



TOWN OF LEDYARD

Planning & Zoning Commission

Meeting Minutes - Draft Minutes

741 Colonel Ledyard Highway
Ledyard, Connecticut 06339

Chairman
J.A. (Tony) Capon

Thursday, December 8, 2022

7:00 PM

Council Chambers - Hybrid Format

I. CALL TO ORDER

Chairman Capon called the Regular Meeting of the PZC to order at 7:04 PM. The meeting was hybrid with some attending in person and others via Zoom.

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL APPOINTMENT OF ALTERNATES

Staff present: Juliet Hodge, Director of Planning and Development, John Herring, ZEO, Makenna Perry, Land Use Administrative Asst. and Attorney Carl Landolina.

Present Commissioner Marcelle Wood
Chair J.A. (Tony) Capon
Alternate Member Thomas Baudro
Commissioner Paul Whitescarver
Commissioner Howard Craig
Commissioner James Awrach
Alternate Member Gary St. Vil
Alternate Member Jessica Cobb

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

Eric Treaster, 10 Huntington Way, opposed to some of the updates to the zoning regulations regarding the placement of accessory structures.

Steve DeLisle, 7 Quail Meadow, concerned about the recent placement of a 40 x 8 x10 shipping container that was placed in his neighbor's yard. He believes it is too close to his fence under current regulations.

Juliet Hodge explained that storage containers (temporary or permanent) are considered "accessory structure" per the regulations and that there are no specific regulations governing temporary storage containers or uses. She suggested that the COmmission address this issue.

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

None. All attachments and exhibits have been received and made part of the record.

VI. PRE APPLICATION OR WORKSHOP

None.

VII. PUBLIC HEARINGS/APPLICATIONS

VIII. OLD BUSINESS

- A. PZ22-19SUP Application of Daniel Parke, 1591 Rte. 12 Gales Ferry for a Commercial Services Home Occupation.

Chairman Capon opened the public hearing at 7:17 PM. All regular members were seated.

Daniel Parke, 1591 Route 12, presented his application to operate a small lawn care business from his home.

Juliet Hodge assisted Daniel Parke in presenting his application. She explained that a special permit is only required because the particular Home Occupation is for a Commercial Service. She referred to the narrative submitted that explained that all activity would occur off site and that all equipment would be stored in the existing shed on the property or within the enclosed landscaping trailer. There is no signage proposed and no additional employees. All vehicles would be shielded from adjacent neighbors and even from the street, though not required. She pointed out that the property was located in the GFDD and that there was an Auto repair facility and shopping plaza directly across the street. Hodge confirmed that Parke must comply with the requirements contained in Section 8.17 of the regulations as well as the special permit criteria.

Commissioner Wood asked about the potential for noise with respect to equipment and vehicle maintenance. Mr. Parke explained that any repair work would occur inside the shed or his garage as necessary. He explained that he did not anticipate any noise issues.

Applicant provided proof that abutters had been notified of the hearing.

Without objection, Chairman Capon closed the public hearing at 7:25 PM.

Discussion:

Commission members discussed the application and reviewed the narrative provided to demonstrate compliance with the Special Permit Criteria and applicable regulations.

Commission reviewed the Staff report provided which also evaluated compliance with all applicable regulations and criteria.

The Commission determined that the application as presented satisfied the Special Permit Criteria listed in Section 11.3.4 of the Regulations and applicable requirements in Section 8.17. Commissioner Wood moved to approve Special Permit Application #PZ22-19SUP to establish a Home Occupation - Off-site Commercial Services, accessory to the existing single-family residence as permitted by Special Permit in the GFDD.

By filing the Special Permit and associated Zoning Permit, the applicant certifies that he is a domiciled lawful residence of the single-family residence and that he will conduct the home occupation in conformance with the "conditions of approval and required conduct" as listed in the regulations particularly in Section 8.17.

Motion passed unanimously.

The Certificate will contain the following stipulations:

1. The proposed use shall not create any objectionable noise, odor, vibration, or unsightly condition noticeable from any property line
2. No more than four trips shall be generated per day from the site.

3. There shall be no more than three vehicles in excess of 26,000 pounds of gross vehicle weight.
4. 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 line.

RESULT: APPROVED AND SO DECLARED

MOVER: Marcelle Wood

SECONDER: Howard Craig

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

Chairman Capon opened the public hearing at 7:28 PM.

Victor O’Laughlen, 10 Cardinal Lane, presented his application for a short-term rental via Zoom. He stated that he had been working with the ZEO and Building Department to address the issues raised with his application and feels he complies with the requirements.

The Chairman welcomed public comment.

The following people spoke:

Eric Treaster, 7 Huntington Way, spoke against the application. He referenced an email from an abutter that described mentioned guest activity at 10 Cardinal Lane as being very disruptive, loud, including the use of vulgar language at times. Mr. Treaster stated the taxes for the property were not current, but this information was corrected by ZEO and confirmed by the Applicant.

Mr. Treaster also did not feel the application provided evidence of compliance with Section 8.31.8 of the regulations concerning guest parking, pet rules, address of owner on property card not matching Driver’s Lic., and required declaration that owner is the primary resident.

Carol Miello, 12 Cardinal Lane, a direct abutter, spoke against the application. ZEO Herring asked Ms. Miello if she received notice of the public hearing. Ms. Miello stated that neither she or any other abutting neighbor she spoke with had received notification. ZEO Herring stated that he sent instructions to the applicant via certified mail on how to notify abutters.

Herring also discussed the various changes on the property card with respect to the number of bedrooms, and the lack of proper permits to create the extra bedroom. These issues have been resolved, but there is still no evidence of anyone actually living there. He stated that there have been written complaints received but found no record that the police had ever been called.

The Commission discussed the requirement that the host be the owner and that the home be his primary residence. Chairman Capon asked Mr. O’Laughlen if his current residence was 10 Cardinal Lane.

Mr. O’Laughlen admitted that he was waiting to see what the outcome of the application would be and that if approved he intended to live at the property at least 180 days. Staff also mentioned the fact that there was a second STR in Ledyard owned by the same LLC and questioned how they both could be owner-occupied. O’Laughlen stated that he had a business partner and that between the partner and himself someone would live at the properties.

Chairman Capon asked the Applicant if he notified his abutters in writing as required. Mr.

O’Laughlen stated that he had misinterpreted the letter he received from the Town and thought that the Town would notify the abutters.

Commissioners asked additional questions about the potentially unsafe bedroom in the basement, and about the complaints to date and the plan to ensure that issues do not arise in the future. Mr. O’Laughlen stated that he wasn’t aware of any additional complaints other than the one complaint lodged by the Miellos. He stated he posted a sign in the back yard reminding guests to be quiet when outdoors.

Chairman Capon asked staff and land use Attorney Heller (who was present for another application) to explain the flaw of not notifying abutters.

Eric Treaster, 7 Huntington Way, and Mike Cherry, 5 Whipple Whirl Drive, both reiterated doubts they had about whether the applicant resided at the property.

O'Laughlen concluded with an assurance that he was a good host and has tried to comply with the regulations of the town and address the neighbors' concerns.

Without objection, Chairman Capon closed the Public Hearing at 8:10PM.

Discussion by the commission.

Commissioner Wood was concerned about the safety of the renters and/or owner sleeping in the basement. Surprised that there was no permit for the STR at all.

Commissioner Whitescarver concerned about the lack of notification to the abutters and agreed with the concerns raised by staff. Feels it should be denied until the application reached the threshold

Commissioner Awrach concerned that applicant had been operating the STR without a permit for some time now and abutters had not been notified. He felt neighbors had filed complaints and had legitimate concerns and that their quality of life needs to be considered.

Commissioner Craig found the applicant's response to residency and why abutters were not notified to be too ambiguous. After reading/hearing complaints, he is not ready to move forward. was the lack of letters from the town questionable.

Commissioner St Vil, felt the applicant meant well, but that the applicant does not comply with the regulations. He agreed with the comments raised by the other commission members.

Commissioner Cobb questioned the intentions of O'Laughlen about his residency.

After considering all relevant factors, Chairman Capon made a Motion to deny

Application PZ#16SUP for the following reasons:

Lack of required notification to abutters making the application incomplete

Question of residency and ownership

Continued to operate without a permit

Disturbances reported by abutters in public hearing.

Commissioner Marty Wood seconded the motion. Motion Passed unanimously.

RESULT: DENIED

MOVER: J.A. (Tony) Capon

SECONDER: Marcelle Wood

- C. Application PZ#22-18SUB of Avery Brook Homes, LLC, 1641 Rte. 12, PO Box 335, Gales Ferry, CT 06335, for a 36-Lot subdivision/Affordable Housing Development pursuant to section 8-30g of the Connecticut General Statutes, on four parcels of land located at 94, 96, 98 and 100 Stoddards Wharf Rd., Ledyard, CT 06339.

Chairman Capon opened the public hearing at 8:25 PM - hearing was continued from November 10th, 2022. Regular members present were seated for the public hearing. All exhibits listed in the Agenda were incorporated into the record.

Juliet Hodge listed the additional material that had been submitted after the agenda was posted and stated that they would be added to the file.

