

Part I - Proposed Multifamily Regulations
[Application #24-07ZRA - REVISED]

Summary & Analysis

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The existing multifamily regulations allow enormous multi-hundred-unit four-, five-, and six-story apartment complexes in Gales Ferry and Ledyard Center without a public hearing or a special permit. Part 1 of the application is a proposed set of regulations intended to strike a reasonable balance between accommodating Ledyard's need for economic growth and housing while protecting its character and residents' quality of life as recommended in the POCD and the Affordable Housing Plan.

Consistency With The POCD

This summary and analysis include a copy of the applicable pages from the POCD and the Affordable Housing Plan.

The POCD and the Affordable Housing Plan do not include recommendations that Ledyard should have regulations that encourage enormous four-, five-, and six-story multi-hundred-unit apartment complexes. Instead, page 10 of the POCD recommends that the zoning regulations protect the character of Ledyard. Page 10 also suggests that the regulations be revised to implement the goals of the POCD, which is precisely what this application is proposing.

Page 16 shows that many residents wish to retain Ledyard's rural character. The bottom of the page indicates that regulations should guide the residential growth of Ledyard to ensure high standards of design and quality of life.

Page 17 shows that residents desire to maintain the town's low-density residential character.

Page 55 repeats the guidance on page 10 - it also shows that the quality of life and the character of the Town of Ledyard must be protected.

The Affordable Housing Plan, in the upper right-hand corner of page 23, shows that most surveyed residents want Ledyard to have more single-family homes on large lots, more single-family homes on small lots, and more townhome developments of between 12 and 36 units.

The POCD explicitly recommends amending the regulations to protect the town's character. The proposed regulations will help achieve this goal.

Renderings & Photos

There is a set of two renderings and five photos after the pages from the POCD and Affordable Housing Plan.

The first two renderings and the first photo show multi-hundred-unit four and five-story apartment complexes that, under the existing regulations, would be allowed in Gales Ferry and Ledyard Center by right without a public hearing. Such developments would not be consistent with the goals of the POCD or the Affordable Housing Plan and would be out of character for Ledyard.

The two renderings are of the Triton Square apartment complex under construction behind the Super 8 motel in Groton. It will be a 304-unit, 4- and 5-story complex on 14 acres with studio, one-bedroom, and two-bedroom units.

By Groton standards, a 4- and 5-story, 304-unit apartment complex on 14 acres is not a big deal because it is near an interstate and within walking distance of a supermarket and pharmacy, a Walmart, and dozens of other businesses. It is also not a big deal because Groton has dozens of large apartment complexes, and the Triton Square development is consistent with Groton's character.

However, a 304-unit, 4, 5, or 6-story apartment complex would be a big deal in Gales Ferry Village, Ledyard Center, or residential districts. Such enormous complexes would not be consistent with the character of Ledyard or with the density desired in the Affordable Housing Plan. However, under Ledyard's existing regulations, an enormous development equivalent to the Triton Square complex would be allowed in Gales Ferry or Ledyard Center, by right, without a public hearing. It would not be permitted under the proposed regulations.

The first photo shows the five-story, 203-unit Beam apartment complex on Howard Street in New London. Under the existing regulations, this apartment complex would also be permitted in Gales Ferry and Ledyard Center by right without a public hearing, even though it would also be inconsistent with the goals of the POCD. It would not be allowed under the proposed regulations.

The second photo shows the Fox Run Apartments. This 172-unit, two-story multifamily complex on Flintlock Road on 27 acres in Ledyard is consistent with the POCD and is compatible with the character of Ledyard. It is an example of a large multifamily complex that would be allowed under the proposed regulations.

The third, fourth, and fifth photos are of the 31-unit Ledyard Meadows apartments at 807 Colonel Ledyard Highway. It consists of one and three-story buildings and is an example of a multifamily development that is consistent with the POCD and the Affordable Housing Plan that would be allowed under the proposed regulations. However, it would not be permitted under the proposed regulations if its buildings had four, five, or six stories.

