June 26 Continuation of Public Hearing on PZC #25-2 ZRA
[REVISED]

Comments Before Public Speaks

For the record, my name is Eric Treaster. It is June 26 and a continuation of the public hearing on PZC Application #25-2, as revised, for changes to the multifamily and mixed-use zoning regulations. Before I provide my final remarks, I would like to address some of the issues raised during the June 12 hearing. The transcript of my June 12 presentation is in the blue folder and is also available as Exhibit 24 in the record.

In the interest of full disclosure, when I made my presentation on June 12, I had assumed that Governor Lamont would sign House Bill 5002 based on an article in the June 3 edition of the Connecticut Mirror by Ginny Monk, who explicitly stated that Governor Ned Lamont plans to sign the bill into law. However, last Monday, Governor Lamont vetoed the bill. As a result, please disregard the parking statements in my June 12 presentation that were based on the expected approval of HB 5002.

Pass Out Revised Application

This is a copy of my revised application, which is Exhibit #27-2. It is punched so it can be added to the blue folders.

The revised application addresses **concerns raised by Attorney Smith and Attorney Avena** regarding the impact of my proposed application on the pending Gales Ferry multifamily application. **It is identified as change #22 in the revised application,** which I will discuss.

Response To Commissioner Woody's Question Re: Diversity of Housing

On June 12, Commissioner Woody, one of the authors of the POCD, asked if my application **was consistent with the housing goals** outlined in the POCD. The first housing goal he referenced is that the zoning regulations should encourage ***a diversity of housing types***.

Housing types are not defined in the POCD or in the enabling statute, which makes it challenging to understand the purpose of his question. However, I assume the types of housing Commissioner Woody may be referring to are single-family dwellings, duplexes, mixed-use developments, multifamily developments, townhomes, condominiums, accessory dwelling units, mobile homes, cluster housing, rental housing, age-restricted housing, affordable housing, subsidized housing, section 8 housing, land-lease communities, and mobile home parks. I assume he was not referring to transient housing, such as residence hotels.

Upon reviewing my revised application and the transcript of the June 12 presentation, ***it should be clear that my application is not intended to encourage or discourage any particular type of housing***.

My proposed regulations, although they will change the appearance of multifamily and mixed-used housing, ***will not have any effect, one way or the other, on the diversity of housing types*** as currently provided in the zoning regulations.

Diversity in housing types is essential, and if anyone believes that my proposed regulations will have an impact on housing diversity when compared with the current regulations, then, to be fair, they should provide explicit examples for the record while the hearing is open so you can evaluate the information during your deliberations.

Also, even if my proposed regulations did affect the diversity of housing, which they do not, under §8-2-(b)-(1) in the enabling statute, zoning regulations ***are not required to be consistent*** with the POCD. Zoning regulations are **only *required*** to be made **in consideration of the POCD**.* This is a big difference.

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* **CGS §8-2.(b)** ***Zoning regulations*** adopted pursuant to subsection (a) of this section ***shall***:

(1) Be made in accordance with a comprehensive plan ***and in consideration of the plan of conservation and development*** adopted under section 8-23.

[Remember: The comprehensive plan is the zoning map & the zoning regulations, ***not the POCD]***.

Regulations that are necessary to achieve the ***most important goals in the POCD***, such as the *protection and maintenance of Ledyard's rural residential low-density character, the protection of property values, the protection of the quality of life, the encouragement of a village development in the Gales Ferry and Ledyard Center development* districts, *the protection of health and safety, and the protection of natural resources*, **are OK *even if they are not consistent with one or more conflicting goals in the POCD.***

Response to Commissioner Woody's Concerns Re: Adequate Supply of Affordable Housing Question

Commissioner Woody also referenced the POCD goal that the regulations *should assure an adequate supply of housing at an affordable cost* and asked if my proposed regulations are consistent with this goal. I am aware that affordable housing was especially important to Commissioner Woody when he was the Chairman of the Planning and Zoning Commission. I am, of course, aware that affordable housing is a goal in the POCD.

