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TOWN OF LEDYARD
APPLICATION FOR
PLANNING & ZONING COMMISSION REVIEW

2024

Application Number: 24-72RA Submission Date: 6/5/24 Official Receipt Date: 6/13/2024
FEE: \$ 500 DATE PAID: 6/5/24 RECEIPT #: 302918

Applicant/Agent: ERIC TREASTER
(Please Print Legibly)

Signature: 

Address: 10 HUNTINGTON WAY, LEDYARD, CT 06339

E-Mail Address: BSAOFHL-ERIC@YAHOO.COM

Owner Name (if different): NA

Address of Owner: NA Telephone: 860-536-6240

Location of Work (Street Address): NA

Tax Assessor's Map: NA Block: NA Lot: NA Zone: NA

Is this property within 500 feet of another municipality? Y N CAM Zone: Y N

Existing Use: NA CAM Exempt: Y N

Special Permit Site Plan Review Regulation Change Zone Map Change

Details:
This application is for proposed text amendments to the Zoning Regulations to (1) clarify that mining and quarrying are not permitted; (2) establish reasonable limits on large-scale excavation; (3) establish reasonable limits on the mass and density of multifamily developments that are consistent with the Affordable Housing Plan and the POCD; and (4) to require a public hearing for §8-30 Affordable Housing Applications. See attached proposed text changes.

Approved by: _____ Date: _____

Denied by: _____ Date: _____

Purpose of Proposed Amendments

1. To establish reasonable limits for the mass, height, and density of multifamily developments that are compatible with the character of Ledyard and consistent with its Affordable Housing Plan and the POCD.
2. To prohibit mining and quarrying, and to impose reasonable constraints on large-scale excavation.

*****Page iii*****

In the Table of Contents

Replace "8.16 EXCAVATION (FILLING OR REMOVAL OF SOIL, GRAVEL AND STONE)" with:

"8.16 EXCAVATION"

*****Page 2-7*****

In §2.2 (Definitions)

Delete the definitions of "Excavation, Major" and "Excavation, Minor."

Replace the definition of "Excavation" with the following:

***EXCAVATION:** The act or process of digging, removing, relocating, or displacing soil, rock, or other materials from a parcel or lot to build foundations, install utilities, or landscaping for the development of one or more principal or accessory uses allowed in the district. Excavation is not a "land use" and does not include the act or process of "mining" or "quarrying."*

Add definitions for "Mining," "Quarry," and "Quarrying" as follows:

MINING: The act or process of extracting valuable or marketable minerals from the earth's surface.

QUARRY: A place, typically a large pit, from which marketable stone or other materials of value are being extracted or have been extracted.

QUARRYING: The act or process of extracting marketable stone or other valuable materials from a quarry.

***** Page 5-3 *****

Delete "Excavation Operations - Major (≥300 cu yds) 8.16" and the SUP requirement under the R20, R40, R60 columns.

Delete "Excavation Operations - Minor (<300 cu yds) §8.16" and the SPL requirement under the R20, R40, R60 columns.

Delete "Excavation Operations - Major (≥ 300 cu yds) 8.16" and the SUP requirement under the RCDD, I, and CIP columns.

Delete "Excavation Operations - Minor (< 300 cu yds) §8.16" and the SPL requirement under the RCDD, I, CIP, and CM columns.

Replace the entire §8.16 "Excavation" with the following:

8.16 EXCAVATION

Purpose: To allow for the reasonable development and use of property consistent with the character of Ledyard while avoiding mining and quarrying that negatively impacts town residents' health, safety, and property values.

- A. Excavation is limited to 300 cubic yards under a zoning permit and 3,000 cubic yards under a special permit.** Excavation above the limits requires one or more successive applications and new permits.
- B. Excavation Requirements - Applicable to excavation of up to 3,000 cubic yards.**

The application for an excavation zoning permit or special permit must include the following:

1. A description of the purpose of the excavation.
2. The anticipated start date and the hours and days of excavation.
3. The scheduled amount of time between beginning and completing the excavation, which must be less than 26 weeks.
4. The expected amount to be excavated (in cubic yards).
5. The existing and proposed structures that are on the site.
6. A plan for sediment and erosion control.
7. The proposed truck access route to the excavation area.
8. A site plan consistent with applicable criteria per the Check Sheet in Appendix B.
9. The gravel bank floor area shall be graded to not less than one percent (1%) or more than four percent (4%) to provide for surface drainage.

