

EX#38

Anna Wynn

From: Eric <bsaofnl-eric@yahoo.com>
Sent: Thursday, June 25, 2026 4:37 PM
To: Elizabeth Burdick
Cc: Anna Wynn
Subject: New Exhibit for Parking Regulation Public Hearing 6.25.26
Attachments: Review of PZ#26-2 Reg Changes.V6.25.26.pdf

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Land Use Department

Follow Up Flag: Follow up
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Ms. Burdick,

Attached is a summary listing of what I believe are the deficiencies in the current residential parking requirements imposed by Public Act 25-1. It is intended to be a new exhibit to be added during the hearing. I will speak briefly, only about five minutes, regarding the most important entries.

Respectfully,

Eric Treaster

Recommendation Summary
Application PZ#26-2 ZRA

Eric Treaster
Prepared for the Public Hearing on 6/25/2026

Note: Page #'s Refer To The Amended Application Posted 6/15/26

1. Retain the current definition in §2.2 of "Apartment."

[Rationale: It is adequate]

2. Do not add the proposed definition for "Apartment/Unit."

[Pg. 1 - The change is unnecessary]

3. Do not add the proposed definition of "Conservation & Traffic Mitigation District."

[Pg. 2 - As proposed, it is not a 'definition', but is a reference into the regulations, where it is also not defined.]

4. §6.5.2 should include the "Purpose" of a "Conservation and Traffic Mitigation (Overlay) District."

[Necessary to understand parking requirements.]

5. Replace the proposed §2.2 definition of "Parking Needs Assessment (PNA)" with:

"PARKING NEEDS ASSESSMENT: For residential uses of 16 or fewer units in Conservation and Traffic Mitigation Districts, and for residential uses of more than 16 units that are not in a Conservation and Traffic Mitigation District, an optional analysis of existing and public parking; public transportation options; projected future needs for off-street parking; and any relevant local traffic, parking or safety studies."

[Pg. 2 - The proposed abbreviation "PNA" is not used elsewhere in the regulations; the Statement, "... For all uses permitted in these regulations ..." is incorrect; a "Parking Needs Assessment" is never mandatory; and a "Parking Needs Assessment" is optional & applicable only for "residential uses" if the Zoning Regulations impose off-street parking requirements that an Applicant believes are inappropriate.]

6. Do not adopt the proposed §2.2 definition for the "Connecticut Office of Policy and Management."

[Pg. 2 - Adds no value; is unnecessary; and the OPM has nothing to do with the development, review, approval, or implementation of local Zoning Regulations.]

7. In Table 9.4.2.B (2nd from bottom of page 15, right column for "Multi-Family Residential (Equal to or less than 16 dwelling units) – the following provision:

"The Commission cannot regulate parking through zoning and cannot deny an application based on parking unless it is located in a Conservation and Traffic Mitigation District in accordance with Section 6.5.2 of these Regulations. A developer can provide parking, and may where demand for parking as part of unit makeup is more marketable." [Statement is an inaccurate representation of the constraints in PA25-1; its last sentence is unintelligible]

And Should Be Replaced With:

"In Conservation & Traffic Mitigation Districts: 1.5 spaces {or a larger reasonable #} for each studio or one-bedroom apartment and 2.5 spaces {or a larger reasonable #} for all dwelling units with two (2) or more bedrooms. A Parking Needs Assessment per §9.4.2.D must be submitted if fewer parking spaces are proposed. In Other Districts: No minimum - provided the proposed number of spaces would not have an adverse impact on public health and safety.

