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TOWN OF LEDYARD

Department of Land Use and Planning

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MEMORANDUM FOR THE RECORD

APPLICATION PZ#25-2ZRA

REGULAR MEETING & PUBLIC HEARING – THURSDAY, June 12, 2025

Prepared by Liz Burdick, Director of Land Use & Planning on 6/12/25

Application: PZ#25-2ZRA- Applicant/Agent: Eric Treaster for Proposed Zoning Regulations Text Amendments for the Development of multifamily dwellings.

Applicant(s): Eric Treaster

Legal: Submitted 3/12/25, Date of Receipt 3/13/25, PH must open within 65 days by 5/16/25. PH orig. set for 5/8/25, Opening of PH postponed to 6/12/25 with ext. granted., PH cont. to 6/26/25, PH cont. to 7/10/25, PH cont. to 7/31/25 with 16-day ext. granted. PH must close by 7/31/25. DRD 65 days from close PH (10/4/2025).

Staff Comments regarding Zoning Regulations Amendments proposed by Eric Treaster:

I have carefully reviewed Exhibits #1 to #50 submitted to date for Application #25-2 ZRA of Eric Treaster for proposed regulation amendments regarding multi-family developments and I offer the following comments:

- Tyche Planning and Policy Group Comments:** I have attached pages 1-7 of the Staff Report prepared by Michael D'Amato, AICP, CZEO, Consulting Planner for a previous application submitted by Eric Treaster for multiple subject matter regulations amendments, including proposed changes to multi-family regulations (Application #24-7ZRA – Exhibit #20). See staff report Attachment "A."
- Southeastern CT Council of Governments SCCOG Comments:** The application was referred to SCCOG on March 24, 2025. The response, in part, was "The proposed regulatory changes would appear to reduce overall capacity of Ledyard properties to accommodate multifamily development, but based on my review of the material provided, are not likely to have specific negative intermunicipal impacts."
- Town Attorney Robert Avena Comments:** Attorney Avena, in his email to the Commission dated 6/5/25 (Exhibit#13), stated, in part "As the Commission is aware, there is a pending multifamily project before the Wetlands Commission on a parcel in the Gales Ferry section of town. It has been proposed on a parcel there under the existing multi-family zoning regulations for that location and zoning district. Contemplating, and voting to change, these particular regulations as proposed by Mr. Treaster may be seen as pre-determination by the Commission that it intended to prevent the approval of this particular project under the regulations existing

at the time it was designed by the property owner, who has begun the town permitting process for the proposal."

While the Applicant disagrees with much of the content in the email of Attorney Avena, he does state in his "Rebuttal to Exhibit 13," in part, "Everyone agrees, including myself, that if the Gales Ferry Multifamily project is submitted to the PZC after its Wetlands approval, **it should and will be subject to current zoning regulations**" and **"The effective date you select will demonstrate to everyone that you intend to ensure the Gales Ferry Multifamily Development is subject only to the current zoning regulations."** He continues, however, to recommend to the Commission set an effective date of September 1, 2025 for any regulation amendments.

Staff, after conferring with Town Attorney Robert Avena, recommends that if the Commission approves any changes to existing multi-family regulations, that a reasonable effective date for any new regulations of March 1, 2026 be put in place to allow the referenced Gales Ferry project and other pending projects to be submitted under the current regulations.

5. Public Comments:

There were multiple written comments submitted by the public and multiple members of the public spoke in favor of the application at the public hearings citing concerns, including, but not limited to about the protection of historic and rural character and quality of life, privacy, preservation of property values, building height, increased traffic & parking concerns, environmental concerns, fire protection, growth of public services and influx of school-aged children as a result of development of multi-family developments under the current regulations.

6. Attorney Brian Smith, Robinson & Cole Comments:

Attorney Brian Smith of Robinson & Cole, who represents C.R. Klewin in its application for a multifamily development at 19, 29 & 39 Military Highway that is currently in front of the Ledyard IWWC (Application #IWWC25-5SITE) submitted multiple exhibits, including legal arguments & case law for the record (Exhibit #20-2, #31-1, #31-2, and #43) in opposition to the application and in response to public comments..

5. Land Use Director Comments regarding the document entitled "Intro to the Proposed Replacement Multifamily Regulations (hereinafter "Intro") (Exhibit#1 submitted by Eric Treaster on 3/12/25):"

INTRO SECTION 1:

Applicant: Applicant states, *"The enclosed proposed amendments to the "Multifamily" regulations will improve the consistency of new multifamily developments with the "protection of character" goals in the POCD."*

Staff Comment: Throughout his application, Mr. Treaster uses the words "protection of character" throughout his application documents as the justification for the proposed amendments. He fails to include additional sections of the POCD that encourage diverse housing types and multi-family developments by right in non-residential zoning districts (POCD Section IV. (Housing)).

Applicant: Applicant states, "§8-2(a)(3) – which provides for special permits – allows the Commission to impose "standards" in the regulations, which can be objective and subjective. It also provides for the Commission's imposition of conditions (of approval) when necessary to protect public health, safety, convenience (natural resources), and property values. Multifamily developments should always require a special permit, which allows the Commission to impose and evaluate a much wider range of subject areas than the limited number permitted for uses allowed by right."

Staff Comment: In zoning districts that permit multifamily developments by right with an approved site plan, there are existing, comprehensive regulations in place to protect the public health, safety & welfare in ZR Sec. 9 (Site Development Standards) & ZR Sec. 11.2 (Site Plan Application & Requirements), specifically, Soil Erosion & Sediment Controls, Stormwater Management, Utilities, Landscaping, Lighting, Parking, Refuse Storage, Outdoor Storage, Architectural Character, and Historic and Landscape Preservation (inc. Historic & Archaeological Sites; Encouraged Materials and Practices; and Development District Design Objectives) and Sustainable Development (inc. Energy Efficient Design; Low Impact Development; and Performance Standards).

The Commission should carefully consider the need to impose further "objective" and "subjective" regulations for multifamily developments currently allowed by right in non-residential zones as adopted in 2022 in consideration of the 2020 POCD.

That being said, the Commission may wish to consider:

1. Requiring special permit review and approval for any multi-family developments that propose buildings greater than a maximum of 50-feet* in height (but not to exceed *65-feet in height 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) as currently allowed by ZR Section 6.2.1 (Development, Cluster & Transition District Dimensional Requirements) in all said non-residential zoning districts.
2. Similar to the Ledyard Center Transition District (LCTD), requiring a special permit for all multi-family developments in the Gales Ferry Development District (GFDD), the purpose of which, per ZR Section 6.1.D, is as follows:

"Purpose: To encourage pedestrian-friendly commercial development of unified design and scale to create a higher density in Gales Ferry Village. These regulations are intended to attract and encourage family activities.

1. In addition to the stated purpose, the district is intended to:
 - Encourage a blend of low intensity commercial, civic, and residential land uses.
 - Encourage cohesive architectural design and coordinated development to ensure safe access and movement of pedestrians and vehicles; minimize curb cuts; and maximize connections to adjacent properties.
 - Encourage infill and redevelopment of existing properties and underutilized structures. Allow placement of structures closer to the street to increase business exposure, minimize sign clutter; reduce traffic speeds; and transition away from development with dominant front parking lots."

By requiring a special permit per ZR Section 11.3 (Special Permit Application) for multi-family buildings in excess of 50-feet in height in all zoning districts and by requiring a special permit for all multifamily developments in the GFDD, it allows for an additional layer of evaluation of an application by the Commission per ZR Section 11.3.4 (Special Permit Criteria).

INTRO SECTION 2:

Applicant: Applicant states, *"The proposed regulations provide a maximum footprint of 5,000' for a multifamily structure" and "a reasonable number should be specified in the regulations to help ensure a multifamily development is consistent with the protection of character goals in the POCD. At three stories, a 5,000' footprint would allow for about 20-25 500' apartments in a single structure, depending on the size of the elevator, staircases, exits, and hallways."*

Staff Comment: There has been no evidence provided by the Applicant and/or a licensed professional architect that supports the above statements. The proposed regulations appear to discourage diverse, multifamily housing types that may be supported on an individual parcel or parcels.

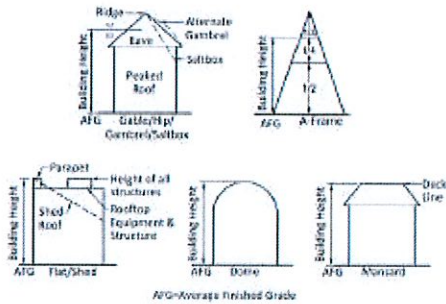
INTRO SECTION 3:

Applicant: Applicant states, *"The proposed regulations reduce the maximum height of a multifamily development from 45' in residential districts and 65' in certain commercial districts to 35', the same as for most other uses"; and "Depending on the roof design, height is measured to the midpoint between the ridge and the eaves, which means the visual height can be greater than 35'. Reducing the maximum height to 35' will also help ensure that new multifamily developments will be consistent with the protection of character goals in the POCD."*

Staff Comment: ZR Section 2.2 (Definitions) defines building height as:

"BUILDING HEIGHT: The vertical distance from the average finished grade for a building or other structure, or for a building wing or distinct portion of a building or other structure, to the highest point of the following elevations on the building or other structure:

- To the highest point of the highest dome, flat, shed, or mansard roof, including the top of any parapet;
- To the mean level between the highest ridge and its lowest corresponding eave of a gable, hip, gambrel, or saltbox roof;
- To 3/4 of the distance from the average finished grade to the highest point of a A-Frame structure;
- To the highest point of buildings or structures not mentioned here, or for any structures that do not have a roof. This includes to the highest point of all roof-top equipment, screening, fencing, and any other structures placed on or extending above a roof" and multiple illustrations of building roofs and how height is measured as follows:



Staff does not recommend any proposed reduction in building heights to 35-feet as proposed by the Applicant. For example, a three-story, 36-unit multi-family building may propose a height of 45-feet as defined in the regulations and may be considered an appropriate size and scale for the zoning district and/or property in/on which it is proposed to be located.

Note that any application for a multi-family development in any residential zone (45-feet max.) or in the Ledyard Center Transition District (LCTD) (50/65*-feet max) requires a special permit approval, which provides additional evaluation criteria and, as I stated previously, if the Commission were to consider requiring special permits for all multi-family buildings in the GFDD, similar to the LCTD, and for multi-family structures permitted in any non-residential zones exceed a maximum height of 50-feet, said additional evaluation criteria would apply.

It should be noted that PZ#22-7RA proposed a comprehensive re-write/re-organization of all sections of the Regulations that was adopted with an effective date of 9/28/2022 in consideration of the with the 2020 Ledyard Plan of Conservation and Development and the Comprehensive Plan, including existing maximum building heights in residential and non-residential zoning districts.

INTRO SECTION 4:

Applicant: Applicant states: *"The proposed regulations require "reasonable" recreational facilities and "parking distances." The applicant would have the burden of showing that his proposal is reasonable."*

Staff Comment: Staff does not recommend the proposed change in that the Applicant does not provide adequate evidence on the record as to why the Commission should require "reasonable" recreational facilities and "parking distances," only subjective in his own opinion.

The Commission should note that the Town of Ledyard maintains multiple public recreational facilities for the use of its residents and both the Town and various land conservancies (Avalonia, Tri-Town Trail) provide acres of open space land, including hiking trails accessible to the public (see attached documents received from the Ledyard Parks and Recreation Dept. identified as staff report Attachment "B."

Parking is provided in accordance with ZR Section 9.4 (Parking Requirements and Design Standards), which Section comprehensively addresses requirements including, but not limited to, Number and Size of Parking and Loading Spaces and Berths; Shared Parking; On-street parking; Parking Ratios, Off-Street Loading; Parking Facilities Standards; Parking Lot and Driveway Design; and Access Management. Per the Ledyard Building Official, ADA Accessible Parking is provided

in accordance with ICC A117.1-217 (CT Standards for Accessible and Usable Buildings and Facilities) and is approved by the Ledyard Building Official.