The sixth photo is of the new Spruce Meadows apartment complex on Rt 1 in Stonington. It also consists of 3-story buildings that would be allowed under the proposed regulations but would not be permitted if its buildings had four, five, or six stories.

Sewage Capacity

The spare capacity of the sewer treatment plant in the Highlands is at least 70,000 gallons of sewage per day, and the new sewer line on Colonel Ledyard Highway that will soon connect Ledyard Center to the sewer treatment plant will easily be able to transport 70,000 gallons or more of sewage per day through its pressurized 5" line.

At 150 gallons of sewage per day per bedroom, the new sewer line will support at least 477 additional bedrooms in Ledyard Center. When the new sewer line becomes operational, using the land behind the Ledyard Center school or on Colby Drive off Fairway Avenue to develop a 300-unit or larger four, five-, or six-story multifamily complex by right as allowed under the existing multifamily regulations would be tempting, even though such a development would be inconsistent with the POCD and the Affordable Housing Plan.

In locations with no public sewer, such as the Gales Ferry Development District or many R20, R40, and R60 residential districts, sewage processing can be provided using pre-approved packaged wastewater treatment systems. For example, a state-of-the-art "CleanTec" packaged sewer treatment system scaled to handle 50,000 gallons of daily sewage would allow for a 333-unit complex in the Gales Ferry Development District. The existing regulations allow such development by right and without a public hearing if the application includes an approved packaged sewer treatment system of sufficient capacity.

Height

The definition of building height in the Zoning Regulations is unusual. Height is defined as the distance from grade to the halfway point between the eave and the ridge of a roof. Under this definition, the ridge height of a building with a pitched roof can be several feet above the height limit in the regulations.

For example, a building at the maximum 35' height limit as proposed in these regulations could, under the height definition, have a ridge height of more than 50'. A 65-foot building, as permitted under the existing regulations, could have a ridge height of more than 95', depending on the width of the building and its roof pitch. Any building with four or more stories or a ridge height greater than 50' would be inconsistent with the POCD and out of character for Ledyard.

Height Reduction

Items 1–4 and item #6 at the top of page 2 of the application are necessary to treat all new multifamily developments in a uniform manner. The proposed changes reduce the maximum height, as defined in the regulations, for multifamily buildings in residential districts from 45' and 3.5 stories to 35 feet and three stories and reduce the maximum height for multifamily buildings in non-residential districts from 65' and six stories to the same 35' or three stories. 35' or three stories, is the same height limit the regulations impose on single-family dwellings. 35' is the height of the Ledyard Meadows and Spruce Meadows apartments shown in photos #3, 4, 5, & 6.

Special Permit & Public Hearing

The existing regulations require a special permit and a public hearing only for multifamily developments in residential districts and the Ledyard Center Transition District.

Item #5 on page 2 of the application adds the requirement for a special permit and a public hearing for any multifamily development, including those in the Ledyard Center Development District, the Multifamily Development District, the Gales Ferry Development District, and the Resort Cluster Development District.

A public hearing is appropriate because the public should have the right to address the commission on any proposed development that could harm the town's character and desirability, impact nearby property values, create a safety risk, require an increase in public services, or otherwise likely have unintended consequences.

The second reason to require a special permit for multifamily developments is that it allows the commission to impose conditions of approval to protect health, safety, convenience, property values, and natural resources.

The third reason, which is the most important, is that a special permit allows the commission to consider the subjective standards of approval in Sections 11.3.4 and 11.3.5 in the regulations, such as traffic, congestion, odors, and noise; if a proposed building or use is in harmony with the appropriate and orderly development of the district; if the use would be noxious, offensive, or detrimental to the area; if the proposed development will harm property values in the immediate neighborhood; if the character of the neighborhood will be preserved in terms of scale, density, and intensity of use; if the proposed use would cause unreasonable pollution; or if a proposed development would be consistent with the future development of Ledyard as identified in the POCD.

Health Code

The existing regulations require multifamily developments to comply with the health code, which is technically not a land use requirement. The proposed regulations delete this requirement.

