

EX#30

**Presentation For Public Hearing For PZ#26-2 ZRA
for the
Implementation of PA 25-1 Residential Parking Requirements**

RECEIVED

JUN 11 2026

Land Use Department

Eric Treaster
6/11/26

Good evening,

Before I begin, I want to thank the Chair for allowing my presentation to be read into the Record during the public hearing on May 14 while I was returning from vacation. On April 27, before I left, I submitted Exhibit 10, a 17-page analysis of the proposed parking amendments to the zoning regulations. During the hearing on May 14, Eleanor Murray submitted Exhibits 15-1 and 15-2 on my behalf. Last week, on June 3, I submitted Exhibit 19, which is a five-page analysis of the Act's parking requirements for residential developments. The handout is a copy of the exhibit. The blue font is from the Act's parking requirements, and the red font is my analysis of those requirements.

As you know, public hearings are different than public meetings. To avoid an appeal, land use commissions must allow everyone a reasonable opportunity to be heard and for commissioners to cross-examine witnesses. The ground rule for public hearings is that, when in doubt, let the public speak, provided the information is on point and not repetitive. Depending on the questions, my presentation this evening will take less than 15 minutes. I promise to stay on point and avoid repetition.

I noticed that on June 1, Commissioner Harwood submitted Exhibit 17, an amendment to the application that adds Landscape Design Standards and Requirements. Please note that a use must require a special permit if subjective standards, such as the landscape design standards, are enforceable. With few exceptions, a special permit is also required for the Commission to have authority to impose conditions of approval for the protection of public health, safety, convenience, and property values.

A special permit is currently required only for multifamily developments in residential districts and the Ledyard Center Transition District.

I recommend that a special permit also be required for multifamily developments in the Ledyard Center Development District, the Multifamily Development District, the Gales Ferry Development District, and the Resort Commercial Cluster District.

I also noticed that Exhibit 18, a revised parking table, was added to the Record on June 3. This evening, I will reference the revised parking table rather than the parking table in the original application.

1. **My first suggestion is that the flowchart on page five of the handout, or an equivalent visual aid, should be added to the parking regulations.**

A visual aid would make it easier to understand, under the Act, how the number of units, the number of bedrooms, the location of a multifamily development, the amount of required parking, the significance of a parking needs assessment, and Conservation & Traffic Mitigation Districts relate to each other.

2. **My second suggestion is to take advantage of the optional "may" provision in §19-(b) of the Act.**

It states that a municipality may require a minimum number of off-street parking spaces for a residential development that contains more than 16 dwelling units. As such, under the Act, you have the authority to impose any number of parking spaces you wish in the zoning regulations for residential developments containing more than 16 units.

One of the problems is that the middle of the 3rd page of the revised parking table in Exhibit 18 shows that, for multifamily developments greater than 16 units, you are *requiring a minimum of only one parking space for each studio or one-bedroom unit and only two spaces for dwelling units with two or more bedrooms*.

1 space per studio or one-bedroom unit and 2 spaces per 2- or more-bedroom unit may be adequate in urban areas with high walkability scores, public parking lots and garages, sidewalks, bike trails, public transportation, and where a significant number of residents who are 16 and older do not have vehicles.

However, the proposed parking in the parking table for developments of more than 16 units is insufficient for suburban and rural bedroom communities, such as Ledyard, which have no public transit, no public parking, no parking garages, narrow roads, few sidewalks, and nearly every adult and high-school student with a driver's license has at least one vehicle.

If you do not increase the minimum parking requirement, you may have to approve applications that knowingly require residents to park on the street, which in most of Ledyard would create a health and safety risk that was not the intent of the legislature when it approved the Act.

Another consideration is that if the minimum required parking for a development of more than 16 units is safe and reasonable, but not excessive, an applicant will have no need to submit a parking needs assessment to reduce the parking, which, if submitted, would take precedence and could not be challenged by the Commission.

As indicated by the red numbers in the flowchart, I recommend 1.5 or more spaces per studio or one-bedroom unit, and 2.5 or more spaces per two- or more-bedroom unit. However, it may make sense to require more parking for multifamily developments that have a high percentage of three- and four-bedroom units.

3. My third suggestion is to take advantage of the optional "may" provision in §19-(d) of the Act, which is for multifamily developments consisting of fewer than 16 units.

The Act states that *"Notwithstanding the provisions of this section, 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 16 dwelling units."*

The second entry near the bottom of the third page of the revised parking table in Exhibit 18 is for multifamily residential developments of *less than 16 units*, which is consistent with the Act. However, the Act is in error, and the entry in the parking table should be for residential multifamily residential developments of *16 or fewer units*.

If developments of 16 or fewer units are in a Conservation & Traffic Mitigation District, the proposed regulations also require a minimum of only one space per studio or one-bedroom unit and only two spaces per dwelling unit with two or more bedrooms.