Staff suggests if the Commission were to propose changes to the existing parking requirements, that it evaluate all existing regulations regarding parking in all the various sections of the regulations at a future date prior to any proposed amendments.

INTRO SECTION 5:

Applicant: Applicant states: "The proposed regulations clarify that a high-tech "sewer treatment plant" is not an "accessory use" (as defined), which means they are not permitted to support massive multifamily developments in areas with no public sewers. This change will discourage the development of multi-hundred-unit apartment complexes in conflict with the POCD's "protection of character" goals in areas with no public sewers.

Staff Comment: Staff does not recommend the proposed change as the Commission does not have the authority to regulate public health code. The CT Department of Health (DPH), CT Dept. of Energy & Environmental Protection (DEEP) and/or regional Ledge Light Health District (LLHD) determine requirements for sanitary systems that serve various types of development, from an individual LLHD approved on-site septic system to a DEEP approved on-site wastewater treatment system. In my experience, the latter is no more a "primary" use of a property than an individual on-site septic system for a single family home.

INTRO SECTION 6:

Applicant: Applicant states "The proposed regulations prohibit apartments with no bedrooms (studios and efficiencies). This is because one-room efficiency and studio apartments tend to attract transient tenants, are more difficult to manage, require more interventions, and often require more government services than one-, two-, three- and four bedroom units.

Staff Comment: Staff does not recommend the proposed change as the Applicant has provided inadequate and/or no evidence for the record to support his reasons for prohibiting studio apartments.

INTRO SECTION 7:

Applicant: Applicant states: "The proposed regulations impose a three-story limit. This change is to help assure consistency with the "protection of character" goals in the POCD.

Staff Comment: Staff does not recommend the proposed change as the Applicant has provided inadequate evidence for the record that limiting multi-family buildings to 35-feet/3-stories assures "protection of character." The Commission can make changes to the approval process that would provide additional evaluation criteria by way of special permit reviews/approvals to determine same for any proposed development.

INTRO SECTION 8:

Applicant: Applicant states: "The proposed regulations prohibit half-story and basement units. This change helps to reduce the risk of humidity, mold, and flooding, which are more common in below-ground and basement apartments.

Staff Comment: : Staff does not recommend the proposed change as the Applicant has provided inadequate evidence for the record that supports his reasons for prohibition of these types of housing units. Additionally, the Commission has no authority to enforce the requirements of the building code.

6. Land Director Comments Regarding Eric Treaster Proposed Regulations Amendments (Revised):

I have carefully reviewed Exhibits #1 to #48 submitted to date for Application #25-2 ZRA of Eric Treaster for proposed regulation amendments

EXHIBIT 27-2 (Revised Proposed Amendments Received June 23, 2025) as follows:
Application PZC #25-2 ZRA [AMENDED]

(22-23 Proposed Changes for Multifamily & Mixed Use Developments)

Treaster - "To Reduce Maximum Multifamily Height to 35' in R20, R40, & R60 Districts"

Change #1. Page 5-1 – DELETE: "Maximum Building Height of Principal Structure (ft)****" **[the bottom line in Table 5.2.]**

Staff Comment: Staff does not support this proposed text amendment.

Change #2. REPLACE WITH: "Maximum Building Height of Principal Structure (ft)"

Staff Comment: Staff does not support this proposed text amendment.

Change #3. Page 5-2 – DELETE: "****Maximum Building Height for permitted Non-residential Principal Uses and/or Multifamily Residences in the R20, R40, or R60 Districts is 45ft/3.5 Stories" **[the top of page 5-2.]**

Staff Comment: Staff does not support this proposed text amendment.

Change #4. REPLACE WITH: "****Maximum Building Height for permitted Non-residential Principal Uses and/or Multifamily Residences in the R20, R40 or R60 Districts is 35' and not to exceed 3 Stories."

Staff Comment: Staff does not support this proposed text amendment.

Treaster - "To Reduce Maximum Multifamily Height to 35' in LCDD, LCTD, MFDD, GFDD, & RCCD Districts"

Change #5. Page 6-2 – REPLACE: Each "50" and "50*" with "35". **[on the last line in Table 6.2.1 on page 6-2 under the LCDD, LCTD, MFDD, GFDD, and RCCD columns]**

Staff Comment: Staff does not support this proposed text amendment.

Change #6. Page 6-2 – DELETE: "**Maximum height may be increased to sixty-five (65) feet for multifamily 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." **[below Table 6.2.1]**

Staff Comment: Staff does not support this proposed text amendment.

Treaster - "To Add A Special Permit Requirement For Multifamily Developments & Residential Mixed Use Developments In LCDD, LCTD, MFDD, GFDD, & RCDD Districts"

Change #7. Page 6-4 – REPLACE: Each "SPL" entry on the "Residence Multifamily (apts, condos) §8.13" line [in Table 6.4] with "SUP"

Staff Comment: Staff does not support this proposed text amendment.

Staff Suggestions:

1. Staff recommends the Commission consider changing the "SPL" entry on the "Residence Multifamily (apts, condos) §8.13" line [in Table 6.4] with "SUP" for GFDD.
2. Staff recommends the Commission add a category/entries "Residence Multifamily (apts., condos) §8.13 over 50-feet in height****" line [in Table 6.4] with "SUP" in the LCDD, LCTD, MFDD, GFDD and RCDD zoning districts.

Change #8. Page 6-6 – REPLACE: Each "SPL" entry on the "Mixed Use Residential/Commercial §8.22" line [in Table 6.4] with "SUP"

Staff Comment: Staff does not support this proposed text amendment.

Treaster – "To Avoid Public Health and Safety Risks Associated With Privately Owned Sewer Treatment Plants For Commercial, Multifamily and Mixed Use Developments"

Change #9. Page 2-9 – ADD: INDIVIDUAL SEWER DISPOSAL SYSTEM: An Individual Sewage Disposal System (ISDS) is a privately owned and maintained sewage disposal system, commonly referred to as a septic system or on-site wastewater system, consisting of a septic tank and disposal field. The septic tank separates and stores solid material, and the disposal field allows wastewater to percolate into the ground. [to §2.2]
Page 2 of 4

Change #10. Page 2-16 – ADD: SEWER TREATMENT PLANT: A type of wastewater treatment facility intended to remove contaminants from sewage to produce an effluent that is suitable to discharge to the surrounding environment and prevent water pollution employing one or more of the following technologies: (a) activated sludge system; (b) aerobic treatment system; (c) enhanced biological phosphorus removal; (d) expanded granular sludge bed digestion; (e) filtration; (f) membrane bioreactor; (g) moving bed biofilm reactor; (h) rotating biological contactor; (i) trickling filter, or (j) ultraviolet disinfection. [to §2.2]

Change #11. Page 2-16 – ADD: SEWER TREATMENT PLANT, PRIVATE: A sewer treatment plant intended to remove contaminants from sewage generated by a commercial, multifamily, or mixed-use on the same parcel. [to §2.2]

Change #12. Page 2-16 – ADD: SEWER TREATMENT PLANT, PUBLIC: A sewer treatment plant owned and operated by a municipality or public utility intended to remove contaminants from sewage generated by commercial, multifamily, or mixed uses on other parcels. **[to §2.2]**

Staff Comments: Staff does not support proposed text amendments 9, 10, 11 & 12.

Treaster – “To Clarify That Private Sewer Treatment Plants, As Defined, Are Not Permitted”

Change #13-1. Page 3-3 – ADD: (§3.8.F) Private sewer treatment plants (see definition) are not permitted.

Staff Comment: Staff does not support this proposed text amendment.

Treaster - To Assure Consistency With The “Protection Of Character Goals” in the “POCD” and the “2013-2028 Ledyard Affordable Housing Plan”

Change #13-2. Page 8-25 – RETAIN: 8.28 RESIDENCE, MULTIFAMILY (APARTMENTS, CONDOMINIUMS, TOWNHOUSES)

A. Apartment/Condominium complexes may consist of 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

Staff Comment: Staff does not support this proposed text amendment.

Staff Suggestions: Staff offers the following alternative amendments:

1. **DELETION - Revise ZR Section 2.2 (Definitions) – “RESIDENCE, MULTI-FAMILY”:** 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.

2. **Revise ZR Section 8.28.A (RESIDENCE, MULTI-FAMILY (APARTMENTS, CONDOMINIUMS, TOWNHOUSES) as follows:**

8.28 (RESIDENCE, MULTI-FAMILY (APARTMENTS, CONDOMINIUMS, TOWNHOUSES RESIDENTIAL DEVELOPMENT, MULTI-FAMILY)

A. Apartment/Condominium **Multi-family residential development** complexes may consist of a single **or multiple multi-family residence(s) or multiple residences that may consist of a combination of single-family, two-family and/or multi-family buildings, on one (1) lot,** and if located within the R20, R40 or R60 districts, they shall not be permitted on lots of less than five (5) acres. Such residential multi-family residential developments shall comply with all applicable site development requirements of these regulations.

Change #14. Page 8-25 – DELETE: B. Density: The density for an Apartment/Condominium complex shall be limited only by applicable building, fire and public health codes and applicable bulk/dimensional requirements of the particular zone.

Staff Comment: Staff does not support this proposed text amendment.

Change #15. REPLACE WITH: B. Density: The following constraints are to help assure consistency of these regulations with the protection of character goals in the "Ledyard Affordable Housing Plan 2023-2028" and the "2020 Plan of Conservation and Development:"

Change #15-1 1. The footprint of a multifamily structure shall not exceed 5,000 square feet.

Change #15-2 2. Multiple multifamily structures are allowed on a single lot.

Change #15-3 3. Apartments with no bedrooms (studio apartments) are not permitted.

Change #15-4 4. Partially below-ground and below-ground level apartment units are not permitted.

Change #15-5 5. Residents shall be provided with reasonable indoor, outdoor, or a combination of indoor and outdoor recreational facilities.

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Staff Comment: Staff does not support this proposed text amendment #15, 15-1, 15-2, 15-3, 15-4 or 15-5.

Change #16. Page 8-25 – RETAIN C. *Water and Sewer: A community water system, or public water, shall be provided in accordance with the CT Public Health Code.*

Staff Comment: Applicant is proposing no change to this regulation.

Change #17 (in red below). Page 8-25 – RETAIN D. *Buffers:*

1. A suitable landscaped buffer strip not less than ten (10) feet wide shall be provided along the parcel's side and rear boundary lines.

2. All buffer areas shall be planted with a combination of grass, shrubs, flowers, shade trees, evergreen, and other vegetative materials skillfully designed to provide a visual landscaped buffer and shall be maintained in proper order to protect adjacent properties and present a reasonably opaque, natural barrier to a height of ten (10) feet. The Commission **will consider existing topography and foliage when determining whether the buffer strips contain no parking areas or buildings. The Commission may allow other structures within the buffer area, such as wells, site utilities, and drainage facilities.**

3. Buffer strips shall contain no parking areas or buildings. The Commission may allow other structures within the buffer area, such as wells, site utilities, and drainage facilities.

Staff Comment: Staff does not support this proposed text amendment highlighted in red above, but believes it may have been a typo. Said existing section, "The Commission will take into consideration existing topography and foliage, when determining whether the proposed buffer meets the intent of the regulations" should be retained.

Change #18. Page 8-25 – DELETE: E. *Off-street Parking: Off-street parking shall be provided as required by §9.4.*

Staff Comment: Staff does not support this proposed text amendment.

Change #19. REPLACE WITH: E. Off-street Parking:

1. Tandem parking spaces shall count as a single parking space.

2. A minimum of one parking space is required per bedroom.

3. The parking requirements shall be increased by 15% if no on-street parking exists.

4. A reasonable number of off-street parking spaces shall be reserved for

guest parking.

5. Parking areas must be screened from public roadways.

6. Parking areas must be located between, behind, and/or in closed garages on the first floor of multifamily developments.

Change #19-1 7. Parking spaces must be reserved and assigned to individual apartment units @ one space per bedroom. Unassigned parking spaces may be used for guest, handicapped, and overflow parking.

Change #19-2 8. Parking spaces must be within a reasonable distance of the multifamily structure(s).