Should the POCD Continue To Be Ignored?

There is an argument, based on the need for housing, that the existing multifamily regulations, which have virtually no constraints and encourage the development of enormous four-, five-, and six-story apartment complexes, should remain as-is even though such developments conflict with the goals of the POCD and the Affordable Housing Plan.

There is also an argument that without density constraints, as in the existing regulations, the cost of land for multifamily developments will be spread over more units, per-unit development costs will be reduced, developers will maximize the number of dwelling units per acre, and the developers will pass their per-unit cost savings on to tenants in the form of more affordable rents.

However, in the real world, if there are no density constraints, the cost of land suitable for multifamily developments will increase and diminish or eliminate per-unit savings.

Developers will maximize profits even if land and per-unit development costs are zero. Developers typically charge the market rate for their units. If a multifamily development, at the market rent, will not make a reasonable return on its development cost, it will not be built.

Rents will be reduced only when the supply of housing is greater than the demand for housing, and in today's world, adding one or two thousand new units in an area that needs 7,000 or more new units will make little or no difference in housing costs or the availability of housing.

Population Density and Size

The enabling statute allows regulations to limit the height, number of stories, size of buildings, and population density.

The proposed regulations reduce the maximum height of multifamily residences from 45' and 65' to 35', the same as for single-family dwellings. The reductions in height are the most significant changes necessary to help ensure new multifamily developments are consistent with the goals of the POCD and the Affordable Housing Plan.

The proposed regulations limit multifamily buildings to three or fewer stories. This restriction is necessary to discourage below-grade units, which are more likely to have humidity, mold, and ventilation problems, require sump pumps and emergency power, and have flooding problems that require remediation and town involvement than buildings without below-grade units.

The proposed regulations require that the size of a multifamily building not exceed 10,000 square feet for a one-story multifamily residence, 20,000 square feet for a two-story multifamily residence, or 30,000 square feet for a three-story multifamily residence. The 10,000' per floor constraint translates into, for example, a 200' building if it is 50' in width,

which is large by Ledyard standards. But it is a reasonable constraint. The proposed regulations mean a developer will be limited to 30,000 square feet per building for his multifamily development. If a developer needs additional units, he can either make the units smaller or propose more buildings.

The size limit is based on the premise that, with all else being equal, multiple small two and three-story buildings, as shown in photos 2 through 6, will be more compatible with Ledyard's rural character than enormous 65' high five or six-story buildings as shown in the first photo and the two renderings. Smaller buildings would likely have better parking, smaller and more appropriate outdoor recreation areas, and be safer, more attractive, and more desirable for residents.

The proposed regulations impose a population density constraint of 60 people per acre for multifamily developments. Assuming two people per bedroom, 60 people per acre translates into 30 bedrooms per acre. A multifamily development on a five-acre parcel could have up to 150 bedrooms, which could be 150 1-bedroom apartments, 75 two-bedroom apartments, or a combination of one-, two-, three-, or four-bedroom apartment units. If each one-bedroom unit was 550', and each building had 10,000 square feet per floor or 30,000 square feet total, the proposed regulations would permit three 3-story 50-unit buildings on a 5-acre parcel.

On a larger parcel, such as 18 acres, a multifamily complex, with enough water and sewer capacity, could have up to 540 bedrooms, which could be 540 1-bedroom apartments or 270 two-bedroom apartments. If each unit were a 550' one-bedroom apartment, the 18-acre development would likely consist of 10 three-story, 35' high, 30,000 square-foot buildings. Although large, such developments would not be enormous, and they would provide a meaningful amount of new housing consistent with the character of Ledyard as recommended in the POCD.

The proposed regulations retain the provision that multifamily developments can consist of multiple buildings on a single parcel.

Last, the proposed regulations require units in multifamily developments to have at least one bedroom. Requiring at least one bedroom provides residents more space, flexibility, and privacy, resulting in a more stable tenant population than multifamily developments consisting of efficiency apartments. Requiring units to have at least one bedroom will also help prevent a multifamily complex from being used as a motel or a hotel.

