

July 10, 2025

Marty Wood, Chairman,  
Ledyard Planning and Zoning Commission  
Town Hall  
741 Colonel Ledyard Highway,  
Ledyard, CT 06339

Re: Text Amendment Application PZ #25-2ZRA

Dear Mr. Wood:

This letter is submitted for the Ledyard Planning and Zoning Commission's (the "Commission") continued public hearing set for tonight with respect to its review and consideration of a text amendment application, (Application PZ #25-2ZRA), submitted by Eric Treaster. He proposes changes to the Ledyard Zoning Regulations (the "Zoning Regulations") that would modify the mass, height, and population density of multifamily developments and recently filed a further untimely amendment to his original submission.

As stated in my June 12, 2025 and June 26, 2025 letters that were previously submitted to you, this firm represents C.R. Klewin LLC, owner of 19, 29 and 39 Military Highway in the Town of Ledyard's Gales Ferry Development District (GFDD). C.R. Klewin, LLC currently has an application under review by the Ledyard Inland Wetlands and Watercourses Commission (IWWC #25-5SITE) related to the construction of a multifamily residential housing development on such properties. At this Commission's last hearing about Application PZ #25-2ZRA, a number of individuals commented specifically about the design and other elements of the C. R. Klewin proposal that are not yet before this Commission. Instead, the Commission should consider how approval of the Treaster amendments to the Zoning Regulations would discourage market rate multi-family housing development throughout the Town of Ledyard.

The purpose of this letter is not to repeat all the points made in my June 12<sup>th</sup> and June 26<sup>th</sup> letters but rather to suggest one compromise change that would be acceptable to C. R. Klewin LLC and to explain why C.R. Klewin, LLC objects to the remainder of Mr. Treaster's proposed text changes.

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## **ACCEPTABLE REVISION TO A HEIGHT LIMITATION FOR MULTI-FAMILY HOUSING.**

Mr. Treaster proposes a reduced maximum height for multi-family residential structures from 65 feet to 35 feet. However, Mr. Treaster stated on June 26 that the height reduction does not need to be that draconian. Chairman Wood then asked if a 60' height limitation would be acceptable. If the height of the roof deck of a multi-family structure cannot exceed 60' then C. R. Klewin LLC would find that one change acceptable. The other amendments that Mr. Treaster has submitted should be denied. His proposed constraints are onerous. Developers and property owners of real property in the commercial districts that currently allow multi-family housing by right would instead likely file applications under C.G.S. § 8-30g to avoid the more restrictive measures he is seeking to impose solely upon market-rate multi-family residential developments.

## **CONCERNS RAISED AT JUNE 26 PUBLIC HEARING**

### **Fire Safety**

At the request of the Commission, Law Student Associate Nayeli Contreras contacted the Gales Ferry Fire Department. She noted that they indicated to her that they have a 107-foot ladder truck. Additionally, they mentioned that in scenarios where buildings of three or more stories that are on fire or in other hazardous situations and require their assistance it is their **standard** to call for “mutual aid” from other fire departments such as Ledyard, Mystic, Sub-Base Groton, North Stonington, Mashantucket, and Mohegan Sun. She was further informed that this standard is already in place and used especially during the summer months.

### **School System Capacity**

Public concerns about the potential strain on the school systems were evaluated in our last letter. We provided evidence of local enrollment projections that show that multi-family developments produce less school age children per unit than single family housing unit developments. This evidence was corroborated by at least one member of the public. We note, however, that the issue of a multi-family residential development causing an increase in school enrollment is not considered relevant in zoning decisions under either C.G.S. § 8-2 or C.G.S. § 8-30g.

In *TCR New Canaan Inc. v. Plan & Zoning Comm'n of Town of Trumbull*, No. CV 384353, 1992 WL 48587, (Conn. Super. Ct. Mar. 5, 1992) the court found that concerns regarding the overburdening of an educational system was “based primarily on fiscal concerns. It has long

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been clear that zoning policy may not be based on fiscal considerations such as whether a particular residential development will result in added costs to the town”. Id. at \*25

Similarly, in *Pratt’s Corner P’ship v. Southington Plan. & Zoning Comm’n*, No. CV92-0508877 S, 1993 WL 229752, (Conn. Super. Ct. June 21, 1993) the court noted that the result of overburdening the educational system “is essentially a fiscal impact consideration.” The court found that the issue was “whether a zoning commission has the authority to deny an application for a change of zone which would result in financial distress to a school system because of an unplanned influx in students. Such authority depends upon whether fiscal impact is a pertinent consideration for a commission under § 8-2. Neither § 8-2 nor §8-30g expressly or by fair implication authorizes a zoning commission to reject an application for affordable housing because of the fiscal impact which the development might have on the municipality’s school system.” Id. at \*6.

## CONCLUSION

In summary, the additional concerns raised at the June 26<sup>th</sup> hearing regarding fire safety and school capacity are not reasons to grant the proposed text changes to the existing Zoning Regulations with respect to market rate multi-family residential development.

C.R. Klewin LLC urges this Commission to reject the proposed zoning regulatory changes (except for the one we suggest) with prejudice.

Thank you.

Sincerely,



Brian R. Smith

cc: Eric Treaster, Petitioner

Elizabeth Burdick, Director of Land Use and Planning for the Town of Ledyard

Nayeli Contreras, Law Student Associate, Robinson & Cole LLP