

EX#10

Anna Wynn

RECEIVED

From: Elizabeth Burdick
Sent: Monday, April 27, 2026 10:45 AM
To: Anna Wynn
Subject: Fw: Exhibit for Public Hearing Re: PZ #26-2 RA – Review of Proposed Parking Amendments
Attachments: Comments & Flowchart 5.14.26.pdf

APR 27 2026
Land Use Department

Anna, Please add both Mr Treaster's email below and attachment as record items for PZ26-2ZRA and post online. Thank you.

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From: Eric <bsaofnl-eric@yahoo.com>
Sent: Monday, April 27, 2026 7:01 AM
To: Elizabeth Burdick <planner@ledyardct.org>; martyengrew@gmail.com <martyengrew@gmail.com>
Subject: Exhibit for Public Hearing Re: PZ #26-2 RA – Review of Proposed Parking Amendments

Chairman Wood and Ms. Burdick,

Please provide the attachment to the PZC as an exhibit for the public hearing on PZC #26-2 RA that opens on May 14.

It is my review of the proposed amendments to the zoning regulations intended to comply with the residential development parking requirements imposed by HB8002 (PA#25-1). The review includes my comments, suggestions, and the reasons they should be considered.

Page 17 is a flowchart visualizing the constraints imposed by HB8002 §18-(d)-(9) and §§'s19-(a), (b), (c), & (d). A docx copy is available.

HB8002 §18-(d)-(9) and §§'s19-(a), (b), (c), & (d) impose the number of bedrooms shown in blue.

The number of bedrooms shown in red may be any reasonable number imposed by the PZC.

Pages 15 and 16 is a copy of §18-(d)-(9) and §§'s19-(a), (b), (c), & (d). They are formatted to make the parking requirements easier to understand.

Attorney Tim Hollister, a land use attorney who often makes presentations during the biannual training for land use commissioners, was quoted by Alexis Harrison in the 1/21/26 edition of the Connecticut Examiner.

He said:

"So, the new Act did not receive any public hearings or review of its wording. As a result, the Act contains errors, misstatements, and several provisions that conflict with existing law to create impossible standards."

"Simply put, the new Act is replete with provisions that are confusing at best and others that, while relatively clear, display misunderstandings of existing Connecticut land-use law and establish new standards and procedures that will conflict with existing statutes, case law, and practice."

I agree. The Act makes the task of amending the parking regulations exceedingly difficult.

One deficiency, as I noted in the attachment, is that although HB 8002 addresses parking requirements for residential developments of fewer than 16 units and for those of greater than 16 units, it does not address parking requirements for residential developments consisting of exactly 16 units.

Another is that it does not impose minimum parking requirements for proposed residential developments of 16 or fewer units, including developments consisting of only a single-family home, unless the development is in a Conservation and Traffic Mitigation District.

I have a 10-15 minute presentation prepared for the PZC regarding PZ#26-2RA. However, I will not be able to attend the public hearing on May 14. As such, I request, as a courtesy, that the hearing on May 14 remain open and continued to the PZC's following meeting on May 28.

Respectfully,

Eric Treaster

**A Review of Proposed Parking Zoning Regulation Changes
For Consistency With HB-8002
PZ#26-2 ZRA**

Eric Treaster
Prepared for the Public Hearing on 05/14/2026

Suggestion 1 – In §2.2: Definitions

EXISTING DEFINITION:

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."*

PROPOSED IN PZ#26-2 ZRA:

"APARTMENT/UNIT: A ***single-family*** 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."

SUGGESTIONS:

- (a) Retain the current definition of "Apartment."
- (b) Do not add a definition for "Apartment/Unit."

RATIONALE:

- (a) The definition of "*Apartment/Unit*" uses the words "unit" and "units" in its definition. Terms or phrases that are being defined should not be repeated as part of the definition. (Circular logic should be avoided.)
- (b) As proposed, the amendment is confusing because it could be interpreted that a unit with no bedrooms, such as an efficiency unit intended for one person, is a "single-family dwelling, which is confusing. Presumably, this is not the intent. It also conflicts with the existing definition of "*Residence, Single-Family*."
- (c) The change is not necessary because "*dwelling unit*" is satisfactorily defined elsewhere in §2.2.
- (d) The change is not necessary for consistency with the HB8002 parking requirements. [See Pages 15 & 16]

Suggestion 2 – In §2.2: Definitions

PROPOSED IN PZ#26-2 ZRA:

“CONSERVATION AND TRAFFIC MITIGATION DISTRICT: See Section 6.5.2 of these Regulations.”