Parking

The parking section of the zoning regulations, Section 9.4, does not impose any distinct requirements for multifamily developments. For completeness, the application proposes two parking spaces for one- and two-bedroom apartments; clarifies that tandem parking counts as a single parking space; increases the parking requirements by 15% if no on-street parking is available; and credits 1/4 of a parking space for every covered parking

space that is attached to or located under a dwelling unit. The application also requires the developer to provide a reasonable number of guest parking spaces.

Why Should the Application Be Approved?

1. The proposed regulations will help provide housing for those people who prefer a quieter and more rural environment, a lower cost of living, more accessible access to nature, and a sense of community that cities and urban areas cannot offer.
2. The proposed regulations do not prohibit large multifamily developments. They only require that they consist of one-, two-, or three-story buildings instead of allowing four-, five-, or six-story buildings.
3. Although the proposed regulations may result in more buildings, the proposed 30,000-square-foot limit on each building is large enough not to significantly impact the per-unit cost of a multifamily development.
4. The proposed regulations should be approved to help preserve and protect Ledyard's character as a quiet rural bedroom community, as recommended by the POCD and the Affordable Housing Plan.

Land Use Regulations

Conditions and Trends:

A comprehensive revision of the zoning regulations and map (Map 1) was approved in 2018, effective 2/1/19. This followed a multi-year process starting with a Town Council sponsored ad-hoc committee in 2015. The ad-hoc committee was tasked with simplifying the regulations and providing more streamlined application process for commercial and industrial applications. The subdivision regulations have not been updated since 2012. Challenges such as balancing the needs for a variety of housing with watershed and open space protection require a continued evolution in land use regulation to keep with the changing needs and desires of Ledyard's population.

Goals:

Manage Development - Support and manage the growth and development of Ledyard in order to maximize both the environmental and functional quality of life. Regulations must carefully protect the character of Ledyard while providing the flexibility needed to continue to attract new residents and new businesses.

Maintain Regulations - Maintain suitable subdivision and zoning regulations that reflect the development pressures on the town and that maximize compatible uses, maintain property values, minimize the impact of new development on natural resources and manage the growth of public services and maintenance costs.

Support the POCD - Revise zoning, inland wetlands and subdivision regulations as necessary to implement the goals and strategies of the Plan of Conservation and Development and promote consistency between the Plan of Conservation and Development, regulations, and policies of all land use boards.

Implementation:

Zoning Regulations	Accessory dwelling units, changing definitions of families, and the need for alternative and affordable housing will require regulation for the town to evolve.
Subdivision Regulations	The subdivision regulations were last updated in 2012 and need to be updated to improve alignment with the zoning regs and to ensure consistency with the POCD.
Aquifer/Watershed Protection	Updated Zoning regulations and discussions with WPCA will be needed in order to implement effective aquifer and watershed protection.

IV. Housing

Overview

* Ledyard is a predominantly residential community principally comprised of single-family detached houses. Although classified as suburban by the Southeastern Connecticut Council of Governments (SCCOG) large parts of the Town retain a strong rural character. It is this rural nature that has attracted many residents and it is a character many residents wish to retain. Residential land use dominates all other land use categories in Ledyard. Of the approximately 24000 acres in the Town of Ledyard, about 22600 acres are zoned for residential use. *

According to 2018 CERC (CT Economic Resource Center) data, Ledyard has 6297 housing units, 85% of which are single-family residences. With limited land zoned for higher density development, significant building challenges such as wetlands and ledge, and limited infrastructure nearly all the new development in the past 10 years has been in large lot subdivisions or individual, large-lot single family houses. Recovery from the 2008 Recession has been slow in the area, with only 153 housing units built between 2008 and 2018 (139 being single-family units).