10. A twenty (20) foot wide by fifty (50) foot long tracking pad at the site entrance consisting of three (3) inches of crushed stone installed before the start of operations.
11. A commitment that no excavation will take place closer than fifty (50) feet from any wetlands, watercourse, or water body
12. A commitment that, upon completion of excavation, no bank shall exceed a slope of one (1) foot vertical rise in three (3) feet of horizontal distance; disturbed areas shall be covered with a minimum of four (4) inches of topsoil and graded; the area will be limed, fertilized, and seeded; and the site maintained until the area is stabilized.
13. A commitment that topsoil and subsoil stripped from the operation area will be stockpiled for use in site restoration.
14. Information showing that surface water will flow from the excavated area through appropriate sediment control devices before leaving the site.
15. Information showing that if the excavation is below the seasonal high-water table, the pond banks will be no steeper than a two-to-one ratio (2:1).
16. **A "Plan of Operation" that includes:**
 - a. Information regarding the depth of the groundwater table.
 - b. Information regarding a log of soil borings taken to the depth of the proposed excavation.
 - c. A description of the proposed excavation effort and technology.
 - d. A description of the machinery that will be used on the site.
 - e. Details for the final grading and landscaping after the completion of excavating.
 - f. Details regarding the drainage of the operation area during and after the completion of the work.
 - g. A description of how erosion will be controlled during excavation and how storm water and process water used as part of the operations will be contained, treated, and discharged in conformance with federal, state, and local regulations.
 - h. A closure plan showing how the site will be closed and restored upon completion of the proposed excavation.

- i. If the excavation is in or abuts a residential district, a description of how the excavation will not create impulse or continuous sounds at the property line that exceed 5 dB above the ambient noise level at the property lines.
- j. If the excavation is in or abuts a residential district, a description of how the excavation will not create odor, dust, fly ash, or other airborne contaminants, or how these will be controlled so as not to leave the site of the excavation.
- k. A signature page signed by the applicant certifying the excavation will be conducted in conformance with the Zoning Regulations, the Plan of Operation, the Closure Plan, and the Plan for Sediment and Erosion Control.

17. Nonconformance with the approved "Plan of Operation" constitutes a violation of the zoning regulations or conditions of the permit.

18. Excavation shall not result in reduced desirability, usefulness, buildability, or value of the parcel or adjacent parcels.

19. Excavation shall not result in an unsightly undeveloped site due to open pits, rubble, unused or junk equipment, or other indications of improper site closure.

20. Excavation shall not involve using explosives or rock-crushing machinery if it abuts or is in a residential district, or if it is within 1,720 feet of a residence.

21. "Expansive controlled demolition agents" and other alternative technologies are permitted when explosives or rock-crushing machinery are not allowed or are unsuitable.

22. Excavation must begin within one year of the date of its permit.

C. Additional excavation requirements - for amounts less than 300 cubic yards.

1. A zoning permit is required.

2. Excavation necessary for a proposed use or development that requires a zoning permit is permitted under that permit,

3. Excavation must be completed within 30 days after it begins.

D. Additional excavation requirements – for amounts between 300 and 3,000 cubic yards.

1. A site plan that includes the surrounding area depicting the location and names of abutters and the location of their residences within one-half mile of the site.

2. A special permit is required for excavation for a proposed use or a development allowed by right.

3. Excavation necessary for a proposed use or development that requires a special permit is permitted under that permit.
4. The Commission may impose constraints on the days and hours of excavation as a condition of approval of the special permit.
5. The excavation must be completed within 180 days after it begins.
6. The excavation must begin within one year of its permit issuance.
7. The Commission may require the applicant to post a bond to the Town of Ledyard in an amount and form sufficient to assure the parcel will be excavated, graded, landscaped, and restored in conformance with the Plan of Operation and its Closure Plan.
8. No removal shall occur within twenty-five (25) feet of a property line or within fifty (50) feet of a highway property line, where the distances are measured from the top of the bank.
9. If the removal area is near a town/state or state road, the Commission may require additional screening as a condition of special permit approval.
10. If the removal area is on or near a river, estuary, watercourse, or wetlands, the applicant must provide a detailed description of the protective measure that will be taken to conform with federal, state, and local regulations.
11. The Commission may require additional screening as a condition of approval if it deems better isolation of adjacent properties is necessary.

*****Page 5-1*****

DELETE the following last entry in the §5.2 table of "DIMENSIONAL REQUIREMENTS: RESIDENTIAL ZONING DISTRICTS R20, R40 & R60"

DELETE: "Maximum Building Height of Principal Structure (ft)***"

REPLACE WITH: "Maximum Building Height of Principal Structure"
(Retain the 35' under the R20, R40, and R60 columns)

*****Page 5-2*****

DELETE the "***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" at the top of page 5-2 just before the §5.3 Table of SCHEDULE OF USES - RESIDENTIAL DISTRICTS

*****Page 6-2*****

REPLACE the "50*" entry on the last line of Table 6.2.1 (DEVELOPMENT, CLUSTER & TRANSITION DISTRICTS DIMENSIONAL REQUIREMENTS) under the LCDD, LCTD, MFDD, GFDD, and RCCD columns with "35".

