

# TOWN OF WALLINGFORD

## ***APPLICATION TO CONNECTICUT OFFICE OF POLICY AND MANAGEMENT FOR DETERMINATION OF ELIGIBILITY FOR HOMECONNECTICUT INCENTIVES***

*Filed pursuant to Connecticut General Statutes § 8-13m*

**April 9, 2009**

Mayor

William W. Dickinson, Jr.

Town Council

Mike Brodinsky, Chairman  
Vincent F. Testa, Jr., Vice Chairman  
Vincenzo M. DiNatale  
Nick Economopoulos  
Jerry Farrell, Jr.  
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Town Attorney

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James Fitzsimmons, Chairman  
Marci Baxter, Vice-Chair  
Patrick Birney  
David Fritz  
James Seichter

Alternates:

Armand Menard  
Jon Paul Venoit  
Stacey Voss

Town Staff

John P. Thompson, P.E., Town Engineer  
Robert V. Baltramaitis, P.E., Assistant Town  
Engineer  
Roger M. Dann, General Manager, Water and  
Sewer Divisions  
Vincent M. Mascia, Senior Engineer, Water  
and Sewer Divisions

**HOMEConnecticut OPM Planning Grant Consultants**

Ted Carman and Karen M. Cullen, Concord Square Planning & Development, Inc., Boston, MA  
Timothy S. Hollister, Attorney, Shipman & Goodwin LLP, Hartford, CT  
Carla D. Tillery, Fitzgerald & Halliday, Inc., Hartford, CT

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**OFFICE OF THE MAYOR**  
**TOWN OF WALLINGFORD**  
**CONNECTICUT**

WILLIAM W. DICKINSON, JR.  
MAYOR

45 SOUTH MAIN STREET  
WALLINGFORD, CT 06492  
TELEPHONE 203 294-2070  
FAX 203 294-2073

April 8, 2009

The Hon. Robert L. Genuario  
Secretary  
CT Office of Policy & Management  
450 Capitol Avenue  
Hartford, CT 06106-1379

Mr. Dimple Desai  
Community Development Director  
CT Office of Policy & Management  
450 Capitol Avenue  
MS #54ORG  
Hartford, CT 06106-1379

RE: Application of Town of Wallingford for Preliminary Determination of Eligibility for HOMEConnecticut Incentives

Dear Secretary Genuario and Mr. Desai:

The Town of Wallingford is pleased and honored to become the first Connecticut municipality to apply under Public Act 07-4, the HOMEConnecticut Program, for a preliminary Determination of Eligibility for an incentive housing payment. The Town, the Town Council and Planning and Zoning Commission, the Town staff, with the cooperation and support of property and business owners, assisted by a consulting team hired with funds provided by a HOMEConnecticut technical assistance grant, has identified a location that is well-suited for the type of mixed-use development the HOMEConnecticut envisions.

Wallingford's Incentive Housing Zone:

- is in a downtown, transit-oriented location, surrounding the Wallingford Train Station;
- will provide an estimated 361 units for much-needed lower-cost rental housing, at full build-out;
- constitutes a "smart growth" approach to economic redevelopment and land use;
- will attract private sector capital to reinvest in Wallingford's downtown;

- will preserve historic and notable buildings while rehabilitating others and providing remediation where needed;
- will assist existing business owners and establish new ones by reinvigorating the pedestrian environment;
- will better utilize downtown's vertical space, in a manner consistent with downtown's existing character and architecture;
- will provide office space opportunities in a downtown location;
- will strictly control development through design standards; and
- will strengthen Wallingford's tax base with both residential, retail, and office uses.

As Mayor, I am satisfied that the Town of Wallingford has engaged in an open, public, deliberative process in establishing this zone and presenting this application to OPM.

I would also note that it has been made clear to Wallingford residents that the Town has no intention of forcing sales of, or acquiring any properties it does not already own, or of establishing a special taxing district for the zone location.

We look forward to OPM's review and approval of this historic application.

Sincerely,



William W. Dickinson, Jr.  
Mayor

jms  
Attachments

- c: The Hon. M. Jodi Rell, Governor (w/out att.)  
The Hon. Donald Williams, President Pro Tem, State Senate (w/o att.)  
The Hon. Christopher Donovan, Speaker, House of Representatives (w/o att.)  
Co-Chairs and members, Housing Committee and Planning (w/o att.)  
The Hon. Joan McDonald, Commissioner, Department of Economic and  
Community Development (w/o att.)  
David Fink and Diane Randall, Partnership for Strong Communities (w/o att.)

MEMORANDUM

TO: OPM Secretary Robert L. Genuario  
Mr. Dimple Desai, OPM

FROM: Tim Hollister, Shipman & Goodwin LLP  
Ted Carman and Karen Cullen, Concord Square Planning and Development, Inc.

DATE: April 7, 2009

RE: Wallingford's Incentive Housing Zone Adoption Process

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Mayor Dickinson's cover letter ably describes the attributes and benefits of Wallingford's Incentive Housing Zone. This complementary memo, for the benefit of OPM, the citizens of Wallingford, and other users of the HOMEConnecticut program, summarizes the timeline and public process that has now culminated in Wallingford's historic submission of this application to OPM.

1. The Office of Policy and Management received Wallingford's technical assistance grant in July 2008 and granted \$50,000 in August 2008. That application, which identified the area around Wallingford's train station as the intended location, is on file with both OPM and the Town.

2. During September and October 2008, the consultant team met several times with Town staff, and conducted due diligence and site reconnaissance.

3. On October 27, 2008, Town staff and the consultant team attended a joint meeting of the Wallingford Town Council and the Wallingford Planning and Zoning Commission ("PZC"), to explain the HOMEConnecticut program and to present preliminary analyses of the area surrounding the train station. This meeting was open to the public, and owners and tenants within the IHZ study area were specifically invited. Approximately 50 people in addition to Town officials attended.

4. During November and early December 2008, Town staff and consultants worked to identify the overall zone and subzones and compile an initial draft of the IHZ overlay zoning regulation and the components of this application.

5. On December 15, 2008, Town staff and the consultant team conducted a public planning charrette. This meeting was broadcast on the Town's public access television channel. PZC members and property owners attended. Concord Square led the attendees through a series of visual preference exercises, designed to ensure that the basic design standards

being proposed for the Core Sub-District (zero lot line development, brick exteriors, four-story buildings with retail on first floor, office on second floor, residential above) and the Meadow Street Sub-District (townhomes) were in keeping with public opinion.

6. During January and February 2009, Town staff and the consultants drafted the Design Standards, refined the IHZ Regulation, drafted an Affordability Plan, and compiled supporting information.

7. On March 9, 2009, Town staff and the consultants met with the PZC in public session to present the draft template of this OPM application. This meeting was broadcast on the Town's local access channel.

8. On March 23, 2009, Town staff and consultants attended a joint public meeting of the Town Council and PZC to present a further revised draft of this OPM application. This meeting was also presented on local television. At this meeting, the Town Council and PZC adopted the resolutions contained in this package, authorizing this application. The minutes of this meeting are No. 23 in this application, p. 130.

9. Throughout the process described above, all drafts and supporting information were available to the public. Meetings were covered by the *Meriden Record-Journal* and in some cases reported in other newspapers such as the *New Haven Register* and the *Hartford Courant*.

10. Throughout this process, it was understood that, following approval of this determination of eligibility by OPM, the PZC must follow the Connecticut General Statutes, including conducting a public hearing, to formally adopt the IHZ Regulation as an overlay zone. In addition, the concept of an overlay zone was explained several times, to assure property owners within the IHZ that their properties would not become nonconforming.

11. It is anticipated that, when the IHZ Regulation is adopted and the incentive zone is in place, the Town will publicize the zone's availability and begin preparation of a Request for Proposal or similar solicitation to private-sector development entities.

12. Town officials have represented to affected owners that the Town of Wallingford has no intention to acquire any privately-owned parcels through eminent domain; or to establish the zone as a special taxing district.

Overall, the Town staff and consultant team respectfully submit that this has been an open, deliberate, thoughtful, voluntary, collaborative, and public process, consistent with the goals of HOMEConnecticut.

**SUMMARY OF TOWN OF WALLINGFORD'S COMPLIANCE WITH  
CONNECTICUT GENERAL STATUTES §§ 8-13n to 8-13v**

**April 2009**

<b>STATUTORY SECTION</b>	<b>REQUIREMENT</b>	<b>COMPLIANCE IN THIS APPLICATION</b>
§ 8-13n(b)(1)	Consistent with State Plan of Conservation and Development	pp. 111-12
	Located in an "eligible location" as defined in § 8-13m(5)	pp. 12-14, 15, 101-04
§ 8-13n(b)(2)	Incentive housing development allowed as-of-right	pp. 18-20
§ 8-13n(b)(3)	Minimum allowable density for multi-family and townhouse residential units	pp. 18-20 [NOTE: Wallingford's IHZ does not permit single-family detached]
§ 8-13n(b)(4)	IHZ minimum densities constitute increase of more than 25 percent above density allowed by existing zoning	p. 50
§ 8-13n(b)(5)	No special permit or special exception procedures	pp. 18-20
§ 8-13n(b)(6)	Subzones allowed / proposed, provided overall zone satisfies Chapter 124b	pp. 14-31
§ 8-13n(b)(7)	IHZ shall not exceed 10 percent of Town's land area	p. 51
§ 8-13n(c)	Waiver of minimum densities	N / A
§ 8-13n(d)	Subdivision requirements for single-family detached homes	N / A
§ 8-13n(e)	Business, commercial, non-residential uses allowed	pp. 14-31
	Subzones allowed	pp. 14-31
	Non-residential uses consistent with as-of-right residential uses and densities	pp. 14-31, 47

STATUTORY SECTION	REQUIREMENT	COMPLIANCE IN THIS APPLICATION
§ 8-13n(f)	Overlay historic district or structure not incompatible	Wallingford Train Station – National Register building. Incorporated into IHZ. pp. 113-16
§ 8-13n(g)	Exceedance of minimum affordability requirements	pp. 22, 58
§ 8-13n(b)(4)	IHZ minimum densities constitute increase of more than 25 percent above density allowed by existing zoning	p. 50
§ 8-13n(o)(a)	Design standards	pp. 22-31
§ 8-13n(o)(b)	Design standards may not impair economic or physical feasibility of minimum densities or incentive housing restriction	pp. 22-31
§ 8-13n(p)(1)	Boundaries of proposed IHZ and subzones	pp. 12-13
§ 8-13n(p)(2)	Calculate "developable land" per § 8-13m(3)	p. 45
§ 8-13n(p)(3)	Identify existing and potential residential development and potential reuse of existing or underutilized buildings	pp. 46-47
§ 8-13n(p)(4)	Calculate of number of "residential units that may be constructed in the zone if the proposed regulations are approved, based on developable land and the minimum as-of-right densities" in § 8-13m	pp. 48-49
§ 8-13n(p)(5)	Housing plan describing anticipated build-out, including infrastructure availability, compatibility with existing buildings and uses, and municipal efforts to promote residential construction	pp. 10, 14-31, 48
§ 8-13n(p)(6)	Text of proposed IHZ regulation and design standards	pp. 14-31
§ 8-13n(p)(7)	Text of proposed incentive housing restriction and plan for administration	pp. 56-79

**STATUTORY  
SECTION**

**REQUIREMENT**

**COMPLIANCE IN  
THIS APPLICATION**

[§§ 8-13q and 8-13r apply to Office of Policy and Management application procedures and criteria]

§ 8-13n(t)(a)	Form of application for IHZ prescribed	pp. 21-22
	Preliminary workshops allowed	pp. 21-22
	Public hearing required on development plan	pp. 21-22
§ 8-13n(t)(b)	Reasonable consulting fees	p. 21
§ 8-13n(t)(c)	Referrals to other agencies	p. 21
§ 8-13n(t)(d)	Limits on conditions and denial reasons	p. 22

## RESOLUTION OF THE TOWN COUNCIL

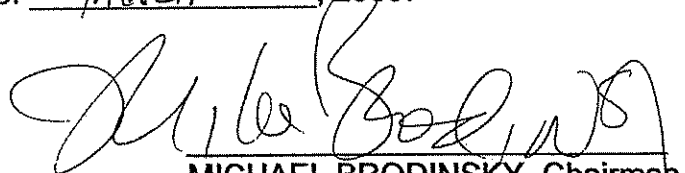
WHEREAS, the Planning and Zoning Commission of the Town of Wallingford has drafted proposed regulations establishing a Wallingford Incentive Housing Zone; and

WHEREAS, the Commission seeks to have the draft regulations forwarded to the Office of Policy and Management for a preliminary determination of eligibility for zone adoption payment pursuant to Connecticut General Statutes §8-13m, et seq; and

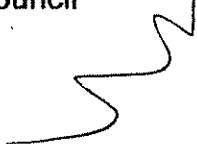
WHEREAS, the Town Council of the Town of Wallingford supports the application to Office of Policy and Management for a preliminary determination of eligibility for zone adoption payment, pursuant to Connecticut General Statutes §8-13m, et seq.