RECOMMENDATIONS:

Do not adopt the proposed definition in §2.2.

RATIONALE:

- (a) Although a definition of a "Conservation & Traffic Mitigation District" is appropriate, the definition, as proposed, is not a definition, but is a link into the regulations, where it is also not defined. A clear definition and purpose of a "Conservation & Traffic Mitigation District" is needed in the regulations.
- (b) Definitions in §2.2 should not reference forward into the regulations to understand the term or phrase being defined. Only ambiguous terms and phrases in the regulations should be defined in the §2.2 definition section.
- (c) Although the proposed §6.5.2 is, by linkage, the regulations for "Conservation and Traffic Mitigation Districts," §6.5.2 is not a *definition* of what "is" a "Conservation and Traffic Mitigation District." (Unfortunately, a "Conservation & Traffic Mitigation District" is also not defined in HB8002 – See pages 15 & 16)
- (d) The proposed amendment to the §2.2 definitions, as worded, is not necessary to implement HB8002.
- (e) §6.5.2 should include the "Purpose" of a "Conservation and Traffic Mitigation (Overlay) District."

Suggestion 3 - In §2.2: Definitions

PROPOSED IN PZ#26-2 ZRA:

“PARKING NEEDS ASSESSMENT (PNA)”: For all uses permitted in these regulations, an analysis of the existing and public parking; public transportation options; projected future needs for off-street parking; and any relevant local traffic, parking or safety studies. See Section 9 of these Regulations.”

RECOMMENDATION: – Replace the proposed definition with:

“Parking Needs Assessment: ”For residential uses of 16 or fewer units in Conservation and Traffic Mitigation Districts, and for residential uses of more than 16 units that are not in a Conservation and Traffic Mitigation District, an optional analysis of existing and public parking; public transportation options; projected future needs for off-street parking; and any relevant local traffic, parking or safety studies.” [See flowchart on page 17]

RATIONALE:

- (a) The abbreviation "PNA" is not used elsewhere in the regulations. As such, "PNA" is not useful and does not need to be included in the phrase being defined.
- (b) Definitions should not reference forward into the regulations to understand the term or phrase being defined. For example, if someone reading §9 sees "*Parking Needs Assessment*" and then goes to the §2.2 definitions to understand what it means, and the definition sends him back to §9, then the definition in §2.2 has no value and is unnecessary. It is an example of circular logic that should be avoided in regulations.
- (c) The "... *For all uses permitted in these regulations* ..." is incorrect.

A "*Parking Needs Assessment*" is never mandatory, and is only optional for "residential uses" if the Zoning Regulations impose off-street parking requirements that an Applicant believes are inappropriate or unnecessary for his development. For example, a "*Parking Needs Assessment*" is not required for non-residential developments, such as hospitals, veterinarian facilities, major excavation, country inns, etc. (See enclosed HB8002 "*Residential Development Parking Requirements*" flowchart on page 17.)

Suggestion 4 - In §2.2: Definition)

PROPOSED IN PZ#26-2 ZRA:

Connecticut Office of Policy & Management (OPM): *The Office of Policy and Management (OPM) serves as an extension of the governor's personal staff, providing him with assistance in the areas of budget and management, policy planning and development, and intergovernmental relations."*

RECOMMENDATION:

Do not define the Connecticut Office of Policy and Management.

RATIONALE:

The OPM has nothing to do with the development, review, approval, or implementation of local Zoning Regulations. It lacks legislative authority; its interpretation of the statutes is not binding; and its existence is not necessary for the public, applicants, or members of the PZC to properly use the Zoning Regulations.

Suggestion Set 5 - Imposition of Minimum Parking Requirements
16 or Fewer Units

OBSERVATION:

HB8002 §19-(b) is applicable for residential developments containing "more than 16 units."

HB8002 §19-(d) is applicable for residential developments containing "fewer than 16 units."

Is HB8002 §19 applicable to residential developments with exactly 16 units? Technically, no.

This review assumes §19-(d) is in error and is applicable to "16 or fewer" units.