DELETE (from below Table 6.2.1) – "*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."

*****Page 6-4*****

On Line 4 of Schedule 6.4, REPLACE the SPL entry under the LCDD, MFDD, GFDD, and RCDD columns with "SUP" ("Residence Multi-family (apts, condos) §8.13" on the §6.4 SCHEDULE OF PERMITTED AND SPECIFICALLY PERMITTED USES: ALL NON-RESIDENTIAL DISTRICTS"

(**RETAIN** the "SUP" under the LCTD column.)

*****Page 8-25*****

DELETE §8.28.B "Density: The density for an Apartment Condominium complex shall be limited only by the applicable building, fire, and public health codes and applicable bulk/dimensional requirements of the particular zone."

REPLACE §8.28.B with the following:

"B. **Density:** For consistency with preferences expressed by residents as documented in the "Ledyard Affordable Housing Plan 2023-2028" and the preferences of residents documented in the Plan of Conservation and Development showing the majority of town residents desiring to protect the character of Gales Ferry and Ledyard:

1. The maximum density of dwelling units in a single structure shall not exceed 36 units."
2. The maximum height of a multi-family development shall not exceed three stories or 35'.
3. The maximum average density shall not exceed 12 bedrooms per acre.
4. The minimum size of a 1-bedroom dwelling shall be 540 square feet.
5. The minimum size of a 2-bedroom dwelling shall be 750 square feet.
6. Apartments with no bedrooms are not permitted."

*****Page 8-26*****

DELETE: "E Off-street Parking: Off-street parking shall be provided as required by §9.4."

Replace with the following:

"E. Off-street Parking:

1. Parking shall be below, between, or behind the multi-family structures.
2. Covered parking attached to or located below a dwelling unit shall count as 1.25 parking spaces toward the minimum off-street parking requirements.
3. Tandem parking spaces shall count only as a single parking space.
4. A minimum of one parking space is required per bedroom.
5. The parking requirements shall be increased by 15% if no on-street parking exists.
6. Parking shall be designed so that spaces can comply with ADA requirements.
7. A reasonable number of off-street parking spaces shall be assigned for guest parking."

Delete: "F. Maximum Building Height for a Multi-family Residence in the R20, R40, or R60 districts is forty-five feet/3.5 Stories."

Replace with: "F. Recreation. A reasonable amount of space shall be provided for recreational use by residents."

§8-30g Affordable Housing Applications Regulation Amendment

*****Page ij*****

Replace §8.3 "RESERVED" in the Table of Contents with:

"8.3 AFFORDABLE HOUSING DEVELOPMENTS (R.I.G.L. §8-30g APPLICATIONS)"

*****Page 80-2*****

Replace 8.3 "RESERVED" with the following:

8.3 AFFORDABLE HOUSING DEVELOPMENTS (R.I.G.L. §8-30g APPLICATIONS)

- A. The "Sample Calculation" in the "Affordability Plan" shall use current rates for its estimated costs of utilities, insurance, taxes, maintenance, fees, replacements, and financing (interest) used in its sample calculation of the maximum sales prices or rents of the intended affordable dwelling units. The insurance cost estimate shall be for a policy that provides full replacement coverage of the affordable dwelling unit. The Affordability Plan shall include a copy of a representative insurance quote for an affordable unit and the amount of its coverage.
- B. The "Affordability Plan" shall include a section titled "Draft Zoning Regulations, Conditions of Approvals, Deeds, Restrictive Covenants (or Lease Provisions) That Will Govern the Affordable Dwelling Units."
- C. The "Affordability Plan" shall include a list of differences, if any, between the designated "affordable dwelling units" and the "market rate" dwelling units. (For example, will the affordable dwelling units have less expensive carpeting, appliances, less desirable views, less parking, less efficient heating, fewer or smaller windows, standard shingles versus architectural shingles, fewer bedrooms, fewer or smaller bathrooms, no central AC, less expensive countertops, etc.)
- D. The Commission shall impose "reasonable" changes or conditions of approval to the Application if they will not have a substantial adverse impact on the viability of the affordable housing development or the degree of affordability of the affordable housing units.
- E. In the event the "Sample Calculation" shows the "affordable dwelling units" will have a maximum sales price or rent calculation that is greater than the current market price or current market rent, the applicant shall include an explanation of why all of the units in the proposed development are not deed restricted and credited towards Ledyard's need for 10% of its housing to be restricted as affordable housing.
- F. If the Commission denies the Application, it shall provide a detailed statement of its reasons, which must be supported by sufficient evidence in the record.
- G. A public hearing is required for all proposed §8-30g Affordable Housing Developments.