

Reasons to Reestablish Separate Zoning and Planning Commissions

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10 December 2025

I am here this evening to suggest reasons why the planning and zoning commission should be restored as separate commissions.

I served on the Ledyard Zoning Commission from 1985 to the end of 2012, when the Town Council combined the Zoning and Planning Commissions into a single commission. I was its Chairman in 2011 and 2012.

Ledyard adopted its first set of zoning regulations in 1963. The Town Council served as a combined Planning and Zoning Commission until about 1971, when it split the Commission into a separate Planning and Zoning Commission. At the end of 2012, to encourage commercial development, the Council recombined the Commissions into the current Planning and Zoning Commission.

The zoning regulations originally consisted of 29 pages. Between 1985 and 2011, the regulations underwent a series of revisions, including adopting regulations in about 1998, as suggested by Susan Mendenhall, the Mayor, for age-restricted mobile manufactured home land lease communities.

They also contained regulations suggested by Bill Haase and Brian Palaia, who were Town Planners, that designated areas of Gales Ferry and Ledyard Center as "Village Districts" and "Design Districts" as allowed under the land use statutes.

The Village District regulations included architectural standards, design requirements, and formal reviews by an architectural review board for commercial developments. By mid-2011, the regulations had grown to 206 pages.

In 2012, the Zoning Commission condensed the regulations to 139 pages, including regulations for the Village and Design Districts. They retained the regulations for age-restricted affordable mobile-manufactured home land-lease communities, which, in the early 2000s, guided the development of Stonegate Village on Flintlock Road. Stonegate Village is now Ledyard's 17th-largest taxpayer.

The regulations continued to require special permits for most commercial developments, which were necessary to ensure quality development and to avoid risking the preservation of our Town's character. The last vote of the Zoning Commission, before it permanently adjourned on October 11, 2012, was to approve the condensed set of regulations.

The zoning regulations that were in effect between about 1998 and the end of 2012, about 14 years, have a history of success. They guided the development of the Stonecroft Country Inn on Pumpkin Hill Road, the Pumpkin Hill Convenience Store near the Highlands, and the Two Trees Inn Hotel on Lantern Hill just east of the reservation.

Later versions resulted in the development of the Village Market in Ledyard Center, Dime Bank, the Fire Station, the condominiums on Fairway Drive, CVS in Gales Ferry, and the brick building on the SW corner of 117 and Rt 214, which at the time was owned by SNET. Each of these developments required a special permit.

They were all quality developments that did not affect the preservation of our Town's rural character or harm property values.

After being combined in late 2012, the Planning and Zoning Commission relaxed the regulations to encourage more commercial development. It deleted many special permit requirements, replaced the village and design districts with development districts, deleted the design guidelines, deleted the Architectural Review Board, increased height limits, and deleted regulations for affordable age-restricted land-lease communities.

Later, in about 2020, it removed most of the remaining special permit requirements and, to improve economies of scale and to make the development of multifamily and mixed-use developments more profitable, increased the height limit to 65' for multifamily and mixed-use developments in Gales Ferry and Ledyard Center.

The zoning regulations now consist of 191 pages. They allow most commercial uses as-of-right, including multi-hundred-unit multifamily and mixed-use developments in the Gales Ferry Development District and the Ledyard Center Development District, if the setback and height limits are satisfied and the development conforms with building and health codes. For example, the current regulations would allow, as-of-right, the 308-unit four- and five-story Trident Square Apartment Complex, which is behind the Chinese Restaurant on Rt 12 in Groton, to be built in Gales Ferry and Ledyard Center.

There were fewer high-quality commercial developments during the 14 years after 2012, when the commissions were combined, than during the 14 years before 2012, when they were separate. The 32-unit Ledyard Meadows Estates at 807 Colonel Ledyard Highway, built in 2018, is the only example of quality development between 2012 and today that I am aware of.

Without design guidelines, an architectural review board, parking, a reasonable height limit, and special permit requirements, it is likely the applications that are expected for Sweet Hill Farm, the Cartway property, and properties in Ledyard Center will be for lower quality developments that, because special permits are no longer required, could place the preservation of the character of our Town at risk. Dollar General is a good example.

The regulations should not have been relaxed after 2012 for the sake of development. Quality developments encourage the development of more quality projects, which improve our Town. Conversely, low-quality developments encourage more low-quality similar projects, ultimately diminishing the character and appeal of our Town.

By nature, volunteers on planning commissions tend to favor economic growth and support recommendations from the Economic Development Commission. They tend to be concerned with growth, water and sewer, affordable housing, open space, subdivisions, and the

avoidance of urban sprawl. They are also more likely to support growth for the sake of growth to increase the tax base.

Members of zoning commissions, on the other hand, are more responsive to concerns regarding the quality of life, traffic, protecting the character of our Town, improving and protecting safety and health, and protecting property values and natural resources. Members of zoning commissions tend not to support growth for its own sake.

For example, the zoning commission once spent hours deliberating on regulations regarding whether chickens and miniature horses should be allowed in residential districts. I suspect most volunteers on a planning commission would prefer to work on the Plan of Conservation and Development and on long-term planning for our Town's future.

Between 1971 and 2012, while the commissions were separate, the zoning commission met for about 3 hours twice a month. The planning commission also met for about 2-3 hours, but only about once a month. After they were combined, the Commission continued to meet for only about 2 or 3 hours, usually once each month.

How can the combined Commission do a good job in about 3 hours per month, when it previously required about 9 hours per month when they were separate? It cannot, unless it outsources much of its zoning or planning responsibilities.

This is demonstrated by the Commission's recent failure to address the omissions and ambiguities in the current zoning regulations and the conflicting goals in the Plan of Conservation and Development. For example, the costly GFI litigation was at least partially caused by a deficient definition of excavation as a major land use, which GFI mistakenly interpreted as allowing the quarrying of Mt. Decatur.

Because of the amount of work and effort required to be knowledgeable in both zoning and planning, volunteer commissioners on combined planning and zoning commissions, due to lack of knowledge and time, often have no choice but to accept guidance from the town planner, who does not live in our Town and may not care about its future. The Planner may also be biased in favor of or opposed to a development or policy, or may present conflicting information without the Commission's knowledge.

Separate commissions would also save money. If separate, the Zoning Commission would have more time to prepare and review its zoning regulations, and the planning commission would have more time to update its Plan of Conservation and Development.

For example, our town planner recently asked for funds to hire a consultant to help her update the POCD, even though the Commission has not yet had time to resolve the conflicts in the current Plan of Conservation and Development, and the update is not due for another four years. She also asked for \$2,500 to hire a consultant to prepare a zoning regulation change to address the parking deficiencies in the current regulations for multifamily and mixed-use developments. These types of expenses would be reduced if the Town had separate zoning and planning commissions.

Separate commissions would help free up time for the town planner to focus on planning rather than administrative duties. Separate commissions also help to create a check-and-balance that would be good for the Town. They would also result in better regulations and development, as was the case until 2012, when the commissions were combined.

In conclusion, I urge the Planning and Zoning Commission to revert to separate commissions, as it did in 1971. It will be good for our Town and is worth considering.