As I stated at the beginning of my presentation on June 12, although my proposed amendments may reduce the average size and cost of units in multifamily and mixed-use developments, *they are not intended to address the need for or the supply of affordable housing*. Although they will alter the appearance of multifamily and mixed-use housing to align with the most important goals in the POCD, ***they will not impact the supply of affordable housing***.

Market rents are established by what the market will bear, which has nothing to do with the height, footprint, density, parking, or whether a development requires a special permit or is allowed as of right.

Exhibit 6 shows that the rent for a 583' studio in the Triton Square apartments begins at over $2,000 per month, which is not affordable. I am not aware of any evidence that requiring multifamily developments to obtain a special permit, to be 35' or less, or to have a footprint that does not exceed 5,000' will result in fewer *affordable* housing units than under the current regulations.

If you disagree, then why are the rents not affordable in the high-rise Triton Square Apartments or the high-rise apartments on Howard Street in New London? There is also no indication that the rents in the six-story, multi-hundred-unit apartment complex planned for Gales Ferry will be affordable.

As I discussed on June 12, parking requirements and the amount of space available for parking, and not building height or the footprint of a building, determine the maximum unit density on a property. If multi-story parking structures are prohibited to prevent extra parking, and one parking space is required per

bedroom, which is reasonable, then my application will not affect the density of units in multifamily and mixed-use developments.

If you believe that density and affordability are related, remember that density is not determined by the height limit or the footprint size but is determined by the amount of space available to satisfy parking requirements. A multifamily complex with little or no parking could be exceptionally dense; however, it would not align with several of the goals in the POCD and, depending on the market, would not necessarily be affordable.

I am not aware of any new ***affordable*** multifamily housing projects developed as a result of zoning regulations that allowed multi-hundred-unit six-story housing as of right. I am, however, ***aware of affordable multifamily developments, such as the Fox Run apartments, the Christy Hill Condominiums, and the Lakeside Condominiums, that were developed under regulations that required a special permit and were essentially identical to those I am proposing.***

If anyone has explicit evidence that my proposed regulations, when compared with the current regulations, will discourage the development of new affordable housing, then they should enter that information into the record while the hearing is open so that you can discuss and evaluate it during your deliberations.

But if you believe the existing multifamily regulations will result in the creation of new affordable housing, then provide examples of where this has happened. Housing proposed under the §8-30g Affordable Housing Statute does not count.

Again, remember that under the enabling statute, zoning regulations ***are not required to be consistent with the POCD***. Zoning regulations are only required to be made **in consideration of the POCD**.

The POCD is, by design, a set of conflicting goals. Zoning regulations that achieve some goals but conflict with others are acceptable.

Response to Woody's Question Re:
POCD Goal That Multifamily Housing Be an As-Of-Right Use

Commissioner Woody also asked if my proposed regulations were consistent with the goal in the POCD that zoning regulations should ***allow multifamily developments as of right*** rather than requiring a special permit. The goal he referenced is the second bullet at the top of page 17 in the POCD. It is not a requirement in the enabling statute.

For a POCD goal to be proper, it should be important, taken seriously, understandable, clearly beneficial, and supported by a majority of residents.

The ***protection and maintenance of Ledyard's rural residential low-density character, the protection of property values, the protection of the quality of life, and the encouragement of a village development in the Gales Ferry and Ledyard Center development districts*** are examples of proper goals because they are essential for the development of our town, are consistent with the enabling statutes, and are supported by a majority of residents.

Requiring multifamily developments to be allowed as of right is not a proper goal because it is difficult to understand, is not essential, is unlikely to be taken seriously, and probably would not be supported by a majority of residents.

The reason it is not essential is demonstrated in the current zoning regulations. The current regulations, which were updated after the POCD was approved, explicitly require a special permit for multifamily developments in residential districts, which conflicts with the as-of-right housing goal on page 17 of the POCD.