ANALYSIS

*HB8002 §19-(d) provides that "(d) ... any municipality, ... may **adopt** not more than two **conservation and traffic mitigation districts** in which the **municipality may require a minimum number of off-street motor vehicle parking spaces** for a residential development that **contains fewer than sixteen dwelling units, provided** ... (4) the municipality shall **allow** the proposed developer of such development to submit to the ... combined planning and zoning commission a "**parking needs assessment**" that conforms with the requirements of subsection (c) of this section."*

As such, the PZC can impose any number of minimum parking spaces it wishes for residential developments of "16 or fewer" units [see above observation] in Conservation and Traffic Mitigation Districts.

However, page 15 of Table 9.4.2.B, for Multi-Family Residential (Equal to or Less Than 16 dwelling units) states that: *"The Commission cannot regulate parking through zoning and cannot deny an application based on parking unless it is located in a Conservation and Traffic Mitigation District in accordance with Section 6.5.2 of these Regulations. A developer can provided parking, and may where demand for parking as part of unit makeup is more marketable."*

The statement is unclear. If a proposed development is for 16 or fewer units and in a "Conservation and Traffic Mitigation District," and if the off-street parking requirement in the regulations is "reasonable," it is unlikely an Applicant will pay for, procure, and submit an optional Parking Needs Assessment to reduce the off-street parking requirement. (See HB8002 [pages 15 & 16] and the "HB8002 Parking Requirements Flowchart on page 17.)

If a proposed development of 16 or fewer units is not in a "Conservation and Traffic Mitigation District," the PZC cannot require any minimum off-street parking requirement. The fail-safe mechanism in HB8002 is that the PZC has the right to deny the application by "finding" that the proposed number of parking spaces will have a specific adverse impact on public health and safety that cannot be mitigated by approval conditions that have no substantial impact on the viability of the development.

Interestingly, there is nothing in HB8002 that requires the PZC to justify its findings that support a denial of an application for a residential development that is not in a "Conservation and Traffic Mitigation District." HB8002 does not require the PZC to obtain experts to it "find" that a lack of proposed parking spaces for a residential development in a non-Conservation and Traffic Mitigation District *will have a specific adverse impact on public health and safety that cannot be mitigated through approval conditions*

that have no substantial impact on the viability of the development. All that is necessary is a motion and a majority vote to deny, together with the "findings" that justify the denial.

The PZC can use its common sense, without hiring a parking consultant, to "find" that a proposed multifamily development of 16 large one-bedroom units will need more than 16 parking spaces, and if 16 or fewer parking spaces are provided, residents will be forced to park on a sidewalk or roadway, which would endanger their health and safety.

As a result, an applicant for a development with 16 or fewer units that is not in a Conservation & Traffic Mitigation District will provide a reasonable amount of on-site parking to avoid the risk of the PZC making a finding that results in the denial of his application.

SUGGESTIONS:

1. **In Table 9.4.2.B** (2nd from bottom of page 15, right column), **replace the following:**

"The Commission cannot regulate parking through zoning and cannot deny an application based on parking unless it is located in a Conservation and Traffic Mitigation District in accordance with Section 6.5.2 of these Regulations. A developer can provide parking, and may where demand for parking as part of unit makeup is more marketable."

With:

*"In Conservation & Traffic Mitigation Districts: **1.5 spaces** for each studio or one-bedroom apartment and **2.5 spaces** for all dwelling units with two (2) or more bedrooms. A Parking Needs Assessment per §9.4.2.D must be submitted if fewer parking spaces are proposed. In Other Districts: NONE - provided the proposed number of spaces will not have an adverse impact on public health and safety.*

(Note: HB8002 does not mandate the text in **RED**, which can be any reasonable number proposed by the PZC.)

2. **ADD:**

"The Applicant is responsible for any adverse impact on public health and safety that results from his submittal of a Parking Needs Assessment."

[The PZC should discuss this recommendation. The goal is to discourage the submittal of (optional) Parking Needs Assessments that, because they take precedence, can result in on-street parking or insufficient on-site parking that creates a health and safety risk.]

Suggestion Set 6 - Imposition of Minimum Parking Requirements More Than 16 Units

ANALYSIS

HB 8002 provides [in §19-(a)] that: (a) "... municipality may require a minimum number of off-street motor vehicle parking spaces for a residential development that contains more than sixteen dwelling units, ... "

HB8002 does not require an explicit minimum number of on-site parking spaces for residential developments with more than 16 units, which means the PZC can impose any reasonable minimum it wishes.