*[This is necessary to take advantage of the Act's provision that it does not specify the minimum number of off-street parking spaces in a 'Conservation & Traffic Mitigation District', but instead provides that ... "(d) ... any municipality, ... may adopt not more than two conservation and traffic mitigation districts in which the municipality **MAY require a minimum number of off-street motor vehicle parking spaces** for a residential development that **contains fewer than sixteen dwelling units**," If the town has optional 'Conservation & Traffic Mitigation Districts', it must also specify a reasonable minimum number of off-street parking spaces in those Districts.]*

8. In Table 9.4.2.B (bottom on pg. 15 & top of pg. 16, right column for "Multi-Family Residential (**Greater 16 dwelling units**), - the following:

"One (1) space for each studio or one-bedroom apartment and two (2) spaces for all dwelling units with two (2) or more bedrooms. Any developer of Multi-Family Residential Development may submit a Parking Needs Assessment per Section 9.4.2.D of these regulations to support a reduced number of parking spaces. In addition, one loading space, compliant with the standards set forth in 9.5.3, per 50 units shall be provided."

And Should Be Replaced With:

"1.5 spaces {or a larger reasonable #} for each studio or one-bedroom apartment & 2.5 spaces {or a larger reasonable #} for dwelling units with two (2) or more bedrooms. A Parking Needs Assessment per §9.4.2.D may be submitted to reduce the number of parking spaces to equal or less than 1 space for each studio or one-bedroom apartment and to equal or less than 2 parking spaces for each two or more bedroom apartment. One (1) loading space, per §9.5.3, per 50 units, shall be provided."

*[This is necessary to take advantage of the Act's provision that it does not specify the minimum number of off-street parking spaces for developments greater than 16 units, but instead §19-(a) explicitly provides that the "... municipality **MAY require a minimum number** of off-street motor vehicle parking spaces for a residential development that contains **more than sixteen dwelling units**,"]*

9. In Table 9.4.2.B (2nd entry from top of pg. 16, left column, for "Multi-family Residential **Less than 16 Dwelling Units** in any Conservation & Traffic Mitigation District (CTMD)", should be replaced with:

"Multi-family Residential Equal or Less Than 16 Dwelling Units in Conservation & Traffic Mitigation Districts"

{To correct oversight error in PA 25-1, which is silent regarding exactly 16 units in Conservation & Traffic Mitigation Districts.}

10. In Table 9.4.2.B (2nd entry on pg. 16, right column, for "*Multi-family Residential Less than 16 Dwelling Units*" - should be replaced with:

"1.5 spaces {or a larger reasonable #} for each studio or one-bedroom apartment & 2.5 spaces {or a larger reasonable #} for dwelling units with two (2) or more bedrooms in a Conservation & Traffic Mitigation District. An Applicant may submit a "Parking Needs Assessment" per §9.4.2.D to reduce the number of parking spaces to equal or less than 1 space for each studio or one-bedroom apartment and to equal or less than 2 parking spaces for each two or more bedroom apartment.

[PA 25-1 does not allow the PZC to reject a Parking Needs Assessment; PA 25-1 does not allow a parking needs assessment to recommend parking greater than 1 space per studio/1 bedroom unit or more than 2 spaces per two or more bedroom unit; PA 25-1 does not authorize the PZC to reject a Parking Needs Assessment, even if it is "substantiated" as proposed.]

10. **ADD (as the third bullet in §6.5.2.C"**

- "• *The Applicant may be held responsible for any adverse impact on public health and safety resulting from errors in a Parking Needs Assessment."*

11. **Add a list of potential "*specific adverse impacts*" that inadequate parking could have on public health and safety.**

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

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

12. **Replace §8.23 (pg. 5 bottom, pg. 6 top) with:** *"Mixed-Use (Commercial/Industrial) developments involving multiple structures shall be treated as one single mixed-use development for purposes of signage, parking, setbacks, lot size, lot coverage, and buffering."*

["Lot coverage" omitted in application.]

