CENTRAL CONNECTICUT REGIONAL PLANNING AGENCY

Serving Berlin, Bristol, Burlington, New Britain, Plainville, Plymouth, and Southington

225 North Main Street, Suite 304 Internet: http://ccrpa.org Tel: (860) 589-7820
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REFERRAL NOTIFICATION TO THE COMPREHENSIVE PLAN COMMITTEE

TO: Comprehensive Plan Committee
FROM: Michael Tonelli, Regional Planner, Comprehensive Planning Commission, Central CT Regional Planning Agency, 225 N. Main St, Suite 304, Bristol, CT 06010 (860) 589-7820
DATE: 4/29/2009
REFERRAL NUMBER: BN-218
MUNICIPALITY: Berlin
TYPE OF REFERRAL: ZONING
TITLE OF REFERRAL: **Amendments to the Zoning Regulations – Section 5.A.7.e and 9.B.16.a**
DATE OF PUBLIC HEARING: May 5, 2009

DESCRIPTION OF REFERRAL:

The owner of a parcel of land within a Single-family Residential zoning district has requested to amend Sections 5.A.7.e and 9.B.16.a to allow emergency response power generation equipment service vehicles and trucks that can weigh up to 26,000 pounds of gross weight. The owner of the parcel works for a generator company and uses these types of vehicles to respond to generators that have failed.

Central Connecticut Regional Plan

Referral BN-218 is determined to be In Conflict with the Plan of Conservation and Development for the Central Connecticut Region 2007-2017 or any other plan of the Agency.

The overly repetitive use of heavy vehicles and machinery on small residential roadways can cause the roadways to deteriorate at a faster rate than normal. Thus, the proposed amendment does not support the “Transportation” and “Infrastructures and Facilities” recommendations of the POCD and it also conflicts with the goals to “Maintain the Transportation System” and to “Promote System Efficiency” of the LRTP.

BN-218
5/7/09

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Zoning and Subdivision Referral Form

FROM:
- [ ] Planning Commission
- [x] Planning & Zoning Commission
- [ ] Zoning Commission
- [ ] City Council acting as Zoning Commission

Town of Berlin — Municipality

April 3, 2009 — Date

Zoning: Pursuant to the provisions of Section 8-3b of the General Statutes of Connecticut, as amended, the following proposed zone change potentially affects an area within 500 feet of a municipal boundary is referred to the Central Connecticut Regional Planning Agency at the above address for review and an advisory report.

Public Hearing on Said Change is Scheduled for: May 14, 2009 (date)

The Zoning Commission should give written notice of its proposed zoning change to the regional planning agency(ies) **not later than thirty-five (35) days** before the public hearing.

Subdivisions: Pursuant to the provisions of Section 8-26b of the General Statutes of Connecticut, as amended, the following proposed subdivision abuts or crosses a municipal boundary line and is referred to the Central Connecticut Regional Planning Agency at the above address for review and an advisory report.

Public Hearing on Said Proposal is Scheduled for: _____ (date)

The Planning Commission should give written notice of the proposed subdivision to such regional planning agency(ies) **not later than thirty (30) days** before the public hearing.

Note: Statutes may also require referrals of open space grants (7-131e(c)), foreign trade zones (7-136 d-e(a)), and interlocal agreements or the proposed formation of a district (8-35d).

Signature

Director of Development Services
Title (please print)

9/97

Certified Mail (Return Receipt Requested): 7008 1830 0003 6203 2115

FILE COPY

DZIALO, PICKETT & ALLEN, P.C.

Attorneys at Law • Established 1964

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Katharine S. Gillespie

Chester J. Dzialo (Ret.)
John F. Pickett (1928-1983)
Samuel N. Allen (1928-1991)

Please Reply to Middletown Office

200 Court Street, P.O. Box 661
Middletown, Connecticut 06457
Telephone (860) 638-5400
Facsimile (860) 638-5410
Real Estate Facsimile (860) 638-5419

15 Elm Street, P.O. Box 779
Old Saybrook, Connecticut 06475
Telephone (860) 395-6340
Facsimile (860) 395-6349

March 23, 2009

Sent by Fax (860) 828-7180
& Federal Express

Hellyn R. Riggins, AICP
Department of Development Services
Town of Berlin
240 Kensington Road
Berlin, CT 06037

TOWN OF BERLIN
2009 MAR 24 A 10: 18

Re: Petition for Amendments to Zoning Regulations

Dear Ms. Riggins:

Enclosed please find a Petition for Amendments to the Town of Berlin Zoning Regulations on behalf of my clients, Harvey R. Adkins and Susan Adkins, property owners in the Town of Berlin and interested parties. Also enclosed is a check for the filing fee of $180.00 made payable to the Town of Berlin.

Our firm looks forward to working with your department and the Planning & Zoning Commission on this matter and we welcome recommendations and input as to the language of the proposed amendments. Thank you for your patience and assistance.

Very truly yours,

Gregory J. Kycia

GJK:scb
Enc.
Cc: Mr. Harvey R. Adkins & Susan Adkins

FILE COPY

PETITION FOR AMENDMENTS TO THE TOWN OF BERLIN ZONING REGULATIONS

DATE: March 23, 2009

APPLICANT: Gregory J. Kycia, Esq.
Dzialo, Pickett & Allen, P.C.
200 Court Street, P.O. Box 661
Middletown, CT 06457
Phone (860) 638-5400
Fax (860) 638-5410

OWNERS: Harvey R. Adkins
Susan Adkins
50 Fernstead Lane
Berlin, CT 06037

TOWN OF BERLIN
2009 MAR 24 A 10: 18

The Applicant, on behalf of Harvey R. Adkins and Susan Adkins, property owners in the Town of Berlin and interested parties, hereby petitions to amend the Town of Berlin Zoning Regulations.

The provisions of the Zoning Regulations sought to be amended are as follows. The current language of the Zoning Regulations is provided as reference and the proposed amendments are in **bold** and **underlined**.

FIRST AMENDMENT

SECTION V. RESIDENTIAL ZONES

A. *Single-family Residential (R-86, R-43, R-21, R-15).*

7. *Permitted accessory buildings, structures and uses.* The following accessory buildings, structures and uses shall be permitted in all single-family residential districts:

   e. Off-street parking facilities for the use of the occupants of the premises and their guests, in accordance with section IX.B, provided that no more than one commercial vehicle, not exceeding 10,000 pounds gross weight other than a passenger car, shall be regularly parked on the premises**, except for emergency response power generation equipment service vehicles and trucks not exceeding 26,000 pounds gross weight**.

FILE COPY

SECOND AMENDMENT

SECTION IX. SUPPLEMENTARY REGULATIONS

B. *Off-street parking and loading.*

16. *Commercial vehicles in residential districts.*

a. Not more than one commercial vehicle not exceeding 10,000 pounds gross weight other than a passenger car, per dwelling unit shall be regularly parked in residential districts, except for **(1)** registered farm vehicles**; and (2) emergency response power generation equipment service vehicles and trucks not exceeding 26,000 pounds gross weight**.

Dated this 23rd day of March, 2009 at Middletown, Connecticut.

Gregory J. Kycia
Applicant and Attorney for Owners

TOWN OF BERLIN
2009 MAR 24 A 10: 18

Capitol Region Council of Governments

241 Main Street • Hartford • Connecticut • 06106

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April 20, 2009

PLANNING AND ZONING COMMISSION **REPORT ON Zoning REFERRAL**

Town of Berlin Z-2009-24

COMMISSIONERS:

Receipt is acknowledged of the above-mentioned referral. Notice of this proposal was transmitted to the Planning Division of the Capitol Region Council of Governments under the provisions of Section 8-3b of the Connecticut General Statutes, as amended.

Proposed amendment to allow emergency response power generation eqipment service vehicles and trucks not exceeding 26,000 pounds gross weight to be housed in off-street parking facilities in single family residential zones.

Comment: The staff of the Regional Planning Commission of the Capitol Region Council of Governments has reviewed this referral and finds no apparent conflict with regional plans and policies or the concerns of neighboring towns.

Questions concerning this referral should be directed to Emily Moos.

In accordance with our procedures this letter will constitute final CRCOG action on this referral. The public hearing date has been scheduled for 5/14/2009.

DISTRIBUTION:

Planner: Newington, Rocky Hill, Central CT RPA

Respectfully submitted,
John Larensen, Chairman
Regional Planning Commission
Elaine Carey, Vice Chairman
Regional Planning Commission

Emily Moos
Senior Community Development Planner

RECEIVED
APR 22 2009

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REFERRAL NOTIFICATION TO THE COMPREHENSIVE PLAN COMMITTEE

TO: Comprehensive Plan Committee
FROM: Michael Tonelli, Regional Planner, Comprehensive Planning Commission, Central CT Regional Planning Agency, 225 N. Main St, Suite 304, Bristol, CT 06010 (860) 589-7820
DATE: 4/29/2009
REFERRAL NUMBER: CN-94
MUNICIPALITY: Canton
TYPE OF REFERRAL: ZONING
TITLE OF REFERRAL: **Proposed Zoning Regulation Amendments to Article I, Section 4 to add Mixed Residential Restrict (MRR) Homes to the classes of residential zoning districts, Article II – Residence Districts to add a new Section 26 – MRR, and to amend the Town Zoning Map from Active Adult Housing (AAH) to MRR, VLO Group New England, LLC – Applicant.**
DATE OF PUBLIC HEARING: May 5, 2009

DESCRIPTION OF REFERRAL:

The Applicant has proposed to establish a new Zoning District called Mixed Residential Restricted (MRR) to promote innovative development with the intent to provide affordable housing opportunities compliant with CGS 8-30g.

Central Connecticut Regional Plan

Referral CN-94 is determined to be Not In Conflict with the Plan of Conservation and Development for the Central Connecticut Region 2007-2017 or any other plan of the Agency.

CN-44
5/7/2009

ZONING COMMISSION

Canton, Connecticut INC. 1806

4 Market Street, Canton, Connecticut 06019

April 3, 2009

CCRPA – Mr. Margus Laan
225 North Main Street
Suite 304
Bristol, CT 06010-4993

RE: **Referral #357;** Connecticut General Statutes Section 8-3a Review and Report for VLO Group New England, LLC; Proposal to amend the text of the Zoning Regulations (Section 74.1); Amendment to add Mixed Residential Restrict (MRR) Homes to the classes of residential zoning districts (Section 4); Amendment to create Mixed Residential Restricted District (Section 26), and to amend the Town zoning map from Active Adult Housing to Mixed Residential Restricted for the property at 5 Cherry Brook Road (Assessor's Map 6-6; Parcel 1850005; Zone AAH).

Dear Mr. Laan:

Pursuant to CGS Section 8-3a, the attached amendment or update to the Zoning Regulations is referred to you for review and comment.

We look forward to your response. Please do not hesitate to contact this office should you require any further information or if I may be of any assistance, (860) 693-7856.