However, if the number is unreasonable, the Applicant may pay for, procure, and submit a "Parking Needs Assessment," which takes precedence over the minimum parking requirement imposed by the PZC. A "Parking Needs Assessment" could recommend any number of parking spaces, including a fractional space per unit. It could be zero if there is enough on-street parking or parking next door.

If a "Parking Needs Assessment" does not specify a minimum number of parking spaces, which is possible, the default amount of parking under HB8002 is *one space for each studio or one-bedroom apartment and two spaces for dwelling units with two or more bedrooms.*

If the number of residential parking spaces imposed in Table 9.4.2.B in the right column at the bottom of page 15 is "excessive," an Applicant can pay for, procure, and submit a "Parking Needs Assessment" to reduce the required number of on-site parking spaces. A Parking Needs Assessment takes precedence over the parking requirements in Table 9.4.2.B.

If the number of residential spaces imposed in Table 9.4.2.B at the bottom of page 15 for multifamily developments of more than 16 units is "reasonable," there would be no need for an Applicant to pay for, procure, and submit a "Parking Needs Assessment."

As such, the PZC can, and should, require a "reasonable" number of parking spaces in Table 9.4.2.B for developments of more than 16 units that are appropriate for Ledyard. It can be any number, but it must be reasonable. For example, a reasonable number that does not constitute a risk to the health and safety of residents and their guests would be 1.5 spaces per studio and one-bedroom unit, and 2.5 spaces per two- or more-bedroom unit.

The flowchart (page 17) illustrates the requirements imposed by HB8002. The **RED** numbers are suggestions the PZC can consider and change. The **BLUE** Numbers are mandated by HB8002.

RECOMMENDATIONS

Replace the following in Table 9.4.2.B (bottom of page 15):

"One (1) space for each studio or one-bedroom apartment and two (2) spaces for all dwelling units with two (2) or more bedrooms. Any developer of Multi-Family Residential Development may submit a Parking Needs Assessment per Section 9.4.2.D of these regulations to support a reduced number of

parking spaces. In addition, one loading space, compliant with the standards set forth in 9.5.3, per 50 units shall be provided."

With:

*"**1.5 spaces** for each studio or one-bedroom apartment & **2.5 spaces** for dwelling units with two (2) or more bedrooms. A Parking Needs Assessment per §9.4.2.D may be submitted for fewer parking spaces. One (1) loading space, per §9.5.3, per 50 units, shall be provided."*

(Note: HB8002 does not mandate text in RED, which can be any reasonable number proposed by the PZC.):

Suggestion 7 - Parking for Mixed Uses

Replace the following entry in Table 9.4.2.B

For: Mixed Use - Residential and Commercial Development.

Is: *"Parking for Mixed Use Residential and Commercial Developments shall be provided as shown elsewhere in this Table or as determined by the Commission with the submittal of a Parking Needs Assessment."*

Replace With:

"The number of spaces required for the Commercial Use + the number of spaces required for the residential use."

**Suggestion Set 8 - Other Changes for §6.5.2
Conservation and Traffic Mitigation District**

SUGGESTIONS:

1. Add a "Purpose" paragraph directly under the §6.5.2 Heading. For example:

"The Purpose of a Conservation and Traffic Mitigation District is to ... "

2. Add criteria under §6.5.2.A to guide the PZC as to where it should land Conservation and Traffic Mitigation overlay districts.

"The PZC will consider establishing a Conservation and Traffic Mitigation District when ... "

3. Under: §3.3 SPECIAL NON-RESIDENTIAL ZONING DISTRICTS AND DEVELOPMENT ZONES, ADD:

"CTM Conservation and Traffic Mitigation District"

4. Move the definition of a "Conservation and Traffic Mitigation (Overlay) District from §2.2 to under §6.5.2

(Rationale: No "districts" are identified or defined in §2.2.)