Change #19-3 9. Multi-story parking structures (parking garages) are not permitted.

10. Parking must be on the same parcel as the multifamily structure(s).

11. Parking areas must have reasonable lighting.

12. Parking areas must have reasonable landscaping.

13. Parking areas must be designed for reasonable on-site snow banking.

14. Parking spaces shall consist of a hard surface.

15. Parking spaces shall be striped.

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Staff Comment: Staff does not support this proposed text amendments #19, 19-1, 19-2 or 19-3.

Treaster - To Help Achieve Consistency With the "Protection of Character" Goals in the POCD

Change #20. Page 8-25 – DELETE: F. Maximum Building Height for a Multifamily Residence in an R20, R40 or R60

Districts is forty-five feet / 3.5 Stories

Staff Comment: Staff does not support this proposed text amendment.

Change #21. Page 8-25 – ADD: F. Refuse Management:

1. The design shall ensure that individual refuse containers, if any, are stored or screened so they are out of view on non-pickup days.

2. Dumpsters, if any, shall be screened and located near the apartment units.

Staff Comment: Staff does not support this proposed text amendment.

Treaster – "To Avoid The Appearance of Commission Bias or Predisposition [NEW]"

Change #22. Page 11-5 – ADD: J. Any application requiring IWWC approval shall be subject to the zoning

regulations in effect at the time the application was received by the IWWC.

[Top of page 11-5 after §11.2.2.1 prior to §11.2.3]

Or **Change #23** Page 11-5 – ADD: J. Any application requiring IWWC approval shall be subject to the zoning regulations in effect at the time the application was received by the Planning & Zoning Commission QL at the discretion of the Applicant, the zoning regulations in effect at the time the IWWC received the application.

[Top of page 11-5 after §11.2.2.1 prior to §11.2.3]

Staff Comment: Staff has forwarded the proposed amendments #22 & #23 to Town Attorney Robert Avena for Comment. Attorney Avena stated, in part, "I recommend that the Commission deny both versions of the proposed changes. The proposals are not consistent with Connecticut statutory law which limits the jurisdictions of both the Wetlands Commission and the Planning and Zoning Commission." See Exhibit#49.

STAFF RECOMMENDATION: RESERVED.

Please contact me at the Planning Dept. at Town Hall at (860) 464-7455 with any questions.
Thank you.

Land Use Director
Attachment EX#20
"A"



LEDYARD PLANNING & ZONING COMMISSION

Staff Report: PZ#24-7ZRA

RECEIVED

SEP 10 2024

Land Use Department

STAFF REPORT

TO: Ledyard Planning and Zoning Commission
FROM: Michael D'Amato, AICP, CZEO, Consulting Planner

APPLICATION: PZ#24-7ZRA: Application to Amend the Zoning Regulations

APPLICANT: Eric Treaster

APPLICATION SUMMARY

Per the information submitted, this application has been submitted 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 multi-family developments that are consistent with the Affordable Housing Plan and the POCD
4. To require a public hearing for 8-30 Affordable Housing Applications

These changes are proposed through amendments to Sections which include: Table of Contents, Section 2.2 (Definitions), Pg 5-3 (Uses Res Districts), Pg. 6-7 (Uses Non-Res Districts), Pg 8-14, Sec 8.16 (Excavation), Pg. 5-1 Sec. 5.2 (Dim Reqs. Res Zones), Pg 5-2, Sec. 5.3 (Uses Res Districts), Pg 6-2 Table 6.2.1 General Guidelines: All Development, Cluster & Transition Districts), Pg 6-4 Sec. 6.4 (Permitted/Special Permits Uses Non-Res Zones), Pg. 8-25, Sec. 8.28 (Residence, Multi-Family), Pg 8-26, Sec 8.28.E (Off-Street Parking), Pg 8-26, Sec. 8.28.F (Max Bldng. Height Multi-Fam), Page ii Table of Content (Reserved) & Sec 8.3 (Reserved) to add "Affordable Housing Developments (R.I.G.L. §8-30g Applications)

KEY APPLICATION TIMELINES	
Application Submission Date	June 5, 2024
Official Date of Receipt	June 13, 2024
Public Hearing Open Deadline	August 17, 2024 (Extension Granted)
Public Hearing Close Deadline	35 days from public hearing open date
* CGS §8-7d allows the applicant to consent to one of more extensions of time provided the total extension of time periods does not exceed 65 days	

LEGAL STANDARD

Standard for Application Type:

The Commission reviews zoning amendments in accordance with Zoning Regulations

Section 11.4.4. In making a decision, the commission should evaluate:

- 1) Consider whether the text amendment would be in accordance with the comprehensive plan; and
- 2) Take into consideration the Plan of Conservation and Development, prepared pursuant to CGS §8-23.

Application Analysis and Staff Comment

The applicant has separated the proposed amendments into three (3) categories, "Multifamily", "Excavation, Mining and Quarrying", and "Affordable Housing". For the purposes of consistency, this review will follow the same format.

Part 1: Multifamily Developments

There are eight (8) revisions pertaining to "multifamily developments" proposed by the applicant. Per the revised materials dated 7/8/24 and revised 8/19/24 these revisions include:

1. **Page 5-1** – (from §5.2 table):

Delete "Maximum Building Height of Principal Structure (ft)****"

Replace with:

"Maximum Building Height of Principal Structure (ft)"
(Retain the existing **35'** under the R20, R40, and R60 columns.)

2. **Page 5-2** – (just before the §5.3 table):

Delete: "****Maximum Building Height for permitted Non-residential Principal Uses and/or Multifamily Residences in the R20, R40, or R60 Districts is 45ft/3.5 stories"

3. **Page 6-2** – (last line of Table 6.2.1)

Delete the "50*" entry on the last line of Table 6.2.1 under the LCDD, LCTD, MFDD, GFDD, and RCCD columns.

Replace each "50*" entry with: "35" on the last line of Table 6.2.1 under the LCDD, LCTD, MFDD, GFDD, and RCCD columns.

4. **Page 6-2** – (just below Table 6.2.1)

Delete: "**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."

Staff Comment on Proposed Amendments 1-4:

Items 1-4 include revisions which would establish a maximum height for all structures in residential zoning districts of 35ft. While removing this language would provide uniformity within the districts, which is generally beneficial within zoning regulations, staff would caution the Commission on the potential implications of such a change, particularly:

1. Creation of non-conformities: Existing non-residential or multi-family projects in Town would become non-conforming based upon the overall reduction in allowable height of 10ft.
2. Impact on Coverage/Density: With housing projects the most common metric used is density as compared to commercial projects which are typically looking at using square feet. Every project has a baseline density or size that is needed for the project to be feasible. Reducing the total allowable height by 10ft/ 1 story could potentially have the unintended effect of pushing development to increase total lot coverage and/or building footprints to achieve the necessary density and/or desired square footage as this amendment effectively reduces potential density by 30%.
3. Height vs. Design: While this amendment (if approved) would limit total height and number of stories for subject buildings, what would not change is how a building is designed. Particularly when it comes to projects in residential districts, what can be more impactful is how a building is situated on a lot, what type of roof it has if there are divisions in the façade etc.

5. Page 6-4 – (Line 4 of Schedule 6.4)

Replace: "SPL" with "SUP" on the line identified as "Residence Multi-family (apts, condos) §8.13" in the LCDD, MFDD, GFDD, and RCDD columns.

Staff Comment on Proposed Amendment 5:

As proposed, this amendment seeks to require a Special Use Permit application for "Residence Multi-Family (apts, condos)" in lieu of the current Site Plan Application requirements. This amendment would apply to the LCDD, LCTD, MFDD and GFDD all of which are characterized as special development districts and have a separate set of development standards outlined within Section 6.2 of the regulations. Staff would caution the Commission on increasing the standard of review from SPL to SUP, particularly when the specific criteria for reviewing such an application have not been included.

It is worth noting that Special Permit Uses are not uses which the Commission has the flexibility to simply deny based on preference, lack of public support or otherwise. Per *McLoughlin v. Bethel Planning & Zoning Commission*, the Special Permit category is for uses which are expressly authorized by the regulations. The Commission has the ability to issue a

conditional approval for these types of applications provided it can show that such conditions are necessary to protect health, safety, convenience or property values.

In addition, as the Regulations stand currently with the requirements for a Site Plan Application, the PZC already has the authority to conduct a public hearing associated with the site plan. It is still bound to issue an approval within 65-days as required by Statute but there is nothing that would prevent a public hearing from being held if allowing the public to provide input was deemed appropriate.

6. Page 8-25 – (§8.28.B)

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:

"B. There is no minimum floor space area for a dwelling unit or a numerical or percentage cap on the number of dwelling units in a multifamily residence, as defined in §2.2.

- 1. As defined in §2.2, the height shall not exceed 35'.*
- 2. The number of stories shall not exceed three (3).*
- 3. The size shall not exceed 10,000 square feet for a one-story, 20,000 square feet for a two-story, or 30,000 square feet for a three-story multifamily residence.*
- 4. The population density shall not exceed sixty (60) people per acre based on an occupancy of two people per bedroom.*
- 5. Multiple multifamily residences can be on a single parcel.*
- 6. Each dwelling unit must have one or more bedrooms."*

Staff Comment on Proposed Amendment 6:

As stated above, density is an important factor when considering the viability of a housing development of any type. The current regulations allow for density to be established based upon applicable health and safety codes and do not otherwise cap density. The proposed amendment in addition to re-stating the requested 35ft height and 3-story limit also establishes a maximum building size by total number of stories, limits density using a population count and states a minimum bedroom count.

Amendment 6 seeks to establish a new cap on total building size at 10,000SF per story. While limiting the total size of anyone building for projects that are large in scale is a technique used by many Municipalities, if the Commission is interested in this type of approach, It is

recommended that alternate language be pursued to encourage multiple principal buildings vs. limiting building sizes based on the number of stories.

This portion of the proposal also proposes that population density for a project should not exceed sixty (60) people per acre based on an assumption of 2 persons per bedroom. Staff has a significant concern with using this metric to calculate density as the charge of Planning & Zoning Commission's is to regulate the use of the land not the user of the land.

According to the most recent American Community Survey (2020), the average household size in Ledyard was 2.6. Establishing a regulation based upon the assumption of 2 persons per bedroom forces a project in its entirety to project a population that is nearly 35% greater than the average.

The other concern that staff would have is that by limiting density as written there is essentially no connection between building size and allowable density. A 10,000SF building would be allowed the same density as a 30,000SF building.

7. **Page 8-26**

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

Replace with:

"E. Off-street Parking:

- 1. Parking shall be below, attached, between, or behind multifamily residences.*
 - 2. Required resident parking shall be on the same parcel as the multifamily residence.*
 - 3. Covered parking attached to or below a dwelling unit shall count as 1.25 parking spaces toward the off-street parking requirements.*
 - 4. A tandem parking space shall count as a single parking space.*
-
- 5. A minimum of two parking spaces are required per one- or two-bedroom dwelling unit.*
 - 6. Parking requirements are increased by 15% if no on-street parking is available.*
 - 7. Parking requirements are credited 1.25 spaces for every covered parking space attached to or below a dwelling unit.*
 - 8. A reasonable number of off-street parking spaces shall be reserved for guest parking."*

Staff Comment on Proposed Amendment 7:

Proposed revisions included within this Section of the requested changes pertain to off-street parking requirements in Section 8.28. While the idea of encouraging covered parking through reducing the number of spaces required is useful, staff has multiple concerns with the language as proposed, specifically:

1. A requirement that at least 2 spaces per unit be provided for such developments is a violation of Public Act 21-29. Unless the Town of Ledyard affirmatively opted-out of the requirements of this Act, only 1 parking space can be required per 1 bedroom unit.
2. The term "reasonable" when referring to the number of guest parking spaces is a term that is undefined and could appear arbitrary to applicants.

8. Page 8-26

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 appropriate outdoor recreational space and facilities shall be provided for use by residents. (Optional for age-restricted developments.)"

