



## TOWN OF LEDYARD

### APPLICATION FOR

### PLANNING & ZONING COMMISSION REVIEW

Application Number PZ22-208A Submission Date 11/30/22 Official Receipt Date 12/8/22

FEE: N/A

DATE PAID N/A

RECEIPT # N/A

=====  
Applicant/Agent Town of Ledyard - Planning & Zoning Commission  
(Please Print Legibly)

Signature: Juli Hodge - for the Commission

Address: 741 Colonel Ledyard Hwy Telephone 860-464-3215

E-Mail Address: planner@ledyardct.org

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:

modify section 3.9(A) to extend current moratorium on  
Cannabis Establishments; Section 5.4.1(C)(1)(a+b) minor  
modification to Conservation + Open Space Subdivision - General contents;  
minor modifications to Sections 5.4.1(D)(3)(b) & 7.5(A)(1)(a)  
to clarify stacking prohibitions of interior lots + width of access  
strip. 7.4 Driveways - minor edits.

Approved by \_\_\_\_\_ Date \_\_\_\_\_

Denied by \_\_\_\_\_ Date \_\_\_\_\_

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.

**3.8 PROHIBITED USES:**

- A. 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.
- B. 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.
- C. 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 six (6)(12) months commencing from the effective date of December 31, 2021~~2023~~. 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.

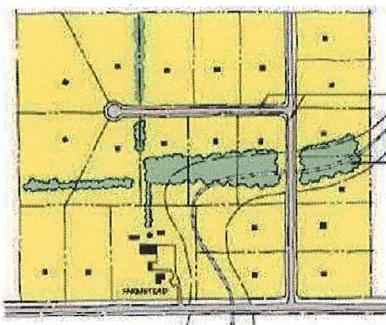
7. Promote orderly efficient development; and
8. Limit the extent of impervious surfaces and control runoff.

**C. Constraints – General:**

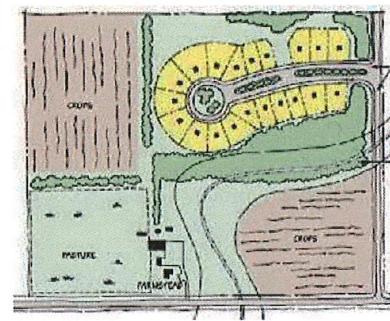
**1. Overall Residential Density:**

- a. A **Conservation or Open Space Subdivision** 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, **buildable area** 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.

**Conventional Subdivision**



**Conservation/Open Space Subdivision**



- b. **An Open Space Subdivision** *may exceed the number of parcels which could be permitted if the gross lot area were subdivided into conventional lots conforming to the minimum lot size, buildable area and density requirements applicable to the district or districts in which such land is located provided it conforms with the Health Code and all applicable requirements of these Zoning Regulations including, but not limited to, dimensional/bulk, access and interior/special interior lot requirements.*
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)~~three (3) lots per 40,000 square feet or ~~six-(6)~~nine (9) 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

- 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 one (1) Special Interior Lot may be stacked above a frontage lot. No more than one (1) Special Interior Lot may be stacked above an Interior Lot, and no Interior Lot may be stacked ~~or~~ above another Interior Lot 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 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.

## 7. S (A)(1)(a)

- a. The access strip shall be owned as part of the interior lot and must be a minimum of thirty twenty-five (3025) 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

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 also 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:** All Driveways (shared or otherwise) 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:

*In another section of record*

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.~~
4. **Common driveways may not serve as a connecting driveway between two public streets and must be wholly contained within an access strip with a minimum width of thirty (30) feet throughout.**
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: