurements in feet.

System notes:

1. Existing 1000 gal concrete single compartment septic tank. PVC outlet baffle installed & riser & lid to grade.
2. 4" sdr 35 pipe to D boxes
3. "D" plastic D box with HLO installed. existing pipe & stone trench. Trench 50'+. Existing trench in opposite direction abandoned in place under above ground pool.
4. "E" plastic D-box end of trench 2
5. 50' Eljen Mantis units set on & in c-33 sand from Lombardi Gravel & Excavation (sieve on file). Mantis units fed from top & middle. Units covered w/fabric. Vent to grade end of trench.
6. Math . 4 bedroom home with 10 min/inch perc rate requires 660sf leaching. Existing pipe & stone trench 50' (min. probably 60-75') @ 3sf/lf = 150sf. New top fed 50' Mantis trench w/11sf/lf credit = 550sf. 700sf provided.
7. Notes: No Garbage disposal, No Large Tubs, No Grease in system, Do not drive over system area. Recommend septic tank to be pumped every 2-3 years .

LEDGE LIGHT HEALTH DISTRICT SITE INVESTIGATION FOR SUBSURFACE SEWAGE DISPOSAL

943 North Rd, (P.O. Box 909) Groton, CT 06340

Phone: 448-4882 Fax: 448-4885 Web: www.ledgelighthd.org

Form #2 Alternate — Technical Standards for Subsurface Sewage Disposal Systems — 1/1/2007

Location:	10 Cardinal Lane,Ledyard B100a/repair		Completed By:	Ryan McCammon, RS	
Slope:	7%	Parent Material: Charlton Chatfield Soils	Accuracy Assured By:	Ryan McCammon, RS	
Others Present:	Steve Buttermore, installer		Date: 7-23-08	Weather: 80 sunny	Time: 9am
Test Pit #:	1A-84"	Depth to Observed Ground-Water (inches):	Weeping:	Standing:	Ledge:

Soil Horizon	Depth (inches)	Matrix Color (moist)	Redoximorphic Features-mottling Depth	Color	%	Soil Texture (USDA)	Gravel Percent	Soil Consistence	Roots	Other
A	0-6"	Dark brown				topsoil	5	friable	yes	
B	6-25"	medium brown				fine-medium sancy loam	15	firm	yes	
C	25-84"	tan/grey				fine sand and rock/boulders	35	firm/friable	no	boulders

Test Pit #:		Depth to Observed Ground-Water (inches):	Weeping:	Standing:	Ledge:

Soil Horizon	Depth (inches)	Matrix Color (moist)	Redoximorphic Features-mottling Depth	Color	%	Soil Texture (USDA)	Gravel Percent	Soil Consistence	Roots	Other

Test Pit #:		Depth to Observed Ground-Water (inches):	Weeping:	Standing:	Ledge:

Soil Horizon	Depth (inches)	Matrix Color (moist)	Redoximorphic Features-mottling Depth	Color	%	Soil Texture (USDA)	Gravel Percent	Soil Consistence	Roots	Other

LEDGE LIGHT HEALTH DISTRICT SITE INVESTIGATION FOR SUBSURFACE SEWAGE DISPOSAL

Form #2 Alternate — Technical Standards for Subsurface Sewage Disposal Systems — 1/1/2007

Percolation Tests

From 12 Cardinal Lane 11/04

PERC:	1A
DEPTH:	24"
PRESOAK:	10:30 AM
Time	Reading
11:05am	17.5"
11:10	19"
11:15	20.5"
11:20	22"
Rate	3.33 min/inch

Design Requirements

The property owner installed an above ground pool on top of part of their existing leaching system and thus this section must be abandoned and replaced in a different location. The remaining septic system consists of a 1,000 gal single compatment tank and 50-60' of leaching trench (to the west of the tank) for 150-180' of leaching. A licensed septic installer is to submit a plan for a 4 bedroom house (660ft2 of leaching) in the area of TP 1A and no deper than 3' into grade. The installer can use the existing tank and trench if they are in good shape and functioning and replace the existing d-box to high level overflow to 480-510ft2 of leaching in the area of TP1A. Perc was taken from neighboring lot due to similar soils and proximity. All parts of the septic system are to maintain 10' to the existing pool, 10' to property lines, 15' to house and 75' to wells (well is in front near road and house connected to municipal water)

Special Conditions:

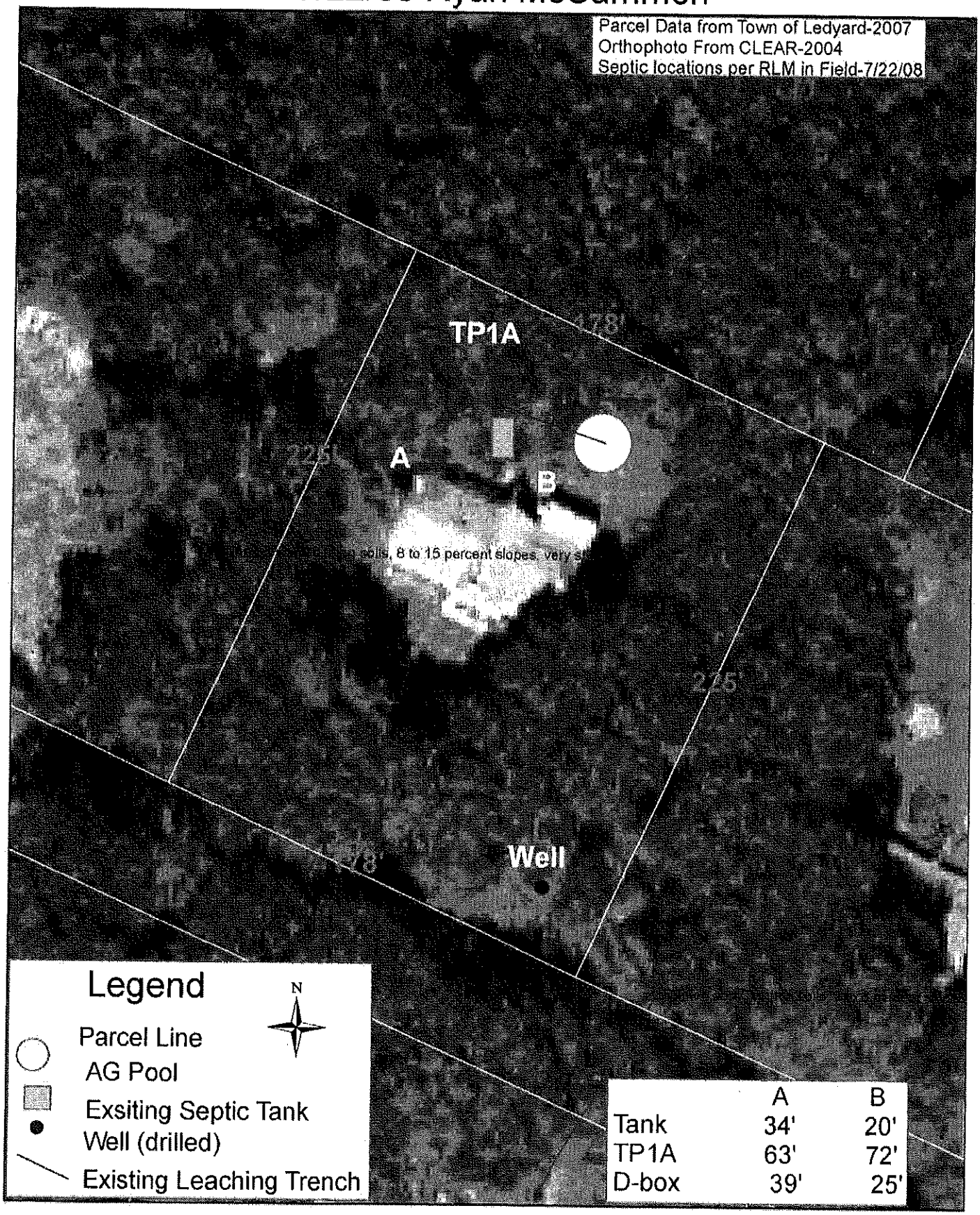
Design Flow > 2000 GPD	No
Public Water Supply Watershed	No
Probable High Ground Water	No
Slope > 25 Percent	No
Perc Rate < 1 min/inch	No
Perc Rate > 30 min/inch	No
Ledge < 5 feet Below Grade	No
Limited Suitable Area	No
Open Watercourse or Wetland	No
Flood Plain/Seasonal Flooding	No
G.W. < 36 inches Below Grade	No

Conclusions:

Suitable for Sewage Disposal	Yes
Unsuitable for Sewage Disposal	No
Additional Investigation Required	No
Wet Season Monitoring Required	No
Retest During Wet Season	No
Licensed Engineer Plan Required	No
Other:	

Location Drawing

10 Cardinal Lane Soils Testing, Ledyard
7/22/08 Ryan McCammon



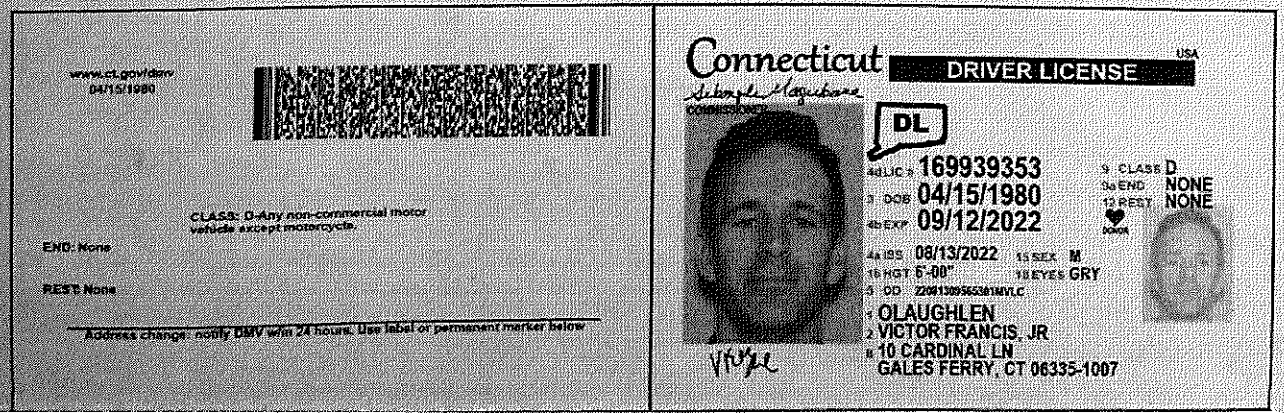
SAFETY SECURITY SERVICE **DMV**

Temporary Driver License

- This is a temporary document which expires on 09/12/2022.
- Your permanent card will be mailed to the mailing address we have on file for you.
- The post office will only deliver your permanent card to the address you gave the DMV.
- You may visit the DMV website to check the delivery status of your permanent card at https://dmvcardtrack.ct.gov.

Use your QR app to scan the code and launch the card tracking website.

If you do not receive your permanent card in the mail in 30 days, please call 860-263-5700 (Hartford area / out of state) or 800-842-8222 (elsewhere in CT). Real ID markers such as the "Gold Star" will only appear on your permanent card. This Temporary is NOT VALID FOR IDENTIFICATION unless accompanied by your expiring CT card.



RECEIVED
0[illegible] 2022
LAND USE DEPARTMENT

Matt and Carol Miello
12 Cardinal Lane
Gales Ferry, CT 06335

As recorded in our letter to the planning and zoning commission regarding non-hosted short-term rentals (STRs), the home at 10 Cardinal Lane has been the basis for our disillusionment with STRs in the town. While we have not experienced some of the extreme cases that others in town have had to deal with, our experience has not been invisible to the adjoining properties and neighborhood either. We have had to deal with increased traffic in the neighborhood, often with renters speeding down our block, excessive noise throughout the day and late at night, individuals leaving fires unattended in the backyard, along with a host of other less than ideal situations and concerns.

10 Cardinal Lane, the house directly next door to us and owned by Victor O'Laughlen, was purchased in July 2021. I work from home 2-3 days a week; my wife works almost exclusively from home and we are often outside doing yardwork or playing in the yard with our son on the weekends. At no point have we ever seen Mr. O'Laughlin at this property and do not believe that property can be claimed as a primary residence.

In November 2021, when it became apparent to us that the property was being used as a STR, we reached out to Mr. O'Laughlen through his house keeper. We were able to speak with him later that day, where he stated he was the owner, and were told that the property was a 2nd home, used primarily as a vacation home for him when he wanted to get out of the city and would be occasionally rented out on AirBnB when not in use. He also stated that he traveled a lot for work and therefore may not be there often. At the time, I asked that if he is in town, that he let us know so we could introduce ourselves. He never took us up on this offer, most likely because he's never been to the house since the conversation took place.

Through the fall and winter months, the home was mostly empty during the week and rented on the weekends. During the spring and summer months, it has been rented out continuously from May/June until now, with large groups, sometimes numbering 14 people with upwards of 8 cars, often renting the property. This can easily be confirmed by looking at the reviews for this property. The posting for the home on AirBnB says no more than 5 cars and no parties. Based our experience, guests have not followed those rules and I have no reason to believe that they will follow any other rules posted for the property. The listing itself encourages large groups, emphasizing that the property "comfortably sleeps 8 adults" and multiple reviews listing it as a great location for their parties and group events.

At no point have we seen the same cars there, other than the house keeper and property management. Most of the guests have license plates from Massachusetts, New York and New Jersey. The property currently has a tree laying through part of the backyard from an adjacent vacant lot. The tree came down in one of the storms in October 2021, along with some branches that fell in a storm a few weeks ago. I would expect that if someone was there, using the home as their primary residence, they would have taken steps to have these issues resolved in lieu of leaving it there to create a hazard for guests. In the case of the tree, it has been almost a year since it has fallen and it was only cut back partially by the property management company so they could mow the lawn easier.

There is a fire pit in the back yard of the property. Mr. O'Laughlen stated in his initial conversation with us that he recognized that the fire pit was a fire hazard. He said that he intended to have the fire pit removed. Despite recognizing that the fire pit was a hazard, the fire pit is piled high with fire wood between each guest such that it can be seen exceeding the height of the pit from our property next door, on the far side. The landscaping company that manages the property did not do a leaf cleanup in the fall. Someone from the property management company blew the leaves off the front walkway and left everything else until the Spring. If Mr. O'Laughlen regularly visited the property, he would be aware of the significant fire danger he is posing to the neighborhood and might have taken action to clean up the property himself or hire someone to improve the safety of the property for all of us.

The home is owned by an LLC, New Digs LLC, which up until December 2021, had Mr. O'Laughlen as the only stated officer of the company. It has since been changed to the directors/officers being New Digs LLC. If you do some searching in local property records, you will find that New Digs LLC owns another property in Ledyard, 25 Coachman Pike, which continues to be rented even though they do not have a valid permit, along with 3 properties in Norwich, 4 Mohegan Rd, 79 Fountain St (which is listed as the mailing address for the owner of all the properties in both Norwich and Ledyard) and recently 235 Laurel Hill Ave. All of these properties, minus the 235 Laurel Hill Ave property since it was just purchased in July, can be found on AirBnB. New Digs is clearly a commercial venture buying properties in the area to use as STRs. When we first spoke to Mr. O'Laughlen last year, he mentioned living in the New York City area. The home at 79 Fountain St directs you to an apartment located in NYC, which we believe is most likely Mr. O'Laughlen's actual primary place of residence. All this information is readily available on public sites for the various towns and state.

Further proof of residence can be found on the AirBnB page for the property. Up until early August, the host of the home was listed as Matt and Jenn. In August it was changed to Victor to align with the hosted STR application which was being applied for at that time. You can find prior replies from "Matt" appearing with Victor's name, suggesting he changed the display name associated with the AirBnB account he uses for the property. This can be confirmed by looking at the reviews, where multiple reviewers call out the the host as Matt and Jenn. Additionally, in Victor's host information, it states that he and his family have lived in Connecticut for over a decade and know their neighbors very well. After speaking with other neighbors on our street, we can say that neither our family nor any of our neighbors have ever even met him. A simple LinkedIn and Facebook search on Victor O'Laughlen shows that he is from Virginia, leaving the Virginia/DC area to move to New York in 2007 where he has been in the greater New York City area ever since. We believe these are all lies put in place to give the perception that the home is the private residence of Mr. O'Laughlen. We believe Mr. O'Laughlen lives somewhere else, most likely New York City where the company he works for is located, where his office is and potentially at or near the apartment which the 79 Fountain St address assigns as the mailing address.

If you look at the AirBnB pages for the other properties mentioned, they use similar wording in the description even though they also go by various aliases which claim the homes are the primary residence of the host. We believe he most likely owns these properties as well.

Mr. O'Laughlen's application to Ledge Light Health District (LLHD) raises further questions about his residency and the approval he received for expanding the property to 5 bedrooms. The pictures shown in order to increase the number of bedrooms with LLHD were pictures provided by the listing agent at the time of purchase over a year ago. Why would someone who lives there use outdated, pre-sale

photos? We believe that is most likely because he is not in residence and did not have the ability to take current photos himself. Additionally, the application to expand the property from 4 to 5 bedrooms makes no mention of the intended use as a STR, with significantly higher numbers of people using the property than a normal family. LLHD is most likely expecting a typical family unit to be occupying the home instead of the commercial activity which will be occurring there, with 8-12 people using the home on a regular basis. Maybe this has no impact, but the information was never provided for them to make the appropriate assessment. Additionally, in his STR permit application, Mr. O'Laughlen states that one of the basement bedrooms is his personal room and not available to guests. When the home is rented out, up to and including the week before this hearing, the lights have been on in both basement bedroom windows. That leads us to believe that Mr. O'Laughlen has not actually reserved any personal space in the house that he intends to use for occupying the home as a primary residence.

Based on the above, we do not believe Mr. O'Laughlen has any plans to live at the home where he is claiming to have his primary residence. To claim Connecticut as a primary residence, one must plan to reside in the state for a minimum of 183 days per year. We do not believe Mr. O'Laughlen has met that criterion – certainly using this address – and probably will not meet it going forward. Even after getting a driver's license within the last few weeks for the purpose of this STR application, which I assume he did at a Connecticut DMV on the other side of the state, he has still not been at the home as of this letter on 9/3/22. If you reviewed the AirBnB availability for the property as of August 27th, it appeared continually available with the single exception of the evening of this STR hearing. (Note: We have provided a printout of the property availability taken on August 27, 2022 demonstrating this.) AirBnB requires a minimum 2-night stay for this property. We believe that single unavailable night is the first and only night Mr. O'Laughlen has spent a night at this property, after which he will immediately return to his actual primary residence located elsewhere.

We request that the application for a hosted STR at 10 Cardinal Ln be denied that, based on the information provided, this home is not Mr. O'Laughlen's primary residence. He has already stated to the town zoning official that he has held a Virginia license for the last 20 years, even though he has most likely lived in the New York City area since 2007. New York State, the same as Connecticut, requires that one change their license within 30 days of making New York your primary residence. It appears that Mr. O'Laughlen has a history of disregarding local laws and regulations, potentially knowingly mis-representing the state and location of his residence. Given that, we do not believe he should be taken at his word that he intends to make 10 Cardinal Lane his primary residence. We request that his application not be approved unless and until he demonstrates that he actually meets the criteria for primary residence as defined by the state of Connecticut. We also request that he not be allowed to continue to operate 10 Cardinal LN as a STR until he actually has an approved permit for the property.

We believe Mr. O'Laughlen is trying to circumvent the laws of the town to maintain his STR at 10 Cardinal Ln, continuing to make money off the property at the inconvenience and detriment of the residents in the neighborhood. The point of a hosted STR is that there is someone there with a vested stake in the property and in the neighborhood, who would actively manage issues with the property and its guests. The expectation of a hosted STR is that occupancy by guests would be somewhat limited and not a continual or excessive intrusion to the neighborhood. Due to work travel needs that he stated to me previously, and the fact that he does not work locally, he will most likely not be on the property with

any regularity, making this a non-hosted STR, which is not what he is applying for and not currently allowed by town zoning laws.

10 Cardinal Ln, Gales Ferry

https://www.airbnb.com/rooms/51639902?adults=1&children=0&infants=0&check_in=2022-10-03&check_out=2022-10-08&federated_search_id=38ea42bb-26cc-4021-9b68-e46a7117e41d&source_impression_id=p3_1662140135_ja2s3RLokz2AeJOw

25 Coachman Pike, Ledyard

https://www.airbnb.com/rooms/52059088?adults=1&children=0&infants=0&check_in=2022-10-01&check_out=2022-10-06&federated_search_id=38ea42bb-26cc-4021-9b68-e46a7117e41d&source_impression_id=p3_1662158383_8kd19H0tb286YLP2

79 Fountain St, Norwich

https://www.airbnb.com/rooms/46416055?adults=1&children=0&infants=0&check_in=2022-10-01&check_out=2022-10-06&federated_search_id=61b58e14-4639-4e25-9593-0d541c26680b&source_impression_id=p3_1662158651_RCuMZJf%2BD9a72XAQ

4 Mohegan Rd, Norwich

https://www.airbnb.com/rooms/646026506667390733?adults=1&children=0&infants=0&check_in=2022-10-02&check_out=2022-10-07&federated_search_id=61b58e14-4639-4e25-9593-0d541c26680b&source_impression_id=p3_1662158831_2J%2FSUTjlmRZg%2Fwq4

File #: 22-388 **Agenda Date:** 9/8/2022 **Agenda #:** C.

LAND USE APPLICATION

Subject/Application:
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.

Background:
Moratorium is needed to allow time to revise the current Subdivision Regulations to be consistent with the Zoning Regulations. The Moratorium can be lifted before the 6-month period ends if the revisions are complete.

3.6 Uses Subject to a Moratorium

(2) The Town of Ledyard Planning and Zoning Commission shall not accept any application for the Subdivision or Re-subdivision of land including Conventional, Open-space and/or Conservation Subdivisions/re-subdivisions, for a period of six (6) months commencing from the effective date of October 18, 2022. The reason for the moratorium is to allow the Planning and Zoning Commission to revise and adopt Subdivision Regulations amended to be consistent with the revised Zoning Regulations.

File #: 22-387 **Agenda Date:** 9/8/2022 **Agenda #:** D.

LAND USE APPLICATION

Subject/Application:
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 and100 Stoddards Wharf Rd., Ledyard, CT 06339.

Background:
Parcels are located in the GU Watershed area and there are wetlands on the property. Application IWWC#22-18URA was submitted concurrently with this Application.

GEI Consultants

Consulting Engineers and Scientists

July 6, 2022
Project 2201518

Mr. Peter Gardner, President
Dieter & Gardner, Inc.
1641 Route 12
Gales Ferry, CT 06335

Dear Mr. Gardner:

Re: Water Study
Proposed Stoddards Wharf Road Subdivision
Ledyard, Connecticut

This letter report documents the results of a water study performed by GEI Consultants, Inc. for the above-referenced project. The project location is shown in Fig. 1. The water study was performed to address the Town of Ledyard's Subdivision regulation Section 8.5.4, which apply to the project, because greater than 30 homes with individual domestic wells are proposed. The intent of the study is described below, followed by a summary of findings and the study itself.

1. Intent of Water Study

The Town of Ledyard's subdivision regulation, as amended September 30, 2013, Section 8.5.4 specifies the scope of the water study:

> "Water studies shall address the adequacy of ground water supplies and the effect of the proposed subdivision on existing surrounding wells".

The regulations for Open-Space Subdivisions (Section 4.9.7, Yield Formula) while not regulatorily applicable to this application, are instinctive as to the analysis to be performed:

> "…evidence the fact that there is sufficient groundwater recharge located within or contributing to the area of the open space subdivision to support the number of supply wells, including community wells, which will be drilled in conjunction with the development of the open space subdivision and all other existing potable water supply wells located within the sub-watershed in which the open space subdivision is being proposed."

Section 8.5.4 requires the study be prepared by a certified geohydrologist. While this specific credential does not exist by name, section 4.9.7 requires a Professional Engineer (P.E.) stamp, which is affixed to this letter, which has been authored by a P.E. specializing in hydrogeology.

Based on the information above, the scope of the subject water study was derived to include:

- Hydrogeologic Characterization.
- Water balance specific to the property on which the subdivision is proposed.
- Water balance for northern portions of the Great Brook and the Avery-Billings watersheds. The project-specific water contribution area includes portions of both watersheds (Fig. 2), from which contributions from both portions were combined for the water budget analysis.
- Drawdown analysis to estimate water level changes adjacent to the proposed subdivision.

2. Summary of Findings

In summary, multiple lines of evidence indicate that an adequate supply of groundwater is present to support the subdivision as proposed, with minimal effect on surrounding wells. The following key concepts are noted:

- **Hydrogeologic Characterization:** The watershed basin is predominantly undeveloped, allowing for replenishment of the aquifer. The proposed subdivision is in a low-lying area where a gravel aquifer is fed by streams and ponds, which would in turn recharge the bedrock aquifer from which the domestic wells will be installed. A geologic fault runs along the west side of Billings-Avery Pond (Fig. 2). The fault zone can be expected to have a relatively high density of fracturing which would provide both storage and transmissivity. Domestic well records for the area indicate typical well yields for bedrock for the region.
- **Water Balance, within area of proposed subdivision:** Assuming typical residential demands, the estimated subdivision demand is 7.5 gpm. Bedrock areal aquifer recharge over the footprint of the subdivision is estimated at 4.0 gpm, resulting in a net demand of 3.5 gpm. This demand is expected to be met by flow entering the subdivision footprint horizontally from off-property. In general, the capture zone for any well on relatively low-acreage parcels is likely to extend off-property.
- **Water Balance, for area contributing water to the area of open-space subdivision:** Assuming typical residential and estimated agricultural demands, the project would use approximately 2.4% of bedrock flow to the contributing area that is not otherwise part of the estimated existing demand. This finding is in agreement with a general statement made for a water study in Greenwich, which noted that estimated groundwater consumptive use is small compared to recharge rates (USGS, 2002).
- Based on a modeling analysis presented herein, the subdivision is estimated to cause an approximate one- to five-foot drawdown within the bedrock aquifer at the subdivision property boundary, as estimated by simplifying groundwater flow through bedrock fractures as an equivalent homogeneous aquifer.

We qualify the findings primarily based on uncertainties inherent in estimation of groundwater flow through fractured bedrock. A good bedrock water source depends on sufficient aperture, extent, and connectivity of fractures. Lines of evidence presented in this study suggest a level of confidence that the watershed will provide an adequate water source.

3. Hydrogeologic Characterization

3.1 Geologic Setting

The site is an approximate 9.4-acre undeveloped parcel abutting Stoddards Wharf Road (CT Route 214) to the south, and wetlands alongside Billings-Avery Pond to the north and east. The parcel is relatively level at approximate Elevation 160 feet relative to North American Vertical Datum of 1988 (NAVD). A relief view of the contributing watershed area (described further in Section 3.2), is shown in Fig. 3.

The project site is in the Avalonian Terrane geologic region of Connecticut. Geology in the region comprises undulating till ridges and alluvial or stratified drift-filled valleys, underlain by gneiss and granite bedrock. Alluvium and stratified drift contain predominantly sand, with stratified drift being coarser.

Domestic well logs for five adjacent or nearby residences were reviewed for soil and yield testing observations. Table 1 provides a summary of information found in the logs. Overburden soil (material above bedrock) in the site vicinity was predominantly reported as sand and gravel, with two of the five logs noting "hardpan", which is likely low-permeability till beneath the sand and gravel. The remaining descriptions note sand, gravel, and cobbles. Measured overburden thickness ranged from 8 to 40 feet. State geologic mapping shows that the site is located on an east-west trending stratified drift valley along Avery Brook as shown in Fig. 4 (Stone, 1992). Stratified drift deposits are generally associated with high potential water yield in the overburden, given adequate thickness of saturated overburden.

Bedrock comprises fractured crystalline rock, in which groundwater flow occurs through fractures. Fracturing can be seen in roadside outcrops occurring in the area. Bedrock serves as the predominant source of groundwater for private domestic wells in Connecticut. Bedrock groundwater is drawn from fractures. USGS (1969) notes that bedrock in the area is fractured to a depth of several hundred feet, and it is along the fractures that most groundwater moves.. Bedrock fracture distribution is generally uneven, making it difficult to predict potential yield. Sheeting joints common to igneous rocks in the area comprise steeply dipping or vertical joints intersecting horizontal tension joints roughly parallel to bedrock surface (USGS, 1969). Fractures have been observed in quarries where zones of close fracturing were separated by intervals of greater distance between fractures (USGS, 1969). Joints generally become scarcer with depth, such that the chance for significant yield at depths greater than 200 to 300 feet below top of bedrock is slight (USGS, 1969). For purposes of this study, a 300-foot-thick aquifer is assumed.

Bedrock mineral type at the site is mapped as Hope Valley Alaskite Gneiss (Figs. 2 and 5), characterized as gray, medium-grained gneiss (Rodgers, 1985). Adjacent bedrock types comprise Mamacoke Formation (gneiss) and the Plainfield Formation (quartzite). USGS (1968) notes that despite mineralogic and petrologic differences, the water yielding characteristics of the various rock types are similar.

The site is adjacent to a north-south trending fault extending from Preston to Noank (Fig. 5). The fault is part of the Lantern Hill fault system (Goldsmith, 1985). Faults are more likely to form buried valleys, which are typically overlain by stratified drift (including as described onsite above) that may contribute to increased bedrock yield (USGS, 1969). Faults can increase yield due to openings along fault joints where differential movement of rock masses have occurred. Increased transmissivity may extend outward along fault-associated joints. The highest bedrock yields reported by USGS were in wells situated close to faults, where wells yielding at least

40 gallons per minute (gpm) were reported (USGS, 1969). The five well records reviewed for this study showed yields ranging from 2 to 5 gpm (Table 1).

3.2 Hydrology

The site is within the Avery Brook watershed, which naturally drains easterly to the Thames River. An east-west trending series of ponds coincides with the east-west trend of the Billings-Avery sub-watershed (Fig. 6). Billings-Avery Pond receives direct runoff from its basin and is expected to receive some groundwater discharge. The site abuts the Great Brook watershed to the south, which drains naturally in a southerly direction to the coastline. Proposed pumping from residential wells in bedrock is expected to draw water in from both watersheds. The area of estimated contribution to the project is shown in Fig. 6, delineated for purposes of this study based on:

- The northern and eastern limits of contribution are assumed to comprise the natural watershed boundary.
- The southern and western limits of contribution were drawn based on topography. Ground elevation at the site and vicinity undulates, with lower-lying areas occurring at similar elevations. This can be seen qualitatively on the relief map in Fig. 3. South and west of the assumed contribution area, greener shades become darker, indicating an increasing decline in elevation.

Surface water in the area is used for regional water supply and is managed by Groton Utilities. Groton Utilities' watershed map is provided as Fig. 7. Groton Utilities withdraws surface water primarily from the Poquonnock Reservoir, which is within the Great Brook watershed and receives water from ponds and reservoirs to the north, including Billings-Avery Pond. Although Billings-Avery Pond's watershed drains to the east, pond water is also diverted south to the Great Brook watershed via a spillway and Stoddards Brook (Fig. 2). Surficial water transfer is not expected to affect water levels in bedrock, as Groton Utilities maintains the pond's levels, and aquifer discharge or replenishment is a function of surface water levels more so than flow direction.

For streams in the lower Thames and southeastern coastal river basins, USGS (1968) reported equivalent annual contribution of stream flow from surficial runoff ranging from approximately 7 to 15 inches per year, with most being in the 11 to 12 range.

3.2.1 Aquifer Recharge

Groundwater in bedrock aquifers is replenished by precipitation infiltrating through soil or directly to fractures at exposed outcrops. Annual precipitation reported for Norwich, Groton, and Westerly ranges from 47.4 to 54.8 inches (2015 US Climate Data). Rainfall or snowmelt transitions to the processes of runoff, evapotranspiration (plant uptake or evaporation), or recharge (infiltration to the water table). In general, about one fourth of annual precipitation becomes recharge. The units of inches per year are generally used to express rainfall and aquifer recharge rates.

Site topography suggests that under natural conditions, horizontal groundwater flow would occur in an easterly direction. Text books such as Fetter (1994) explain vertical flow relative to topography: Groundwater flow is also expected to occur in a downward direction in upslope areas, being driven by recharge. Upward vertical flow is more likely to occur in low-lying areas such as along surface water features, being driven by pressure relief at discharge seepage locations to streams and ponds. Pumping may alter groundwater flow where pumping withdraws

water from the deeper aquifer and discharge to the stream is replaced by a greater fraction from septic return flow.

A groundwater model for the Sound View well field in Old Lyme used recharge rates ranging from 7.2 inches/year in areas of till to 22 inches per year in stratified drift (USGS 2005). Leggette, Brashears & Graham (LBG, 2011) reported a conservative bedrock recharge rate of 5 inches per year for a site in Guilford. A comprehensive analysis for Greenwich estimated recharge rates between 3.9 and 7.5 inches per year (USGS, 2002). The Greenwich study estimated recharge using a formula correlating recharge rate with till presence, suggesting that some water discharges before reaching bedrock groundwater.

GEI used a conservative value of 5 inches per year of recharge to the bedrock aquifer for the Project water study. Due to the site's location along a largely undeveloped valley, within a stratified-drift overburden aquifer, and in proximity to surface water, lower rates are not expected. It is assumed that most roof and street runoff discharges to ground surface. The water table is expected to be shallow, within stratified drift at the project location. Assuming a typical recharge rate to the water table of 22 inches per year, a 5 inch per year recharge rate suggests that 25% (conservatively rounded down) to the stratified drift aquifer enters the underlying bedrock aquifer as recharge. This 25% value was applied in the water budget analysis to septic return flow, in which it was assumed that 25% of septic return flow (assumed as 85% of pumping demand per citation in Table 2) recharges downward to the bedrock aquifer.

3.2.2 Hydraulic Conductivity

Hydraulic conductivity (K) is a basic property of soil used in the estimation of groundwater flow rates. Hydraulic conductivity is a proportionality constant expressed in units of feet per day (ft/d). For scale, clays can have a value of 0.001 ft/d or less, and highly productive gravel aquifers may have hydraulic conductivities in the 50-300 ft/d range.

Sand and gravel in the stratified drift beneath the site could potentially have hydraulic conductivities of 50 ft/d or higher, especially along the centerline axis where coarse material would settle out of fast-moving glacial meltwater. Hydraulic conductivity of till has been reported at 0.03 ft/d for compact silty till to 16 ft/d for loose sandy till (USGS, 1968).

It is common to assign hydraulic conductivities to bedrock for simplification and comparison purposes, even though bedrock is not a uniform porous medium. Fractured bedrock can, however, approach similar behavior to porous media at a large enough scale. USGS (1969) reports a typical hydraulic conductivity value of 0.27 ft/d based on a study of 262 wells in the lower Thames/southeast coastal basin region. For the Sound View well field (Old Lyme) model, USGS (2005) reports using bedrock K values of 0.088 to 1 ft/d along hilltops and 0.13 to 0.23 ft/d for valleys. Values ranging from 0.05 to 2.7 ft/d were used by USGS for the Greenwich study (USGS, 2004), where bedrock is of similar granite/gneiss composition. As shown in Fig. 5, the type of crystalline bedrock varies throughout the region. USGS reports that despite mineralogic and petrologic differences, the water yielding characteristics of the various rocks are similar (USGS, 1968). Values of 0.2 and 0.05 ft/d were used in the drawdown analysis presented in Section 4.

4. Water Balance

A water balance analysis is presented in Tables 2 and 3 and described below, in which projected demand is compared to aquifer contributions as described in Section 3.

4.1 Water Demand

Water demand was estimated using a typical value of 75 gallons per person per day. The Connecticut Department of Public Health (DPH, 2009) and LBG (2011) report a usage rate of 75 gallons per day (gpd) per capita, equivalent to long-term average of 300 gpd for an average of four persons per household. For 36 households, the combined long-term average withdrawal for the subdivision would be 10,800 gpd assuming pumping 24 hours per day at a uniform rate.

Actual usage would be cyclical with higher pumping rates during morning and evening demand. Drawdown would be greatest during high demand. Water table recovery would occur during low demand periods.

The majority of domestic pumpage would recirculate to the shallow aquifer as return flow from septic systems. LBG (2011) reported a 15% consumptive use rate (car washing, lawn irrigation, recreation) that would not be returned to the aquifer.

For the water budget analysis (following section), water demand for all households, existing and proposed, was set at the same value and number and persons per household. It is assumed that all residential homes being serviced by domestic wells are single-family. Agricultural water use in the basin was estimated based assumed low levels of horse and livestock husbandry, using literature-based water demands as described in Table 3. Aerial imagery and roadside observations in the area showed no indication of significant agricultural or industrial operations warranting additional itemization of water withdrawals.

4.2 Water Budget Analysis

Tables 2 and 3 present a breakdown of demand and recharge. Table 2 is a summary comparison of inflow and outflow to the aquifer expressed as gpm). Table 3 shows unit flow rate demands used to compute total flows in Table 2. The source for other inputs (recharge, septic, rainfall, and stream flow) is described in Section 3.

In Table 2, the difference between inflow and demand is calculated, where inflow is estimated to exceed demand, with the difference is tabulated as bedrock surplus flow. Bedrock available flow represents water in the bedrock aquifer that is not otherwise used for water supply.

- **Within area of proposed subdivision:** The estimated subdivision demand is 7.5 gpm. Bedrock aquifer recharge over the footprint of the subdivision is estimated at 4.0 gpm, resulting in a net demand within the subdivision footprint of 3.5 gpm. This demand is expected to be met by flow entering the subdivision footprint horizontally from off-property but within the contribution area. In general, the capture zone for any well on relatively low-acreage parcels is likely to extend off-property.
- **Area contributing water to area of affordable housing subdivision:** The proposed subdivision is predicted to use about 2.4% of available flow in the basin, including septic return flow.

Based on the water budget described herein, the subject parcel and contributing areas appear to have an adequate quantity of water available to support the proposed subdivision in addition to existing surrounding demand. This finding is in agreement with a general statement made for a water study in Greenwich, which noted that estimated groundwater consumptive use is small compared to recharge rates (USGS, 2002).

Surface water losses due to increase groundwater usage are considered insignificant for this analysis. Groton Utilities' safe yield for the Great Brook reservoir system is 12.6 mgd, with average uses in the 5.6 to 5.8 mgd range. The estimated withdrawal from the proposed subdivision, is 7.5 gpm or 0.01 mgd, which is approximately 0.09 % of the reservoir system's 12.6 mgd yield.

4.3 Drawdown Analysis

GEI's approach to assess the effect of domestic pumping was to construct a computer model using the open-source USGS computer code MODFLOW, which solves groundwater mass balance flow continuity equations. MODFLOW is an industry standard program used for groundwater flow computations. A three-dimensional model was created to approximate the bedrock aquifer from which the domestic wells are to pump. MODFLOW is set up by creating a virtual grid, which divides the simulation into cells and layers. The grid is rectilinear across which flow and heads are calculated from cell to cell (as divided by grid lines) subject to boundary conditions (heads along the model borders, aquifer areal recharge, and pumping inputs), and to aquifer hydraulic conductivity. The model was run at steady-state, which represents an average long-term pumping condition.

The proposed subdivision is shown in Fig. 8 along with domestic well locations as simulated. The area modeled is shown in Fig. 9. The modeled area encompasses the estimated water contribution area described above. The model is intended to be a simplification of the bedrock aquifer, in that bedrock is assumed to have a flat surface elevation throughout the model (assigned as elevation 145 feet msl, or approximately 15 feet below ground onsite). The model is intended to have sufficient inputs to represent the approximate flow conditions and available water specific to the site and abutting areas. In the model, an east-to-west flow direction was assumed, based on general topography of the watershed.

Three simulations were performed: Present Conditions, Baseline Pumping, and Sensitivity Pumping. The Present Conditions run represents pre-development water levels for comparison to predicted levels under pumping conditions. The Present Condition run also allows visualization of heads to show representativeness. The Baseline Pumping run represents groundwater flow under the most reasonably expected inputs based on interpretation of information presented herein. The Sensitivity Pumping run represents aquifer parameters (recharge rate and hydraulic conductivity) at the lower end of reported ranges, and with pumping at twice the reference levels shown in Table 3.

Parameter	Baseline Pumping	Sensitivity Pumping
Bedrock Hydraulic Conductivity	0.2 ft./d	0.05 ft./d
Bedrock Aquifer Recharge	5 in./yr.	2 in./yr.
Domestic Pumping Rate	75 gpd/capita	150 gpd/capita

As described earlier in this report, higher recharge rates than those listed above may apply to the overlying stratified drift overburden, however it is assumed that the recharge rate to bedrock is limited by the capacity of bedrock fractures to absorb water from the overlying saturated material. The overburden was represented as an upper model layer with hydraulic conductivity of 25 ft./d. The river, pond, and wetland systems were represented in the model as drain elements, which function to draw off excess groundwater resulting from recharge saturating the aquifer. The model does not include specific offsite pumping wells or septic returns assuming the recharge rate reflects these effects; and in addition, if included separately in the model, the individual effects would cancel each other out in the comparative drawdown calculation (no other changes to basin water use are assumed to occur concurrent with the proposed subdivision). The fault system was

not included in the model because hydraulic characteristics of the fault are not known. It is a conservative assumption to not include the fault, because faulting would transmit water more rapidly toward the subdivision area, resulting in less computed drawdown.

MODFLOW computes groundwater levels throughout the model, which can then be presented as groundwater elevation contours. The computed Present Condition contours are shown in Fig. 9.

For the drawdown estimate, a graphical comparison of computed heads was performed. Heads computed for the Pumping Condition were subtracted for those of the Baseline Condition. Plots showing the result are shown in Fig. 10. As can be seen in Fig. 10, the predicted drawdown of approximately 1 foot occurs along the approximate subdivision perimeter. A drawdown of 1 foot is not considered significant relative to the assumed aquifer thickness of 300 feet.

A sensitivity analysis was performed to evaluate the variability in prediction due to uncertainty in calculation inputs, with inputs varied as tabulated above. The sensitivity analysis shows a 5-foot drawdown prediction at the site boundary. In a comparative model run, a drawdown of 5 feet was also predicted by running the sensitivity analysis model but reducing the number of lots from 36 to 30 (removing the northernmost six residences), the threshold requiring a water study. A 5-foot drawdown is considered minor relative to a 300-foot-thick aquifer. It is possible that temporary drawdowns of such magnitude could occur during peak demand.

As described in Section 2, flow of groundwater in fractured bedrock is difficult to predict. Actual drawdown could be greater or less depending on connectivity of the fracture network. As interferences within residential clusters are not known as a concern in the region, the chance for interferences at the proposed subdivision may be higher but potentially offset by the subdivision's location along a stratified-drift valley with expansive ponds and wetlands and the nearby fault system.

At the existing pumping wells shown in Table 1, drawdown corresponding to the sustained yields was generally reported as the same depth as bottom of well. A specific capacity calculation can be used to estimate drawdown based on typical long-term demand. Specific capacity represents yield per foot of drawdown. Assuming, for a typical 300-foot-deep well with a 3 gpm sustainable yield, the specific capacity would be 0.01 gpm/foot of drawdown. A long-term continuous pumping rate of 0.21 gpm (300 gals/day) divided by 0.01 gpm per foot specific capacity results in a long term drawdown in the well of 21feet. Drawdown in individual wells may be greater than that in the adjacent fracture network due to fracture interconnection and well interface inefficiencies. The drawdown contours shown in Fig. 10 represent hydrostatic pressures in the formation, and not necessarily within the wells themselves.

Limitations

Bedrock fracture flow is difficult to predict. As with any bedrock well, performance of individual wells may be affected by connectivity of fractures and interferences from other wells.

The analysis was performed based on the information summarized in this report in consideration of standard hydrogeological concepts. No other representations and no warranty, express or implied, is made. No field testing was performed for this analysis. The water balance and drawdown calculations are simplified representations. The drawings are to the approximate scale as noted, and not intended for design or construction. This letter is for the sole use of Dieter & Gardner and the Ledyard Planning and Zoning Department in making decisions related to permitting approvals for the Project.

We appreciate the opportunity to be of service on this proposed subdivision.

Sincerely,

GEI CONSULTANTS, INC.



Andrew M. Adinolfi, P.E.
Senior Environmental Engineer

Zachary Tyczka
Hydrogeologist

AMA/ZT:bdp
Attachments:

Table 1. Well Records
Table 2. Water Balance
Table 3. Water Balance Inputs
Fig. 1 – Site Location
Fig. 2 – Topography and Subbasins
Fig. 3 – Basin Relief Map
Fig. 4 – Surficial Geology
Fig. 5 – Bedrock Geology
Fig. 6 – Watershed Boundaries and Estimated Area of Contribution
Fig. 7 – Great Brook Watershed
Fig. 8 – Drawdown Prediction Locations
Fig. 9 – Groundwater Model
Fig. 10 – Bedrock Aquifer Drawdown Prediction

B:\Working\DIETER & GARDNER INC\2201518 Stoddards Wharf Road\01_ADMIN\Water Study\Stoddards Water Study Ltr_2022-07-06.docx

References

DPH (2009). Recommendations to the Connecticut General Assembly for Ensuring the Adequacy and Purity of New Private Drinking Water Wells., Connecticut Department of Public Health, June 30.

ERT (1985). Environmental Review Team Report on Hilltop Acres, Franklin, Connecticut. October 29.