Staff Comment on Proposed Amendment 8:

With any development it is important that amenities and facilities are appropriately provided so that residents of the development have access to open space, community/gathering areas, places to store bicycles or other equipment etc. these design considerations should be more defined if the Commission wishes to encourage them more seriously. As mentioned above, staff would caution use of the term "reasonable" as it is undefined and not a standard that an applicant can easily determine compliance with.

Lastly, the note that does not obligate age-restricted developments to meet this standard should also be evaluated. Zoning Regulations should be consistent and transparent and removing a development requirement based upon the occupant is not advisable. In addition, as was the case with many age-restricted developments in the early 2000's, this would prohibit a removal of any age-restriction down the road as this standard would then apply to the project.

August 19, 2024, Revision

1. Add parking layout and parking dimension requirements.

Replace [duplicated] §8.28.E-7 with: *"Parking layout and parking dimensions shall be consistent with the Parking Dimension Requirements listed in the table in §9.4.4.A; the Parking Requirements listed in the table in §9.4.4.B; and the Other Standards listed in §9.4.4.C and §9.4.4.D."*

2. Add parking lot landscaping requirements.

Add [new] §8.28.E-9 as follows: *"Parking lot landscaping shall be consistent with the requirements in §9.4.6."*

Land Use Director
Attachment
B

#	Street Name	Name	Description	Acreage
17	Aljen Avenue	Aljen Heights	Ball Field and Playground	5.21
224	Avery Hill RD	Ross Property	TTT Easement (no trail access)	8.751
4	Blonders Boulevard	Colonel Ledyard Park	Playground, Baseball Field, Soccer Fields, Pavillion, Basketball Courts, Tennis Courts, Woods Trail	131.9
728	Colonel Ledyard Highway	Town Green	Holdridge Pavillion, Town Green, Pole Barn, Mary McGrattan Parklet, Linda C Davis Food Pantry	24.06
1025	Colonel Ledayrd Highway	Clark Farm	Red Barn and TTT parking lot/ trail access	102.16
1087	Colonel Ledyard Highway	Tri Town Trail Parking	TTT Parking lot/ trail access point across from Preston Park	42.8
36	Country Club Drive	Highlands Lake	Back end of Highland Lake	5.39
631	Shewville Road		Abuts Highland Lake on the East Side	3.64
639	Shewville Road		Abuts Highland Lake	13.66
639R	Shewville Road		Within 631 Shewville Road	0.4
13	East Drive	Christy Hill Park	Field	3.88
135R	Gallup Hill Road	Model Park	Two Playgrounds off of Model Park Road	1.2
24	Meetinghouse Lane		Pedestrian way for Model Park	
9	Old Fort LN			
10	Robin LN			
169	Gallup Hill Road	Clark & Purdy Field		14.64
52	Highland Drive	House Lot	Soccer Fields	4.04
54	Inchcliffe Drive		House lot	6.67
172	Iron Street	Saw Mill Park	Open Space	11.07
5	Lynn Drive		Open space, Saw mill, pond	1.11
114	Military Highway	Erickson Park	Open Space	2.89
63	Partridge Hollow Road		Pavillion and a Boat Launch	1.02
64	Partridge Hollow Road		Open Space	1.52
542	Pumpkin Hill Road		Open Space	1.3
1864	Route 12	Judge Crandall Field	Field	2.45
13	Royal Oaks Drive	Boat Launch		0.12
175	Spicer Hill Road		Open Space	2.6
212	Stoddards Wharf Road	Pfizer Field	Baseball Field and Playground	14.39
71	Town Farm Road		Open Space	10.25
12	Van Tassel Drive	Senior Center	Senior Center	7.7
13	Winthrop Road	Donahue Property	2 playgrounds	0.79
20	Windward Ln	Bauman Property	TTT Easement (no trail access)	5.34
18	Hurlbutt Road	Gales Ferry Fire District	Gales Ferry Community Center and Gales Ferry Library	1.22
600	Lantern Hill Road	Lantern Hill Park	Park Coming Soon	1.91

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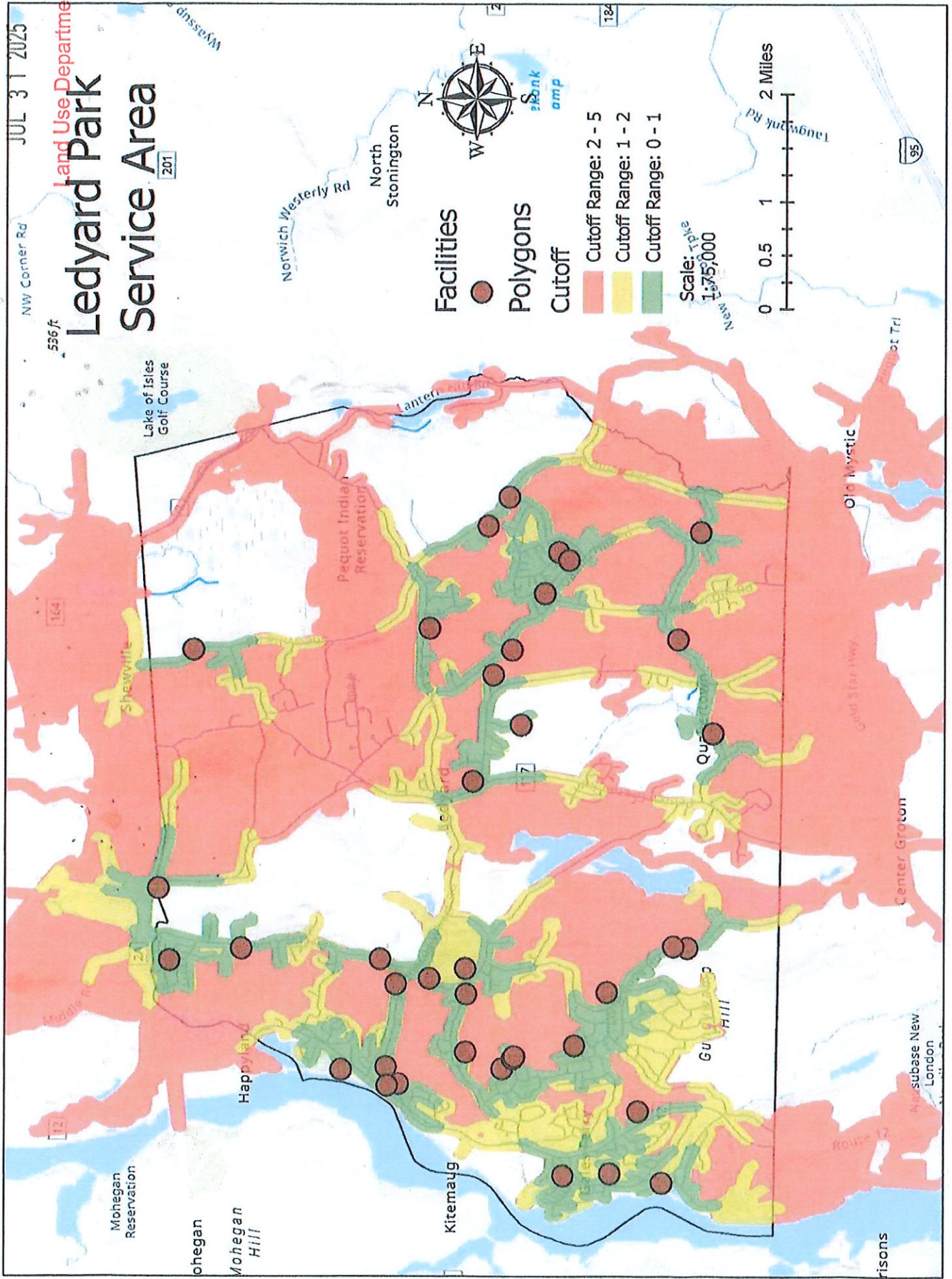
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Land Use Department

JUL 31 2025

Land Use Department

Ledyard Park Service Area



JUL 31 2025

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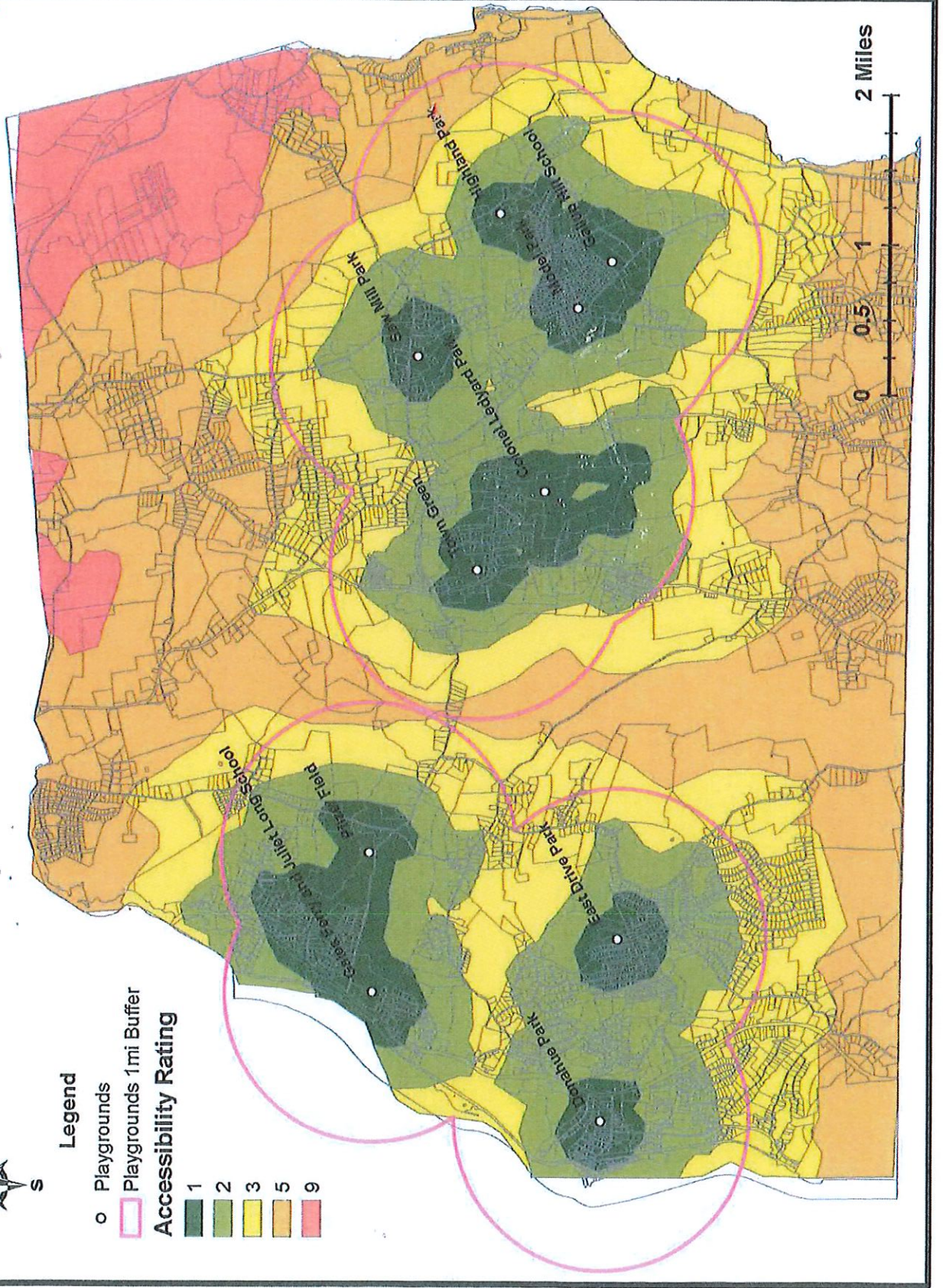
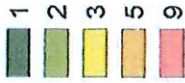
Ledyard Playground Accessibility