Sincerely,

Susan Brodeur

Susan Brodeur
Land Use Coordinator

Attachment

RECEIVED
APR 07 2009

PETITION FOR AMENDMENT OF THE ZONING REGULATIONS OF THE TOWN OF CANTON

Pursuant to Canton Zoning Regulation Article VII, Section 74.1 the applicant, VLO Group, New England respectfully submits this petition to amend the text of the Zoning Regulations of the Town of Canton, as follows:

To amend ARTICLE I, Section 4 – Districts to add Mixed Residential Restricted (MRR) Homes to the classes of residential zoning districts in Canton;

To amend Article II RESIDENCE DISTRICTS to add a new Section 26, Mixed Residential Restricted District in accordance with the text provided.

Section 4 – Districts

4.1 Districts: For the purpose of these Regulations, the Town of Canton is hereby divided into the following classes of districts:

District	Map Code
Residence District AR-3	AR-3
Residence District AR-2	AR-2
Residence District AR-1	AR-1
Garden Apartment District	GAD
Business District B-1	B-1
Light Industrial District	L-1
Heavy Industrial District	HI
Continuing Life Care Community District	CLCC
Mixed Residential District	MR
*Mixed Residential Restricted District	MRR

4.2 **Special Districts:** The following are additional classes of districts established in accordance with ARTICLE V:

District	Map Code
Collinsville Business District	CBD
Flood Plain District	FPD
Professional Office District	POD
Special Business District	SBD
Restricted Light Industrial District	RLI
Industrial Park District	IPD
Farmington River Protection Overlay District	FRPO
Industrial Heritage District	IH
Albany Turnpike Overlay District	ATOD
Albany Turnpike Gateway District	ATGD

Proposed Addition is underlined.

PROPOSED AMENDMENT TO ARTICLE II
TOWN OF CANTON ZONING REGULATIONS TO ADD:

Section 26 MIXED RESIDENTIAL RESTRICTED (MRR) DISTRICT

26.1 **General:** A Mixed Residential Restricted (MRR) District is one that allows for the review of Affordable Housing Proposals submitted to the Commission in accordance with Connecticut General Statutes (CGS) §8-30g.

26.2 **Purpose.** In order to promote innovative development with the intent to provide affordable housing opportunities compliant with CGS §8-30g. A Mixed Residential Restricted (MRR) District may be established.

26.3 **Establishment of District.** An application requesting a Zoning Map Amendment and establishment of a Mixed Residential Restricted (MRR) District may be submitted by the owner or owners of one or more adjacent lots that contain the minimum area set forth in this regulation. Petitions shall be accompanied by a preliminary site plan and such additional information as may be required by the Commission. Where such petitions and preliminary site plan also propose single family or two family housing on individual lots, a subdivision plan shall have been informally reviewed by the Planning Commission in accordance with Canton Subdivision Regulations.

26.3.1 **Criteria.** The establishment of a Mixed Residential Restricted (MRR) District shall conform to the standards of this section, the general standards set forth in Section 52.6 of these regulations, and such additional conditions the Zoning Commission may require.

26.3.2 **Special Criteria.** In accordance with CGS §8-30g, the Commission shall use the following criteria in determining whether or not to approve the application.

a. The decision and the reasons cited for such decision are supported by sufficient evidence in the record;

b. The decision is necessary to protect substantial public interests in health, safety or other matters which the Commission may legally consider;

c. Such public interests clearly outweigh the need for affordable housing,

d. Such public interests cannot be protected by reasonable changes to the affordable housing development.

e. Compliance with CGS §8-30g and the Regulation of Connecticut State Agencies §8-30g-1 through §8-30g-11.

26.3.3 **Approval** of a petition for and establishment of an MRR District shall be void and of no effect unless an application is filed for a Site Development Plan with an effective date occurring within 24 months after the approval of district designation, or unless a building permit is issued within 12 months after the effective date of a Site Development Plan. The Zoning Commission may grant one or more six-month extensions of these periods upon written request from the applicant. The Commission may withhold approval of any or all extensions, if the applicant fails to provide adequate evidence that work is able to begin within an extended time period. This evidence shall include but not be limited to the acquisition of any or all required government approvals and commitments for project financing.

26.4 **Site Development Plan**. All development including subdivision development within an MRR District shall be constructed in accordance with plans and drawings approved by the Zoning Commission under the these regulations with the exception of additions to one and two family homes provided that no additional dwelling units are added.

26.4.1 **Public Improvements.** Streets, roads, driveways and parking areas or other public improvements shall be built in accordance with the filed site plan design and construction standards of the Canton Subdivision Regulations within an MR district.

26.4.2 **Effective date of Site Development Plan** approval shall not occur until the applicant has submitted constituent documents under the Connecticut Common Interest Ownership Act under which the development will be established to the Town of Canton for its approval as to compatibility with these regulations, CGS §8-30g and regulations of Connecticut State Agencies §8-30g 1 through §8-30g11.

26.5 **Permitted Uses**. The following uses are permitted in the zone subjected to site Development Plan Approval:

26.5.1 Single-family dwellings.

26.5.2 Two-family dwellings as attached or semi-detached units.

26.5.3 Multiple dwelling unit buildings as attached or semi-detached units.

26.5.4 Accessory uses customary with an incidental to any aforesaid permitted uses.

26.6 **Standards:**

26.6.1 **Lot Area and Dwelling Unit Limits.** A parcel of land may be designated as an MRR District if its size is equal to or greater than one (1) acre. For the purposes of this regulation, such parcel may be divided by a public or private road or strip of land provided legal access is established between the two separate areas. No MRR district shall contain more than fifty (50) dwelling units except by Special Exception. In determining the appropriateness of districts containing more than fifty (50) dwelling units, the Commission shall include consideration of the following factors:

a. the need for affordable housing;

b. the accessibility to state highways or other major roads;

c. the physical characteristics of the parcel;

d. the infrastructure's capability to support the district;

e. the proximity to residential developments of similar or dissimilar density;

f. the protection of substantial public interest as stated in section 24.3.2
(Amended 9/15/95 to require Special Exception for +50 units.)

Density. No parcel shall contain more than 5 dwelling units per gross acre (43,560 square feet) provided that the total dwelling units under paragraph are not exceeded in an MRR District 24.6.1

26.6.2

Minimum % of total units that are affordable (b)	Maximum Density (a) (c)
30%	up to 5 units/acre
50% or more	6 units/acre maximum

26.6.3 **Lot area, frontage and building size and coverage** for dwellings on the parcels shall be developed in accordance with the following table:

Perimeter Set Back	40ft	40ft
Max. Stories	3	3
Max. Height	35 ft	35 ft
Max Lot Coverage	25%	25%
Max Impervious Surface	50%	50%

26.6.4 **Building Bulk.** No multi-family building shall contain more than 8 dwelling units. Buildings containing more than 6 dwelling units shall be varied in plane along the building's length.

26.6.5 **Minimum Habitable Floor Area** in sq. ft. for dwelling units:

Bedroom/Housing Type	Area per Count	Area per Unit
Detached single family	N/A	1500
Attached single family attached	N/A	900

26.6.6 **Minimum building separation.** The shortest distance between any two multi-family structures shall be twenty four (24) feet or not less than the height of the taller structure, as measured to the highest point of the roof from the ground elevation of the closest wall to the adjacent structure, whichever is greater. The Zoning Commission may waive the separation requirement if the design of the proposed development is benefited by the closer spacing.

26.6.7 **Access Streets and Sidewalks.** The placement, size, arrangement and use of access streets and sidewalks to public or private streets shall be adequate to serve residents and provide no hindrance to the safety of existing or proposed streets and structures. Main interior walks shall be of sufficient width and construction to serve emergency vehicles and apparatus if a structure is not served by a roadway or parking lot on one side along its length. Pedestrian walkways with all-weather surfacing may be required where density of population or school buss routes make such advisable for convenience or safety.

26.6.8 **Parking.** Garage space or off-street vehicle parking spaces shall be provided on the lot for each dwelling unit as follows:

1-1/2 spaces for each one (1) bedroom unit

2 spaces for each two (2) or more bedroom unit

Specifications for the layout of parking spaces shall be in accordance with the requirements set forth in Section 62 of these Regulations.

26.6.9 **Adequate Water Supply and Sewage Disposal.** Any uses permitted in an MRR District shall be connected with the public water supply and public sewer system.

26.6.10 **Open Space and Recreation.** A Mixed Residential Restricted (MRR) Site Development Plan shall include space for the provision for passive recreational areas for the use of the occupants of the development. The amount of such areas shall be not less than 20% of gross area of the parcel. Any recreational areas shall be adequately protected from vehicular traffic and they shall be provided with adequate and appropriate walkways to serve immediate and surrounding neighborhood.

26.6.11 **Landscaped Plan.** Shall be submitted to and approved by the Commission.

26.6.12 **Affordability Plan Requirements** The applicant shall submit a formal Affordability Plan which shall comply with CGS § 8-30g and the Regulations of Connecticut State Agencies § 8-30g-1 through § 8-30g 11.

396/1248

Cherry Brook Road, Canton, CT
CGS 8-30g Affordability Plan

The plan herein is in response to the comments set forth in the Motion To Deny authored and submitted by the Canton Zoning Commission regarding the Affordability Plan for the proposed development at 5 Cherry Brook Road, Canton.

VLO Group New England, LLC ("VLO Group") submits this Affordability Plan in conjunction with its application to the Canton Planning and Zoning Commission for (a) approval of a new section of the Canton Zoning Regulations entitled "Housing Opportunity Development" (HOD) zone; (b) rezoning of 9.25 acres at Harts Corner/Cherry Brook Road to this HOD designation; and (c) Approval of its "Cherry Brook Estates" residential development, consisting of subdivision Approval for 46 single-family homes.

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Schedule A-1	Site Development Plan (as on file with the Canton Planning and Zoning Commission
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Schedule C	Definitions and Elements of Annual Family Income
Schedule D	Documentation of Income
Schedule E	Deed Restrictions

Definitions

"Community" - means the Cherry Brook development, a 46 unit development in a common interest community, approved by the Canton Planning and Zoning Commission, as more fully described in Schedule A. The Site Plan is on file with that Commission

"Housing Opportunity District" Homes or "HOD" Homes– means a home within the Cherry Brook development that is subject to long-term price restrictions as set forth in this plan.

"Alternative Affordable Housing" Homes or "AAH" Homes – means homes that will be offered at affordable housing rates CITE GUIDELINES – for families with income levels of up to 140% of the state and local median income levels.

"Developer" – Means VLO Group, New England, LLC or its successors and assigns.

"Administrator" – Means VLO Group, New England, LLC or its successors and assigns.

CGS 8-30g Affordability Plan

(A) Designation of Responsible Entity

- VLO Group Community Enterprise Corporation (VLO Group), is a Hartford based non-profit company, located at 283 Collins Street, Hartford, CT 06105. VLO Group will be responsible for the duration of any affordability restrictions, for the administration of the affordability plan and its compliance with the income limits and sale price restrictions of this chapter.

- The VLO Group shall submit a written status report to the Canton Planning and Zoning Commission on compliance with this Affordability Plan annually on or before January 31. The role of Administrator may be transferred or assigned to another entity, provided that such entity has the experience and qualifications to administer this Plan. In the event of any assignment of the role of Administrator, VLO Group or its successors will provide prior written notice to the Canton Planning and Zoning Commission.

(B) Responsibilities under §8-30g-7(a)(1)(A)-(E)

The VLO Group shall be responsible for the following tasks (otherwise identified under Conn. Agencies Regulations §8-30g-7(a)(1)(A)-(E):

- Ensuring that households applying for affordable units qualify within applicable maximum income limits;
- Assuring the accuracy of sale or resale prices or rents, and providing documentation where necessary to buyers, sellers, lessors, lessees and financing institutions;
- Maintaining minimum percentages in a set-aside development;
- Reporting compliance to the municipality; and
- Executing the affirmative fair housing marketing plan. Regs. Conn. State Agencies ("Regulations") § 8-30g-7(a)(1)

(C) Affirmative Fair Housing Marketing Plan

With respect to the affirmative fair housing marketing plan filed in accordance with an affordable housing development application, the provision of sections 8-37 ee-1 et seq. of the Regulations of Connecticut State Agencies, and particularly sections 8-37 ee-301 and 302, shall serve as the basis for such plan, provided that such regulations, including the procedures therein, shall be guidelines, not requirements. Collection and dissemination of information about available price restricted and market rate dwelling units shall include, at a minimum.

- Analyzing census and other data to identify racial and ethnic groups least represented in the Canton population;
- Announcements/advertisements in publications and other media that will reach minority populations;

- Announcements to social service agencies and other community contacts serving low-income minority families in the region (including churches, civil rights organizations, housing authorities, legal services organizations);
- Assistance to minority applicants in processing applications;
- Marketing efforts in geographic area of high minority concentrations within the housing market area; and
- Beginning affirmative marketing efforts prior to general marketing of units, and repeating again during initial marketing and at 50 percent (50%) completion and thereafter at reasonable period intervals with respect to re-sales or re-rentals; and
- Collection of basic racial and ethnic information for all residents and persons on the wait list for the development.

All notices shall comply with the federal Fair Housing Act, 42 U.S.C. §§ 3601 et seq. and the Connecticut Fair Housing Act, C.G.S. §§ 46a-64b, 64c (together, the "Fair Housing Acts").

D. Housing Opportunity District Homes - (HOD) Homes

1. Homes Designated as Affordable Housing under CGS §8-30g

Under this plan, thirty percent (30%), or fourteen (14) of the homes of Cherry Brook Estates will be designated as "Affordable Housing Units" and referred to herein as Housing Opportunity District Units (to be called "HOD Homes"). These homes will meet the criteria for "affordable housing" as defined in Connecticut General Statutes ("C.G.S.") § 8-30g. The specific units are more specifically set forth in Schedule A attached hereto.

C.G.S. § 8-30g requires that at least fifteen percent (15%) of the units be affordable for 40 years to families earning eighty percent (80%) or less of the median income for the Canton area or the State median income, whichever is less. In addition at least fifteen percent (15%) of the units must be affordable for 40 years to those earning sixty percent (60%) or less of either the area or State median income, whichever is less.

Out of 46 total units, VLO Group proposes to set aside seven (7) units for sale for people at or below (80%) of median households income, and seven (7) units for sale for people at or below sixty percent (60%) of median households income.

2. Forty (40) Year Period.

The HOD Homes shall be designated as affordable housing units for forty (40) years. The forty (40) year affordability period shall be calculated separately for each HOD Home. The period shall begin on the date of initial leasing or conveyance of such HOD Home from VLO Group or its successors or assigns to an eligible purchaser as hereinafter defined.

3. Pro-Rata Construction and Dispersion.

The HOD Homes shall be built on a *pro rata* basis as construction proceeds. The proposed dispersion of HOD Homes is identified on subdivision and site development plans and in Schedule A-1 attached hereto. It is the intent of the Developer that three (3) HOD Homes will be built and offered for sale within the time that six (6) AAH Homes are built and sold.

To maintain the ratio required by this Plan, the Town of Canton, acting through its Zoning Enforcement Officer or building official as appropriate, may withhold issuance of a certificate of occupancy for an AAH Home within the Cherry Brook Development until such time as a sufficient number of certificates of occupancy for HOD Homes have been issued.

4. Nature Of Construction Of HOD Homes And AAH Homes.

Within Cherry Brook, the Developer shall offer homes which shall be built in compliance with the minimum specifications which include square footage, exterior finishes, interior materials, and amenities set forth in Schedule B of this Affordability Plan. Each HOD Home shall be comparable in size, quality and appearance to the AAH Home and shall be constructed in compliance with the minimum specifications set forth in Schedule B of this Plan. The intent of this section being that each HOD Home shall be comparable in size to AAH Homes containing the same number of bedrooms, and shall contain the same amenities as provided as standard features to all other units of the same size.

5. Notice of Initial Sale of Affordable Housing Units.

The Developer shall provide notice of the availability of each HOD Home(s) for purchase (the "Notice of Initial Sale"). Such notices shall be provided in accordance with the Affirmative Fair Housing Marketing Plan as outlined in Section C. The administrator shall also provide such notice to the Commission. Such notice shall include a description of the available HOD Home(s), the eligibility criteria for potential purchasers, the Maximum Sale Price (as hereinafter defined), and the availability of application forms and additional information. All such notices shall comply with the Federal Fair Housing Act, 42 U.S.C. §§3601 et seq. and the Connecticut Fair Housing Act, Conn. Gen. Statutes §§ 46a-64b, 64c together, the "Fair Housing Acts").

6. Purchase Eligibility.

Fifteen percent (15%) (seven (7) homes in the Community) of the homes for sale, shall be offered to families whose income is less than or equal to sixty percent (60%) of the area or statewide median income, whichever is less. Fifteen percent (15%) (seven (7) homes in the Community) of the homes for sale shall be offered to families whose income is greater that sixty percent (60%) but less than or equal to eighty percent (80%) of the area or statewide median income, whichever is less. The area and statewide median income shall be as determined by the U.S. Department of Housing and Urban Development ("HUD"). Purchasers shall be permitted to make down payments that exceed twenty (20%) percent of the purchase

price; however, for the purposes of calculating the Maximum Sale Price, a twenty percent (20%) down payment shall be used.

7. Down payments.

The down payment for a HOD Home that is sold/purchased may exceed Twenty percent (20%) of the purchase price. However, this Plan does not require, and shall not be interpreted to require, a twenty percent (20%) down payment for each unit that is sold or purchased, and thus the down payment may be reduced. There shall be no minimum down payment.

8. Required Fees And Access To Amenities.

All owners of HOD Homes shall have the same rights and privileges as owners of AAH Homes within the development, including access to and use of recreational and community amenities.

9. Principal Residence.

HOD Homes and AAH Homes shall be occupied only as an owner's principal residence.

10. Requirement To Maintain Condition.

All owners are required to maintain their units. The owner or lessee shall not destroy damage or impair the unit, allow the unit to deteriorate, or commit waste on the unit. When a HOD Homes is offered for sale or resale, the Administrator may cause the home to be inspected.

11. Resale Of A Housing Opportunity District Homes.

An Owner may sell a HOD Home at any time, provided the Owner complies with the restrictions concerning the sale of homes as set forth in this Affordability Plan and in the deed restrictions attached hereto as Schedule E (the "Deed Restrictions"). If the Owner wishes to sell, the Owner shall notify the Administrator in writing. The Owner shall pay the Administrator a fee to cover the cost of administering the sale. The Administrator shall then work with the Owner to calculate a Maximum Sale Price, as set forth in Section 5 above. The Administrator shall publish notice in the same manner as was followed for the initial sale, as set forth in Section C herein. The Administrator shall bring any purchase offers
received to the attention of the Owner.

The Owner may hire a real estate broker or otherwise individually solicit offers, independent of the Administrator's action, from potential purchasers. The Owner shall inform any potential purchaser of the affordability restrictions before any purchase and sale agreement is executed by furnishing the potential purchaser with a copy of this Affordability Plan. The purchase and sale agreement shall contain a provision to the effect that the sale is contingent upon a determination by the Administrator that the potential purchaser meets the eligibility criteria set

forth in this Plan. Once the purchase and sale agreement is executed by the Owner and potential purchaser, the potential purchaser shall immediately notify the Administrator in writing. The Administrator shall have thirty (30) days from such notice to determine the eligibility of the potential purchaser in accordance with the application process set forth in Section E here in. The Administrator shall notify the Owner and the potential purchaser of its determination of eligibility in writing within said thirty (30) day period. If the Administrator determines that the potential purchaser is not eligible, the purchase and sale agreement shall be void, and the Owner may solicit other potential purchasers. If the Administrator determines that the potential purchaser is eligible, the Administrator shall provide the potential purchaser and the Owner with a signed certification, executed in recordable form, to the effect that the sale of the particular HOD Home has complied with the provisions of this Affordability Plan. The Owner shall bear the cost of recording and the certification.

12. Enforcement.

A violation of this Affordability Plan shall not result in a forfeiture of title, but the Canton Planning and Zoning Commission, or its designated agent shall otherwise retain all enforcement powers granted by the General Statutes, including § 8-12, which powers include, but are not limited to, the authority, at any reasonable time, to inspect the property and to examine the books and records of the Administrator to determine compliance of HOD Homes with the affordable housing regulations.

13. Deed Restrictions.

The Deed Restrictions contained in Schedule E shall be included in each deed of a HOD Home during the forty (40) year period in which the affordability program is in place to provide notice of the affordability restrictions and to bind future purchasers.

14. Binding Effect.

This Affordability Plan shall be binding on the successors and assigns of VLO Group New England, LLC.

E. <u>Application Process.</u>

A family or household seeking to purchase one of the HOD Homes ("Applicant") must complete an application to determine eligibility. The application form and process shall comply with the Fair Housing Acts.

1. <u>Application Form</u>

The application form shall be provided by the Administrator and shall include an income certification form. In general, income for purposes of determining an Applicant's qualification shall include the Applicant family's total anticipated income from all sources for the twelve (12)

month period following the date the application is submitted ("Application Date"). If the Applicant's financial disclosures indicate that the Applicant may experience a significant change in the Applicant's future income during the twelve (12) month period, the Administrator shall not consider this change unless there is a reasonable assurance that the change will in fact occur. The Applicant's income need not be re-verified after the time of initial purchase. In determining what is and is not to be included in the definition of family annual income, the Administrator shall use the criteria set forth by HUD and listed on Schedule C, attached.[1]

2. *Applicant Interview*

The Administrator shall interview an Applicant upon submission of the completed application. Specifically, the Administrator shall, during the interview, undertake the following:
1. Review with the Applicant all the information provided on the application.
2. Explain to the Applicant the requirements for eligibility, verification procedures, and the penalties for supplying false information.

3. Verify that all sources of family income and family assets have been listed in the application. Make clear that the term "family" includes all individuals who are to occupy the home, and that no relationship by blood or marriage is required.

4. Request the Applicant to sign the necessary release forms to be used in verifying income. Inform the Applicant of what verification and documentation must be provided before the application is deemed complete.[1]

5. Inform the Applicant that a decision as to eligibility cannot be made until all items on the application have been verified.