NOW THEREFORE, BE IT RESOLVED that the Town Council approves the application and authorizes the submittal of the Application to the Office of Policy and Management.

Said Resolution was passed by the Town Council of the Town of Wallingford on the 23rd day of March, 2009.



MICHAEL BRODINSKY, Chairman  
Wallingford Town Council



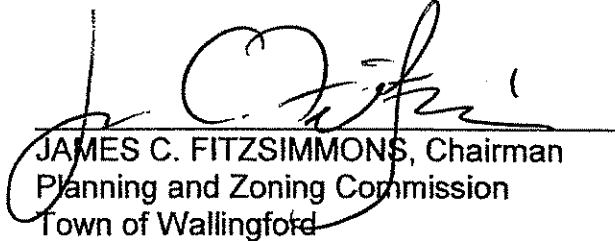
**RESOLUTION**  
**OF THE**  
**PLANNING AND ZONING COMMISSION**

WHEREAS, the Planning and Zoning Commission of the Town of Wallingford has drafted proposed regulations establishing a Wallingford Incentive Housing Zone; and

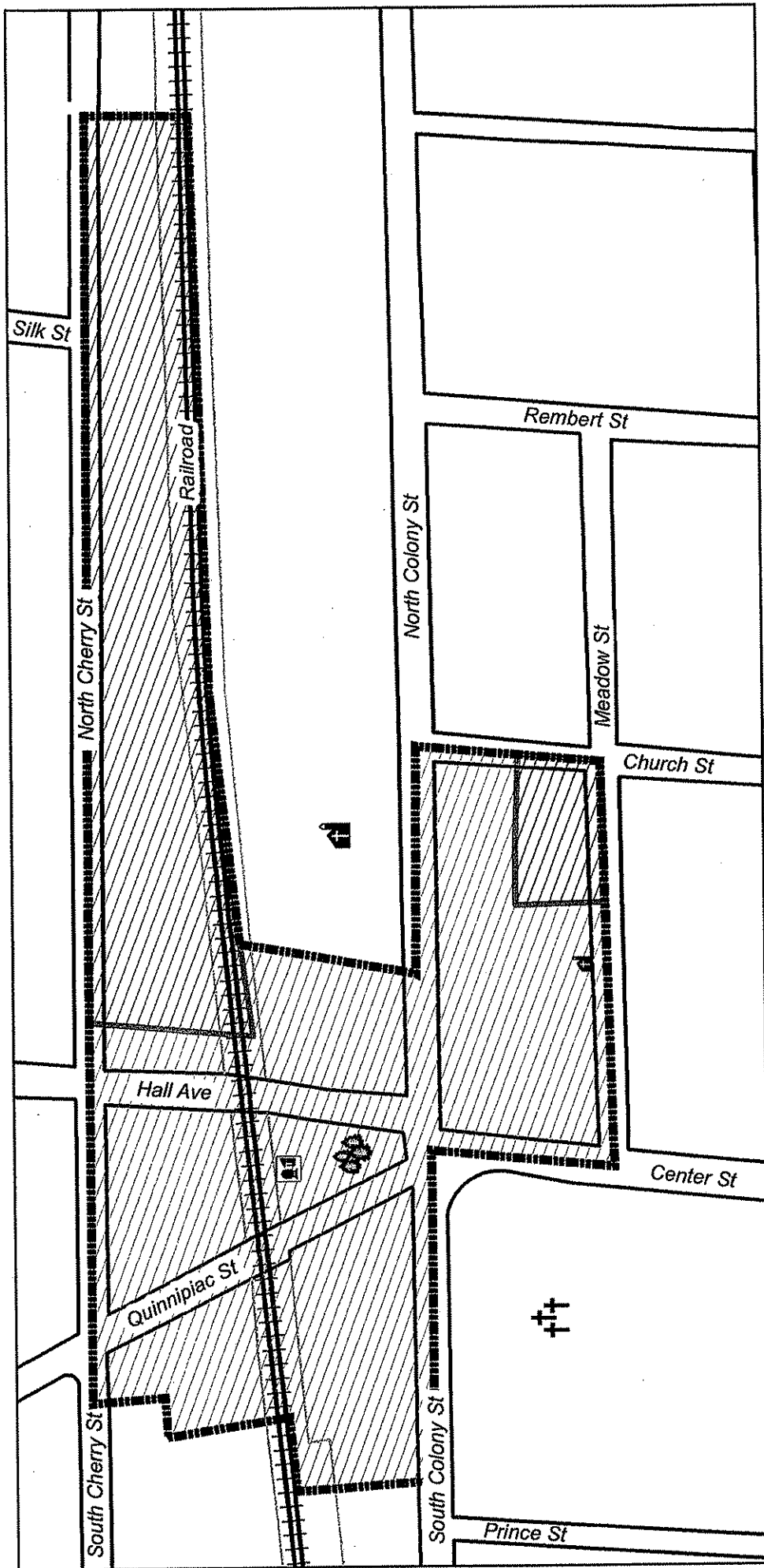
WHEREAS, the Commission seeks to have the draft regulations forwarded to the Office of Policy and Management for a preliminary determination of eligibility for zone adoption payment pursuant to Connecticut General Statutes §8-13m, et seq.

NOW THEREFORE, BE IT RESOLVED that the Planning and Zoning Commission approves the application and authorizes the submittal of the Application to the Office of Policy and Management.

Said Resolution was passed by the Planning and Zoning Commission of the Town of Wallingford on the 23rd day of March, 2009.

  
\_\_\_\_\_  
JAMES C. FITZSIMMONS, Chairman  
Planning and Zoning Commission  
Town of Wallingford

# **Maps of Proposed Incentive Housing Zone and Sub-Districts**



# Proposed Incentive Housing Zone Zoning Map

# Town of Wallingford Connecticut

Map prepared by: Concord Square Planning & Dev, Inc.  
April 6, 2009

Sources:  
Parcel Lines, Roads, Railroad - Wallingford Engineering Dept.  
IHZ Boundary and Subdistricts - Concord Square Planning & Dev.

- Legend**
- IHZ Boundary
  - IHZ Sub-Districts:
    - Core
    - Meadow Street
    - North Cherry Street
  - Existing Park
  - Existing Train Station
  - Existing Church



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Palmer, MA 01069  
413-284-4328  
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**CONCORD SQUARE**  
PLANNING &  
DEVELOPMENT, INC.

## Metes and Bounds Description of Overall Incentive Housing Zone

Town of Wallingford  
Incentive Housing Zone  
Zone Boundary

The boundary (limits) for the Incentive Housing Zone (IHZ) shall; upon adoption, unless otherwise amended or modified; be as follows:

Beginning at a point, being the intersection of the centerline of the Center Street (CT Route 150) Right-of-Way and the centerline of the Meadow Street Right-of-Way, and thence proceeding to the north, a distance of 700 feet, more or less, to a point,

- being the intersection of the centerline of the Meadow Street ROW and the center of the Church Street ROW and thence proceeding to the west, a distance of 310± feet, more or less, to a point,
- being the intersection of the centerline of the Church Street ROW and the centerline of the North Colony Street (U.S. Route 5) ROW and thence proceeding to the south, a distance of 400 feet more or less, to a point,
- being the intersection of the centerline of the North Colony Road (U.S. Route 5) ROW and an extension of the property line between the property now known as Lot #187, Map #118 and the adjacent Holy Trinity Church property (Lot #189 – Map #118), thence proceeding to the west a distance of 300 feet more or less, to a point,
- being the intersection of the above described property line and the easterly property line of the AMTRAK Corp. Railroad ROW, thence proceeding to the north a distance of approximately 1400 feet more or less, to a point,
- being the intersection of said AMTRAK ROW line and a line being the extension of the property line being the property known as Lot #110, Map #118 and Lot #66, Map #104, a distance of 200± feet, more or less, to a point,
- being the intersection of said property line extension and the centerline of the North Cherry Street ROW and then proceeding to the southerly a distance of 2180± feet more or less, to a point,
- being the intersection of the centerline of the North Cherry Street ROW and an extension of the property line between the property now known as Lot #177, Map #118 and the adjacent property now known as Lot #27, Map #133 (Judd Square), thence proceeding to the east a distance of 120± feet more or less, to a point,
- being the intersection, of the above described property line and the westerly property line for Lot #178, Map #118, thence proceeding to the south a distance of 60 feet more or less, to a point,
- being the intersection of the above described property line and the southerly property line of Lot #178, Map #118, thence proceeding easterly a distance of 175± feet more or less, to a point,

- being the intersection of the westerly AMTRAK Corp. ROW line, and the easterly property line of Lot #27, Map #133, then proceeding south along said AMTRAK ROW line and the easterly property line of Lot #27, Map #133 a distance of 120 feet more or less, to a point,
- being the intersection of the above described AMTRAK ROW line and an extension of the property line between the parcels now known as Lot #414, Map #133 and Lot #413, Map #133, thence proceeding in a easterly direction, a distance of 270± feet more or less, to a point,
- being an intersection of the extension of the above described property line (between Lots #414 and #313), and the centerline of South Colony Street (U. S. Route 5) and thence proceeding to the north, along said South Colony Street centerline a distance of 565± feet more or less, to a point,
- being the intersection of the above described South Colony Street (U.S. Route 5) centerline and the centerline of Center Street (CT Route 150), thence proceeding to the east along the Center Street centerline a distance of 320± feet more or less, to the point of beginning.

Within the overall IHZ, there shall be two (2) sub zones or sub areas.

The first sub zone shall be an area located within the block bounded by Meadow Street, on the east; Church Street, on the north, - North Colony Street (U.S. Route 5), on the west and Center Street (CT Route 150) on the south; including Lot #367, a portion of Lot #368, Lots #369, #370, #371, #372 and #373 all being on Map #118 and more specifically described as follows: beginning at a point, that being the intersection of the centerline of the Meadow Street ROW and the centerline of the Church Street ROW, thence proceeding westerly along said Church Street centerline, a distance of 140± feet more or less to a point, on said Church Street centerline, thence to the south along the west property lines of above lots, a distance of 380 feet more or less, to a point, being the property corner of Lots #366, #367 and #397, thence proceeding to the east, a distance of 160 feet more or less, to a point on the centerline of Meadow Street and thence proceeding along said Meadow Street centerline a distance of 380 feet, more or less, to the point of beginning.

The second sub zone shall be an area located within the block generally bounded by Hall Avenue (CT Route 150), on the south, the AMTRAK ROW, on the east, private property (Lot #66, Map #104) on the north and North Cherry Street, on the west, including Lots #112, 111, and 110, all being shown on Map #118, and more specifically described as follows: beginning at point, that being the intersection of the centerline for the North Cherry Street ROW and an extension of the property line between Lots #110, Map #118 and Lot #66, Map #104, thence proceeding easterly a distance of 205± feet, more or less to the AMTRAK ROW line, thence from that point, proceeding southerly, a distance of 1570± feet, more or less, to the intersection of the property line between Lots #112, and Lot #113, both as shown on Map #118 and the above referenced AMTRAK ROW line, thence proceeding westerly a distance of 290± feet, more or less, to a point, being the intersection of the above referenced property line between Lots #112 and #113, Map #118 and the centerline of the North Cherry Street ROW, thence proceeding northerly, a distance of 1540± feet more of less, to the point of beginning.

C:\My Documents\john\010509 Incentive Housing Zone zone boundry.doc

PROPOSED ZONING AMENDMENTS  
Wallingford Zoning Regulations

Amend § 2.2 by adding the following definitions, alphabetically:

**Dwelling, Townhome** - A residential building consisting of three or more attached units in which each unit shares with the adjacent unit(s) a wall which extends from foundation to roof and has exterior walls on at least two sides.

**Eligible Household** - A household whose annual income is at or below eighty percent (80%) of the area median income for Wallingford, as determined and reported by the United States Department of Housing and Urban Development (HUD).

**Incentive Housing Development** - A residential or mixed use development that is located within the Wallingford Incentive Housing Zone and that complies with the statutory requirements set forth in Connecticut General Statutes §§ 8-13m et seq., as amended, and § 4.22 of these Wallingford Zoning Regulations.

**Incentive Housing Restriction** - A deed restriction, covenant, or site plan approval condition constituting a binding obligation with respect to the restrictions on household income, sale or resale price, rent and housing costs required by Connecticut General Statutes §§ 8-13m et seq., as amended, and § 4.22 of these Wallingford Zoning Regulations.

**Incentive Housing Unit** - A dwelling unit within an Incentive Housing Development that is subject to an incentive housing restriction.

**Mixed-Use Development** - A development containing a combination of residential and retail, restaurant and/or office uses.

**Public Transportation** - A use or structure that facilitates the transportation of the general public, including but not limited to bus depots, bus stops, train stations, railroad yards, railroad crossings, and the like.