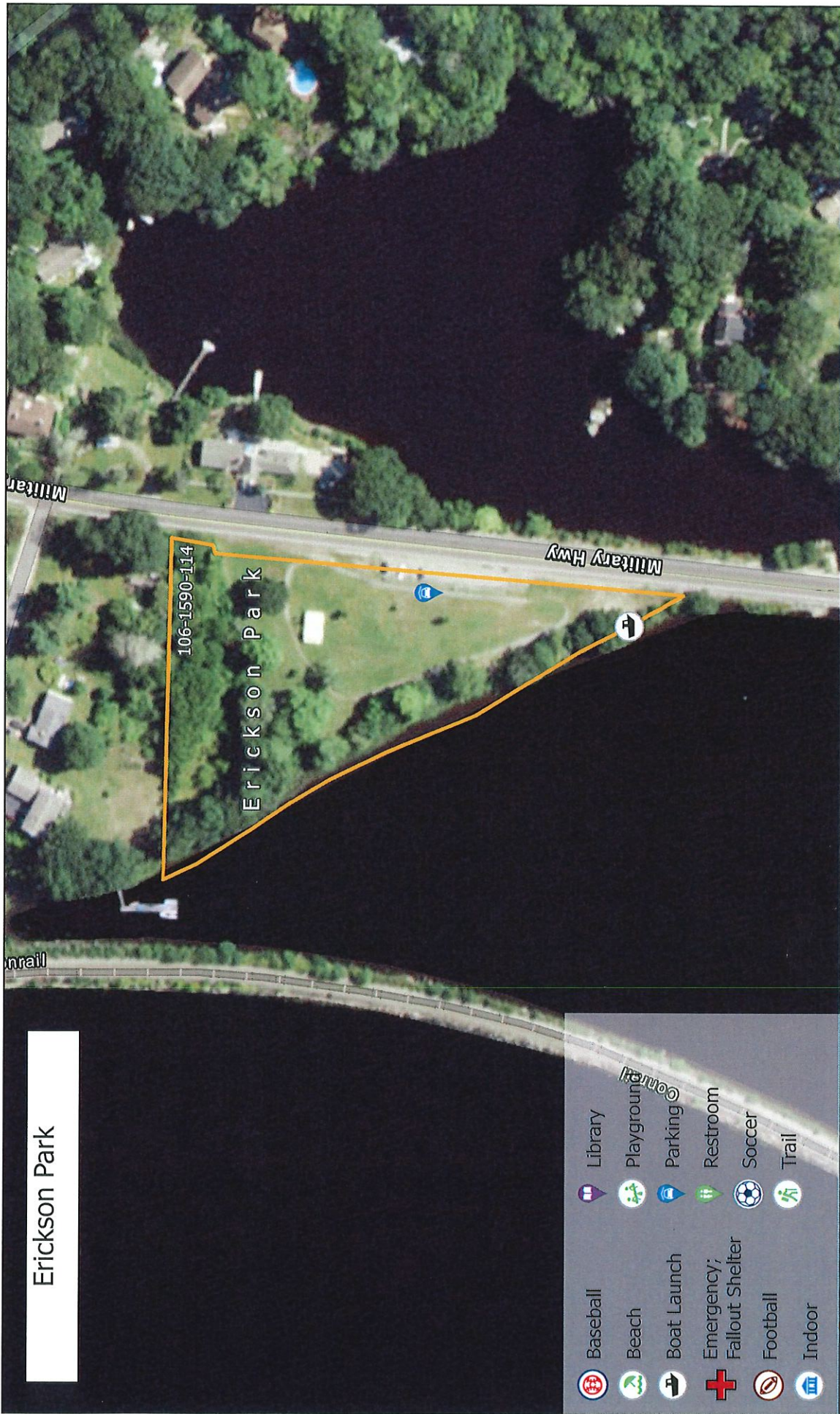
Legend

- Playgrounds
- Playgrounds 1mi Buffer

Accessibility Rating



Erickson Park



- Baseball
- Beach
- Boat Launch
- Emergency; Fallout Shelter
- Football
- Indoor
- Library
- Playground
- Parking
- Restroom
- Soccer
- Trail



Ledyard P&R Facilities

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Nathan Lester House

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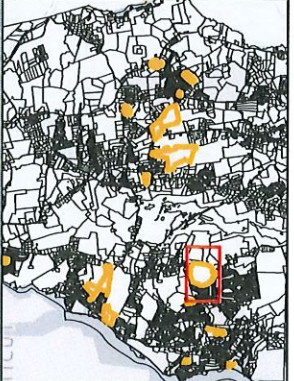
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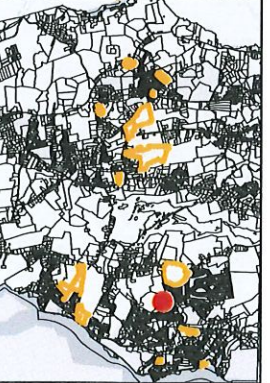


Christy Hill/ East Drive Park

93-670-13

Christy Hill/
East Drive Park

- Baseball
- Beach
- Boat Launch
- Emergency;
- Fallout Shelter
- Football
- Indoor
- Library
- Playground
- Parking
- Restroom
- Soccer
- Trail



Ledyard P&R Facilities

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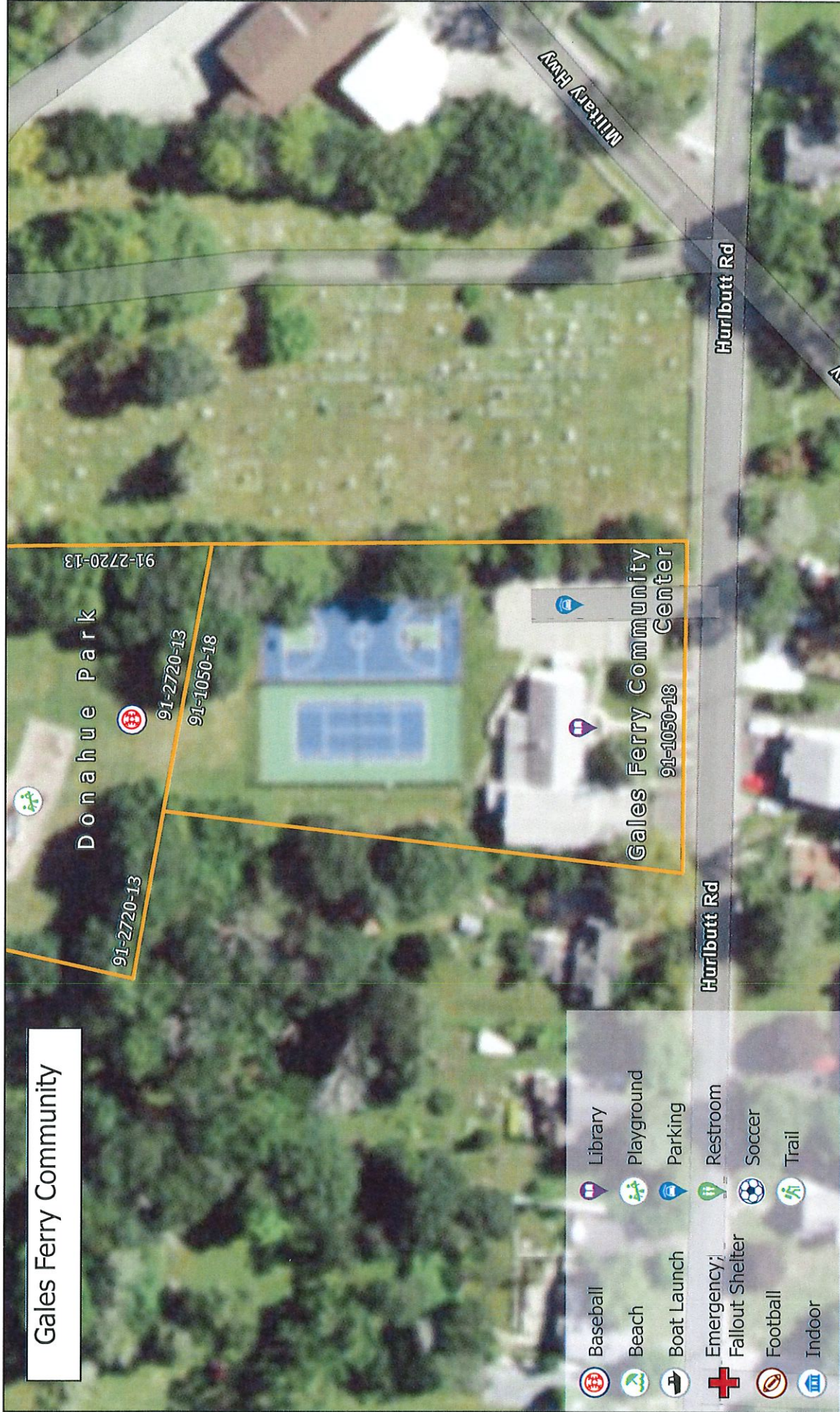
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Land Use Department

0.02 Mi

0 0.04 0.07 Km

Gales Ferry Community



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0 0.02 0.04
Km
Mi

Donahue Park



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Land Use Department

0 0.01 0.02 Km

0 0.01 0.02 Mi

Purdy and Clark Fields at



Ledyard P&R Facilities

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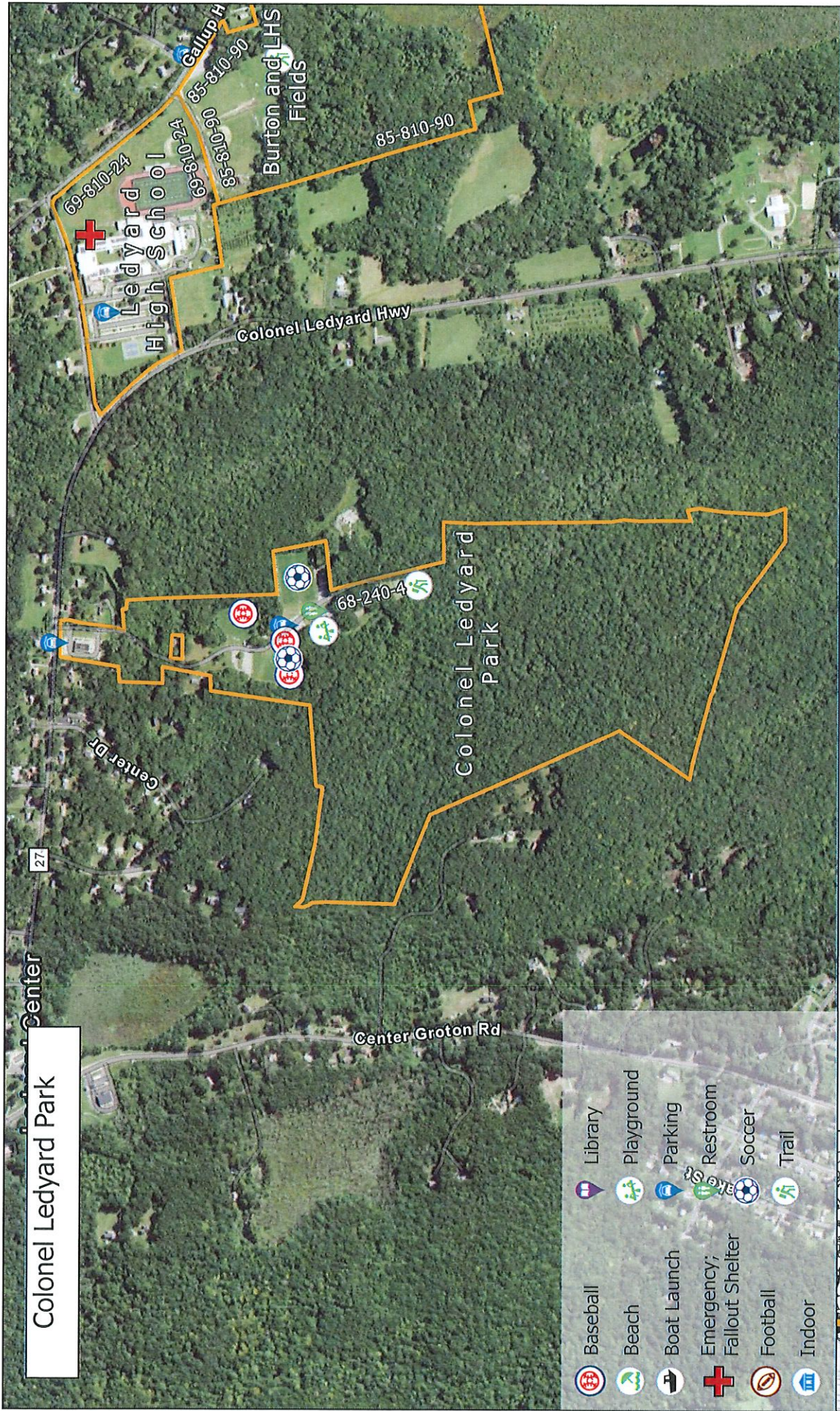
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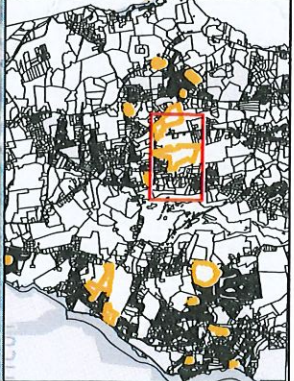
Land Use Department

