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Land Use Department

PZ#26-2RA Parking Regulation Amendment Presentation

14 May 2026

Presented by Eleanor Murray for Eric Treaster

EX #15-1
Received
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RHH (15)

Good evening,

I am unable to attend tonight's public hearing regarding the parking amendments to the zoning regulations for residential housing developments. Eleanor Murray agreed to read my presentation into the Record, which I appreciate.

As you know, the amendments are necessary to ensure the zoning regulations comply with the new parking requirements in Public Act 25-1. If, after hearing my presentation, you have questions or concerns, recommendations, or if you find errors, I urge you to identify them for the Record and continue the hearing so I can provide a thoughtful response.

[Pass out analysis with flowchart on page 17]

The handout is a copy of the Exhibit I submitted earlier for the Record. Please look at page 17, which is a flowchart visualizing the parking constraints based on my interpretation of §18-(d)-(9) and §§19-(a), (b), (c), & (d) of the Act. If there are no errors, the flowchart should be added to the regulations so Applicants will have a better understanding of the Act's parking mandates.

The parking constraints in the flowchart differ from those shown for multifamily developments in Table 9.4.2.B at the bottom of page 15 and the top of page 16 in the Application. The parking constraints in the table are overly burdensome and can be relaxed without compromising compliance with the Act.

Attorney Tim Hollister, a well-known land use attorney who makes presentations during the biannual training for land use commissioners, was quoted by Alexis Harrison in the 1/21/26 edition of the Connecticut Examiner. He said:

"So, the new Act did not receive any public hearings or review of its wording. As a result, the Act contains errors, misstatements, and several provisions that conflict with existing law to create impossible standards." "Simply put, the new Act is replete with provisions that are confusing at best and others that, while relatively clear, display misunderstandings of existing Connecticut land-use law and establish new standards and procedures that will conflict with existing statutes, case law, and practice."

I agree with his statement.

The Act is so badly worded that it is not surprising that experts disagree on what is required to comply with its parking requirements.

Because of the Act's errors, misstatements, and provisions that conflict with existing law, as stated by Attorney Hollister, the regulations adopted for Ledyard should represent a reasonable interpretation of the Act's parking requirements that will be safe for residents and the least burdensome to Applicants and the Commission.

In my opinion, the flowchart on page 17 is a reasonable interpretation of the Act's complex parking requirements for residential developments.

Please note that the Act mandates the number of parking spaces that are shown in BLUE on the flowchart. The number of parking spaces shown in RED is discretionary and can and should be established by the Commission.

One of the many quirks in the Act is that it does not specify a minimum number of parking spaces for residential developments of 16 or fewer units in a Conservation and Development District, or for residential developments of more than 16 units in other districts.

The omission is appropriate because it allows the Commission to impose a reasonable minimum parking requirement in Conservation and Traffic Mitigation Districts for residential developments with 16 or fewer units, and for residential developments with more than 16 units that are not in a Conservation and Traffic Mitigation District.

The Act is unclear on whether a proposed residential development with more than 16 units is allowed in a Conservation and Traffic Mitigation District. I assumed that residential developments with more than 16 units are not allowed in Conservation and Traffic Mitigation Districts, as reflected in the flowchart.

Pages 15 and 16 in my review are a copy of §18-(d)-(9) and §§19-(a), (b), (c), & (d) of Public Act 25-1. It is formatted to make the Act's parking requirements easier to understand.

Another quirk in the Act is §19-(b), which applies to residential developments containing "more than 16 dwelling units." §19-(d) of the Act applies to residential developments containing "fewer than 16 dwelling units."

As such, §19-(b) and §19-(d), taken together, mean that residential development of exactly 16 units is not subject to the Act's parking requirements.

In my review, I assumed that the Act's §19-(d) is in error and should apply to "16 or fewer" units. My assumption is consistent with the proposed parking table at the bottom of page 15 in the Application.

Please turn to page 4 in the Exhibit. The page is titled "Suggestion Set 5." It discusses the minimum parking requirements for residential developments with 16 or fewer units.