Amend § 3.1 A by adding to the Special Districts list:

IHZ - Incentive Housing Zone Overlay District

**Add a new Section 4.22 - Wallingford Incentive Housing Zone**

**§ 4.22 - Wallingford Incentive Housing Zone**

- A. Purposes. The Wallingford Incentive Housing Zone is an overlay district whose purposes are:
1. To promote the revitalization of downtown Wallingford by encouraging mixed-use development that will provide for a variety of housing and business opportunities.
  2. To provide the opportunity for the downtown to transform into a retail environment that offers a distinctive experience for consumers.
  3. To encourage smart growth and low-impact development.
  4. To promote the development of a transit-oriented, pedestrian-friendly, downtown community within walking distance to the Wallingford stop on the Springfield-New Haven commuter line. It is recommended that the platform be located toward the northern end of the IHZ to avoid traffic congestion on Quinnipiac Street and Hall Avenue during train stops.
  5. To assist the Town of Wallingford in complying with the State Zoning Enabling Act, Connecticut General Statutes § 8-2, by adopting zoning regulations that promote housing choice and economic diversity, including housing for moderate income households.
  6. To ensure high quality site planning, architecture, and landscape design that is consistent with the surrounding residential neighborhoods and the distinct visual character of the historic structures in downtown Wallingford.
  7. To establish development standards that ensure context-sensitive design and creative site planning in the reuse of existing buildings and construction of new buildings.
  8. To benefit from the financial incentives provided by Connecticut General Statutes §§ 8-13m et seq.
- B. Location. The boundaries of this IHZ Overlay District are shown on the Wallingford Zoning Map. The IHZ Overlay District is further divided into three subdistricts as shown on the map: Downtown Core, North Cherry Street, and Meadow Street.
- C. Applicability. The regulations and design standards in this § 4.22 shall apply to any proposed Incentive Housing Development within the IHZ Overlay District.
1. Because the IHZ Overlay District is an overlay zone, the provisions of the underlying zoning district shall not apply to a proposed Incentive Housing Development, and such underlying zoning designation shall terminate upon approval of a site plan of an Incentive Housing Development. Reinstatement of the underlying zoning shall require a zone change approved by the Commission, and shall only be approved if the Incentive Housing Development is not constructed.
  2. The provisions of other sections of the Wallingford Zoning Regulations shall apply to an Incentive Housing Development proposal except for the following:
    - a. Required on-site parking shall be governed by Section F.1 of this regulation.
    - b. All landscaping and buffer requirements shall be covered by Section L of this regulation.
    - c. All signage shall be governed by Sec. J of this regulation.
    - d. All dimensional standards shall be governed by Section E of this regulation.
    - e. The application process shall be governed by Sec. G of this regulation.

D. Description of Sub-Districts.

1. Downtown Core Sub-District. This area, the primary focus of the IHZ Overlay District, includes 40 parcels with 40 existing buildings (not including sheds and similar structures), on 10.01 acres of developable land as defined in General Statutes §§ 8-13m(3), now or previously used for retail, office, industrial or residential. This area has seen significant disinvestment in recent years and many buildings are in need of attention or have become obsolete. Many buildings in this area are single story, creating a spread out land use pattern that is not conducive to pedestrian traffic. By encouraging the use of vertical space in this compact area, the vitality and livability of the downtown will be enhanced, drawing more customers for businesses and increasing the tax base. To that end, the following principles should be utilized for developing and reviewing Incentive Housing Development proposals within the Downtown Core:
  - a. Promote a mix of uses with retail on the street level and office and residential uses above street level. An increase in residential units, providing "round the clock" population, will help to reinvigorate the downtown core with activity, including retail, office, and passive recreation.
  - b. Coordinate development with, and encourage use by residents of, the rail line stop that is located within the Overlay District.
  - c. Maintain a design form in placement of buildings that will encourage walkability by placing buildings at or close to the edge of sidewalks that will, with architecture and window displays at the street level, promote visual interest.
  - d. Coordinate infrastructure and streetscape enhancements with the public sector and other developments within the district. New development should propose improvements to the public infrastructure including traffic controls, sidewalks, crosswalks, street lighting, underground utilities, street trees, and landscaping including window boxes and modest planters. A well-designed streetscape will contribute to a sense of safety and of the walkability of the area. Safe and convenient sidewalks leading through blocks to parking areas and other public spaces should be part of the design and should include ample street lighting as well as highly visible landscaping and landscape screening of less appealing vistas. Wayfinding signage should coordinate with the overall district wayfinding system, to assist pedestrians and drivers in locating their destinations, public parking areas, and public transit.
  - e. Promote creativity and variety. The IHZ design standards are meant to promote creativity and variety in building design.
  - f. Promote sustainable and energy-efficient design and construction. Sustainable construction techniques and materials should be incorporated into new construction and, to the extent practicable, renovation and rehabilitation projects. Energy efficiency should be a central goal in selection of lighting, windows, materials, insulation, and HVAC systems. Buildings should be sited, oriented, and designed with orientation to the sun and wind in mind as well. Applicants should consider certification by LEED or similar rating programs, including any requirements to utilize such programs as well as the use of low-impact development techniques.
  - g. Protect and preserve the historic character of specific buildings in the downtown Core, including the railroad station, the "Hall-Elton" building, and the retail block at the southeast corner of Quinnipiac Street and South Cherry Street.

2. North Cherry Street Sub-District. This area of the IHZ includes three parcels with six existing buildings on 4.29 acres of developable land as defined in General Statutes §§ 8-13m(3), all of which are industrial uses or are abandoned. Moving the train station platform to the north a sufficient distance from Quinnipiac Street and Hall Avenue to eliminate cross-town traffic congestion created by stopped trains would be beneficial. Therefore, the intent of this sub-district is to allow transit uses - primarily a new train platform and station which would serve the needs of the commuter rail as well as existing Amtrak service - and to encourage residential uses and office and limited retail uses. Development on the west side of North Cherry Street is primarily residential, and the goal is to create a neighborhood that provides a transition between those residential uses and the non-residential uses to the east, including the commuter rail facility. The following principles should be utilized for developing and reviewing Incentive Housing Development proposals within the North Cherry Street sub-district:

- a. Promote a form of building placement and site design that creates a landscape that is somewhere between a village and an urban setting. The three largest existing buildings in this sub-district have the potential for adaptive reuse into residential units, and applicants should make use of the existing buildings to the extent practicable. To the extent feasible, new development should be designed with setbacks consistent with existing ones, with the exception that parking facilities should not be located between the building and the street.
- b. Coordinate infrastructure improvements with the public sector. As in the other sub-districts, create an environment that is conducive to walking and use of non-vehicular modes of transportation. A sidewalk exists along the west side of the street in this sub-district, and any project within this sub-district should include construction of a sidewalk on the east side, crosswalks, street lighting, and street trees. A well-designed streetscape contributes to an improved sense of safety and walkability, which is critical in this sub-district given the rail facility. Safe and convenient sidewalks leading to the train station as well as any other public spaces should be part of the design for all projects, and should include ample lighting and landscaping. Wayfinding signage should be installed that coordinates with an overall district wayfinding system to assist pedestrians and drivers in locating their destinations and public transit.
- c. Promote creativity and variety in development. The IHZ design standards are meant to promote creativity and variety in building design. Given the limited size of this sub-district, a variety of building styles is not practical, but if the three largest buildings are retained, diversity will occur. New development should be designed to complement but not mimic the adjacent properties, including the properties on the west side of North Cherry Street.
- d. Promote sustainable and energy-efficient design and construction. Sustainable construction techniques and materials should be incorporated into new construction and, to the extent practicable, renovation and rehabilitation projects. Energy efficiency should be a central goal in selection of lighting, windows, materials, insulation, and HVAC systems. Sites should be sited, oriented, and designed with orientation to the sun and wind in mind as well. Applicants should consider certification by LEED or similar rating programs, including any requirements

to utilize such programs as well as the use of low-impact development techniques.

3. Meadow Street Sub-District. This small area currently has five parcels and four structures on 0.69 acres of developable land as defined in General Statutes §§ 8-13m(3). There are currently nine units in the four residential buildings within this sub-district, and no other uses. The parcels directly across Meadow Street and Church Street from this sub-district are residential, and the intent of this sub-district is to maintain a residential character. To that end, non-residential uses are not permitted under the IHZ Overlay Zoning in this sub-district. The following principles should be utilized for developing and reviewing Incentive Housing Development proposals within the Meadow Street sub-district:
  - a. Maintain a village form of design and building placement. In contrast to the Downtown Core Sub-District, the Meadow Street Sub-District is in a dense residential area where small front lawns with landscaping and picket fences are appropriate. Parking facilities should not dominate the streetscape, and such facilities should have as little impact on the streetscape as possible.
  - b. Coordinate infrastructure improvements with the public sector. As in the other sub-districts, create an environment that is conducive to walking. A sidewalk already exists along the street frontages in this sub-district, and any project within this sub-district should include improvements to the sidewalk, crosswalks, street lighting, and street trees.
  - c. Promote creativity and variety in development. While there is limited space in this sub-district to incorporate multiple building designs, incorporate a variety of architectural details within the building design to add visual interest appropriate to a dense residential neighborhood.
  - d. Promote sustainable and energy-efficient design and construction. Sustainable construction techniques and materials should be incorporated into new construction and, to the extent practicable, renovation and rehabilitation projects. Energy efficiency should be a central goal in selection of lighting, windows, materials, insulation, and HVAC systems. Applicants should consider certification by LEED or similar rating programs, including any requirements to utilize such programs as well as the use of low-impact development techniques.

E. Permitted Uses and Dimensional Requirements. The following uses are permitted subject to Site Plan Approval in accordance with § 4.22 G.

1. Downtown Core
  - a. Mixed use development at a minimum density of twenty (20) and a maximum density of twenty six (26) dwelling units per acre (fractional numbers shall be rounded down), provided that:
    - i. offices shall only be located on a second, third, or fourth floor, and shall occupy no more than twenty-five percent (25%) of the gross floor area of the building;
    - ii. residential uses shall not be located at street level along the public way (they may be on the ground floor facing a courtyard at the back of the building); and
    - iii. separate and distinct entrances shall be provided for first floor and upper story uses.
  - b. Public transportation
2. North Cherry Street

- a. Multi-family residential development at a minimum density of sixteen (16) and a maximum density of twenty-six (26) dwelling units per acre (fractional numbers shall be rounded down)
- b. Public transportation
- c. Mixed use development at a minimum density of sixteen (16) and a maximum density of twenty-six (26) dwelling units per acre (fractional numbers shall be rounded down), provided that:
  - i. retail and office uses are permitted only on the first floor; and
  - ii. retail uses are limited to a maximum of fifteen percent (15%) of the gross floor area of the first floor.
  - iii. separate and distinct entrances shall be provided for first floor and upper story uses.

3. Meadow Street

- a. Townhouse residential development at a minimum density of ten (10) and a maximum density of fifteen (15) dwelling units per acre (fractional numbers shall be rounded down)

4. Dimensional Standards

Sub-District	Downtown Core	North Cherry	Meadow
Permitted use	Mixed-Use	Multi-Family	Townhome
Min Lot Size	25,000 sq. ft.	25,000 sq. ft.	entire sub-district
Frontage	60'	50'	NA
Min. Setback - Front	0'	15'	10'
Max. Setback - Front	10'	20'	20'
Min. Setback - Side	0'	0'	0'
Min. Setback - Rear	12', except 0' to railroad ROW	0'	40'
Height	45'	45'	30'

- 5. Renovation of existing buildings shall expand existing footprints only insofar as such expansion is in compliance with the required dimensional requirements for new buildings.
- 6. The Commission may waive the requirement for minimum lot size only if the following criteria are met:
  - a. The proposed Incentive Housing Development will eliminate existing structures that contribute to the unsightly or depressed appearance of the district;
  - b. Either the adjacent properties are not within the Incentive Housing Zone or are not available for consolidation with the proposed Incentive Housing Development; and
  - c. The scale, architectural design, and site design of the proposed Incentive Housing Development complement the surrounding properties and will not create undue adverse impacts on such properties.
  - d. The Commission may waive the minimum lot size for the privately owned portions of a public-private partnership project where it is in the best interest of the Town to retain ownership of a portion of the redevelopment site.