Within the Town are large older subdivisions in the Highlands, Avery Hill, Aljen Heights and Gales Ferry area and newer and smaller subdivisions sprinkled throughout the town. There are few apartment complexes, rental units and minimal diversity of housing types. The 22 town SECOG area has a significant problem with access to affordable housing, with 37% of households considered to be cost-burdened (spending >30% of income on housing). However, Ledyard is below this value with only 27% of homeowners considered to be cost-burdened. Housing units are considered affordable if a person earning no more than the AMI (Area Median Income) pays no more than 30% of their annual income for it (CGS 8-39a). The household AMI for New London is \$84000, which corresponds to an affordable threshold of approximately \$2000 per month, or a home purchase cost of approximate 225k.

Goals

- * *
- To guide the residential growth and development of Ledyard and ensure high standards of design and quality of life.
 - To encourage a diversity of housing types and ensure an adequate supply of housing at affordable cost.
 - Encourage and expand on cluster subdivisions on large parcels.

- Adopt regulations that increase the zones where Accessory Dwelling Units (ADU's) are allowed.
- Adopt regulations to allow by-right development of multi-family and infill housing.
- Maintain existing affordable housing already present in older developments through blight control and housing rehabilitation grants.

Issues, Policies and Strategies

1. Quality Residential Development

The Town of Ledyard is predominantly residential. According to surveys done for the 1993 Plan of Development, and a workshop held in April of 1997 to gather input for the Economic Strategies Plan ("Mullin Report") residents desire to maintain the town's low-density residential character. In general, the current existing, residential zoning districts and their bulk requirements support the desired development patterns. Since limited infrastructure is available, homes must rely on private wells and septic systems. Therefore, larger lot sizes (and therefore lower density) are necessary to provide sufficient room for these structures and the requisite separating distances.

The Town should continue to support higher density residential development and diverse housing type construction as a component of mixed-use development near Ledyard Center, along the Route 12 corridor and where water and/or sewer is available and continue lower density single family development in other areas.

The water quality in older developments, specifically Aljen Heights and Avery Hill must be addressed. Ledyard should plan to link the Route 12 water line or connect a water tower to the Aljen Heights and Avery Hill Developments. There is the potential for financing part of this work with Federal funds through the Department of Housing and Urban Development.

2. Cluster Development

The cluster development (Conservation and Open Space) regulations have provided a good tool for promoting quality development in large parcels that creates smaller building lots and allowing for more affordable housing while preserving significant open space and hence preserving Ledyard's rural character. These regulations have been heavily used and the recent refinements to the regulations appear to have helped encourage the desired development styles. However, because these regulations can only be utilized on large parcels, this encourages development on larger outlying parcels which tends to create sprawl instead of concentrating development nearer to commercial services. The current cluster regulations don't work on smaller parcels and are still designed for single family homes, not the higher densities desired in

Issues, Policies, and Strategies

1. Expanding and preserving open space for natural resource and habitat protection

Ledyard is rich in natural resources. Wetlands, lakes, vernal pools, forests, coastal areas as well as productive farmland soils contribute to the landscape of the community. The natural environment is a primary influence on the quality of life and character of the Town of Ledyard that must be protected.

The benefits of open space are multifold. Enhanced quality of life for residents is achieved through access to areas set aside for passive and active recreation. Hikers, birdwatchers, photographers and other naturalists can enjoy the ability to observe from within protected parcels, while causing minimal impact to them. Residents can enjoy walking or biking safely away from roads and cars. Connected corridors of open space provide habitat for many species of mammals, birds, reptiles and amphibians. Rare or endangered flora and fauna identified in the Natural Diversity Data Base can be provided undisturbed living space. Furthermore, protecting our open space provides a natural drainage, flood storage and/or erosion control reducing the speed of runoff from developed areas and mitigating the inevitable pollution that accompanies human activities.

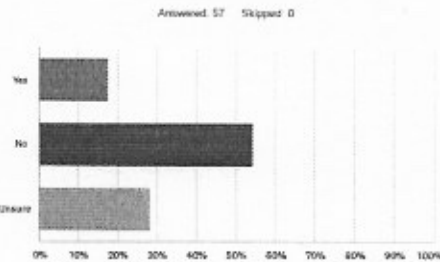
At the beginning of 1999, over sixteen percent of Ledyard's total land area, approximately 4,120 acres, was permanently protected open space. This figure includes over 100 parcels owned by the Town of Ledyard, Groton's extensive reservoir system, lands of the Nature Conservancy, Avalonia Land Conservancy, Department of Environmental Protection, and tracts for which farmland development rights have been acquired.