6. Review with the Applicant the process and restrictions regarding resale.

3. *Verification of Applicant's Income*

Where it is evident from the income certification form provided by the Applicant that the Applicant is not eligible, additional verification procedures shall not be necessary. However, if the Applicant appears to be eligible, the Administrator shall require verification of the Applicant's reported income. If applicable, the Applicant shall provide the documentation listed on Schedule D, attached hereto, to the Administrator. This list is not exclusive, and the Administrator may require any other verification or documentation as the Administrator deems necessary.

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[1] See 24 C.F.R. § 5.609. Federal regulations are subject to change, and it is the intent of this Affordability Plan, including Schedules C and D, to use as guidelines HUD regulations with respect to income certification, as such regulations may be amended from time to time.

F. Prioritization of applicants for Initial Sale

If, after publication of the Notice of Initial Sale as described in Section C hereof, the number of qualified Applicants exceeds the number of HOD Homes, then the Administrator shall establish a priority list of applicants based on a "first come, first served" basis, subject to the applicant's income pre-certification eligibility and the preferences as established in this Section E. The HOD Homes will then be offered according to the applicant's numerical listing.

Those who meet the criteria of "least likely to apply" as defined in Connecticut State Agency Regulations §8-37ee, an meet the income eligibility criteria as set forth in Section D hereof, shall be given first preference in the purchase of fourteen (14) Affordable Housing Units offered for sale in the Community ("Preferred Units"). This preference category is subject to revision as may be required by the federal Office of Fair Housing and Equal Opportunity. This preference shall apply to the initial sales, but not to subsequent re-sales, of the HOD Homes.

G. Calculations

1. Maximum Initial Sale Price and Maximum Resale Price

Calculation of the maximum initial sale price or maximum resale price ("Maximum Sale Price") or Maximum Rental for a HOD Home, so as to satisfy C.G.S. § 8-30g, shall utilize the lesser of the area median income data for the Town of Canton or the statewide median as published by HUD as in effect on the day a purchase and sale agreement is accepted by the owner of the HOD Home("Owner").

2. The Maximum Sale or Resale Price shall be calculated as follows:

Calculation steps for a two bedroom unit at 60 percent of area or statewide median

	EXAMPLE CALCULATION OF SALES PRICE OF A 2 BEDROOM HOME FOR A HOUSEHOLD EARNING 60 PERCENT OF AREA MEDIAN INCOME:	SAMPLE COMPUTATIONS BASED ON FY 2006 DATA
1.	Determine lower of area or statewide median income for a family of four (4) (Hartford-West Hartford-East Hartford PMSA):	$81,300
2.	Determine the adjusted income for a household of 3 persons by calculating 104 percent of Item 1:	$73,170
3.	Calculate 60 percent of Item 2:	$43,902

		$13,170
4.	Calculate 30 percent of Item 3 representing the maximum portion of a family's income that may be used for housing:	
5.	Divide Item 4 by 12 to determine the maximum monthly outlay:	$1,098
6.	Determine reasonable estimate expenses, including real estate taxes ($200)[2], utilities ($150), insurance ($40) and association fee ($99):	$489
7.	Subtract Item 6 from Item 5 to determine the amount available for mortgage principal and interest:	$609
8.	Apply Item 7 to a reasonable mortgage term (such as 30 years) at a reasonably available interest rate (7.0 percent rate for the sample calculation) to determine mortgage amount:	$107,280
9.	Assume 20 percent down payment:	$24,360
10.	Add Items 8 and 9 to determine MAXIMUM SALES PRICE:	$134,100

Calculation steps for two bedroom unit at 80 percent of area or statewide median

	EXAMPLE CALCULATION OF SALES PRICE OF A 3 BEDROOM HOME FOR A HOUSEHOLD EARNING 80 PERCENT OF AREA MEDIAN INCOME:	SAMPLE COMPUTATIONS BASED ON FY 2006 DATA
1.	Determine lower of area or statewide median income for a family of four (4) (Hartford-West Hartford-East Hartford PMSA):	$81,300
2.	Determine the adjusted income for a household of 4.5 persons by calculating 104 percent of Item 1:	$84,552
3.	Calculate 80 percent of Item 2:	$67,641
4.	Calculate 30 percent of Item 3 representing the maximum portion	$20,292

of a family's income that may be used for housing:

5.	Divide Item 4 by 12 to determine the maximum monthly outlay:	$1,691
6.	Determine reasonable estimate expenses, including real estate taxes ($275)[3], utilities ($150), insurance ($40) and association fee ($99):	$564
7.	Subtract Item 6 from Item 5 to determine the amount available for mortgage principal and interest:	$1127
8.	Apply Item 7 to a reasonable mortgage term (such as 30 years) at a reasonably available interest rate (5.50 percent rate for the sample calculation) to determine mortgage amount:	$198,500
9.	Assume 20 percent down payment:	$49,625
10.	Add Items 8 and 9 to determine MAXIMUM SALES PRICE:	$248,125

H. Project Sequence

Cherry Brook will consist of 3 phases with a total of 46 units as follows:

1. Phase I has a total of 9 AAH Homes as indicated on the Cherry Brook Residential Development Site Plan as on file with the Canton Zoning Commission more fully described as Lot #'s 01, 02, 03, 04, 05, 06, 07, 08, 09. All units will be AAH units, built and offered for occupancy.

   8 units are 3 bedroom Colonial, 1720 square feet with basement and 2 car garage

   - Maximum Sale price $297,375 to be sold to those whose income does not exceed 120% of median income

   1 unit is a 3 bedroom Raised Ranch 1650 square feet with basement and 2 car garage

   - Maximum Sale price $347,000 to be sold to those whose income does not exceed 120% of median income

2. Phase II has a total of 24 Homes **(10 AAH Homes and 14 HOD Homes)** as indicated on the Cherry Brook Residential Development Site Plan as on file with the Canton Zoning Commission the HOD Homes are more fully described as Lot #'s 010, 012, 013, 014, 015, 016, 017, 019, 021, 023, 029, 031, 033, 035. The AAH Homes are more fully described on said site plan as 11, 18, 20, 22, 24, 25, 26, 27, 28, 30. All units will be built and offered for occupancy.

   8 Units - 2 Bedroom Attached Colonial - 1069 square feet without basement

   - 1 unit to be sold at a maximum initial sale price $245,625 to be sold to those whose annual income does not exceed 60% of median income
   - 7 units to be sold at a maximum initial sale price of $148,000 which is 60% of median income.

   8 Units – 3 bedroom attached Colonial – 1268 square feet without basement

   - 1 Unit to be sold at maximum sale price $297,375 to be sold to those whose annual income does not exceed 80% of median income
   - 7 Units to be sold at $237,900 which is 80% of median income

   8 Units - 3 bedroom attached Colonial, 1268 square feet with basement

   - 8 Units to be sold at maximum sale price $297,375 to be sold to those whose annual income does not exceed 120% of median income

3. Phase III has a total of 13 AHH Homes as indicated on the Cherry Brook Residential Development Site Plan as on file with the Canton Zoning Commission more fully described as Lot #'s 's 32, 34, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46. All units will be AAH units, built and offered for occupancy.

   10 units are 3 bedroom detached Colonial, 1720 sqft with basement and 2 car garage

   - 10 Units will be sold at a maximum sale price $297,375 to be sold to those whose annual income does not exceed 120% of median income

   3 units are 4 bedroom detached Cape, 1850 sqft with basement and 2 car garage

   - 3 units will be sold at a maximum Sale price $347,000 to be sold to those whose annual income does not exceed 140% of median income

SCHEDULE A

DESIGNATION OF HOD HOMES AND AAH HOMES

Housing Opportunity District Homes and Alternative Affordable Homes are shown on the Site and Subdivision Plan for the Cherry Brook Residential Development as on file with the Canton Zoning Commission, and attached hereto as Schedule A-1.

HOD Homes in this plan meet the guidelines under CGS §8-30g and the Regulations of Connecticut State Agencies §8-30g-1 1 through 8-30g-11 inclusively as indicated in the foregoing Affordable Housing Plan. The HOD Homes are designated in Phase II of the Cherry Brook Residential Development Site Plan as Lot #'s 010, 012, 013, 014, 015, 016, 017, 019, 021, 023, 029, 031, 033, 035

AAH Homes are designated throughout Phase I, Phase II and Phase III of the Cherry Brook Residential Development Site Plan and further designated as Lot #'s 001, 002, 003, 004, 005, 006, 007, 008, 009, 011, 018, 020, 022, 024, 025,026, 027, 028, 030, 032, 034, 036, 037, 038, 039, 040, 041, 042, 043, 044, 045, 046

IDENTIFICATION OF HOD HOMES
AS SHOWN ON SITE DEVELOPMENT PLAN
(ON FILE WITH THE CANTON ZONING COMMISSION)

010	012	013	014	015	016	017
019	021	023	029	031	033	035

IDENTIFICATION OF AAH HOMES
AS SHOWN ON SITE DEVELOPMENT PLAN
(ON FILE WITH THE CANTON ZONING COMMISSION)

001	002	003	004	005	006	007
008	009	011	018	020	022	024
025	026	027	028	030	032	034
036	037	038	039	040	041	042
043	044	045	046			

SCHEDULE B

MINIMUM SPECIFICATIONS FOR HOD HOMES AND AAH HOMES

Minimum Square Footage (1,069 square feet)

FOUNDATION

- Footings- pre-fabricated concrete w/ footing drain
- Floors- Poured Concrete
- Cellar Walls – Prefabricated with waterproofing and foundation coating

LAYOUT

- 2 Bedrooms (Master Bedroom with private bath)
- 2 Baths
- Living Room
- Dining Room
- Eat-in Kitchen
- Deck or Patio
- Laundry Closet
- Utility Closet
- Linen Closet
- Basement Option

EXTERIOR

- Grass front, back and side yards
- Foundation plantings
- No-maintenance vinyl siding
- Aluminum gutters and down spouts
- Two exterior weather-proof electrical outlets
- Therma-Tru weather stripped and insulated entry door
- Insulated sliding glass patio doors with screens (where applicable)
- Energy efficient vinyl windows
- Asphalt driveways and walks
- Front and rear hose bibs

INTERIOR

- Wall to wall carpeting in choice of color
- R-38 attic insulation
- R-19 exterior wall construction
- Whole house wrap plus caulk to prevent air infiltration
- Energy efficient heating system
- Quick recovery hot water heater
- Direct wire smoke detectors

- Easy care vinyl clad wire closet shelving
- Pre-wired telephone and cable TV outlets
- Laundry area with washer / dryer hook-ups
- Copper wiring throughout home
- Ground fault circuits in kitchen, bathrooms and garage

KITCHEN

- Choice of cushioned no-wax vinyl flooring
- Choice of designer laminate or traditional wood cabinets
- Electric oven
- Direct vent, two speed range hood
- Multi-cycle dishwasher
- Choice of colored laminate countertops
- Stainless steel sink with single lever faucet

BATHROOM

- Full width vanity mirrors
- Single piece acrylic tubs and shower surrounds
- Laminate vanity tops
- Choice of no-wax vinyl flooring

ESTIMATED HOME SIZE & FEATURES

Model A/Attached Townhome +/-1,069 sq. ft.