13. **Replace proposed (2nd from bottom pg. 7) with:** *"For principal uses that require a special permit, Parking Lot Landscaping Shall Be As Specified in §9.4.6 (Parking Lot Landscaping Requirements) of these regulations.*

[The proposed regulations use words and phrases, including "appropriate," appropriate native species," "extent possible," appropriately screened," "... depending on the characteristics of a site," and "clearly marked," that can be evaluated by the PZC only if a proposed use requires a special permit. Conditions of approval can be imposed only for uses that require a special permit. As-of-right uses, and uses that require a site plan approval by the PZC, are limited to uses that only have objective measurable criteria, also known as bulk requirements.]

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

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

- a. Drivers circling in a neighborhood while searching for a parking space, leading to increased traffic that constitutes an increased chance of accidents and contributes to air pollution that affects the respiratory health of residents with asthma and other diseases.*
- b. Cars parked on sidewalks or on town right-of-ways pose risks to pedestrians, especially children and individuals with disabilities, by forcing them to walk on a main roadway.*
- c. Blocked access for emergency vehicles that delays response times during critical situations.*
- d. Conflicts among residents over precious on-site parking spaces, which will lead to disputes that affect community relations and constitute a risk to individual safety.*
- e. Stress on the emotional health of residents, particularly during snowstorms when on-street parking is prohibited, and there is no available on-site parking."*

[Note that HB8002 does not reverse the burden of proof. Unlike §8-30g affordable housing applications, an applicant for a residential housing development has the burden to show that the PZC erred if it *"finds"* that the parking is inadequate and unsafe and denies an application. It is a high burden. Also, if the developer submits a *"Parking Needs Assessment,"* which takes precedence, the developer becomes responsible for the health and safety consequences of insufficient parking.]

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

16. CHANGE:

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

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

[PA 25-1 does not grant the PZC the authority to review or challenge a "Parking Needs Assessment."]

17. CHANGE FROM: **"#5 SECTION 8.1: ACCESSORY APARTMENT (EFFECTIVE 8/4/22):"**
TO: **"#5 SECTION 8.1: ACCESSORY APARTMENTS"**

18. CHANGE FROM: **9. Parking as specified in Section 9 of these Regulations.**
TO: **"9. Parking as specified in Table 9.4.2.B for "Dwelling Unit, Accessory"**
[For consistency]

19. Confirm the use table shows that a special permit is required for any use that requires the PZC to *"determine the number of required parking spaces"*.

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

20. Ambiguities in Proposed Application

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

Is the number of loading berths *"one per building," "one per 50 units,"* or is the number determined by the *"Parking Needs Assessment"*?

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

And, what is the number if a *"Parking Needs Assessment"* (which is optional under PA25-1) is not submitted?

{The above proposed requirement conflicts with Parking Table 9.4.2.B, which requires only one loading berth per 50 units.} (Top of page 16, as amended)

21. Add the PA 25-1 Residential Parking flowchart, or an equivalent visual aid, as an Appendix to the Zoning Regulations.
22. Do not include the proposed §9.4.4.E-1, which is: *"The Planning & Zoning Commission may reduce the on-site parking requirement for all uses with a Special Use Permit review & approval, provided: "1. The reduction in parking shall not exceed 25% of the parking required by these regulations."*

[It is not necessary because, if a use requires a special permit, the PZC always has the right to impose conditions of approval for the protection of health and safety; the regulations should not constrain the PZC unless it is necessary and required by law; it is difficult to imagine a situation where a reduction in the number of spaces is necessary to protect health and safety, and PA 25-1 does not require the PZC to reduce the number of parking spaces unless the Applicant submits a Parking Needs Assessment, which is optional, but if submitted, takes precedence, even if it is for more than 25% of the parking required by these regulations.]

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

[The suggestion is warranted because PA 25-1 does not address who is liable if a developer does not approve sufficient parking.]

24. Resolve conflict between §2.2 Definition of "Residence, Multi-Family" as:

"A structure, or group of structures, on one (1) lot, each containing three (3) or more dwelling units, with each dwelling unit having either a separate or joint entrance. May include apartments, condominiums, townhouses, and cooperatives." (The definition is succinct and reasonable.)