5. The proposed §6.5.2.A states: *"A municipality may establish up to two Conservation and Traffic Mitigation Districts, which can require parking minimums for any residential development, including those under 16 units."*

HB8002 is different. It provides *"(d) Notwithstanding the provisions of this section, any municipality, as defined in section 7-148 of the general statutes, may adopt not more than two conservation and traffic mitigation districts in which the municipality may require a minimum number of off-street motor vehicle parking spaces for a residential development that contains fewer than sixteen dwelling units, ..."*

[As previously noted, the *"...fewer than sixteen dwelling units ..."* is likely an error in HB8002. The following suggestions assume that the *"...fewer than sixteen dwelling units ..."* should be *"16 or fewer dwelling units."*]

6. To ensure better consistency with HB8002, the proposed §6.5.2.A should be replaced with:

"The PZC may establish not more than two conservation and traffic mitigation districts, each of which may require a minimum reasonable number of off-street motor vehicle parking spaces for residential developments that contain 16 or fewer dwelling units." [

7. The title of §6.5.2 includes the word "(Overlay)", but the word "overlay" is not used elsewhere. The word "overlay" should be removed from the title. The fact that a CTM district is an "overlay" district, if important, may be added to its "purpose" description.
8. §2 (in the definitions) should only contain definitions of words and phrases with multiple or ambiguous meanings, or when a specific but uncommon meaning is necessary to ensure the regulations are understood and applied clearly and uniformly.

For example, the purpose and listing of contents of a *"Parking Needs Assessment"* should be in §6.5.2.B, not in §2.

9. The proposed §6.5.2.B states, *"If a municipality establishes a Conservation and Traffic Mitigation District, municipalities must allow developers to submit a Parking Needs Assessment per Section 2 of these regulations."*

It should say:

"An Applicant can buy, procure, and submit a "Parking Needs Assessment" that takes precedence over the amount of parking in Table 9.4.2.B for residential developments with 16 or fewer dwelling units that are proposed for a Conservation and Traffic Mitigation District."

10. A clarification sentence should be added in or under §6.5.2.B that states:

"Parking Needs Assessments take precedence over the parking requirements in Table 9.4.2.B for residential developments with 16 or fewer units in Conservation and Traffic Mitigation Districts and, in other districts, for residential developments of more than 16 dwelling units.

(See flowchart on page 17.)

11. The proposed §6.5.2.C states that *"If a Parking Needs Assessment is submitted by the developer, the municipality must condition the approval on the lesser of: The amount recommended by the Parking Needs Assessment, or one off-street parking space for every studio / one-bedroom unit, and two off-street parking spaces for every two or more-bedroom unit."*

It should state: *"If a Parking Needs Assessment is submitted, the PZC shall condition approval of the application on the amount of parking recommended in the Parking Needs Assessment, or on one off-street parking space for every studio / one-bedroom unit plus two off-street parking spaces for every two or more-bedroom unit, whichever is fewer."*

Suggestion Set 9 – Add List of Specific Adverse Impacts On Public Safety:

SUGGESTION:

1. **ADD** (as the third bullet in §6.5.2.C"
 - "• *The Applicant may be held responsible for any adverse impact on public health and safety resulting from errors in a Parking Needs Assessment."*
2. Add a list of potential "specific adverse impacts" that inadequate parking could have on public health and safety.

The list should be included *to avoid allegations that the PZC acted arbitrarily or capriciously* if it denies an application on grounds of insufficient parking. The list would be clarifying, and there is no risk if a short list of adverse impacts are in the regulations.

The following is a sample listing of safety and health risks arising from insufficient parking that should be considered for the regulations.

ADD: "§6.5.2.E Specific Adverse Impact on Public Health & Safety Due To Insufficient Parking"

"The PZC will deny any application for a residential development if it finds that a lack of parking spaces will have a specific adverse impact on public health and safety that cannot be mitigated through approval conditions that have no substantial adverse impact on the viability of such development. Examples of specific adverse impact on public health and safety include, but are not limited to:

- a. *Drivers circling in a neighborhood while searching for a parking space, leading to increased traffic that constitutes an increased chance of accidents and contributes to air pollution that affects the respiratory health of residents with asthma and other diseases.*

- b. *Cars parked on sidewalks or on town right-of-ways that pose risks to pedestrians, especially children and individuals with disabilities, by forcing them to walk on a main roadway.*
- c. *Blocked access for emergency vehicles that delays response times during critical situations.*
- d. *Conflicts among residents over precious on-site parking spaces, which will lead to disputes that affect community relations and constitute a risk to individual safety.*
- e. *Stress on the emotional health of residents, particularly during snowstorms when on-street parking is prohibited, and there is no available on-site parking.*

(Note that HB8002 does not reverse the burden of proof. Unlike §8-30g affordable housing applications, an applicant for a residential housing development has the burden to show that the PZC erred if it "*finds*" that the parking is inadequate and unsafe and denies an application. It is a high burden.