I would not be surprised if the authors of the zoning regulations disregarded the as-of-right goal for multifamily housing in residential districts because they did not want to take the risk that an eyesore, ***such as those shown in Exhibit 5***, might be developed in their neighborhood. By requiring a special permit for multifamily housing in residential districts, the authors were able to safeguard their neighborhoods from such risks. **Zoning regulations should safeguard all neighborhoods**, not just residential neighborhoods. I was unable to find any evidence that allowing multifamily developments as of right would benefit the town. However, **Exhibit 5 provides evidence that allowing multifamily developments as of right can constitute a risk.**

Again, please remember that although my proposed regulations are inconsistent with the goal to allow multifamily housing as of right, the enabling statute ***does not require the zoning regulations to be consistent with the POCD***. **The enabling statute *only requires* the POCD to *be considered* when adopting zoning regulations.**

Riebe Opinion Re: Aesthetics of The Triton Square Apartments

Commissioner Riebe expressed an opinion that the *Triton Square development is an attractive multifamily development.* I agree with her that it is attractive, but I doubt she would want it to tower over her backyard or the pending one and two-story single-family and duplex homes that Habitat for Humanity is proposing for Colby Drive in the Multifamily Development District. I know I would not. The reason the Triton Square apartment complex is attractive is that it required a special permit, and the standards for that special permit were demanding. Without the special permit requirement, Triton Square could have looked like the multifamily or mixed-use developments in Exhibit 5, which I assume no one wants for our town.

The standards for the special permit for the Triton Square apartments required at least half of the units to have a private deck that is at least 30 square feet in size, at least half of the units to have a long-term storage area that can house kayaks and bicycles, and required that the units must either have in-unit laundry hookups or an indoor laundry facility that provides at least one (1) washer/dryer set per every ten (10) units. They also required reasonable recreational facilities and imposed a limit on the length of any horizontal, straight, unbroken exterior section of the building.

These standards would be unlawful if the Trident Square development were an as-of-right use. A special permit must be required for multifamily and mixed-use developments, so you have the authority to impose standards and conditions of approval when it is necessary to achieve the most important goals in the POCD. As with the Trident Square development, a special permit is required to ensure a multifamily or mixed-use development has specific desirable design features.

Riebe Concern Re: Is it Possible For a Site Plan Review To Achieve the Objectives of the Proposed Regulations

Commissioner Riebe also said that she was struggling between site plan approval and requiring a special permit for multifamily developments and suggested that some of the objectives of my application could be accomplished with a site plan approval.

The review and approval of a site plan for a by-right use by the Commission is equivalent to the review and approval of an application for a by-right use by the zoning enforcement officer. If an application

complies with the use, setback, height, parking, and the other bulk requirements in the zoning regulations, as demonstrated by its site plan, it must be approved, even if it poses a risk to public health, safety, convenience, property values, or natural resources.

The only significant difference between an application that requires approval by the zoning enforcement officer and an as-of-right application that requires approval by the Commission is that an applicant has the option of appealing a denial decision by the Commission to the Superior Court rather than to the Zoning Board of Appeals.

Consider what would have happened if the proposal to excavate Decatur Mountain had been an as-of-right use and only required a site plan review. You would have had to approve it, which would have been a disaster. The special permit requirement for a major excavation is what saved our town.

Response to Commissioner Woody's Question Re: Impact on Adjacent Property Values

Pass Out Exhibit Regarding Privacy and Property Values

Commissioner Woody also asked if I had any evidence that supports my position that high-rise multifamily developments negatively impact adjacent property values.

The second page of this handout shows a photograph of 16 Senkow Avenue, one of the single-family homes located on the east side of Senkow Avenue, adjacent to the west boundary of the Triton Square Apartment complex. The third page is the property card for the Triton Square apartment complex, and the fourth page is the property card for 24 Senkow Avenue, another single-family home located on the east side of Senkow Avenue adjacent to the Triton Square apartments.