2 Bedrooms
1 1/2 Baths
Entry Foyer
Living Room
Kitchen

Model B/Attached Townhome +/-1,264 sq. ft.

3 Bedrooms
2 1/2 Baths
Entry Foyer
Living Room
Dining Room
Kitchen
Basement Option

Model C +/-1,650 sq. ft.

3 Bedrooms
1 1/2 Baths
Volume Entry Foyer
Living Room
Dining Room
Kitchen
Two-Car Garage
Unfinished Basement

Model D +/-1,720 sq. ft.

3 Bedrooms
2 1/2 Baths
Volume Entry Foyer
Living Room
Dining Room
Kitchen
Two-Car Garage
Unfinished Basement

Model E +/-1,850 sq. ft.

4 Bedrooms
2 Baths
Volume Entry Foyer
Living Room
Dining Room
Kitchen
Two-Car Garage
Unfinished Basement

SCHEDULE C

DEFINITIONS AND ELEMENTS OF ANNUAL FAMILY INCOME

1. Annual income includes, but is not limited to, the following:

(a) The full amount, before any payroll deductions, of wages and salaries, overtime pay, commissions, fees, tips, bonuses and other compensation for personal services;

(b) The net income from operations of a business or profession, before any capital expenditures but including any allowance for depreciation expense;

(c) Interest, dividends, and other net income of any kind from real or personal property;

(d) The full amount of periodic payments received from social security, annuities, insurance policies, retirement funds, pensions, disability or death benefits, or other similar types of periodic payments;

(e) Payments in lieu of earnings, such as unemployment and disability compensation, worker's compensation, and severance pay;

(f) Welfare assistance. If the welfare assistance payments include an amount specifically designated for shelter and utilities that is subject to adjustment by the welfare assistance agency in accordance with the actual cost of shelter and utilities, the amount of welfare assistance to be included as income consists of the following:

(i) The amount of the allowance exclusive of the amounts designated for shelter or utilities, plus

(ii) The maximum amount that the welfare assistance agency could in fact allow the family for shelter and utilities;

(g) Periodic and determinable allowances, such as alimony and child support payments, and regular contributions or gifts received from persons not residing with the Applicant (e.g. periodic gifts from family members, churches, or other sponsored group, even if the gifts are designated as rental or other assistance);

(h) All regular pay, special pay and allowances of a member of the armed forces; and

(i) Any earned income tax credit to the extent it exceeds the income tax liability of the Applicant.

2. Excluded from the definition of family annual income are the following:

(a) Income from employment of children under the age of 18;

(b) Payments received for the care of foster children;

(c) Lump-sum additions to family assets, such as inheritances, insurance payments, capital gains and settlement for personal or property losses;

(d) Amounts received that are specifically for, or in reimbursement of, the cost of medical expense for any family member;

(e) Amounts of educational scholarships paid directly to the student or to the educational institution, and amounts paid by the government to a veteran in connection with education costs;

(f) Amounts received under training programs funded by HLTD;

(g) Food stamps; and

(h) Temporary, nonrecurring or sporadic income (including gifts that are not regular or periodic.

3. Net family assets for purposes of imputing annual income include the following:

(a) Cash held in savings and checking accounts, safety deposit boxes, etc.;

(b) The current market value of a trust for which any household member has an interest;

(c) The current market value, less any outstanding loan balances of any rental property or other capital investment;

(d) The current market value of all stocks, bonds, treasury bills, certificates of deposit and money market funds;

(e) The current value of any individual retirement or Keogh account;

(f) The cash value of a retirement or pension fund which the family member can withdraw without terminating employment or retiring;

(g) Any lump-sum receipts not otherwise included in income (i.e., inheritances, capital gains, one-time lottery winnings, and settlement on insurance claims);

(h) The current market value of any personal property held for investment (i.e., gems, jewelry, coin collections); and

(i) Assets disposed of within two (2) years before the Application Date, but only to the extent consideration received was less than the fair market value of the asset at the time it was sold.

4. Net family assets do not include the following:

(a) Necessary personal property (clothing, furniture, cars, etc.);

(b) Vehicles equipped for handicapped individuals;

(c) Life insurance policies;

(d) Assets which are part of an active business, not including rental properties; and

(e) Assets that are not accessible to the Applicant and provide no income to the Applicant.

SCHEDULE D

DOCUMENTATION OF INCOME

The following documents shall be provided, where applicable, to the Administrator to determine income eligibility:

1. Employment Income.
Verification forms must request the employer to specify the frequency of pay, the effective date of the last pay increase, and the probability and effective date of any increase during the next twelve (12) months. Acceptable forms of verification (of which at least one must be included in the Applicant file) include:

(a) An employment verification form completed by the employer.

(b) Check stubs or earnings statement showing Applicant's gross pay per pay period and frequency of pay.

(c) W-2 forms if the Applicant has had the same job for at least two years and pay increases can be accurately projected.

(d) Notarized statements, affidavits or income tax returns signed by the Applicant describing self-employment and amount of income, or income from tips and other gratuities.

2. Social Security, Pensions, Supplementary Security Income, Disability Income.

(a) Benefit verification form completed by agency providing the benefits.

(b) Award or benefit notification letters prepared and signed by the authorizing agency. (Since checks or bank deposit slips show only net amounts remaining after deducting SSI or Medicare, they may be used only when award letter cannot be obtained.)

(c) If a local Social Security Administration (SSA) office refuses to provide written verification, the Administrator should meet with the SSA office supervisor. If the supervisor refuses to complete the verification forms in a timely manner, the Administrator may accept a check or automatic deposit slip as interim verification of Social Security or SSI benefits as long as any Medicare or state health insurance withholdings are included in the annual income.

3. Unemployment Compensation.

(a) Verification form completed by the unemployment compensation agency.

(b) Records from unemployment office stating payment dates and amounts.

4. Government Assistance.

(a) All Government Assistance Programs. Agency's written statements as to type and amount of assistance Applicant is now receiving, and any changes in assistance expected during the next twelve (12) months.

(b) Additional Information for "As-paid" Programs: Agency's written schedule or statement that describes how the "as-paid" system works, the maximum amount the Applicant may receive for shelter and utilities and, if applicable, any factors used to ratably reduce the Applicant's grant.

5. Alimony or Child Support Payments.

(a) Copy of a separation or settlement agreement or a divorce decree stating amount and type of support and payment schedules.

(b) A letter from the person paying the support.

(c) Copy of latest check. The date, amount, and number of the check must be documented.

(d) Applicant's notarized statement or affidavit of amount received or that support payments are not being received and the likelihood of support payments being received in the future.

6. Earned Income Tax Credit.

(a) For credits applied in one lump sum against tax liability, use income tax return (IRS Form 1040 or 1040A).

(b) For credits applied through regular salary paychecks, use IRS Form W-5 (Earned Income Credit Advance Payment Certificate).

7. Net Income from a Business.
The following documents show income for the prior years. The Administrator must consult with Applicant and use this data to estimate income for the next twelve (12) months.

(a) IRS Tax Return, Form 1040, including any:
Schedule C (Small Business)
Schedule E (Rental Property Income)
Schedule F (Farm Income)

(b) An accountant's calculation of depreciation expense, computed using straight-line depreciation rules. (Required when accelerated depreciation was used on the tax return or financial statement.)

(c) Audited or unaudited financial statement(s) of the business.

(d) A copy of a recent loan application listing income derived from the business during the previous twelve (12) months.

(e) Applicant's notarized statement or affidavit as to net income realized from the business during previous years.

8. Recurring Gifts.

(a) Notarized statement or affidavit signed by the person providing the assistance. Must give the purpose, dates and value of gifts.

(b) Applicant's notarized statement or affidavit that provides the information above.

9. Scholarships, Grants, and Veterans Administration Benefits for Education.

(a) Benefactor's written confirmation of amount of assistance, and educational institution's written confirmation of expected cost of the student's tuition, fees, books and equipment for the next twelve (12) months. To the extent the amount of assistance received is less than or equal to actual educational costs, the assistance payments will be excluded from the Applicant's gross income. Any excess will be included in income.

(b) Copies of latest benefit checks, if benefits are paid directly to student.
Copies of canceled check or receipts for tuition, fees, books, and equipment, if such income and expenses are not expected to changed for the next twelve (12) months.

(c) Lease and receipts or bills for rent and utility costs paid by students living away from home.

10. Family Assets Currently Held.
For non-liquid assets, collect enough information to determine the current cash value (i.e., the net amount the Applicant would receive if the asset were converted to cash).

(a) Verification forms, letters, or documents from a financial institution, broker, etc.

(b) Passbooks, checking account statements, certificates of deposit, bonds, or financial statements completed by a financial institution or broker.

(c) Quotes from a stock broker or realty agent as to net amount Applicant would receive if Applicant liquidated securities or real estate.

(d) Real estate tax statements if tax authority uses approximate market value.

(e) Copies of closing documents showing the selling price, the distribution of the sales proceeds and the net amount to the borrower.

(f) Appraisals of personal property held as a investment.

(g) Applicant's notarized statements or signed affidavits describing assets or verifying the amount of cash held at the Applicant's home or in safe deposit boxes.

11. Assets Disposed of for Less Than Fair Market Value ("FMV") During Two Years Preceding Application Date.

(a) Applicant's certification as to whether it has disposed of assets for less than FMV during the two (2) years preceding the Application Date.

(b) If the Applicant states that it did dispose of assets for less than FMV, then a written statement by the Applicant must include the following:

a. A list of all assets disposed of for less than FMV;
(ii) The date Applicant disposed of the assets;
(iii) The amount the Applicant received; and
(iv) The market value to the asset(s) at the time of disposition.

12. Savings Account Interest Income and Dividends.

(a) Account statements, passbooks, certificates of deposit, etc., if they show enough information and are signed by the financial institution.

(b) Broker's quarterly statements showing value of stocks or bonds and the earnings credited the Applicant.

(c) If an IRS Form 1099 is accepted from the financial institution for prior year earnings, the Administrator must adjust the information to project earnings expected for the next twelve (12) months.

13. Rental Income from Property Owned by Applicant.
The following, adjusted for changes expected during the next twelve (12) months, may be used:

(a) IRS Form 1040 with Schedule E (Rental Income).

(b) Copies of latest rent checks, leases, or utility bills.

(c) Documentation of Applicant's income and expenses in renting the property (tax statements, insurance premiums, receipts for reasonable maintenance and utilities, bank statements or amortization schedule showing monthly interest expense).

(d) Lessee's written statement identifying monthly payments due the Applicant and Applicant's affidavit as to net income realized.

14. Full-Time Student Status.

(a) Written verification from the registrar's office or appropriate school official.

(b) School records indicating enrollment for sufficient number of credits to be considered a full-time student by the school.

SCHEDULE E

DEED RESTRICTIONS

The language below shall be inserted in each deed for a Housing Opportunity Unit for the duration of the forty (40) year sale price restriction period.