F. The following accessory uses are permitted in all sub-districts:

- 1. Off-street parking and loading subject to the following standards:
  - a. Required minimum number of spaces:
    - i. Multi-family development 1.25 spaces/dwelling unit
    - ii. Townhouse development 2 spaces/dwelling unit

- iii. Mixed-use development 1 space/dwelling unit plus 1 space/375 sq. ft. GFA office-retail space, plus 1 space/200 sq. ft. GFA restaurant or café.
  - iv. Handicap spaces shall be provided in accordance with § 6.11H of these regulations.
- b. Parking Dimensions:
- i. Dimensions of parking spaces shall be nine (9) feet by eighteen (18) feet for ninety (90) degree parking, ten and a half (10.5) feet by twenty (20) feet for sixty (60) degree angled parking, and nine (9) feet by twenty one (21) feet for parallel parking.
  - ii. Aisle widths shall be twenty four (24) feet for ninety (90) degree parking, eighteen (18) feet for sixty (60) degree parking, twelve (12) feet for parallel parking in a one-way circulation design, and twenty four (24) feet for parallel parking in a two-way circulation design.
- c. Parking Garages:
- i. Whenever feasible, garages shall be located underground or within the interior of the block to minimize visibility from public streets, and design shall match proportions of neighboring buildings. When a garage must be located adjacent to the street, setbacks may be increased by the Commission to allow for trees to be planted to provide visual softening of the upper levels of the structure.
  - ii. The ground level of parking structures shall be separated from the public sidewalks with retail building space, unless a suitable alternative is proposed. Landscaping in combination with architectural details on otherwise blank walls of a garage may be a suitable alternative where there is insufficient space for a building.
  - iii. Garage access points should be clearly identified with architectural elements and signage.
  - iv. Garage access points should be located to minimize the impact of vehicular turning movements on safe and efficient movement of pedestrians, cyclists, and other vehicles, and shall not be located within fifty (50) feet of any street intersection.
  - v. Signage and light fixtures within the parking structure shall not directly illuminate or produce disability glare on adjacent properties.
- d. Surface Parking:
- i. Parking shall not be located in front yards unless there is no possible alternative and only for renovation of existing buildings, and in such cases the Commission may require a greater amount of landscaping to reduce the impact of the parking on the streetscape.
  - ii. Parking shall be set back a minimum of ten (10) feet from front property lines.
  - iii. Parking that is visible from streets or public sidewalks shall be screened with a combination of landscaping and wrought-iron fencing, brick walls, stone walls, or earthen berms, such that the screening is a minimum of three (3) feet higher than the level of the parking lot and forms a substantially opaque screen.
  - iv. Landscaping around and within parking lots should be designed with low-impact development techniques to allow storm water runoff to drain into the landscaped areas to supplement irrigation and to pre-treat the runoff.
  - v. The use of permeable pavements or surface materials is encouraged to allow infiltration of storm-water runoff.

- e. Solid waste receptacles shall be located and designed for ease of access of solid waste removal services to the site and must be located within a garage (trash cans) or in a free-standing "trash house" (dumpsters). A trash house shall be designed with architectural details to incorporate it into the overall development and to minimize aesthetic impacts. Gates should be designed to be self-closing.

G. Application Process.

1. Pre-Application Review. Applicants are encouraged to participate in a pre-application meeting with the Town staff. The purpose of this pre-application meeting is to obtain the advice and direction of the staff prior to filing the application.
2. Application Requirements. As part of any application for an Incentive Housing Development, the Applicant must submit the following:
  - a. Sixteen (16) copies of the site plan, utility plan, landscaping plan, topographic plan, erosion and sedimentation control plan, and other information, following the requirements for each as stated in § 7.4 of the Wallingford Zoning Regulations. In addition, architectural drawings shall be submitted for each application, and shall show sufficient detail for all sides of the building(s) to determine compliance with the Design Standards set forth in this § 4.22.
  - b. Site plan application fees, as specified in the Commission's fee schedule.
  - c. Submission shall be made to the Commission at least one day prior to a regular meeting.
3. Professional Consultant Review Fees. When the Commission determines that a peer-review of the technical aspects of an application for an Incentive Housing Development is required to enable the Commission to render a reasonable decision, the Commission may require, after notice of estimated amount, the Applicant to pay the fees for professional consultants. Such fees shall be accounted for separately by the Town from other moneys and maintained in an interest-bearing account and used only for expenses associated with the technical review of the application by consultants who are not otherwise salaried employees of the Town or the Commission. Any amount in the account remaining after payment of all expenses for technical review, including any interest accrued, shall be returned to the Applicant no later than forty-five (45) days after the completion of technical review.
4. Referrals to Town Agencies. The Commission may refer copies of an Incentive Housing Application to other Town agencies as necessary to determine compliance with municipal ordinances.
5. Public Hearing. A public hearing shall be conducted for any site plan or subdivision application seeking approval for an Incentive Housing Development. The public hearing shall be conducted in accordance with the requirements of Chapters 124 or 126 and §§ 8-13a et seq., as applicable, of the Connecticut General Statutes, as applicable.
6. The time limits for rendering a decision on a site plan for an Incentive Housing Development shall be governed by the Connecticut General Statutes, as applicable.
7. An application for an Incentive Housing Development shall be approved by the Commission provided it is consistent with the Wallingford Zoning Regulations.

8. Conditions shall be imposed on an Incentive Housing Development approval by the Commission only as necessary:
  - a. to ensure substantial compliance of the proposed development with the requirements of the incentive housing zone regulations including the design standards, or
  - b. to mitigate any extraordinary adverse impacts of the development on nearby properties.
  
9. An application for an Incentive Housing Development may be denied only if:
  - a. the development does not meet the requirements set forth in the Wallingford Incentive Housing Zone regulations, or
  - b. the Applicant failed to submit information and fees required by the Regulations and necessary for an adequate and timely review of the design of the Incentive Housing Development or potential development impacts, or
  - c. it is not possible to adequately mitigate significant adverse project impacts on nearby properties by means of conditions acceptable to the Applicant.

H. Incentive Housing Requirements

1. The following regulations shall govern the residential units in an Incentive Housing Development:
  - a. Twenty percent (20%) of all dwelling units constructed in an Incentive Housing Development shall be Incentive Housing Units. When a calculation performed under this subsection results in a number that includes a fraction, the fraction shall be rounded up to the next whole number.
  - b. Incentive Housing Units shall be rented or sold to and occupied only by Eligible Households.
  - c. Each Incentive Housing Unit shall be subject to an Incentive Housing Restriction, which shall be recorded on the Wallingford Land Records. All Incentive Housing Restrictions must include, at a minimum, the following:
    - i. A description of the Incentive Housing Development, including whether the Incentive Housing Units, at the time of initial occupancy, will be rented or owner-occupied.
    - ii. An identification of the Incentive Housing Units.
    - iii. The name and address of the Incentive Housing Administrator.
    - iv. A requirement that only an Eligible Household may reside in an Incentive Housing Unit.
    - v. The formula pursuant to which rent of a rental unit or the maximum sale or resale price of a homeownership unit will be calculated.
    - vi. The term of the Incentive Housing Restriction, which shall be a minimum of fifty (50) years, calculated on a per unit basis from the date of the initial residential occupancy of each Incentive Housing Unit.
    - vii. Provision for monitoring and enforcement of the terms and provisions of the Incentive Housing Restriction by the Commission.
    - viii. Provision that the Incentive Housing Administrator shall file an annual report to the Commission, in a form specified by the Commission, certifying compliance with the provisions of this § 4.22.

I. Building Design Standards

1. Proposed development projects should complement the scale and architecture of adjacent buildings, once a streetscape has been established through redevelopment. For early projects, new

construction will set the stage for future redevelopment, and should be constructed to meet the goals of the IHZ to the greatest extent practicable (i.e. maximum height, minimum setbacks, greatest density, etc.).

2. In the Downtown Core Sub-District, buildings shall be placed within two (2) feet of the edge of the sidewalk, or at the property line if it is greater than two (2) feet from the edge of the sidewalk or public right-of-way. Waivers may be granted to this requirement for buildings with restaurants designed with café type outdoor seating areas or where architectural renderings or models of the existing and proposed streetscape for the project and surrounding properties are presented which clearly show a public benefit to the alternative building placement being proposed.
3. **Façades**
  - a. Buildings more than sixty (60) feet in length shall be broken down into a series of smaller elements or "bays" to evoke the rhythm of historic shop fronts and mixed use town centers and to add to the visual character and maintain the pedestrian scale of the streetscape. To accomplish this, façades on such buildings shall incorporate wall plane projections or recesses having a depth of at least two (2) feet which extend at least twenty percent (20%) of the length of the façade.
  - b. Ground-floor façades that face public streets shall have display windows, entry doors with awnings, fanlights, or other such features that emphasize a pedestrian scale.
  - c. No uninterrupted length of any façade, whether at ground level or on upper stories, shall be permitted to exceed the lesser of forty percent (40%) of the total length of the façade or forty (40) feet without incorporating a change in color, material, or texture and a projection, recess, window, balcony, trellis, or similar architectural feature.
  - d. Façade design shall incorporate a distinction between the ground level floor and the upper stories, using banding, smaller windows on upper stories, balconies, and other architectural elements that are appropriate to the scale and design of the building.
  - e. Placement of windows and other major architectural features on upper stories of a building façade should align with those of adjacent buildings, and should be arranged with a balanced spacing and evident rhythm. Windows should also align vertically with those of stories above and/or below. To modulate their scale, multi-story buildings should articulate the base, middle, and top by separating with cornices, string cornices, step-backs, or other articulating features. See Figure 2.3.M.
  - f. Blank wall surfaces greater than twenty (20) feet along the horizontal plane of the building are prohibited at the street level on any building façade adjacent to a sidewalk or public way, with the exception of façades facing the railroad right-of-way.
  - g. Where blank wall surfaces are permitted, wall panels, pilasters, building bays, or other architectural elements should be carried across the blank surface to relieve uninteresting façades. A waiver may be granted by the Commission to this requirement for façades that are within, or will be within, ten (10) feet of an adjacent building and therefore not visible from the public ways.
  - h. Side and rear façades which are visible from the public ways should be articulated in a manner compatible with the design of the front façade.

4. Materials and Colors

- a. New building materials should be selected to convey a sense of quality, durability, and permanence, and should be economically maintained and able to retain their appearance over time.
- b. Building façade materials permitted within the district include brick, wood, stone, glass, cementitious fiber board, manufactured limestone, cast stone, masonry, terra cotta, cellular PVC trim, and sustainable materials. Brick is the preferred material in the Downtown Core and North Cherry Street Sub-Districts, and should be chosen as the primary façade material. Clapboards made of wood or cementitious fiber board are the preferred material in the Meadow Street Sub-District.
- c. Full size brick veneer is preferable to brick tile veneer, and all brick veneers should be mortared to give the appearance of structural brick. If used, brick tile veneer should use wraparound corner and bullnose pieces to minimize the appearance of the thin brick veneer.
- d. Stone and stone veneers are appropriate as a basic building material or as a secondary material for architectural elements such as window sills or lintels in combination with other materials such as brick or concrete.
- e. Poured-in-place concrete or pre-cast concrete are appropriate as a basic building material provided special consideration is given to formwork, pigments, and aggregates to create a rich surface. If such material is used as a primary surface material, then brick, stone, or tile must be used as a secondary material to add visual interest.
- f. A combination of materials is encouraged to create visual interest, especially on larger buildings. Where used, the heavier material (stone, brick, concrete) should be located below lighter materials (wood, cementitious fiber board), and the change in material should occur along a horizontal line, preferably at floor level.
- g. Façade colors shall be low reflectance, subtle, neutral or earth-tone colors. The use of high intensity colors, metallic colors, black or fluorescent colors is prohibited.
- h. Building trim and accent areas may feature brighter colors including primary colors, but neon tubing shall not be an acceptable feature for building trim or accent areas.
- i. The use of vinyl siding, smooth faced concrete block, tilt-up concrete panels, or prefabricated steel panels as an exterior surface is prohibited.

5. Windows and Doorways

- a. Windows should be inset a minimum of four (4) inches from the exterior wall surface to add visual relief to the wall.
- b. Windows should be taller than they are wide, regardless of whether they are on the ground level or upper stories.
- c. Windows on the upper stories should generally be smaller than those on the ground floor.
- d. All windows on upper stories shall have visually prominent sills, lintels, or other such forms of architectural framing.
- e. Recessed doorways are preferred, to break up the building façade, provide a welcoming space, and provide protection from the weather. Where a recessed doorway is not used, an awning or similar architectural overhang shall be used. Adequate lighting for the doorway shall be incorporated into the design of the doorway.

6. Roofs

- a. Roof forms should complement the principal building in terms of style, detailing, and materials.
- b. Roof forms should be varied within a block, and may be varied within a building, and should include sloped roofs, parapets, decorative cornice treatments, decorative soffits, overhangs a minimum of three (3) feet, dormers, cupolas, or other architectural elements to complement the building without creating a cluttered visual appearance.
- c. Flat roofs shall be screened from public view using parapets or other architectural elements. Outdoor living space may be constructed on roofs, provided the floor and lower three (3) feet of such space will not be visible from public view on abutting streets. Railings may be built into the exterior roof treatment (parapet, etc.) at other sides of the building.
- d. Mechanical equipment, metal chimneys, and elevator shafts on a roof shall be screened from public view using parapets or other architectural elements.
- e. In the Downtown Core Sub-District, four story buildings shall incorporate mansard roofs with dormers for the fourth story, or a strong cornice at the floor level of the fourth story, or for large buildings, a combination of the two in different sections of the building, to reduce the imposing appearance of the building.
- f. Within the Meadow Street Sub-District, all roofs shall be sloped at a pitch of at least thirty (30) degrees.
- g. In the North Cherry Street Sub-District, four story buildings shall incorporate mansard roofs with dormers for the fourth story, to reduce the imposing appearance of the building.