The continued acquisition of open space for passive recreation and habitat protection is a positive step for the community. However, much of Ledyard's open space, such as the reservoir property, remains off-limits to the general public. Other preserved lands, although considered open to the public, are largely inaccessible due to lack of trails or the presence of thick swamps and wetlands. Further, other open space holdings are small and fragmented between various residential subdivisions. These parcel set-asides were required by regulation, and often located haphazardly following no open space development or linkage plan.

Open space preservation efforts must be targeted to preserve critical and valuable land and natural resources and maximize open space benefits to the community. Efforts should be made to:

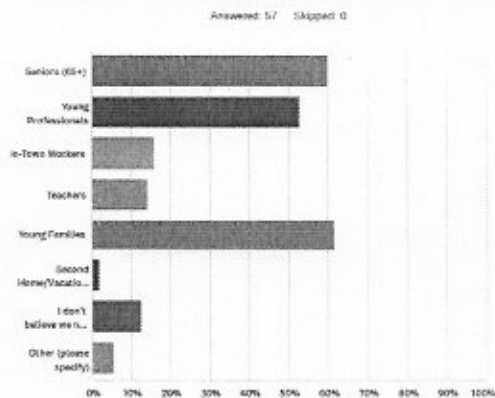
FROM AFFORDABLE HOUSING PLAN

Q9 Are there places for elderly residents to move (downsize) so that they can remain in town?



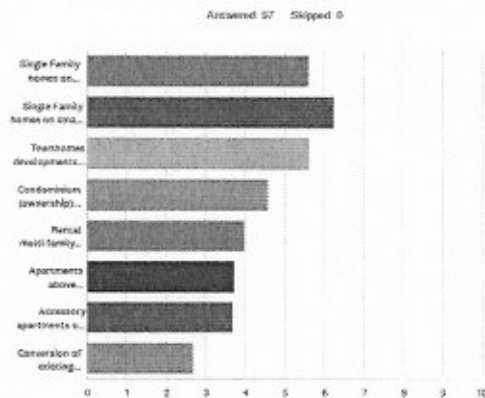
A portion of survey questions asked respondents their opinions on housing types, and for whom housing is most needed. When asked for which groups of people more housing options are most needed, respondents selected Seniors, Young Professionals, and Young Families as their top three choices.

Q14 If you think more housing options are needed in Ledyard, for whom do you think they are most needed? (Select top 3)



When asked about what specific housing types would be most appropriate to add to Ledyard, respondents provided a diverse range of responses but most selected Single-Family Homes on Large Lots, Single Family Homes on Small Lots, and Townhome Developments of 12-36 units.

Q15 What types of affordable housing would be most appropriate and best suited to add in Ledyard? Please rank your choices (1 being the top priority).



Although we can not empirically claim much about the community from this survey due to the small amount of responses, this survey provided some information to consider recommendations, and reinforced a few of our earlier data points on the need for affordable housing for the elderly, young adults, and families.