Also, if the developer submits a "*Parking Needs Assessment*," which takes precedence, the developer becomes responsible for the health and safety consequences of insufficient parking.

Suggestion 10 – For §8.23 - "Mixed Use ..."

CURRENTLY: *"Mixed-Use (Commercial/Industrial) developments involving multiple structures shall be treated as one single mixed use development for purposes of signage, parking, setbacks, lot size and buffering."*

PROPOSED *"Mixed-Use (Commercial/Industrial) developments involving multiple structures shall be treated as one single mixed-use development for purposes of signage, parking, setbacks, lot size, lot coverage, and buffering."*

Suggestion Set 11 - For §9.3 - Site Development Standards

1. ANALYSIS - Parking Lot landscaping

The proposed amendment states, "*Landscape designs shall only use appropriate native species.*"

However, under the enabling statutes, the imposition of "*appropriate native species*" is improper for as-of-right uses, including as-of-right uses that require a site plan review. The word "*appropriate*" requires a "*subjective*" (vs. objective) decision by the ZEO or the PZC, which is usually improper for as-of-right uses.

§9.4.1 uses the phrase, "*To the extent possible, ...*" and "*... appropriately screened ...*". However, these phrases are subjective and not proper for as-of-right uses. In addition, under the enabling statutes, "*landscaping*" and "*screening*" are not allowed to be regulated for as-of-right uses, including uses that require a site plan approval.

SUGGESTION:

ADD: A special permit requirement (SUP) in Table 6.4 for the approval of *"Residence Multi-family (apts, condos)"* in the LCTD, MFDD, GFDD, and RCDD districts.

2. ANALYSIS - Parking Needs Assessment in revised §9.4.1.C

The proposed amendment states *"... unless an Applicant provides a Parking Needs Assessment for review and consideration by the Commission."*

However, under HB8002, the PZC has no discretion when an applicant submits a *"Parking Needs Assessment."* (See flowchart on page 17.) As such, the PZC cannot be required to review and consider a *"Parking Needs Assessment."*

SUGGESTION

CHANGE: *"... unless an Applicant provides a Parking Needs Assessment for review and consideration by the Commission."*

TO: *"... unless an Applicant provides a Parking Needs Assessment."*

3. ANALYSIS - Parking Agreements - This section is proper only for uses that require a special permit.

Suggestion Set 11 – For Proposed New Section 9.4.1

1. **CHANGE FROM:** "#5 SECTION 8.1: ACCESSORY APARTMENT (EFFECTIVE 8/4/22):"
TO: "#5 SECTION 8.1: ACCESSORY APARTMENTS"
2. **CHANGE FROM:** 9. Parking as specified in Section 9 of these Regulations.
TO: 9. Parking as specified in Table 9.4.2.B for "Dwelling Unit, Accessory"

Suggestion 12 - Parking Needs Assessment (§9.4.2.C & §9.4.2.D)

ANALYSIS:

The proposed §9.4.2 states that for uses not listed in the regulations, the PZC shall determine the number of parking spaces. This is proper only if the use requires a special permit. It is improper for as-of-right uses, including uses that require site plan approval.

SUGGESTION:

Check the use table to be certain that any use that may require the PZC to *"determine the number of required parking spaces"* also requires a special permit.

Suggestion 13 – Changes to §9.4.3

ANALYSIS §9.4.3.E proposes: *"For every structure used for residential multi-family dwelling purposes, there shall be a minimum of one loading berth per building, or as determined by the parking needs assessment."*

Question - is the number of loading berths "one per building," "one per 50 units," or is the number determined by the "Parking Needs Assessment"? All three appear to be required. Why not let the Applicant determine the number of loading berths he needs?

What is the required number of loading berths if the "Parking Needs Assessment" does not include loading berths?

And, what is the number if a "Parking Needs Assessment" (which is optional under HB8002) is not submitted?

Note that the above proposed requirement conflicts with Parking Table 9.4.2.B, which requires only one loading berth per 50 units. (top of page 16, as amended)

Suggestion Set 14 – Regarding §9.4.4.E - 1, 2, & 4 – Reduction in Parking Spaces

ANALYSIS: §9.4.4.E-1 proposes: *"The Planning & Zoning Commission may reduce the on-site parking requirement for all uses with a Special Use Permit review & approval, provided: "1. The reduction in parking shall not exceed 25% of the parking required by these regulations."*

If the regulations require 100 parking spaces for a 100-unit residential development, does this provision mean the PZC can require only 25 spaces (25% of 100)? I do not see this in HB8002. Why would the PZC want to be at risk of imposing an arbitrarily reduced number of parking spaces if the application complies with the zoning regulations?