The photo shows that the top floors of the Triton Square complex have unobstructed views into the rear yard and the rear windows of the home at 16 Senkow Avenue. The photo is representative of the loss of rear-yard privacy and unobstructed views into the rear of all of the homes on the east side of Senkow Avenue, including the home at 24 Senkow Avenue.

The property card for the home at 24 Senkow Avenue shows that it sold for $190,000 on June 3, 2008, which was well before the Triton Square apartments were conceived. The evaluation block on the left side of the property card indicates that the value of 24 Senkow Avenue at the time of the October 1, 2021, revaluation, approximately 13 years after the property was purchased, was significantly less, at $173,800. The question is, why did the market value of 24 Senkow Avenue drop in 2021 when the market value of most other residential properties had significantly increased?

The property card for the 14-acre Triton Square property indicates that, as of the October 1, 2021, reevaluation date, the property was assigned a street name and address that did not exist. **The name and address of the nonexistent street was 1 Triton Square.** The 1 Triton Square address could only have originated from an approved site plan, which must have been submitted and approved on or before October 1, 2021.

The Triton Square property card also indicates that the pending development would be a high-rise apartment building, which *became public information* when its application was approved and its street name and address were added to the left side of the property card.

The reduction in value of the property at 24 Senkow Avenue to $173,800, which occurred essentially at the same time the development of the Triton Square high-rise apartment complex became public knowledge, constitutes evidence that high-rise housing developments reduce the property values of adjacent single-family homes.

I urge anyone with explicit evidence showing that high-rise multifamily apartment buildings do not impact adjacent single-family property values to enter the information into the record so it can be discussed during your deliberations.

Response to Cherry Concern Re: Removal of Character Requirements From the Current Zoning Regulations

Mr. Cherry, who worked on the POCD with Commissioner Woody and others who helped write the current zoning regulations, stated on June 12 that **the character requirements were removed from the current zoning regulations**. However, section 5.4.1.E.3 requires a specific **character** of land for open space. Section 6.1.E requires that the **character** of the surrounding area be maintained in the Resort Cluster district. Section 8.6 requires that bed and breakfast establishments not alter the **character** of the residence. Section 9.9.1 requires that the **architectural character** of proposed structures be designed to preserve existing historic character in terms of scale, density, architecture, and materials. Most importantly, §11.3.4.E, for uses that require a special permit, requires that the **character of the immediate neighborhood be preserved** in terms of scale, density, intensity of use, and architectural design, which is equivalent to requiring the use to be compatible with the surrounding neighborhood. It is also **consistent with the viewgraphs in Exhibit 14.2** from the Connecticut Bar Association's biannual training for land use commissioners.

Character is an essential and proper consideration in the current zoning regulations, as it should be for uses that require a special permit.

Mr. Cherry also identified many of the requirements in the enabling statute, but it was unclear why. Except for the special permit requirement for multifamily developments, he did not identify other inconsistencies between my proposed regulations and the housing goals in the POCD.

Hopefully, Mr. Cherry will provide explicit examples for the record of where my application is inconsistent with the enabling statute or other goals in the POCD so that you can make an informed decision during your deliberations.

But again, even if Mr. Cherry identifies inconsistencies, under the enabling statute, ***the zoning regulations are not required to be consistent with the POCD***. Zoning regulations are only required to be made **in consideration of the POCD.**

Regarding Packaged Sewer Treatment Plants

Attorney Smith said that the part of my application addressing sanitary sewage systems is preempted by state law and is unenforceable. He was referring to the performance, technology, and location of the machinery and its operation that constitutes a packaged sewer treatment plant, which I agree is regulated by the state.

However, I was not referring to the location, machinery, operation, or technology of a sewer treatment plant. I was referring to the structure that houses a packaged sewer treatment plant.