Harry Heller, 737 Norwich newlondon Tpke., Uncasville. Stated that the Public hearing just opened with the IWWC. They are deciding their course of action with respect to providing information requested by the IWWC. Atty. Heller briefly reviewed the changes made to the project design to date. He stated that he provided consent to extend the Public hearing to the next meeting.

Motion made by Chairman Capon to continue the Public Hearing to January 12, 2023 at 7:00PM.

RESULT: CONTINUE

IX. NEW BUSINESS

- A.** Application #PZ22-20RA to revise section 3.9(A) uses subject to a Moratorium, Cannabis Establishments; Section 5.4.1 (open space / conservation subdivision) and 7.5 (interior lots).

Commission received PZ#22-20RA make minor modifications to sections 3.9(A) uses subject to a Moratorium, Cannabis Establishments (to extend the moratorium); Sections 5.4.1 (open space / conservation subdivision) and 7.5 interior lots).

Without objection, Chairman Capon set the public hearing for January 12, 2023 at 7:00PM.

RESULT: CONTINUE

- B.** Town of Ledyard Affordable Housing Plan

Chairman Capon stated that the draft of the Affordable Housing Plan had been sent to the Commission members for review. Once the Commission has reviewed it, a public hearing will be required to formally approve it. Chairman Capon noted that most of the data used was from the ACS 5yr Survey not the 2020 Census data. He would like the consultant to use the most recent data especially with respect to population.

Juliet Hodge explained that the consultant should be invited to a meeting to review the plan and discuss the goals.

Commissioner Cobb asked about what a municipal housing project would entail and whether there was town-owned land available for such a project.

Commissioner members briefly discussed goals and implementation and the involvement of other entities in the planning and implementation process.

Mike Cherry spoke about the relation between the goals of this plan and the housing goals stated in the Plan of Conservation and Development. Paul Whitescarver asked about time requirements. The plan is definitely past due. Hodge suggested holding a special meeting in the end of January to finalize the plan.

RESULT: CONTINUE

- C.** Informal discussion on STRs

Commission members had an informal discussion about the future of short term rental regulations because of the recent court decision about hosts and owner occupancy.

Chairman Capon spoke about the continued demand for housing - particularly rental housing. Property owners currently have three options: They can have a hosted STRs or rent long-term. The question raised was the benefit of allowing non-hosted STRs. Chairman Capon asked the Commissioners' input on what the benefit of non-hosted rentals were that hosted STRs do not provide. What is the added value?

Juliet Hodge, asked about whether there was anything that could be added to the regulation that would make a non-hosted rental acceptable to the Commission.

John Herring, spoke of the benefit of being able to downsize into a smaller home (on a

different property) and rent out the family house as a STR until it could be given to a family member in the future.

Commissioners discussed the difficulties associated with evicting long-term renters and the burden placed on neighbors to enforcing the rules of STRs. Mr. Treaster suggested banning them all together or imposing a moratorium on STR so that the Commission could work through the changes needed to address recent court ruling.

Thomas Baudro believed that the owners of the STR must be in a position to police their properties, not the neighbors. He wanted to be sure that LLHD should weigh in. Staff noted that LLHD does not review STR applications.

Chairman Capon spoke about the fact that STRs reduce the quantity of long-term rental units available. This impacts the average price of rent as well,

Commissioner St.Vil suggested that STRs used by non-residents reduce the tax burden to the town - as in STRs do not result in more kids in the school system.

Mike Cherry stated the Commission needs to clearly define what a short-term rental is and spell out the pros and cons of hosted vs non-hosted STRs.

This was Discussed.

RESULT: DISCUSSED

X. APPROVAL OF MINUTES

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Without objection, the minutes of November 10th, 2022 meeting were approved as submitted.

RESULT: APPROVED AND SO DECLARED

XI. CORRESPONDENCE

None.

XII. REPORTS

A. Staff Reports

Juliet Hodge stated that she finished the sub-division regulations. She asked that the commission members review the revised regulations.

Juliet Hodge presented John Herrings' staff report. She explained that he has been busy with blight cases. She also explained that he is retiring at the end of the month.

RESULT: DISCUSSED

XIII EXECUTIVE SESSION

A. Executive Session: Pending Claims and Litigation, Ledyard v Perkins

Motion made and seconded to enter into executive session to discuss pending claims and litigation, Ledyard v. Perkins at 9:17 PM. All Commission members present and all staff present were permitted to attend along with Attorney Landolina.

Commission exited executive session at 9:42 PM. No votes or actions were taken.

RESULT: APPROVED AND SO DECLARED

MOVER: J.A. (Tony) Capon

SECONDER: Marcelle Wood

XIV. ADJOURNMENT

Without objection, Chairman Capon adjourned the meeting at 9:42 PM.

Meeting Adjourned.

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