ERT (1989). O'Keefe Property Development, Ledyard, Connecticut. Eastern Connecticut Environmental Review Team Report, September.

Fetter (1994). Applied Hydrogeology, Third Edition. Fetter, C.W. Prentice-Hall, Inc.

Goldsmith (1985). Bedrock Geologic Map of the Old Mystic and part of the Mystic Quadrangles, Connecticut, New York and Rhode Island. By Richard Goldsmith, prepared in cooperation with the State of Connecticut Geological and Natural History Survey.

Korzendorfer (1990). Estimated Use of Water in the New England States, 1990, U.S. Geological Survey, Water-Resources Investigations Report 94-4252, 1995.

LBG (2011). Community Water-Supply Feasibility Study, Guilford, Connecticut. Prepared for: Town of Guilford. Leggette, Brashears & Graham, Inc., March.

Stone et. al., (1992). Surficial Materials Map of Connecticut. Prepared in cooperation with the State of Connecticut Department of Environmental Protection, Geological and Natural History Survey.

Randall (1996). Mean Annual Runoff, Precipitation, and Evapotranspiration in the Glaciated Northeastern United States, 1951-80. U.S. Geological Survey, Open-File Report 96-395, Allan D. Randall, 1996.

Theis (1935). The Relation Between the Lowering of the Piezometric surface and the Rate and Duration of Discharge of a Well Using Groundwater Storage, Trans. American Geophysics Union 16.

Thomas (2008). Surficial Aquifer Potential Map of Connecticut. Compiled by Margaret A. Thomas, Connecticut Geological & Natural History Survey in cooperation with the Aquifer Protection Program, Department of Environmental Protection Program, March.

2015 US Climate Data. Online access, http://www.usclimatedata.com/, July 27.

USGS (1968). Water Resources Inventory of Connecticut, Part 3, Lower Thames and Southeastern Coastal River Basins, United States Geological Survey in cooperation with the Connecticut Water Resources Commission. Connecticut Water Resources Bulletin No. 15.

Rodgers (1985). Bedrock Geological Map of Connecticut, Connecticut Geological and Natural History Survey in cooperation with U.S. Geological Survey.

USDA (1997). Agricultural Resource and Environmental Indicators, 1996-97. U.S. Department of Agriculture, Economic Research Service, Natural Resource and Environment Division. Agricultural Handbook No. 712, July.

USGS (2004). Water Use, Ground-Water Recharge and Availability, and Quality of Water in the Greenwich Area, Fairfield County, Connecticut and Westchester County, New York, Water Resources Investigations Report 03-4300.

Tables

Table 1. Well Records
Water Study
Stoddards Road Subdivision
Ledyard, Connecticut

Address	Static Depth to Water(a,b) ft. bgs	Reported Yield gpm	Depth to Bedrock ft. bgs	Depth of Well ft. bgs	Reported Overburden
81 Stoddards Wharf Rd.	40	3	14	200	Hardpan, Cobbles, Gravel
85 Stoddards Wharf Rd.	20	3	10	400	Gravelly
95 Stoddards Wharf Rd.	25	5	15	100	Gravel
102 Stoddards Wharf Rd.	10	2	8	320	Topsoil, Gravel
110 Stoddards Wharf Rd.	25	2	40	375	Hardpan, gravel, sand

Notes:
ft. bgs = feet below ground surface.
Source: Well construction reports on file with Ledge Light Health District.
gpm = gallons per minute, measured during time of well construction.
a. Water level apparent on well construction report, at time of well construction. Wells installed between 1970 and 1994.
b. Wells listed above are open to bedrock fractures and sealed above bedrock. Water levels shown indicate hydrostatic heads in the bedrock aquifer, assuming that depth to water measurements were taken at hydrostatic equilibrium. Bedrock water levels may be above bedrock surface in elevation, but not necessarily equal to water levels in the surficial aquifer overlying bedrock.

Table 2. Water Balance
Water Study
Stoddards Road Subdivision
Ledyard, Connecticut

	Existing Conditions		Project Conditions		
Component	**Site (g)**	**Watershed**	**Site (g)**	**Watershed**	
Acres:	**9.4**	**1282**	**9.4**	**1282**	**Source**
Flow Rate Units:	**GPM**	**GPM**	**GPM**	**GPM**	
WATER BALANCE FOR BEDROCK AQUIFER					
Outflow (Demand)					
Project - Proposed	--	--	7.5	7.5	See Table 3
Residences - Existing	--	11.3	--	11.3	See Table 3
Agriculture / Other	--	9.9	--	9.9	See Table 3
Total Outflow	--	21.1	7.5	28.6	
Inflow					
Septic Return - Proposed (f)	--	--	1.6	1.6	LBG (2011) (e)
Septic Return - Existing	--	2.4	--	2.4	LBG (2011) (e)
Recharge	2.4	331.1	2.4	331.1	USGS (1968), LBG (2011) (c)
Total Inflow (h)	2.4	333.5	4.0	335.1	
Available Flow (a)	2.4	312.4	-3.5	306.5	
Project Percentage (b)	--	--	**-86.5%**	**2.4%**	
SOURCE WATER BALANCE					
Streamflow Comparison					
Rainfall	23	3179	23	3179	Randall, 1996 (f)
Streamflow	12	1614	12	1614	USGS (1968), Table 5 (d)
Available for GW (b)	11	1565	11	1565	Rainfall minus streamflow

Notes:

a. Calculated as total inflow minus total demand. Represents water in bedrock aquifer not otherwise used for water supply. Negative indicates net demand within project footprint (assumed to be made up by horizontal inflows from adjacent bedrock).

b. Project demand as percentage of bedrock inflow. Negative value indicates net demand, assumed to be met by horizontal inflows from adjacent bedrock.

c. Equivalent to 5 inches/year. Within range used by published models 3.6-7.9 in./yr for deep bedrock (USGS, 2002) and conservative relative to 8-10 in./yr cited by LBG (2011).

d. USGS (1968) reports watershed contribution to stream flow for several streams in the region of 1.16 mgd/square mile, equivalent to 24.4 in./yr leaving watershed as runoff.

e. LBG (2011) assumed 85% of residential water is returned to the aquifer through percolation from leachfields.

f. Ledyard is within the 48-inch per year precipitation average contour presented in this reference.

g. Water balance within footprint of proposed subdivision only.

h. Mass balance includes slight net increase in recharge due to fraction of septic return originating from outside the volume of bedrock represented (e.g. from horizontal inflows, or downward flow from slight additional mounding in overburden (due to septic return) inducing slight increase of inflow to bedrock.

Table 3. Water Balance Inputs
Water Study
Stoddards Road Subdivision
Ledyard, Connecticut

Residential							
Water Use - Residential	**No. of Lots / Residences**	**Capita Per Address**	**Population Served**	**GPD Per Capita**	**Total GPD**	**Total GPM**	**Source**
Project (Stoddards Wharf)	36	4	144	75	10800	7.5	75 gpd/cap, DPH (2009)
Existing (within Contribution Area)(d)	54	4	216	75	16200	11.3	75 gpd/cap, DPH (2009)
Total Water Use - Residential					27000	18.8	
Agricultural (b)							
Water Use - Livestock		**Livestock**	**Assumed Heads**	**GPD Per Head**	**Total GPD**	**Total GPM**	
Livestock	--	Dairy	20	30	600	0.42	Korzendorfer (1990) (a)
Horses	--	Horses	20	30	600	0.42	(a)
Water Use - Irrigation		**Crop**	**Irrigated Acres**	**GPD Per Acre**	**Total GPD**	**Total GPM**	
Assumed Potential Irrigation	--	Vegetables	10	1200	12000	8.3	USDA (1997) (c)
Hay Fields	--	Hay	10	0	0	0	Hay field, no irrigation.
Water Use - Other							
Unaccounted (b)	--	--	--	--	1000	0.69	Unaccounted consumptive use (e)
Total Water Use - Agricultural / Other					14200	9.9	

Notes:

a. Assumed typical value for dairy cows. Shees, pigs, beef cow values are lower. Same value assumed for horses.
e. Assumed values for acreages and herd count that will potentially be used for agricultural/husbandry purposes in the amount shown.
c. Assumed 16 in/yr artificial irrigation as reported for Atlantic states
d. 54 residential addresses were apparent on Assessor's map within contribution area, excluding the Ledyard Center town water service area.
e. Allowance per day for unknown water use such as maintenance, incidental evaporation, inefficiency.

Figures



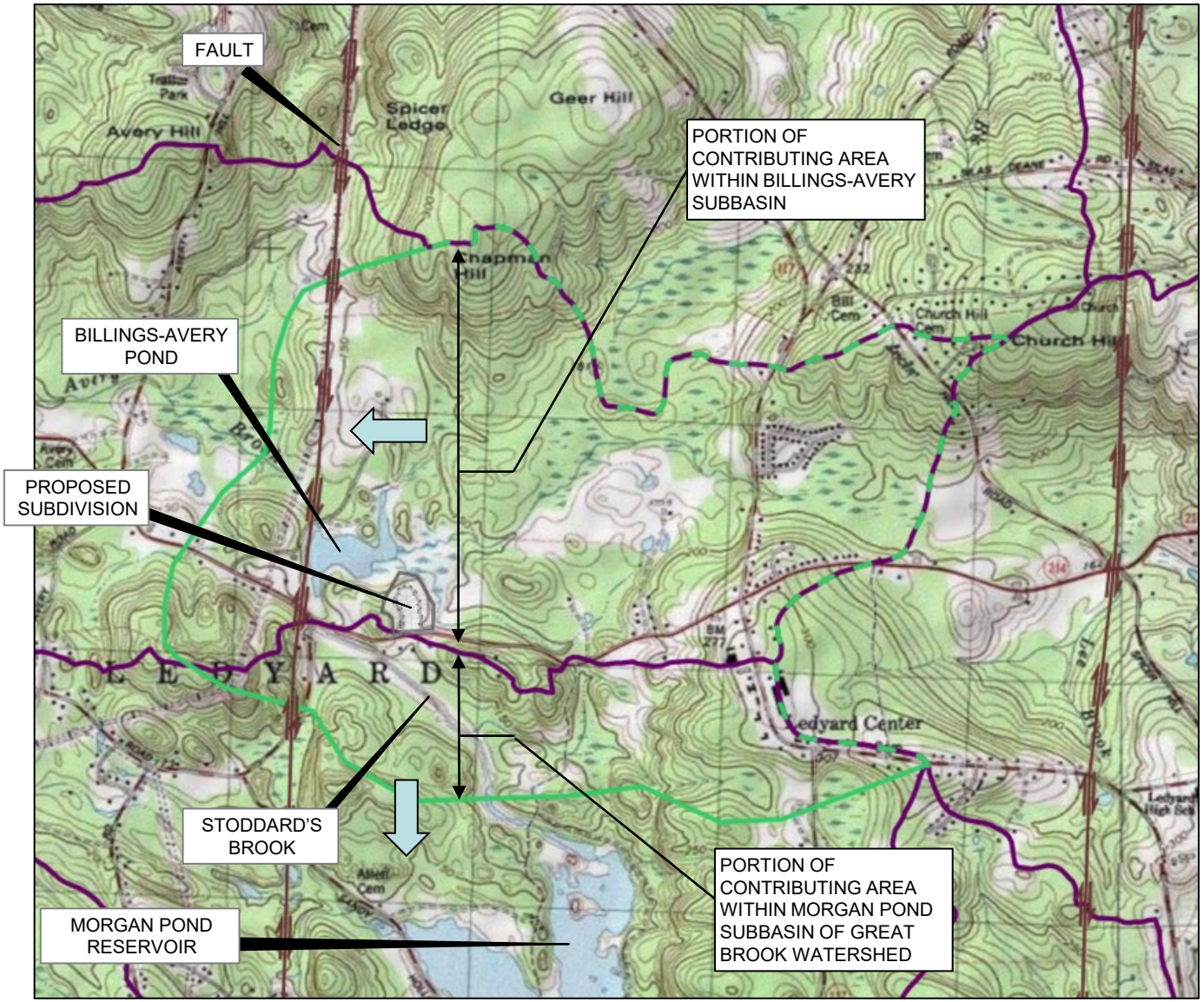
Source: https://www.topozone.com/connecticut/

0 1 2

SCALE, MILES

WATER STUDY STODDARDS WHARF ROAD LEDYARD, CONNECTICUT	GEI Consultants	**Site Location**	
AVERY BROOK PROPERTIES LLC GALES FERRY, CONNECTICUT	Project 2201518	July 2022	Fig. 1

H:\TECH\project\Regional Modflow model\Report\Figures.pptx



N

0 2,000 4,000

SCALE, FEET

LEGEND:

- CT DEEP DRAINAGE SUBBASIN BOUNDARY (DASHED WHERE COINCIDES WITH CONTRIBUTING AREA).
- ASSUMED CONTRIBUTING AREA, SEE. FIG. 7. (DASHED WHERE COINCIDES WITH SUBBASIN BDY).
- FAULT
- GENERALIZED NATURAL SURFICIAL DRAINAGE DIRECTION WITHIN SUBBASIN

SOURCE:
https://www.topozone.com/connecticut/new-london-ct/city/ledyard-center/

WATER STUDY
STODDARDS WHARF ROAD
LEDYARD, CONNECTICUT

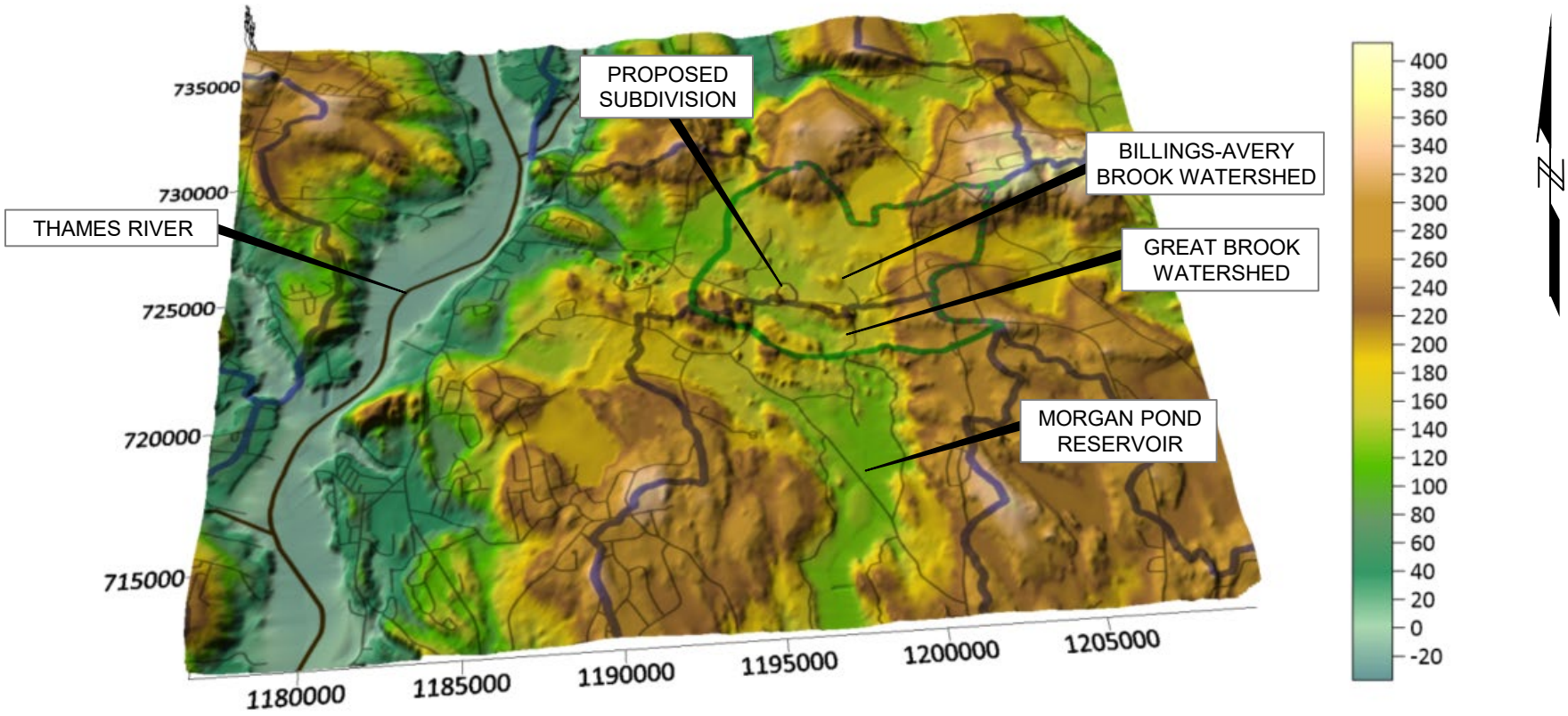
AVERY BROOK PROPERTIES LLC
GALES FERRY, CONNECTICUT

GEI Consultants

Topography and Subbasins

Project 2201518 | July 2022 | Fig. 2

H:\TECH\project\Regional Modflow model\Report\Figures.pptx



LEGEND:

- PROJECT BOUNDARY
- CT DEEP DRAINAGE SUBBASIN BOUNDARY
- ESTIMATED AREA OF BEDROCK GROUNDWATER CONTRIBUTION (DASHED WHERE COINCIDES WITH DEEP SUBBASINS)

SOURCE:
CT DEEP GIS

WATER STUDY STODDARDS WHARF ROAD LEDYARD, CONNECTICUT	GEI Consultants	**Basin Relief Map**	
AVERY BROOK PROPERTIES LLC GALES FERRY, CONNECTICUT	Project 2201518	July 2022	Fig. 3

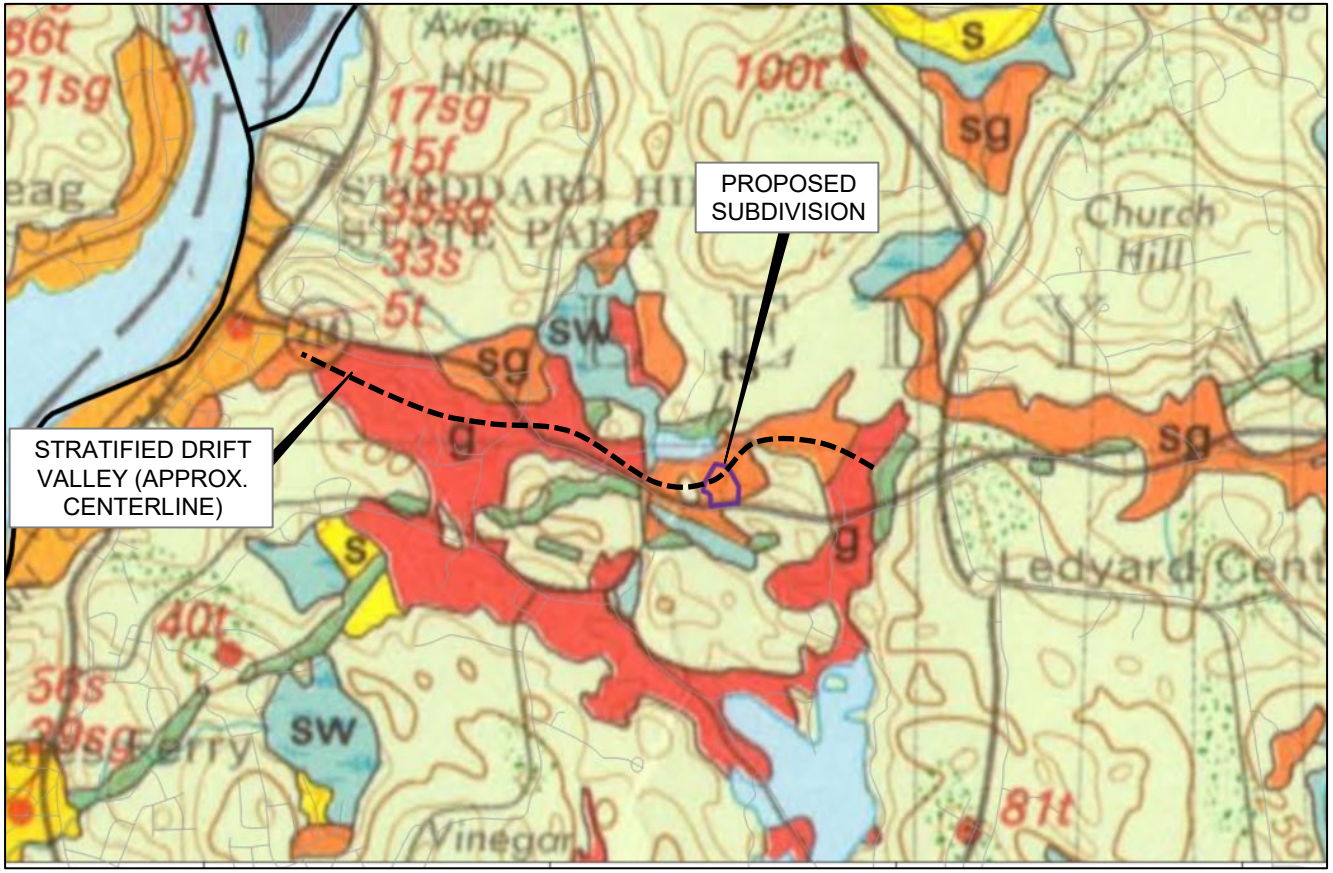
H:\TECH\project\Regional Modflow model\Report\Figures.pptx

Coarse Deposits

Gravel—Composed mainly of gravel-sized particles; cobbles and boulders predominate; minor amounts of sand within gravel beds, and sand comprises few separate layers. Gravel layers generally are poorly sorted and bedding commonly is distorted and faulted due to postdepositional collapse related to melting of ice. Gravel deposits are shown only where observed in the field; additional gravel deposits may be expected, principally in areas mapped as unit **sg** (proximal fluvial deposits or delta-topset beds)

Sand and gravel—Composed of mixtures of gravel and sand within individual layers and as alternating layers. Sand and gravel layers generally range from 25 to 50 percent gravel particles and from 50 to 75 percent sand particles. Layers are well to poorly sorted; bedding may be distorted and faulted due to postdepositional collapse. It is likely that some deposits within this map unit actually are gravel or sand and gravel overlying sand. It is less likely that some of these deposits are sand (fluvial deposits or delta-topset beds)

Sand—Composed mainly of very coarse to fine sand, commonly in well-sorted layers. Coarser layers may contain up to 25 percent gravel particles, generally granules and pebbles; finer layers may contain some very fine sand, silt, and clay (delta-foreset beds, very distal fluvial deposits, or windblown sediment)



N

NOTES:

1. ORANGE.RED.YELLOW SHADED AREAS REEPRESENT POTENTIAL HIGH-YIELD OVERBURDEN AQUIFERS
2. NUMBERING INDICATES OBSERVED THICKNESSES OF OVERBURDEN MATERIALS IN FEET

SOURCE:
SURFICIAL MATERIALS MAP OF CONNECTICUT (STONE, 1992).

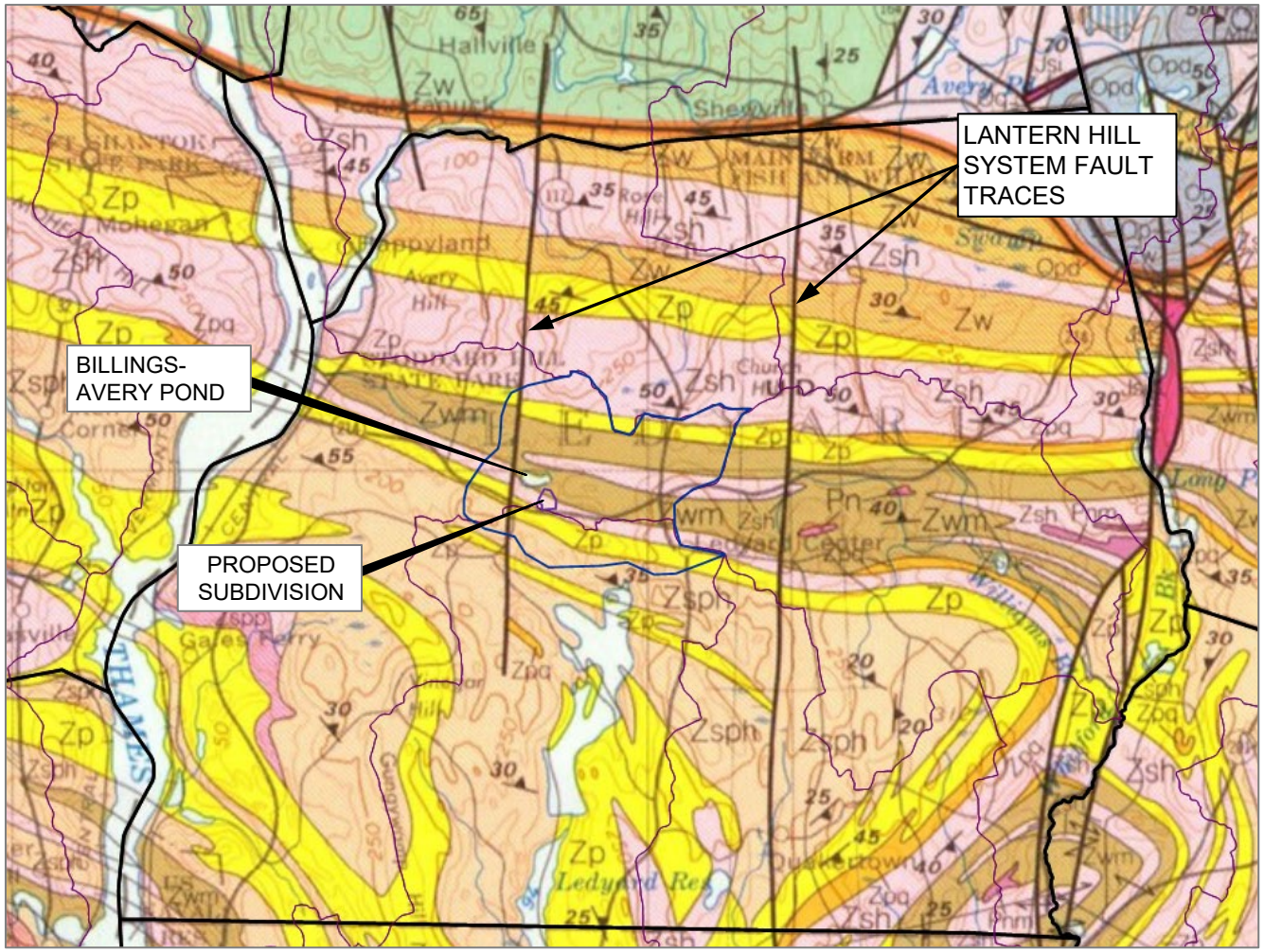
0 4,000 8,000
SCALE, FEET

WATER STUDY STODDARDS WHARF ROAD LEDYARD, CONNECTICUT	GEI Consultants	**Surficial Geology**
AVERY BROOK PROPERTIES LLC GALES FERRY, CONNECTICUT	Project 2201518	July 2022 Fig. 4

H:\TECH\project\Regional Modflow model\Report\Figures.pptx

Bedrock formation

Zp Plainfield Formation
Zpq: Quartzite subunit
Zsh: Hope Valley Alaskite Gneiss
Zsph: Potter Hill Granite Gneiss
Zw: Waterford Group
Zwm: Mamacoke Formation



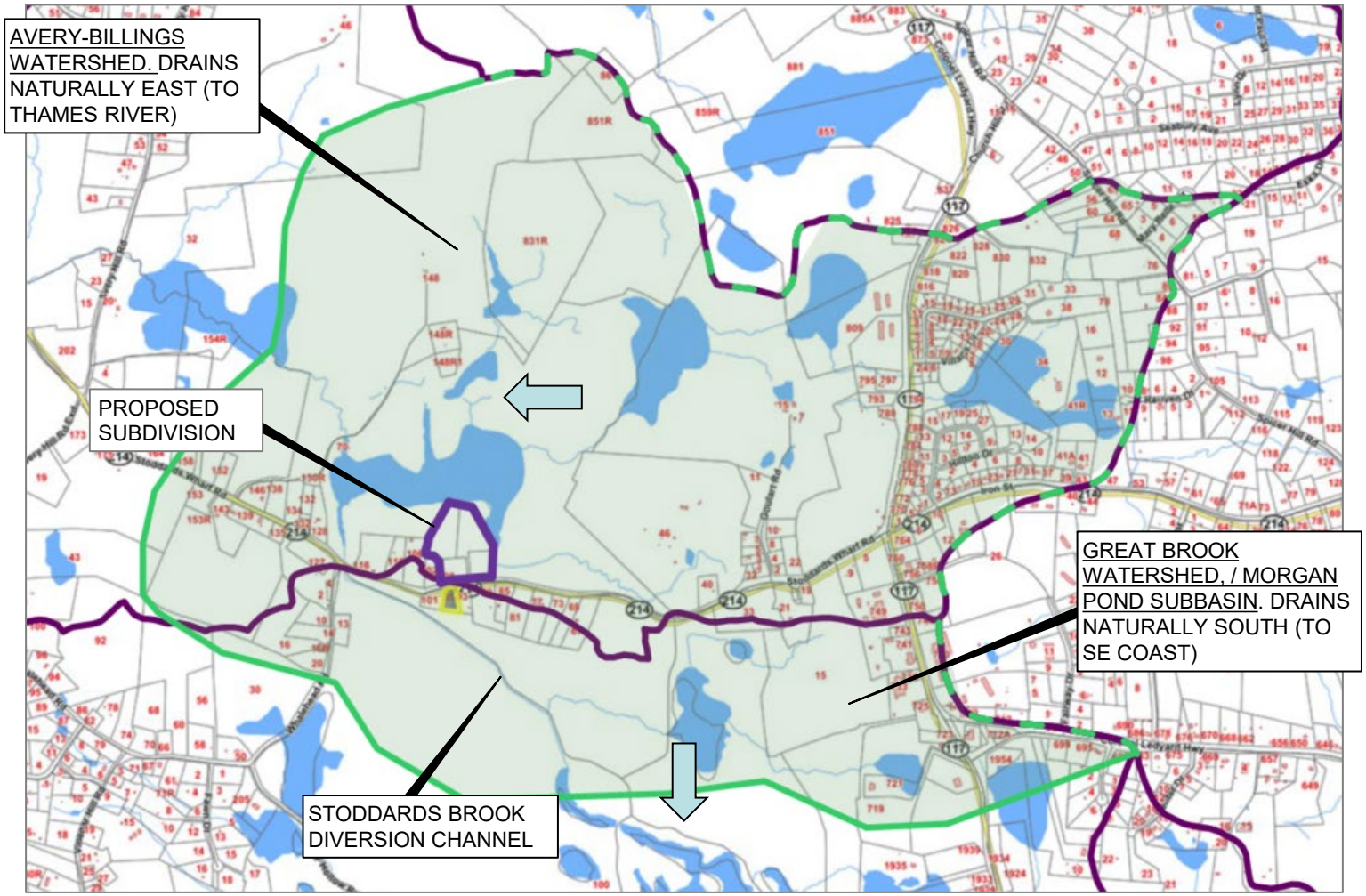
LEGEND:

CT DEEP DRAINAGE SUBBASIN BOUNDARY

ESTIMATED AREA OF BEDROCK GROUNDWATER CONTRIBUTION

SOURCE:
BEDROCK GEOLOGICAL MAP OF CONNECTICUT (RODGERS, 1985). https://ngmdb.usgs.gov/Prodesc/proddesc_54245.htm

WATER STUDY STODDARDS WHARF ROAD LEDYARD, CONNECTICUT	GEI Consultants	**Bedrock Geology**
AVERY BROOK PROPERTIES LLC GALES FERRY, CONNECTICUT	Project 2201518	July 2022 Fig. 5



LEGEND:

- PROJECT BOUNDARY
- CT DEEP DRAINAGE SUBBASIN BOUNDARY
- ESTIMATED EXTENT OF AREA CONTRIBUTING WATER TO AREA OF OPEN-SPACE SUBDIVIAION (DASHED WHERE COINCIDES WITH DEEP SUBBASINS)

SOURCE:
TOWN ASSESSORS LOTS, http://www.mapsonline.net/ledyardct/index.html
SUBREGIONAL BASIN POLY OVERLAY, CT DEEP GIS
http://www.ct.gov/deep/cwp/view.asp?a=2698&q=322898&deepNav_GID=1707

WATER STUDY
STODDARDS WHARF ROAD
LEDYARD, CONNECTICUT

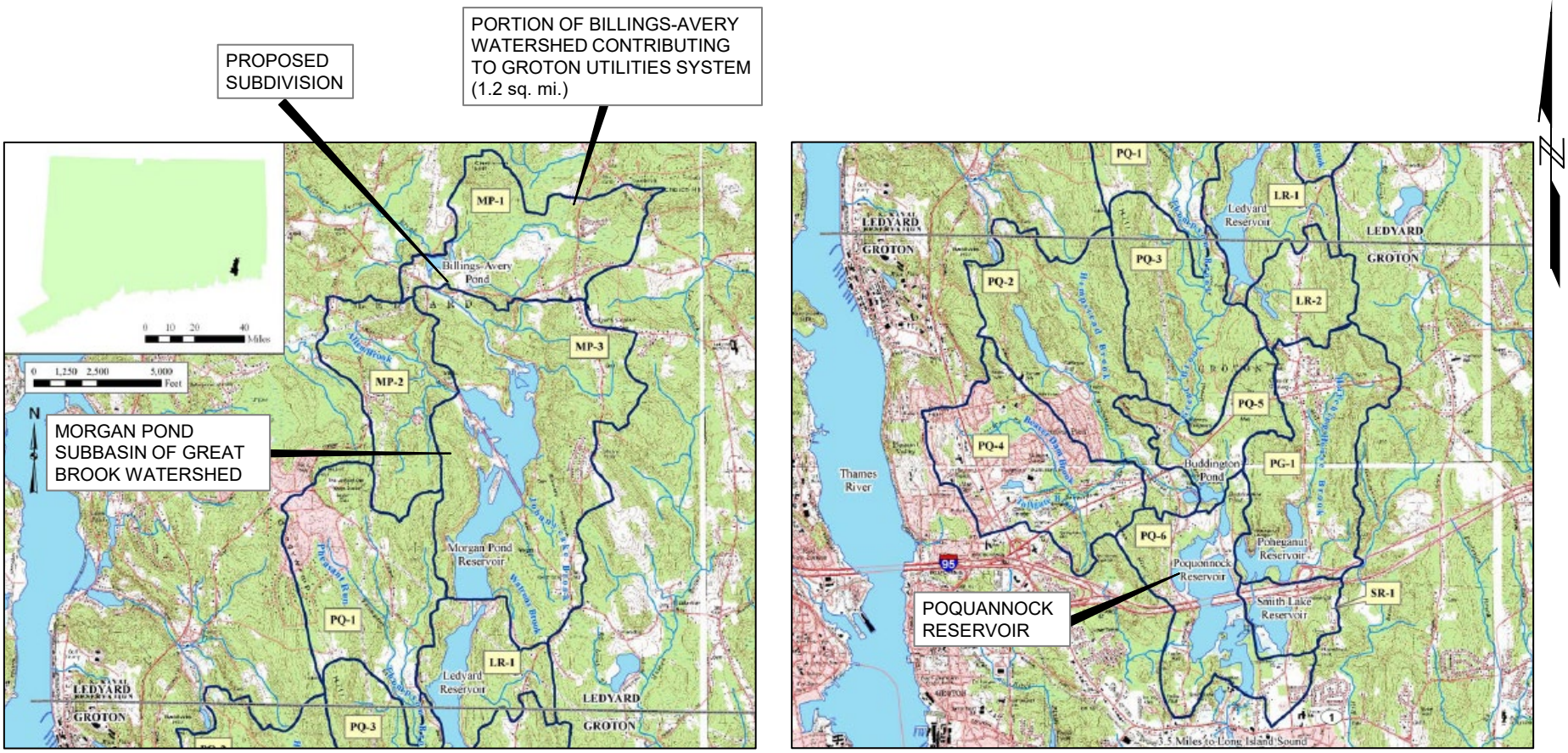
AVERY BROOK PROPERTIES LLC
GALES FERRY, CONNECTICUT

GEI Consultants

Watershed Boundaries and Estimated Area of Contribution

Project 2201518 | July 2022 | Fig. 6

H:\TECH\project\Regional Modflow model\Report\Figures.pptx



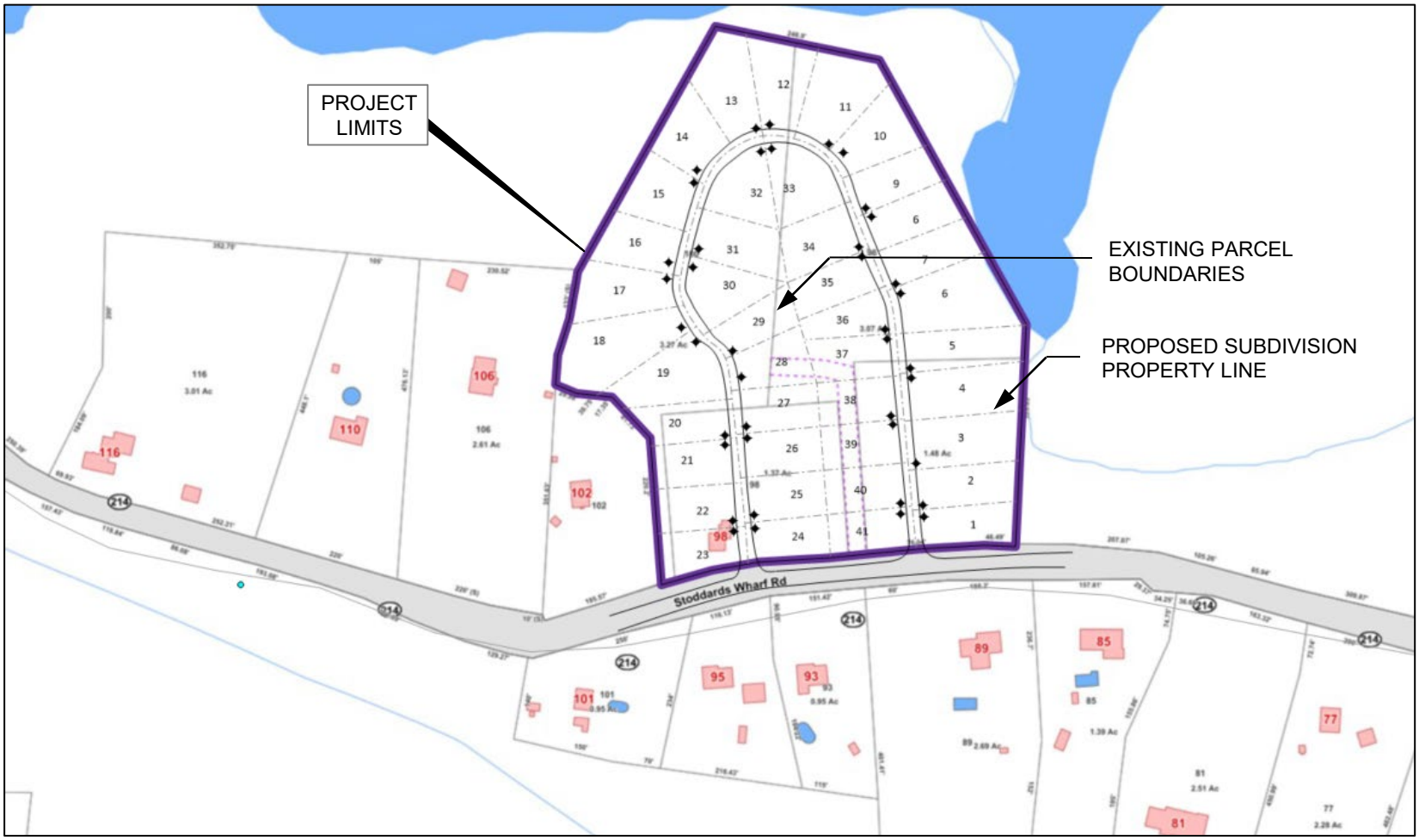
NORTHERN WATERSHED
(LEDYARD)

SOUTHERN WATERSHED
(GROTON)

SOURCE:
MILONE & MACBROOM, INC. SOUTHEAST CONNECTICUT DRINKING WATER QUALITY MANAGEMENT PLAN, Fig. 1, MAY 2008.

WATER STUDY STODDARDS WHARF ROAD LEDYARD, CONNECTICUT	GEI Consultants	**Great Brook Watershed**
AVERY BROOK PROPERTIES LLC GALES FERRY, CONNECTICUT	Project 2201518	July 2022 Fig. 7

H:\TECH\project\Regional Modflow model\Report\Figures.pptx



LEGEND

CONCPTUAL PROPOSED WELL LOCATION

0 200 400

SCALE, FEET

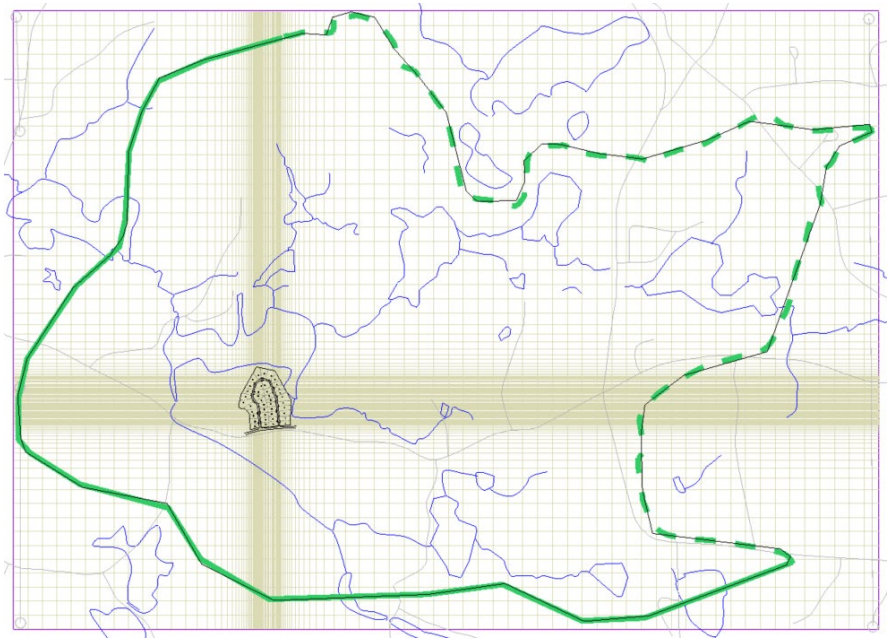
N

SOURCES:

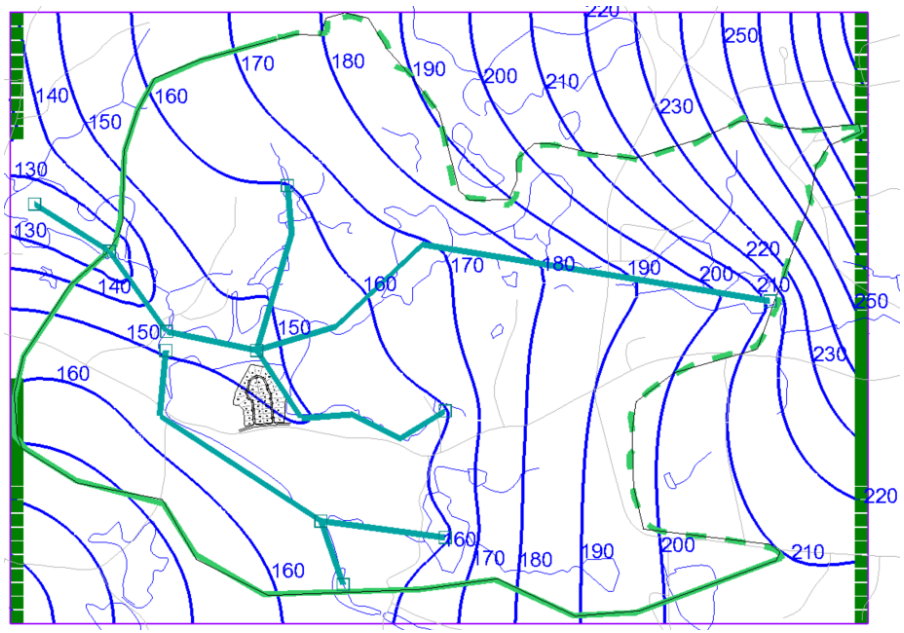
1. "PLAN SHOWING RESUBDIVISION PROPERTY OF AVERY BROOK HOMES LLC STOODARDS WHARF RD. AKA CT ROUTE 214, LEDYARD, CONNECTICUT", DIETER & GARDNER, June 2022.
2. LEDYARD ASSESSORS MAP https://www.mapsonline.net/ledyardct/

WATER STUDY STODDARDS WHARF ROAD LEDYARD, CONNECTICUT	GEI Consultants	**Drawdown Prediction Locations**
AVERY BROOK PROPERTIES LLC GALES FERRY, CONNECTICUT	Project 2201518	July 2022 Fig. 8

H:\TECH\project\Regional Modflow model\Report\Figures.pptx



MODEL COMPUTATIONAL GRID



COMPUTED GROUNDWATER
CONTOURS (PRESENT CONDITION)

LEGEND:

- MODEL EXTENT
- GRID COMPUTATION CELLS
- ASSUMED CONTRIBUTING AREA (NOT PART OF MODEL CALCULATION), REF. FIG. 6
- HEAD BOUNDARY LOCATION. HEAD ELEV. SET TO ROUGHLY MIMIC TOPOGRAPHY
- DRAIN BOUNDARY LOCATION. REPRESENTS GROUNDWATER SEEPAGE TO STREAMS. HEAD ELEVS. SET TO APPROX. GROUND ELEVATION AT PONDS/STREAMS.
- 200 — COMPUTED GROUNDWATER CONTOURS (FT. MSL)
- STREAM OR LAKED (APPROX. AS MAPPED BY LEDYARD ASSESSORS)

0 2000 4000

SCALE, FEET

MODEL DIMENSIONS

AREA: 11,500 X 8,200 FT.
TWO LAYERS (ELEV. IN FT. MSL):
TOP LAYER 1: ELEV. 300
(DOES NOT AFFECT CALC.)
TOP LAYER 2: ELEV. 145
(ASSUMED TOP OF BEDROCK ONSITE)
BOT LAYER 3: ELEV. -150
(ASSUMED ~300 FT. THICK VIABLE BEDROCK AQUIFER)
GRID SPACING :
190 FT. AT CORNERS
APPROX. 3-15 FT. INTERIOR ON-SITE

N

WATER STUDY
STODDARDS WHARF ROAD
LEDYARD, CONNECTICUT

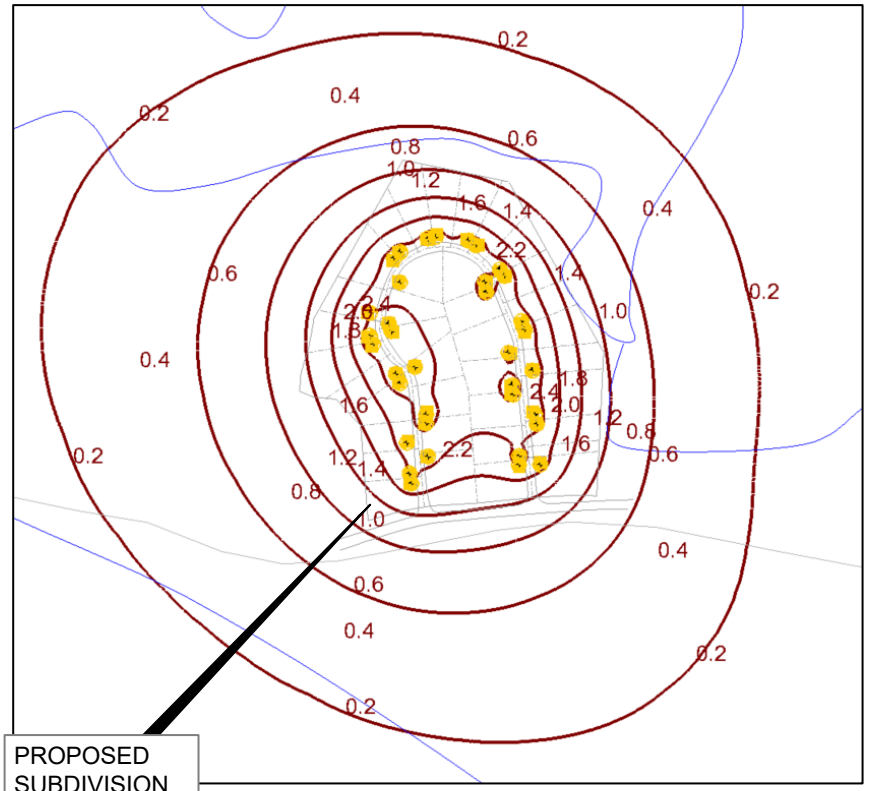
AVERY BROOK PROPERTIES LLC
GALES FERRY, CONNECTICUT

GEI Consultants

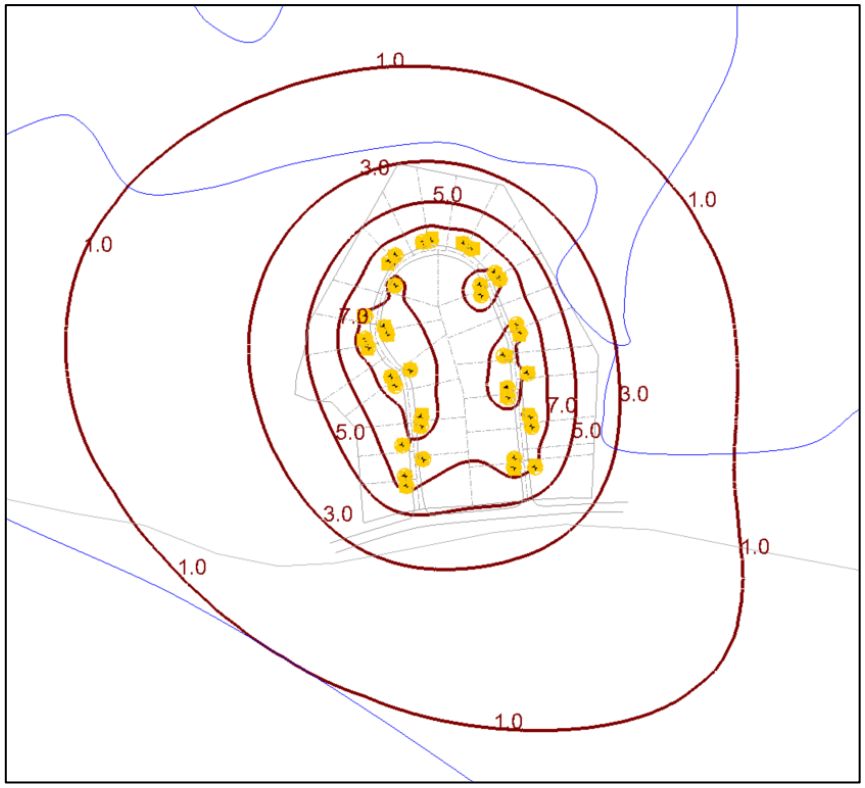
Groundwater Model

Project 2201518 | July 2022 | Fig. 9

H:\TECH\project\Regional Modflow model\Report\Figures.pptx



MODEL PREDICTION (BASELINE)



SENSITIVITY ANALYSIS
(HIGHER PUMPING WITH LOWER PERMEABILITY AND AQUIFER RECHARGE RATE)

LEGEND:

CONTOURS SHOWING FEET OF DRAWDOWN DUE TO PUMPING, RELATIVE TO THE ASSUMED PRESENT-CONDITION STATIC WATER LEVEL.

0 500 1000

SCALE, FEET

WATER STUDY STODDARDS WHARF ROAD LEDYARD, CONNECTICUT	GEI Consultants	**Bedrock Aquifer Drawdown Prediction**
AVERY BROOK PROPERTIES LLC GALES FERRY, CONNECTICUT	Project 2201518	July 2022 Fig. 10

H:\TECH\project\Regional Modflow model\Report\Figures.pptx

LLHD
Ledge Light Health District

Promoting healthy communities

Date: 3 August 2022
To: Peter Gardner, LS
Subject Property: **94, 96, 98, 100 Stoddards Wharf Rd. Ledyard**

Plan Designed by:Peter Gardner, LS Plan Date: **July 7, 2022** Last Revision Date: Date Paid: July 7, 2022
The plan and associated information was submitted to our office on July 7, 2022 for a proposed **36** lot subdivision/commission review. Lots range from 0.19 to 0.42 acres and are to be served by **private well water** and **private septic systems**, in the Town of **Ledyard .**

The Ledge Light Health District (LLHD) does not issue approvals for Subdivision or Commission reviews, but our recommendation for suitability of the previously stated plan/lots to accommodate the LLHD Subdivision Submission Requirements and Connecticut Public Health Code Section 19-13-B103e are as follows:

☒ **Lots 1-5, 7-11, 13-23, 25-32, 35-36 are recommended suitable in their current condition IF footing drains are not required**

☒ **Lot 34 is recommended suitable IF AND when the following plan issues are addressed:**
No well is shown on this lot

☒ **Lots 6, 12, 24, and 33 are recommended suitable IF AND when the following plan issues are addressed:**
Suitable tank location to be demonstrated

Comments

1. The feasibility of providing each lot with a private well that would produce an adequate quantity of water to serve a 3 bedroom single family dwelling was studied by GEI Consultants, and the results of the study provided in a document: "Water Study Proposed Stoddards Wharf Road Subdivision Ledyard, CT" July 6, 2022. The document concludes that "multiple lines of evidence" suggest that the current groundwater supply is adequate to supply the subdivision as proposed. It should be noted that the study uses an estimated subdivision demand of 7.5gpm "assuming typical residential demands", whereas the CT Public Health Code would assume a demand of 11.25gpm for 36 lots, 3 bedrooms per lot. The study states that the expected bedrock aquifer recharge over the footprint of the proposed subdivision is estimated to be 4.0gpm, leaving a deficit of 3.5gpm to be made up by groundwater flow entering the subdivision footprint horizontally. This deficit may in fact be greater (7.25gpm) based on the expected water demand for the total number of bedrooms.

   There is no doubt that siting 36 wells in such close proximity could have a noticeable effect on the local groundwater table. Data collected for 5 existing wells in the area (drilled over 25 years ago) indicate that they are fairly deep (average 280ft) and have yields around 3gpm. The study does point out that the proposed subdivision is at least partially surrounded by an undeveloped watershed area, allowing for replenishment of the aquifer that would serve the wells. In Connecticut it is recommended that the 75ft well protective radius be located completely on the property that the well serves in order to allow neighbors full use of their property; it is further recommended that well casings be located 10ft or more from driving surfaces to avoid damage.

   Due to the density of the proposed subdivision, It is noted that a public water supply would be the preferable means of supplying water to the community.

2. Proposed septic layouts on the lots demonstrate the feasibility of siting code complying primary and reserve septic leaching areas on the lots using proprietary leaching products that provide a high leaching credit per linear foot. The layouts are so close on some lots that positioning of the septic tank in a way to meet code requirements may be difficult and should be demonstrated in the context of not just the property served but also with respect to the surrounding properties.

3. It is recommended that thought be given to space on the lots that might be needed for Water Treatment Wastewater systems in the future.

4. No road drainage or catch basins are shown on the proposed site plan. It should be noted that wells and septic systems must be located 25ft or more from drains.

5. Individual site plans may require additional soil testing. Individual site plans where the house location, septic location or well location differs from the approved subdivision plan must be submitted on plans that show the proposed (or actual) locations of these items on the surrounding lots to ensure the proper separating distances are met.

*Please note that soils testing indicated on this plan are representative of actual soils conditions and additional deep test pits and percolation tests may be required by the Ledge Light Health District if the building or system location is altered and/or the suitable septic area is limited. Applicant should be aware that subdivision approval IS NOT sufficient for individual lot approval. Each lot must be reviewed by the Ledge Light Health District at the time of building permit application in order to obtain lot approval and issue a septic/well permit.

Please call me at 860-910-0446 with any questions regarding this matter.

Sincerely,

Wendy K. Brown-Arnold, RS, REHS
Supervisor, Land Use Activities

cc: Town of Ledyard Planning and Zoning Departments

AVERY BROOK HOMES, LLC
LIST OF COMPANY MEMBERS AUTHORIZED TO ACT

Peter C. Gardner
P.O. Box 335
Gales Ferry, CT 06335

Conrad C. Gardner, Jr.
2 Aberdeen Court
East Lyme, CT 06333

Anthony Bonafine
39 Bella Vista Drive
North Windham, CT 06256

HELLER, HELLER & McCOY

Attorneys at Law

736 Norwich-New London Turnpike
Uncasville, Connecticut 06382

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

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

Telephone: (860) 848-1248
Facsimile: (860) 848-4003

August 22, 2022

VIA CERTIFIED MAIL
City of Groton Utilities
295 Meridian Street
Groton, CT 06340

Re: Avery Brook Homes, LLC – Application to the Town of Ledyard Inland Wetlands and Watercourses Commission for a permit to conduct regulated activities in upland review areas in conjunction with the development of a proposed affordable housing subdivision on properties located at 94, 96, 98 and 100 Stoddards Wharf Road A.K.A. Connecticut Route 214
Ledyard Assessor's Designation: Map 65, Lots 94, 96, 98 and 100

Gentleperson:

Please be advised that this office represents Avery Brook Homes, LLC, the owner of properties located at 94, 96, 98 and 100 Stoddards Wharf Road A.K.A. Connecticut Route 214 in Ledyard, Connecticut. Our client is proposing to develop this property for thirty-six (36) individual single-family dwelling houses together with a loop road (private) which will provide access from Connecticut Route 214. In conjunction therewith, our client has submitted an application to the Town of Ledyard Inland Wetlands and Watercourses Commission for a permit to conduct regulated activities in the development of this project in upland review areas adjacent to inland wetlands on and adjacent to its properties.

Our client's properties are located within the watershed area of Groton Utilities as evidenced by the watershed map filed by Groton Utilities with the Ledyard Town Clerk. Therefore, in accordance with requirements of §8-3i of the Connecticut General Statutes, we are providing you with notice of the filing of this application with the Town of Ledyard Inland Wetlands and Watercourses Commission. A copy of this notice is also being provided contemporaneously herewith to the Commissioner of Public Health of the State of Connecticut.

I enclose herewith for your reference a copy of the permit application which is being filed contemporaneously herewith with the Ledyard Inland Wetlands and Watercourses Commission, a copy of our transmittal to the Town of Ledyard Inland Wetlands and Watercourses Commission delineating

the supplemental information which has been provided with the application, a copy of the site development plan which was submitted with the application and a copy of the supplemental information.

Should you have any questions or need any additional information, please feel free to contact the undersigned.

Very truly yours,

Harry B. Heller

HBH/rmb
Enclosures

HELLER, HELLER & McCOY

Attorneys at Law

736 Norwich-New London Turnpike
Uncasville, Connecticut 06382

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

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

Telephone: (860) 848-1248
Facsimile: (860) 848-4003

August 22, 2022

VIA CERTIFIED MAIL
State of Connecticut Commissioner of Public Health
410 Capitol Avenue
Hartford, CT 06134

Re: Avery Brook Homes, LLC – Application to the Town of Ledyard Inland Wetlands and Watercourses Commission for a permit to conduct regulated activities in upland review areas in conjunction with the development of a proposed affordable housing subdivision on properties located at 94, 96, 98 and 100 Stoddards Wharf Road A.K.A. Connecticut Route 214
Ledyard Assessor's Designation: Map 65, Lots 94, 96, 98 and 100

Dear Commissioner:

Please be advised that this office represents Avery Brook Homes, LLC, the owner of properties located at 94, 96, 98 and 100 Stoddards Wharf Road A.K.A. Connecticut Route 214 in Ledyard, Connecticut. Our client has filed an application with the Town of Ledyard Inland Wetlands and Watercourses Commission for a permit to conduct regulated activities in upland review areas adjacent to inland wetlands in conjunction with the development of this single-family residential project. The proposal is to develop the site with thirty-six (36) single-family dwelling homes which will obtain access from Connecticut Route 214 by virtue of a private road.

The land which is the subject of the inland wetland agency permit application is located within the watershed area of the City of Groton Utilities. We are providing notice to the City of Groton Utilities as well as the Commissioner of Public Health of the filing of this permit application in accordance with the requirements of §8-3i of the Connecticut General Statutes.

I enclose herewith for your reference a copy of the wetland permit application which has been filed with the Ledyard Inland Wetlands and Watercourses Commission, together with a copy of our transmittal to the Town of Ledyard Inland Wetlands and Watercourses Commission delineating the supplemental information which has been provided with the application, together with a set of the project plans and copies of the supplemental information.

Should you have any further information, please feel free to contact the undersigned.

Very truly yours,

Harry B. Heller

HBH/rmb
Enclosures

HELLER, HELLER & McCOY

Attorneys at Law

736 Norwich-New London Turnpike
Uncasville, Connecticut 06382

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

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

Telephone: (860) 848-1248
Facsimile: (860) 848-4003

August 25, 2022

Town of Ledyard Planning and Zoning Commission
Attn: Mrs. Juliet Hodge, Director of Planning
741 Colonel Ledyard Highway
Ledyard, CT 06339

Re: Application of Avery Brook Homes, LLC for an affordable housing subdivision (C.G.S. §8-30g) on properties located at 94, 96, 98 and 100 Stoddards Wharf Road, Ledyard, Connecticut

Dear Juliet:

As you are aware, this office represents Avery Brook Homes, LLC, the owner of properties located at 94, 96, 98 and 100 Stoddards Wharf Road, Ledyard, Connecticut. On behalf of our client, we hereby submit herewith an application for subdivision approval of a proposed thirty-six (36) lot residential subdivision submitted under the provisions of Connecticut General Statutes §8-30g. The project contemplates the development of a private road (Avery Brook Circle) which will provide access and utilities to all lots in the affordable housing subdivision from Stoddards Wharf Road A.K.A. Connecticut Route 214. The common element in this community is an easement right for lot owners to utilize, maintain, repair and replace Avery Brook Circle and its related infrastructure. The project is formulated under the Connecticut Common Interest Ownership Act, Connecticut General Statutes §47-200 et. seq.

Submitted herewith and constituting the application for subdivision approval pursuant to the provisions of the Affordable Housing Act and the Connecticut Common Interest Ownership Act are the following:

1. Five (5) copies of the Town of Ledyard Application for the Subdivision of Land.

2. Original and four (4) copies of the Subdivision/Resubdivision Checklist for this project.

3. Authorization signed by Avery Brook Homes, LLC authorizing the law firm of

Heller, Heller, Heller & McCoy, the land surveying – planning firm of Dieter & Gardner, Inc., GEI Consultants, Inc. and KWH Enterprise, LLC to represent its interest in all proceedings before the Town of Ledyard Planning and Zoning Commission with respect to this subdivision application.

4. Five (5) copies of the draft Planned Community Declaration for the project pursuant to the provisions of the Connecticut Common Interest Ownership Act.

5. Five (5) copies of the Affordability Plan for the project prepared pursuant to the requirements of Section 8-30g of the Connecticut General Statutes and the regulations promulgated thereunder.

6. Five (5) copies of the hydrogeologic study for the project prepared by GEI Consultants, Inc.

7. Pursuant to the requirements of Section 4.2.1 of the Ledyard Subdivision Regulations, our client has commissioned KWH Enterprise, LLC, a professional engineering firm concentrating in traffic engineering, to prepare a traffic study for the project. The traffic study will be submitted, as a component of the application, in advance of the public hearing on this resubdivision application.

8. A copy of our correspondence of even date herewith to Groton Utilities since the property proposed for resubdivision is located within the limits of the City of Groton Utilities watershed.

9. A copy of our correspondence of even date herewith to the Commissioner of Public Health of the State of Connecticut due to the fact that the property which is the subject of the resubdivision application is located within the City of Groton Utilities watershed.

10. Five (5) prints of the subdivision plan entitled "Plan Showing Resubdivision Property of Avery Brook Homes LLC 94, 96, 98 and 100 Stoddards Wharf Road A.K.A. Connecticut Route 214 Ledyard, Connecticut Scales As Shown June 2022 Sheets 1 of 6 to 6 of 6 Dieter & Gardner Land Surveyors – Planners P.O. Box 335 1641 Connecticut Route 12 Gales Ferry, CT 06335 (860) 464-7455 Email: dieter.gardner@yahoo.com".

11. Five (5) copies of the report from the Ledge Light Health District concerning the suitability of the lots in the proposed affordable housing subdivision for the siting of on-site sanitary sewage disposal systems.

12. Five (5) copies of a Warranty Deed from Amer Javed to Avery Brook Homes, LLC a/k/a Avery Brook Homes LLC thereby vesting title to the real property which is the subject of this affordable housing subdivision application in Avery Brook Homes, LLC a/k/a Avery Brook Homes LLC, the original of which deed is filed for record in Volume 620, Page 92 of the Ledyard Land Records.

13. A list of limited liability company members of Avery Brook Homes, LLC authorized to act.

14. A check in the amount of $2,460.00 representing payment of the fee for the resubdivision application calculated as follows:

Base fee (up to three lots)	$250.00
Thirty-three excess lots @ $50.00 per lot	$1,650.00
Public hearing fee	$500.00
State fee	$60.00
Total	**$2,460.00**

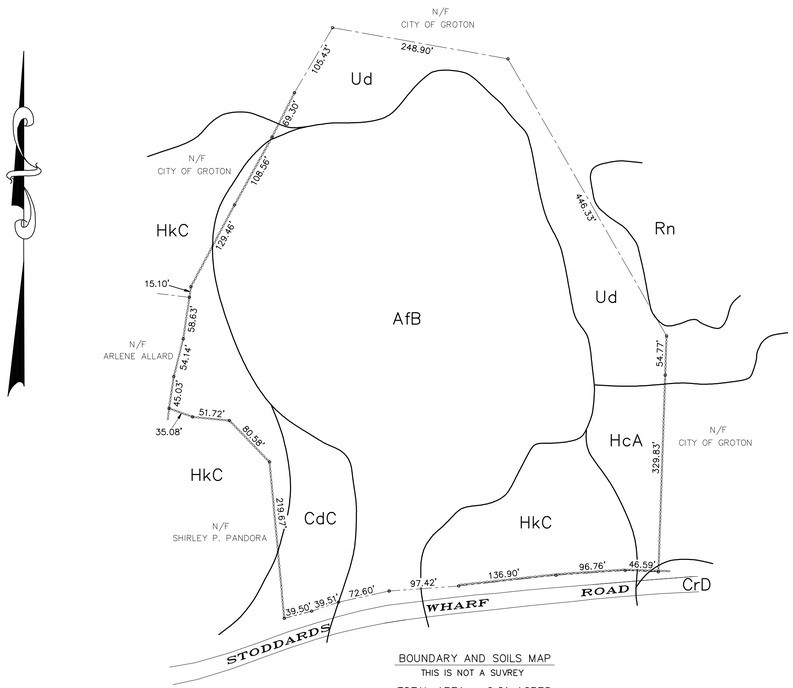
Request is hereby made that you place this matter on the agenda of the regularly scheduled meeting of the Town of Ledyard Planning and Zoning Commission of September 8, 2022. Request is hereby further made that the Ledyard Planning and Zoning Commission schedule a public hearing on this resubdivision application at the earliest available meeting date subsequent to September 8, 2022.

Should you have any questions concerning the application, or need anything further at this time, please feel free to contact the undersigned.

Very truly yours,

Harry B. Heller

HBH/rmb
Enclosures



BOUNDARY AND SOILS MAP
THIS IS NOT A SUVREY

TOTAL AREA = 9.21 ACRES

GRAPHIC SCALE

100 0 50 100 200 400

(IN FEET)
1 inch = 100 ft.

APPROVED BY THE LEDYARD PLANNING AND ZONING COMMISSION AS TO THE COMPLIANCE WITH THE REGULATIONS GOVERNING THE SUBDIVISION OF LAND.
ALL IMPROVEMENTS SHALL BE COMPLETED BY _____ DATE

_____ CHAIRMAN OR SECRETARY _____ DATE

EROSION AND SEDIMENT CONTROL PLAN CERTIFIED BY VOTE OF – THE LEDYARD PLANNING AND ZONING COMMISSION ON DATE

LOT NUMBERS ASSIGNED BY THE ASSESSOR

_____ ASSESSOR _____ DATE

IWWC APPLICATION# _____

_____ APPROVED. _____

_____ NO PERMIT NECESSARY. (NOT WITHIN A REGULATED AREA)

_____ NOT APPLICABLE AT THIS TIME. (WITHIN A REGULATED AREA; NO REGULATED ACTIVITY PROPOSED AT THIS TIME.)

_____ WETLANDS OFFICER _____ DATE

APPROVED BY THE DIRECTOR OF PUBLIC WORKS OR THE TOWN ENGINEER FOR PUBLIC WAY LAYOUT.

_____ PUBLIC WORKS DIRECTOR/TOWN ENGINEER _____ DATE

EROSION AND SEDIMENT CONTROL PLAN CERTIFIED BY VOTE OF THE LEDYARD PLANNING AND ZONING COMMISSION

_____ CHAIRMAN OR SECRETARY OF THE LEDYARD PLANNING AND ZONING COMMISSION DATE

APPROVED BY THE ZONING ENFORCEMENT OFFICER OF THE LEDYARD PLANNING COMMISSION

_____ ZONING ENFORCEMENT OFFICER _____ DATE

THE WORD "CERTIFY" IS UNDERSTOOD TO BE AN EXPRESSION OF THE PROFESSIONAL OPINION BY THE LAND SURVEYOR WHICH IS BASED ON HIS OR HER BEST KNOWLEDGE, INFORMATION AND BELIEF. AS SUCH IT CONSTITUTES NEITHER GUARANTEE OR WARRANTY.

THE STONE WALLS AND/OR FENCES SHOWN AS BOUNDARIES MAY HAVE IRREGULARITIES OF COURSE BETWEEN PRINCIPAL POINTS OF COURSE INDICATED

© THIS DRAWING IS THE PROPERTY OF THE LAND SURVEYOR. THIS PLAN AND REPRODUCTIONS, ADDITIONS OR REVISIONS OF THIS PLAN ARE NOT VALID WITHOUT THE EMBOSSED SEAL AND SIGNATURE OF THE LAND SURVEYOR WHO PREPARED THIS PLAN.
JOB# 22-007.DWG FBK#327

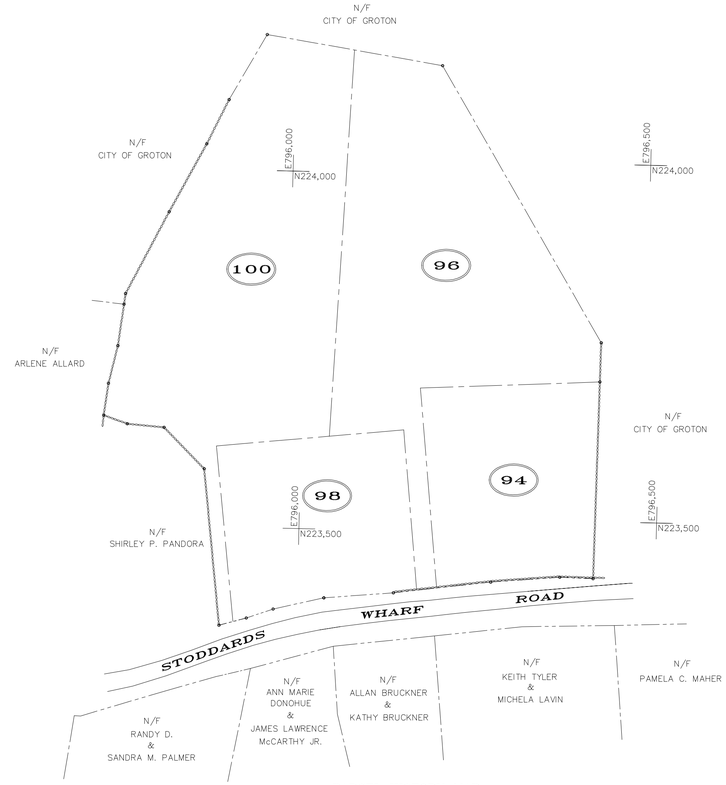
LEGEND

- STONE WALL
- PROPERTY LINE
- STREET LINE
- 98 — STREET NUMBER

SOILS LEGEND

- AfB – AGAWAM FINE SANDY LOAM, 3 TO 8 PERCENT SLOPES
- CdC – CANTON AND CHARLTON EXTREMELY STONY FINE SANDY LOAMS, 3 TO 15 PERCENT SLOPES
- CrD – CHARLTON–HOLLIS FINE SANDY LOAMS, VERY ROCKY, 15 TO 45 PERCENT SLOPES
- HcA – HAVEN SILT LOAM, 0 TO 3 PERCENT SLOPES
- HkC – HINCKLEY GRAVELLY SANDY LOAM, 3 TO 15 PERCENT SLOPES
- Rn – RIDGEBURY, LEICESTER AND WHITMAN EXTREMELY STONY FINE SANDY LOAM
- Ud – UDORTHENTS–URBAN LAND COMPLEX

NOTE: BOUNDARY LINES OF ADJOINING PROPERTIES ARE SHOWN FOR GENERAL INFORMATIONAL PURPOSES ONLY AND ARE NOT TO BE CONSTRUED AS BEING ACCURATELY LOCATED OR DEPICTED.



PARCEL HISTORY MAP
THIS IS NOT A SUVREY

PARCEL HISTORY

TOTAL AREA ON MARCH 22, 1962 = 9.21 ACRES
TOTAL NUMBER OF LOTS CREATED FROM ORIGINAL TRACT = 4

GRAPHIC SCALE

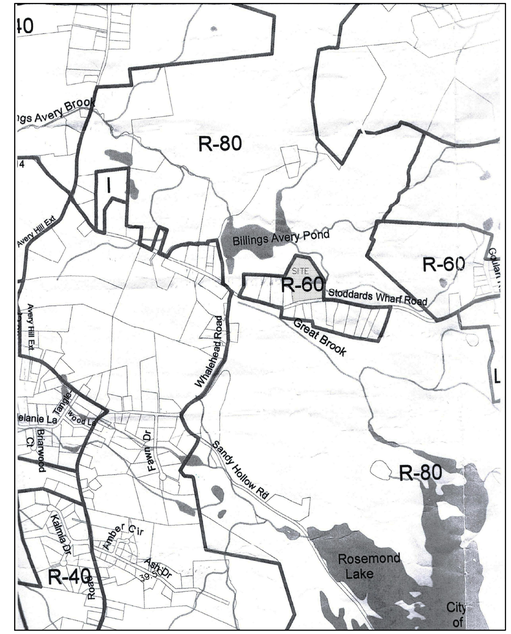
100 0 50 100 200 400

(IN FEET)
1 inch = 100 ft.

DIETER & GARDNER
LAND SURVEYORS • PLANNERS
P.O. BOX 335
1641 CONNECTICUT ROUTE 12
GALES FERRY, CT. 06335
(860) 464-7455
EMAIL: DIETER.GARDNER@YAHOO.COM

GENERAL NOTES:

1. MAP REFERENCES:
   A) SUBDIVISION PLAN PREPARED FOR AMER JAVAD 98 STODDARDS WHARF ROAD – (CONN. RTE #214) LEDYARD, CONNECTICUT BOUNDARY SURVEY MAP DATE: 9/12/11 SCALE: 1"=40' SHEET 1 OF 4 ADVANCED SURVEYS, LLC.
   B) LOT DIVISION PLAN PROPERTY OF PANDE HOLDINGS, LLC 98 STODDARDS WHARF (CONNECTICUT ROUTE 214) LEDYARD, CONNECTICUT DATE: MAY 10, 2007 SCALE: 1"=40' SHEET NO. 1 OF 2. REVISIONS DATE 5/23/07 STREET ADDRESS, LOCATION MAP & NOTE 12 ADDED.
2. CALL BEFORE YOU DIG AT 1–800–922–4455 BEFORE ANY CONSTRUCTION ACTIVITY.
3. ELEVATIONS SHOWN HEREON ARE BASED ON NATIONAL GEODETIC VERTICAL DATUM.
4. THIS SUBDIVISION WILL BE SERVED BY ON SITE WELLS AND ON SITE SEWAGE SYSTEMS.
5. HOUSES, WELLS, DRIVEWAYS, SEWAGE DISPOSAL SYSTEMS AND EROSION/SEDIMENT SEDIMENT CONTROL MEASURES ARE SHOWN CONCEPTUALLY ONLY.
6. ZONING SETBACKS: LOTS SUBMITTED AS A SET–ASIDE DEVELOPMENT AS DEFINED IN CONNECTICUT GENERAL STATUTES SECTION 8–30g.
   MINIMUM FRONT YARD SETBACK 12' FROM COMMON DRIVE
   MINIMUM SIDE YARD SETBACK 6'
   MINIMUM REAR YARD SETBACK 15'
7. PASSIVE SOLAR TECHNIQUES AS PRESCRIBED BY LAW HAVE BEEN CONSIDERED IN THE DESIGN OF THIS SUBDIVISION.



LOCATION MAP
ZONING DISTRICT: R–60

GRAPHIC SCALE

1000 0 500 1000 2000 4000

(IN FEET)
1 inch = 1000 ft.

SHEET INDEX

SHEET 1 – 100 SCALE BOUNDARY MAP; PARCEL HISTORY MAP; LOCATION MAP AND GENERAL NOTES
SHEET 2 – 40 SCALE A–2 PLAN
SHEET 3 – 40 SCALE CONCEPTUAL LAYOUT PLAN
SHEET 4 – DEEP TEST PIT DATA
SHEET 5 – PERCOLATION TEST RESULTS AND SEPTIC SYSTEM DESIGN CRITERIA
SHEET 6 – CONSTRUCTION DETAILS; EROSION AND SEDIMENT CONTROL NARRATIVE AND DETAILS
SHEET 7 – 40 SCALE SIGHTLINE DEMONSTRATION PLAN

PLAN SHOWING RESUBDIVISION PROPERTY OF AVERY BROOK HOMES LLC 94, 96, 98 AND 100 STODDARDS WHARF ROAD A.K.A. CONNECTICUT ROUTE 214 LEDYARD, CONNECTICUT

SCALES AS SHOWN

JULY 2022

SHEET 1 OF 7

THIS SURVEY AND MAP HAS BEEN PREPARED IN ACCORDANCE WITH SECTIONS 20–300b–1 THRU 20–300b–20 OF THE REGULATIONS OF CONNECTICUT STATE AGENCIES – "MINIMUM STANDARDS FOR SURVEYS AND MAPS IN THE STATE OF CONNECTICUT" AS ENDORSED BY THE CONNECTICUT ASSOCIATION OF LAND SURVEYORS, INC. IT IS A BOUNDARY SURVEY BASED ON AN RESURVEY CONFORMING TO HORIZONTAL ACCURACY CLASS "D". TO MY KNOWLEDGE AND BELIEF, THIS MAP IS SUBSTANTIALLY CORRECT AS NOTED HEREON.

TITLE: LAND SURVEYOR CT No. 14208

DATE: JULY 7, 2022

APPROVED BY THE LEDYARD PLANNING AND ZONING COMMISSION AS TO THE COMPLIANCE WITH THE REGULATIONS GOVERNING THE SUBDIVISION OF LAND.

ALL IMPROVEMENTS SHALL BE COMPLETED BY _____ DATE

_____ CHAIRMAN OR SECRETARY _____ DATE

EROSION AND SEDIMENT CONTROL PLAN CERTIFIED BY VOTE OF – THE LEDYARD PLANNING AND ZONING COMMISSION ON DATE

LOT NUMBERS ASSIGNED BY THE ASSESSOR

_____ ASSESSOR _____ DATE

IWWC APPLICATION# _____

_____ APPROVED. _____

_____ NO PERMIT NECESSARY. (NOT WITHIN A REGULATED AREA)

_____ NOT APPLICABLE AT THIS TIME. (WITHIN A REGULATED AREA; NO REGULATED ACTIVITY PROPOSED AT THIS TIME.)

_____ WETLANDS OFFICER _____ DATE

APPROVED BY THE DIRECTOR OF PUBLIC WORKS OR THE TOWN ENGINEER FOR PUBLIC WAY LAYOUT.

PUBLIC WORKS DIRECTOR/TOWN ENGINEER DATE

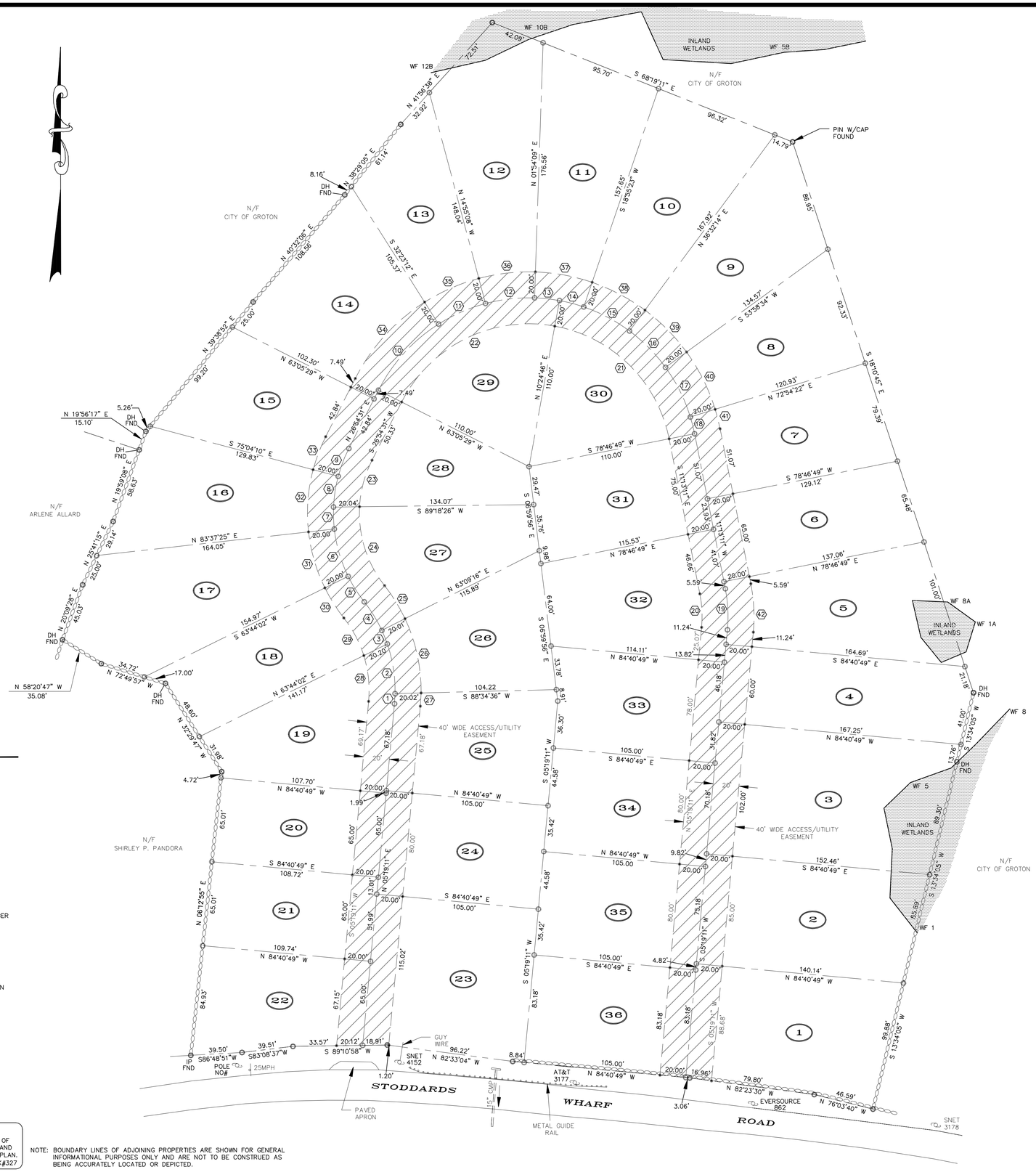
EROSION AND SEDIMENT CONTROL PLAN CERTIFIED BY VOTE OF THE LEDYARD PLANNING AND ZONING COMMISSION

_____ CHAIRMAN OR SECRETARY OF THE LEDYARD PLANNING AND ZONING COMMISSION DATE

APPROVED BY THE ZONING ENFORCEMENT OFFICER OF THE LEDYARD PLANNING COMMISSION

_____ ZONING ENFORCEMENT OFFICER _____ DATE

DIETER & GARDNER
LAND SURVEYORS • PLANNERS
1641 CONNECTICUT ROUTE 12
P.O. BOX 335
GALES FERRY, CT. 06335
(860) 464-7455
EMAIL: DIETER.GARDNER@YAHOO.COM



LOT NUMBER	TOTAL AREA
1	14,065 Sq. Ft. 0.32 ACRES
2	14,136 Sq. Ft. 0.32 ACRES
3	18,345 Sq. Ft. 0.42 ACRES
4	11,387 Sq. Ft. 0.26 ACRES
5	12,226 Sq. Ft. 0.28 ACRES
6	9,951 Sq. Ft. 0.23 ACRES
7	10,374 Sq. Ft. 0.24 ACRES
8	9,714 Sq. Ft. 0.22 ACRES
9	11,479 Sq. Ft. 0.26 ACRES
10	12,201 Sq. Ft. 0.28 ACRES
11	12,194 Sq. Ft. 0.28 ACRES
12	13,033 Sq. Ft. 0.30 ACRES
13	8,908 Sq. Ft. 0.20 ACRES
14	12,717 Sq. Ft. 0.29 ACRES
15	10,706 Sq. Ft. 0.25 ACRES
16	11,607 Sq. Ft. 0.27 ACRES
17	14,780 Sq. Ft. 0.34 ACRES
18	9,879 Sq. Ft. 0.23 ACRES
19	10,567 Sq. Ft. 0.24 ACRES
20	8,334 Sq. Ft. 0.19 ACRES
21	8,400 Sq. Ft. 0.19 ACRES
22	9,663 Sq. Ft. 0.22 ACRES
23	14,599 Sq. Ft. 0.35 ACRES
24	10,000 Sq. Ft. 0.23 ACRES
25	10,295 Sq. Ft. 0.24 ACRES
26	9,830 Sq. Ft. 0.23 ACRES
27	10,216 Sq. Ft. 0.23 ACRES
28	8,814 Sq. Ft. 0.20 ACRES
29	10,840 Sq. Ft. 0.25 ACRES
30	10,083 Sq. Ft. 0.23 ACRES
31	9,958 Sq. Ft. 0.23 ACRES
32	11,459 Sq. Ft. 0.26 ACRES
33	9,940 Sq. Ft. 0.23 ACRES
34	10,000 Sq. Ft. 0.23 ACRES
35	10,000 Sq. Ft. 0.23 ACRES
36	10,398 Sq. Ft. 0.24 ACRES

LOTS CURVE TABLE

CURVE #	Δ	R	L	T
1	04°04'40"	110.00'	3.92'	7.83'
2	20°15'56"	110.00'	38.91'	19.66'
3	05°51'25"	110.00'	11.24'	5.63'
4	13°29'23"	110.00'	25.90'	13.01'
5	12°06'15"	110.00'	23.24'	11.66'
6	19°53'23"	110.00'	38.19'	19.29'
7	08°49'57"	110.00'	16.96'	8.50'
8	12°28'28"	110.00'	23.95'	12.02'
9	11°58'41"	110.00'	23.00'	11.54'
10	30°42'17"	130.00'	69.67'	35.69'
11	17°28'04"	130.00'	39.63'	19.97'
12	16°49'17"	130.00'	38.17'	19.22'
13	08°30'37"	130.00'	19.31'	9.67'
14	08°30'37"	130.00'	19.31'	9.67'
15	17°36'51"	130.00'	39.97'	20.14'
16	17°26'20"	130.00'	39.57'	19.94'
17	18°55'48"	130.00'	42.95'	21.67'
18	05°52'28"	130.00'	13.33'	6.67'
19	16°32'22"	110.00'	31.75'	15.99'

EASEMENT CURVE TABLE

CURVE #	Δ	R	L	T
20	16°32'22"	90.00'	25.98'	13.08'
21	68°22'03"	110.00'	131.26'	74.71'
22	73°30'15"	110.00'	141.12'	82.15'
23	23°45'06"	90.00'	37.31'	18.93'
24	41°31'38"	90.00'	65.23'	34.12'
25	13°11'15"	130.00'	29.92'	15.03'
26	26°00'53"	130.00'	59.03'	30.03'
27	04°29'17"	130.00'	10.18'	5.09'
28	22°43'19"	90.00'	35.69'	18.08'
29	20°58'05"	90.00'	32.94'	16.65'
30	12°06'15"	130.00'	27.46'	13.78'
31	19°53'23"	130.00'	45.13'	22.79'
32	21°18'25"	130.00'	48.34'	24.45'
33	11°58'41"	130.00'	27.18'	13.64'
34	30°42'17"	150.00'	80.38'	41.18'
35	17°28'04"	150.00'	45.73'	23.04'
36	16°49'17"	150.00'	44.04'	22.18'
37	17°01'14"	150.00'	44.56'	22.45'
38	17°36'51"	150.00'	46.11'	23.24'
39	17°26'20"	150.00'	45.66'	23.01'
40	18°55'48"	150.00'	49.56'	25.01'
41	05°52'28"	150.00'	15.38'	7.70'
42	16°32'22"	130.00'	37.53'	18.89'

LEGEND

- STONE WALL
- PROPERTY LINE
- STREET LINE
- DH FND — DRILL HOLE FOUND
- IP FND — IRON PIPE FOUND
- DRILL HOLE OR REBAR TO BE SET
- (7) — CURVE TABEL NUMBER
- UTILITY POLE
- WF 1 — EDGE OF WETLANDS & FLAG NUMBER
- ACCESS/UTILITY EASEMENT

I HAVE REVIEWED THE INLAND WETLAND BOUNDARY I DELINEATED AND I AM OF THE OPINION THAT THE WETLAND BOUNDARY IS SHOWN CORRECTLY ON THIS MAP.

IAN COLE
SOIL SCIENTIST

THE WORD "CERTIFY" IS UNDERSTOOD TO BE AN EXPRESSION OF THE PROFESSIONAL OPINION BY THE LAND SURVEYOR WHICH IS BASED ON HIS OR HER BEST KNOWLEDGE, INFORMATION AND BELIEF. AS SUCH IT CONSTITUTES NEITHER GUARANTEE OR WARRANTY.