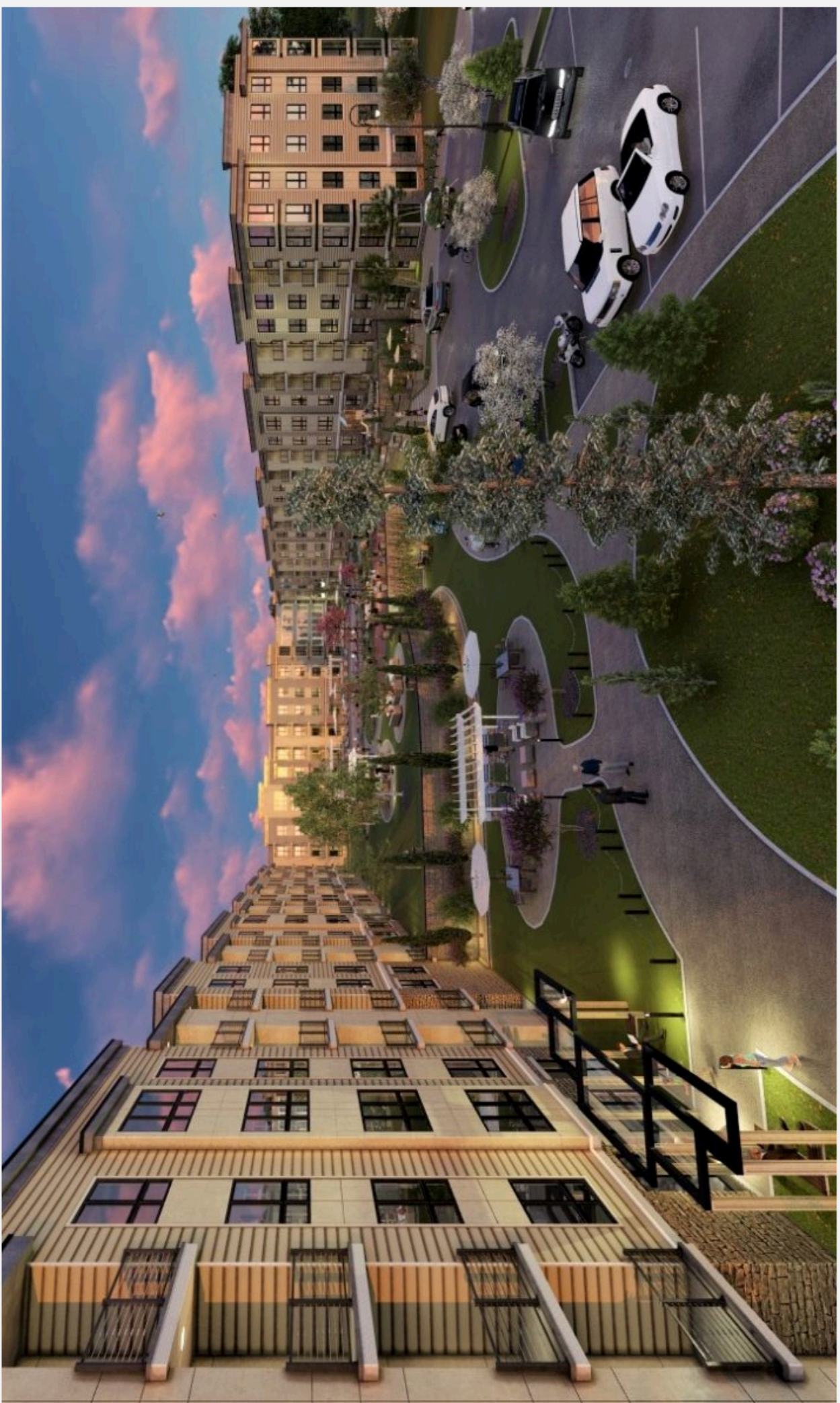
Renderings #1 & #2

Triton Square Apartments

Four (4) & Five (5) Stories – 304 Units

**Permitted by right under the existing regulations
(Site Plan Review - No public hearing)**

Prohibited under the proposed regulations.