SUGGESTION: Do not include the proposed §9.4.4.E-1.

RATIONALE: It is not necessary because, if a use requires a special permit, the PZC always has the right to impose conditions of approval for the protection of health and safety .

It is difficult to imagine a situation where a reduction in the number of spaces is necessary to protect health and safety, and HB8002 does not require the PZC to reduce the number of parking spaces unless the Applicant submits a Parking Needs Assessment, which is optional, but if submitted, takes precedence, even if it is for more than 25% of the parking required by these regulations.

ANALYSIS: The proposed §9.4.4.E-2 provides: *"The Planning & Zoning Commission may reduce the on-site parking requirement for all uses with a Special Permit review and approval, provided: ... 2. A Parking Needs Assessment per Section 2 of these regulations has been submitted to support any request for a reduction in required parking."*

ANALYSIS §9.4.4.E-4 proposes: *"The Planning & Zoning Commission may reduce the on-site parking requirement for all uses with a Special Use Permit review & approval, provided: "4. In the absence of*

any contrary evidence provided in accordance with Section 9 of these regulations, if the proposed number of parking spaces is greater than ten percent (10%) above the minimum number of spaces required by this Section and any such spaces are located outside of a parking garage, the Applicant must demonstrate why so many spaces would be necessary or desirable by submitting a Parking Needs Assessment to the Commission for consideration"

SUGGESTIONS:

1. Both requirements should not be imposed. "Parking Needs Assessments" are optional under HB8002 and should not be mandated by regulation. In addition, the purpose of a "Parking Needs Assessment" is to reduce the number of parking spaces when a developer believes the required number in the regulations is excessive, not when the PZC believes the developer's proposed number is excessive.
2. HB8002 also does not allow the PZC to "consider" a "Parking Needs Assessment." As worded, HB8002 requires the PZC to accept whatever number of spaces the Assessment recommends, and the Assessment is only allowed to recommend *one space per studio/one-bedroom unit and two spaces per two-bedroom unit, or fewer*. Or, if the Assessment does not recommend a number, the default is *one space per studio/one-bedroom unit and two spaces per two-bedroom unit*.

Under HB8002, there is no discretion on the part of the PZC if a Parking Needs Assessment is submitted. (See flowchart on page 17)

3. In addition, provided public health and safety are not at risk, an Applicant should have the right to propose as many parking spaces as he wishes above the minimum required in the regulations. For example, he may want to provide additional parking so residents can have friends share the community's recreational facilities, or to provide space for snow banking after a snowstorm. Although HB8002 may determine the minimum number of required parking spaces, it does not prevent an applicant from proposing more parking spaces than the minimum number required in the regulations.

Under the enabling statute, the PZC has no authority to impose a condition of approval that reduces the amount of parking proposed by an applicant unless the reduction is necessary to protect health and safety, which is illogical.

4. And last, it is unlikely an applicant will propose more parking than is necessary. It is unfair to ask him to pay for, procure, and submit a costly, time-consuming "Parking Needs Assessment" to force a reduction in the required amount of parking to one space per studio/one bedroom and two spaces per two bedroom, which, under HB8002, is the maximum number of spaces allowed to be imposed in a "Parking Needs Assessment."

For example, assume a residential housing developer proposes a 10-unit building with 10 large one-bedroom units and 20 parking spaces, exceeding the number of parking spaces permitted under the proposed amendment to the regulations.

However, the developer submitted the larger number because he knows his units will be shared, with about half (5) occupied by two adults, each with their own vehicle. He also expects that 5 parking spaces will be needed during snowstorms for snow banking. In this

situation, it would be wrong to require him to submit a costly Parking Needs Assessment, which, under HB8002, would be limited to reducing required parking to just 10 or fewer spaces – obviously not enough for his development.

5. In summary, the proposed §9.4.4.E.4 is not supported by HB8002, places an unnecessary burden on the PZC, and could expose the PZC to liability if the imposed reduction in the amount of parking causes harm.