J. Signs

1. Only wall signs, hanging signs, or signs permanently painted on windows are permitted.
2. Lettering of signs shall be carved or incised into the surface of the wall or plaque, or, in the case of permanent window signs, painted on the interior surface of the glass.
3. One wall sign for each business is permitted on the front façade, as well as on the rear façade of a mixed use building. The aggregate size of all wall signs on a façade may not exceed one (1) square foot per lineal foot of the building façade. When a building is located on a corner, both the front and side façades shall be considered front façades provided there are business entrances located at the street level on the side of the building. When a building has a side which is visible from the street, one wall sign is permitted which identifies the building but not the individual businesses located within the building, and such sign shall not exceed one (1) square foot per lineal foot of the building side.
4. Wall signs shall not project more than twelve (12) inches from the surface of the wall to which they are attached, and shall be located a minimum of eighteen (18) inches from the corner of the building, a minimum of thirty-six (36) inches from any other wall sign, and the top of the sign shall not extend above the ground level floor.
5. One (1) hanging sign is permitted for each business on the ground level. Such hanging sign shall be a maximum of six (6) square feet in area (per face), shall project no more than three (3) feet from the building, and must provide a minimum of eight (8) feet and maximum of twelve (12) feet of clearance from the bottom of the sign to the

sidewalk directly below. Such hanging signs shall not be located so as to interfere with any service or emergency vehicles.

6. Signs shall be illuminated by an external steady stationary light source, shielded and directed solely at the sign. Internally lit signs and any sign with blinking, flashing, or fluttering lights or other illuminating devices which have a changing light intensity, brightness, or color, are prohibited, including electronic message centers.
7. The provisions of § 6.9 B, regarding signs not requiring a permit, shall apply within this overlay district.

K. Streetscapes

1. Where a proposed Incentive Housing Development abuts a street that lacks a sidewalk, or where existing sidewalks are not in compliance with applicable standards, the application should include a proposal to construct or improve the sidewalks abutting the project site. The applicant for any Incentive Housing Development shall, to the extent the costs are not so excessive as to render the entire project financially infeasible, be responsible for construction of "Town Standard Streetscape Enhancements" as depicted in Figure 2.3.N. The Commission may include a condition on the site plan approval specifying which, if any, of these enhancements will be required.
2. Streetscape enhancements may include new concrete curbs, concrete sidewalks, driveways constructed to Town standards, brick paver bands, concrete handicap pedestrian ramps with detectable warning strips, grass utility strips, ornamental street lights, street trees, benches, trash receptacles, and/or associated landscaping.
3. These enhancements shall be constructed in general conformance with the Town's standards for like work and be approved by the Town Engineer or his designee.
4. Within the Downtown Core Sub-District, landscape features that enhance the pedestrian environment should be included, such as plazas, sitting areas, and outdoor seating for cafés.

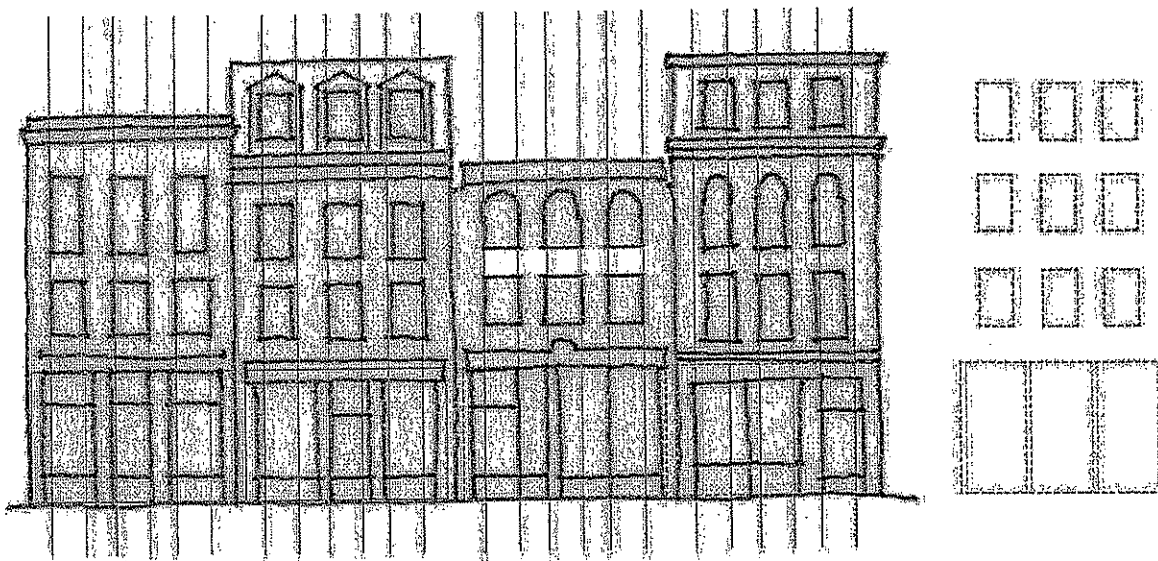
L. Landscaping

1. All areas between the front of a building and the front property line that are not occupied by driveways, sidewalks, or other approved hardscape, shall be landscaped with grass or other living ground cover, trees and shrubs. Landscape stone shall not be permitted in front yards with the exception of small areas within planting beds and as accent pieces within a vegetated landscape.
2. All plantings shall be native species. Invasive species, native or non-native, are prohibited. Plantings near streets, parking areas, or sidewalks should be salt tolerant.
3. Street trees, if used, shall be planted in conformance with the Town's standards, as depicted in Figure 2.3.O.
4. Landscaping improvements may include amenities such as street furniture, artwork, fences, stone walls, fountains, and courtyards.
5. Preservation of existing trees is strongly recommended.

M. Site Lighting

1. All outdoor lighting fixtures shall have a total cutoff of all light at ninety (90) degrees or less from vertical with the exception of wall mounted fixtures at doorways, which shall be shielded from emitting light upwards beyond an entry overhang or awning.
2. Lighting fixtures along sidewalks or pathways shall not exceed twelve (12) feet in height, although the supporting poles may exceed that height.
3. Poles supporting light fixtures shall be dark in color to reduce light reflectivity.
4. All light fixtures shall emit a steady, constant light and shall not emit a flashing or irregular light, unless specifically required by Federal, State, or municipal authorities.
5. All outdoor light fixtures using metal halide lamps shall be shielded and filtered, and quartz glass does not meet this filtering requirement.
6. The following types of light sources are prohibited: mercury vapor, low pressure sodium, or quartz lamps, laser, searchlights, cobra-head fixtures, or moving or colored lights with the exception of temporary holiday displays.
7. All outdoor lights shall be designed, located, and installed in such a manner as to prevent objectionable light, including disability glare, from creating a nuisance on abutting properties or the public way.
8. Light levels shall comply with the luminance recommendations of the Illuminating Engineering Society of North America (IESNA).
9. Lighting for the American flag may deviate from these standards but shall not produce disability glare nor create a nuisance for abutting properties or residents of the area.

Figure 2.3.M. Façade Diagram, Incentive Housing Zone



Rhythms and proportions of building modules, storefront modules and upper floor modules

This diagram illustrates the concept of window alignment and rhythm in buildings in the Incentive Housing Zone. The diagram shows how the first floor is separated from the upper stories with larger windows, strong lintels, and alignment with adjacent buildings. It also shows how windows of different sizes and shapes can be positioned within the façade to align with windows of adjacent buildings.

Figure 2.3.N: Typical Streetscape Enhancement Detail, Incentive Housing Zone

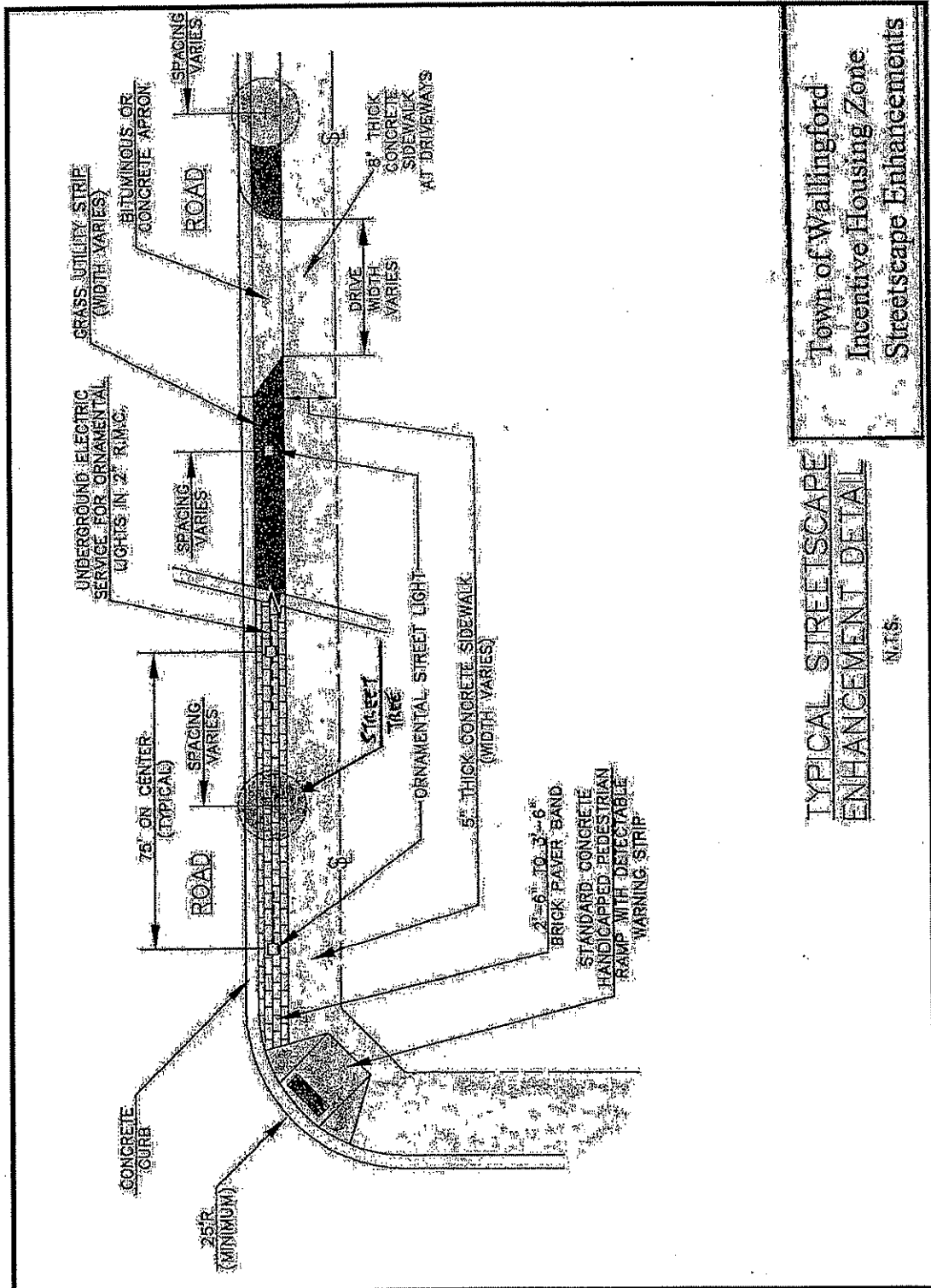
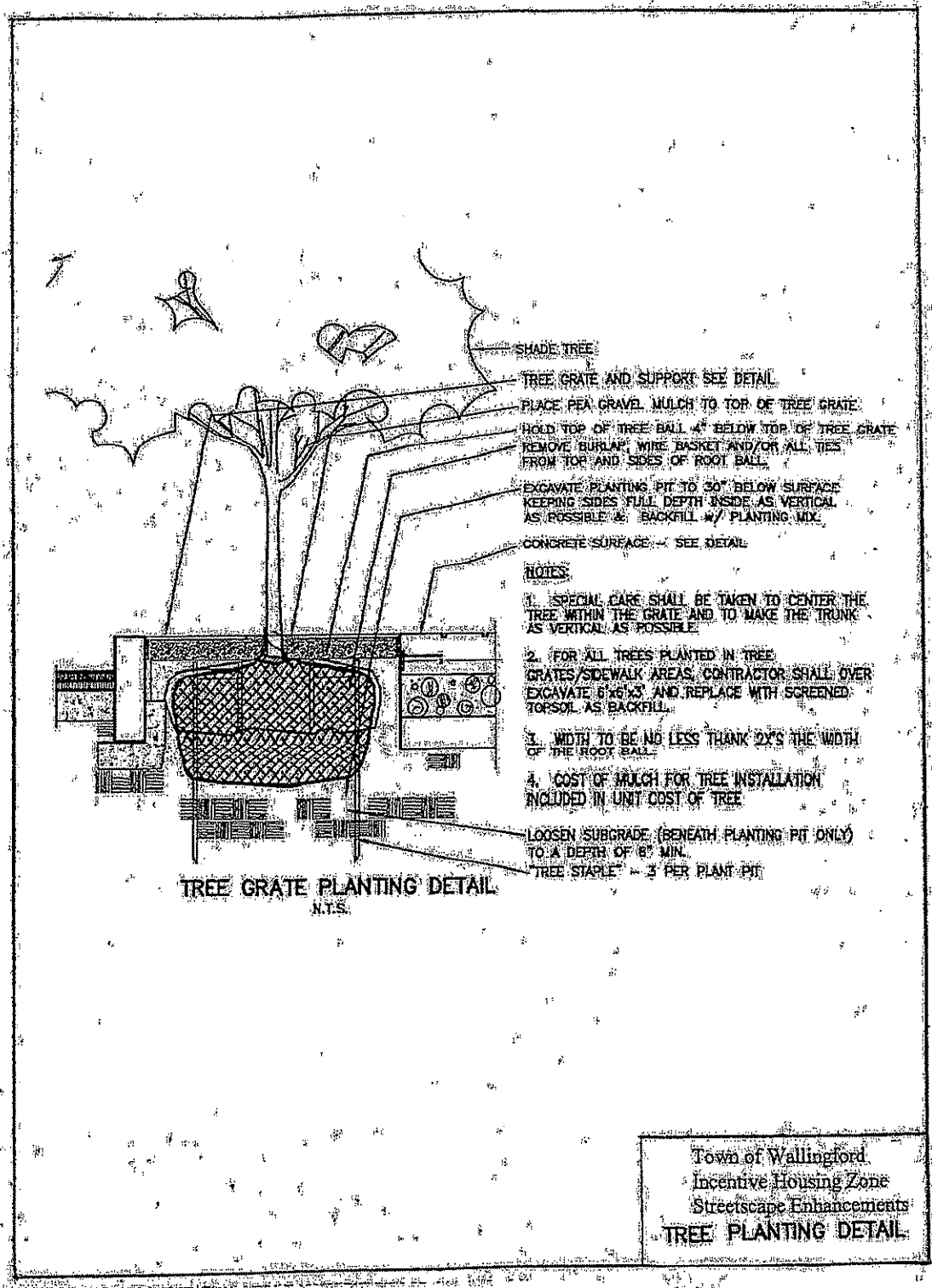