THE STONE WALLS AND/OR FENCES SHOWN AS BOUNDARIES MAY HAVE IRREGULARITIES OF COURSE BETWEEN PRINCIPAL POINTS OF COURSE INDICATED.

© THIS DRAWING IS THE PROPERTY OF THE LAND SURVEYOR. THIS PLAN AND REPRODUCTIONS, ADDITIONS OR REVISIONS OF THIS PLAN ARE NOT VALID WITHOUT THE EMBOSSED SEAL AND SIGNATURE OF THE LAND SURVEYOR WHO PREPARED THIS PLAN.
JOB# 22-007.DWG FBK#327

NOTE: BOUNDARY LINES OF ADJOINING PROPERTIES ARE SHOWN FOR GENERAL INFORMATIONAL PURPOSES ONLY AND ARE NOT TO BE CONSTRUED AS BEING ACCURATELY LOCATED OR DEPICTED.

GRAPHIC SCALE

40 0 20 40 80 160

(IN FEET)
1 inch = 40 ft.

PLAN SHOWING RESUBDIVISION PROPERTY OF AVERY BROOK HOMES LLC 94, 96, 98 AND 100 STODDARDS WHARF ROAD A.K.A. CONNECTICUT ROUTE 214 LEDYARD, CONNECTICUT

SCALE: 1"=40'

JULY 2022

SHEET 2 OF 7

THIS SURVEY AND MAP HAS BEEN PREPARED IN ACCORDANCE WITH SECTIONS 20-300b-1 THRU 20-300b-20 OF THE REGULATIONS OF CONNECTICUT STATE AGENCIES – "MINIMUM STANDARDS FOR SURVEYS AND MAPS IN THE STATE OF CONNECTICUT" AS ENDORSED BY THE CONNECTICUT ASSOCIATION OF LAND SURVEYORS, INC. IT IS A BOUNDARY SURVEY BASED ON A RESURVEY CONFORMING TO HORIZONTAL ACCURACY CLASS A-2. TO MY KNOWLEDGE AND BELIEF, THIS MAP IS SUBSTANTIALLY CORRECT AS NOTED HEREON.

TITLE: LAND SURVEYOR CT No. 14208

DATE: JULY 7, 2022

APPROVED BY THE LEDYARD PLANNING AND ZONING COMMISSION AS TO THE COMPLIANCE WITH THE REGULATIONS GOVERNING THE SUBDIVISION OF LAND. ALL IMPROVEMENTS SHALL BE COMPLETED BY _____ DATE

_____ CHAIRMAN OR SECRETARY _____ DATE

EROSION AND SEDIMENT CONTROL PLAN CERTIFIED BY VOTE OF – THE LEDYARD PLANNING AND ZONING COMMISSION ON DATE

LOT NUMBERS ASSIGNED BY THE ASSESSOR

_____ ASSESSOR _____ DATE

IWWC APPLICATION# _____

_____ APPROVED, _____

_____ NO PERMIT NECESSARY. (NOT WITHIN A REGULATED AREA)

_____ NOT APPLICABLE AT THIS TIME. (WITHIN A REGULATED AREA; NO REGULATED ACTIVITY PROPOSED AT THIS TIME.)

_____ WETLANDS OFFICER _____ DATE

APPROVED BY THE DIRECTOR OF PUBLIC WORKS OR THE TOWN ENGINEER FOR PUBLIC WAY LAYOUT.

_____ PUBLIC WORKS DIRECTOR/TOWN ENGINEER _____ DATE

EROSION AND SEDIMENT CONTROL PLAN CERTIFIED BY VOTE OF THE LEDYARD PLANNING AND ZONING COMMISSION

_____ CHAIRMAN OR SECRETARY OF THE LEDYARD PLANNING AND ZONING COMMISSION DATE

APPROVED BY THE ZONING ENFORCEMENT OFFICER OF THE LEDYARD PLANNING COMMISSION

_____ ZONING ENFORCEMENT OFFICER _____ DATE

LEGEND

- STONE WALL
- PROPERTY LINE
- STREET LINE
- EXISTING CONTOUR
- PROPOSED CONTOUR
- WF 1 — EDGE OF WETLANDS & FLAG NUMBER
- BUILDING SETBACK LINE
- APPROXIMATE DEEP TEST PIT
- APPROXIMATE PERC TEST LOCATION
- UTILITY POLE
- H — CONCEPTUAL HOME
- P — CONCEPTUAL PRIMARY SEPTIC
- R — CONCEPTUAL RESERVE AREA
- W — CONCEPTUAL WELL
- TS — TOPSOIL STOCKPILE
- HAYBALES/SILT FENCE/WOODCHIPS
- S/T — PROPOSED SEPTIC TANK

I HAVE REVIEWED THE INLAND WETLAND BOUNDARY I DELINEATED AND I AM OF THE OPINION THAT THE WETLAND BOUNDARY IS SHOWN CORRECTLY ON THIS MAP.

IAN COLE
SOIL SCIENTIST

THE WORD "CERTIFY" IS UNDERSTOOD TO BE AN EXPRESSION OF THE PROFESSIONAL OPINION BY THE LAND SURVEYOR WHICH IS BASED ON HIS OR HER BEST KNOWLEDGE, INFORMATION AND BELIEF. AS SUCH IT CONSTITUTES NEITHER GUARANTEE OR WARRANTY.

THE STONE WALLS AND/OR FENCES SHOWN AS BOUNDARIES MAY HAVE IRREGULARITIES OF COURSE BETWEEN PRINCIPAL POINTS OF COURSE INDICATED.

© THIS DRAWING IS THE PROPERTY OF THE LAND SURVEYOR. THIS PLAN AND REPRODUCTIONS, ADDITIONS OR REVISIONS OF THIS PLAN ARE NOT VALID WITHOUT THE EMBOSSED SEAL AND SIGNATURE OF THE LAND SURVEYOR WHO PREPARED THIS PLAN.
JOB# 22-007.DWG FBK#327



NOTE: BOUNDARY LINES OF ADJOINING PROPERTIES ARE SHOWN FOR GENERAL INFORMATIONAL PURPOSES ONLY AND ARE NOT TO BE CONSTRUED AS BEING ACCURATELY LOCATED OR DEPICTED.

DIETER & GARDNER
LAND SURVEYORS • PLANNERS
1641 CONNECTICUT ROUTE 12
P.O. BOX 335
GALES FERRY, CT. 06335
(860) 464-7455
EMAIL: DIETER.GARDNER@YAHOO.COM

NOTE: FOOTING DRAINS NOT REQUIRED OR PROPOSED.

GRAPHIC SCALE

40 0 20 40 80 160
(IN FEET)
1 inch = 40 ft.

PLAN SHOWING RESUBDIVISION PROPERTY OF AVERY BROOK HOMES LLC 94, 96, 98 AND 100 STODDARDS WHARF ROAD A.K.A. CONNECTICUT ROUTE 214 LEDYARD, CONNECTICUT

SCALE: 1"=40'

JULY 2022

THIS SURVEY AND MAP HAS BEEN PREPARED IN ACCORDANCE WITH SECTIONS 20-300b-1 THRU 20-300b-20 OF THE REGULATIONS OF CONNECTICUT STATE AGENCIES – "MINIMUM STANDARDS FOR SURVEYS AND MAPS IN THE STATE OF CONNECTICUT" AS ENDORSED BY THE CONNECTICUT ASSOCIATION OF LAND SURVEYORS, INC. IT IS A BOUNDARY SURVEY BASED ON A RESURVEY CONFORMING TO HORIZONTAL ACCURACY CLASS "D" AND TOPOGRAPHIC ACCURACY T-2.
TO MY KNOWLEDGE AND BELIEF, THIS MAP IS SUBSTANTIALLY CORRECT AS NOTED HEREON.

TITLE: LAND SURVEYOR CT No. 14208

DATE: JULY 7, 2022

APPROVED BY THE LEDYARD PLANNING AND ZONING COMMISSION AS TO THE COMPLIANCE WITH THE REGULATIONS GOVERNING THE SUBDIVISION OF LAND. ALL IMPROVEMENTS SHALL BE COMPLETED BY _____ DATE

_____ CHAIRMAN OR SECRETARY _____ DATE

EROSION AND SEDIMENT CONTROL PLAN CERTIFIED BY VOTE OF – THE LEDYARD PLANNING AND ZONING COMMISSION ON DATE

LOT NUMBERS ASSIGNED BY THE ASSESSOR

_____ ASSESSOR _____ DATE

IWWC APPLICATION# _____

_____ APPROVED, _____

_____ NO PERMIT NECESSARY. (NOT WITHIN A REGULATED AREA)

_____ NOT APPLICABLE AT THIS TIME. (WITHIN A REGULATED AREA; NO REGULATED ACTIVITY PROPOSED AT THIS TIME.)

_____ WETLANDS OFFICER _____ DATE

APPROVED BY THE DIRECTOR OF PUBLIC WORKS OR THE TOWN ENGINEER FOR PUBLIC WAY LAYOUT.

PUBLIC WORKS DIRECTOR/TOWN ENGINEER _____ DATE

EROSION AND SEDIMENT CONTROL PLAN CERTIFIED BY VOTE OF THE LEDYARD PLANNING AND ZONING COMMISSION

_____ CHAIRMAN OR SECRETARY OF THE LEDYARD PLANNING AND ZONING COMMISSION DATE

APPROVED BY THE ZONING ENFORCEMENT OFFICER OF THE LEDYARD PLANNING COMMISSION

_____ ZONING ENFORCEMENT OFFICER _____ DATE

DIETER & GARDNER
LAND SURVEYORS • PLANNERS
1641 CONNECTICUT ROUTE 12
P.O. BOX 335
GALES FERRY, CT. 06335
(860) 464-7455
EMAIL: DIETER.GARDNER@YAHOO.COM

© THIS DRAWING IS THE PROPERTY OF THE LAND SURVEYOR. THIS PLAN AND REPRODUCTIONS, ADDITIONS OR REVISIONS OF THIS PLAN ARE NOT VALID WITHOUT THE EMBOSSED SEAL AND SIGNATURE OF THE LAND SURVEYOR WHO PREPARED THIS PLAN. JOB#22-007.DWG FBK#327

DEEP TEST PIT DATA

WITNESSED AND RECORDED BY WENDY BROWN-ARNOLD RS,/REHS AND ALEX WILBOUR LEDGE LIGHT HEALTH DISTRICT ON 5/2/22, 5/5/22 AND 5/23/2022 AND WENDY BROWN-ARNOLD RS,/REHS ON JUNE 14, 2022.

TP 1
0-45" FILL-DISTURBED
LOAM, ROCKS, BRICK

NO MOTTLING
NO WATER
LEDGE @ 45"

TP 2
0-16" DISTURBED SOIL & FILL
16-50" LIGHT TAN FINE SAND
W/GRAVEL & ROCKS

NO MOTTLING
NO WATER
LEDGE @ 50"

TP 3
0-10" TOPSOIL
10-28" LIGHT BROWN FINE SANDY LOAM
28-87" LIGHT TAN FINE SAND W/GRAVEL
COBBLES, LARGE STONES

NO MOTTLING
NO WATER
NO LEDGE

TP 4
0-11" TOPSOIL
11-34" LIGHT BROWN FINE SANDY LOAM
34-90" LIGHT TAN/GRAY FINE SAND W/
GRAVEL, SOME COBBLES

MOTTLING @ 64"
WATER @ 80"
NO LEDGE

TP 5
0-16" TOPSOIL
16-45" LIGHT BROWN SILT LOAM, SOME FINE SAND
45-94" TAN/GRAY FINE TO MED. SAND W/
GRAVEL,

MOTTLING @ 33"?
WATER @ 33"
NO LEDGE

TP 6
0-9" TOPSOIL
9-37" BROWN FINE TO VERY FINE SANDY LOAM
37-84" TAN/GRAY FINE TO MED. SAND W/
GRAVEL, FEW COBBLES

MOTTLING @ 46"
WATER @ 50"
NO LEDGE

TP 7
0-7" TOPSOIL
7-30" BROWN FINE TO MED. SANDY LOAM
30-77" TAN COARSE SAND W/GRAVEL
AND COBBLES

NO MOTTLING
NO WATER
NO LEDGE

TP 8
0-10" TOPSOIL
10-34" LIGHT BROWN FINE SANDY LOAM
34-64" ORANGE/TAN COARSE SAND
W/GRAVEL
64-95" TAN/GRAY FINE TO MED. SAND

MOTTLING @ 73"
WATER @ 83"
NO LEDGE

TP 9
0-15" TOPSOIL
15-31" BROWN FINE SANDY LOAM
31-96" TAN MED. TO COARSE SAND AND
GRAVEL, FEW COBBLES
NO MOTTLING
NO WATER
NO LEDGE

TP 10
0-11" TOPSOIL
11-23" BROWN FINE SANDY LOAM
23-84" TAN TO GRAY MED. TO COARSE SAND W/
GRAVEL AND COBBLES
NO MOTTLING
NO WATER
NO LEDGE

TP 11
0-11" TOPSOIL
11-34" BROWN FINE TO MED. SANDY LOAM
34-96" TAN TO GRAY MED. TO COARSE SAND W/
GRAVEL AND COBBLES
NO MOTTLING
NO WATER
NO LEDGE

TP 12
0-12" TOPSOIL
12-29" BROWN FINE TO MED. SANDY LOAM
29-95" BROWN TO TAN MED. TO COARSE SAND W/
GRAVEL, SOME COBBLES

NO MOTTLING
NO WATER
NO LEDGE

TP 13
0-13" TOPSOIL
13-25" BROWN FINE TO MED. SANDY LOAM
25-91" TAN TO BROWN MED. TO COARSE SAND AND
GRAVEL, SOME COBBLES

NO MOTTLING
NO WATER
NO LEDGE

TP 14
0-8" TOPSOIL
8-26" BROWN FINE TO MED. SANDY LOAM
26-91" TAN MED. TO FINE SAND/GRAVEL
AND COBBLES

NO MOTTLING
NO WATER
NO LEDGE

TP 15
0-10" TOPSOIL
10-39" BROWN FINE SANDY LOAM
39-99" TAN TO OLIVE MED. TO COARSE SAND/GRAVEL
AND COBBLES

NO MOTTLING
NO WATER
NO LEDGE

TP 16
0-11" TOPSOIL
11-37" BROWN FINE TO MED. SANDY LOAM
37-96" TAN TO GRAY MED. TO FINE SAND W/GRAVEL
AND COBBLES

NO MOTTLING
NO WATER
NO LEDGE

TP 17
0-11" TOPSOIL
11-37" BROWN FINE TO MED. SANDY LOAM
37-89" TAN TO GRAY MED. TO FINE SAND W/GRAVEL
AND COBBLES

NO MOTTLING
NO WATER
NO LEDGE

TP 18
0-9" TOPSOIL
9-29" YELLOW TO BROWN FINE SANDY LOAM
29-103" TAN TO OLIVE MED. TO COARSE SAND W/GRAVEL
AND COBBLES

NO MOTTLING
NO WATER
NO LEDGE

TP 19
0-14" TOPSOIL
14-36" BROWN FINE SANDY LOAM
W/SILT
36-84" TAN/GRAY COARSE SAND
W/GRAVEL

MOTTLING @ 40"
WATER @ 43"
NO LEDGE

TP 20
0-17" TOPSOIL
17-31" BROWN FINE SANDY LOAM
W/SILT
31-83" TAN/GRAY COARSE SAND
W/GRAVEL AND FEW COBBLES

MOTTLING @ 43"
WATER @ 46"
NO LEDGE

TP 21
0-17" SANDY FILL & DISTURBED
17-24" TOPSOIL
24-33" BROWN MED. SANDY LOAM
33-88" TAN/BROWN FINE MED. SAND
W/GRAVEL AND COBBLES

NO MOTTLING
NO WATER
NO LEDGE

TP 22
0-19" FILL
19-32" TOPSOIL
32-53" BROWN MED. SANDY LOAM
53-103" TAN TO BROWN MED. TO FINE
SAND W/GRAVEL AND COBBLES

NO MOTTLING
NO WATER
NO LEDGE

TP 23
0-17" SANDY FILL AND DISTURBED
17-24" TOPSOIL
24-33" BROWN MED. SANDY LOAM
33-88" TAN TO BROWN MED. SAND
W/GRAVEL AND COBBLES

NO MOTTLING
NO WATER
NO LEDGE

TP 24
0-8" TOPSOIL
8-46" BROWN FINE TO MED. SANDY LOAM,
SOME COBBLES
46-92" TAN TO GRAY COARSE SAND
W/GRAVEL AND COBBLES

MOTTLING @ 60"
WATER 64" UPHILL, 32" DOWNHILL
NO LEDGE

TP 25
0-10" TOPSOIL
10-29" BROWN FINE TO MED. SANDY LOAM,
SOME SILT
29-75" BROWN TO GRAY MED. TO COARSE
SAND W/GRAVEL AND COBBLES

MOTTLING @ 33"
WATER 33", 30" DOWNHILL
NO LEDGE

TP 26
0-7" TOPSOIL
7-36" YELLOW TO BROWN FINE TO MED.
SILTY LOAM W/TRACE FINE SAND
36-82" BROWN TO GRAY FINE TO MED.
SAND W/GRAVEL AND COBBLES, SOME SILT

MOTTLING @ 26"
WATER @ 26"
NO LEDGE

TP 27
0-11" TOPSOIL
11-24" BROWN FINE TO MED. SANDY LOAM
24-39" TAN FINE TO MED. SAND
39-87" TAN TO GRAY MED. TO FINE
SAND W/GRAVEL AND COBBLES

NO MOTTLING
NO WATER
NO LEDGE

TP 28
0-12" TOPSOIL
12-32" LIGHT BROWN FINE TO MED. SANDY LOAM
32-96" LIGHT TAN FINE TO MED. SAND W/
GRAVEL AND COBBLES STRATIFIED

NO MOTTLING
NO WATER
NO LEDGE

TP 29
0-12" TOPSOIL
12-32" BROWN FINE TO MED. SANDY LOAM
32-99" TAN TO GRAY MED. TO FINE SAND W/
GRAVEL AND COBBLES

NO MOTTLING
NO WATER
NO LEDGE

TP 30
0-12" TOPSOIL
12-34" BROWN FINE SANDY LOAM (DEPTH VARIES)
34-98" TAN TO MED. TO FINE SAND W/GRAVEL AND
GRAVEL, STRATIFIED

NO MOTTLING
NO WATER
NO LEDGE

TP 31
0-7" TOPSOIL
7-31" YELLOW TO BROWN FINE TO VERY FINE SANDY LOAM
31-100" TAN FINE TO MED. SAND W/GRAVEL
AND COBBLES

NO MOTTLING
NO WATER
NO LEDGE

TP 32
0-8" TOPSOIL
8-34" BROWN FINE SANDY LOAM
34-82" TAN TO GRAY MED. TO FINE SAND W/GRAVEL
AND COBBLES

NO MOTTLING
NO WATER
NO LEDGE

TP 33
0-10" TOPSOIL
10-34" BROWN FINE SANDY LOAM
34-75" TAN TO GRAY MED. TO FINE SAND W/GRAVEL
AND COBBLES

NO MOTTLING
NO WATER
NO LEDGE

TP 34
0-12" TOPSOIL
12-44" YELLOW TO BROWN FINE TO VERY FINE SANDY LOAM
44-89" TAN TO BROWN MED. SAND W/GRAVEL
AND COBBLES

NO MOTTLING
NO WATER
NO LEDGE

TP 35
0-9" TOPSOIL
9-21" BROWN FINE SANDY LOAM
21-47" TAN TO BROWN MED. SAND W/GRAVEL,
FEW COBBLES
47-110" TAN TO BROWN, MED. SAND W/GRAVEL,
FEW COBBLES

NO MOTTLING
NO WATER
NO LEDGE

TP 36
0-8" TOPSOIL
8-34" BROWN FINE SANDY LOAM
34-94" TAN TO GRAY MED. TO
FINE SAND W/GRAVEL
AND COBBLES

NO MOTTLING
NO WATER
NO LEDGE

TP 37
0-9" TOPSOIL
9-39" LIGHT BROWN TO TAN,
FINE TO VERY FINE, SANDY LOAM
39-100" LIGHT TAN FINE TO MED.
SAND W/GRAVEL AND COBBLES

NO MOTTLING
NO WATER
NO LEDGE

TP 38
0-8" TOPSOIL
8-34" BROWN FINE SANDY LOAM

34-90" TAN TO GRAY MED. TO FINE SAND
W/GRAVEL AND COBBLES

NO MOTTLING
NO WATER
NO LEDGE

TP 39
0-5" TOPSOIL
5-41" LIGHT BROWN FINE SANDY LOAM
41-83" TAN TO MED. SAND W/
GRAVEL AND COBBLES
83"-104" OLIVE TO BROWN FINE SAND,SOME GRAVEL

NO MOTTLING
NO WATER
NO LEDGE

TP 40
0-8" TOPSOIL
8-32" BROWN FINE TO MED. SANDY LOAM
32-58" TAN TO GRAY SILT WITH
PATCHY ORANGE REDOX INCONSISTENT AROUND
58-99" TAN TO GRAY MED. TO FINE SAND
NO MOTTLING W/GRAVEL AND COBBLES
NO WATER
NO LEDGE

TP 41
0-9" TOPSOIL
9-29" BROWN FINE TO MED. SANDY LOAM
29-52" TAN TO GRAY SILT FINE SAND,
STAINED
52-101" TAN TO GRAY, FINE TO MED. SAND
NO MOTTLING W/GRAVEL AND COBBLES
NO WATER
NO LEDGE

TP 42
0-5" TOPSOIL
5-14" LIGHT BROWN FINE TO VERY FINE SANDY LOAM
14-50" ORANGE TO GRAY SILT, STAINED
50-105" TAN TO BROWN FINE TO MED.
SAND W/GRAVEL AND COBBLES
NO MOTTLING
NO WATER
NO LEDGE

TP 43
0-8" TOPSOIL
8-33" BROWN FINE SANDY LOAM
33-45" TAN TO GRAY SILT INCONSISTENT
AROUND HOLE
45-83" TAN TO MED. TO FINE SAND W/GRAVEL
AND COBBLES

NO MOTTLING
NO WATER
NO LEDGE

TP 44
0-6" TOPSOIL
6-14" BROWN FINE TO MED. SANDY LOAM
14-42" TAN TO GRAY SILT INCONSISTENT AROUND HOLE
42-102" TAN TO GRAY MED. TO FINE
SAND W/GRAVEL AND COBBLES

NO MOTTLING
NO WATER
NO LEDGE

TP 45
0-13" TOPSOIL
13"-23 BROWN FINE TO VERY FINE SANDY LOAM
23-37" GRAY TO TAN VERY FINE SAND W/SILT
37-93" BROWN TO GRAY COARSE SAND W/
GRAVEL AND SOME COBBLES

MOTTLING @ 37"
NO WATER
NO LEDGE

TP 46
0-15" TOPSOIL
15-39" GRAY TO TAN VERY FINE SANDY W/SILT
39-51" GRAY FINE TO MED. SAND W/SILT & HEAVILY
MOTTLED THROUGHOUT
51-108" BROWN TO TAN COARSE SAND W/
GRAVEL AND SOME COBBLES
OLD FILTER FABRIC AND GRAVEL @ 20"
MOTTLING @ 39"
WATER @ 96"
NO LEDGE

TP 47
0-10" TOPSOIL
10-22" BROWN FINE TO MED. SANDY LOAM W/SILT
22-41" LIGHT BROWN TO ORANGE SILTY LOAM,
TRACE FINE SAND
41-98" BROWN TO GRAY COARSE SAND W/GRAVEL
AND SOME COBBLES

NO MOTTLING
WATER @ 96"
NO LEDGE

TP 48
0-10" TOPSOIL
10-28" BROWN FINE TO VERY FINE SANDY LOAM TO SILT
28-106" BROWN TO GRAY MED. TO COARSE SAND
W/GRAVEL AND COBBLES

NO MOTTLING
NO WATER-WET AT BOTTOM
NO LEDGE

TP 49
0-10" TOPSOIL
10-24" BROWN FINE TO VERY FINE SANDY LOAM
24-52" LIGHT YELLOW TO BROWN VERY
FINE SAND W/SILT
52-99" BROWN TO GRAY COARSE SAND WITH
GRAVEL, FEW COBBLES

POSSIBLE MOTTLING @ 52"
WATER @ 90"
NO LEDGE

TP 50
0-10" TOPSOIL
10-24" BROWN FINE TO VERY FINE SANDY LOAM
24-41" LIGHT YELLOW TO TAN VERY FINE SAND,
W/SILT
41-111" TAN TO BROWN COARSE SAND W/GRAVEL
AND SOME COBBLES

NO MOTTLING
WATER @ 106"
NO LEDGE

TP 51
0-10" TOPSOIL
10-20" LIGHT BROWN FINE TO VERY FINE
SANDY LOAM
20-42" LIGHT YELLOW TO BROWN VERY FINE
SAND W/TRACE SILT
42-101" BROWN TO TAN COARSE SAND WITH
GRAVEL, SOME COBBLES

NO MOTTLING
NO WATER
NO LEDGE

TP 52
0-13" TOPSOIL
13-38" BROWN FINE TO VERY FINE SANDY LOAM
38-90" BROWN TO TAN COARSE TO MED. SAND
WITH SOME GRAVEL AND COBBLES

NO MOTTLING
NO WATER
NO LEDGE

TP 53
0-13" TOPSOIL
13-32" BROWN FINE TO MED. SANDY LOAM
W/GRAVEL AND COBBLES
32-92" BROWN TO TAN COARSE TO
MED. SAND W/GRAVEL AND MANY COBBLES

NO MOTTLING
NO WATER
NO LEDGE

TP 54
0-11" TOPSOIL
11-32" BROWN FINE TO VERY FINE SANDY LOAM
32-95" BROWN TO TAN COARSE TO MED. SAND
W/GRAVEL AND SOME COBBLES

NO MOTTLING
NO WATER
NO LEDGE

TP 55
0-14" TOPSOIL
14-22" BROWN FINE TO VERY FINE SANDY LOAM
22-37" LIGHT BROWN FINE TO VERY FINE SAND W/SILT
37-110" TAN MED. SAND W/GRAVEL, FEW COBBLES

NO MOTTLING
NO WATER
NO LEDGE

TP 56
0-15" TOPSOIL
15-43" LIGHT BROWN SILT LOAM ,SOME FINE SAND
43-110" TAN MED. SAND SOME GRAVEL
FEW COBBLES

NO MOTTLING
NO WATER
NO LEDGE

TP 57
0-8" TOPSOIL
8-27" LIGHT BROWN FINE TO VERY FINE SANDY LOAM
27-104" TAN TO BROWN MED. TO COARSE SAND
W/GRAVEL, SOME COBBLES

NO MOTTLING
NO WATER
NO LEDGE

TP 58
0-12" TOPSOIL
12"-32" LIGHT BROWN FINE TO VERY FINE SANDY LOAM
32-98" TAN TO BROWN MED. TO COARSE
SAND WITH GRAVEL, SOME COBBLES

NO MOTTLING
NO WATER
NO LEDGE

TP 59
0-11" TOPSOIL
11-23" BROWN FINE TO VERY FINE SANDY LOAM
23-93" BROWN TO TAN COARSE TO MED. SAND
W/GRAVEL AND COBBLES

NO MOTTLING
NO WATER
NO LEDGE

TP 60
0-10" TOPSOIL
10-23" BROWN FINE TO VERY FINE SANDY LOAM
23-97" BROWN TO TAN COARSE TO MED.
SAND WITH GRAVEL AND COBBLES

NO MOTTLING
NO WATER
NO LEDGE

TP 61
0-8" TOPSOIL
8-28" BROWN VERY FINE SANDY LOAM
28-99" TAN TO BROWN COARSE SAND
W/GRAVEL AND COBBLES

NO MOTTLING
NO WATER
NO LEDGE

TP 62
0-9" TOPSOIL
9-24" LIGHT BROWN VERY FINE SANDY LOAM
24-96" BROWN TO TAN COARSE TO MED. SAND
W/GRAVEL AND COBBLES

NO MOTTLING
NO WATER
NO LEDGE

TP 63
0-8" TOPSOIL
8-26" BROWN FINE TO MED. SANDY LOAM
26-91" BROWN TO TAN COARSE TO MED. SAND,
W/GRAVEL AND COBBLES

NO MOTTLING
NO WATER
NO LEDGE

TP 64
0-10" TOPSOIL
10-31" BROWN FINE SANDY LOAM
31-91" BROWN TO TAN COARSE TO MED.
SAND W/SOME SILT GRAVEL AND COBBLES

NO MOTTLING
NO WATER
NO LEDGE

TP 65
0-13" TOPSOIL
13-30" LIGHT BROWN FINE TO VERY FINE SANDY LOAM
30-100" TAN TO BROWN COARSE SAND
WITH GRAVEL AND COBBLES

NO MOTTLING
NO WATER
NO LEDGE

TP 66
0-10" TOPSOIL
10-28" BROWN FINE SANDY LOAM
28-90" TAN TO GRAY MED. TO COARSE
SAND W/SOME GRAVEL

NO MOTTLING
NO WATER
NO LEDGE

TP 67
0-14" TOPSOIL
14-25" LIGHT BROWN FINE TO VERY FINE SANDY LOAM
25-108" TAN TO BROWN MED. TO COARSE SAND
W/GRAVEL AND COBBLES

NO MOTTLING
NO WATER
NO LEDGE

TP 68
0-11" TOPSOIL
11-29" BROWN FINE TO MED. SANDY LOAM
29-80" TAN TO GRAY MED. TO COARSE
SAND W/GRAVEL AND COBBLES

NO MOTTLING
NO WATER
NO LEDGE

TP 69
0-12" TOPSOIL
12-36" YELLOW TAN FINE TO VERY FINE SANDY LOAM
36-93" TAN TO BROWN MED. TO FINE SAND
W/GRAVEL, SOME COBBLES

NO MOTTLING
NO WATER
NO LEDGE

TP 70
0-14" TOPSOIL
14-36" BROWN FINE TO MED. SANDY LOAM
36-91" TAN MED. TO FINE SAND
W/GRAVEL AND COBBLES

NO MOTTLING
NO WATER
NO LEDGE

TP 71
0-8" TOPSOIL
8-36" BROWN FINE TO MED. SANDY LOAM
36-96" TAN TO GRAY MED. TO FINE
SAND W/ GRAVEL AND COBBLES

NO MOTTLING
NO WATER
NO LEDGE

TP 72
0-8" TOPSOIL
8-32" BROWN FINE TO MED. SANDY LOAM
32-91" TAN TO GRAY MED. TO FINE
SAND W/GRAVEL AND COBBLES

NO MOTTLING
NO WATER
NO LEDGE

TP 73
0-13" TOPSOIL
13-28" BROWN FINE SANDY LOAM
28-37" YELLOW TAN FINE TO VERY FINE
SANDY LOAM
37-90" TAN TO BROWN FINE TO MED. SAND
W/GRAVEL AND COBBLES

NO MOTTLING
NO WATER
NO LEDGE

TP 74
0-6" TOPSOIL
6-39" BROWN FINE SANDY LOAM
39-99" TAN TO BROWN FINE TO MED. SAND
W/GRAVEL AND COBBLES

NO MOTTLING
NO WATER
NO LEDGE

TP 75
0-10" TOPSOIL
10-29" LIGHT BROWN FINE SANDY LOAM
29-96" TAN TO OLIVE/BROWN FINE TO MED.
SAND W/GRAVEL AND COBBLES

NO MOTTLING
NO WATER
NO LEDGE

TP 76
0-10" TOPSOIL
10-34" LIGHT BROWN FINE SANDY LOAM
34-96" TAN TO OLIVE/BROWN FINE TO MED.
SAND W/GRAVEL AND COBBLES
STRATIFIED

NO MOTTLING
NO WATER
NO LEDGE

TP 77
0-11" TOPSOIL
11-36" BROWN FINE TO MED. SANDY LOAM
36-101" BROWN TO TAN MED. TO FINE
SAND WITH GRAVEL AND COBBLES

NO MOTTLING
NO WATER
NO LEDGE

TP 78
0-15" TOPSOIL
15-46" BROWN FINE TO MED. SANDY LOAM
46-106" BROWN TO TAN MED. FINE SAND
W/ SOME GRAVEL

NO MOTTLING
NO WATER
NO LEDGE

TP 79
0-11" TOPSOIL
11-38" BROWN FINE TO MED. SANDY LOAM
38-90" TAN TO GRAY MED. TO FINE
SAND WITH GRAVEL AND COBBLES

NO MOTTLING
NO WATER
NO LEDGE

TP 80
0-12" TOPSOIL
12-33" BROWN FINE TO MED. SANDY LOAM
33-95" TAN TO GRAY MED. TO FINE SAND
W/GRAVEL AND COBBLES

NO MOTTLING
NO WATER
NO LEDGE

TP 81
0-13" TOPSOIL
13-40" BROWN FINE TO MED. SANDY LOAM
40-96" TAN TO GRAY MED. SAND
W/GRAVEL AND COBBLES

NO MOTTLING
NO WATER
NO LEDGE

TP 82
0-9" SAND AND GRAVEL FILL
9-18" TOPSOIL
18-52" LIGHT BROWN FINE TO VERY FINE
SANDY LOAM, SOME SILT
52-101" TAN TO BROWN FINE TO MED.
SAND, SOME GRAVEL

NO MOTTLING
NO WATER
NO LEDGE

TP 83
0-9" TOPSOIL
9-31" BROWN FINE SANDY LOAM
31-104" TAN-BROWN COARSE SAND
WITH GRAVEL AND COBBLES

NO MOTTLING
NO WATER
LEDGE-NONE TO 104"

TP 84
0-11" TOPSOIL
11-38" BROWN FINE SANDY LOAM
TRACE SILT
38-92" TAN TO BROWN MED-COARSE
SAND W/GRAVEL AND COBBLES

NO MOTTLING
WATER @ 79"
LEDGE-NONE TO 92"

TP 85
0-12" TOPSOIL
12-33" BROWN FINE SANDY LOAM
30-98" TAN COARSE SAND
W/GRAVEL AND COBBLES

NO MOTTLING
NO WATER
LEDGE-NONE TO 98"

TP 86
0-8" TOPSOIL
8-30" BROWN FINE SANDY LOAM
30-89" TAN COARSE SAND
W/GRAVEL AND COBBLES

NO MOTTLING
NO WATER
LEDGE-NONE TO 89"

PLAN SHOWING
DEEP TEST PIT DATA
RESUBDIVISION
PROPERTY OF
AVERY BROOK HOMES LLC
94, 96, 98 AND 100
STODDARDS WHARF ROAD
A.K.A.
CONNECTICUT ROUTE 214
LEDYARD, CONNECTICUT
JULY 2022

PERCOLATION TESTS PERFORMED ON MAY 26 & 27, JUNE 3 AND JUNE 10, 2022 BY DIETER & GARDNER, INC. (JODY TERRY AND MATT EMILYTA)

LOT 1
27" DEEP

TIME	READING
8:59	2"
9:04	6 3/4"
9:09	9"
9:14	11"
9:19	12 1/2"
9:24	14"
9:29	15 1/2"
9:34	17"
9:39	18 1/4"
9:44	19 1/4"
9:49	20 1/4"

PERC RATE: 1"/5 MINS.

LOT 2
29" DEEP

TIME	READING
8:51	4"
8:56	10"
9:01	13 3/4"
9:06	16"
9:11	18"
9:16	20"
9:21	21"
9:26	22"
9:31	23"
9:36	24"
9:41	25"

PERC RATE: 1"/5 MINS.

LOT 3
30" DEEP

TIME	READING
9:00	2 1/2"
9:05	7 1/2"
9:10	11"
9:15	13 1/2"
9:20	16"
9:25	17 1/2"
9:30	19 1/2"
9:35	20 1/2"
9:40	21 1/2"
9:45	22 1/2"

PERC RATE: 1"/5 MINS.

LOT 4
26" DEEP

TIME	READING
9:02	2 1/4"
9:07	13 1/2"
9:12	19"
9:17	22 1/2"
9:22	24 1/2"
9:27	26"
9:32	DRY

PERC RATE: 1"/3.3 MINS.

LOT 5
26" DEEP

TIME	READING
9:55	2"
10:00	8 1/2"
10:05	13"
10:10	17"
10:15	19 1/2"
10:20	22"
10:25	24"
10:30	25"
10:35	26"
10:40	DRY

PERC RATE: 1"/ 5 MINS.

LOT 6
29" DEEP

TIME	READING
1:30	4"
1:35	20"
1:40	23"
1:45	24 1/2"
1:50	25 1/2"
1:55	26 1/2"
2:00	27 1/2"
2:05	28 1/2"
2:10	DRY

PERC RATE: 1"/5 MINS.

LOT 7
30" DEEP

TIME	READING
1:32	4"
1:37	13"
1:42	18"
1:47	20 1/2"
1:52	23"
1:57	24"
2:02	25"
2:07	25 3/4"
2:12	26 3/4"
2:17	27 3/4"

PERC RATE: 1"/5 MINS.

LOT 8
30" DEEP

TIME	READING
1:34	3"
1:39	9 1/2"
1:44	13"
1:49	15 1/2"
1:54	18"
1:59	20"
2:04	21 1/2"
2:09	23"
2:14	24 1/2"
2:19	26"

PERC RATE: 1"/3.3 MINS.

LOT 9
29" DEEP

TIME	READING
1:41	4"
1:46	10"
1:51	13"
1:56	15 1/2"
2:01	17 1/2"
2:06	19"
2:11	20 1/2"
2:16	22"
2:21	23 1/2"
2:26	25"
2:31	26 1/2"

PERC RATE: 1"/3.3 MINS.

LOT 10
27" DEEP

TIME	READING
9:13	4"
9:18	11 1/2"
9:23	16"
9:28	18"
9:33	20"
9:38	21 1/2"
9:43	22"
9:48	23 1/2"
9:53	24 1/2"
9:58	25 1/2"
10:03	DRY

PERC RATE: 1"/5 MINS.

LOT 11
27" DEEP

TIME	READING
9:10	4"
9:15	14 1/2"
9:20	17 1/2"
9:25	21"
9:30	22"
9:35	23"
9:40	24"
9:45	25"
9:50	26"
9:55	DRY

PERC RATE: 1"/5 MINS.

LOT 12
27" DEEP

TIME	READING
9:18	3"
9:23	7"
9:28	10"
9:33	11 3/4"
9:38	13"
9:43	14 1/4"
9:48	15 1/2"
9:53	16 1/2"
9:58	17 7/8"
10:03	19 1/2"

PERC RATE: 1"/3 MINS.

LOT 13
30" DEEP

TIME	READING
11:28	4"
11:33	10"
11:38	12 1/2"
11:43	14 1/2"
11:48	16 1/2"
11:53	17 1/4"
11:58	19"
12:03	20 1/2"
12:08	21 1/8"

PERC RATE: 1"/3 MINS.

LOT 14
32" DEEP

TIME	READING
11:24	3 1/2"
11:29	17 1/2"
11:34	21"
11:39	23 1/2"
11:44	25 1/2"
11:49	27 1/2"
11:54	29"
11:59	30 1/2"
12:04	DRY

PERC RATE: 1"/3.3 MINS.

LOT 15
30" DEEP

TIME	READING
10:41	9"
10:46	12 1/2"
10:51	15"
10:56	17"
11:01	19"
11:06	19 1/2"
11:11	20 1/2"
11:16	21 1/2"
11:21	22 1/2"
11:26	23 1/2"

PERC RATE: 1"/5 MINS.

LOT 16
30" DEEP

TIME	READING
10:39	7"
10:44	11"
10:49	15"
10:54	19 1/2"
10:59	20 1/2"
11:04	22"
11:09	23"
11:14	24"
11:19	25"
11:24	25 3/4"

PERC RATE: 1"/6.7 MINS.

LOT 17
28" DEEP

TIME	READING
10:45	3"
10:50	12"
10:55	14 1/4"
11:00	15 1/4"
11:05	17 1/4"
11:10	19 1/4"
11:15	21"
11:20	22 1/4"
11:25	23 1/4"
11:30	24 1/2"
11:35	25 3/4"

PERC RATE: 1"/4 MINS.

LOT 18
28" DEEP

TIME	READING
10:37	3"
10:42	6 3/4"
10:47	9 1/4"
10:52	12 1/2"
10:57	15"
11:02	17"
11:07	19"
11:12	20"
11:17	21"
11:22	22 1/8"
11:27	23 1/8"

PERC RATE: 1"/5 MINS.

LOT 19
27" DEEP

TIME	READING
8:48	2"
8:53	9"
8:58	14"
9:03	18"
9:08	20"
9:13	22"
9:18	23"
9:23	24"
9:28	25"
9:33	26"
9:38	DRY

PERC RATE: 1"/5 MINS.

LOT 20
30" DEEP

TIME	READING
8:41	4"
8:46	8 1/4"
8:51	10 1/4"
8:56	12 1/2"
9:01	15"
9:06	17"
9:11	18"
9:16	19"
9:21	20"
9:26	21"
9:31	22"

PERC RATE: 1"/5 MINS.

LOT 21
29" DEEP

TIME	READING
8:43	5"
8:48	10 3/4"
8:53	15"
8:58	17 1/2"
9:03	19 1/2"
9:08	21"
9:13	22"
9:18	23"
9:23	23 3/4"
9:28	24 1/2"
9:33	25 1/2"

PERC RATE: 1"/5 MINS.

LOT 22
26" DEEP

TIME	READING
8:40	5 1/2"
8:45	9 1/2"
8:50	11 1/2"
8:55	14"
9:00	15 1/2"
9:05	16 1/2"
9:10	17 3/4"
9:15	18 1/2"
9:20	19 1/2"
9:25	20 1/2"
9:30	21 1/2"

PERC RATE: 1"/5 MINS.

LOT 23
29" DEEP

TIME	READING
1:50	4 1/4"
1:55	11 7/8"
2:00	15 1/2"
2:05	18"
2:10	21"
2:15	23"
2:20	25"
2:25	27"
2:30	28 7/8"
2:35	DRY

PERC RATE: 1"/2.7 MINS.

LOT 24
30" DEEP

TIME	READING
1:30	2 1/2"
1:35	9 1/2"
1:40	13 1/2"
1:45	15"
1:50	17 1/2"
1:55	20"
2:00	21 1/2"
2:05	22 1/2"
2:10	23 1/2"
2:15	24 1/2"

PERC RATE: 1"/5 MINS.

LOT 25
28" DEEP

TIME	READING
10:42	3"
10:47	10"
10:52	14"
10:57	17"
11:02	19"
11:07	21"
11:12	23 1/2"
11:17	25"
11:22	26 1/2"

PERC RATE: 1"/3.3 MINS.

LOT 26
30" DEEP

TIME	READING
11:43	3 1/2"
11:48	8"
11:53	10"
10:58	13"
12:03	14 1/2"
12:08	16"
12:13	17"
12:18	18 1/2"
12:23	20"
12:28	21"

PERC RATE: 1"/5 MINS.

LOT 27
29" DEEP

TIME	READING
12:30	3"
12:35	12"
12:40	17 1/2"
12:45	20"
12:50	23"
12:55	25"
1:00	26 1/2"
1:05	28"
1:10	DRY

PERC RATE: 1"/3.3 MINS.

LOT 28
28" DEEP

TIME	READING
12:27	3"
12:32	7 1/2"
12:37	11 1/2"
12:42	14"
12:47	16"
12:52	18"
12:57	19"
1:02	20"
1:07	21"
1:12	22"

PERC RATE: 1"/5 MINS.

LOT 29
28" DEEP

TIME	READING
11:23	3"
11:28	11 3/4"
11:33	15"
11:38	18"
11:43	21 1/2"
11:48	24"
11:53	26"
11:58	DRY

PERC RATE: 1"/2.5 MINS.

LOT 30
29" DEEP

TIME	READING
11:45	3"
11:50	7 3/4"
11:55	11 1/2"
12:00	13 3/4"
12:05	16"
12:10	18"
12:15	20"
12:20	21"
12:25	22 1/4"
12:30	23 1/2"
12:35	25"

PERC RATE: 1"/4 MINS.

LOT 31
29" DEEP

TIME	READING
11:46	3"
11:51	6 1/2"
11:56	9"
12:01	12"
12:06	13 1/2"
12:11	14 1/2"
12:16	16"
12:21	17 1/2"
12:26	18 1/2"
12:31	19 1/2"
12:36	20 1/2"

PERC RATE: 1"/5 MINS.

LOT 32
28" DEEP

TIME	READING
10:15	3"
10:20	11 1/2"
10:25	16 1/2"
10:30	21"
10:35	24"
10:40	25 1/2"
10:45	27"
10:50	DRY

PERC RATE: 1"/3.3 MINS.

LOT 33
30" DEEP

TIME	READING
10:18	2 1/2"
10:23	12"
10:28	15 1/2"
10:33	19 1/2"
10:38	21"
10:43	22 1/2"
10:48	24"
10:53	25"
10:58	25 3/4"
11:03	26 3/4"

PERC RATE: 1"/6 MINS.

LOT 34
29" DEEP

TIME	READING
10:49	3"
10:54	11"
10:59	15"
11:04	18 1/2"
11:09	20 1/2"
11:14	22"
11:19	23 1/2"
11:24	25"
11:29	26 1/2"

PERC RATE: 1"/3.3 MINS.