The property conveyed hereby is an "affordable housing unit" as defined in C.G.S. § 8-30g. Said property is subject to the following restrictions (the "Restrictions"):

TO BE INSERTED INA DEED FOR A SIXTY PERCENT HOME:

1. The owner of said unit shall sell or transfer said unit ("a lower income home") only to a family or household whose income is equal to or less than sixty percent (60%) of the lesser of the area median income for the Town of Canton ("Town"), or the statewide median as determined by the Connecticut Department of Housing and the U.S. Department of Housing and Urban Development ("HUD"). This designation as a lower income home shall remain in place for the duration of the price restriction period. Determination of a potential purchaser's eligibility shall be made by the Administrator (as defined in that certain Affordability Plan (the "Affordability Plan") for the Community of which said property is a part, a copy of which site plan is on file in the Town's Planning and Zoning Office).

TO BE INSERTED INA DEED FOR AN EIGHTY PERCENT HOME:

1. The owner of said unit shall sell or transfer said unit ("a moderate income home") only to a family or household whose income is greater than sixty percent (60%) but less than or equal to eighty percent (80%) of the lesser of the area median income for the Town of Canton ("Town"), or the statewide median as determined by the Connecticut Department of Housing and the U.S. Department of Housing and Urban Development ("HUD"). This designation as a moderate income home shall remain in place for the duration of the price restriction period. Determination of a potential purchaser's eligibility shall be made by the Administrator (as defined in that certain Affordability Plan (the "Affordability Plan") for the Community of which said property is a part, a copy of which site plan is on file in the Town's Planning and Zoning Office).

TO BE INSERTED IN ALL AFFORDABLE HOUSING UNIT HOMES:

2. In the event said owner desires to make said property available for sale, said owner shall notify the Administrator in writing. The owner shall ay the Administrator a fee to cover the cost of administering the sale. The Administrator shall ten provide notice of the availability of said property for purchase. Such notice shall be provided, at a minimum, by advertising at least two times in newspapers of general circulation in the Town. The owner shall bear the cost of such advertisement. The Administrator shall also provide such notice to the Canton Planning and Zoning Commission and The Town of Canton. Such notice shall include a description of said property, the eligibility criteria for potential purchasers, the Maximum Sale Price and the availability of application forms and additional information. All such notices shall comply with the Federal Fair Housing Act, 42

U.S.C. 3601 et seq. and the Connecticut Fair Housing Act Conn. Gen. Stat. §§46a-64b, 64c. Said owner may hire a real estate broker or otherwise individually solicit offers, independent of the Administrator's action, from potential purchasers. Said owner shall inform any potential purchaser of the affordability restrictions before any purchase and sale agreement is executed by furnishing the potential purchaser with a copy of the Affordability Plan. The purchase and sale agreement shall contain a provision to the effect that the sale is contingent upon a determination by the Administrator that the potential purchaser meets the eligibility criteria set forth in the Affordability Plan. Once the purchase and sale agreement is executed by said owner and the potential purchaser, the potential purchaser shall immediately notify the Administrator in writing. The Administrator shall have thirty (30) days from such notice to determine the eligibility of the potential purchaser in accordance with the application process set forth in the Affordability Plan. The Administrator shall notify said owner and the potential purchaser of its determination of eligibility in writing within said thirty (30) day period. If the Administrator determines that the potential purchaser is not eligible, the purchase and sale agreement shall be void, and said owner may solicit other potential purchasers. If the Administrator determines that the potential purchaser is eligible, the Administrator shall provide the potential purchaser and said owner with a signed certification, executed in recordable form, to the effect that the sale of the particular Affordable Housing Unit has complied with the provisions of the Affordability Plan. The owner shall bear the cost of recording said certification.

3. Said owner shall occupy said property as said owner's principal residence and shall not lease said property.

4. Said owner shall maintain said property. Said owner shall not destroy, damage or impair said property, allow said property to deteriorate, or commit waste on said property. When said property is offered for re-sale, the Administrator may cause said property to be inspected.

5. A site plan for this community was approved by agencies of the Town of Canton based in part on the condition that a defined percentage of the homes in the community would be preserved as affordable homes. The Restrictions are required by law to be strictly enforced.

6. A violation of the restrictions shall not result in a forfeiture of title, but the Canton Planning and Zoning Commission or its designated agent shall otherwise retain all enforcement powers granted by the Connecticut General Statutes, included §8-12, which powers include, but are not limited to, the authority, at any reasonable time, to inspect said property and to examine the books and records of the Administrator to determine compliance of said property with the affordable housing regulations.

Capitol Region Council of Governments

241 Main Street • Hartford • Connecticut • 06106

Telephone (860) 522-2217 • Fax (860) 724-1274

www.crcog.org

Melody A. Currey, Chairman
Lyle D. Wray, Executive Director

April 20, 2009

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PLANNING AND ZONING COMMISSION

Town of Canton

REPORT ON Zoning REFERRAL

Z-2009-25

COMMISSIONERS:

Receipt is acknowledged of the above-mentioned referral. Notice of this proposal was transmitted to the Planning Division of the Capitol Region Council of Governments under the provisions of Section 8-3b of the Connecticut General Statutes, as amended.

Proposed amendment to Article I, Section 4 - Districts to add Mixed Residential Restricted (MRR) Homes to the classes of residential zoning districts in Canton; and proposed amenment to Article II Residents Districts to add new Section 26, Mixed Residential Restricted District in accordance with the text provided.

Comment: The staff of the Regional Planning Commission of the Capitol Region Council of Governments has reviewed both amendments in this referral and finds no apparent conflict with regional plans and policies or the concerns of neighboring towns. We commend the commission on its committment to providing a range of housing opportunites in the Town of Canton, an initiatives that is harmonious with key housing goals in the CRCOG Regional Plan.

Questions concerning this referral should be directed to Emily Moos.

In accordance with our procedures this letter will constitute final CRCOG action on this referral. The public hearing date has been scheduled for 5/20/2009.

DISTRIBUTION:

Planner: Avon, Granby, Simsbury, Burlington, Barkhamsted, New Hartford, Central CT RPA

Respectfully submitted,
John Larensen, Chairman
Regional Planning Commission
Elaine Carey, Vice Chairman
Regional Planning Commission

Emily Moos
Senior Community Development Planner

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REFERRAL NOTIFICATION TO THE COMPREHENSIVE PLAN COMMITTEE

TO: Comprehensive Plan Committee
FROM: Michael Tonelli, Regional Planner, Comprehensive Planning Commission, Central CT Regional Planning Agency, 225 N. Main St, Suite 304, Bristol, CT 06010 (860) 589-7820
DATE: 4/29/2009
REFERRAL NUMBER: PY-98
MUNICIPALITY: Plymouth
TYPE OF REFERRAL: ZONING
TITLE OF REFERRAL: **Proposed amendments to Article 2.C – Definitions and Article 4.B – General Use Regulations.**
DATE OF PUBLIC HEARING: May 28, 2009

DESCRIPTION OF REFERRAL:

The Town of Plymouth is updating their Zoning Regulations by amending Article 2.C – Definitions and Article 4.B – General Use Regulations. They are adding eight new definitions and a new use for Wood Burning Furnaces.

Central Connecticut Regional Plan

Referral PY-98 is determined to be Not In Conflict with the Plan of Conservation and Development for the Central Connecticut Region 2007-2017 or any other plan of the Agency.

MICHAEL

TOWN OF PLYMOUTH LAND USE DEPARTMENT

PY-98
5/7/09

80 Main Street, Terryville, Connecticut 06786
Telephone: (860) 585-4043 Fax: (860) 314-2564
http://www.plymouthct.us
landusestaff@plymouthct.us

April 13, 2009

Mr. Carl Stephani
Executive Director
Central Connect Regional Planning Agency
225 North Main Street - Suite 304
Bristol, CT 06010-4993

RE: Proposed Amendments to the Plymouth Zoning Regulations, Sections Article 2.C-Definitions; and Article 4.B-General Use Regulations.

Dear Mr. Stephani,

In accordance with Section 8-3b of the Connecticut General Statutes, enclosed for your agency's review are the proposed text changes to the Plymouth Zoning Regulations. The proposed amendments included text changes to Article 2.C-Definitions and Article 4.B-General Use Regulations.

A public hearing has been tentatively scheduled for May 28, 2009. If written comments are received from you agency prior to the start of the public hearing they will be included into the record.

Please feel free to contact me with any questions.

Yours truly,

Khara C. Dodds

Khara C. Dodds, AICP
Director of Planning/Economic Development

C.
Planning and Zoning Commission
David Elder, ZEO

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APR 15 2009

TOWN OF PLYMOUTH LAND USE DEPARTMENT

80 Main Street, Terryville, Connecticut 06786
Telephone: (860) 585-4043 Fax: (860) 314-2564
http://www.plymouthct.us
landusestaff@plymouthct.us

MEMORANDUM

TO: Planning and Zoning Commission

FROM: David Elder,
Inland Wetlands/ Zoning Official

DATE: March 24, 2009

RE: Draft Amendments to the Plymouth Zoning Regulations

Please review and at your satisfaction schedule a public hearing on the matter.

Definitions:

New:

All-Terrain Vehicle (ATV) - a self-propelled vehicle designed to travel over unimproved terrain and which has been determined by the Commissioner of Motor Vehicles to be unsuitable for operation on the public highways including, but not limited to, quads, ATV's, dirt bikes, and motorcycles not approved for on road use whether modified or not.

Improvement-any man-made change or development to improved or unimproved real estate including, but not limited to, land, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or permanent storage of materials or equipment.

Material-any substance, solid or liquid, organic or inorganic, including, but limited to soil, sediment, aggregate, land, gravel, clay, bog, mud, debris, sand, refuse, or waste.

Non Profit- a use, business, agency or entity recognized by the Internal Revenue Service as not being operated for profit.

Outdoor Wood-burning Furnace - an accessory structure or appliance designed to be located outside living space ordinarily used for human habitation and designed to transfer or provide heat, via liquid or other means, through the burning of wood or solid waste, for heating spaces other than where such structure or appliance is located, or to any other structure or appliance on the premises, or for heating

domestic, swimming pool, hot tub or jacuzzi water, but does not include a fire pit, wood-fired barbecue or chiminea.

Outside Storage-the outside storage, depositing, or display of merchandise, supplies, machinery or materials and/or the outside manufacture, processing or assembling, or depositing of goods, outside of a building or structure but excluding registered motor vehicles.

Modifications:

Development-any man-made change, ***or improvement to***, improved or unimproved real estate, including but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or permanent storage of materials or equipment.

Swimming Pool-a ***solid framed*** water filled structure, above or below ground, permanently constructed or portable, having a depth of more than 24 inches and a surface area of more than 60 square feet, used for bathing or swimming.