0 0.05 0.1
Mi Km



Colonel Ledyard Park

- Baseball
- Beach
- Boat Launch
- Emergency; Fallout Shelter
- Football
- Indoor
- Library
- Playground
- Parking
- Restroom
- Soccer
- Trail



Ledyard P&R Facilities

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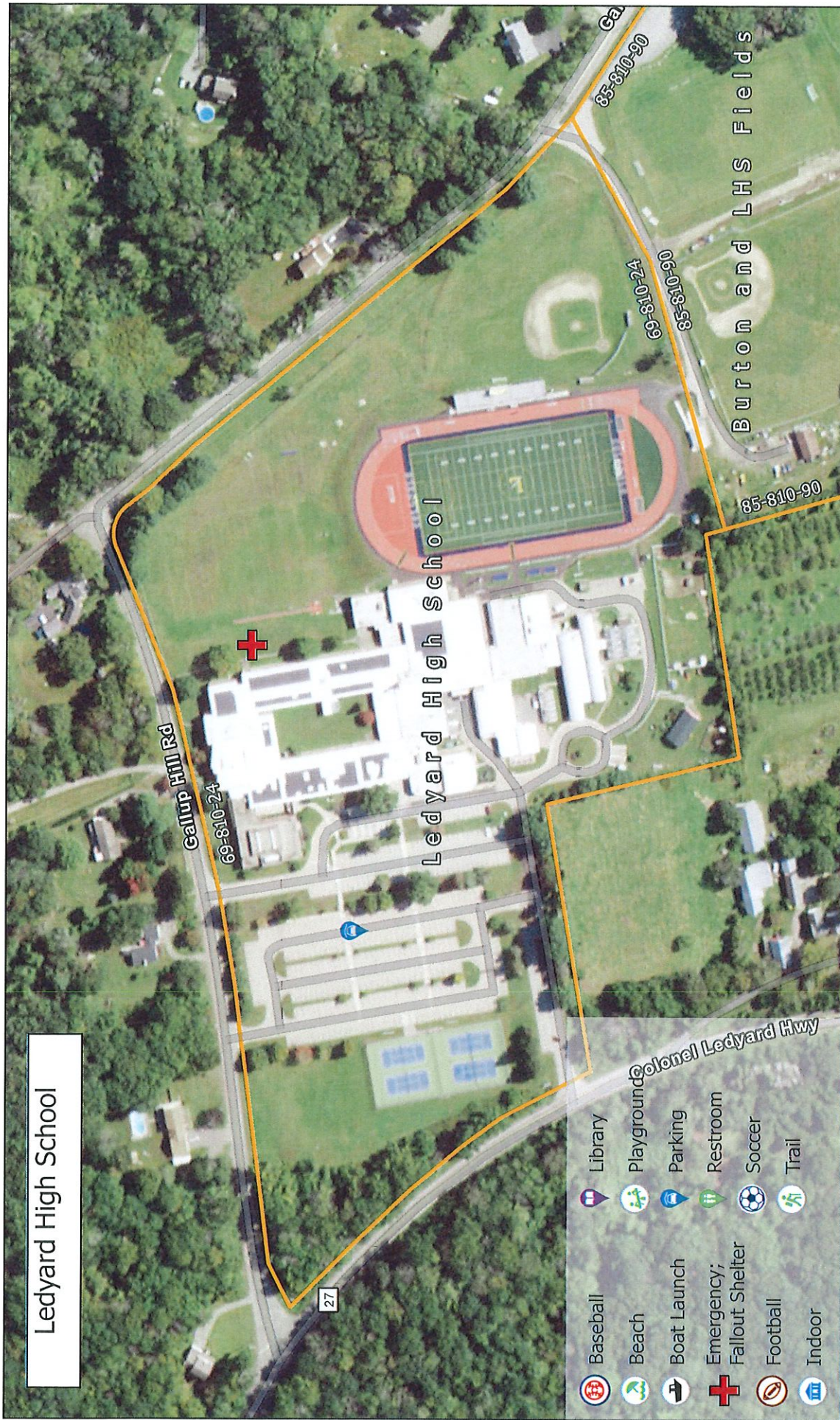
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0 0.2 0.4
 0 0.2 0.4
 Km
 Mi

Ledyard High School



- Baseball
- Beach
- Boat Launch
- Emergency; Fallout Shelter
- Football
- Indoor
- Library
- Playgrounds
- Parking
- Restroom
- Soccer
- Trail



Ledyard P&R Facilities

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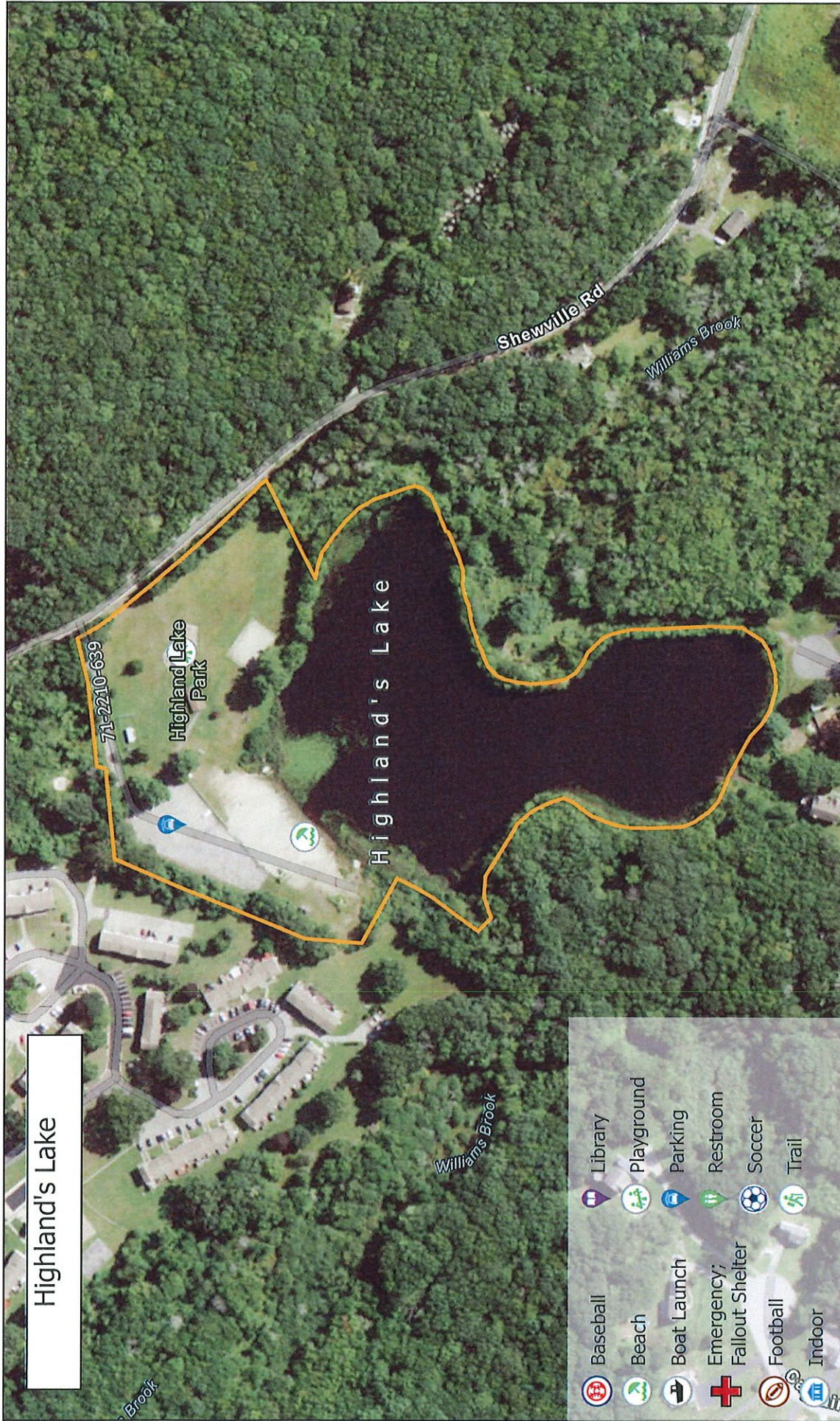
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Land Use 0.03 miles 0.06 Mi

0 0.05 0.1 Km

Highland's Lake



- Baseball
- Beach
- Boat Launch
- Emergency; Fallout Shelter
- Football
- Indoor
- Library
- Playground
- Parking
- Restroom
- Soccer
- Trail



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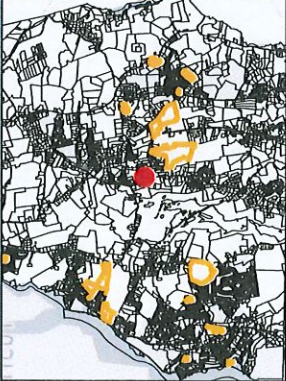
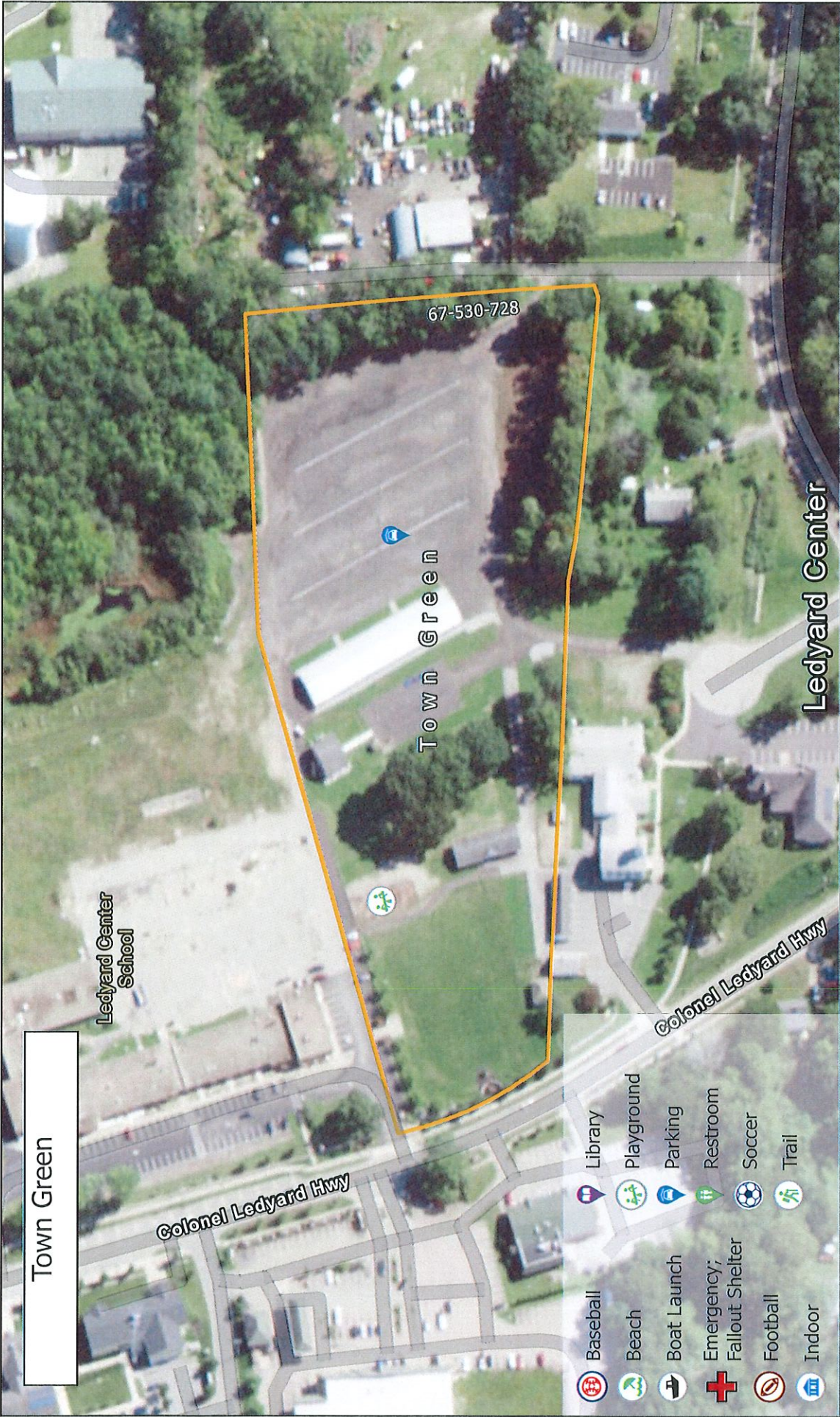
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0 Land Use Department