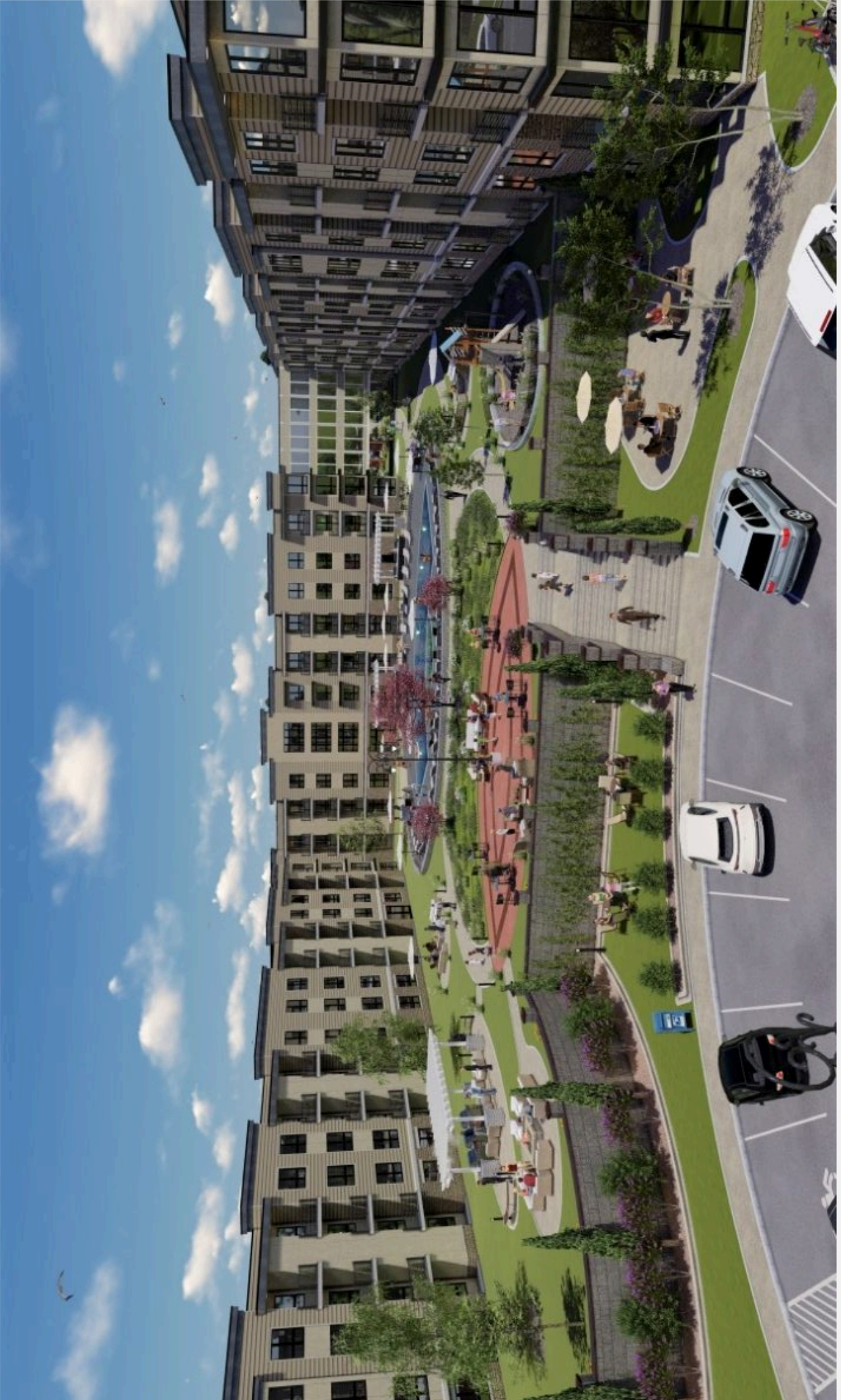


Photo #1 – The Beam Apartments

Five (5) Stories – 203 Units

**Permitted by Right Under Existing Regulations
(Site Plan Review – No Public Hearing)**

Would be prohibited under the proposed regulations.



Photo #2 – Fox Run Apartments

Two (2) Stories – 172 Units

Would be permitted under the proposed regulations

(Special Permit & Public Hearing Required)



Photos #3, #4, & #5

Ledyard Meadows Apartments

One (1) & Three (3) Stories – Approx. 31 Units

**Permitted under the propose regulations.
(Special Permit & Public Hearing Required)**







Photo #6

Spruce Meadows Apartments

Three (3) Stories - 43 Units

**Would be permitted under the propose regulations.
(Special Permit & Public Hearing Required)**