*§19-(d) of the Act provides that " ... 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, provided** ... the municipality shall **allow** the proposed developer of such development to submit to the ... combined planning and zoning commission a "**parking needs assessment**""*

However, on page 16 of the Application, at the top of the page for Multifamily Residential Developments of fewer than 16 dwelling units in any Conservation & Traffic Mitigation District, it states that only "*One space per studio/one-bedroom and two spaces per two or more bedroom units in a Conservation & Traffic Mitigation District*" is required, which is obviously not enough.

Under the Act, because of the phrase "**may require,**" you can and should require a reasonable minimum number of off-street parking spaces for residential developments of 16 or fewer units for proposed residential developments in Conservation and Traffic Mitigation Districts.

As shown in RED in the flowchart, I suggest the minimum parking requirement should be 1.5 spaces per studio or one-bedroom unit and 2.5 spaces per two- or more-bedroom unit.

Another problem is that, on page 15 of the parking table, the entry for Multifamily Residential Developments Equal to or Less Than 16 Dwelling Units is ambiguous and likely incorrect. It states that:

"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 provided parking, and may where demand for parking as part of unit makeup is more marketable."

The statement appears to be missing words, making it difficult to understand. It should say:

*"In Conservation & Traffic Mitigation Districts: **1.5 spaces** for each studio or one-bedroom unit & **2.5 spaces** for units with two (2) or more bedrooms. A Parking Needs Assessment per §9.4.2.D is required only if 1 or fewer spaces are proposed for studio and 1 bedroom units and/or two or fewer spaces are proposed per two or more bedroom unit. In Other Districts: No Minimum is required, provided the proposed number of spaces will not have an adverse impact on public health and safety."*

If a proposed residential development is for 16 or fewer units and in a "Conservation & Traffic Mitigation District," and if the off-street parking requirement imposed in the regulations is "reasonable," it is unlikely an Applicant will procure an expensive optional Parking Needs Assessment to reduce the off-street parking requirement imposed in the regulations.

The same entry in the table also states that the Commission shall allow an Applicant to propose alternative numbers of parking spaces by submitting a Parking Needs Assessment. This is not completely accurate. The Public Act, not the Commission, is what allows an Applicant to submit an optional Parking Needs Assessment to the Commission.

I could not find any provision in the Act that allows the Commission to reject a Parking Needs Assessment, even if it is obvious that the reduced parking would result in an adverse impact on public health and safety. The flowchart confirms that I was unable to find such a provision.

Although illogical, under the Act, a Parking Needs Assessment is not required to include a proposed number of parking spaces. If a Parking Needs Assessment does not include a proposed number of parking spaces, the default number of parking spaces required under the Act, which the Commission must approve, is 1 space per studio or one-bedroom unit and 2 spaces per two- or more-bedroom unit.

Surprisingly, I was unable to find any provision in the Act that requires a Parking Needs Assessment to include a recommended number of parking spaces.

Under the Act, the zoning regulations can, and in my opinion, should state that the Applicant has the right to submit a Parking Needs Assessment to the Commission to reduce the required parking to one or fewer spaces per studio or one-bedroom unit and to two or fewer spaces per two or more bedroom unit. However, this is not clear in the proposed regulations.

In my opinion, a reasonable number of parking spaces for residential developments should be about **1.5 spaces** for each studio or one-bedroom apartment & about **2.5 spaces** for dwelling units with two (2) or more bedrooms, as shown in the flowchart on page 17. However, the number of spaces is discretionary, and the Commission can impose any number it wishes.

Although required by the Act, the proposed regulations are not clear that, for residential developments of 16 or fewer units that are not in a Conservation and Traffic Mitigation District, the Commission has the right to deny an application by "*finding*" that the Applicant's proposed number of parking spaces will have a specific adverse impact on public health and safety that cannot be mitigated by approval conditions that have no substantial impact on the viability of the development.

The parking table near the top of page 16 of the Application, for residential developments of less than 16 units in a Conservation & Traffic Mitigation District, states that 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.

However, I could not find any provision in the Act that requires the Commission to substantiate its finding that the amount of parking proposed in an application will be unsafe.

The Act provides that the Commission may deny an application if it finds that the amount of parking proposed for a residential development that is not in a Conservation and Traffic Mitigation District will have an adverse impact on public health and safety. However, the proposed regulations do not provide examples of adverse impact on public health and safety arising from insufficient off-street parking.