0 0.05 0.1 Km



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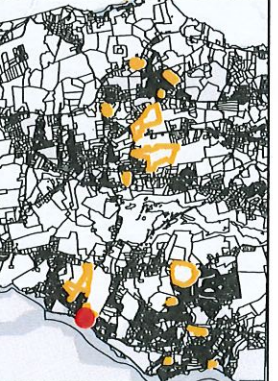
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Km

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Judge Crandall Field



Ledyard P&R Facilities

2024

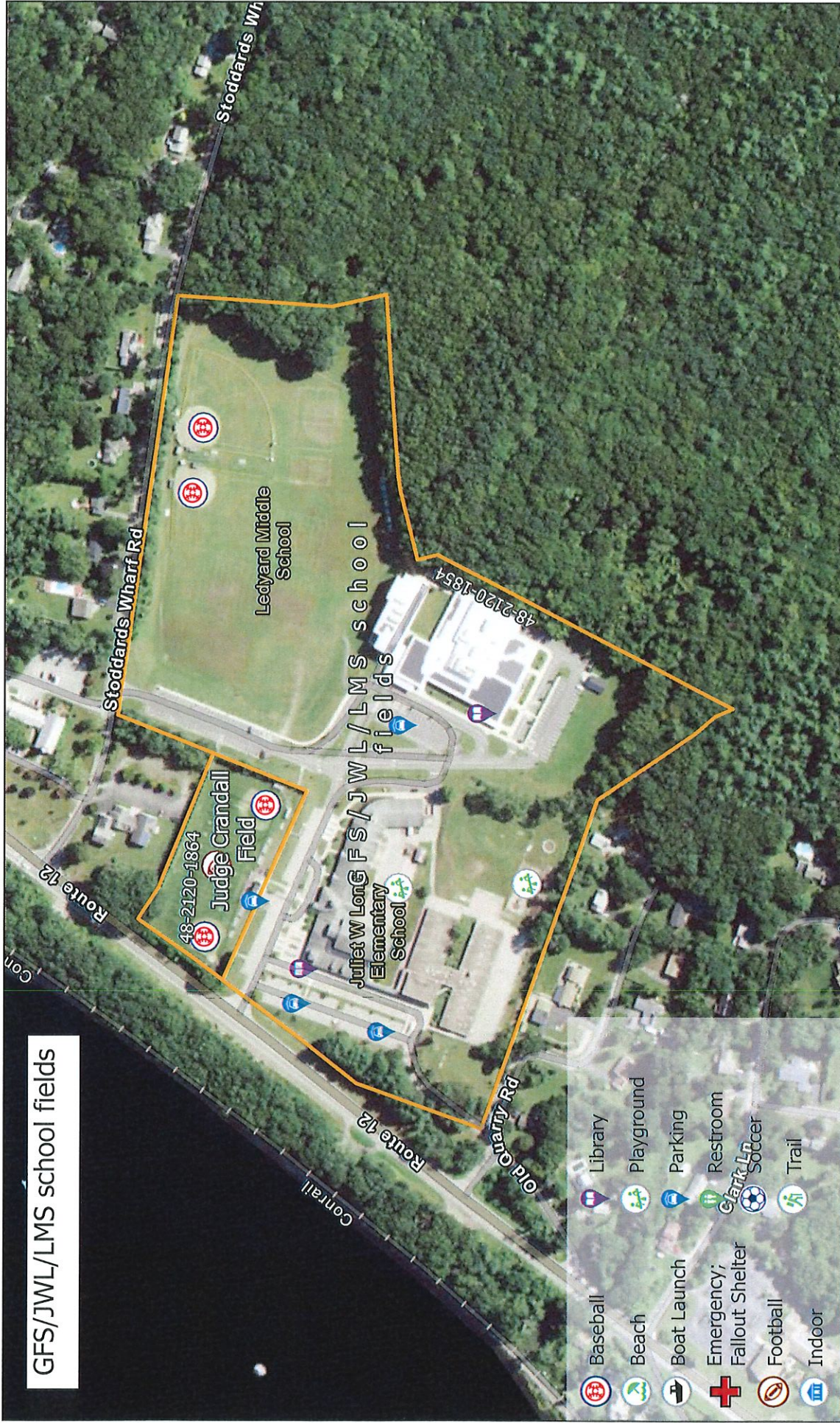
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0 0.01 0.02 0.04
Mi
Km

GFS/JWL/LMS school fields



- Baseball
- Beach
- Boat Launch
- Emergency; Fallout Shelter
- Football
- Indoor
- Library
- Playground
- Parking
- Restroom
- Soccer
- Trail



Ledyard P&R Facilities

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2024

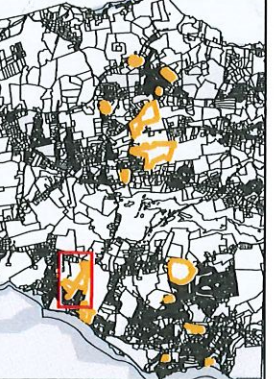
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 0 0.07 0.15
 Km
 0 0.07 0.15
 Mile



Pfizer Field

- Baseball
- Beach
- Boat Launch
- Emergency; Fallout Shelter
- Football
- Indoor
- Library
- Playground
- Parking
- Restroom
- Soccer
- Trail



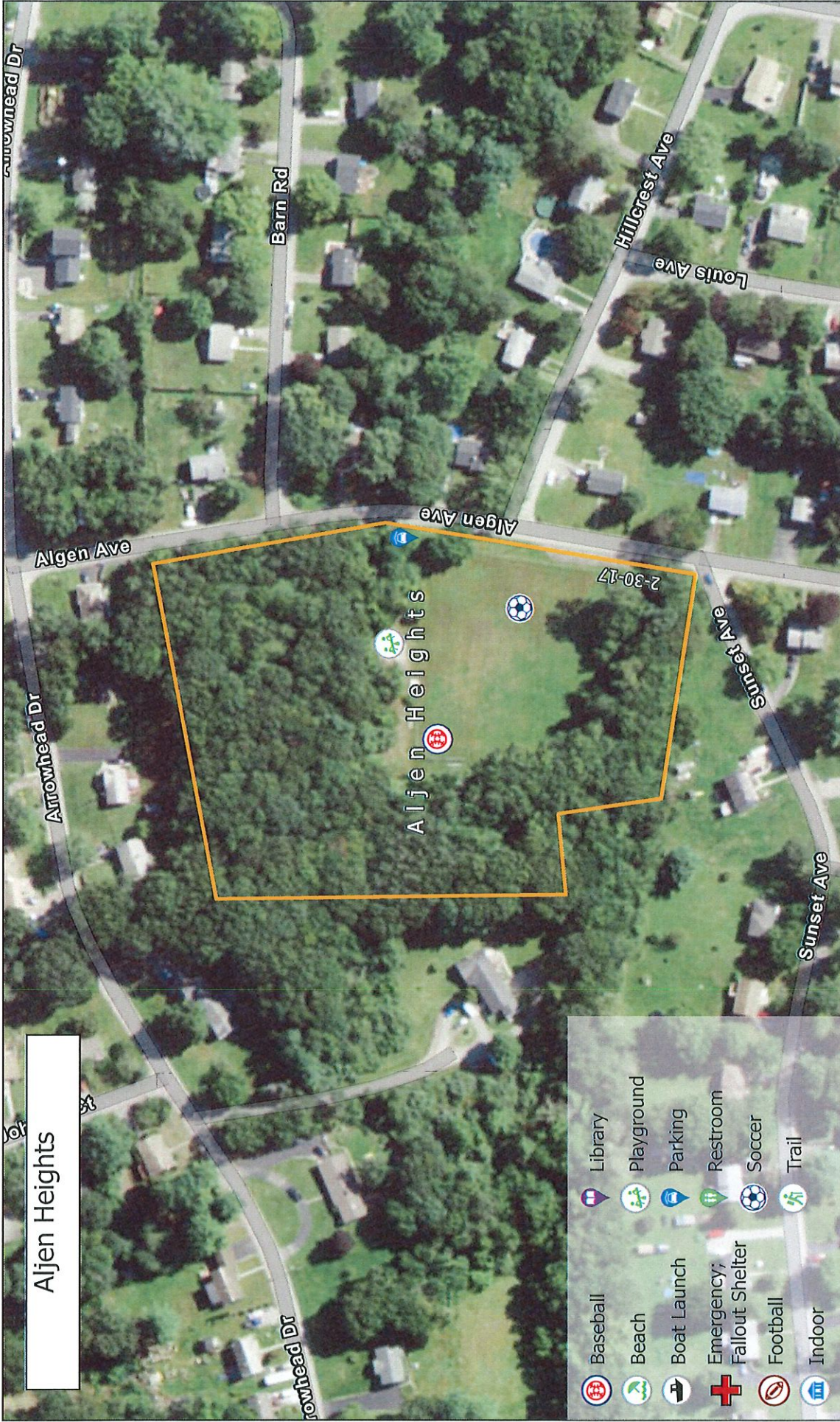
Ledyard P&R Facilities

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0 0.05 0.1 0.13 0.25
Miles
0 0.05 0.1 0.13 0.25
Kilometers