LOT 35
30" DEEP

TIME	READING
1:27	2 1/2"
1:32	8 1/4"
1:37	13"
1:42	15 1/2"
1:47	18"
1:52	19 1/2"
1:57	21 1/2"
2:02	23"
2:07	24 1/2"
2:12	26"

PERC RATE: 1"/3.3 MINS.

LOT 36
28" DEEP

TIME	READING
1:38	5"
1:43	11"
1:48	13 1/2"
1:53	16"
1:58	18"
2:03	19"
2:08	20 1/8"
2:13	21 1/2"
2:18	22 1/2"
2:23	23 1/2"
2:28	24 1/2"

PERC RATE: 1"/5 MINS.

APPROVED BY THE LEDYARD PLANNING AND ZONING COMMISSION AS TO THE COMPLIANCE WITH THE REGULATIONS GOVERNING THE SUBDIVISION OF LAND.
ALL IMPROVEMENTS SHALL BE COMPLETED BY _____ DATE

_____ CHAIRMAN OR SECRETARY _____ DATE

EROSION AND SEDIMENT CONTROL PLAN CERTIFIED BY VOTE OF – THE LEDYARD PLANNING AND ZONING COMMISSION ON DATE

LOT NUMBERS ASSIGNED BY THE ASSESSOR

_____ ASSESSOR _____ DATE

IWWC APPLICATION# _____

_____ APPROVED, _____

_____ NO PERMIT NECESSARY. (NOT WITHIN A REGULATED AREA)

_____ NOT APPLICABLE AT THIS TIME. (WITHIN A REGULATED AREA; NO REGULATED ACTIVITY PROPOSED AT THIS TIME.)

_____ WETLANDS OFFICER _____ DATE

APPROVED BY THE DIRECTOR OF PUBLIC WORKS OR THE TOWN ENGINEER FOR PUBLIC WAY LAYOUT.

_____ PUBLIC WORKS DIRECTOR/TOWN ENGINEER _____ DATE

EROSION AND SEDIMENT CONTROL PLAN CERTIFIED BY VOTE OF THE LEDYARD PLANNING AND ZONING COMMISSION

_____ CHAIRMAN OR SECRETARY OF THE LEDYARD PLANNING AND ZONING COMMISSION DATE

APPROVED BY THE ZONING ENFORCEMENT OFFICER OF THE LEDYARD PLANNING COMMISSION

_____ ZONING ENFORCEMENT OFFICER _____ DATE

© THIS DRAWING IS THE PROPERTY OF THE LAND SURVEYOR. THIS PLAN AND REPRODUCTIONS, ADDITIONS OR REVISIONS OF THIS PLAN ARE NOT VALID WITHOUT THE EMBOSSED SEAL AND SIGNATURE OF THE LAND SURVEYOR WHO PREPARED THIS PLAN.
JOB#22-007.DWG FBK#327

DIETER & GARDNER
LAND SURVEYORS • PLANNERS
1641 CONNECTICUT ROUTE 12
P.O. BOX 335
GALES FERRY, CT. 06335
(860) 464-7455
EMAIL: DIETER.GARDNER@YAHOO.COM

SANITARY DESIGN CRITERIA

A. ALL PRIMARY AND SEPTIC SYSTEM DESIGNS ARE LAYED OUT FOR THREE-BEDROOM HOMES.
NO TUBS OVER 100 GALLONS IN SIZE OR GARBAGE DISPOSAL INTO SEPTIC SYSTEM PLANNED.

B. THREE BEDROOM HOMES AT A PERC RATE OF 10.0 MIN/INCH OR LESS REQUIRES 495 S.F. OF EFFECTIVE LEACHING AREA.

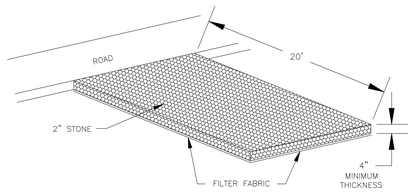
C. GST 6236 LEACHING SYSTEM SELECTED FOR LEACHING SYSTEM DESIGN. LOTS 2 & 3 WILL BE 45' MANTIS 536-8. CREDIT PER L.F. IS 26.2 S.F.
MINIMUM REQUIRED AREA IS 495 S.F./ 26.2 S.F./L.F. = 18.9' UNLESS MLSS GOVERNS.

HF = HYDRAULIC FACTOR BASED ON GRADIENT AND DEPTH TO RESTRICTION
FF = FLOW FACTOR, 1.5 FOR THREE BEDROOM HOME DESIGN
PF = PERC FACTOR, 1.0 PERCOLATION RATE UP TO 10.0 MIN/INCH.

	MLSS TABLE							
LOT NUMBER	DESIGN PITS	GRADIENT	RESTRICTION	HF	FF	PF	MLSS	SYSTEM
1	3 & 4	*	*	*	1.5	1.0		20 L.F. GST 6236
2	5 & 6	8.1 TO 10.0%	30.1-36.0"	24	1.5	1.0	36	45' MANTIS 536-8
3	19 & 20	3.1 TO 4.0%	36.1-42.0"	26	1.5	1.0	42	45' MANTIS 536-8
4	7 & 8				1.5	1.0		20 L.F. GST 6236
5	9 & 10				1.5	1.0		20 L.F. GST 6236
6	11 & 12				1.5	1.0		20 L.F. GST 6236
7	13 & 14				1.5	1.0		20 L.F. GST 6236
8	15 & 16				1.5	1.0		20 L.F. GST 6236
9	17 & 18				1.5	1.0		20 L.F. GST 6236
10	21 & 22				1.5	1.0		20 L.F. GST 6236
11	85 & 86				1.5	1.0		20 L.F. GST 6236
12	83 & 84				1.5	1.0		20 L.F. GST 6236
13	27 & 28				1.5	1.0		20 L.F. GST 6236
14	29 & 30				1.5	1.0		20 L.F. GST 6236
15	31 & 32				1.5	1.0		20 L.F. GST 6236
16	33 & 34				1.5	1.0		20 L.F. GST 6236
17	35 & 36				1.5	1.0		20 L.F. GST 6236
18	37 & 38				1.5	1.0		20 L.F. GST 6236
19	81 & 82				1.5	1.0		20 L.F. GST 6236
20	39 & 40				1.5	1.0		20 L.F. GST 6236
21	41 & 42				1.5	1.0		20 L.F. GST 6236
22	43 & 44				1.5	1.0		20 L.F. GST 6236
23	51 & 52				1.5	1.0		20 L.F. GST 6236
24	53 & 54				1.5	1.0		20 L.F. GST 6236
25	59 & 60				1.5	1.0		20 L.F. GST 6236
26	64 & 66				1.5	1.0		20 L.F. GST 6236
27	71 & 72				1.5	1.0		20 L.F. GST 6236
28	73 & 74				1.5	1.0		20 L.F. GST 6236
29	77 & 78				1.5	1.0		20 L.F. GST 6236
30	76 & 79				1.5	1.0		20 L.F. GST 6236
31	69 & 75				1.5	1.0		20 L.F. GST 6236
32	67 & 68				1.5	1.0		20 L.F. GST 6236
33	61 & 62				1.5	1.0		20 L.F. GST 6236
34	57 & 58				1.5	1.0		20 L.F. GST 6236
35	50 & 55				1.5	1.0		20 L.F. GST 6236
36	47 & 48				1.5	1.0		20 L.F. GST 6236

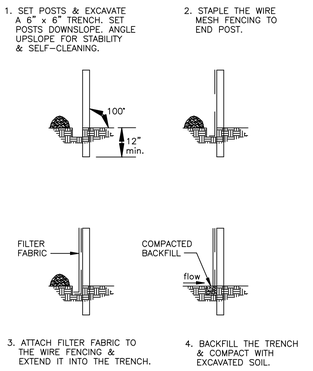
NOTE: THE MLSS CRITERIA DOES NOT APPLY TO PITS NOTED BY *

PLAN SHOWING
PERCOLATION TEST DATA,
SEPTIC SYSTEM DESIGN CRITERIA
AND
MINIMUM LEACHING SYSTEM SPREAD
RESUBDIVISION
PROPERTY OF
AVERY BROOK HOMES LLC
94, 96, 98 AND 100
STODDARDS WHARF ROAD
A.K.A.
CONNECTICUT ROUTE 214
LEDYARD, CONNECTICUT
JULY 2022



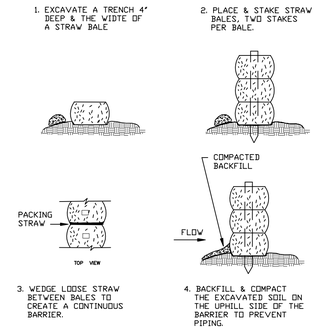
TEMPORARY CONSTRUCTION ENTRANCE

NOT TO SCALE



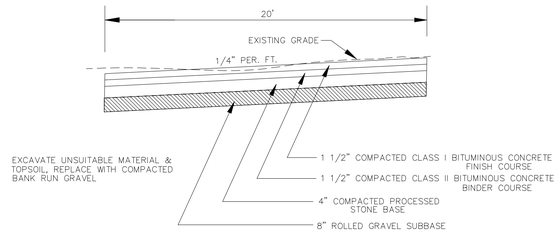
FILTER FABRIC SEDIMENT BARRIER

NOT TO SCALE



CONSTRUCTION OF A STRAW BALE BARRIER

NOT TO SCALE



AVERY BROOK CIRCLE CROSS-SECTION

NOT TO SCALE

EROSION AND SEDIMENTATION CONTROL PLAN

THIS PLAN HAS BEEN DEVELOPED TO MINIMIZE EROSION AND SEDIMENTATION AND REDUCE THE IMPACT OF STORM WATER RUNOFF DURING CONSTRUCTION USING ENGINEERING PRINCIPALS DETAILED IN THE CONNECTICUT GUIDELINES FOR SOIL AND EROSION AND SEDIMENT CONTROL.

THE ACCOMPANYING PLANS PROVIDE THE FOLLOWING INFORMATION FOR THE IMPLEMENTATION OF THIS PLAN:

— LOCATION OF SEDIMENT CONTROL BARRIERS

— FINISHED GRADES TO BE ACHIEVED

— CONSTRUCTION SEQUENCE AND DETAILS

THIS PROJECT IS FOR THE DEVELOPMENT OF 36 LOT RESIDENTIAL SUBDIVISION.
THERE ARE INLAND WETLANDS ON THIS PROPERTY.

OWNER AT TIME OF CONSTRUCTION WILL SERVE AS CONTACT PERSON FOR IMPLEMENTING EROSION AND SEDIMENT CONTROL MEASURES ON THIS PLAN.

EROSION CONTROL NOT REQUIRED FOR AVERY BROOK CIRCLE.

CONSTRUCTION SEQUENCE: HOMES

1. STAKEOUT LIMITS OF CONSTRUCTION FOR THE DRIVEWAYS, HOMES AND SEPTIC SYSTEMS.
2. INSTALL SEDIMENTATION CONTROL BARRIERS AS SHOWN ON THE PLAN.
3. REMOVE EXISTING VEGETATION AND TOPSOIL WITHIN THE LIMITS OF CONSTRUCTION. STOCKPILE TOPSOIL AS SHOWN ON THE PLAN.
4. ROUGH GRADE THE DRIVEWAY AND HOUSE AREA.
5. INSTALL/CONNECT UTILITIES
6. FOLLOWING CONSTRUCTION OF THE HOME, FINISH GRADE ALL DISTURBED AREAS.
7. LOAM AND SEED ALL DISTURBED AREAS.

MAINTENANCE:

INSPECT SEDIMENT BARRIERS AFTER EACH STORM EVENT AND REPAIR OR REPLACE AS NECESSARY. CLEAN OUT OF ACCUMULATED SEDIMENT IS NECESSARY IF 1/2 OF THE ORIGINAL HEIGHT OF THE BARRIER BECOMES FILLED IN WITH SEDIMENT.

GENERAL NOTES:

1. MAINTAIN ALL SEDIMENT AND EROSION CONTROL FACILITIES UNTIL ALL AREAS HAVE BEEN STABILIZED.
2. LIMITS OF DISTURBANCE AND EROSION AND SEDIMENT CONTROL MEASURES ARE TO BE CONSIDERED AS TYPICAL MINIMUM STANDARDS. THE GENERAL CONTRACTOR WILL BE RESPONSIBLE FOR INSTALLING AND MAINTENANCE OF EROSION AND SEDIMENT CONTROL AND FOR IMPLEMENTING ADDITIONAL MEASURES AS SITE CONDITIONS WARRANT.
3. SLOPES IN HIGH MAINTENANCE AREAS SHALL NOT EXCEED 3:1 (H:V).
4. NO DRIVEWAY SHALL BE GREATER THAN 15% SLOPE AT ANY POINT. ANY DRIVEWAY HAVING A GRADE OF 8% OR MORE, BUT NOT EXCEEDING 15%, SHALL BE PAVED FOR THAT PORTION OF DRIVEWAY THAT EXCEEDS 8%.
5. CONSTRUCTION EXPECTED TO BEGIN IN THE FALL OF 2022.

TEMPORARY SEEDING

USE A TEMPORARY VEGETATION COVER OF ANNUAL RYE GRASS AT A RATE OF 1.0 lbs./ 1000 S.F. APPLY 10-10-10 FERTILIZER, OR EQUIVALENT, AT A RATE OF 7.5 lbs./1000 S.F. AND LIMESTONE AT A RATE OF 90 lbs./1000 S.F. APPLY STRAW OR HAY MULCH AT A RATE OF 70 lbs./1000 S.F.

PERMANENT SEEDING

SEED BED PREPARATION: FINE GRADE AND RAKE SOIL SURFACE TO REMOVE STONES LARGER THAN 2" IN DIAMETER. APPLY LIMESTONE AT A RATE OF 90 lbs./1000 S.F. FERTILIZE WITH 10-10-10, OR EQUIVALENT, AT A RATE OF 7.5 lbs./1000 S.F. WORK LIMESTONE AND FERTILIZER INTO SOIL UNIFORMLY TO A DEPTH OF 4" WITH A HARROW OR EQUIVALENT. SEED APPLICATION: APPLY LAWN SEED BY HAND, CYCLONE SEEDER OR HYDROSEEDER. LIGHTLY DRAG OR ROLL THE SEED SURFACE TO COVER SEED. SEEDING SHOULD BE DONE BETWEEN APRIL 15 AND JUNE 15 OR BETWEEN AUGUST 15 AND SEPTEMBER 30.IF SEEDING CANNOT BE DONE DURING THESE TIMES, REPEAT MULCHING PROCEDURE BELOW UNTIL SEEDING CAN TAKE PLACE. NOTE: IF HYDROSEEDER IS USED, INCREASE SEED MIXTURE BY 10% MULCHING: IMMEDIATELY FOLLOWING SEEDING, MULCH THE SEEDED SURFACE WITH STRAW OR HAY AT A RATE OF 70 lbs./1000 S.F. SPREAD MULCH BY HAND OR MULCH BLOWER. PUNCH MULCH INTO SOIL SURFACE WITH TRACK MACHINE OR DISK HARROW.

CONSTRUCTION SEQUENCE: AVERY BROOK CIRCLE

1) STAKEOUT OFFSETS AND GRADE STAKES AT 50 FOOT STATIONS
2) REMOVE/DISPOSE OF ANY STUMPS/TREE DEBRIS.
3) STRIP/STOCKPILE TOPSOIL – LOCATION OF STOCKPILES TO BE DETERMINED. INSTALL EROSION CONTROL AT STOCKPILES.
4) EXCAVATE TO SUBGRADE, INSTALL 8" SUBBASE; 4" BASE AND BITUMINOUS CONCRETE.
5) INSTALL/GRADE/SEED TOPSOIL SHOULDERS OF AVERY BROOK CIRCLE.

APPROVED BY THE LEDYARD PLANNING AND ZONING COMMISSION AS TO THE COMPLIANCE WITH THE REGULATIONS GOVERNING THE SUBDIVISION OF LAND.
ALL IMPROVEMENTS SHALL BE COMPLETED BY _____ DATE

_____ CHAIRMAN OR SECRETARY _____ DATE

EROSION AND SEDIMENT CONTROL PLAN CERTIFIED BY VOTE OF – THE LEDYARD PLANNING AND ZONING COMMISSION ON DATE

LOT NUMBERS ASSIGNED BY THE ASSESSOR

_____ ASSESSOR _____ DATE

IWWC APPLICATION# _____

_____ APPROVED, _____

_____ NO PERMIT NECESSARY. (NOT WITHIN A REGULATED AREA)

_____ NOT APPLICABLE AT THIS TIME. (WITHIN A REGULATED AREA; NO REGULATED ACTIVITY PROPOSED AT THIS TIME.)

_____ WETLANDS OFFICER _____ DATE

APPROVED BY THE DIRECTOR OF PUBLIC WORKS OR THE TOWN ENGINEER FOR PUBLIC WAY LAYOUT.

_____ PUBLIC WORKS DIRECTOR/TOWN ENGINEER _____ DATE

EROSION AND SEDIMENT CONTROL PLAN CERTIFIED BY VOTE OF THE LEDYARD PLANNING AND ZONING COMMISSION

_____ CHAIRMAN OR SECRETARY OF THE LEDYARD PLANNING AND ZONING COMMISSION DATE

APPROVED BY THE ZONING ENFORCEMENT OFFICER OF THE LEDYARD PLANNING COMMISSION

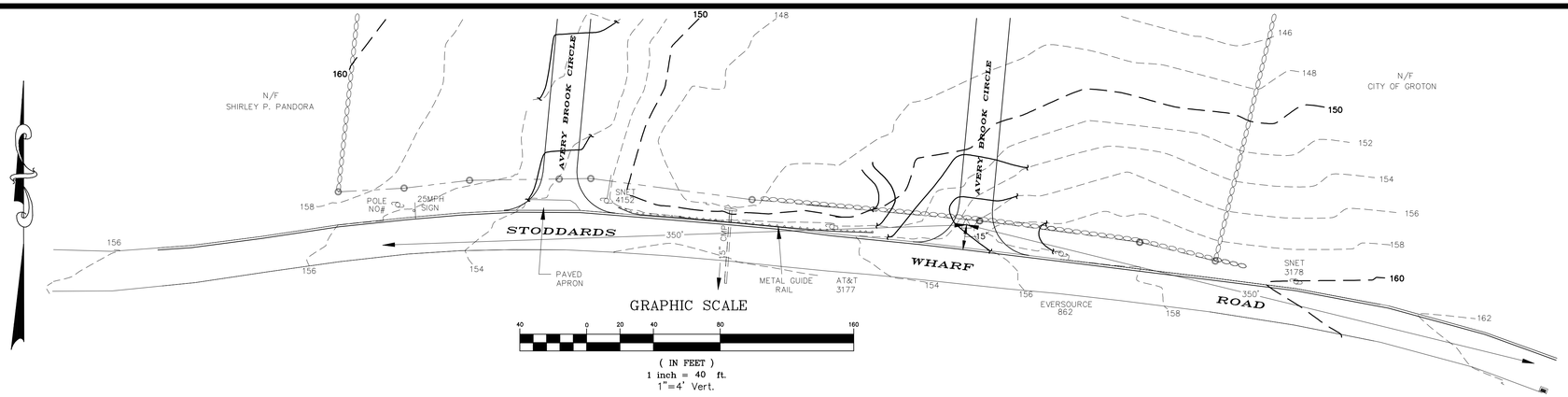
_____ ZONING ENFORCEMENT OFFICER _____ DATE

© THIS DRAWING IS THE PROPERTY OF THE LAND SURVEYOR. THIS PLAN AND REPRODUCTIONS, ADDITIONS OR REVISIONS OF THIS PLAN ARE NOT VALID WITHOUT THE EMBOSSED SEAL AND SIGNATURE OF THE LAND SURVEYOR WHO PREPARED THIS PLAN.
JOB#22-007.DWG FBK#327

DIETER & GARDNER
LAND SURVEYORS • PLANNERS
1641 CONNECTICUT ROUTE 12
P.O. BOX 335
GALES FERRY, CT. 06335
(860) 464-7455
EMAIL: DIETER.GARDNER@YAHOO.COM

PLAN SHOWING
EROSION AND SEDIMENT CONTROL
NARRATIVE AND DETAILS
RESUBDIVISION
PROPERTY OF
AVERY BROOK HOMES LLC
94, 96, 98 AND 100
STODDARDS WHARF ROAD
A.K.A.
CONNECTICUT ROUTE 214
LEDYARD, CONNECTICUT
JULY 2022

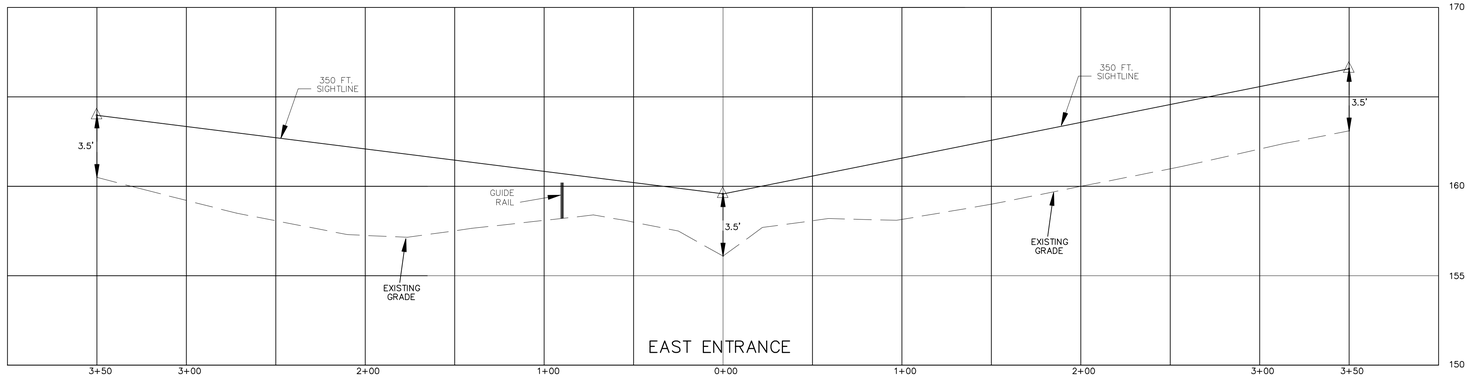
DIETER & GARDNER
LAND SURVEYORS • PLANNERS
P.O. BOX 335
1641 CONNECTICUT ROUTE 12
GALES FERRY, CT. 06335
(860) 464-7455
EMAIL: DIETER.GARDNER@YAHOO.COM



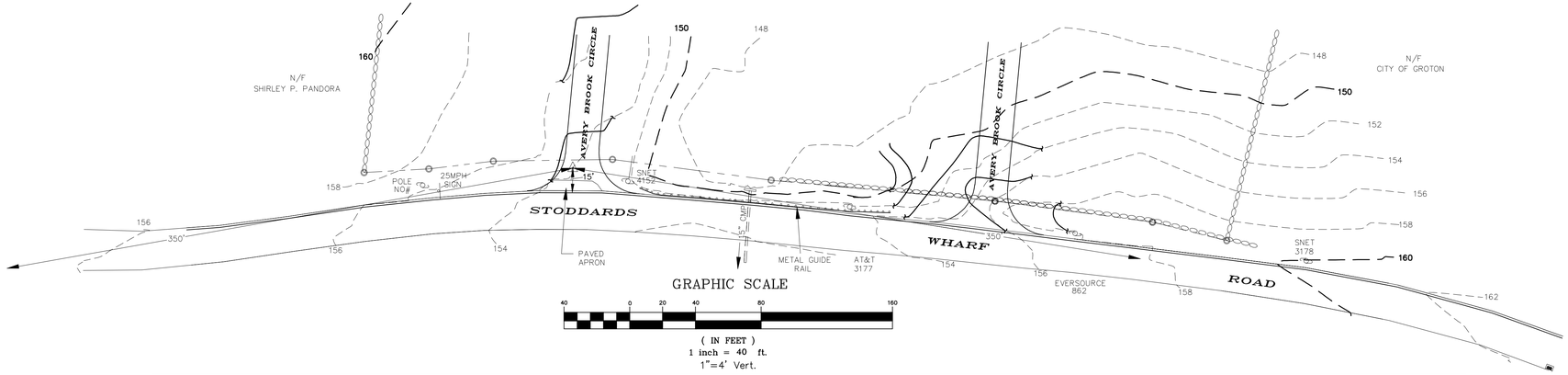
GRAPHIC SCALE

40 0 20 40 80 160

(IN FEET)
1 inch = 40 ft.
1"=4' Vert.



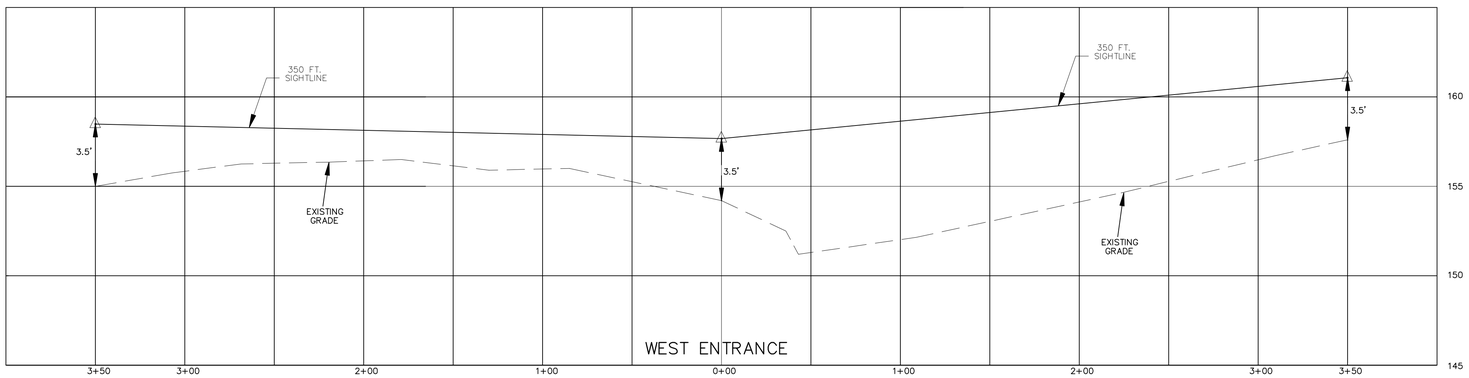
EAST ENTRANCE



GRAPHIC SCALE

40 0 20 40 80 160

(IN FEET)
1 inch = 40 ft.
1"=4' Vert.



WEST ENTRANCE

LEGEND

- STONE WALL
- PROPERTY LINE
- STREET LINE
- EXISTING CONTOUR
- PROPOSED CONTOUR
- UTILITY POLE

© THIS DRAWING IS THE PROPERTY OF THE LAND SURVEYOR. THIS PLAN AND REPRODUCTIONS, ADDITIONS OR REVISIONS OF THIS PLAN ARE NOT VALID WITHOUT THE EMBOSSED SEAL AND SIGNATURE OF THE LAND SURVEYOR WHO PREPARED THIS PLAN.
JOB#22-007.DWG FBK#327

SIGHTLINE DEMONSTRATION PLAN PROPERTY OF AVERY BROOK HOMES LLC STODDARDS WHARF ROAD LEDYARD, CONNECTICUT

SCALE: 1"=40' HORIZ.
1"=4' VERT.
JULY 2022



Traffic Impact Study

94, 96, 98, and 100 Stoddards Wharf Road

Ledyard, Connecticut

Prepared for:

Avery Brook Homes LLC



Prepared by:

KWH Enterprise, LLC

August 2022

Traffic Impact Study
94, 96, 98, and 100 Stoddards Wharf Road
Ledyard, Connecticut

This study examines the traffic impact of 36 proposed single-family houses on Stoddards Wharf Road in Ledyard, Connecticut. Levels of Service (LOS) for traffic flows under 2025 build traffic conditions were analyzed to identify any deficiencies in existing and future traffic operations at area intersections. For the purpose of this traffic study, 2025 was assumed to be the year during which the houses are built and occupied.

I. Summary

- The 36 proposed single-family houses are estimated to generate 25 and 34 vehicular trips during the respective weekday morning and afternoon peak hours.

- Traffic movements at two site driveway intersections on Stoddards Wharf Road will operate at favorable LOS A or B during the peak hours when the houses are occupied. The traffic impact of the development will be negligible and will be adequately and safely accommodated by area roadways.

II. Project Description

The development site is located north of Stoddards Wharf Road and east of the Whalehead Road intersection in Ledyard, Connecticut. 36 single-family houses are proposed. Two site driveways will be provided on Stoddards Wharf Road.

III. Existing Traffic Conditions

To evaluate the quality of traffic operation in the vicinity of the site, the following intersections were analyzed for the study:

- Stoddards Wharf Road and western site driveway; and
- Stoddards Wharf Road and eastern site driveway.

2022 peak-hour traffic volumes were generated based on pre-pandemic counts on Stoddards Wharf Road collected by CTDOT in 2017 and an annual traffic growth rate of 0.6 percent between 2017 and 2022. Because the two site driveways are not existing, no traffic analysis was performed for the 2022 existing traffic conditions.

IV. Future Traffic Conditions

For the purpose of this traffic impact study, it was assumed that the residential houses will be built and occupied in 2025.

Figures 1 and 2 show the 2025 build traffic volumes, which were generated by using an annual background traffic growth rate of 0.6 percent between 2022 and 2025 and by

including the site trips discussed as follows. The 0.6 percent annual growth rate was recommended by CTDOT.

Trip Generation

Peak-hour vehicular trips generated by the houses in Table 1 were estimated based on data from ITE (Institute of Transportation Engineers) *Trip Generation Manual, 11th Edition*. The development is expected to generate 25 and 34 vehicular trips during the respective weekday morning and weekday afternoon peak hours.

Table 1 Trip Generation (vph)

ITE LU 210, Single-Family Detached Housing (36 Units)			
	Entry	**Exit**	**Entry & Exit**
Weekday AM peak hour of adjacent street	7	18	25
Weekday PM peak hour of adjacent street	21	13	34

vph Vehicles per hour

Table 2 depicts the distribution of the site-generated trips along area routes. The distribution takes into account the relative traffic volumes of area roadways and the development patterns in this part of Ledyard.

Table 2 Trip Distribution

To / From Route	**Entry/Exit**
East: Route 214	40%
West: Route 214	60%
Total	100%

Capacity Analysis

To assess the quality of traffic flow, intersection capacity analysis was conducted for the future build traffic conditions. Capacity analysis provides an indication of how well roadway facilities serve the traffic demands placed upon them. Synchro 10, a software package that includes the evaluation criteria of the *Highway Capacity Manual, 6th Edition*, was used to analyze the intersections.

Level of service (LOS) is the term used to describe the different operating conditions that occur on a given roadway segment or intersection under various traffic conditions. It is a qualitative measure of the effects of a number of factors including roadway geometry, speed, travel delay, freedom to maneuver, and safety. Six levels of service can be defined for each type of facility. Each level of service (LOS) is given a letter designation from A to F, with LOS A representing the best operating conditions and LOS F representing the worst.

Table 3 that follows shows the capacity analysis results for the analyzed intersections under the 2025 build traffic conditions. All traffic movements at the two site driveway intersections will operate at favorable LOS A or B during the weekday peak hours.

The vehicular trips of the development will be adequately accommodated by Stoddards Wharf Road. The traffic impact of the development on area roadways will be negligible.

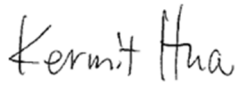
Table 3 Capacity Analyses for Build Conditions

Intersection	2025 Build Conditions			
	Weekday Morning Peak Hour of Adjacent Streets		Weekday Afternoon Peak Hour of Adjacent Streets	
	Delay (sec)	LOS	Delay (sec)	LOS
Stoddards Wharf Road and Site Driveway (W) (Unsignalized)				
EB Stoddards Wharf Road Left Turn	7.8	A	7.7	A
EB Stoddards Wharf Road Through	0.0	A	0.0	A
SB Site Driveway (W)	10.6	B	10.4	B
Stoddards Wharf Road and Site Driveway (E) (Unsignalized)				
EB Stoddards Wharf Road Left Turn	7.8	A	7.7	A
EB Stoddards Wharf Road Through	0.0	A	0.0	A
SB Site Driveway (E)	10.8	B	10.6	B

EB Eastbound
WB Westbound
NB Northbound
SB Southbound
LOS Level of Service

V. Conclusions

Area traffic operation was analyzed for the development of 36 houses under 2025 build traffic conditions. The traffic impact of the development will be negligible and will be adequately and safely accommodated by area roadways.



Kermit Hua, PE, PTOE
Principal
KWH Enterprise, LLC
(203) 606-3525
kermit.hua@kwhenterprise.com

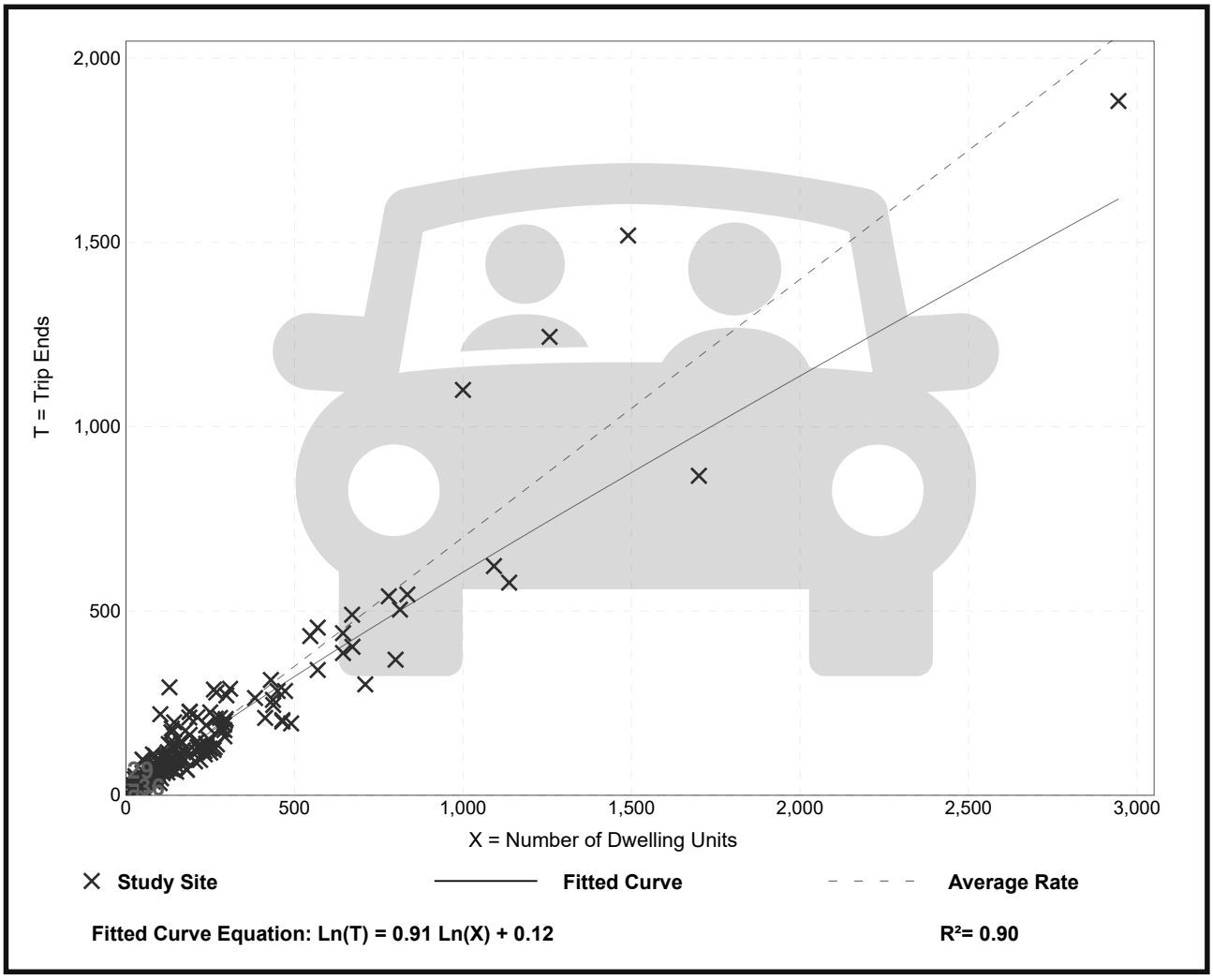
Single-Family Detached Housing
(210)

Vehicle Trip Ends vs: **Dwelling Units**
On a: **Weekday,**
Peak Hour of Adjacent Street Traffic,
One Hour Between 7 and 9 a.m.
Setting/Location: **General Urban/Suburban**
Number of Studies: 192
Avg. Num. of Dwelling Units: 226
Directional Distribution: 26% entering, 74% exiting

Vehicle Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
0.70	0.27 - 2.27	0.24

Data Plot and Equation



Trip Gen Manual, 11th Edition ● Institute of Transportation Engineers

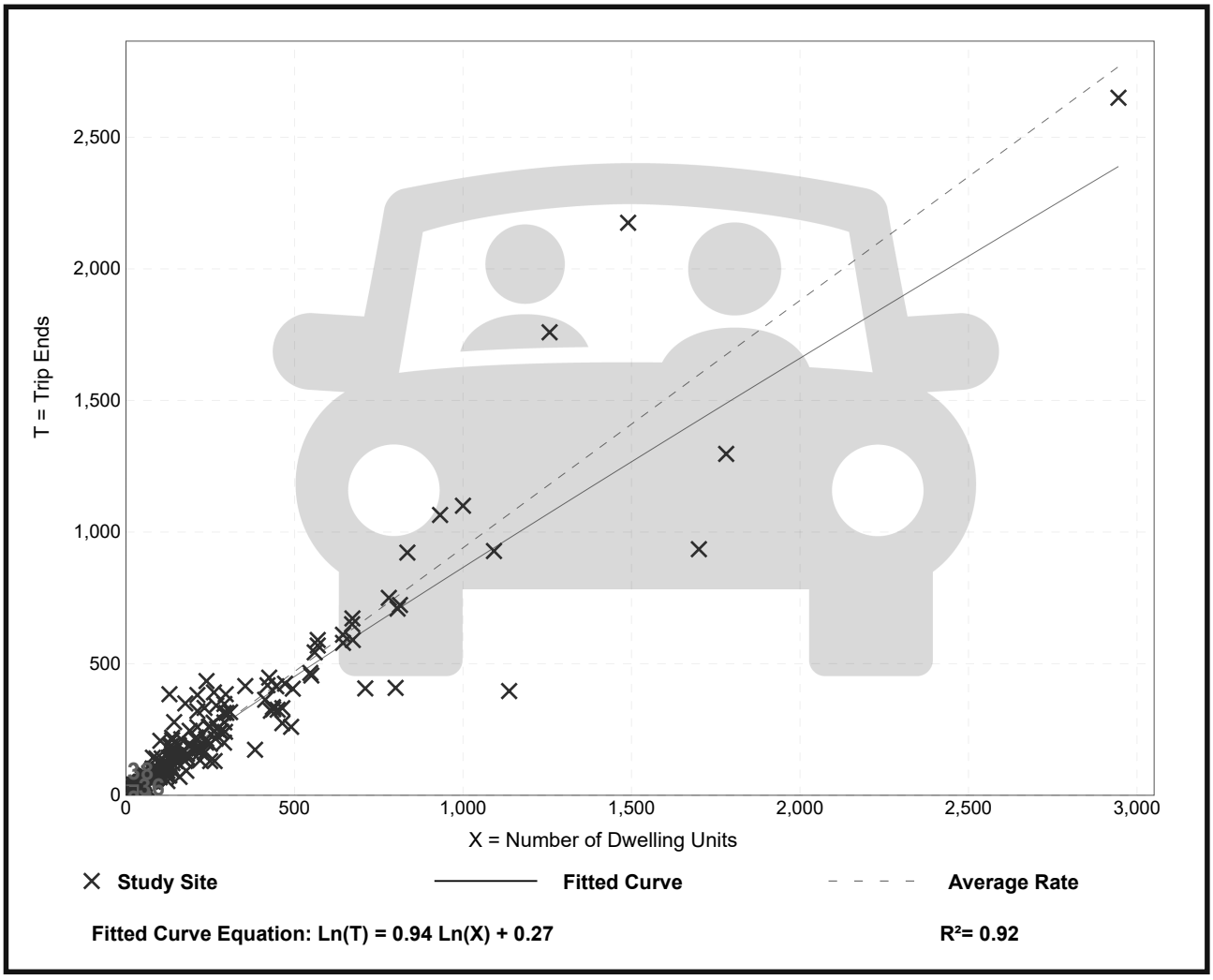
Single-Family Detached Housing
(210)

Vehicle Trip Ends vs: **Dwelling Units**
On a: **Weekday,**
Peak Hour of Adjacent Street Traffic,
One Hour Between 4 and 6 p.m.
Setting/Location: **General Urban/Suburban**
Number of Studies: 208
Avg. Num. of Dwelling Units: 248
Directional Distribution: 63% entering, 37% exiting

Vehicle Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
0.94	0.35 - 2.98	0.31

Data Plot and Equation



Trip Gen Manual, 11th Edition ● Institute of Transportation Engineers

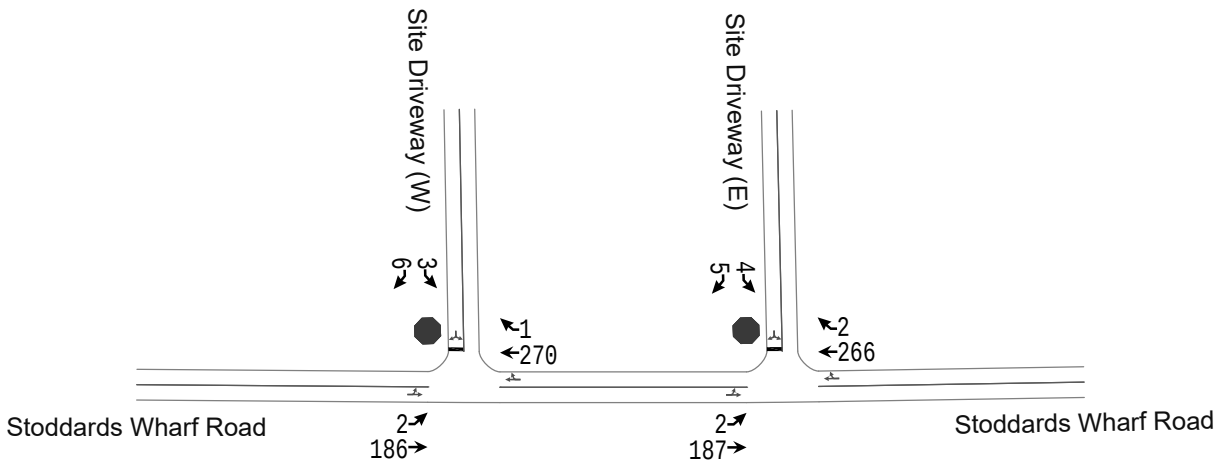


Figure 1 2025 Traffic Volumes for Build Conditions, Weekday Morning Peak Hour

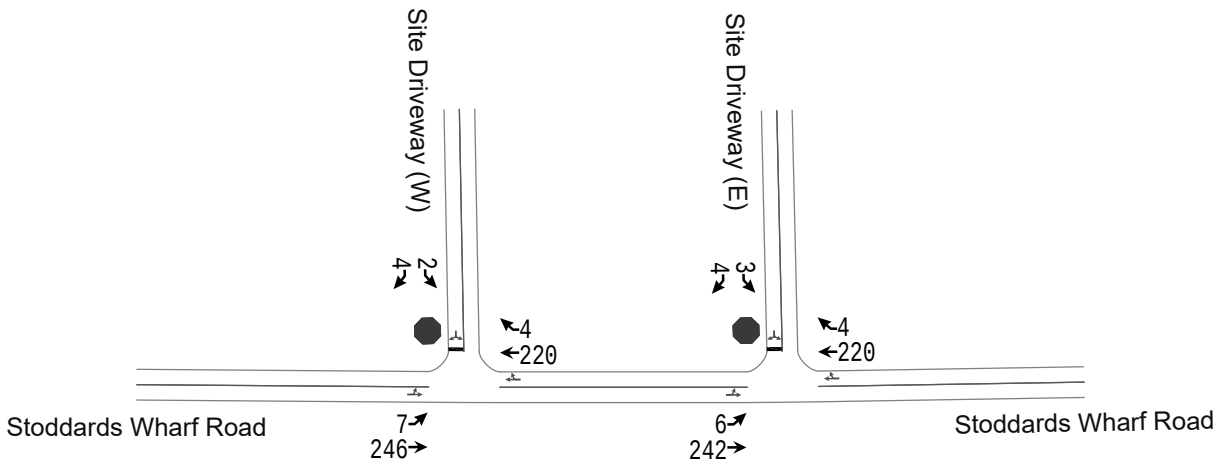


Figure 2 2025 Traffic Volumes for Build Conditions, Weekday Afternoon Peak Hour

Intersection	
Int Delay, s/veh	0.2

Movement	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations						
Traffic Vol, veh/h	2	186	270	1	3	6
Future Vol, veh/h	2	186	270	1	3	6
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	-	-	-	-	0	-
Veh in Median Storage, #	-	0	0	-	0	-
Grade, %	-	0	0	-	0	-
Peak Hour Factor	92	92	92	92	92	92
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	2	202	293	1	3	7