Figure 2.3.0: Typical Street Tree Planting Detail, Incentive Housing Zone



**Photographs of Existing District  
and Proposed Streetscapes**



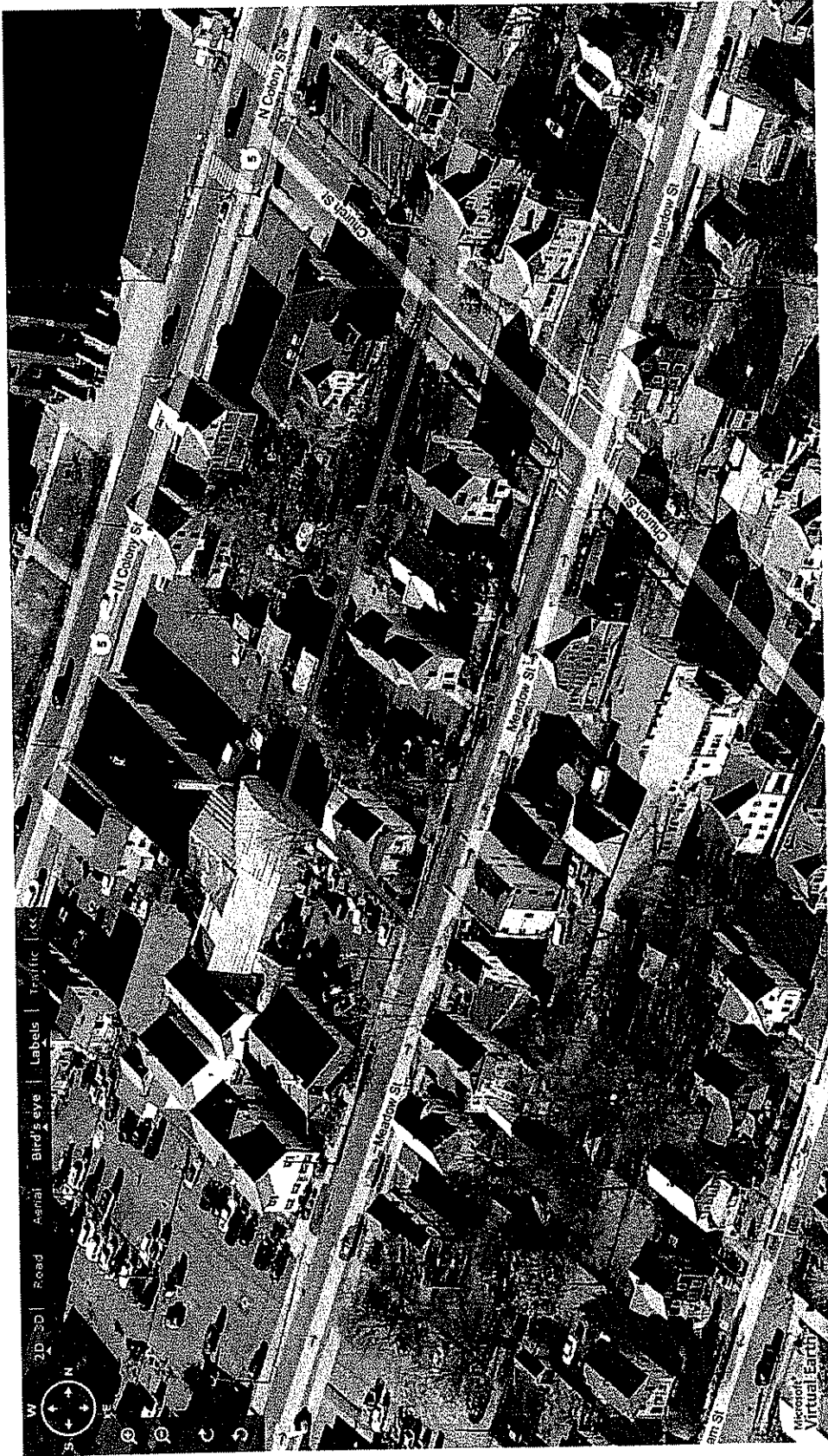
Town of Wallingford Connecticut  
Proposed Incentive Housing Zone  
Oblique Aerial of Downtown Core Sub-District

Source: <http://maps.live.com/>  
(composite of three shots,  
downloaded March 7, 2009)



Town of Wallingford Connecticut  
Proposed Incentive Housing Zone  
Oblique Aerial of North Cherry Street Sub-District

Source: <http://maps.live.com/>  
(composite of three shots,  
downloaded March 7, 2009)

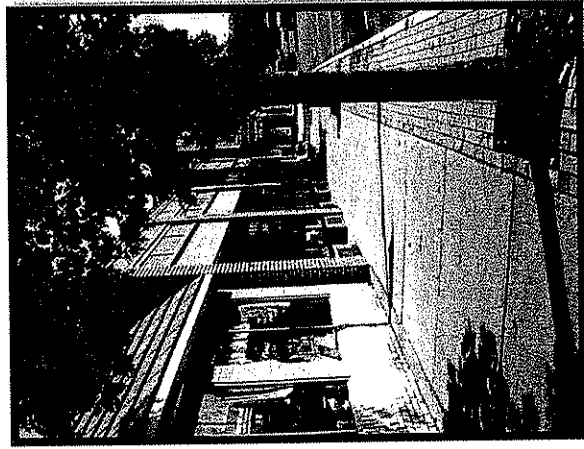


Town of Wallingford Connecticut  
Proposed Incentive Housing Zone  
Oblique Aerial of Meadow Street Sub-District

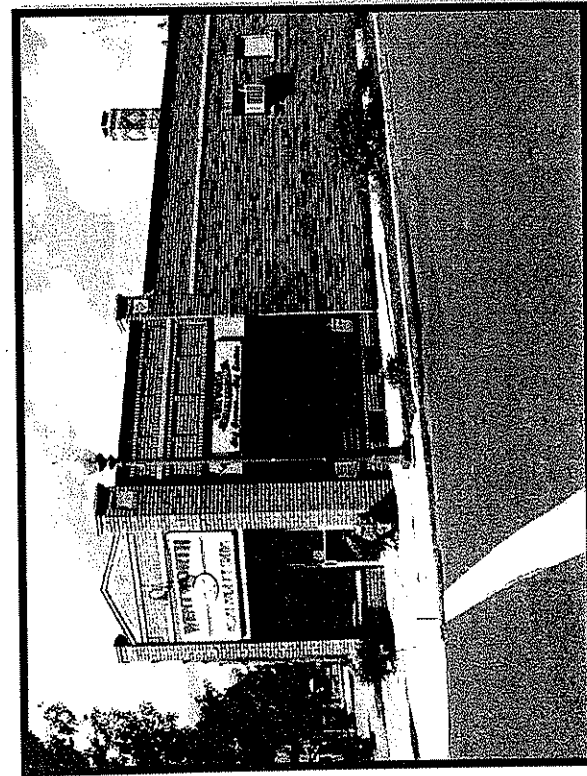
Source: <http://maps.live.com/>  
(composite of three shots,  
downloaded March 7, 2009)



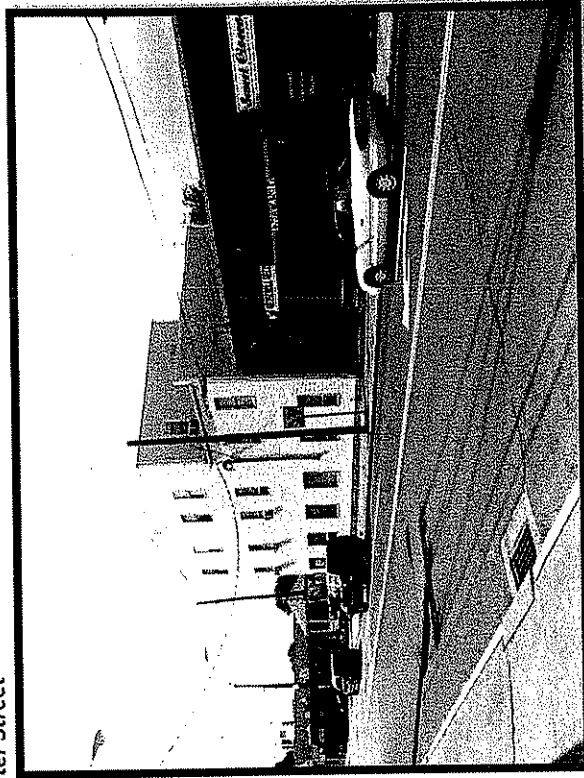
*Center Street*



*Center Street*



*Corner of Center Street and Meadow Street*



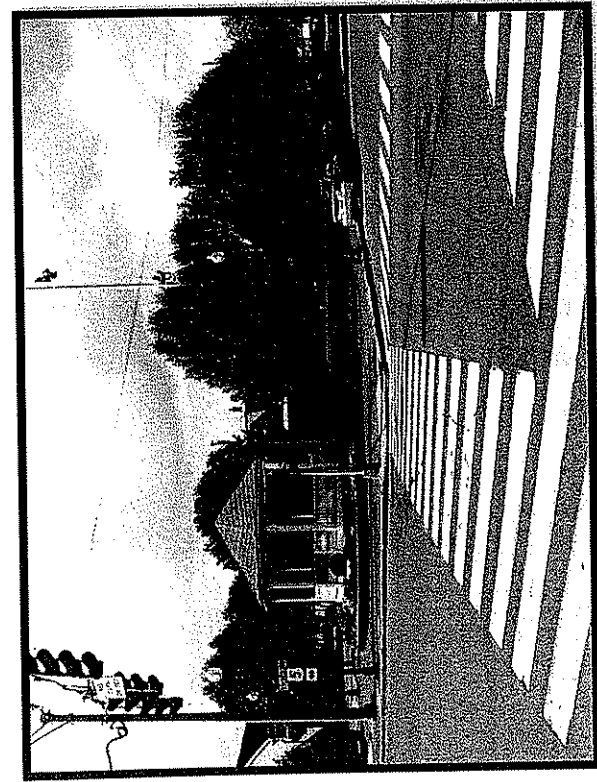
*North Colony Street looking toward Center Street*