The problem is that if you do not increase the minimum amount of required parking to a reasonable number, as allowed by the Act, and a development is proposed for a Conservation & Traffic Mitigation District, you would have no choice but to approve applications that may create health and safety risks due to insufficient parking.

4. My fourth suggestion, as allowed by the Act, is not to establish Conservation & Traffic Mitigation Districts.

Under the Act, zoning regulations can require a minimum number of parking spaces for multifamily developments of 16 or fewer units in Conservation & Traffic Mitigation Districts. However, an Applicant for a multifamily development with 16 or fewer units in a Conservation & Traffic Mitigation District would also have the right to submit a "Parking Needs Assessment" to reduce the required parking.

A "Parking Needs Assessment," if developed with integrity, would not be an issue because it would not reduce parking to a level that poses a health and safety risk. The problem, under the Act, is that the Commission does not have the authority to challenge a "Parking Needs Assessment," which means that if a deficient or fraudulent "Parking Needs Assessment" is submitted for a development of 16 or fewer units in a Conservation & Traffic Mitigation District, you would have no choice but to approve the application, even though its reduced parking would create a health and safety risk.

However, the Act gives you the authority to deny applications that are not in a Conservation & Traffic Mitigation District by finding that the amount of proposed parking constitutes a health and safety risk. To avoid the risk of a Commission denial that cannot be challenged, developers of multifamily housing with 16 or fewer units that are not in a Conservation & Traffic Mitigation District will always provide sufficient parking. As such, there is no need for Conservation & Traffic Mitigation Districts in rural bedroom communities, such as Ledyard.

5. My fifth suggestion is to take advantage of the fact that there is nothing in the statutes that prohibits zoning regulations from including recommendations and suggestions.

These are "should" and "may" provisions rather than mandatory "shall" or "must" requirements.

I recommend that you add a one-sentence recommendation to the regulations that states, "*The amount of parking proposed for a multifamily development of 16 or fewer units should be at least 1.5 spaces per studio and one-bedroom unit and 2.5 spaces per two or more bedroom unit to avoid health and safety risks that would otherwise be created in Ledyard by insufficient parking.*"

Applicants will follow the recommendation because it eliminates the risk that the Commission will deny an application due to insufficient parking.

6. My sixth suggestion has to do with the procedure the Commission is required to follow when it denies an application based on its finding that insufficient parking will create a health or safety risk.

The second entry from the bottom of the 3rd page of the revised Parking Table states, "*To reject a lower parking needs assessment number, the Commission shall substantiate a finding that a lack of parking will have a specific adverse impact on public health and safety which cannot be mitigated through approval conditions that have no substantial impact on the viability of such development.*" The key phrase is "to substantiate."

The first problem is that the Act does not require the Commission to substantiate its findings of health and safety risks due to insufficient parking. All that is necessary for the Commission to find that insufficient parking constitutes a health and safety risk is common sense and a carefully worded motion followed by a majority vote.

The second problem is that, under the Act, the Commission lacks the authority to challenge the results of a parking needs assessment.

7. My seventh and final suggestion is to include examples in the regulations of specific adverse impacts on public health and safety that can be created by insufficient parking.

The likelihood of an appeal based on an allegation that the Commission denied an application for an improper or arbitrary reason would be reduced if examples of health and safety risks caused by inadequate parking were included in the regulations. The regulations should include the examples of health and safety risks listed at the bottom of page 9 and the top of page 10 in Exhibit 10.

After I returned from vacation, I reviewed the video of the May 14 hearing and discovered that only three Commissioners attended in person. It was unclear if other Commissioners had attended remotely.

CGS §8-3(b) requires a majority vote of all of the members of a zoning commission to amend zoning regulations, which means a 3-member quorum is not enough. Of course, to make an informed decision, the voting members must have attended or viewed the hearing and read the exhibits. Before you close the hearing, I urge you to identify the Commissioners who are seated, have read the exhibits, and will vote on the application.

I made seven suggestions this evening. Exhibit 10 includes about 38 additional suggestions. I urge, during your deliberations, that you evaluate all of the suggestions that I submitted for the Record.

Please remember that under CGS §8-3(a), changes to zoning regulations must be posted in the Clerk's office at least 10 days before the public hearing is opened or continued.

Also, under CGS §8-3(b), for regulation changes, the Commission is required to consider the Plan of Conservation and Development and to state on the Record its findings on the consistency of the proposed changes with the plan. The residential parking requirements in PA25-1 are not consistent with the Ledyard POCD, which should make for an interesting discussion. Fortunately, zoning regulations are not legally required to be consistent with the POCD.

This concludes my presentation, which I will distribute for the Record. Thank you for your service. I will be happy to answer any questions.