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

"A. Apartments/Condominium complexes may consist of a single or multiple buildings, and if located within the R20, R40, or R60 districts, shall not be permitted on lots of less than five (5) acres."

[The conflict is that §8.28 allows a single complex to consist of one or multiple buildings, but does not require three or more dwelling units within each.

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

25. Replace the following entry in Table 9.4.2.B

For: Mixed Use - Residential and Commercial Development.

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

Replace With: *"The number of spaces required for the Commercial Use **plus** the number of spaces required for the residential use."*

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

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

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

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

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

"CTM Conservation and Traffic Mitigation District"

29. Move the definition of a "Conservation and Traffic Mitigation (Overlay) District from §2.2 to under §6.5.2 [Rationale: No other "districts" are identified or defined in §2.2.]

30. The proposed §6.5.2.A should be replaced:

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

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

[PA 25-1 provides that "(d) Notwithstanding the provisions of this section, any municipality, as defined in section 7-148 of the general statutes, may adopt not more than two conservation and traffic mitigation districts in which the municipality may require a minimum number of off-street motor vehicle parking spaces for a residential development that contains fewer than sixteen dwelling units, ... "] Nothing More!

31. The word "overlay" should be removed from the title of §6.5.2.

[The title of §6.5.2 includes the word "(Overlay)", but the word "overlay" is not used elsewhere; plus the fact that a Conservation and Traffic Mitigation District is an "overlay", if important, may be added to its "purpose" description.]

32. §2 (in the definitions) should only contain definitions of words and phrases with multiple or ambiguous meanings, or when a specific but uncommon meaning is necessary to ensure the regulations are understood and applied clearly and uniformly.

[i.e., the purpose and listing of contents of a "Parking Needs Assessment" should be in §6.5.2.B, not in §2.]

33. The proposed §6.5.2.B is incorrect.

It states, "If a municipality establishes a Conservation and Traffic Mitigation District, municipalities must allow developers to submit a Parking Needs Assessment per Section 2 of these regulations."

It should say:

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

34. Add a "Purpose" paragraph directly under the §6.5.2 Heading.

[For example: "The Purpose of a Conservation and Traffic Mitigation District is to ... "]

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

[For example: "The PZC will consider establishing a Conservation & Traffic Mitigation District when ... "]

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

"CTM Conservation and Traffic Mitigation District"

37. Move the definition of a "Conservation and Traffic Mitigation (Overlay) District from §2.2 to under §6.5.2 [Note that the statutes do not define a Conservation and Traffic Mitigation District.]

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

38. The proposed §6.5.2.A is incorrect:

It states, "A municipality may establish up to two Conservation and Traffic Mitigation Districts, which can require parking minimums for any residential development, including those under 16 units."

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

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

39. To ensure better consistency with PA25-1, the proposed §6.5.2.A should be replaced with:

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

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

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

41. The proposed §6.5.2.C is incorrect.

It states, *"If a Parking Needs Assessment is submitted by the developer, the municipality must condition the approval on the lesser of: The amount recommended by the Parking Needs Assessment, or one off-street parking space for every studio / one-bedroom unit, and two off-street parking spaces for every two or more-bedroom unit."* [This conflicts with PA25-1]

It should state: *"If a Parking Needs Assessment is submitted, the PZC shall condition approval of the application on the amount of parking recommended in the Parking Needs Assessment, or on one off-street parking space for every studio / one-bedroom unit plus two off-street parking spaces for every two or more-bedroom unit, whichever is fewer."* [Under PA25-1, the PZC does not have the authority to question a Parking Needs Assessment if it complies with the requirements in the Act.]

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

"Parking Needs Assessments take precedence over the parking requirements in Table 9.4.2.B for residential developments with 16 or fewer units in Conservation and Traffic Mitigation Districts and, in other districts, for residential developments of more than 16 dwelling units. [To be consistent with PA25-1.]

43. The proposed §6.5.2.C is incorrect.

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

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