Suggestion 15 – Regarding the Flowchart For HB8002 Parking Requirements

SUGGESTION: Add the HB8002 flowchart on page 17 as an APPENDIX (E?) to the Zoning Regulations.

Suggestion 16 – Resolve Conflict Between Definition and Regulation

CONFLICT:

§2.2 Defines "Residence, Multi-Family" as:

"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."

(The above definition is succinct and reasonable.)

§8.28 is titled: "RESIDENCE, MULTI-FAMILY (APARTMENTS, CONDOMINIUMS, TOWNHOUSES)"

"A. Apartments/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."

ANALYSIS:

The conflict is that §8.28 allows an apartment complex to consist of multiple buildings, but does not require three or more dwelling units within each of the buildings. As a result, under §8.28, a multi-family residence could consist of one single-family building (a structure), a single duplex building (a structure), multiple single-family buildings (structures), or multiple duplex buildings (structures) on a single lot.

The conflict creates confusion, risks unintended consequences, and will place the town at risk if there is litigation.

SUGGESTION:

Replace §8.28 -A with: *"A. A "Multifamily Residence," if located within an R20, R40, or R60 district, shall not be permitted on lots of less than five (5) acres."*

HB8002 Parking Requirements

Included to Facilitate The Evaluation of the Above Suggestions
(Not for Inclusion in Proposed Amendment)

HB8002 Section 18-(d)-(9) provides:

"... Zoning regulations ... shall not require a minimum number of off-street motor vehicle parking spaces for any residential development except as provided in section 19 of this act."

HB8002 Section 19 provides:

*"(a) Except as provided in subsections (b) and (d) of this section, **no** zoning enforcement officer, planning commission, zoning commission or combined **planning and zoning commission** shall reject an application for any residential development solely on the basis that such development fails to conform with any requirement for off-street motor vehicle parking spaces **unless such officer or commission finds** that a lack of such parking spaces will have a specific adverse impact on public health and safety that cannot be mitigated through approval conditions that have no substantial adverse impact on the viability of such development."*

*"(b) A municipality **may require a minimum number** of off-street motor vehicle parking spaces for a residential development that contains **more than sixteen dwelling units**, as defined in section 47a-1 of the general statutes, provided any such municipality shall allow the proposed developer of such development to submit to the zoning enforcement officer, planning commission, zoning commission or combined planning and zoning commission **a parking needs assessment** that conforms with the requirements of subsection (c) of this section."*

"Such officer or Commission shall condition the approval of such development on the construction of off-street parking spaces not exceeding:

- (1) One such space for each studio or one-bedroom dwelling and two such spaces for each dwelling unit with two or more bedrooms, or*
- (2) The number of such spaces recommended for the development by the Parking Needs Assessment submitted pursuant to this section, whichever results in the least required number of off-street parking spaces.*

(c) A Parking Needs Assessment submitted pursuant to subsection (b) of this section shall be paid for by the proposed developer and shall include an analysis of

- (1) Available existing public and private parking that residents of the proposed development may use,*
- (2) Public transportation options that may be used by residents of the proposed development that mitigate the need for off-street parking,*
- (3) Projected future needs for off-street parking for such proposed development, and*
- (4) Any relevant local traffic, parking, or safety study.*

(d) Notwithstanding the provisions of this section, any municipality, as defined in section 7-148 of the general statutes, may adopt not more than two conservation and traffic mitigation districts in which the municipality may require a minimum number of off-street motor vehicle parking spaces for a residential development that contains fewer than sixteen dwelling units, provided

- (1) No such district shall be larger than four per cent of a municipality's land area,
- (2) a municipality shall submit a property description of any such district adopted by the municipality to the Secretary of the Office of Policy and Management upon the adoption of such district,
- (3) any such zones may be contiguous, and
- (4) The municipality shall allow the proposed developer of such development to submit to the zoning enforcement officer, planning Commission, zoning commission, or combined planning and zoning Commission a parking needs Assessment that conforms with the requirements of subsection (c) of this section.

If a parking needs assessment is submitted pursuant to subdivision (4) of this subsection, such officer or Commission shall condition the approval of such development on the construction of off-street parking spaces not exceeding one such space for each studio or one-bedroom dwelling and two such spaces for each dwelling unit with two or more bedrooms, or the number of such spaces recommended for the development by the parking needs Assessment submitted pursuant to this section, whichever results in the least required number of off-street parking spaces.