Aljen Heights



Ledyard P&R Facilities

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2024

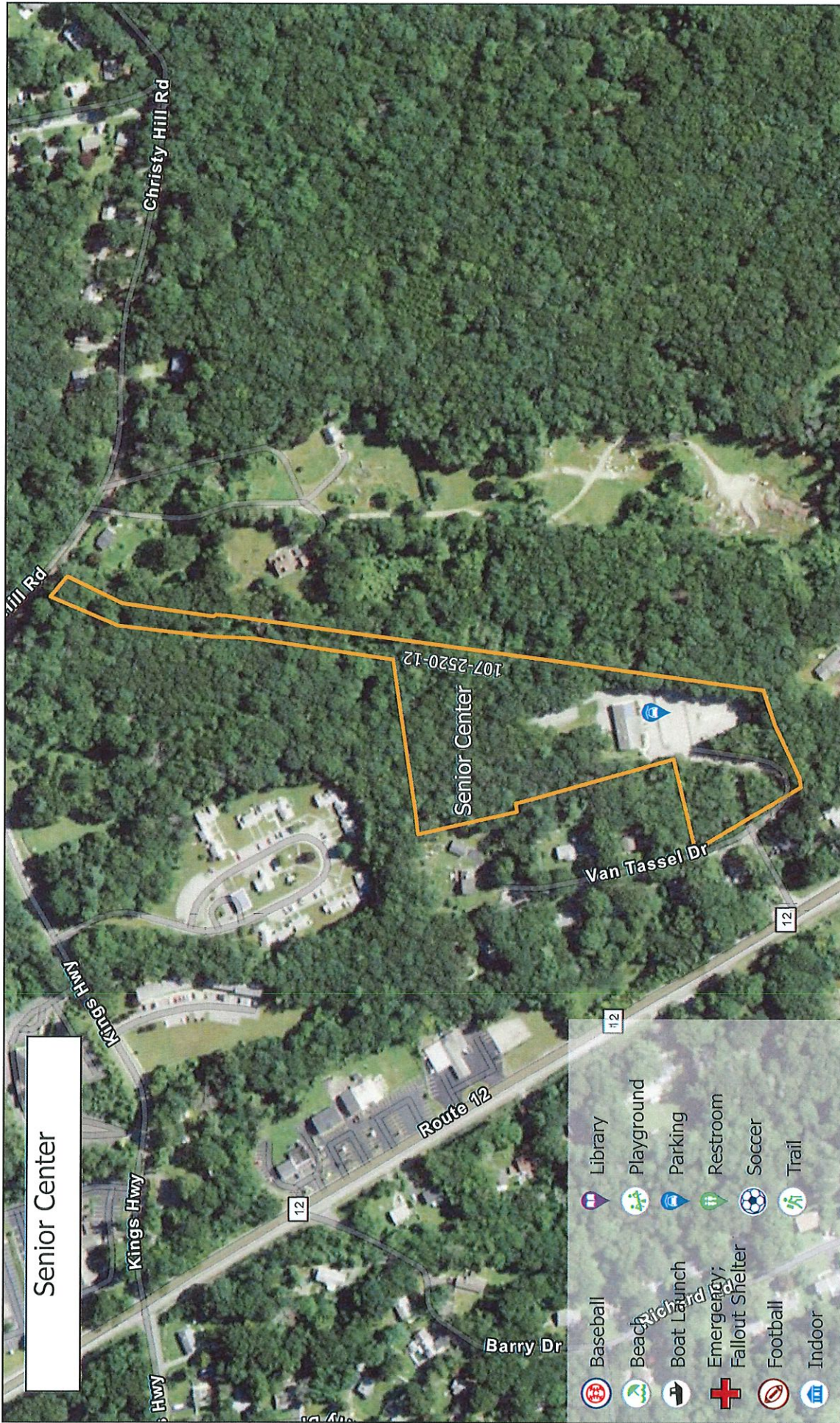
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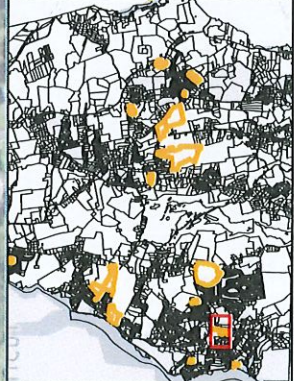
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Land Use Department

0 0.04 0.07 Km



Senior Center



Ledyard P&R Facilities

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2024

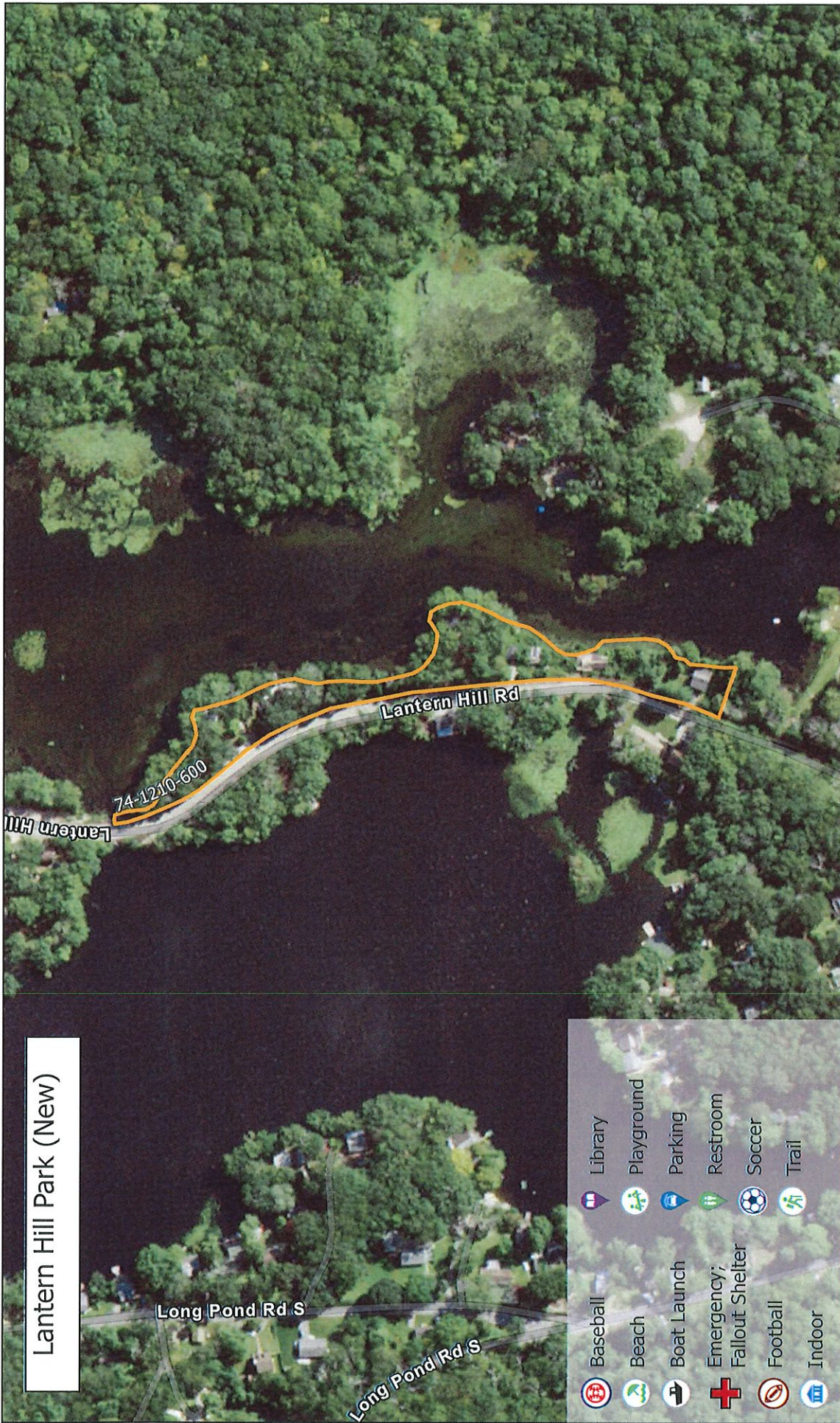
Coordinate System: NAD 1983 2011 StatePlane Connecticut FIPS 0600 Ft US

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Lantern Hill Park (New)

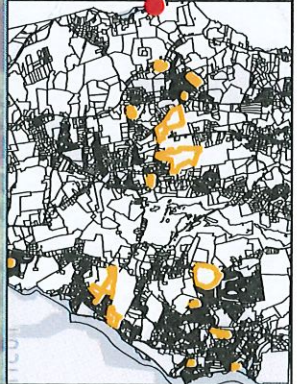
Long Pond Rd S

Long Pond Rd S

Lantern Hill Rd

74-1210-600

- Baseball
- Beach
- Boat Launch
- Emergency; Fallout Shelter
- Football
- Indoor
- Library
- Playground
- Parking
- Restroom
- Soccer
- Trail



Ledyard P&R Facilities

2024

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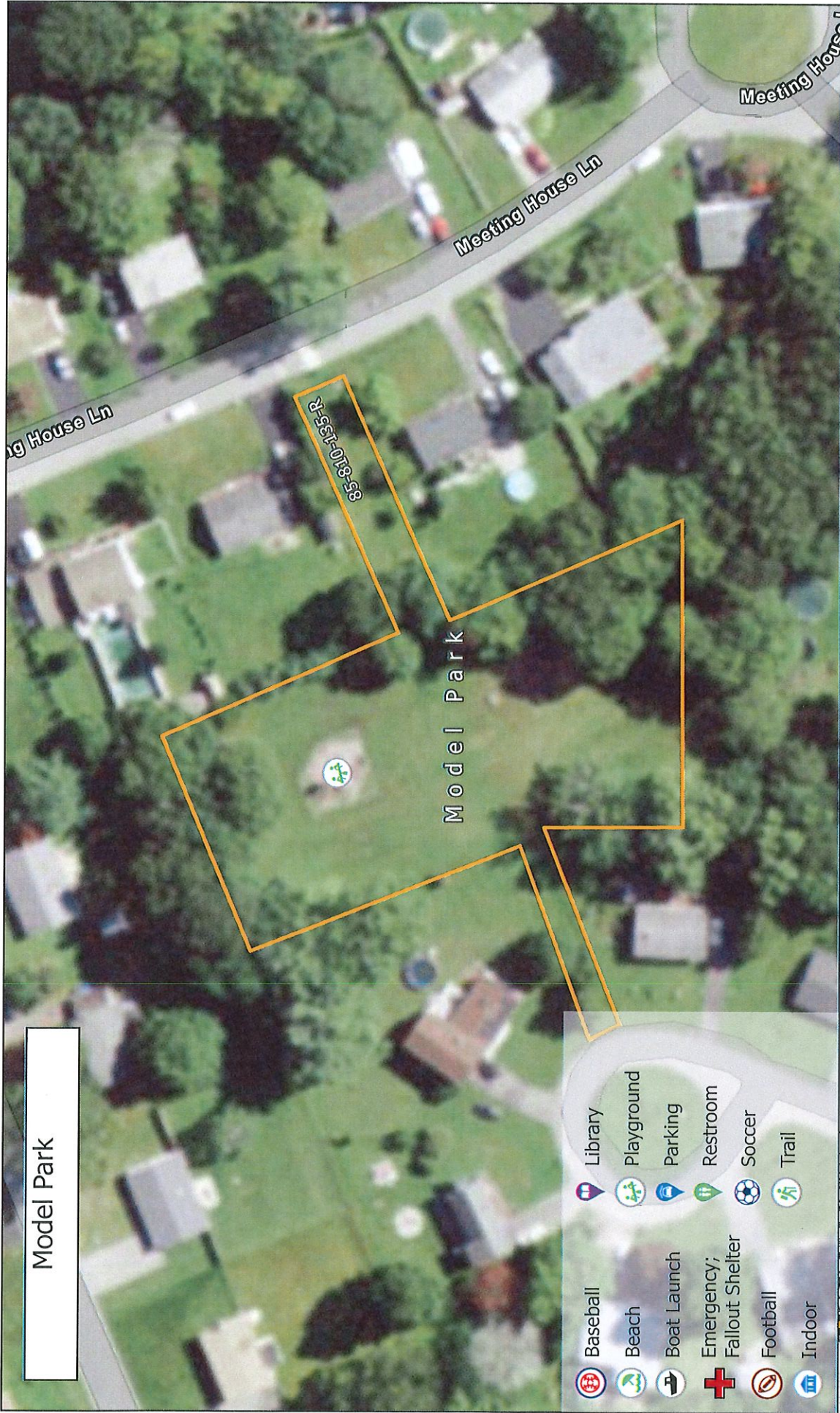
Coordinate System: NAD 1983 2011 StatePlane Connecticut FIPS 0600 Ft US

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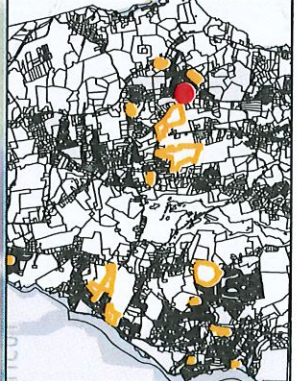
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0 0.05 0.1 Km



Model Park



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