Major/Minor	Major1		Major2		Minor2	
Conflicting Flow All	294	0	-	0	500	294
Stage 1	-	-	-	-	294	-
Stage 2	-	-	-	-	206	-
Critical Hdwy	4.12	-	-	-	6.42	6.22
Critical Hdwy Stg 1	-	-	-	-	5.42	-
Critical Hdwy Stg 2	-	-	-	-	5.42	-
Follow-up Hdwy	2.218	-	-	-	3.518	3.318
Pot Cap-1 Maneuver	1268	-	-	-	530	745
Stage 1	-	-	-	-	756	-
Stage 2	-	-	-	-	829	-
Platoon blocked, %		-	-	-		
Mov Cap-1 Maneuver	1268	-	-	-	529	745
Mov Cap-2 Maneuver	-	-	-	-	529	-
Stage 1	-	-	-	-	754	-
Stage 2	-	-	-	-	829	-

Approach	EB	WB	SB
HCM Control Delay, s	0.1	0	10.6
HCM LOS			B

Minor Lane/Major Mvmt	EBL	EBT	WBT	WBR	SBLn1
Capacity (veh/h)	1268	-	-	-	656
HCM Lane V/C Ratio	0.002	-	-	-	0.015
HCM Control Delay (s)	7.8	0	-	-	10.6
HCM Lane LOS	A	A	-	-	B
HCM 95th %tile Q(veh)	0	-	-	-	0

Intersection	
Int Delay, s/veh	0.2

Movement	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations						
Traffic Vol, veh/h	2	187	266	2	4	5
Future Vol, veh/h	2	187	266	2	4	5
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	-	-	-	-	0	-
Veh in Median Storage, #	-	0	0	-	0	-
Grade, %	-	0	0	-	0	-
Peak Hour Factor	92	92	92	92	92	92
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	2	203	289	2	4	5

Major/Minor	Major1		Major2		Minor2	
Conflicting Flow All	291	0	-	0	497	290
Stage 1	-	-	-	-	290	-
Stage 2	-	-	-	-	207	-
Critical Hdwy	4.12	-	-	-	6.42	6.22
Critical Hdwy Stg 1	-	-	-	-	5.42	-
Critical Hdwy Stg 2	-	-	-	-	5.42	-
Follow-up Hdwy	2.218	-	-	-	3.518	3.318
Pot Cap-1 Maneuver	1271	-	-	-	532	749
Stage 1	-	-	-	-	759	-
Stage 2	-	-	-	-	828	-
Platoon blocked, %		-	-	-		
Mov Cap-1 Maneuver	1271	-	-	-	531	749
Mov Cap-2 Maneuver	-	-	-	-	531	-
Stage 1	-	-	-	-	757	-
Stage 2	-	-	-	-	828	-

Approach	EB	WB	SB
HCM Control Delay, s	0.1	0	10.8
HCM LOS			B

Minor Lane/Major Mvmt	EBL	EBT	WBT	WBR	SBLn1
Capacity (veh/h)	1271	-	-	-	633
HCM Lane V/C Ratio	0.002	-	-	-	0.015
HCM Control Delay (s)	7.8	0	-	-	10.8
HCM Lane LOS	A	A	-	-	B
HCM 95th %tile Q(veh)	0	-	-	-	0

Intersection	
Int Delay, s/veh	0.2

Movement	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations						
Traffic Vol, veh/h	7	246	220	4	2	4
Future Vol, veh/h	7	246	220	4	2	4
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	-	-	-	-	0	-
Veh in Median Storage, #	-	0	0	-	0	-
Grade, %	-	0	0	-	0	-
Peak Hour Factor	92	92	92	92	92	92
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	8	267	239	4	2	4

Major/Minor	Major1		Major2		Minor2	
Conflicting Flow All	243	0	-	0	524	241
Stage 1	-	-	-	-	241	-
Stage 2	-	-	-	-	283	-
Critical Hdwy	4.12	-	-	-	6.42	6.22
Critical Hdwy Stg 1	-	-	-	-	5.42	-
Critical Hdwy Stg 2	-	-	-	-	5.42	-
Follow-up Hdwy	2.218	-	-	-	3.518	3.318
Pot Cap-1 Maneuver	1323	-	-	-	514	798
Stage 1	-	-	-	-	799	-
Stage 2	-	-	-	-	765	-
Platoon blocked, %		-	-	-		
Mov Cap-1 Maneuver	1323	-	-	-	510	798
Mov Cap-2 Maneuver	-	-	-	-	510	-
Stage 1	-	-	-	-	793	-
Stage 2	-	-	-	-	765	-

Approach	EB	WB	SB
HCM Control Delay, s	0.2	0	10.4
HCM LOS			B

Minor Lane/Major Mvmt	EBL	EBT	WBT	WBR	SBLn1
Capacity (veh/h)	1323	-	-	-	672
HCM Lane V/C Ratio	0.006	-	-	-	0.01
HCM Control Delay (s)	7.7	0	-	-	10.4
HCM Lane LOS	A	A	-	-	B
HCM 95th %tile Q(veh)	0	-	-	-	0

Intersection	
Int Delay, s/veh	0.3

Movement	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations						
Traffic Vol, veh/h	6	242	220	4	3	4
Future Vol, veh/h	6	242	220	4	3	4
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	-	-	-	-	0	-
Veh in Median Storage, #	-	0	0	-	0	-
Grade, %	-	0	0	-	0	-
Peak Hour Factor	92	92	92	92	92	92
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	7	263	239	4	3	4

Major/Minor	Major1		Major2		Minor2	
Conflicting Flow All	243	0	-	0	518	241
Stage 1	-	-	-	-	241	-
Stage 2	-	-	-	-	277	-
Critical Hdwy	4.12	-	-	-	6.42	6.22
Critical Hdwy Stg 1	-	-	-	-	5.42	-
Critical Hdwy Stg 2	-	-	-	-	5.42	-
Follow-up Hdwy	2.218	-	-	-	3.518	3.318
Pot Cap-1 Maneuver	1323	-	-	-	518	798
Stage 1	-	-	-	-	799	-
Stage 2	-	-	-	-	770	-
Platoon blocked, %		-	-	-		
Mov Cap-1 Maneuver	1323	-	-	-	515	798
Mov Cap-2 Maneuver	-	-	-	-	515	-
Stage 1	-	-	-	-	794	-
Stage 2	-	-	-	-	770	-

Approach	EB	WB	SB
HCM Control Delay, s	0.2	0	10.6
HCM LOS			B

Minor Lane/Major Mvmt	EBL	EBT	WBT	WBR	SBLn1
Capacity (veh/h)	1323	-	-	-	646
HCM Lane V/C Ratio	0.005	-	-	-	0.012
HCM Control Delay (s)	7.7	0	-	-	10.6
HCM Lane LOS	A	A	-	-	B
HCM 95th %tile Q(veh)	0	-	-	-	0

PLEASE RETURN TO:
Avery Brook Homes, LLC
Attn: Mr. Peter C. Gardner, Member
PO Box 335
Gales Ferry, CT 06335

WARRANTY DEED

TO ALL PEOPLE TO WHOM THESE PRESENTS SHALL COME, GREETING:

Know Ye That **AMER JAVED** of the Town of Plainfield, County of Windham and State of Connecticut, for the consideration of **TWO HUNDRED FIFTY THOUSAND DOLLARS AND 00/100 ($250,000.00)** received to my satisfaction of **AVERY BROOK HOMES, LLC,** A Connecticut limited liability company with an office and place of business located in the Village of Gales Ferry, Town of Ledyard, County of New London and State of Connecticut, grants to **AVERY BROOK HOMES, LLC,** WITH WARRANTY COVENANTS all those certain tracts or parcels of land, located in the Town of Ledyard, County of New London in the State of Connecticut, known 94, 96, 98, 100 Stoddards Wharf Road, more particularly bounded and described in Schedule "A" attached hereto and made a part hereof.

In Witness Whereof, I have hereunto set my hand and seal this 28 day of March 2022.

Signed and Delivered in the presence of:

Kelly A. Curland
Kelly A. Curland
Richard I. Rothstein

Amer Javed

STATE OF CONNECTICUT }
} ss: Norwich
COUNTY OF NEW LONDON }

On this 28 day of March 2022, before me, the undersigned officer, personally appeared Amer Javed, known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument and acknowledged that he executed the same for the purposes contained therein. In witness whereof, I hereunto set my hand and official seal.

Richard I. Rothstein
Richard I. Rothstein
Commissioner of the Superior Court

SCHEDULE "A"

Four certain tracts or parcels of land situated on the northerly side of Stoddards Wharf Road (Connecticut Route 214) in the Town of Ledyard, County of New London and State of Connecticut and being more particularly bounded and described as follows:

FIRST TRACT:

A certain tract or parcel of land, together with the improvements thereon, if any, situated on the northerly side of Stoddards Wharf Road (Connecticut Route 214) in the Town of Ledyard, County of New London and State of Connecticut and being more particularly shown as "N/F Amer Javad" on a certain map or plan entitled "Subdivision Plan Prepared For Amer Javad 98 Stoddards Wharf Road – (Conn. Rte #214) Ledyard, Connecticut Boundary Survey Map Project No. 11-060 Drawn By: R.A.D. Date: 9/12/11 Revisions 12/11 Per Comments Scale: 1"=40' Sheet 1 of 4 Advanced Surveys, LLC. 25 Apple Lane, Colchester CT. 06415 Phone & Fax (860) 267-5979", with reference further being made to a plan entitled "Lot Division Plan Property of P Ande Holdings, LLC 98 Stoddards Wharf Road (Connecticut Route 214) Ledyard, Connecticut Date: May 10, 2007 Revision No. 1 5/23/07 Street Address, Location Map & Note 12 Added By JB Scale: 1"=40' Drawn By: JB Drawing No: 06064-1 Sheet No. 1 of 2" prepared by James Bernardo, L.S. and filed for record as Map 2524 in the Ledyard Town Clerk's Office, which premises is more particularly bounded and described as follows:

Beginning at an iron pin recovered in the northerly monumented highway line of Stoddards Wharf Road (Connecticut Route 214) at the southwesterly corner of the herein described tract and on the dividing line between the herein described tract and Lot 3 as shown on the above referenced plan; thence running North 04°37'34" West for a distance of 280.53 feet bounded westerly by Lot 3 as shown on the above referenced plan to an iron pin recovered; thence running North 88°04'34" East for a distance of 250.90 feet bounded northerly by Lot 3 as shown on the above referenced plan to an iron pin recovered in a stone wall; thence running South 01°58'21" West for a distance of 275.06 feet bounded easterly by land now or formerly of the City of Groton to a drill hole recovered in a stone wall corner face; thence running North 87°39'24" West for a distance of 46.59 feet along the face of a stone wall to a drill hole recovered in a stone wall angle face; thence running South 86°00'46" West for a distance of 96.76 feet along the face of a stone wall to a drill hole recovered in a stone wall face; thence running South 83°43'27" West for a distance of 76.04 feet along the face of a stone wall to the iron pin recovered at the point and place of beginning.

SECOND TRACT:

A certain tract or parcel of land, together with the improvements thereon, if any, situated on the northerly side of Stoddards Wharf Road (Connecticut Route 214) in the Town of Ledyard, County of New London and State of Connecticut and being more particularly shown as Lot 1 on a certain map or plan entitled "Subdivision Plan Prepared For Amer Javad 98 Stoddards Wharf Road – (Conn. Rte #214) Ledyard, Connecticut Boundary Survey Map Project No. 11-060 Drawn By: R.A.D. Date: 9/12/11 Revisions 12/11 Per Comments Scale: 1"=40' Sheet 1 of 4 Advanced Surveys, LLC. 25 Apple Lane, Colchester CT. 06415 Phone & Fax (860) 267-5979" which premises is more particularly bounded and described as follows:

Beginning at a monument recovered in the face of a stone wall in the northerly monumented highway line of Stoddards Wharf Road at the southeasterly corner of the herein described tract and on the dividing line between the herein described tract and Lot 3 as shown on the above referenced plan; thence running South 83°43'27" West for a distance of 32.85 feet, in part along the face of a stone wall, to a point; thence running South 85°51'12" West for a distance of 97.42 feet along the face of a stone wall to a point; thence running South 77°35'14" West for a distance of 72.60 feet to a stone wall end; thence running South 71°32'53" West for a distance of 39.51 feet along the face of a stone wall to a point; thence running South 75°13'07" West for a distance of 19.23 feet along the face of a stone wall to a monument recovered, the last five (5) courses being bounded southerly by Stoddards Wharf Road (Connecticut Route 214); thence running North 05°22'49" West for a distance of 246.53 feet bounded westerly by Lot 2 as shown on the above referenced plan to an iron pin recovered; thence running North 85°06'23" East for a distance of 262.73 feet bounded northerly in part by Lot 2 and in part by Lot 3, each as shown on the above referenced plan, to an iron pin recovered; thence running South 04°37'34" East for a distance of 224.93 feet bounded easterly by Lot 3 as shown on the above referenced plan to the monument recovered at the point and place of beginning.

THIRD TRACT:

A certain tract or parcel of land, together with the improvements thereon, if any, situated on the northerly side of Stoddards Wharf Road (Connecticut Route 214) in the Town of Ledyard, County of New London and State of Connecticut and being more particularly shown as Lot 3 on a certain map or plan entitled "Subdivision Plan Prepared For Amer Javad 98 Stoddards Wharf Road – (Conn. Rte #214) Ledyard, Connecticut Boundary Survey Map Project No. 11-060 Drawn By: R.A.D. Date: 9/12/11 Revisions 12/11 Per Comments Scale: 1"=40' Sheet 1 of 4 Advanced Surveys, LLC. 25 Apple Lane, Colchester CT. 06415 Phone & Fax (860) 267-5979" which premises is more particularly bounded and described as follows:

Beginning at a monument recovered in the face of a stone wall in the northerly monumented highway line of Stoddards Wharf Road (Connecticut Route 214) at the southwesterly corner of the herein described tract and on the dividing line between the herein described tract and Lot 1 as shown on the above referenced plan; thence running North 83°43'27" East for a distance of 28.01 feet along the face of a stone wall bounded southerly by Stoddards Wharf Road (Connecticut Route 214) to an iron pin recovered; thence running North 04°37'34" West for a distance of 280.53 feet to an iron pin recovered; thence running North 88°04'34" East for a distance of 250.90 feet to an iron pin recovered in a stone wall, the last two courses being bounded easterly and southerly by land now or formerly of Amer Javad as shown on the above referenced plan; thence running North 01°58'21" East for a distance of 54.77 feet along a stone wall bounded easterly by land now or formerly of the City of Groton to a drill hole recovered in a stone wall corner; thence running North 29°46'29" West for a distance of 446.33 feet bounded northeasterly by land now or formerly of the City of Groton to an iron pin recovered; thence running North 79°54'55" West for a distance of 124.90 feet bounded northeasterly by land now or formerly of the City of Groton to an iron pin recovered; thence running South 03°45'19" West for a distance of 540.98 feet bounded westerly by Lot 2 as shown on the above referenced plan to an iron pin recovered; thence running North

85°06'23" East for a distance of 104.43 feet to an iron pin recovered; thence running South 04°37'34" East for a distance of 224.93 feet to the monument recovered at the point and place of beginning, the last two courses being bounded southerly and westerly by Lot 1 as shown on the above referenced plan.

FOURTH TRACT:

A certain tract or parcel of land, together with the improvements thereon, if any, situated on the northwesterly side of Stoddards Wharf Road (Connecticut Route 214) in the Town of Ledyard, County of New London and State of Connecticut and being more particularly shown as Lot 2 on a certain map or plan entitled "Subdivision Plan Prepared For Amer Javad 98 Stoddards Wharf Road – (Conn. Rte #214) Ledyard, Connecticut Boundary Survey Map Project No. 11-060 Drawn By: R.A.D. Date: 9/12/11 Revisions 12/11 Per Comments Scale: 1"=40' Sheet 1 of 4 Advanced Surveys, LLC. 25 Apple Lane, Colchester CT. 06415 Phone & Fax (860) 267-5979" which premises is more particularly bounded and described as follows:

Beginning at a monument recovered in the face of a stone wall in the northwesterly line of Stoddards Wharf Road (Connecticut Route 214) at the southeasterly corner of the herein described tract and on the dividing line between the herein described tract and Lot 1 as shown on the above referenced plan; thence running South 75°13'07" West for a distance of 20.27 feet along the face of stone wall bounded southeasterly by Stoddards Wharf Road (Connecticut Route 214) to an iron pipe recovered at an intersection of stone walls; thence running North 05°22'49" West for a distance of 219.67 feet along a stone wall to a drill hole recovered at an angle in said stone wall; thence running North 44°05'31" West for a distance of 80.58 feet along a stone wall to a drill hole recovered at an angle in said stone wall; thence running North 84°25'41" West for a distance of 51.72 feet along a stone wall to an angle in said stone wall; thence running North 69°56'31" West for a distance of 35.08 feet along a stone wall to a drill hole recovered at a stone wall corner, the last four courses being bounded by land now or formerly of Shirley P. Pandora as shown on the above referenced plan; thence running North 08°33'44" East for a distance of 45.03 feet along a stone wall to an angle in said stone wall; thence running North 14°05'31" East for a distance of 54.14 feet along a stone wall to an angle in said stone wall; thence running North 08°23'24" East for a distance of 58.63 feet along a stone wall to a drill hole recovered, the last three courses being bounded westerly by land now or formerly of Arlene Allard as shown on the above referenced plan; thence running North 08°20'33" East for a distance of 15.10 feet along a stone wall to a drill hole recovered at an angle in said stone wall; thence running North 28°03'08" East for a distance of 129.46 feet along a stone wall to a drill hole recovered at an angle in said stone wall; thence running North 28°56'22" East for a distance of 108.56 feet along a stone wall to a drill hole recovered at a stone wall corner; thence running North 26°53'21" East for a distance of 69.30 feet along a stone wall to the end of said stone wall; thence running North 30°20'54" East for a distance of 105.43 feet passing through a pile of stones and remains of stone wall on line as shown on the above referenced plan to an iron pin recovered, the last five courses being bounded northwesterly by land now or formerly of the City of Groton as shown on the above referenced plan; thence running South 79°54'55" East for a distance of 124.00 feet bounded northeasterly by land now or formerly of the City of Groton to an iron pin recovered; thence running South 03°45'19" West for

a distance of 540.98 feet bounded southeasterly by Lot 3 as shown on the above referenced plan to an iron pin recovered; thence running South 85°06'23" West for a distance of 158.30 feet to an iron pin recovered; thence running South 05°22'49" East for a distance of 246.53 feet to the monument recovered at the point and place of beginning, the last two courses being bounded southerly and easterly by Lot 1 as shown on the above referenced plan.

Reference is hereby made to a Warranty Deed from Richard I. Rothstein to Amer Javed dated March 5, 2010 and recorded in Volume 474, Page 430 of the Ledyard Land Records.

AFFORDABILITY PLAN FOR AVERY BROOK HOMES SUBDIVISION PROPERTIES OF AVERY BROOK HOMES, LLC

AUGUST 15, 2022

Submitted by AVERY BROOK HOMES, LLC

to the

Ledyard Planning and Zoning Commission

PREPARED BY:

Heller, Heller & McCoy
736 Norwich-New London Turnpike
Uncasville, Connecticut 06382

DEFINITIONS:

"Community" - means the Avery Brook Homes Resubdivision of properties known as 94, 96, 98 and 100 Stoddards Wharf Road, Ledyard, Connecticut located on the northerly side of Stoddards Wharf Road containing 9.21 acres of land, more or less, which real property is shown and designated as Lots 94, 96, 98 and 100 on Ledyard Assessor's Map 65, and which community is more particularly shown on a plan entitled "Plan Showing Resubdivision Property of Avery Brook Homes LLC 94, 96, 98 and 100 Stoddards Wharf Road a.k.a. Connecticut Route 214 Ledyard, Connecticut Scales As Shown July 2022 Dieter & Gardner Land Surveyors – Planners P.O. Box 335 1641 Connecticut Route 12 Gales Ferry, Ct. 06335 (860) 464-7455 email: dieter.gardner@yahoo.com" consisting of Sheets 1 of 6 to 6 of 6. The Community will be declared as a planned community under the Connecticut Common Interest Ownership Act pursuant to a separate "Declaration of Avery Brook Homes". The Community will contain thirty-six (36) building lots (Units) and Avery Brook Circle.

"Affordable Home" - means a home within the Community that is subject to long-term price restrictions as set forth in this Plan and within the Community that will be constructed to the minimum specifications set forth in **Schedule C** of this Plan. Affordable Homes are to be sold.

"Affordable Home Lot" - means any building lot within the Community upon which an Affordable Home is to be constructed and which is sold to an affordable home owner.

"Developer" - means Avery Brooks Homes, LLC, a Connecticut limited liability company with an address of 1641 Route 12, Gales Ferry, Connecticut 06335-1533 or its successors and assigns.

"Market Rate Home" - means a home within the Community that is not subject to long term price restrictions.

"Owner" - means the individual or individuals who possess fee simple title to either a Market Rate Home or an Affordable Home in the Community.

I. **Homes Designated for Affordable Housing**.

At all times a minimum of thirty (30%) percent of the homes in the Community will be designated as affordable housing, as defined by Connecticut General Statutes §8-30g. The specific Affordable Home Lots designated as Affordable Home Lots in the resubdivision are identified in **Schedule B** of this Plan. The resubdivision shall contain eleven (11) Affordable Home Lots, of which six (6) will be designated as "Sixty Percent Lots" and of which five (5) will be designated as "Eighty Percent Lots".

II. **Forty (40) Year Period**.

The Affordable Homes shall be designated as affordable for forty (40) years. This affordability period shall be calculated separately for each Affordable Home, and the period shall begin on the date of conveyance of such Affordable Home from the Developer or its

successors or assigns to an eligible owner, as hereinafter defined.

III. **Pro-Rata Construction**.

The Affordable Homes shall be offered on a pro rata basis as construction proceeds. It is the Developer's intent, therefore, to build and offer for sale eleven (11) Affordable Homes within the common interest community. The Developer anticipates a build out and absorption period of five (5) years for the common interest community based upon its experience with other projects and information received from its real estate consultants.

IV. **Nature of Construction of Affordable Homes and Market-Rate Homes.**

Within the Community, the Developer shall offer Market Rate Homes each of which shall be built in compliance with the minimum specifications, which include square footage, exterior finishes, interior materials, and amenities, set forth in Schedule C of this Plan. The actual model, size and floor plan of the Market Rate Homes and the Affordable Homes shall be selected so that each Affordable Home shall be comparable in size, quality, and appearance to each Market Rate Home.

V. **Entity Responsible for Administration and Compliance.**

This Plan will be administered by Avery Brook Homes, LLC, or its designees, successors and assigns ("Administrator"). The Administrator shall submit a status report to the Town of Ledyard Zoning Enforcement Officer on compliance with this Plan annually no later than January 31 of each year that this Plan is in effect. The Developer or its successors or assigns may appoint a qualified third party to serve as Administrator. Notice of a vacancy in the position of Administrator and of the appointment of a new or successor Administrator shall be reported to the Ledyard Zoning Enforcement Officer within five business days of its occurrence. Failure to have a qualified Administrator in place for a period of more than thirty (30) successive days shall be considered a violation of the terms of this Plan and of the resubdivision approval and shall entitle the Town of Ledyard to obtain any and all appropriate legal or equitable remedies necessary to obtain a qualified Administrator for the Community, to recover any damages it incurs on account of the vacancy in the position, and also including all remedies provided by Connecticut General Statutes §8-12 and Connecticut General Statutes Chapter 126. The Developer and/or the Owner of the Lots comprising the Resubdivision(s), shall be responsible for securing and paying all fees, costs and/or other expenses associated with and charged by an Administrator, and for any damages resulting to any person or entity, including the Town of Ledyard, or any of its officers, employees or representatives, on account of the failure to have an Administrator in place at any time or for any violation of the Plan, including violations of this Article V. All obligations and liabilities of the Developer shall terminate once the Developer has sold each Lot within the Community. The Town of Ledyard may seek remedies hereunder against the Developer and/or any one or more of the Lot Owners. The Town of Ledyard shall be entitled to attorney's fees and costs associated with any action it takes to enforce the terms of this Article V. The requirements of this Article V shall be recited in the deed to each lot in the Community and shall be incorporated therein and made a part thereof. Notwithstanding any of the above, the Developer will be responsible for all advertising

and marketing requirements for initial sales under this Plan.

VI. **Notice of Initial Sale of Affordable Homes**.

Except as provided in Section X hereof, the Developer shall provide notice of the availability of each Affordable Home for sale (the "Notice of Initial Sale"). Such notices shall be provided in accordance with the Affirmative Fair Housing Marketing Plan as outlined in Section VIII. The Developer shall also provide such notice to the Ledyard Zoning Enforcement Officer. Such notice shall include a description of the available Affordable Home(s), the eligibility criteria for potential purchasers, the Maximum Sale Price (as hereinafter defined), and the availability of application forms and additional information. All such notices shall comply with the federal Fair Housing Act, 42 U.S.C. §§3601 et seq. and the Connecticut Fair Housing Act, Connecticut General Statutes §§46a - 64b, 64c (together, the "Fair Housing Acts").

VII. **Purchaser Eligibility**.

Not less than sixteen and sixty-six one hundredths percent (16.66%) (with respect to the resubdivision, six (6) homes, Lots 1, 6, 12, 22, 27 and 33) of the Homes for sale shall be sold to persons or families whose income is less than or equal to sixty percent (60%) of the area or statewide median income, whichever is less. The remainder of the Affordable Homes for sale (in the resubdivision, five (5) homes, Lots 4, 20, 24, 28 and 36) shall be sold to persons or families whose income is less than or equal to eighty percent (80%) of the area or statewide median income, whichever is less. The area and statewide median income shall be as determined by the Department of Housing and Urban Development ("HUD"). Purchasers shall be permitted to make down payments that exceed ten (10%) percent of the purchase price; however, for the purposes of calculating the Maximum Sales Price, a ten percent (10%) down payment shall be used.

VIII. **Affirmative Fair Housing Marketing Plan.**

The sale of both Affordable Homes and Market Rate Homes in the Community shall be publicized, using State regulations for affirmative fair housing marketing programs as guidelines. The purpose of such efforts shall be to apprise residents of municipalities of relatively high concentrations of minority populations of the availability of such units. The Administrator shall have responsibility for compliance with this section. Notices of initial availability of units shall be provided, at a minimum, by advertising at least two times in a newspaper of general circulation in such identified municipalities. The Administrator shall also provide such notices to the Ledyard Zoning Enforcement Officer and the Town of Ledyard Housing Authority. Such notices shall include a description of the available Affordable Home(s), the eligibility criteria for potential purchasers, the Maximum Sale Price (as hereinafter defined), and the availability of application forms and additional information.

Using the above-referenced State regulations as guidelines, dissemination of information about available affordable and market-rate units shall include:

A. Analyzing census, Connecticut Department of Economic and Community Development town profiles, and other data to identify racial and ethnic groups least likely to apply based on representation in Ledyard's population, including Asian Pacific, Black, Hispanic, and Native American populations.

B. Announcements/advertisements in publications and other media that will reach minority populations, including newspapers, such as television and radio stations serving the New London County Metropolitan Statistical Area and Regional Planning Area, and advertisements or flyers likely to be viewed on public transportation or public highway areas.

C. Announcements to social service agencies and other community contacts serving low-income minority families (such as churches, civil rights organizations, the housing authority, and other housing authorities in towns represented in New London County's Metropolitan Statistical Area and Regional Planning Agency, legal services organizations, etc.).

D. Assistance to minority applicants in processing applications.

E. Marketing efforts in geographic area of high minority concentrations within the housing market area and metropolitan statistical area.

F. Beginning affirmative marketing efforts prior to general marketing of units, and repeating again during initial marketing and at 50 percent completion.

All notices shall comply with the Fair Housing Acts.

IX. **Application Process**.

A family or household seeking to purchase one of the Affordable Homes ("Applicant") must complete an application to determine eligibility. The application form and process shall comply with the Fair Housing Act.

A. Application Form.

The application form shall be provided by the Administrator and shall include an income pre-certification eligibility form and an income certification form. In general, income for purposes of determining an Applicant's qualification shall include the Applicant family's total anticipated income from all sources for the twelve (12) month period following the date the application is submitted ("Application Date"). If the Applicant's financial disclosures indicate that the Applicant may experience a significant change in the Applicant's future income during the twelve (12) month period, the Administrator shall not consider this change unless there is a reasonable assurance that the change will in fact occur. The Applicant's income need not be re-verified after the time of initial purchase. In determining what is and is not to be included in the definition of family annual

income, the Administrator shall use the criteria set forth by HUD and listed on **Schedule D** of this Plan.

B. Applicant Interview.

The Administrator shall interview an Applicant upon submission of the completed application. Specifically, the Administrator shall, during the interview, undertake the following:

1. Review with the Applicant all the information provided on the application.

2. Explain to the Applicant the requirements for eligibility, verification procedures, and the penalties for supplying false information.

3. Verify that all sources of family income and family assets have been listed in the application. The term "family" shall be as defined by the Connecticut Agency Regulations, Connecticut General Statutes §8-37ee-1, as amended.

4. Request the Applicant to sign the necessary release forms to be used in verifying income. Inform the Applicant of what verification and documentation must be provided before the application is deemed complete.

5. Inform the Applicant that a certified decision as to eligibility cannot be made until all items on the application have been verified.

6. Review with the Applicant the process and restrictions regarding re- sale.

C. Verification of Applicant's Income.

Where it is evident from the income certification form provided by the Applicant that the Applicant is not eligible, additional verification procedures shall not be necessary. However, if the Applicant appears to be eligible, the Administrator shall issue a pre-certification letter. The letter shall indicate to the Applicant and the Administrator that the Applicant is income eligible, subject to the verification of the information provided in the Application. The letter will notify the Applicant that he/she will have thirty (30) days to submit all required documentation.

If applicable, the Applicant shall provide the documentation listed on **Schedule E** of this Plan, to the Administrator. This list is not exclusive, and the Administrator may require any other verification or documentation, as the Administrator deems necessary.

X. **Prioritization of Applicants for Initial Occupancy.**

If, after publication of the Notice of Initial Sale as described in Section VI hereof, the number of qualified Applicants exceeds the number of Affordable Homes, then the Administrator shall establish a list of Applicants, selected by a random lottery of all eligible Applicants, for the initial sales of Affordable Homes. The initial sales of Affordable Homes will be offered according to the Applicant's lottery ranking. Following the initial sales of the Affordable Homes, if the number of qualified Applicants exceeds the number of available Affordable Homes, the Administrator shall establish a priority list of applicants based on a "first come, first served" basis, subject to the applicant's income pre-certification eligibility and the preferences as established in this Section X. The Affordable Homes will then be offered according to the applicant's numerical listing. The Administrator shall retain the established priority list of Applicants for a period of two (2) years subsequent to the date of determination of eligibility. This priority list shall be utilized for any Affordable Homes which become available within said two (2) year period.

XI. **Maximum Monthly Housing Payment Eligibility.**

Calculation of eligibility for occupancy in an Affordable Home, so as to satisfy Connecticut General Statutes §8-30g, shall require the proposed occupant to meet three criteria: (1) maximum household income, adjusted for unit/family size; (2) a maximum purchase price for the unit that does not exceed the maximum sale price for an Affordable Home as calculated under Connecticut General Statutes §8-30g and corresponding regulations; and (3) a maximum monthly housing payment that is less than the amount calculated under Connecticut General Statutes §8-30g, as follows:

XII. **Maximum Initial Sale Price.**

Calculation of the maximum initial sale price ("Maximum Initial Sale Price") for an Affordable Home, so as to satisfy Connecticut General Statutes §8-30g, shall utilize the lesser of the area median income data or the statewide median income data as published by HUD as in effect on the day a purchase and sale agreement is accepted by the owner of the Affordable Home ("Owner"). The Maximum Initial Sale Price shall be calculated as follows (using the Norwich-New London, CT HUD Metro FMR Area income level of $102,900.00):

REMAINDER OF PAGE INTENTIONALLY LEFT BLANK

Example of Calculation of Sales Price for a 3 bedroom home for a family earning less than 60% of Median Income:	**Sample computations based on FY 2021 data.**
1. Determine lower of area or statewide median Income for a family of four (4)	$102,900.00
2. Determine the adjusted income for a household of 3.0 bedrooms by calculating 104% of item 1:	$107,016.00
3. Calculate 60% of item 2:	$64,209.60
4. Calculate 30% of item 3 representing the maximum portion of a family's income that may be used for housing:	$19,262.88
5. Divide item 4 by twelve (12) to determine the maximum monthly outlay:	$1,605.24
6. Determine by reasonable estimate monthly expenses, including real estate taxes ($184.73[1]), utilities ($205.00), homeowners insurance ($65.00), common interest community common charges ($31.32) and private mortgage insurance ($79.00)	$565.05
7. Subtract item 6 from item 5 to determine the amount available for mortgage principal and interest:	$1,040.19
8. Apply item 7 to a reasonable mortgage term (such as 30 years) at a reasonably available interest rate; (3.375% rate for the sample calculation[2]) to determine mortgage amount:	$235,250.00
9. Assume 10% down payment:	$26,138.88
10. Add items 8 and 9 to determine MAXIMUM SALE PRICE:	$261,388.88

[1] Based on current tax burden for a 60% home in the Flat Brook Subdivision.
[2] Based on current Dime Bank 5/1 adjustable rate thirty-year mortgages, 08/05/2022).

Example of Calculation of Sales Price for a 3 bedroom home for a family earning between 60% and 80% of Median Income:	**Sample computations based on FY 2021 data.**
1. Determine lower of area or statewide median Income for a family of four (4)	$102,900.00
2. Determine the adjusted income for a household of 3.0 bedrooms by calculating 104% of item 1:	$107,016.00
3. Calculate 80% of item 2:	$85,612.80
4. Calculate 30% of item 3 representing the maximum portion of a family's income that may be used for housing:	$25,683.84
5. Divide item 4 by twelve (12) to determine the maximum monthly outlay:	$2,140.32
6. Determine reasonable estimate monthly expenses, including real estate taxes ($225.30[3]), utilities ($205.00), homeowners insurance ($100.00), common interest community common charges ($41.76) and private mortgage insurance ($92.00)	$664.06
7. Subtract item 6 from item 5 to determine the amount available for mortgage principal and interest:	$1,476.26
8. Apply item 7 to a reasonable mortgage term (such as 30 years) at a reasonably available interest rate; (3.375% rate for the sample calculation[4]) to determine mortgage amount:	$333,900.00
9. Assume 10% down payment:	$37,100.00
10. Add items 8 and 9 to determine MAXIMUM SALE PRICE:	$371,000.00

A. **Principal Residence.**

Affordable Homes that are sold shall be occupied only as an Owner's principal residence. Subleasing of Affordable Homes by the Owner shall be prohibited.

[3] Based on current tax burden for an 80% home in the Flat Brook Subdivision.
[4] Based on current Dime Bank 5/1 adjustable rate thirty-year mortgages on 08/05/2022.

B. **Requirement to Maintain Condition.**

All Owners are required to maintain their homes. The Owner shall not destroy, damage or impair the home, allow the home to deteriorate, or commit waste on the home. When an Affordable Home is offered for re-sale, the Administrator may cause the home to be inspected.

C. **Resale of an Affordable Home.**

An Owner may sell his or her Affordable Home at any time, provided that the Owner complies with the restrictions concerning the sale of homes as set forth in this Plan and in the occupancy restrictions set forth in Schedule F (the "Deed Restrictions"). If the Owner wishes to sell, the Owner shall notify the Administrator in writing. The Owner shall pay the Administrator a reasonable fee to cover the cost of administering the sale. The Administrator shall then work with the Owner to calculate a Maximum Sale Price, as set forth in this Section XII. The Administrator shall publish notice of the availability of the home in the same manner as was followed for the initial sale, as set forth in Section VI above. The Administrator shall bring any purchase offers received to the attention of the Owner.

The Owner may hire a real estate broker or otherwise individually solicit offers, independent of the Administrator's action, from potential purchasers. The Owner shall inform any potential purchaser of the affordability restrictions before any purchase and sale agreement is executed by furnishing the potential purchaser with a copy of this Plan. The purchase and sale agreement shall contain a provision to the effect that the sale is contingent upon a determination by the Administrator that the potential purchaser meets the eligibility criteria set forth in this Plan. Once the Owner and potential purchaser execute the purchase and sale agreement, the potential purchaser shall immediately notify the Administrator in writing. The Administrator shall have ten (10) days from such notice to determine the eligibility of the potential purchaser in accordance with the application process set forth in Section IX above. The Administrator shall notify the Owner and the potential purchaser of its determination of eligibility in writing within said ten (10) day period. If the Administrator determines that the potential purchaser is not eligible, the purchase and sale agreement shall be void, and the Owner may solicit other potential purchasers. If the Administrator determines that the potential purchaser is eligible, the Administrator shall provide the potential purchaser and the Owner with a signed certification, executed in recordable form, to the effect that the sale of the particular Home has complied with the provisions of this Plan. The Owner shall bear the cost of recording the certification.

D. **Enforcement.**

A violation of this Plan or the Deed Restrictions shall not result in a forfeiture of title, but the Ledyard Planning and Zoning Commission or its designated agent shall otherwise retain all enforcement powers granted by the Connecticut General Statutes, including § 8-12, which powers include, but are not limited to, the authority, at any reasonable time, to inspect the property and to examine the books and records of the Administrator to determine compliance of Affordable Homes with the affordable housing regulations.

E. **Occupancy Restrictions.**

The Occupancy Restrictions contained in Schedule F shall be included in each deed of an Affordable Home during the forty (40) year period in which the affordability program is in place to provide notice of the affordability restrictions and to bind future purchasers. No Affordable Home shall be sold to any purchaser during the forty (40) year period in which the affordability program is in place unless all lenders providing mortgage financing to such purchaser shall subordinate their mortgage to the terms of the occupancy restrictions contained in Schedule F and agree that any foreclosure of such mortgage will not terminate the sale and resale price restrictions.

F. **Common Interest Community Restrictions.**

All Affordable Home Lots and Market Rate Lots located in the Avery Brook Homes Community are subject to the Declaration of Avery Brook Homes made pursuant to the provisions of Connecticut General Statutes §47-200 et. seq. The Avery Brook Homes Community is a "Planned Community" as defined in the Connecticut Common Interest Ownership Act, Connecticut General Statutes §47-200 et. seq. The street within the Common Interest Community; i.e. Avery Brook Circle, is the common element within the Common Interest Community. Pursuant to the Declaration of Avery Brook Homes, each lot owners within the planned community is responsible for its pro rata share of the cost of maintenance of the common elements, adjusted based upon affordability criteria for affordable homes, and is further subject to the other terms and conditions of the common interest community Declaration. The common interest community Declaration will be filed for record in the Ledyard, Connecticut Land Records contemporaneously with the filing of this Affordability Plan.

G. **Binding Effect.**

This Plan shall be binding on the successors and assigns of the Developer.

Executed at Montville, Connecticut this ___ day of _____, 2022.

Signed, Sealed and Delivered
in the Presence of:

AVERY BROOK HOMES, LLC, a
Connecticut limited liability company

_____

By:_____ (L.S.)
Peter C. Gardner, Its Member

_____

STATE OF CONNECTICUT)
) ss. Montville
COUNTY OF NEW LONDON)

On this, the _____ day of _____, 2022, before me, the undersigned officer, personally appeared Peter C. Gardner, who acknowledged himself to be a Member of Avery Brook Homes, LLC, a limited liability company, duly authorized, signer and sealer of the foregoing AFFORDABILITY PLAN and acknowledged the execution of the same to be his free act and deed as Member aforesaid and the free act and deed of Avery Brook Homes, LLC.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

_____
Notary Public
My Commission Expires: _____

SCHEDULE A
PROPERTY DESCRIPTION OF THE RESUBDIVISION

Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36 and Avery Brook Circle as shown on a map or plan entitled "Plan Showing Resubdivision Property of Avery Brook Homes LLC 94, 96, 98 and 100 Stoddard Wharf Road a.k.a. Connecticut Route 214 Ledyard, Connecticut Scale: 1"=40' July 2022 Sheet 2 of 6 Dieter & Gardner Land Surveyors-Planners P.O. Box 335 1641 Connecticut Route 12 Gales Ferry, Ct. 06335 (860) 464-7455 Email: dieter.gardner@yahoo.com" which map is on file with the Town Clerk of the Town of Ledyard, Connecticut.

The property is further described as Units 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36 and Avery Brook Circle (the Common Elements) in the Declaration of Avery Brook Homes by Avery Brook Homes, LLC, which Declaration is on file with the Town Clerk of the Town of Ledyard, Connecticut.

SCHEDULE B
IDENTIFICATION OF AFFORDABLE HOMES

Affordable Homes shall be located on the following lots:

Lots 1, 4, 6, 12, 20, 22, 24, 27, 28, 33 and 36
Lots 1, 6, 12, 22, 27 and 33 shall be at the 60% median income level.
Lots 4, 20, 24, 28 and 36 shall be at the 60% to 80% median income level.

Total: 11 lots

Affordable Home Lots may be shifted or exchanged as long as they remain interspersed, as is reasonably possible given existing occupied homes at the time of conversion, and not concentrated in particular areas of the site and the 30% ratio is maintained at all times and the Declaration of Avery Brook Homes is amended accordingly.

SCHEDULE C
MINIMUM SPECIFICATIONS FOR MARKET-RATE AND AFFORDABLE HOMES

Foundation
8" poured concrete walls, 4" poured concrete floors
Bituminous waterproof coating on foundation walls below grade Steps/railings per code

Carpentry
2x6 pressure treated wood sills and sealer concrete 2x4 16" on center interior wall framing 2x6 16" on center exterior wall framing 1/2" sheathing on exterior walls Douglas fir floor joists 1/2" sheathing on roof 2x10 wood basement stairs with handrails Main Staircase: poplar riser with oak tread, traditional
Typar or equivalent building wrap on exterior walls. Pressure treated wood deck: 1Ox12
Vinyl plank; 3/8" under vinyl or tile
3/4" under rugs

Interior Trim Accessories
White pine trim around door, window and baseboard White vinyl coated wire shelf systems
All accessories, such as mirrors, medicine cabinets, etc. are included in cabinet allowance.

Cabinets, Vanities and Counter Tops
$8,000 allowance (included countertops and accessories, such as knobs)

Siding
Vinyl
Front Shutters Aluminum wrap trim
Aluminum gutters and downspouts

Roofing
1/2" sheathing roof sheathing
Architectural shingles (weathered wood) Soffit and ridge vents
Aluminum flashing and aluminum drip cap

Insulation-Fiberglass
R-49 in ceiling
R-21 in walls
R-11 in basement

Doors
Exterior doors insulated metal 6 panel Masonite

Windows
Double hung Thermopane windows with screens or equivalent; Casement in kitchen

Drywall
1/2” drywall interior 1/2” drywall ceilings

Flooring
Allowance: $18 .00 square yard, to include padding and installation. Vinyl in all bathrooms

Front Steps
Pressure treated

Heating/Hot Water
Electric base ray

Utilities
Well, septic, electric, telephone and cable

Landscaping
Rough grade and seed, one time only
Crushed stone driveway

Other Costs
If required by lender, treatment of ground against wood destroying insects to be paid by buyer.
Costs of all extras to be paid by buyer in advance

Allowance Summary

Cabinets, counter tops, accessories	$8,000.00
Lighting	$1,100.00
Flooring, included padding and installation	$18.00 sq. yard

SCHEDULE D
DEFINITIONS AND ELEMENTS OF ANNUAL FAMILY INCOME

1. Annual income shall be calculated with reference to 24 C.F.R. §5.609, and includes, but is not limited to, the following:

    a. The full amount, before any payroll deductions, of wages and salaries, overtime pay, commissions, fees, tips, bonuses and other compensation for personal services;

    b. The net income from operations of a business or profession, before any capital expenditures but including any allowance for depreciation expense;

    c. Interest, dividends, and other net income of any kind from real or personal property;

    d. The full amount of periodic payments received from social security, annuities, insurance policies, retirement funds, pensions, disability or death benefits, or other similar types of periodic payments;

    e. Payments in lieu of earnings, such as unemployment and disability compensation, worker's compensation, and severance pay;

    f. Welfare assistance. If the welfare assistance payments include an amount specifically designated for shelter and utilities that is subject to adjustment by the welfare assistance agency in accordance with the actual cost of shelter and utilities, the amount of welfare assistance to be included as income consists of the following:

        (1) The amount of the allowance exclusive of the amounts designated for shelter or utilities, plus

        (2) The maximum amount that the welfare assistance agency could in fact allow the family for shelter and utilities;

    g. Periodic and determinable allowances, such as alimony and child support payments, and regular contributions or gifts received from persons not residing with the Applicant (e.g. periodic gifts from family members, churches, or other sponsored group, even if the gifts are designated as rental or other assistance);

    h. All regular pay, special pay and allowances of a member of the armed forces;

    i. Any assets not earning a verifiable income shall have an imputed interest income using a current average annual savings interest rate.