A structure is defined in §2.2 of the zoning regulations as *"anything constructed or erected, the use of which requires location **on the ground** or an attachment to something having **a location on the ground** including but not limited to dwellings, swimming pools, decks, sheds, pens, runs, barns, accessory buildings, and garages. Wells, **septic systems**, utility connections, and shipping containers **are not considered structures**.*

Zoning regulations regulate the height and location of structures, and to be permitted, a structure must be for a listed principal use or an accessory use as defined in the regulations.

Under the regulations, accessory uses, including accessory structures, are permitted as of right.

The problem is that a ***structure that houses a packaged sewer treatment plant on the same parcel as a principle use cannot be an accessory use*** or an accessory structure as defined in §2.2 of the zoning regulations ***because packaged sewer treatment plants are not customarily incidental and customarily subordinate to any of the listed permitted principal uses*** in the zoning regulations, including multifamily and mixed-use housing developments.

The zoning regulations permit a structure housing a packaged sewer treatment plant to be a principal use only if it is located on a single parcel and is operated as a business that provides sewer services to the general public.

Based on the definition of an accessory use or an accessory structure in §2.2 of the zoning regulations, an on-the-ground structure for a packaged sewer treatment plant cannot be an accessory use or an accessory structure.

If a packaged sewer treatment plant is located underground, like a septic system, it can be situated on the same property as the principal use because it would not constitute a structure as defined by the regulations. **If it is not a structure, then it would not be subject to the zoning regulations.**

My purpose was to clarify the current regulations, which, based on Attorney Smith's comments, I failed to do. If you intend to allow a structure, as defined in the zoning regulations, that houses a packaged sewer treatment plant to be an as-of-right accessory use, then you should clearly state so by modifying change #13-1 in the revised application. If not, then you should adopt proposed change #13-1 without modification.

Regarding Attorney Smith's Statement Regarding 'Contention'

Attorney Smith stated that the argument for my proposed changes to the regulations is based on my *contention* that Ledyard's residents do not prefer multifamily housing.

I never made that contention. What I did say, as shown on page 2 of my testimony on June 12, is that Ledyard is a unique community, and **its residents have repeatedly said** during public meetings that **they support economic development only if it does not impact their quality of life**. This is a significant difference, but Attorney Smith is correct that I believe most Ledyard residents do not prefer massive, multi-hundred-unit, four-, five-, and six-story multifamily housing developments.

Attorney Smith also stated that special permits are subject to *discretionary review* by the Commission, which *requires a public hearing*. I agree. I also believe that public hearings are important for large, complex developments. He also noted that a special permit makes *it more* challenging to achieve ***predictable development*** of multifamily residential uses in districts specifically intended for higher-density developments. I agree, but ***predictability is easily achieved and should not be an issue,*** as I will discuss.

Pass Out Photos From Sheet 3 & 5 From Exhibit 5

This handout is a copy of Sheets 3 and 5 from Exhibit 5, which show examples of a multifamily and mixed-use housing development that you would presumably want to deny but could not under the current zoning regulations.

Remember, ***without a special permit, you cannot protect the town*** from undesirable developments if they comply with the use and bulk requirements in the regulations. You do not have the authority to impose conditions of approval for any use permitted as of right. ***You must require a special permit for any land use that is reasonably likely to harm our town***, even if the use complies with the use and bulk requirements in the zoning regulations.

The Solution To the Bias, Predisposition & Predictability Problems

I will now address the concerns that Attorney Smith and Attorney Avena expressed regarding the **perception of bias and predisposition** associated with your consideration of my application. I will also discuss the issue of predictability.

As far as ***predictability is concerned***, the solution is simple. All an applicant must do is exercise their right, established under CGS §78-159b, which provides that an applicant **may request the Commission to conduct one or more informal pre-application** reviews, also known as pre-application conferences.