New Permitted Use- Wood Burning Furnaces

No person shall, from the effective date of this section, construct, install, establish, modify, operate or use an outdoor wood-burning furnace, unless (1) the outdoor wood-burning furnace was constructed, installed, established, modified, operated or in use prior to the effective date of this section, or (2) the outdoor wood-burning furnace complies with the following:

a) No person shall construct, install, establish, modify, or operate a wood-burning furnace on any lot of less than two acres.

b) Installation of the outdoor wood-burning furnace is not less than two hundred feet from the nearest residence not serviced by the outdoor wood-burning furnace;

c) Installation of the chimney of the outdoor wood-burning furnace is at a height that is more than the height of the roof peaks of the residences that are located within five hundred feet of the outdoor wood-burning furnace, which residences are not serviced by the outdoor wood-burning furnace, provided the chimney height is not more than fifty-five feet;

d) No other materials are burned in the outdoor wood-burning furnace other than wood that has not been chemically treated; and

e) Installation and operation of the outdoor wood-burning furnace is in accordance with the manufacturer's written instructions, provided such instructions do not conflict with the provisions of this section.

f) The provisions of this section shall be enforced by the Commissioner of Environmental Protection and may be enforced by the municipality affected by the operation or potential operation of an outdoor wood-burning furnace.

g) Any person who operates an outdoor wood-burning furnace in violation of this section shall be deemed to have committed an infraction and shall be subject to sec. 13-91 through 13-94 of the

Plymouth Code of Ordinances. Each day of operation of such outdoor wood-burning furnace in violation of this section shall be a separate violation.

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COMPREHENSIVE PLAN COMMITTEE REFERRAL

TYPE: ZONING ☑ SUBDIVISION ☐ SPECIAL ☐

PROJECT IDENTIFICATION NUMBER: **PY-98**

DATE RECEIVED BY C.C.R.P.A.: **April 15, 2009**
MUNICIPAL PUBLIC HEARING SCHEDULED: **May 28, 2009**

THE ABOVE CITED REFERRAL HAS BEEN RECEIVED FROM THE **TOWN OF PLYMOUTH** AND IS REFERRED TO THE FOLLOWING COMMISSION BY THIS AGENCY: **Bristol Planning & Zoning Commission**☐.

DESCRIPTION OF PROPOSAL: **Proposed Amendments to the Plymouth Regulations – Article 2.C – Definitions and Article 4.B – General Use Regulations.**

PLEASE RETURN COMMENTS AND RECOMMENDATIONS TO MICHAEL TONELLI AT THE C.C.R.P.A. BY **FRIDAY – May 1, 2009**. THE C.P.C. MEETING IS SCHEDULED FOR **THURSDAY – May 7, 2009.**

X NO COMMENT ☐ COMMENT AS FOLLOWS: _____

SIGNED: [illegible] DATE: 4/20/09

TITLE: City Planner MUNICIPALITY: Bristol

Return one copy of this form to:

CENTRAL CONNECTICUT REGIONAL PLANNING AGENCY
225 NORTH MAIN STREET - SUITE 304
BRISTOL, CT 06010-4993
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REFERRAL NOTIFICATION TO THE COMPREHENSIVE PLAN COMMITTEE

TO: Comprehensive Plan Committee
FROM: Michael Tonelli, Regional Planner, Comprehensive Planning Commission, Central CT Regional Planning Agency, 225 N. Main St, Suite 304, Bristol, CT 06010 (860) 589-7820
DATE: 4/29/2009
REFERRAL NUMBER: PY-99
MUNICIPALITY: Plymouth
TYPE OF REFERRAL: ZONING
TITLE OF REFERRAL: **Proposed amendment to Article 4B – Table of General use regulation.**
DATE OF PUBLIC HEARING: May 28, 2009

DESCRIPTION OF REFERRAL:

The Town of Plymouth is updating their Zoning Regulations by amending Article 4B – Table of General use regulation. They are changing the Single Family Detached category under Residential Uses from a use permitted by right to special permit within the Lake District (R-Lake).

Central Connecticut Regional Plan

Referral PY-99 is determined to be Not In Conflict with the Plan of Conservation and Development for the Central Connecticut Region 2007-2017 or any other plan of the Agency.

TOWN OF PLYMOUTH LAND USE DEPARTMENT

PY-99
5/7/09

80 Main Street, Terryville, Connecticut 06786
Telephone: (860) 585-4043 Fax: (860) 314-2564
http://www.plymouthct.us
landusestaff@plymouthct.us

April 17, 2009

Mr. Carl Stephani
Executive Director
Central Connecticut Regional Planning Agency
225 North Main Street
Suite 304
Bristol, CT 06010-4993

RE: Proposed Amendments to the Plymouth Zoning Regulations, Sections Article 4B – Table of General Use Regulations

Dear Mr. Stephani,

In accordance with Section 8-3b of the Connecticut General Statutes, enclosed for your agency's review are the proposed text changes to the Plymouth Zoning Regulations.

The proposed amendments included text changes to Article 4B – Table of General Use Regulations. A public hearing has been tentatively scheduled for May 28, 2009. If written comments are received from you agency prior to the start of the public hearing they will be included into the record.

Please feel free to contact me with any questions.

Yours truly,

Khara C Dodds

Khara C. Dodds, AICP
Director of Planning/Economic Development

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C.
Planning and Zoning Commission
David Elder, ZEO

TOWN OF PLYMOUTH LAND USE DEPARTMENT

80 Main Street, Terryville, Connecticut 06786
Telephone: (860) 585-4043 Fax: (860) 314-2564
http://www.plymouthct.us
landusestaff@plymouthct.us

Proposed Amendment -

Article 4, Section B entitled "Table of General Use Regulations" of the Town of Plymouth Zoning Regulations to be amended as follow:

To change the "Single Family Detached" category under Residential Uses from a use Permitted by Right to (P) to Special Permit (SP) permit the Single Family Detached dwelling units in the Lake District (R-Lake) by Special Permit.

Purpose of the R-Lake District: To provided for the most rational and orderly development in areas bordering the lakes. Further, the purpose is to protect existing and proposed development around the lakes from siltation and pollution.

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COMPREHENSIVE PLAN COMMITTEE REFERRAL

TYPE: ZONING ☑ SUBDIVISION ☐ SPECIAL ☐

PROJECT IDENTIFICATION NUMBER: **PY-99**

DATE RECEIVED BY C.C.R.P.A.: **April 20, 2009**
MUNICIPAL PUBLIC HEARING SCHEDULED: **May 28, 2009**

THE ABOVE CITED REFERRAL HAS BEEN RECEIVED FROM THE **TOWN OF PLYMOUTH** AND IS REFERRED TO THE FOLLOWING COMMISSION BY THIS AGENCY: **Bristol Planning & Zoning Commission**☐.

DESCRIPTION OF PROPOSAL: **Proposed Amendments to the Plymouth Zoning Regulations – Article 4.B – Table of General Use Regulations.**

PLEASE RETURN COMMENTS AND RECOMMENDATIONS TO MICHAEL TONELLI AT THE C.C.R.P.A. BY **FRIDAY – May 1, 2009.** THE C.P.C. MEETING IS SCHEDULED FOR **THURSDAY – May 7, 2009.**

☒ NO COMMENT ☐ COMMENT AS FOLLOWS: _____

SIGNED: [illegible] DATE: 4/28/09

TITLE: City Planner MUNICIPALITY: Bristol

Return one copy of this form to:

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REFERRAL NOTIFICATION TO THE COMPREHENSIVE PLAN COMMITTEE

TO: Comprehensive Plan Committee
FROM: Michael Tonelli, Regional Planner, Comprehensive Planning Commission, Central CT Regional Planning Agency, 225 N. Main St, Suite 304, Bristol, CT 06010 (860) 589-7820
DATE: 4/29/2009
REFERRAL NUMBER: SG-185
MUNICIPALITY: Southington
TYPE OF REFERRAL: ZONING
TITLE OF REFERRAL: Proposed Zoning Regulation Amendments to Section 5-02.11, Town of Southington – Applicant, and 3-08.4 and 3-08.5A3, Lovley Development, INC. – Applicant.
DATE OF PUBLIC HEARING: May 19, 2009

DESCRIPTION OF REFERRAL:

The Town of Southington is proposing to add Language to Section 5-02.1 to allow Industrial Parks to the zoning regulations. The purpose is to allow the creation of a master planned industrial park on land zoned I-2 intended to incorporate big box development and smaller lots supported by an integrated and park-wide approach to landscaping, resource protection, buffering of neighboring uses, and stormwater management.

Lovley Development, INC. is proposing text amendments to Section 3-08.4 and 3-08.5A3. The purpose of this proposal is so that the developer can have more flexibility in developing affordable housing stock that does not have to be a condominium development and could be single-family duplex.

Central Connecticut Regional Plan

Referral SG-185 is determined to be Not In Conflict with the Plan of Conservation and Development for the Central Connecticut Region 2007-2017 or any other plan of the Agency.

561-155
5/7/09

PLANNING AND ZONING DEPARTMENT

P.O. BOX 610 SOUTHINGTON, CONNECTICUT 06489 (860) 276-6248

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APR 10 2009

CERTIFIED MAIL
RETURN RECEIPT REQUESTED #7007 1490 0003 8282 5299

April 9, 2009

Mr. Carl J. Stephani
Executive Director
Central Connecticut Regional Planning Agency
225 North Main Street, Suite 304
Bristol, CT 06010

RE: Proposed Zoning Regulation Amendments (ZA #548 and ZA #549)

Dear Mr. Stephani:

In accordance with the provisions of Section 8-25 of the Connecticut General Statutes, enclosed please find a copy of proposed revisions to Southington's Zoning Regulations, as follows:

- Section 5-02.1 I: New Industrial Park provisions.
- Revisions to Section 3-08.4, 3-08.5A3 and 3-08.5A3b.

The Planning and Zoning Commission has not yet scheduled the public hearing on these items as of this writing. Copies of the proposed text are enclosed.

Please feel free to contact me at (860) 276-6248 with any questions.

Sincerely,

Mary F Savage

Mary F. Savage, AICP
Town Planner

enclosure

P:\REFERRALS\ZA #548 and 549\ccrpa.doc

PROPOSED NEW TEXT = BOLD ITALICS
PROPOSED DELETIONS = [ITALICS]

5-02.1 I – Industrial Park

Purpose – to allow the creation of a master planned industrial park on land zoned I-2 intended to incorporate big box development and smaller lots supported by an integrated and park-wide approach to landscaping, resource protection, buffering of neighboring uses, and stormwater management.

In this master planned development not more than 50 % of the developable acreage may be proposed with lots less than two acres but larger than ½ acre, providing the topography and screening adequately protects the adjacent uses, that the stormwater requirements are addressed within the industrial park as a whole, and no lots between ½ acre and 2 acres in size shall abut the interstate highway.