There are two reasons the regulations should include examples of specific adverse health and safety impacts that can result from inadequate off-street parking.

The first is that examples of adverse impact in the regulations will encourage the Applicant to provide sufficient parking to deter the Commission from a *finding* of insufficient parking. The second is to help avoid an allegation that the Commission was capricious if an applicant appeals a denial of his Application based on a finding of health and safety risks caused by inadequate parking.

Under the Act, it appears that all that is necessary to deny such an application is a motion and a majority vote of the Commission to "find" that the proposed parking constitutes a specific adverse impact on public health and safety that cannot be reasonably mitigated. The regulations should require that the specific adverse impact on public health and safety be included in the Commission's motion to deny a residential development application based on a finding of insufficient parking.

In my opinion, an applicant for a development with 16 or fewer units that is not in a Conservation & Traffic Mitigation District will always provide a reasonable amount of off-street parking to avoid the risk that the Commission will make a health or safety *finding* that denies his Application.

There are other deficiencies identified in my analysis of the proposed regulations that should be reviewed. Some are minor. For example, 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.*"

For better consistency with the Act, the proposed §6.5.2.A should state that "*The Commission 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.*"

Page 12 of my Exhibit notes that the proposed §9.4.3.E provides that: "*For every structure used for residential multifamily dwelling purposes, there shall be a minimum of one loading berth per building, or as determined by the Parking Needs Assessment.*"

However, a Parking Needs Assessment, as defined in the Act, is silent regarding loading berths. There are no requirements in the Act that a Parking Needs Assessment, which is optional, must address loading berths. In addition, I expect optional Parking Needs Assessments will be rare if, where allowed, the regulations impose reasonable parking requirements.

Page 12 of my Exhibit notes that the proposed §9.4.4.E-1 states that: *"The Planning & Zoning Commission may reduce the on-site parking requirement for all uses with a Special Use Permit review & approval, provided: The reduction in parking shall not exceed 25% of the parking required by these regulations."*

This statement has several problems. The first is that the Act is silent on the Commission's ability to reduce parking requirements below the requirements set by the regulations. The second is because the maximum amount of reduction, the 25% number in the proposed regulations, is not mentioned in the Act. The third reason is that the proposed regulations do not specify the criteria that must be satisfied for the Commission to reduce the required parking.

The fourth reason is that although §9.4.4.E-1 recognizes that a special permit is required to reduce parking, the current regulations allow the majority of residential developments to be built as of right, meaning the Commission will seldom have the authority to reduce parking.

More importantly, the only justification for imposing, *as a condition of approval*, a reduction in the amount of required parking is to protect public health, safety, convenience, natural resources, or property values. It is illogical to believe that reducing the required parking will protect public health, safety, convenience, natural resources, or property values.

As shown in my Exhibit, I urge the Commission to require a special permit for any use where you believe the Commission needs to determine the adequacy of the amount of proposed parking; the type, number, and characteristics of lighting fixtures; the adequacy of proposed landscaping; the adequacy of proposed screening; hours of operation, and any other requirement that, under the enabling statute, can only be evaluated if a use requires a special permit. And, as you know, a special permit is required for you to have the authority to impose conditions of approval. I urge that all residential developments, except for single-family dwellings, require a special permit.

The comments in my Exhibit also suggest that you resolve the conflict between the definition of a multifamily residence in §2.2 of the regulations and the definition in §8.28-A of the regulations.

And last, the proposed parking regulations are too cautious. For 8-30g Affordable Housing Applications, the statute clearly places the burden on the Commission to show that it acted properly if an Applicant appeals a denial decision for an affordable housing development. However, I was unable to find anything in Public Act 25-1 that places the burden on the Commission if an Applicant appeals a denial of a proposed residential development based on insufficient or unsafe parking.

I wasn't able to be present this evening, but I hope my suggestions are helpful. If you have concerns or questions about anything in my review, I urge you to continue the public hearing so I can provide you with a thoughtful response.

Again, I want to thank Eleanor for making my presentation in my absence. I also want to thank Chairman Wood for allowing Eleanor to make my presentation.

Eleanor will provide a copy of my presentation to the Commission for the Record.
Thank you.