This right is mirrored in §11.1.A and §11.1.B of the zoning regulations. It is true that statements made during the conduct of pre-application commission reviews of a pending application are not binding. However, in the real world, ***informal reviews with the Commission prevent an applicant from submitting an application that might otherwise be denied or require the imposition of conditions of approval.***

A pre-application review is a simple, low-cost step that *virtually guarantees the predictability that Attorney Smith is seeking* for his client. In my experience of closely following land use issues in Ledyard, I am not aware of any application that was the subject of an informal pre-application review conducted by the Commission that was subsequently denied or subject to conditions of approval.

Regarding Exhibit #13 – Attorney Avena Recommendation
Regarding Exhibit #20-2 – Attorney Smith Recommendation

Attorney Avena, in Exhibit #13, recommended that you deny my application because he believes that its discussion by you at this time might be perceived as an attempt to prevent the approval of a pending multifamily application in Gales Ferry. Similarly, Attorney Smith, in Exhibit #20-2, recommends that you deny my application because its discussion may be viewed as an element of proof of bias and predisposition.

The ***underlying problem*** is that after the Wetlands Commission approves an application, an applicant has up to **five years to submit his approved application to the Planning and Zoning Commission**. Based on the need for predictability in the regulations, both Attorney Avena and Attorney Smith are, in essence, requesting that the current zoning regulations for multifamily developments remain unchanged for a period of up to five years.

I agree with both attorneys, but deferring improvements to the multifamily regulations for years is unreasonable. I am confident that Attorney Avena's and Attorney Smith's concerns can be addressed without the need to freeze our multifamily regulations for an extended period.

Their concerns will be moot if a multifamily or mixed-use application, or any other application that requires prior approval from the Wetlands Commission, ***is subject to the zoning regulations that were in effect when the Wetlands Commission received the original application***.

For example, if the pending Gales Ferry multifamily application is subject to the current zoning regulations, even up to five years from now, then there would be no grounds for viewing your discussion or adoption of changes to the multifamily regulations as an element of proof of bias or predisposition.

And, because the current zoning regulations allow a multifamily use as of right if it is in the Gales Ferry Development District, you would have no discretion when you eventually receive the application. If the application complies with the zoning regulations in effect at the time it was submitted to the Wetlands Commission, it must be approved. If not, it must be denied.

Change #22 on the last page of the revised application adds §11.2.2.J to the regulations, which states that "*any application requiring IWWC approval shall be subject to the zoning regulations in effect at the time the application was received by the IWWC.*"

It means that any application to the Planning and Zoning Commission that requires Wetland approval shall be subject to the zoning regulations that were in effect at the time the application was received by the Wetlands Commission, even if the application is submitted to the Planning and Zoning Commission years after the Wetlands Commission received and approved the application.

It is a simple, fair, and easy-to-understand revision that should be incorporated into the zoning regulations.

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

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.I and before §11.2.3]

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Impact of High-Rise Buildings In Rural Communities (Optional)

The most significant issues associated with allowing high-rise buildings in a rural bedroom community like Ledyard are that:

1. Tall buildings will create a ***feeling of overcrowding*** that conflicts with the rural character of Ledyard.

2. Massive tall buildings can ***disrupt local ecosystems*** and cause ***a loss of habitat*** for wildlife.

3. Allowing tall buildings will ***contribute to urban sprawl***.

4. Tall apartment buildings can ***overwhelm local services***, such as water, sewage, and waste disposal.

5. High-rise multifamily housing can ***diminish the close-knit feel*** that Ledyard residents value.

6. Large high-rise multifamily housing can lead to ***traffic congestion and safety issues.***

7. High-rise developments will ***undermine the goals*** associated with the ***preservation of farmland*** and sustainable land uses.

8. Tall multifamily housing developments may ***complicate evacuation efforts*** and pose challenges that our emergency service providers cannot meet.