2. Excluded from the definition of family annual income are the following:

a. Income from employment of children under the age of 18;

b. Payments received for the care of foster children;

c. Lump-sum additions to family assets, such as inheritances, insurance payments, capital gains and settlement for personal or property losses;

d. Amounts received that are specifically for, or in reimbursement of, the cost of medical expense for any family member;

e. Amounts of educational scholarships paid directly to the student or to the educational institution, and amounts paid by the government to a veteran in connection with education costs;

f. Amounts received under training programs funded by HUD;

g. Food stamps; and

h. Temporary, nonrecurring or sporadic income (including gifts that are not regular or periodic).

3. Net family assets for purposes of imputing annual income include the following:

a. Cash held in savings and checking accounts, safety deposit boxes, etc.;

b. The current market value of a trust for which any household member has an interest;

c. The current market value, less any outstanding loan balances of any rental property or other capital investment;

d. The current market value of all stocks, bonds, treasury bills, certificates of deposit and money market funds;

e. The current value of any individual retirement, 401K or Keogh account;

f. The cash value of a retirement or pension fund which the family member can withdraw without terminating employment or retiring;

g. Any lump-sum receipts not otherwise included in income (i.e., inheritances, capital gains, one-time lottery winnings, and settlement on insurance claims);

h. The current market value of any personal property held for investment (i.e., gems, jewelry, coin collections); and

i. Assets disposed of within two (2) years before the Application Date, but only to the extent consideration received was less than the fair market value of the asset at the time it was sold.

4. Net family assets do not include the following:

a. Necessary personal property (clothing, furniture, cars, etc.);

b. Vehicles equipped for handicapped individuals;

c. Life insurance policies;

d. Assets which are part of an active business, not including rental properties; and

e. Assets that are not accessible to the Applicant and provide no income to the Applicant.

SCHEDULE E
DOCUMENTATION OF INCOME

The following documents shall be provided, where applicable, to the Administrator to determine income eligibility:

1. Employment Income.

   Verification forms must request the employer to specify the frequency of pay, the effective date of the last pay increase, and the probability and effective date of any increase during the next twelve (12) months. Acceptable forms of verification (of which at least one must be included in the Applicant file) include:

   a. An employment verification form completed by the employer.

   b. Check stubs or earnings statement showing Applicant's gross pay per pay period and frequency of pay.

   c. W-2 forms if the Applicant has had the same job for at least two years and pay increases can be accurately projected.

   d. Notarized statements, affidavits or income tax returns signed by the Applicant describing self-employment and amount of income, or income from tips and other gratuities.

2. Social Security, Pensions, Supplementary Security Income, Disability Income.

   a. Benefit verification form completed by agency providing the benefits.

   b. Award or benefit notification letters prepared and signed by the authorizing agency. (Since checks or bank deposit slips show only net amounts remaining after deducting SSI or Medicare, they may be used only when award letter cannot be obtained.)

   c. If a local Social Security Administration ("SSA") office refuses to provide written verification, the Administrator should meet with the SSA office supervisor. If the supervisor refuses to complete the verification forms in a timely manner, the Administrator may accept a check or automatic deposit slip as interim verification of Social Security or SSI benefits as long as any Medicare or state health insurance withholdings are included in the annual income.

3. Unemployment Compensation.

   a. Verification form completed by the unemployment compensation agency.

   b. Records from unemployment office stating payment dates and amounts.

4 . Government Assistance.

a. All Government Assistance Programs. Agency's written statements as to type and amount of assistance Applicant is now receiving, and any changes in assistance expected during the next twelve (12) months.

b. Additional Information for "As-paid" Programs: Agency's written schedule or statement that describes how the "as-paid" system works, the maximum amount the Applicant may receive for shelter and utilities and, if applicable, any factors used to ratably reduce the Applicant's grant.

5. Alimony or Child Support Payments.

a. Copy of a separation or settlement agreement or a divorce decree stating amount and type of support and payment schedules.

b. A letter from the person paying the support.

c. Copy of latest check. The date, amount, and number of the check must be documented.

d. Applicant's notarized statement or affidavit of amount received or that support payments are not being received and the likelihood of support payments being received in the future.

6. Net Income from a Business.

The following documents show income for the prior years. The Administrator must consult with Applicant and use this data to estimate income for the next twelve (12) months.

a. IRS Tax Return, Form 1040, including any:

(1) Schedule C (Small Business).

(2) Schedule E (Rental Property Income).

(3) Schedule F (Farm Income).

b. An accountant's calculation of depreciation expense, computed using straight-line depreciation rules. (Required when accelerated depreciation was used on the tax return or financial statement.)

c. Audited or unaudited financial statement(s) of the business.

d. A copy of a recent loan application listing income derived from the business during the previous twelve (12) months.

e. Applicant's notarized statement or affidavit as to net income realized from the business during previous years.

7. Recurring Gifts.

a. Notarized statement or affidavit signed by the person providing the assistance. Must give the purpose, dates and value of gifts.

b. Applicant's notarized statement or affidavit that provides the information above.

8. Scholarships, Grants, and Veterans Administration Benefits for Education.

a. Benefactor's written confirmation of amount of assistance, and educational institution's written confirmation of expected cost of the student's tuition, fees, books and equipment for the next twelve (12) months. To the extent the amount of assistance received is less than or equal to actual educational costs, the assistance payments will be excluded from the Applicant's gross income. Any excess will be included in income.

b. Copies of latest benefit checks, if benefits are paid directly to student. Copies of canceled checks or receipts for tuition, fees, books, and equipment, if such income and expenses are not expected to change for the next twelve (12) months.

c. Lease and receipts or bills for rent and utility costs paid by students living away from home.

9. Family Assets Currently Held.

For non-liquid assets, collect enough information to determine the current cash value (i.e., the net amount the Applicant would receive if the asset were converted to cash).

a. Verification forms, letters, or documents from a financial institution, broker, etc.

b. Passbooks, checking account statements, certificates of deposit, bonds, or financial statements completed by a financial institution or broker.

c. Quotes from a stock broker or realty agent as to net amount Applicant would receive if Applicant liquidated securities or real estate.

d. Real estate tax statements if tax authority uses approximate market value.

e. Copies of closing documents showing the selling price, the distribution of the sales proceeds and the net amount to the borrower.

f. Appraisals of personal property held as an investment.

g. Applicant's notarized statements or signed affidavits describing assets or verifying the amount of cash held at the Applicant's home or in safe deposit boxes.

10. Assets Disposed of for Less Than Fair Market Value ("FMV") During Two Years Preceding Application Date.

a. Applicant's certification as to whether it has disposed of assets for less than FMV during the two (2) years preceding the Application Date.

b. If the Applicant states that it did dispose of assets for less than FMV, then a written statement by the Applicant must include the following:

(1) A list of all assets disposed of for less than FMV;

(2) The date Applicant disposed of the assets;

(3) The amount the Applicant received; and

(4) The market value to the asset(s) at the time of disposition.

11. Savings Account Interest Income and Dividends.

a. Account statements, passbooks, certificates of deposit, etc., if they show enough information and are signed by the financial institution.

b. Broker's quarterly statements showing value of stocks or bonds and the earnings credited the Applicant.

c. If an IRS Form 1099 is accepted from the financial institution for prior year earnings, the Administrator must adjust the information to project earnings expected for the next twelve (12) months.

12. Rental Income from Property Owned by Applicant.

The following, adjusted for changes expected during the next twelve (12) months, may be used:

a. IRS Form 1040 with Schedule E (Rental Income).

b. Copies of latest rent checks, leases, or utility bills.

c. Documentation of Applicant's income and expenses in renting the property (tax

statements, insurance premiums, receipts for reasonable maintenance and utilities, bank statements or amortization schedule showing monthly interest expense).

d. Lessee's written statement identifying monthly payments due the Applicant and Applicant's affidavit as to net income realized.

13. Full-Time Student Status.

a. Written verification from the registrar's office or appropriate school official.

b. School records indicating enrollment for sufficient number of credits to be considered a full-time student by the school.

SCHEDULE F
DEED RESTRICTIONS

TO BE INSERTED IN ALL DEEDS IN THE AVERY BROOK HOMES RESUBDIVISION:

As a Community which is approved pursuant to Connecticut General Statutes §8-30g, the individual lots (units) which have been approved by the Ledyard Planning and Zoning Commission have been allowed to vary from the size and bulk requirements contained in the Zoning Regulations of the Town of Ledyard. For the purposes of the Avery Brook Homes Resubdivision, as approved by the Ledyard Planning and Zoning Commission on _____, 2022, the minimum lot size will be 8,400 square feet, the minimum front yard setback from the common interest community common element will be 12 feet, the minimum rear yard setback will be 15 feet and the minimum side yard setback will be 6 feet. The following uses shall be permitted on each lot in the common interest community: all uses permitted as of right or by special permit in accordance with the procedures and criteria set forth in the Zoning Regulations of the Town of Ledyard for the R-60 Zoning District. These limitations shall run with the land and shall not expire when the affordability provisions of the subdivision have lapsed.

TO BE INSERTED IN ALL AFFORDABLE HOME DEEDS IN THE AVERY BROOK HOMES RESUBDIVISION:

The language below shall be inserted in each deed for an Affordable Home unit for the duration of the forty (40) year sale price restriction period.

The property conveyed hereby is an "affordable housing" home subject to the requirements of Connecticut General Statutes Section 8-30g. Said property is subject to the following restrictions (the "Restrictions"):

TO BE INSERTED IN A DEED FOR A SIXTY PERCENT HOME:

1. This dwelling unit is an affordable housing dwelling unit within a set aside development as defined in Section 8-30g of the Connecticut General Statutes and in accordance with the applicable regulations for state agencies that were in effect upon the date of the original application for the initial local approval, August ____, 2022, and is therefore subject to a limitation, at the date of purchase, on the maximum annual income of the household that may purchase the unit, and is subject to a limitation on the maximum sale or resale price. These limitations shall be strictly enforced, and may be enforced by the person identified in the Affordability Plan as responsible for the administration of these limitations or the zoning enforcement authority of the Town of Ledyard. For the duration of this covenant or restriction, this dwelling unit may be sold only to persons and families whose annual income does not exceed SIXTY (60%) PERCENT of 'median income' as defined in subsection 8-30g-1(10) of the Regulations of Connecticut State Agencies, applicable to this unit as specified in an Affordability Plan as on file with the Town of Ledyard. In addition, this unit may be sold or resold only at a price

equal to or less than the price determined using the formula stated in Section 8-30g-8(A), or the formula stated in Section 8-30g-8(B), as applicable, of the Regulations of Connecticut State Agencies.

TO BE INSERTED IN A DEED FOR AN EIGHTY PERCENT HOME:

1. This dwelling unit is an affordable housing dwelling unit within a set aside development as defined in Section 8-30g of the Connecticut General Statutes and in accordance with the applicable regulations for state agencies that were in effect upon the date of the original application for the initial local approval, August ___, 2022, and is therefore subject to a limitation, at the date of purchase, on the maximum annual income of the household that may purchase the unit, and is subject to a limitation on the maximum sale or resale price. These limitations shall be strictly enforced, and may be enforced by the person identified in the Affordability Plan as responsible for the administration of these limitations or the zoning enforcement authority of the Town of Ledyard. For the duration of this covenant or restriction, this dwelling unit may be sold only to persons and families whose annual income does not exceed EIGHTY (80%) PERCENT of 'median income' as defined in subsection 8-30g-1(10) of the Regulations of Connecticut State Agencies, applicable to this unit as specified in an Affordability Plan as on file with the Town of Ledyard. In addition, this unit may be sold or resold only at a price equal to or less than the price determined using the formula stated in Section 8-30g-8(A), or the formula stated in Section 8-30g-8(B), as applicable, of the Regulations of Connecticut State Agencies.

TO BE INSERTED IN ALL AFFORDABLE HOME DEEDS:

2. In the event said Owner desires to make said property available for sale, said Owner shall notify the Administrator in writing. The Owner shall pay the Administrator a fee to cover the cost of administering the sale. The Administrator shall then provide notice of the availability of said property for purchase. Such notice shall be provided, at a minimum, by advertising at least two times in newspapers of general circulation in the Town of Ledyard. The Owner shall bear the cost of such advertisement. The Administrator shall also provide such notice to the Ledyard Planning and Zoning Commission and the Town of Ledyard Zoning Enforcement Officer. Such notice shall include a description of said property, the eligibility criteria for potential purchasers, the Maximum Sale Price and the availability of application forms and additional information. All such notices shall comply with the Federal Fair Housing Act, 42 U.S.C. 3601 et seq. and the Connecticut Fair Housing Act, Connecticut General Statutes §§46a-64b, 64c. Said Owner may hire a real estate broker or otherwise individually solicit offers, independent of the Administrator's action, from potential purchasers. Said Owner shall inform any potential purchaser of the affordability restrictions before any purchase and sale agreement is executed by furnishing the potential purchaser with a copy of the Affordability Plan. The purchase and sale agreement shall contain a provision to the effect that the sale is contingent upon a determination by the Administrator that the potential purchaser meets the eligibility criteria set forth in the Affordability Plan. Once the purchase and sale agreement is executed by said Owner and the potential purchaser, the potential purchaser shall immediately notify the Administrator in writing. The Administrator shall have thirty (30) days from such notice to determine the eligibility of the potential purchaser in accordance with the application process set forth in the Affordability Plan. The Administrator shall notify said Owner and the potential purchaser of its determination of

eligibility in writing within said thirty (30) day period. If the Administrator determines that the potential purchaser is not eligible, the purchase and sale agreement shall be void, and said Owner may solicit other potential purchasers. If the Administrator determines that the potential purchaser is eligible, the Administrator shall provide the potential purchaser and said Owner with a signed certification, executed in recordable form, to the effect that the sale of the particular Affordable Housing dwelling has complied with the provisions of the Affordability Plan. The Owner shall bear the cost of recording said certification.

3. Said Owner shall occupy said property as said Owner's principal residence and shall not lease said property.

4. Said Owner shall maintain said property. Said Owner shall not destroy, damage or impair said property, allow said property to deteriorate, or commit waste on said property. When said property is offered for re-sale, the Administrator may cause said property to be inspected.

5. A subdivision for this Community was approved by agencies of the Town of Ledyard based in part on the condition that a defined percentage of the homes in the Community would be preserved as affordable homes. The Restrictions are required by law to be strictly enforced.

6. A violation of the Restrictions shall not result in a forfeiture of title, but the Ledyard Planning and Zoning Commission or its designated agent shall otherwise retain all enforcement powers granted by the Connecticut General Statutes, including Section 8-12, which powers include, but are not limited to, the authority, at any reasonable time, to inspect said property and to examine the books and records of the Administrator to determine compliance of said property with the affordable housing regulations, and all terms of the Affordability Plan, including without limitation, Article V.

TOWN OF LEDYARD

APPLICATION FOR THE SUBDIVISION OF LAND

Application #_____ **Receipt Date:** _____ **Fee:** _____

Owner of Record: Avery Brook Homes, LLC

Mailing Address: 1641 Connecticut Route 12
P.O. Box 335, Gales Ferry, CT 06335

E-mail: dieter.gardner@yahoo.com

Phone: (860) 464-7455

Applicant: Avery Brook Homes, LLC

Mailing Address: 1641 Connecticut Route 12
P.O. Box 335, Gales Ferry, CT 06335

E-mail: dieter.gardner@yahoo.com

Phone: (860) 464-7455

☐ **If applicant and owner of record are not the same, attach written proof of authority to act for owner.**

Name of Subdivision: Avery Brook Homes Affordable Housing Subdivision

Type:___ **Conventional** ___ **Conservation** ___ **Open Space** **Total Lots Proposed** 36
Affordable Housing Development pursuant to section 8-30g of the Connecticut General Statutes
Acreage Open Space Provided 0 **or Fee-in-lieu of Open Space Proposed** 0

Total Acreage (pre-subdivision): 9.21 **Zoning District:** R-60

Location:

Street 94 Stoddards Wharf Road **Map/Block/Lot** 65 / ____ / 94

Street 96 Stoddards Wharf Road **Map/Block/Lot** 65 / ____ / 96

Street 98 Stoddards Wharf Road **Map/Block/Lot** 65 / ____ / 98

Street 100 Stoddards Wharf Road **Map/Block/Lot** 65 / ____ / 100

- ☑ **Watershed Area**
- ☐ **Aquifer Protection Area**
- ☐ **FEMA Flood Zone**
- ☑ **Wetlands on property**

Surveyor: Dieter & Gardner, Inc.

Mailing Address: P.O. Box 335
1241 Connecticut Route 12
Gales Ferry, CT 06335

E-mail: dieter.gardner@yahoo.com

Phone: (860) 464-7455

Engineer: _____

Mailing Address: _____

E-mail: _____

Phone: _____

AUTHORIZATION

AVERY BROOK HOMES, LLC hereby authorizes the law firm of Heller, Heller & McCoy, the land surveying – planning firm of Dieter & Gardner, Inc., GEI Consultants, Inc. and KWH Enterprise, LLC to represent its interests in all proceedings before the Town of Ledyard Planning and Zoning Commission with respect to an application for resubdivision approval in conjunction with the residential development of properties located at 94, 96, 98 and 100 Stoddards Wharf Road A.K.A. Connecticut Route 214 in the Town of Ledyard, Connecticut as an affordable housing project in accordance with a plan entitled "Plan Showing Resubdivision Property of Avery Brook Homes LLC 94, 96, 98 and 100 Stoddards Wharf Road A.K.A. Connecticut Route 214 Ledyard, Connecticut Scales As Shown June 2022 Sheets 1 of 6 to 6 of 6 Dieter & Gardner Land Surveyors – Planners P.O. Box 335 1641 Connecticut Route 12 Gales Ferry, CT 06335 (860) 464-7455 Email: dieter.gardner@yahoo.com".

Dated at Montville, Connecticut this 25th day of August, 2022.

AVERY BROOK HOMES, LLC

By: _____
Peter C. Gardner, its Member

SUBDIVISION / RESUBDIVISION CHECKLIST

Requirements For All Applications: Application # _____

X Written Application
X Fee
X Legal Description (copy of property deed)
X Key Map (1"=1000' and streets and property lines within a half mile)
X Boundary Survey Map (1"=100') showing:
  a) X Title, date, North arrow, scale, signature blocks
  b) X Layout of lots in subdivided / resubdivided tract
  c) X Lot numbers assigned by assessor, street names
  d) N/A Land dedicated as open space, parks or playgrounds

X Detailed Layout Map (1"=40' unless requested otherwise by Commission), showing:
  a) X Title, date, North arrow, scale, signature blocks
  b) N/A Zoning district
  c) X Lot lines, including dimensions, bearings, or angles
  d) X Building setback lines - Determined pursuant to the Affordability Plan
  e) X Existing and proposed easements with stated purpose
  f) N/A Existing building and structures
  g) X Names of abutting streets and abutting property owners
  h) X Contour lines not less than 5' intervals
  i) X Inland wetlands, water bodies, and stream courses
  j) NA Exposed ledge outcrops
  k) NONE Archaeological sites, historic and natural features
  l) X Deep observation pits for septic systems
  m) X Location of proposed buildings, wells, and septic systems
  n) N/A Existing or proposed open space parcels
  o) N/A Existing or proposed hiking trails
  p) X Existing DOT or USGS monuments and benchmarks
  q) N/A Location of "reverse frontage" driveways
  r) X Existing and proposed boundary monuments and lot markers
  s) N/A Special Flood Hazard Areas (100-year flood zones)
  t) N/A Existing or potential hazards (ESQD arcs, power lines, etc.)
  u) X Energy report (letter stating passive solar energy techniques have been used; 4.6 Regs)

_____ Written approval of activity in wetlands from the IWWC - Application submitted contemporaneously herewith

X Written approval for water and septic from Ledge Light Health District

If applicable:
X Written proof allowing applicant to act on behalf of landowner
X List of corporate officers with authority to act
N/A Drainage plans/cross-sections, as per Road Ordinance
N/A Hydrologic models used to size drainage system (e.g., TR55)
N/A Road plans/cross-sections, as per Road Ordinance
N/A Written approval of drainage and roads from Public Works Director
N/A Length of proposed street(s) in General Notes (cul-de-sacs measured to farthest edge of bulb)
X DOT permit to connect to State highway Applied for
X Traffic study prepared by Certified Traffic Engineer - To be submitted prior to public hearing
X Erosion and sedimentation control plan
N/A Written authorization to connect to public water supply
N/A Evidence of notification to abutting property owners
N/A Statement of intended use for undeveloped portions of tract
N/A Statement of disposition of open spaces, parks, and playgrounds
N/A Coastal Area Site Plan review
N/A Written request for waiver of subdivision regulations
N/A Evidence of variance granted by Zoning Board Appeals
X Referral to DPH & Groton Utilities if project falls within watershed boundary on Map #2491

Return To:
Heller, Heller & McCoy
736 Norwich-New London Turnpike
Uncasville, CT 06382

DECLARATION OF AVERY BROOK HOMES, A DE MINIMIS PLANNED COMMUNITY

1. The name of the Common Interest Community being created under the Connecticut Common Interest Ownership Act is Avery Brook Homes. Avery Brook Homes is a planned community that contains "Affordable Units" as contemplated by Section 8-30g of the Connecticut General Statutes.

2. Avery Brook Homes is a planned community located in Ledyard, Connecticut on land shown on the survey referred to in **Schedule A** attached hereto (hereinafter the "Survey").

3. Avery Brook Homes contains thirty-six (36) units, which units are individual building lots and are sometimes hereinafter referred to as "Lots".

4. The Lots or units are identified as Lot Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35 and 36 inclusive, and are shown on the Survey.

5. The boundaries of each Lot are located as shown on the Survey.

6. The Association of Unit Owners required under Section 47-243 of the Connecticut General Statutes is Avery Brook Homes Homeowner's Association, Inc. The Unit Owner's Association is a non-stock corporation organized pursuant to the laws of the State of Connecticut (hereinafter referred to as the "Association").

7. There are no limited common elements in the planned community. The Common Element in the planned community is an easement right, forty (40') feet in width, which will accommodate the installation and maintenance of Avery Brook Circle, a private road, which will provide access and utilities to the units in the common interest community. The Common Element is more particularly described in **Schedule B** attached hereto.

8. The common interest community is being created pursuant to the provisions of Section 8-30g of the Connecticut General Statutes; and is therefore subject to all of the terms and provisions of the Affordability Plan for Avery Brook Homes entitled "Affordability Plan For Avery Brook Homes Subdivision Properties Of Avery Brook Homes, LLC August 15, 2022 Submitted By Avery Brook Homes, LLC To The Ledyard Planning And Zoning Commission" (hereinafter the "Affordability Plan") in addition to the terms and conditions of this Declaration.

9. The Declarant, simultaneously with the filing of this Declaration, shall execute and deliver to the Association a grant of easement for the use, enjoyment, maintenance, repair and

replacement of the Common Elements within the Common Interest Community as delineated in Schedule B attached hereto. Said conveyance shall be made subject to the following:

(A) The terms, conditions, agreements, obligations, covenants and easements created by this Declaration as the same may be amended or supplemented from time to time.

(B) The right of the Declarant to exercise the special Declarant rights as more fully set forth in Paragraph 10 of this Declaration.

(C) The Affordability Plan.

(D) Certain drainage rights as set forth in a deed from Amer Javed to Amer Javed dated January 12, 2012 and recorded in Volume 493, Page 77 of the Ledyard Land Records.

(E) Map notes, building lines and wetlands as depicted on Plan #2524 filed for record in the Ledyard Land Records.

10. There is no real property in the Common Interest Community which may be allocated subsequently as limited common elements.

11. There are no Development Rights reserved by the Declarant hereunder. The Declarant hereby reserves the following special Declarant Rights:

(A) The right of the Declarant to enter upon the Common Elements for the purpose of constructing Avery Brook Circle and the utilities within the limits of Avery Brook Circle required to provide utility service to the units within the Common Interest Community in accordance with a plan entitled "Plan Showing Resubdivision Property of Avery Brook Homes LLC 94, 96, 98 and 100 Stoddards Wharf Road A.K.A. Connecticut Route 214 Ledyard, Connecticut Scales As Shown June 2022 Sheets 1 of 6 to 6 of 6 Dieter & Gardner Land Surveyors – Planners 1641 Connecticut Route 12 P.O. Box 335 Gales Ferry, CT. 06335 (860) 464-7455 Email: dieter.gardner@yahoo.com".

(B) The right to construct underground utility lines, pipes, wires, ducts, conduits and other facilities under, upon and across the Common Elements for the purpose of furnishing utility and other services to the units;

(C) The right to grant easements to public utility companies and to convey improvements within those easements for the purpose of furnishing utility and other services to the units.

12. The nature of the activities to be conducted and the purposes to be promoted or carried out by the Association are as follows:

(A) To provide for the general upkeep and maintenance of the Common Elements.

(B) To repair, replace and maintain Avery Brook Circle and the appurtenant facilities constructed to provide access and utilities to units within the Common Interest Community within the limits of the Common Elements.

13. The Association shall have, without limitation, the following powers, all of which shall be exercised exclusively in connection with the promotion or carrying out of its purposes mentioned in Paragraph 12 hereof:

(A) To adopt and amend Bylaws and Rules and Regulations, consistent with the terms and provisions of this Declaration and the subdivision approval of Avery Brook Homes in Ledyard, Connecticut.

(B) Adopt and amend budgets for revenues, expenditures and reserves and collect assessments for common expenses from the Lot owners;

(C) Make contracts and incur liabilities;

(D) Regulate the use, maintenance, repair, replacement and modification of the Common Elements;

(E) Cause additional improvements to be made to the Common Elements if those improvements are reasonably required in order to provide access by vehicle or otherwise from Stoddards Wharf Road A.K.A. Route 214 to units within the Common Interest Community and/or to provide utility services to units within the Common Interest Community;

(F) Impose charges or interest or both for late payment of assessments; and, after notice and an opportunity for hearing, levy reasonable fines for violations of the Declaration, Bylaws, Rules and Regulations of the Association;

(G) Exercise any other powers conferred by this Declaration or the Bylaws; and

(H) Exercise all other powers as enumerated in Section 47-244 of the Connecticut General Statutes, insofar as the exercise thereof is consistent with the terms and provisions of this Declaration, the Affordability Plan and/or the approval of the Avery Brook Homes Resubdivision granted by the Town of Ledyard Planning and Zoning Commission.

14. Every person or entity who is a record owner of a fee or undivided fee interest in Units 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35 and 36, inclusive, as shown on the Survey, shall automatically be a Member of the Association, provided that any such person or entity holding such interest merely as security for the performance of an obligation shall not be a Member. Membership shall be appurtenant and may not be separate from ownership of a unit. The term "Owner" as herein used is defined as the record owner, whether one or more persons or entities is the owner of the fee title to any unit within the common interest community.

    If more than one person shall be the owner of a Lot or a unit, all such persons shall have the right to attend all meetings of the Association.

15. Members shall be entitled to vote on the basis of one vote for each unit within the Association. When more than one person holds such interest or interests in any unit, the vote for such Lot or unit shall be exercised as they, among themselves, determine; but, in no event shall more than one vote be cast with respect to any such Lot or unit.

16. An Executive Board shall be elected by a majority of the Lot Owners present and voting and shall be composed of not less than three nor more than five Members. There shall be a period of Declarant control of the Association, during which the Declarant, or persons designated by it, may appoint and remove the Officers and Members of the Executive Board. The period of Declarant control terminates no later than the earlier of (i) sixty days after conveyance of sixty (60%) percent of the units to Unit Owners other than a Declarant, (ii) two years after all Declarants have ceased to offer units for sale in the ordinary course of business or (iii) five years after the first unit is conveyed to a Unit Owner other than a Declarant. The Declarant may voluntarily surrender the right to appoint and remove Officers and Members of the Executive Board before termination of that period, but in that event the Declarant may require, for the duration of the period of Declarant control, that specified actions of the Association or Executive Board as described in a recorded instrument executed by the Declarant, be approved by the Declarant before they become effective. Not later than sixty (60) days after the conveyance of one-third of the units to Unit Owners other than a Declarant, at least one Member and not less than one-third of the Members of the Executive Board shall be elected by Unit Owners other than the Declarant (iv) If there shall be a vacancy in the Executive Board, the vacancy shall be filled by the Declarant during the period of Declarant control; and, thereafter, by the remaining Members of the Executive Board.

17. In addition to such other duties as they may have by law or by the terms of this Declaration, the Executive Board shall:

    (A) Provide for the maintenance of the Common Elements of the Common Interest Community;

    (B) Obtain and at all times maintain in force public liability insurance in such amounts and coverages as may be reasonably adequate to protect the Association against

claims for damages arising or resulting from its ownership of the Common Elements;

(C) Adopt such rules and regulations as may be required governing the use of the Common Elements; and

(D) Manage the financial affairs of the Association.

18. The anticipated budget for the first year of the Avery Brook Homes Common Interest Community is attached hereto as **Schedule C.** The budget assumes that all thirty-six (36) units in the Common Interest Community will be sold during the first year.

19. The annual meeting of the Association shall be held during the month of July, with a date, time and place to be established by the Executive Board.

20. The amount of the common charge assessment against each Lot within the Common Interest Community shall be determined, on an annual basis, by the budget adopted by the Association. The common charge assessment against each market rate home in the Common Interest Community (as determined by the Affordability Plan) shall be equal for each market rate unit. The amount of the common charge assessment against each unit within the Common Interest Community against a sixty (60%) percent unit (as defined in the Affordability Plan) shall be sixty (60%) percent of the common charge assessment for a market rate unit and the common charge assessment against each eighty (80%) percent unit (as defined in the Affordability Plan) shall be equal to eighty (80%) percent of the common charge assessment of each market rate unit in the Common Interest Community. The annual average common expense liability of each Unit, exclusive of any insurance premiums paid by the Association, shall not exceed Three Hundred and 00/100 ($300.00) Dollars, as adjusted pursuant to Section 47-213 of the Connecticut General Statutes. As of July 1, 2022, the maximum market rate common expense liability, exclusive of the cost of liability insurance, is Eight Hundred Seventy-Six and 00/100 ($876.00) Dollars; for a sixty (60%) percent home is Five Hundred Twenty-Five and 60/100 ($525.60) Dollars; and for an eighty (80%) percent home is Seven Hundred Eighty and 00/100 ($780.00) Dollars.

21. Common expense assessments shall be determined on an annual basis, but shall be paid on a monthly basis. The Executive Board shall set the date for the payment of common expense assessments and provide written notice thereof to each unit Owner within the Common Interest Community.

22. The annual common expense liability may not be increased during the period of Declarant control without the consent of persons entitled to cast at least eighty (80%) percent of the votes in the Association, including eighty (80%) percent of the votes allocated to units not owned by a Declarant or an affiliate of the Declarant. The Declarant, during the period of Declarant control, shall have no obligation to make payment of common expense assessments on Declarant owned units but shall be required to subsidize the budget of the Association to the extent necessary to fund its operating budget.

23. In addition to the monthly assessments, the Association may levy in any fiscal year a special assessment, applicable to that year only, for the purpose of defraying, in whole or in part, the cost of any construction or reconstruction, unexpected repair or replacement of the improvements located within the Common Elements, provided that any such special assessment shall have the assent of not less than eighty (80%) percent of the votes of owners in the Association.

Such vote shall be taken at a meeting called for that purpose, written notice of which shall be sent to all Members at least fifteen (15) days in advance of said meeting and shall set forth the purpose of the meeting. The due date of any special assessment shall be fixed in the resolution authorizing such Assessment.

24. If the annual or any special assessments are not paid on the date when due, then such assessment shall become delinquent and shall, together with such interest thereon and cost of collection thereof as hereinafter provided, become a continuing lien on the unit which shall bind such unit in the hands of the then Owner, his heirs, personal representatives, successors and assigns.

If any monthly common charge assessment or special assessment is not paid within thirty (30) days after the due date thereof, the assessment shall bear interest from the due date thereof at the rate of eighteen (18.00%) percent per annum; and the Association may bring any appropriate action or proceeding for the collection thereof against the owner personally obligated to pay the same or to foreclose the lien against the applicable unit. In either event, the Association shall be entitled to recover all its costs of collection, including reasonable attorney's fees.

25. This Declaration shall in no way obligate the Town of Ledyard to maintain any of the improvements located within the Common Elements of the Common Interest Community.

26. The Association reserves the right to make, from time to time, and at any time, any amendment to this Declaration as may be authorized by law, provided, however:

(A) That no amendment shall be made except upon the affirmative vote of eighty (80%) percent of the votes entitled to be cast at a meeting of the Association;

(B) The Association, by a majority vote of its Membership, may adopt such other Bylaws, rules and regulations as it may determine appropriate, consistent with the terms and provisions of this Declaration.

27. The Association may dissolve only with the assent given in writing and signed by the Owners entitled to cast not less than eighty (80%) percent of the votes within the Association and with the assent given in writing by the Town of Ledyard Planning and Zoning Commission.

IN WITNESS WHEREOF, the Declarant has caused this Declaration to be executed this ___ day of August, 2022.

Signed, Sealed and Delivered
in the Presence of:

AVERY BROOK HOMES, LLC

_____ By:_____ (L.S.)
Peter C. Gardner, its Member

_____

STATE OF CONNECTICUT)
) ss. Montville
COUNTY OF NEW LONDON)

On this the ___ day of _____, 2022, before me, Harry B. Heller, the undersigned officer, personally appeared Peter C. Gardner, who acknowledged himself to be a Member of AVERY BROOK HOMES, LLC, a limited liability company, hereunto duly authorized, signer and sealer of the foregoing instrument and acknowledged the same to be his free act and deed as Member aforesaid and the free act and deed of AVERY BROOK HOMES, LLC.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

_____
Harry B. Heller
Commissioner of the Superior Court

SCHEDULE A

A certain tract or parcel of land, together with the improvements thereon, situated on the northerly side of Stoddards Wharf Road A.K.A. Connecticut Route 214 in the Town of Ledyard, County of New London and State of Connecticut and being more particularly shown on a certain map or plan entitled "Plan Showing Resubdivision Property of Avery Brook Homes LLC 94, 96, 98 and 100 Stoddards Wharf Road A.K.A. Connecticut Route 214 Ledyard, Connecticut Scale: 1" = 40' June 2022 Sheet 2 of 6 Dieter & Gardner Land Surveyors – Planners 1641 Connecticut Route 12 P.O. Box 335 Gales Ferry, CT. 06335 (860) 464-7455 Email: dieter.gardner@yahoo.com" which premises is more particularly bounded and described as follows:

Beginning at a rebar or drill hole to be set in the face of a stone wall intersection in the northerly line of Stoddards Wharf Road at the southeasterly corner of the herein described tract and on the dividing line between the herein described tract and land now or formerly of the City of Groton; thence running North 76º03'40" West for a distance of 46.59 feet along the face of a stone wall to a rebar or drill hole to be set; thence running North 82º23'30" West for a distance of 79.80 feet along the face of a stone wall to a point; thence running North 82º23'30" West for a distance of 16.96 feet along the face of a stone wall to a rebar or drill hole to be set; thence running North 84º40'49" West for a distance of 3.06 feet along the face of a stone wall to a rebar or drill hole to be set; thence running North 84º40'49" West for a distance of 125.00 feet along the face of a stone wall to a rebar or drill hole to be set; thence running North 84º40'49" West for a distance of 8.84 feet along the face of a stone wall to a rebar or drill hole to be set at the end of said stone wall; thence running North 82º33'04" West for a distance of 96.22 feet to a point; thence running North 82º33'04" West for a distance of 1.20 feet to a rebar or drill hole to be set; thence running South 89º10'58" West for a distance of 39.03 feet to a point; thence running South 89º10'58" West for a distance of 33.57 feet to a rebar or drill hole to be set; thence running South 83º08'37" West for a distance of 39.51 feet to a rebar or drill hole to be set; thence running South 86º48'51" West for a distance of 39.50 feet to an iron pipe found, the last twelve (12) courses being bounded generally southerly by Stoddards Wharf Road A.K.A. Connecticut Route 214; thence running North 06º12'55" East for a distance of 84.93 feet along a stone wall to a rebar or drill hole to be set; thence running North 06º12'55" East for a distance of 65.01 feet along a stone wall to a rebar or drill hole to be set; thence running North 06º12'55" East for a distance of 65.01 feet along a stone wall to a rebar or drill hole to be set; thence running North 06º12'55" East for a distance of 4.72 feet along a stone wall to a rebar or drill hole to be set at an angle in said stone wall; thence running North 32º29'47" West for a distance of 31.98 feet along a stone wall to a rebar or drill hole to be set; thence running North 32º29'47" West for a distance of 48.60 feet along a stone wall to a drill hole found at an angle in said stone wall; thence running North 72º49'57" West for a distance of 17.00 feet along a stone wall to a rebar or drill hole to be set; thence running North 72º49'57" West for a distance of 34.72 feet along a stone wall to a rebar or drill hole to be set at an angle in said stone wall; thence running North 58º20'47" West for a distance of 35.08 feet along a stone wall to a drill hole found at a stone wall corner, the last nine (9) courses being bounded by land now or formerly of Shirley P. Pandora as shown on the above referenced plan; thence running North 20º09'28" East for a distance of 45.03 feet along a stone wall to a rebar or drill hole to be set; thence running North 25º41'15" East for a distance of 25.00 feet along a stone wall to a rebar or drill hole to be set; thence running North 25º41'15" East for a distance of 29.14 feet along a

stone wall to a rebar or drill hole to be set; thence running North 19º59'08" East for a distance of 58.63 feet along a stone wall to a drill hole found, the last four (4) courses being bounded northwesterly by land now or formerly of Arlene Allard as shown on the above referenced plan; thence running North 19º56'17" East for a distance of 15.10 feet along a stone wall to a drill hole found; thence running North 39º38'52" East for a distance of 5.26 feet along a stone wall to a rebar or drill hole to be set; thence running North 39º38'52" East for a distance of 99.20 feet along a stone wall to a rebar or drill hole to be set; thence running North 39º38'52" East for a distance of 25.00 feet along a stone wall to a rebar or drill hole to be set; thence running North 40º32'06" East for a distance of 108.56 feet along a stone wall to a drill hole found; thence running North 38º29'05" East for a distance of 8.16 feet along a stone wall to a rebar or drill hole to be set; thence running North 38º29'05" East for a distance of 61.14 feet along a stone wall to a rebar or drill hole to be set at the end of said stone wall; thence running North 41º56'38" East for a distance of 32.92 feet to a rebar or drill hole to be set; thence running North 41º56'38" East for a distance of 72.51 feet to a rebar or drill hole to be set; thence running South 68º19'11" East for a distance of 42.09 feet to a rebar or drill hole to be set; thence running South 68º19'11" East for a distance of 95.70 feet to a rebar or drill hole to be set; thence running South 68º19'11" East for a distance of 96.32 feet to a rebar or drill hole to be set; thence running South 68º19'11" East for a distance of 14.79 feet to a pin with cap found; thence running South 18º10'45" East for a distance of 86.95 feet to a rebar or drill hole to be set; thence running South 18º10'45" East for a distance of 92.33 feet to a rebar or drill hole to be set; thence running South 18º10'45" East for a distance of 79.39 feet to a rebar or drill hole to be set; thence running South 18º10'45" East for a distance of 65.48 feet to a rebar or drill hole to be set; thence running South 18º10'45" East for a distance of 101.00 feet to a rebar or drill hole to be set; thence running South 18º10'45" East for a distance of 21.18 feet to a drill hole found at the end of a stone wall; thence running South 13º34'05" West for a distance of 41.00 feet along a stone wall to a rebar or drill hole to be set; thence running South 13º34'05" West for a distance of 13.76 feet along a stone wall to a drill hole found; thence running South 13º34'05" West for a distance of 89.30 feet along a stone wall to a rebar or drill hole to be set; thence running South 13º34'05" West for a distance of 85.89 feet along a stone wall to a rebar or drill hole to be set; thence running South 13º34'05" West for a distance of 99.88 feet along a stone wall to the rebar or drill hole to be set at the stone wall intersection face in the northerly line of Stoddards Wharf Road at the point and place of beginning, the last twenty-four (24) courses being bounded by land now or formerly of the City of Groton.

Reference is hereby made to a Warranty Deed from Amer Javed to Avery Brook Homes, LLC dated March 28, 2022 and filed for record in Volume 620, Page 92 of the Ledyard Land Records.

SCHEDULE B

An easement for purposes of ingress and egress and for the installation of utilities over and across certain real property situated on the northerly side of Stoddards Wharf Road in the Town of Ledyard, County of New London and State of Connecticut and being more particularly shown as "40' Wide Access/Utility Easement" on a certain map or plan entitled "Plan Showing Resubdivision Property of Avery Brook Homes LLC 94, 96, 98 and 100 Stoddards Wharf Road A.K.A. Connecticut Route 214 Ledyard, Connecticut Scale: 1" = 40' June 2022 Sheet 2 of 6 Dieter & Gardner Land Surveyors – Planners 1641 Connecticut Route 12 P.O. Box 335 Gales Ferry, CT. 06335 (860) 464-7455 Email: dieter.gardner@yahoo.com" which easement area (to be known as Avery Brook Circle) is more particularly bounded and described as follows:

Beginning at a drill hole or rebar to be set in the northerly line of Stoddards Wharf Road at a southeasterly corner of the herein described easement area, which rebar or drill hole to be set is further located in the southerly line of Lot 23 as shown on the above referenced plan; thence running South 89º10'58" West for a distance of 40.23 feet bounded southerly by Stoddards Wharf Road to a point; thence running North 05º19'11" East for a distance of 266.32 feet to a point; thence running along the arc of a curve to the left with a radius of 90.00 feet, a central angle of 22º43'19" for a distance of 35.69 feet to a point; thence running along the arc of a curve to the left with a radius of 90.00 feet, a central angle of 20º58'05" for a distance of 32.94 feet to a point; thence running along the arc of a curve to the right with a radius of 130.00 feet, a central angle of 12º06'15" for a distance of 27.46 feet to a point; thence running along the arc of a curve to the right with a radius of 130.00 feet, a central angle of 19º53'23" for a distance of 45.13 feet to a point; thence running along the arc of a curve to the right with a radius of 130.00 feet, a central angle of 21º18'25" for a distance of 48.34 feet to a point; thence running along the arc of a curve to the right with a radius of 130.00 feet, a central angle of 11º58'41" for a distance of 27.18 feet to a point; thence running North 26º54'31" East for a distance of 50.33 feet to a point; thence running along the arc of a curve to the right with a radius of 150.00 feet, a central angle of 30º42'17" for a distance of 80.38 feet to a point; thence running along the arc of a curve to the right with a radius of 150.00 feet, a central angle of 17º28'04" for a distance of 45.73 feet to a point; thence running along the arc of a curve to the right with a radius of 150.00, a central angle of 16º49'17" for a distance of 44.04 feet to a point; thence running along the arc of a curve to the right with a radius of 150.00 feet, a central angle of 17º01'14" for a distance of 44.56 feet to a point; thence running along the arc of a curve to the right with a radius of 150.00 feet, a central angle of 17º36'51" for a distance of 46.11 feet to a point; thence running along the arc of a curve to the right with a radius of 150.00 feet, a central angle of 17º26'20" for a distance of 45.66 feet to a point; thence running along the arc of a curve to the right with a radius of 150.00 feet, a central angle of 18º55'48" for a distance of 49.56 feet to a point; thence running along the arc of a curve to the right with a radius of 150.00 feet, a central angle of 05º52'28" for a distance of 15.38 feet to a point; thence running South 11º13'11" East for a distance of 121.66 feet to a point; thence running along the arc of a curve to the right with a radius of 130.00 feet, a central angle of 16º32'22" for a distance of 37.53 feet to a point; thence running South 05º19'11" West for a distance of 346.92 feet to a point in the face of a stone wall in the northerly line of Stoddards Wharf Road; thence running North 82º23'30" West for a distance of 16.96 feet along the face of a stone wall to a rebar or drill hole to be set; thence running North 84º40'49" West for a distance of 3.06

feet along the face of a stone wall to a rebar or drill hole to be set; thence running North 84º40'49" West for a distance of 20.00 feet along the face of a stone wall to a point; the last three (3) courses being bounded southerly by Stoddards Wharf Road; thence running North 05º19'11" East for a distance of 346.25 feet to a point; thence running along the arc of a curve to the left with a radius of 90.00 feet, a central angle of 16º32'22" for a distance of 25.98 feet to a point; thence running North 11º13'11" West for a distance of 121.66 feet to a point; thence running along the arc of a curve to the left with a radius of 110.00 feet, a central angle of 68º22'03" for a distance of 131.26 feet to a point; thence running along the arc of a curve to the left with a radius of 110.00 feet, a central angle of 73º30'15" for a distance of 141.12 feet to a point; thence running South 26º54'31" West for a distance of 50.33 feet to a point; thence running along the arc of a curve to the left with a radius of 90.00 feet, a central angle of 23º45'06" for a distance of 37.31 feet to a point; thence running along the arc of a curve to the left with a radius of 90.00 feet, a central angle of 41º31'38" for a distance of 65.23 feet to a point; thence running along the arc of a curve to the right with a radius of 130.00 feet, a central angle of 13º11'15" for a distance of 29.92 feet to a point; thence running along the arc of a curve to the right with a radius of 130.00 feet, a central angle of 26º00'53" for a distance of 59.03 feet to a point; thence running along the arc of a curve to the right with a radius of 130.00 feet, a central angle of 04º29'17" for a distance of 10.18 feet to a point; thence running South 05º19'11" West for a distance of 262.20 feet to the rebar or drill hole to be set at the point and place of beginning of said easement area.