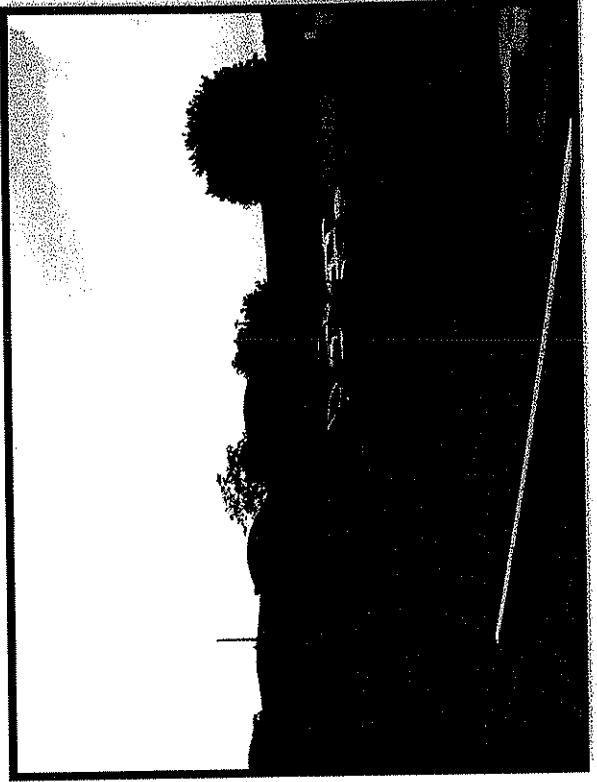
*North Colony Street*

Existing Conditions  
Downtown Core Sub-District

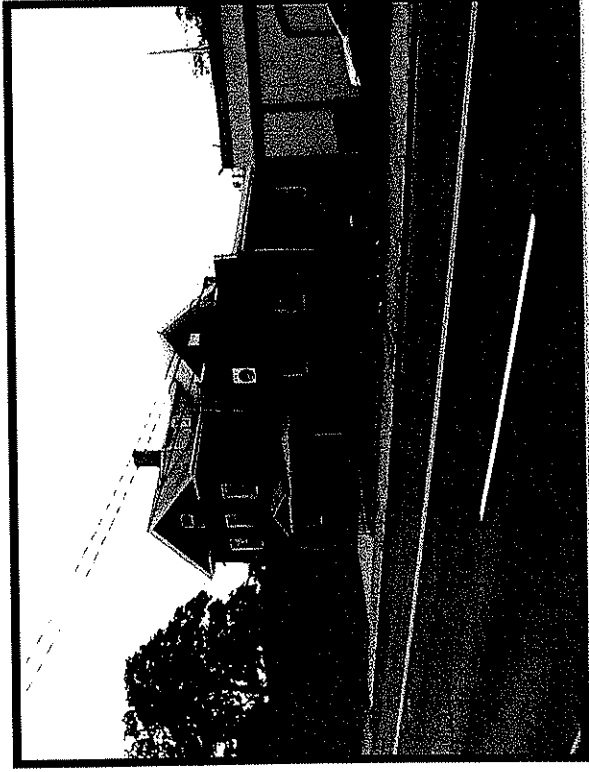
Town of Wallingford Connecticut  
Proposed Incentive Housing Zone



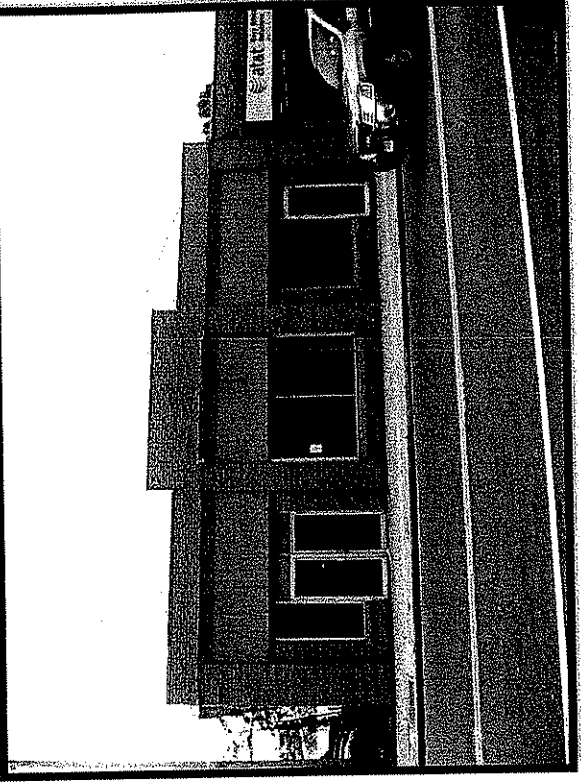
*Park at main intersection*



*North Colony Street*



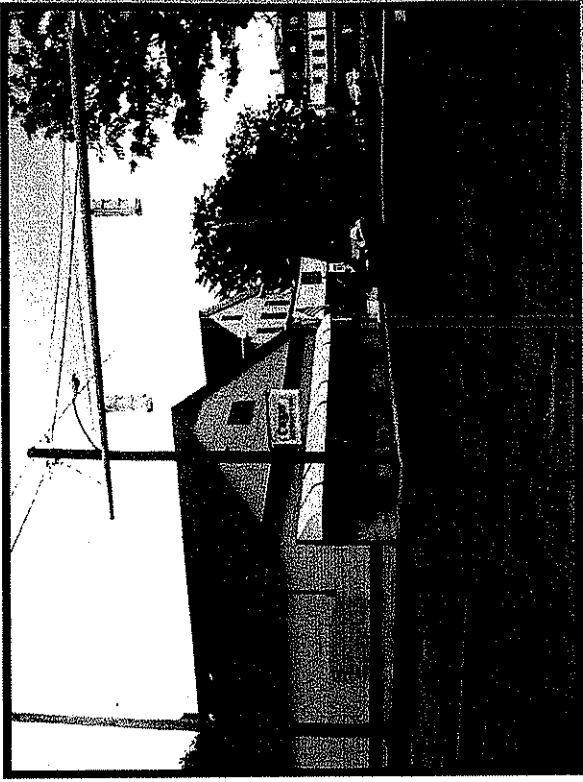
*North Colony Street*



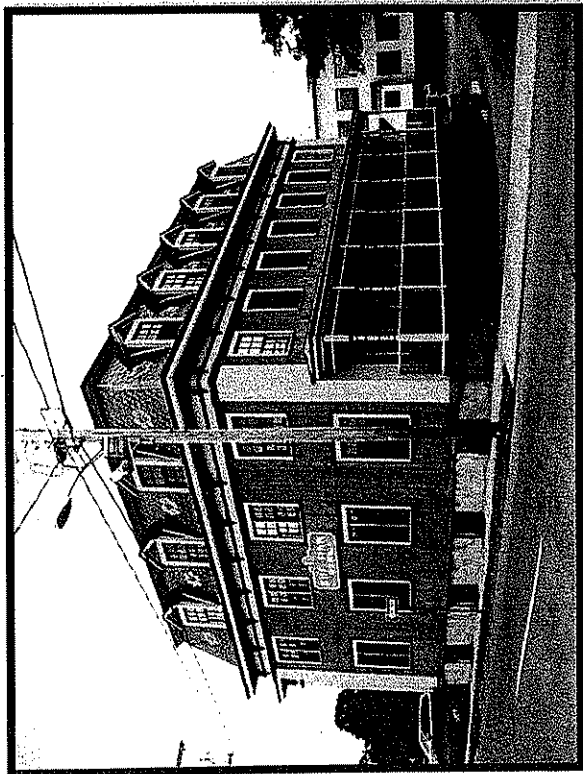
*North Colony Street, vacant*

Town of Wallingford Connecticut  
Proposed Incentive Housing Zone

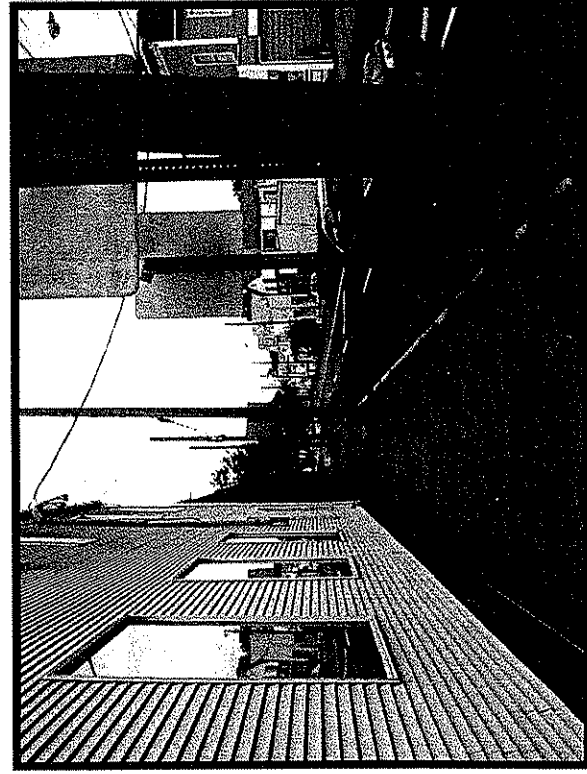
Existing Conditions  
Downtown Core Sub-District



Hall Avenue



Hall-Elton Building on Hall Avenue



North Colony Street

Town of Wallingford Connecticut  
Proposed Incentive Housing Zone



Abandoned barn in district

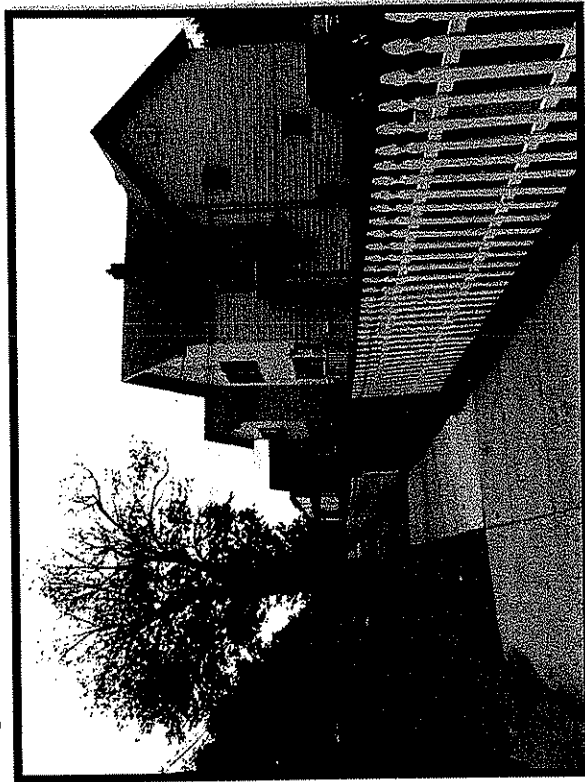


Wallingford Train Station

Existing Conditions  
Downtown Core Sub-District



*Large industrial use*



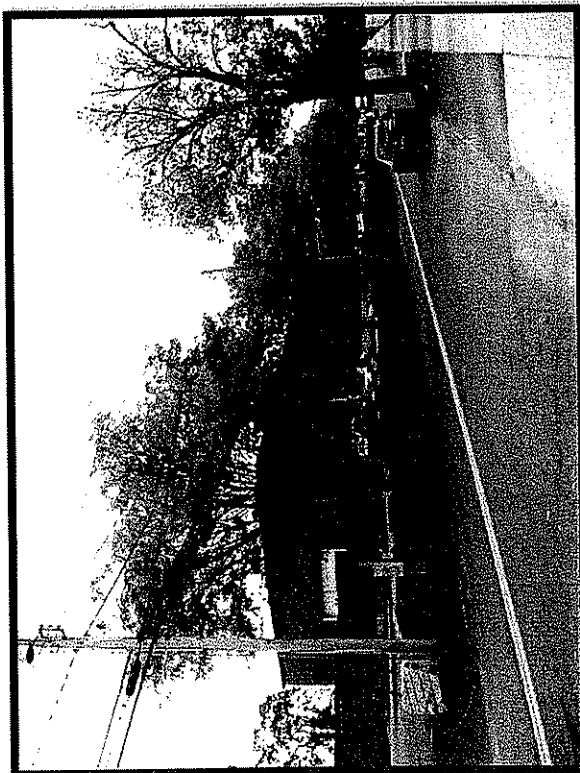
*View down North Cherry Street; sub-district is to the left.*