The Commission may, by supermajority vote of the entire Commission, approve an Industrial Park on land currently zoned I-2 providing the site meets the specific criteria, as follows:

1. ***Parcel or parcels comprising the proposed industrial park shall total not less than 60 gross acres in size and MUST have frontage of at least 1,000 feet on an interstate highway.***

2. ***All lots to be created must have access and frontage on a town right of way and must have public water and sewer.***

3. ***Master plan for industrial park must meet the stormwater management needs and landscaped buffer needs for any parcels created that are smaller in area than allowed in the underlying zone, if those requirements are not met on the individual parcels.***

4. ***All lots (between .5 and 1.99 acres in size) intended primarily for outside storage shall have the accessory building situated along road frontage and the frontage shall be heavily landscaped to help reduce the view of the storage from the road and the sides and rear of the lots shall be fenced in with lightproof fence.***

5. ***Natural areas in the industrial park shall not be fenced in to allow wildlife to use these areas for habitat and corridors.***

6. ***Requirements for the screening and buffering of outside storage on smaller lots can be provided by the overall site providing that the landscaped screen is not less than 50' as required by the underlying zone, and that the applicant demonstrates it meets the intent of the regulations.***

7. ***Individual site plans may require oil/water separators or impervious surfaces for the storage of certain types of materials.***

8. ***Applicant must demonstrate that development is designed in concert with or enhancing existing topography to reduce views of and impacts from outside storage uses in relation to adjacent development.***

LOVLEY
DEVELOPMENT, INC.
Commercial and Residential Builders and Developers

Suite 11, 710 Main St., Plantsville, CT 06479 • 860-276-8068 • Fax 860-621-5810

April 2, 2009

Town of Southington
75 Main Street
Southington, CT 06489

Attention Mary Savage

Subject: Zone Text Change

We would like to propose new text to be added to Section 3 -08.04:

The Commission may approve an area of between 10-30 acres to be zoned HOD providing it meets or exceeds the following criteria: property must be served by public water and sewer; property must be within 1000 feet of a business or industrial zone; project must have direct access from an arterial or collector street.

Proposed modification of Section 3-08.5A3 to have the first sentence as 3a, and to move the second sentence to new section 3-08.5A3b and add the following language at the end: "The separation distance may be reduced to a minimum of 20' by a supermajority vote of the Commission."

If you have any questions, please feel free to call.

Mark Lovley
Its President

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SOUTHINGTON
PLANNING & ZONING DEPT.

7. No building or other improvements shall be established in connection with any of the purposes set forth herein unless a Special Permit therefore is secured from the Commission, in accordance with the provisions of Section Eight, as consistent with and in support of the approved open space purposes.

3-08 HOUSING OPPORTUNITY DISTRICT ("HOD")[1]

3-08.1 General

The Housing Opportunity District (HOD) is a class of district that may be established by the Commission and delineated on the Zoning Map upon petition by the owner of property or by any person duly authorized by said owner and after due notice and public hearing as required by law for amendment of these Regulations.

3-08.2 Purpose – The HOD is made part of the Comprehensive Plan of Zoning for the following purposes:

A. To encourage the construction of housing that is both affordable as defined by State Statutes and is consistent with design and construction standards present in the community.

B. To assist the Town of Southington in complying with the State Zoning Enabling Act, Connecticut General Statutes § 8-2, as amended by Public Act 91-392, by adopting zoning regulations that promote housing choice and economic diversity, including housing for low and moderate income households.

C. To utilize existing infrastructure efficiently and to promote neighborhood planning by providing, where infrastructure support is available, a mix of housing types, densities, sizes and prices.

3-08.3 Petition – A petition for a change in zone boundary for the purpose of establishing a HOD may be filed with the commission in accordance with the provisions of Section 14-03. After the zone change is approved, approval of a site plan and special permit use application is required.

3-08.4 Area of HOD – The area to be zoned HOD shall consist of not less than 30 acres in a single tract by a number of continguous tracts under one ownership, or consolodated into a single tract by a number of different owners by means of a binding agreement which will assure the uniform treatment of an overall development for the entire tract from the time of application and continuing thereforth.

3-08.5 Permitted Uses

[1] New, ZA #538, effective 9/22/07

A. Multi-family dwelling units for rental use or for sale, subject to the following requirements:

1. Each multi-family dwelling shall be served by public sewer and water.

2. No building shall contain more than 6 dwelling units.

3. The minimum distance between multi-family buildings shall be 45 feet. Duplex and detached single-family dwellings may be a minimum of 30 feet apart in a condominium project.

4. The minimum setback from the road shall be 40 feet.

5. The minimum side yard setback shall be 40 feet.

6. The minimum rear yard setback shall be 40 feet.

7. The minimum distance between the rear of the units shall be 45 feet. The minimum distance between the sides of units shall be 45 feet. Duplex and single-family dwellings may be a minimum of 30 feet apart in a condominium project.

8. Decks and patios shall not be in the building setback.

9. No residential or accessory building shall exceed three stories or 35 feet in height.

B. A lease or sales office, recreational facilities and garages for the private use of the residents and their guests;

C. One or more swimming pools and such buildings as are reasonably associated with the use of swimming pools. Swimming pools must be fenced in with a locking gate for safety.

D. Active and passive recreational uses, including, but not limited to, walking trails, tot playlots, and picnic areas. Plans shall provide on the same parcel of land an enclosed playspace for the children of such dwellings which shall contain not less than 400 square feet for each family housed, except in the case of elderly housing units where such space shall be provided for active or passive adult recreation. The Commission in its sole discretion, if subject to a two-thirds affirmative vote, may waive or reduce recreational requirements for elderly housing set forth herein above, if it finds that the proposed use is designed exclusively for elderly housing, that all or a majority of the proposed units shall be designed to have not more than one bedroom per unit and that the lot is located within a reasonable safe distance to a public park, public school or other facility with a reasonable area of land dedicated to recreational usage.

E. Signs, as provided in Section 13;

F. Other accessory uses customary with and incidental to the aforesaid permitted uses.

3-08.6 Development Density – Dwelling unit density in the HOD shall not exceed eight (8) dwelling units per acre of land. For purposes of computing allowable density, the minimum required area of the HOD shall exclude the area of ponds, marshes and other wetlands and other areas with a natural slope in excess of 25 percent.

3-08.7 Affordability Requirement – Not less than thirty percent (30%) of the dwelling units in the HOD development (and each phase of the development) shall be subject to deed restrictions that shall require that such dwelling units be sold or rented at or below prices that will preserve the units as affordable housing, as defined by Connecticut General Statutes § 8-30g, with fifteen percent (15%) reserved for persons and families whose income is at or below eighty percent (80%) and fifteen percent (15%) reserved for persons whose income is at or below sixty percent (60%), as applicable, of the area median income for Southington or the statewide median income, whichever is less, as determined by the United States Department of Housing and Urban Development. Such restrictions shall remain in effect for at least forty (40) years after the initial occupation of the proposed development. Those units to which deed restrictions will apply shall be designated with the submission of the final site plan.

3-08.8 Procedure – In addition to the materials required to be submitted under Section 9 as part of a site plan application, the applicant shall submit an "Affordability Plan" that complies with the requirements of Connecticut General Statutes § 8-30g.

3-08.9 Adequate Parking and Access: At least two and one-half (2.5) off-street parking spaces shall be provided for each HOD dwelling unit. Parking spaces in front of garages shall be counted towards this requirement. The parking and loading facilities shall be deemed to be adequate and properly located, and the entrance and exit driveways are laid out to achieve reasonable safety.

3-08.10 Each property shall be paralleled by a landscaped screen at least 20 feet wide planted to a mixture of evergreen and deciduous trees and shrubs which shall be maintained in proper order.

3-08.11 Mechanicals and outside generators and dumpsters shall be screened with a lightproof fence. In the case of dumpsters, a detail of the proposed dumpster enclosure shall be included on the plans and a note shall be added to the plans stating that the top of the dumpster shall be no higher than the top of the fence. A lightproof fence shall be required.

3-08.12 If a community center is proposed, the community center shall have enough parking equal to one quarter of the number of total units on site.

3-08.13 Full cutoff light fixtures and recessed lenses only shall be used on the property and no

CENTRAL CONNECTICUT REGIONAL PLANNING AGENCY
225 North Main St. • Suite 304 • Bristol, CT 06010-4993 (860) 589-7820 (860) 224-9888
FAX or TDD (860) 589-6950 E-Mail:ccrpa@ccrpa.org Web Site: www.ccrpa.org

COMPREHENSIVE PLAN COMMITTEE REFERRAL

TYPE: ZONING ☑ SUBDIVISION ☐ SPECIAL ☐

PROJECT IDENTIFICATION NUMBER: **SG-185**

DATE RECEIVED BY C.C.R.P.A.: **April 10, 2009**
MUNICIPAL PUBLIC HEARING SCHEDULED: **To Be Announced**

THE ABOVE CITED REFERRAL HAS BEEN RECEIVED FROM THE **TOWN OF SOUTHINGTON** AND IS REFERRED TO THE FOLLOWING COMMISSION BY THIS AGENCY: **Berlin Planning & Zoning Commission**☐.

DESCRIPTION OF PROPOSAL: **Proposed Zoning Regulation Amendments to Section 5-02.1 I: New Industrial Park Provisions and Sections 3-08.4, 3-08.5A3 and 3-08.5A3b.**

PLEASE RETURN COMMENTS AND RECOMMENDATIONS TO MICHAEL TONELLI AT THE C.C.R.P.A. BY **FRIDAY May 1, 2009**. THE C.P.C. MEETING IS SCHEDULED FOR **THURSDAY – May 7, 2009.**

☑ NO COMMENT ☐ COMMENT AS FOLLOWS: _____

SIGNED: _____ DATE: 4-20-09

TITLE: Director MUNICIPALITY: Berlin

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DESCRIPTION OF PROPOSAL: **Proposed Zoning Regulation Amendments to Section 5-02.1 I: New Industrial Park Provisions and Sections 3-08.4, 3-08.5A3 and 3-08.5A3b.**

PLEASE RETURN COMMENTS AND RECOMMENDATIONS TO MICHAEL TONELLI AT THE C.C.R.P.A. BY **FRIDAY May 1, 2009**. THE C.P.C. MEETING IS SCHEDULED FOR **THURSDAY – May 7, 2009.**

☒ NO COMMENT ☐ COMMENT AS FOLLOWS: _____

SIGNED: Alan T. W[illegible] DATE: 4/20/09

TITLE: City Planner MUNICIPALITY: Bristol

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COMPREHENSIVE PLAN COMMITTEE REFERRAL

TYPE: ZONING ☑ SUBDIVISION ☐ SPECIAL ☐

PROJECT IDENTIFICATION NUMBER: **SG-185**

DATE RECEIVED BY C.C.R.P.A.: **April 10, 2009**
MUNICIPAL PUBLIC HEARING SCHEDULED: **To Be Announced**

THE ABOVE CITED REFERRAL HAS BEEN RECEIVED FROM THE **TOWN OF SOUTHINGTON** AND IS REFERRED TO THE FOLLOWING COMMISSION BY THIS AGENCY: **New Britain Planning & Zoning Commission**☐.

DESCRIPTION OF PROPOSAL: **Proposed Zoning Regulation Amendments to Section 5-02.1 I: New Industrial Park Provisions and Sections 3-08.4, 3-08.5A3 and 3-08.5A3b.**

PLEASE RETURN COMMENTS AND RECOMMENDATIONS TO MICHAEL TONELLI AT THE C.C.R.P.A. BY FRIDAY May 1, 2009. THE C.P.C. MEETING IS SCHEDULED FOR **THURSDAY – May 7, 2009.**

☒ NO COMMENT ☐ COMMENT AS FOLLOWS: _____

SIGNED: _____ DATE: 4-17-09

TITLE: Planner II MUNICIPALITY: NB

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