Reference is hereby made to a Warranty Deed from Amer Javed to Avery Brook Homes, LLC dated March 28, 2022 and filed for record in Volume 620, Page 92 of the Ledyard Land Records.

SCHEDULE C

AVERY BROOK HOMES
PROPOSED BUDGET FOR FIRST YEAR
JANUARY 1, 2023 TO DECEMBER 31, 2023

Item	**Amount**
INCOME	
Assessment Income[1]	$22,550.00
EXPENSES	
Liability Insurance	1,850.00
Common Area Mowing	1,200.00
Association Tax Return	500.00
	$3,550.00
MAINTENANCE FEE	
Snow Plowing	6,000.00
General Road Repair	3,000.00
	$9,000.00
TOTAL EXPENSES	$12,550.00
REPLACEMENT RESERVES	
Private Roadway	$10,000.00
TOTAL REPLACEMENT RESERVES	$10,000.00
TOTAL ANNUAL EXPENSES AND REPLACEMENT RESERVES	$22,550.00

[1] The proposed monthly common expense assessment for Units 2, 3, 5, 7, 8, 9, 10, 11, 13, 14, 15, 16, 17, 18, 19, 21, 23, 25, 26, 29, 30, 31, 32, 34 and 35 is $59.30; the proposed monthly common expense assessment for Units 1, 6, 12, 22, 27 and 33 is $31.32; and the proposed monthly common expense assessment for Units 4, 20, 24, 28 and 36 is $41.76.

HELLER, HELLER & McCOY

Attorneys at Law

736 Norwich-New London Turnpike
Uncasville, Connecticut 06382

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

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

Telephone: (860) 848-1248
Facsimile: (860) 848-4003

August 30, 2022

Town of Ledyard Planning and Zoning Commission
Attn: Mrs. Juliet Hodge, Director of Planning
741 Colonel Ledyard Highway
Ledyard, CT 06339

Re: Application of Avery Brook Homes, LLC for an affordable housing subdivision (C.G.S. §8-30g) on properties located at 94, 96, 98 and 100 Stoddards Wharf Road, Ledyard, Connecticut

Dear Juliet:

Enclosed herewith please find five (5) copies of the "Traffic Impact Study 94, 96, 98 and 100 Stoddards Wharf Road Ledyard, Connecticut Prepared For: Avery Brook Homes LLC Prepared By: KWH Enterprise, LLC August 2022". This report is being submitted in addition to the application package that was submitted on August 29, 2022 to the Ledyard Planning and Zoning Commission.

Should you have any questions, or need anything further at this time, please feel free to contact the undersigned.

Very truly yours,

Harry B. Heller

HBH/rmb
Enclosures

RECEIVED
[illegible] 2022
[illegible] DEPARTMENT

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



Traffic Impact Study

94, 96, 98, and 100 Stoddards Wharf Road

Ledyard, Connecticut

RECEIVED
[illegible], 2022
LAND USE DEPARTMENT

Prepared for:

Avery Brook Homes LLC



Prepared by:

KWH Enterprise, LLC

August 2022

Traffic Impact Study
94, 96, 98, and 100 Stoddards Wharf Road
Ledyard, Connecticut

This study examines the traffic impact of 36 proposed single-family houses on Stoddards Wharf Road in Ledyard, Connecticut. Levels of Service (LOS) for traffic flows under 2025 build traffic conditions were analyzed to identify any deficiencies in existing and future traffic operations at area intersections. For the purpose of this traffic study, 2025 was assumed to be the year during which the houses are built and occupied.

I. Summary

- The 36 proposed single-family houses are estimated to generate 25 and 34 vehicular trips during the respective weekday morning and afternoon peak hours.

- Traffic movements at two site driveway intersections on Stoddards Wharf Road will operate at favorable LOS A or B during the peak hours when the houses are occupied. The traffic impact of the development will be negligible and will be adequately and safely accommodated by area roadways.

II. Project Description

The development site is located north of Stoddards Wharf Road and east of the Whalehead Road intersection in Ledyard, Connecticut. 36 single-family houses are proposed. Two site driveways will be provided on Stoddards Wharf Road.

III. Existing Traffic Conditions

To evaluate the quality of traffic operation in the vicinity of the site, the following intersections were analyzed for the study:

- Stoddards Wharf Road and western site driveway; and
- Stoddards Wharf Road and eastern site driveway.

2022 peak-hour traffic volumes were generated based on pre-pandemic counts on Stoddards Wharf Road collected by CTDOT in 2017 and an annual traffic growth rate of 0.6 percent between 2017 and 2022. Because the two site driveways are not existing, no traffic analysis was performed for the 2022 existing traffic conditions.

IV. Future Traffic Conditions

For the purpose of this traffic impact study, it was assumed that the residential houses will be built and occupied in 2025.

Figures 1 and 2 show the 2025 build traffic volumes, which were generated by using an annual background traffic growth rate of 0.6 percent between 2022 and 2025 and by

including the site trips discussed as follows. The 0.6 percent annual growth rate was recommended by CTDOT.

Trip Generation

Peak-hour vehicular trips generated by the houses in Table 1 were estimated based on data from ITE (Institute of Transportation Engineers) *Trip Generation Manual, 11th Edition*. The development is expected to generate 25 and 34 vehicular trips during the respective weekday morning and weekday afternoon peak hours.

Table 1 Trip Generation (vph)

ITE LU 210, Single-Family Detached Housing (36 Units)			
	Entry	Exit	Entry & Exit
Weekday AM peak hour of adjacent street	7	18	25
Weekday PM peak hour of adjacent street	21	13	34

vph Vehicles per hour

Table 2 depicts the distribution of the site-generated trips along area routes. The distribution takes into account the relative traffic volumes of area roadways and the development patterns in this part of Ledyard.

Table 2 Trip Distribution

To / From Route	Entry/Exit
East: Route 214	40%
West: Route 214	60%
Total	100%

Capacity Analysis

To assess the quality of traffic flow, intersection capacity analysis was conducted for the future build traffic conditions. Capacity analysis provides an indication of how well roadway facilities serve the traffic demands placed upon them. Synchro 10, a software package that includes the evaluation criteria of the *Highway Capacity Manual, 6th Edition*, was used to analyze the intersections.

Level of service (LOS) is the term used to describe the different operating conditions that occur on a given roadway segment or intersection under various traffic conditions. It is a qualitative measure of the effects of a number of factors including roadway geometry, speed, travel delay, freedom to maneuver, and safety. Six levels of service can be defined for each type of facility. Each level of service (LOS) is given a letter designation from A to F, with LOS A representing the best operating conditions and LOS F representing the worst.

Table 3 that follows shows the capacity analysis results for the analyzed intersections under the 2025 build traffic conditions. All traffic movements at the two site driveway intersections will operate at favorable LOS A or B during the weekday peak hours.

The vehicular trips of the development will be adequately accommodated by Stoddards Wharf Road. The traffic impact of the development on area roadways will be negligible.

Table 3 Capacity Analyses for Build Conditions

Intersection	2025 Build Conditions			
	Weekday Morning Peak Hour of Adjacent Streets		Weekday Afternoon Peak Hour of Adjacent Streets	
	Delay (sec)	LOS	Delay (sec)	LOS
Stoddards Wharf Road and Site Driveway (W) (Unsignalized)				
EB Stoddards Wharf Road Left Turn	7.8	A	7.7	A
EB Stoddards Wharf Road Through	0.0	A	0.0	A
SB Site Driveway (W)	10.6	B	10.4	B
Stoddards Wharf Road and Site Driveway (E) (Unsignalized)				
EB Stoddards Wharf Road Left Turn	7.8	A	7.7	A
EB Stoddards Wharf Road Through	0.0	A	0.0	A
SB Site Driveway (E)	10.8	B	10.6	B

EB Eastbound
WB Westbound
NB Northbound
SB Southbound
LOS Level of Service

V. Conclusions

Area traffic operation was analyzed for the development of 36 houses under 2025 build traffic conditions. The traffic impact of the development will be negligible and will be adequately and safely accommodated by area roadways.

Kermit Hua

Kermit Hua, PE, PTOE
Principal
KWH Enterprise, LLC
(203) 606-3525
kermit.hua@kwhenterprise.com

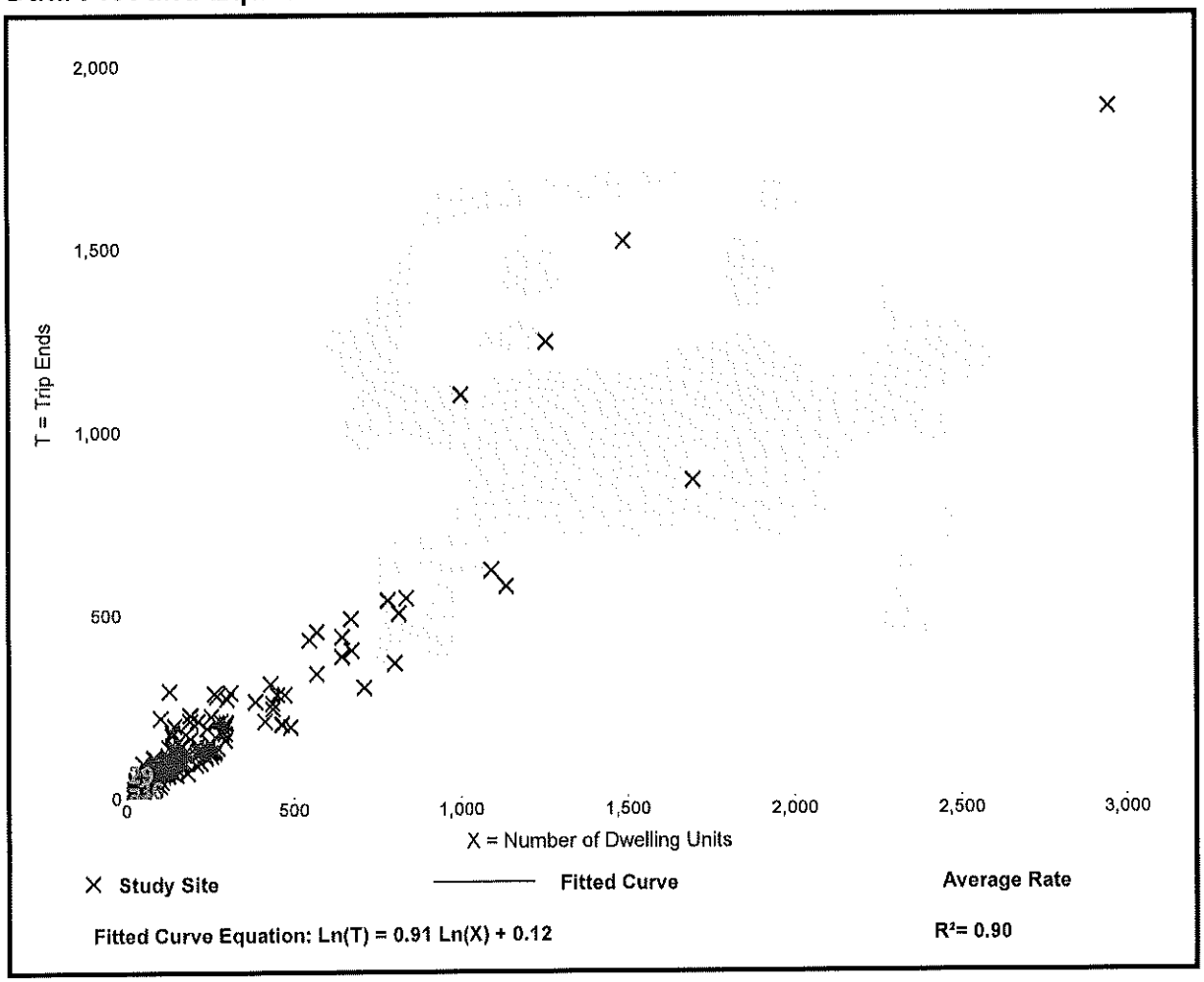
Single-Family Detached Housing
(210)

Vehicle Trip Ends vs: **Dwelling Units**
On a: **Weekday,**
Peak Hour of Adjacent Street Traffic,
One Hour Between 7 and 9 a.m.
Setting/Location: **General Urban/Suburban**
Number of Studies: 192
Avg. Num. of Dwelling Units: 226
Directional Distribution: 26% entering, 74% exiting

Vehicle Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
0.70	0.27 - 2.27	0.24

Data Plot and Equation



Trip Gen Manual, 11th Edition • Institute of Transportation Engineers

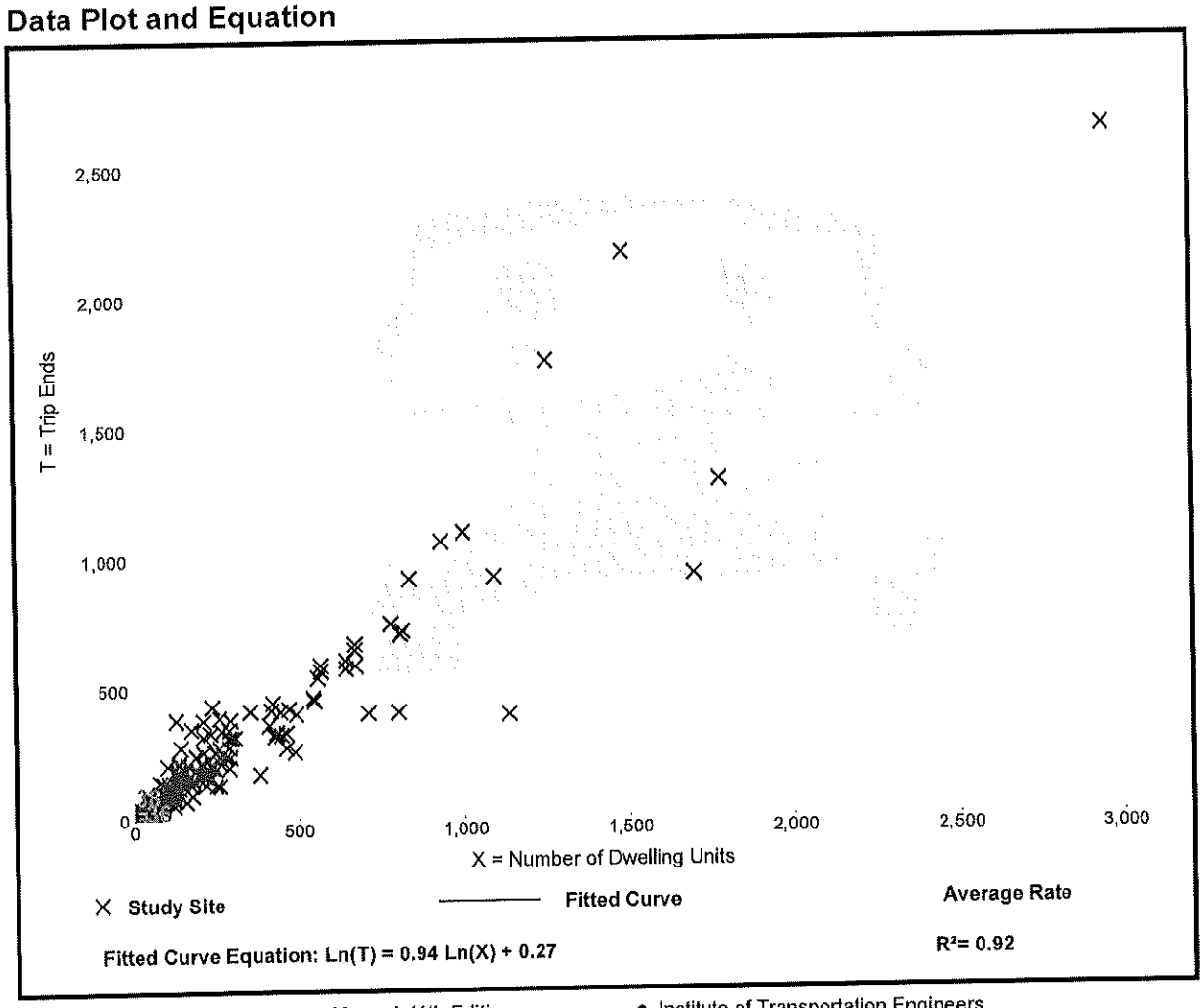
Single-Family Detached Housing
(210)

Vehicle Trip Ends vs: **Dwelling Units**
On a: **Weekday,**
Peak Hour of Adjacent Street Traffic,
One Hour Between 4 and 6 p.m.
Setting/Location: **General Urban/Suburban**
Number of Studies: 208
Avg. Num. of Dwelling Units: 248
Directional Distribution: 63% entering, 37% exiting

Vehicle Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
0.94	0.35 - 2.98	0.31

Data Plot and Equation



Trip Gen Manual, 11th Edition • Institute of Transportation Engineers

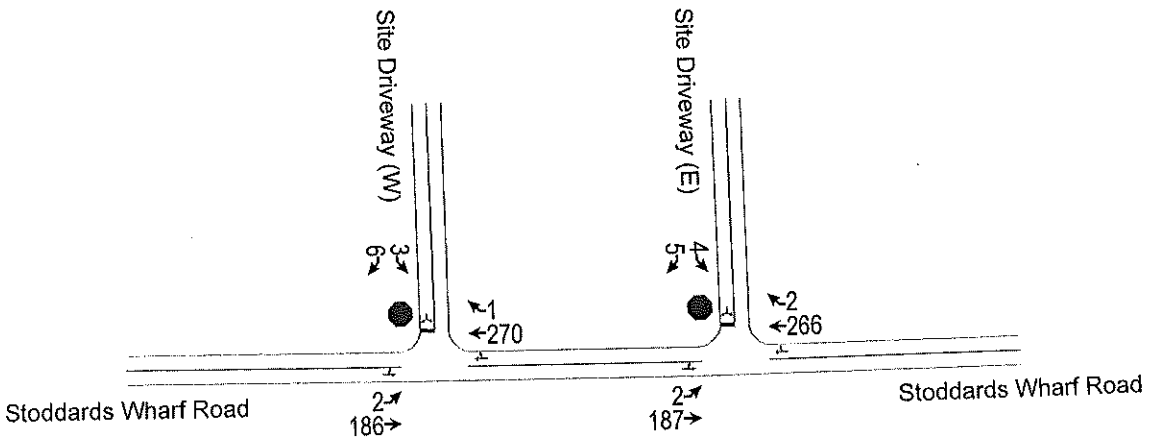


Figure 1 2025 Traffic Volumes for Build Conditions, Weekday Morning Peak Hour

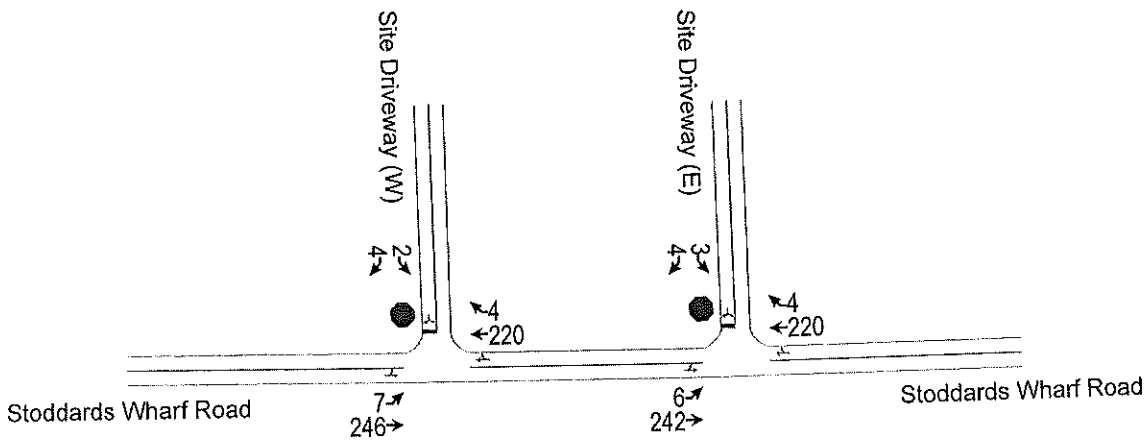


Figure 2 2025 Traffic Volumes for Build Conditions, Weekday Afternoon Peak Hour

Intersection	
Int Delay, s/veh	0.2

Movement	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations		↰↑	↑↱		↰Y	
Traffic Vol, veh/h	2	186	270	1	3	6
Future Vol, veh/h	2	186	270	1	3	6
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	-	-	-	-	0	-
Veh in Median Storage, #	-	0	0	-	0	-
Grade, %	-	0	0	-	0	-
Peak Hour Factor	92	92	92	92	92	92
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	2	202	293	1	3	7

Major/Minor	Major1		Major2		Minor2	
Conflicting Flow All	294	0	-	0	500	294
Stage 1	-	-	-	-	294	-
Stage 2	-	-	-	-	206	-
Critical Hdwy	4.12	-	-	-	6.42	6.22
Critical Hdwy Stg 1	-	-	-	-	5.42	-
Critical Hdwy Stg 2	-	-	-	-	5.42	-
Follow-up Hdwy	2.218	-	-	-	3.518	3.318
Pot Cap-1 Maneuver	1268	-	-	-	530	745
Stage 1	-	-	-	-	756	-
Stage 2	-	-	-	-	829	-
Platoon blocked, %		-	-	-		
Mov Cap-1 Maneuver	1268	-	-	-	529	745
Mov Cap-2 Maneuver	-	-	-	-	529	-
Stage 1	-	-	-	-	754	-
Stage 2	-	-	-	-	829	-

Approach	EB	WB	SB
HCM Control Delay, s	0.1	0	10.6
HCM LOS			B

Minor Lane/Major Mvmt	EBL	EBT	WBT	WBR	SBLn1
Capacity (veh/h)	1268	-	-	-	656
HCM Lane V/C Ratio	0.002	-	-	-	0.015
HCM Control Delay (s)	7.8	0	-	-	10.6
HCM Lane LOS	A	A	-	-	B
HCM 95th %tile Q(veh)	0	-	-	-	0

Intersection	
Int Delay, s/veh	0.2

Movement	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations		↰↑	↑↱		↰↱	
Traffic Vol, veh/h	2	187	266	2	4	5
Future Vol, veh/h	2	187	266	2	4	5
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	-	-	-	-	0	-
Veh In Median Storage, #	-	0	0	-	0	-
Grade, %	-	0	0	-	0	-
Peak Hour Factor	92	92	92	92	92	92
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	2	203	289	2	4	5

Major/Minor	Major1		Major2		Minor2	
Conflicting Flow All	291	0	-	0	497	290
Stage 1	-	-	-	-	290	-
Stage 2	-	-	-	-	207	-
Critical Hdwy	4.12	-	-	-	6.42	6.22
Critical Hdwy Stg 1	-	-	-	-	5.42	-
Critical Hdwy Stg 2	-	-	-	-	5.42	-
Follow-up Hdwy	2.218	-	-	-	3.518	3.318
Pot Cap-1 Maneuver	1271	-	-	-	532	749
Stage 1	-	-	-	-	759	-
Stage 2	-	-	-	-	828	-
Platoon blocked, %		-	-	-		
Mov Cap-1 Maneuver	1271	-	-	-	531	749
Mov Cap-2 Maneuver	-	-	-	-	531	-
Stage 1	-	-	-	-	757	-
Stage 2	-	-	-	-	828	-

Approach	EB	WB	SB
HCM Control Delay, s	0.1	0	10.8
HCM LOS			B

Minor Lane/Major Mvmt	EBL	EBT	WBT	WBR	SBLn1
Capacity (veh/h)	1271	-	-	-	633
HCM Lane V/C Ratio	0.002	-	-	-	0.015
HCM Control Delay (s)	7.8	0	-	-	10.8
HCM Lane LOS	A	A	-	-	B
HCM 95th %tile Q(veh)	0	-	-	-	0

Intersection						
Int Delay, s/veh	0.2					

Movement	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations		↰	↱		↰↱	
Traffic Vol, veh/h	7	246	220	4	2	4
Future Vol, veh/h	7	246	220	4	2	4
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	-	-	-	-	0	-
Veh in Median Storage, #	-	0	0	-	0	-
Grade, %	-	0	0	-	0	-
Peak Hour Factor	92	92	92	92	92	92
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	8	267	239	4	2	4

Major/Minor	Major1		Major2		Minor2	
Conflicting Flow All	243	0	-	0	524	241
Stage 1	-	-	-	-	241	-
Stage 2	-	-	-	-	283	-
Critical Hdwy	4.12	-	-	-	6.42	6.22
Critical Hdwy Stg 1	-	-	-	-	5.42	-
Critical Hdwy Stg 2	-	-	-	-	5.42	-
Follow-up Hdwy	2.218	-	-	-	3.518	3.318
Pot Cap-1 Maneuver	1323	-	-	-	514	798
Stage 1	-	-	-	-	799	-
Stage 2	-	-	-	-	765	-
Platoon blocked, %		-	-	-		
Mov Cap-1 Maneuver	1323	-	-	-	510	798
Mov Cap-2 Maneuver	-	-	-	-	510	-
Stage 1	-	-	-	-	793	-
Stage 2	-	-	-	-	765	-

Approach	EB	WB	SB
HCM Control Delay, s	0.2	0	10.4
HCM LOS			B

Minor Lane/Major Mvmt	EBL	EBT	WBT	WBR	SBLn1
Capacity (veh/h)	1323	-	-	-	672
HCM Lane V/C Ratio	0.006	-	-	-	0.01
HCM Control Delay (s)	7.7	0	-	-	10.4
HCM Lane LOS	A	A	-	-	B
HCM 95th %tile Q(veh)	0	-	-	-	0

Intersection	
Int Delay, s/veh	0.3

Movement	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations		↰↑	↑↱		↰↱	
Traffic Vol, veh/h	6	242	220	4	3	4
Future Vol, veh/h	6	242	220	4	3	4
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	-	-	-	-	0	-
Veh in Median Storage, #	-	0	0	-	0	-
Grade, %	-	0	0	-	0	-
Peak Hour Factor	92	92	92	92	92	92
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	7	263	239	4	3	4

Major/Minor	Major1		Major2		Minor2	
Conflicting Flow All	243	0	-	0	518	241
Stage 1	-	-	-	-	241	-
Stage 2	-	-	-	-	277	-
Critical Hdwy	4.12	-	-	-	6.42	6.22
Critical Hdwy Stg 1	-	-	-	-	5.42	-
Critical Hdwy Stg 2	-	-	-	-	5.42	-
Follow-up Hdwy	2.218	-	-	-	3.518	3.318
Pot Cap-1 Maneuver	1323	-	-	-	518	798
Stage 1	-	-	-	-	799	-
Stage 2	-	-	-	-	770	-
Platoon blocked, %		-	-	-		
Mov Cap-1 Maneuver	1323	-	-	-	515	798
Mov Cap-2 Maneuver	-	-	-	-	515	-
Stage 1	-	-	-	-	794	-
Stage 2	-	-	-	-	770	-

Approach	EB	WB	SB
HCM Control Delay, s	0.2	0	10.6
HCM LOS			B

Minor Lane/Major Mvmt	EBL	EBT	WBT	WBR	SBLn1
Capacity (veh/h)	1323	-	-	-	646
HCM Lane V/C Ratio	0.005	-	-	-	0.012
HCM Control Delay (s)	7.7	0	-	-	10.6
HCM Lane LOS	A	A	-	-	B
HCM 95th %tile Q(veh)	0	-	-	-	0

TOWN OF LEDYARD

741 Colonel Ledyard Highway
Ledyard, CT 06339-1511

File #: 22-393 **Agenda Date:** 9/8/2022 **Agenda #:** E.

AGENDA REQUEST
FILING EXTENSION REQUEST

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

Background:
Application PZ#22-4RESUB was approved on June 9, 2022 and notice filed on June 14, 2022.

Department Comment/Recommendation:
MOTION to approve Mark Coen's request for a 90-day extension to file mylars for the approved resubdivion at 123 Whalehead Rd.

Mark Coen

5 Library Lane

Gales Ferry, Ct. 06335

Mc5allyn@aol.com

RECEIVED

AUG 18 2022

LAND USE DEPARTMENT

August 18, 2022

Ledyard Planning and Zoning Commission

Tony Capon, Chairman

Re: 123 Whalehead Road Re-Subdivision

Mr. Capon,

Please extend the Final Filling date 90 days for application of Mark Coen, 22-4 ReSub, 123 Whalehead Road. The application was approved June 9th 2022 and published in the The Day on June 14th, 2022.

Thank you for your consideration in this matter,

Mark Coen

Via Email to Ledyard Town Planner

3.8 Final Filing: Two (2) Mylar and three (3) blueline copies of final plans shall be delivered to the Director of Planning. Plans shall contain all modifications or stipulations required by the Commission as a condition of approval. All Mylars shall contain the raised seal and live signature of the engineer and/or surveyor preparing the plan. Upon receipt of final plans and the posting of any performance security required in Section 3.10, the Chairman or Secretary of the Commission will endorse the final plans, which will then be delivered promptly to the applicant for recording in the office of the Town Clerk. The filing or recording of such plans without endorsement by the Chairman or Secretary of the Commission shall immediately render the plan void. Failure of the applicant to file the approved plan in the office of the Town Clerk within ninety (90) days of the termination of the mandatory appeal period shall render approval null and void, except that the Commission may extend time for final filing for two additional periods of ninety (90) days, during which the plan shall remain valid until the expiration of such extended time.

File #: 22-357 **Agenda Date:** 9/8/2022 **Agenda #:** A.

Chairman J.A. (Tony) Capon

TOWN OF LEDYARD
CONNECTICUT
PLANNING & ZONING COMMISSION

SPECIAL MEETING

HYBRID FORMAT
~ DRAFT MINUTES ~

741 Colonel Ledyard Highway
Ledyard, CT 06339
http://www.ledyardct.org

Thursday, August 25, 2022 | 7:00 PM | Council Chambers, Town Hall Annex

I. CALL TO ORDER

Chairmen Capon called the Special Meeting of the Planning and Zoning Commission to order at 6:00pm.

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL/APPOINTMENT OF ALTERNATES

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

Attorney Tom Fahey and Planning Director, Juliet Hodge were also present.

Alternate Member Mr. Awrach appointed as a voting member.

Chairman Capon solicited input about meeting times being changed to 6:00pm.

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

The following people spoke:

Mr. Cherry. 5 Whippoorwill Dr. stated he put the Affordable Housing Survey on social media but has not had any response. He urged Commission Members to spread the word about the survey.

Mr. Capon asked EDC member Jessica Buhle to "boost" the post or keep it toward the top of the feed.

Bruce Gartska, 6 Pleasant View Dr. appreciated that the Commission is listening to farmers and trying to solicit input. He asked that before the Town sells land to Avalonia, they should determine whether it could be used as a farm.

V. PUBLIC HEARINGS/APPLICATIONS

A. Application PZ#22-7RA of the Ledyard Planning and Zoning Commission, to

consider comprehensive revisions to all sections of the Zoning Regulations.

Mr. Capon reviewed the process to date to revise the Regulations and efforts to solicit opinions and public input.

Public Hearing opened at 6:18pm

Juliet Hodge went over the major changes outlined in the document she submitted.

The following people spoke:

Karen Parkinson, 55 Rose Hill Rd., Ledyard read her comments into the record. Ledyard is no longer a bedroom community with little else to draw people in. There have been many welcome improvements in commercial areas and many community groups have been forming. Ledyard now has a sense of Community. How do we continue to focus on connectivity. Suggested requiring a trail system around any new development and have pathways from residential uses in the town center areas to commercial areas. Supports accessory apartments.

Mark Thackson,18Tanager Lane, Concerned about the rise of non-hosted Airbnbs.

Earl Tyson-Lamb, 95 Lambtown Rd. representing the Historic Commission, and the voice of the older families in Ledyard. Pointed out that there were a lot of family homesteads on shared driveways. Feels there should be less restrictions, not more. Supports supporting farming - doesn't like acreage requirements.

Deborah Schwell, 1707 Center Groton Rd. stated that it was the High School and existing Zoning Regulations at the time that attracted her to Ledyard. She liked that they were very minimal.

Eric Treaster, 10 Huntington Way, presented his comments on chapters 1-6. Mr. Treaster is against allowing accessory structures and Accessory Apartments in the front yard of a property. He is opposed to the proposed increase in building height for Multi-family developments. He urged the Commission to put language back in for Land-leased Communities.

Mike Cherry, 5 Whippoorwill Dr., commented on the proposed changes and clarified the initial objectives for making the changes. Wanted to fix the inconsistencies caused by several past disjointed regulation changes. Some issues need to be addressed in the POCD as well. Spoke in favor of the proposed changes and thanked the Commission for their efforts.

Commission members asked questions of staff and Attorney Fahey throughout the hearing.

No further public comments. Mr. Capon asked Attorney Fahey and staff about the process of incorporating comments received and changes. Attorney Fahey cautioned that the changes cannot be made to things that were not reasonably connected to the original document which was noticed. Nothing new can be introduced during deliberations.

MOTION to close the public hearing at 8:39pm. Motion Passed Unanimously.

RESULT: APPROVED AND SO DECLARED
MOVER: Paul Whitescarver

SECONDER: Thomas Baudro

VI. OLD BUSINESS

A. Discussion and Possible Vote on Application #PZ22-7RA Comprehensive re-write of the Zoning Regulations. Commissioners to deliberate at the September 8, 2022 Meeting.

VII. NEW BUSINESS

A. Application #PZ22-16SUP of Victor O'Laughlen, to allow a hosted short-term rental use at property located at 10 Cardinal Lane, Gales Ferry, CT 06335 (MBL24/370/10).

Application will be formally accepted on September 8, 2022, as that is the next regularly scheduled meeting. Public Hearing likely to be set for the October meeting.

B. Application #PZ22-17RA of the Town of Ledyard Planning and Zoning Commission, 741 Colonel Ledyard Highway, Ledyard CT 06339 to amend the Zoning Regulations to add new Section 3.6(2) (As amended) to establish a six (6) month Moratorium for any new Conventional, Open-space or Conservation Subdivision within the Town of Ledyard/Gales Ferry.

Commission discussed whether the proposed moratorium on all new subdivision applications should be three or six months. Attorney Landolina suggested that the Moratorium should be 6 months as it can always be ended earlier. The Application will technically be received at the September 8, 2022, meeting. Public Hearing will be on October 13, 2022.

C. Discussion to consider scheduling a Public Hearing to opt out of provisions of CGS 8-2(o) (PA21-29) pertaining to Accessory Apartments.

Commission discussed opting out of the 2 sections of PA21-29 dealing with accessory apartments and parking requirements to give the town some more flexibly in the future should unforeseen circumstances arise. Intent is to hold a public hearing on September 8th.

D. Executive Session: Pending Claims and Litigation

Discussion regarding proposed revisions to the Stipulated Agreement in the matter of the Town of Ledyard vs Perkins Properties, LLC.

MOTION to go into Executive Session at 8:56pm to discuss pending claims and litigation inviting Attorney Landolina and J. Hodge to join. Motion passed unanimously.

RESULT: APPROVED AND SO DECLARED
MOVER: J.A. (Tony) Capon
SECONDER: Thomas Baudro

Commission came out of executive session at 9:33pm and no actions or votes were taken.

VIII. APPROVAL OF MINUTES

A. Approval of PZC Regular Meeting Minutes August 11, 2022: Minutes of the August 11, 2022 Regular Meeting were accepted as written.

IX. CORRESPONDENCE

A. Letter received from Mark Coen requesting an extension to file the final mylars for Application PZ#22-4ReSub 123 Whalehead Rd.

X. ADJOURNMENT

Chairman Capon adjourned the meeting at 9:34 with no objection.

File #: 22-391 **Agenda Date:** 9/8/2022 **Agenda #:** A.

REPORT

Staff/Committee Report:
Zoning Official and Planning Director Reports

TOWN OF LEDYARD
Department of Land Use and Planning
Juliet Hodge, Director
741 Colonel Ledyard Highway, Ledyard, CT 06339
Telephone: (860) 464-3215
Email: planner@ledyardct.org

Activity Report

August 12 -Sept. 8, 2022

1. **SITE VISITS:**

   None

2. **ENFORCEMENT:**

   See ZEO Report

3. **APPLICATION REVIEWS**

Application #PZ22-7RA of the Ledyard Planning and Zoning Commission, to consider comprehensive rewrite of the current Zoning Regulations. **PH opened 7/14/22, Continued to 7/28 and again to 8/25/22**

Application PZ#22-8SUB of Mr. G. 1 LLC, 55 Trumbull Road, Waterford CT, for a 24 Lot Open Space Subdivision located at 79 Vinegar Hill Road. **Approved 8/11/22 w/ Conditions**

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. **(Public Hearing set for 8/11/22 and continued to 9/8/22)**

Application #PZ22-10SUP of Caryn Oresky, 1 West Drive, Gales Ferry, CT 06335 for a Special Permit to establish a Short-Term Rental use in accordance with Section 8.28 of the Zoning Regulations. **Approved 8/11/22**

Application #PZ22-11SUP of Stephanie Ma, 15 Autumn Way, Ledyard CT 06339 for a Special Permit to establish a Short-Term Rental use in accordance with Section 8.28 of the Zoning Regulations. **Approved 8/11/22**

Application #PZ22-12SUP of Jeanne Bryant, 1899 Route 12, Gales Ferry CT 06335 for a Special Permit to establish a Short-Term Rental use in accordance with Section 8.28 of the Zoning Regulations. **Approved 8/11/22**

Application #PZC22-13SITE and Associated CAM Application #PZC22-14CAM of Garrett Homes, LLC for a proposed 10,700+ new retail development with associated paved parking, stormwater management, utilities, landscaping and lighting located at 1682 & 1686 Rte. 12, in the GFDD and within the CAM Zone. Owners: Trustee of the Majalian Survivors Trust; 20 Monticello Dr. Gales Ferry CT 06335 and Karen K Majalian & Kathy M. Owens; 166 Centre St. Dover MA 02030. **Approved 8/11/22**

Application PZC#22 15RA of Jancarlo Sarita, 8 Story Rd. Salem MA, 01970 for a proposed Regulation Amendment to Section. **(Application Submitted 8/9/22 Received by PZC 8/11/22 PH to be set for 9/8/22)**

4. PRIOR APPLICATION STATUS

PZ21-09SUP - 388R Colonel Ledyard Hwy., Ledyard, CT (M128, B530, L388R) - Property Owner: Laveer Properties LLC; Agent: Michael Scanlon for a special permit for a two-family duplex. **APPROVED 9/9. Not filed.**

PZ22-04REUB - 123 Whalehead Rd. – Mylars not filed. Need signed Affordability Plan. Requesting an extension to file the Mylars.

MEETINGS:

8/11/2022	**PZC Meeting**
8/15/2022	Meeting w/ Maureen Nahornick to file Mortgage Modification
8/17/2022	Remote Hearing for Ledyard V. Feaster
8/18/2022	Granicus-Legistar Q&A Meeting
8/25/2022	**PZC Special Meeting**
8/29/2022	Meeting w/ Mayor and Don Steinhoff re staffing issues
8/29/2022	Meeting with Granicus re permit software
8/31/2022	Meeting with Chris Gush re: comments submitted during Public hearing for Regulation Changes.
9/6/2022	EDC Meeting
9/6/2022	IWWC Meeting
9/7/2022	Meeting with Mike Cherry and Attorney Heller re: Cashman Project
9/8/2022	PZC Meeting

ACTIVE GRANT STATUS

- **HOUSING REHAB:** 2 New Applications. Currently working on #10 on List of 19 waiting. Fund balance: $35,837.47. 2 RFPs issued. Closing Date 7/28/22. Only 1 response from our current Administrator Peter Testa. Semi-annual report submitted 8/11/2022
- **2020 STEAP: TOWN GREEN** In progress. Sent reimbursement request. **Funds have been reimbursed. Closing Grant.**
- **2020 LOTCIP: MULTI-USE PATH:** Commitment to fund received from DOT 3/29/22. Project is now in the design phase. Quarterly Report Submitted 7/8/22. Wetlands Application Submitted – but no one has appeared to present.
- **LEDYARD CENTER SEWER STUDY: I**n progress. Community Challenge Grant denied. Contract w/ W&S extended 400 days. Geotechnical report being drafted.
- **2021 DOH HOUSING PLAN GRANT**: Contract signed with Tyche Planning and Policy Group. Held 1st Meeting to discuss tasks. Received initial Demographic & Housing review Document from Consultants. Workshop held 4/14/22. Letter sent to OPM to explain missed June 1 deadline. Survey needs to be executed.

- **2020 CDBG GRANT - KING'S CORNER MANOR DEVELOPMENT;** Construction documents finalized. Environmental Review Record in Mayor's office for public review/comment. In permitting phase. Quarterly report submitted 8/11/2022
- **2021 RTP GRANT TRI-TOWN TRAIL:** On March 6, 2022 we received notice of approval of the $115,000 trails grant for Phase II. Approval received. Meeting being scheduled.

OTHER ACTIVITY:

- Final edits to proposed Zoning Regulation amendments and working on Subdivision Regs.
- Plan Reviews
- Agendas, minutes, assisting residents with permits etc. in the absence of staff.

TOWN OF LEDYARD

Zoning Office

John Herring, Zoning Official

Thomas N Thomas Zoning & Wetlands Official

741 Colonel Ledyard Highway, Ledyard, CT 06339

Telephone: (860) 464-3216

zoning.official@ledyardct.org

Zoning Activity Report 8 September 2022

SITE VISITS

08/10/22	5 Bluff Road West- blight
08/10/22	20 Bluff Road West- blight
08/17/22	576 Lantern Hill – ongoing neighbor dispute
08/17/22	4 Paint Mill NSFH as built
08/23/22	971 Shewville Rd- blight (resolved)
08/23/22	325 Gallup Hill – blight
08/30/22	1 Tuckers Run- NSFH AS Built
08/30/22	143 Gallup Hill- Blight
08/30/22	20 Bluff Road West- Blight- unregistered boats
08/30/22	10 Marlene Drive- Blight- follow up visit
08/30/22	29 Military Highway- camper as residence
08/30/22	8 Rose Marie Court- blight complaint
08/30/22	528 Colonel Ledyard Highway- blight

ENFORCEMENT

08/10/22	RVC- blight- 23 Devonshire (overgrown lawn, vines covering door)
08/10/22	RVC- blight- 5 Bluff Road West (marine vessels)
08/10/22	RVC- blight- 20 Bluff Road West (marine vessels)
08/17/22	Cittation- 6 Eska Rd- unpermitted STR
08/24/22	Contempt filing (Superior Court)- 576 Lantern Hill Road
08/30/22	6 Eska – STR- follow up requiring take down of postings on websites
08/31/22	RVC 143 Gallup Hill Rd- blight- overgrown lawn
08/31/22	RVC 4 Spout Run- Unpermitted STR

ZONING PERMIT APPLICATIONS:

#5738	12 Melanie Lane- New Detached Garage	08/02/22
#5739	1 Sleepy Hollow Pentway Home Occupation	08/23/22
#5740:	1602 Route 12 New Shed	08/18/22
#5741:	7 Redbrook Lane- Pool	08/15/22
#5742:	4 Blacksmith Drive- Pool	08/15/22
#5744:	9 Kalmia Drive- Pool	08/23/22
#5745:	19 Robin Hood Drive- New Shed	08/22/22
#5746	56 Wendell Comrie New Barn	08/31/22

Zoning Permit CZC Issued:

1 Tucker's Way	8/30/22
4 Paint Mill	(To Be Issued- Pending Engineering Report)
3 Abby Way	8/09/22

IWWC Applications:

IWWC#22-17URA- 615 Shewville Road Approved by agent NSFH
IWWC#22-18URA- Stoddards Wharf 94-100 (Pending)

OTHER:

- Site Stabilization Bond release- 15 Stoddard's View
- **Blight-**
  - 972 Shewville- resolved with DPW cutting weeds at side of road
  - 325 Gallup Hill Road- neighbor maintaining property after death of owner; property in hands of reverse mortgage company. Suggested contacting Habitat for Humanity
  - 5 Bluff Road West- unregistered marine vessels- owner is registering some, getting rid of others
  - 10 Marlene- Relative of owner has addressed the yard, dead trees, etc
  - 528 Colonel Ledyard Highway- RVC issued 5/22; some improvement; now worse. NOV-IC issued
  - Complaint re 8 Rose Marie-unable to see evidence of blight
  - 143 Gallup Hill- unmowed lawn
  - 20 Bluff Road West- RVC issued 8/10; NOV-IC in preparation

- 576 Lantern Hill- forwarded complaints to Atty Landolina, requested contempt filing. Call from property owner requesting meeting to discuss order and proposed revisions to existing consent order. Contempt request filed 08/24/22
- **STR Update-**
  - 10 Cardinal Lane- More complaints from neighbors; application received and under review
  - 6 Eska- Citation issued; meeting with owners resulted in agreement- close operation by 8/28; if reopens next year, fines will be from date of citation in August 2022. Follow up letter sent 08/30/22 stating results of meeting.
  - 4 Spout Run- new (?) STR advertised on Airbnb; RVC issued 8/31/22
  - No change in others
  - Several e-mail and telephone inquiries re STR requirements, apparently form individuals considering purchasing property in Ledyard for that purpose or starting operations in properties they already own.
- New Zoning and Wetlands Officer training
- Responses to inquiries on numerous parcels for use/change in use, permit requirements, etc.
- Office move Zoning and building
- Respond to inquiries for purchasing lots to build on from Estate agents and perspective buyers.