9. ***The introduction of tall buildings can lead to increased property values, increased taxes, and increased living costs.***

10. High-rise living can ***create a sense of isolation*** that ***is detrimental to the community cohesion.***

11. Residents in tall buildings may ***face issues related to privacy and security*** that are less prevalent in smaller one, two, or three-story multifamily developments and

12. Allowing tall buildings ***will set a precedent for overdevelopment*** that will be harmful to our town and its future residents.

13. Large tall buildings ***may require the town to purchase and maintain additional expensive new ladder trucks.***

Commission Asks Questions

Public Speaks

Conclusion - After Questions & Public Speaks

In summary, my proposed text amendments consist of 22 changes to the zoning regulations. However, only four are necessary to achieve the most important goals in the POCD, and one is necessary to help avoid litigation regarding the multifamily proposal for Gales Ferry.

1. The first and most important ***is to require a special permit for multifamily and mixed-use developments*** to give you the authority to impose conditions of approval when necessary to ***protect public health, safety, welfare, property values, and natural resources*** or that would otherwise harm our town.

2. The second is to ***reduce the multifamily and mixed-use height limits to 35'***, the same as for single-family homes and duplexes. This change, which you can adjust, is necessary to ensure the regulations are consistent with the POCD goal of ***protecting the rural residential character of Ledyard.***

3. The third is to ***impose reasonable parking requirements*** to ensure residents have *adequate and safe parking*. This change is necessary because the current regulations do not impose any parking requirements for multifamily or mixed-use housing developments.

4. The fourth is to ***impose a building footprint size limit of 5000'***, which you can adjust depending on whether you prefer more small-scale buildings, such as those in the Fox Run apartments, or fewer large-scale buildings, such as those in the new Ledyard Meadows, apartments on Fieldstone Lane off of 117. Photos of both developments are included in Exhibit 7.

5. The fifth is change #22 in the revised application, which is necessary to mitigate the risk of litigation. Change #22 requires that the zoning regulations in effect at the time the wetlands commission receives an application will be applicable when the planning and zoning commission gets the application.

It is not an all-or-nothing decision.

Remember that the revised application is not a take-it-or-leave-it application, and you can make reasonable adjustments to any of the 22 proposed amendments because each was discussed during the hearing. You can also make changes that are not in the application if they were discussed during the hearing and the public had a reasonable opportunity to express their concerns.

Also, remember that ***changes to the zoning regulations are not required to be consistent with the goals of the POCD***. The only requirement is that you ***must consider the POCD*** when adopting new zoning regulations.

Before closing the hearing, please refresh your memory by re-reading my testimony and reviewing the video and exhibits from concerned residents. The testimony of Ed Murry, Mobby Larson, and Joanne Kelley is especially important.

You may also want to obtain a legal opinion regarding change #22 and its proposed addition of §11.2.2.J to the zoning regulations.

Please remember, during deliberations, to discuss and resolve what I believe is an error in §8.28.A and the definition of multifamily housing in §2.2.

Submit a Copy of the June 26 Transcript

This is a copy of my testimony for this evening. It is punched so it can be added to the June 12 testimony in the blue folder.

No New Information After Hearing Is Closed

My revised application was submitted to the land use office on June 19. However, the Town Hall was closed on June 19, and the revised application was not posted in the Clerk's office until June 23. The statute requires proposed regulation changes to be posted in the Clerk's office for at least 10 days, excluding the end dates, before its public hearing is opened or continued.

As such, ***the hearing should be continued to July 10*** so that you can consider change #22 in the revised application during your deliberations. The delay will also allow additional time, if needed, to do research. You can close the hearing early on July 10 if there is no new information or public comments and immediately enter into deliberations. The revised application can also serve as a checklist during your deliberations.

I am also requesting that Ms. Burdick's staff report, if it contains new information or recommendations based on new information, be entered into the record before the hearing is closed.

Thank you for your patience, dedication, fairness, and the work you do for our town. It's hard work, it's important, and your efforts are appreciated.