Existing Conditions

North Cherry Street Sub-District



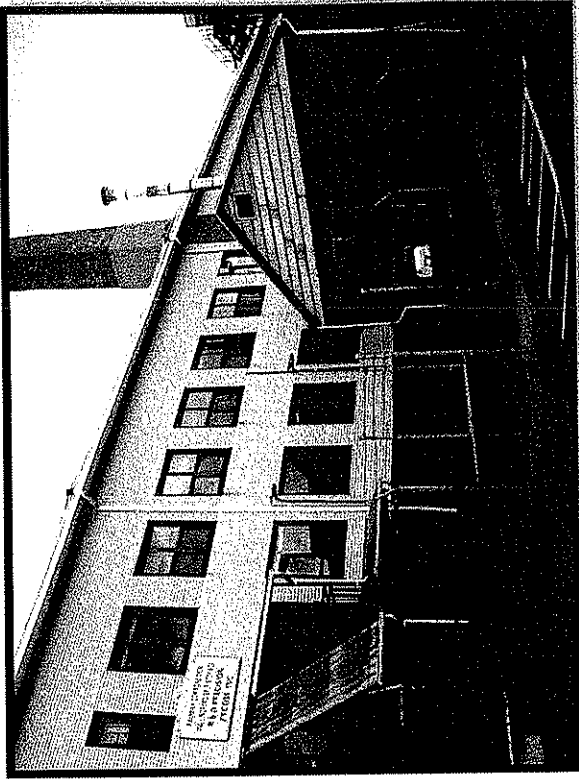
*Small industrial use*



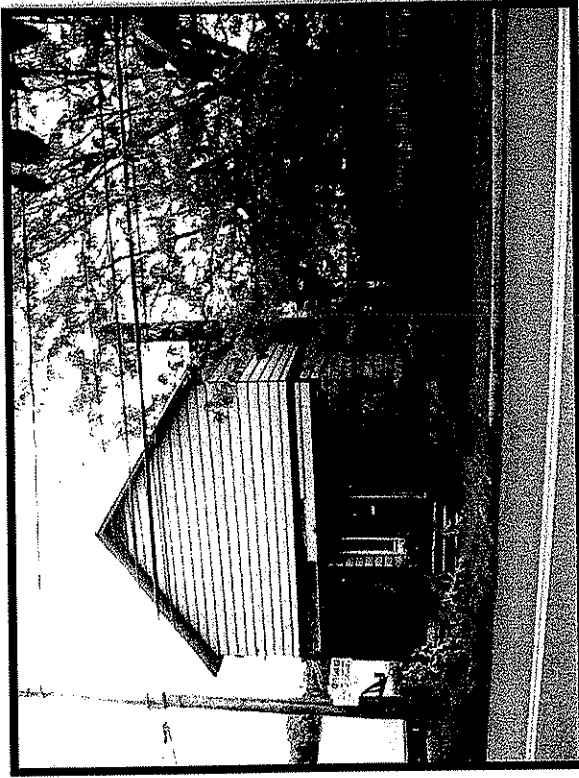
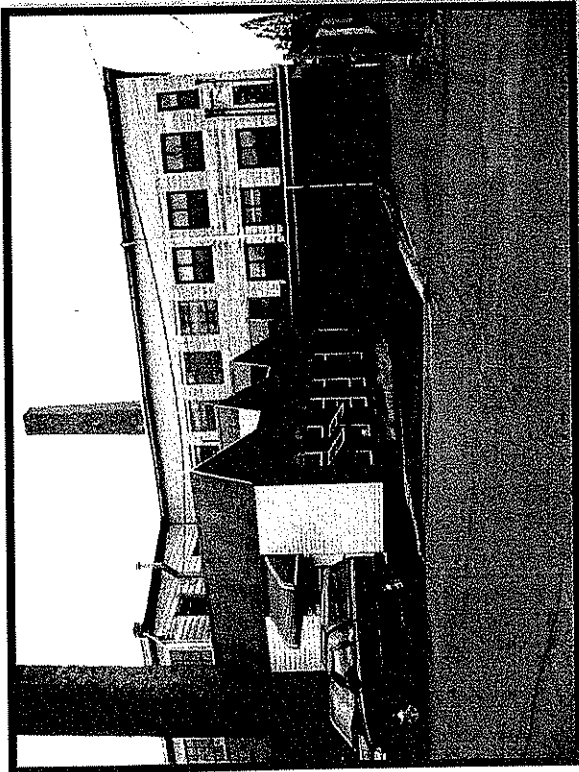
*Large industrial use at north end of sub-district*

Town of Wallingford Connecticut

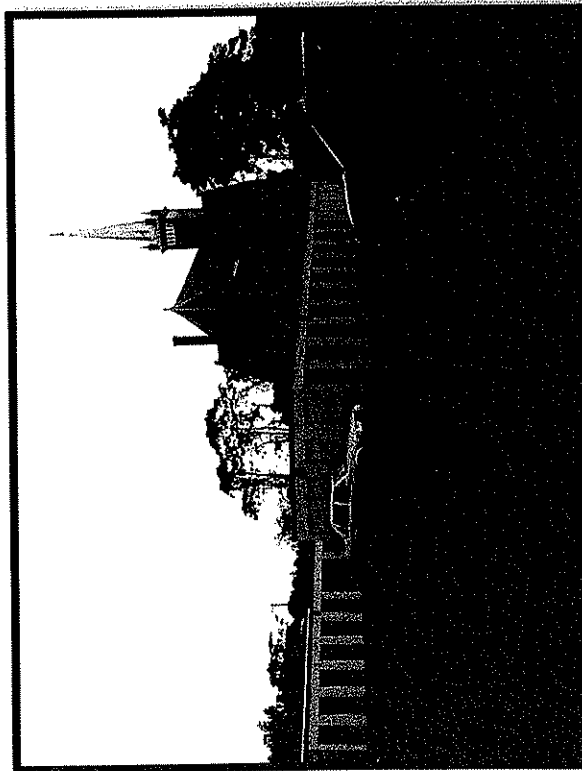
Proposed Incentive Housing Zone



*Underutilized factory building (from two sides)*



*Abandoned building*



*Self-service storage facility*

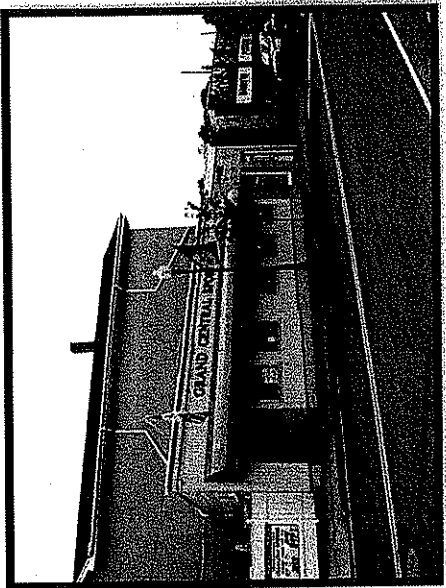
39

Town of Wallingford Connecticut  
 Proposed Incentive Housing Zone

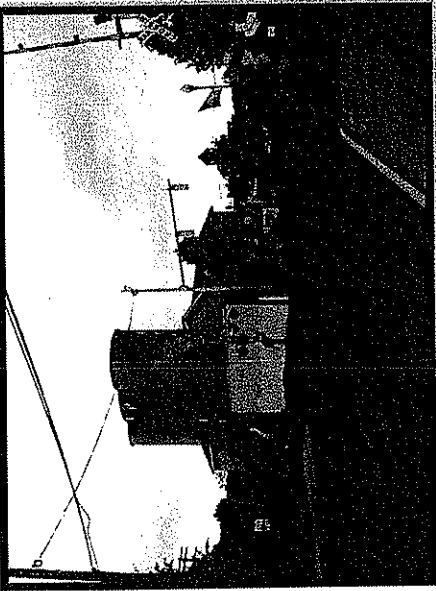
Existing Conditions  
 North Cherry Street Sub-District



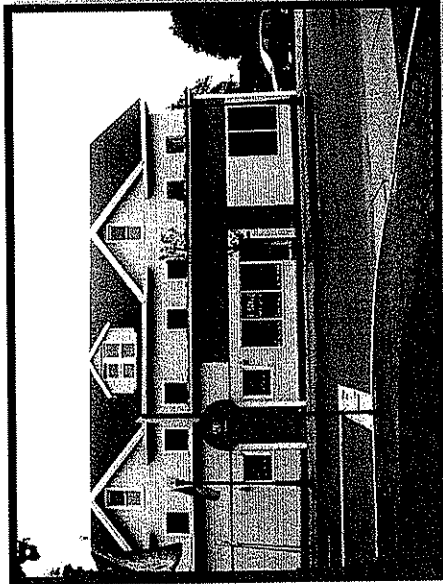
*Quinniapiac Street, public parking lot behind stores*



*Quinniapiac Street, warehouse building behind restaurant.*



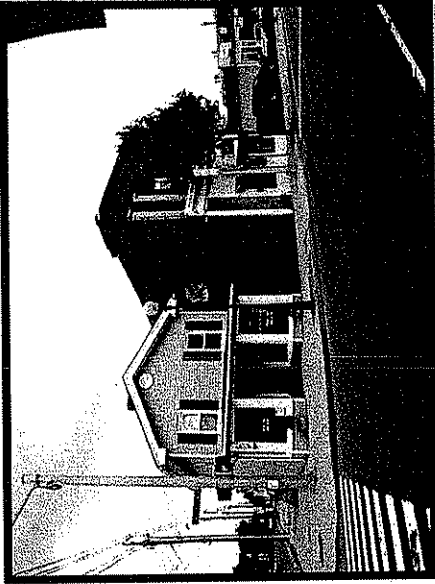
*Quinniapiac Street, old coal storage silos*



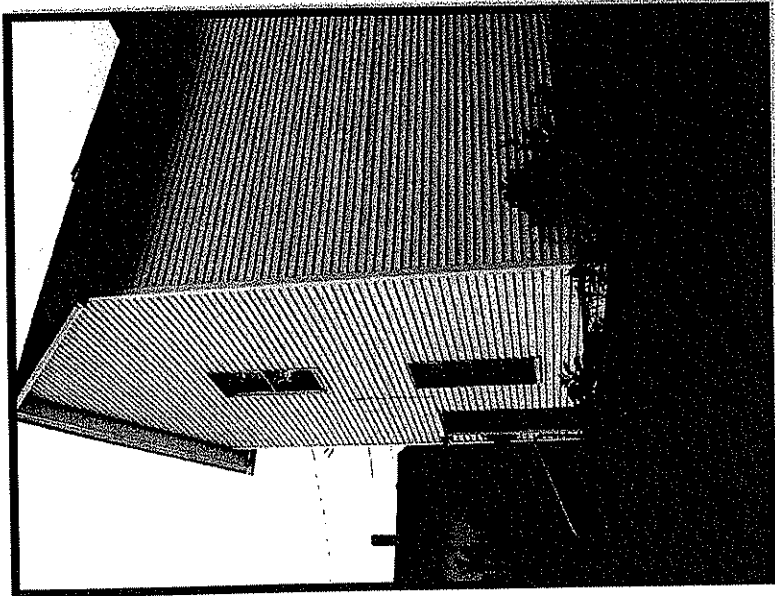
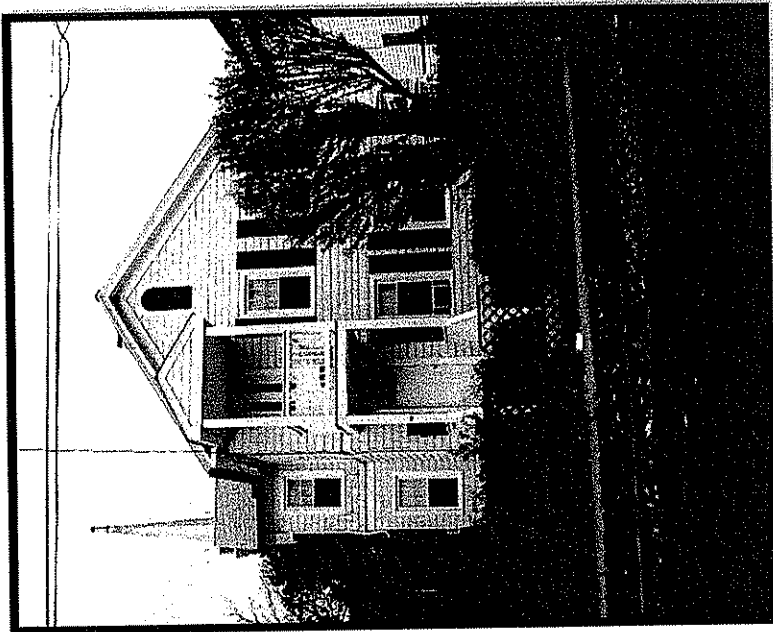
*Quinniapiac Street, recent renovation*



*Detail in building on Quinniapiac Street.*



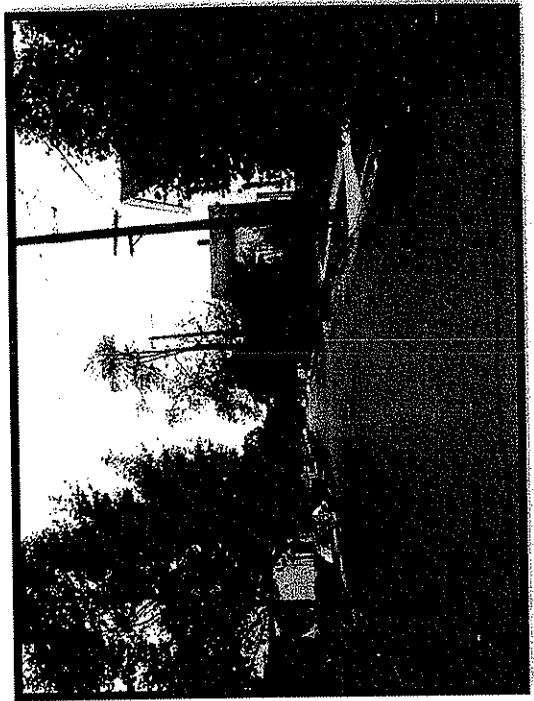
*Corner of North Cherry and Quinniapiac Street*



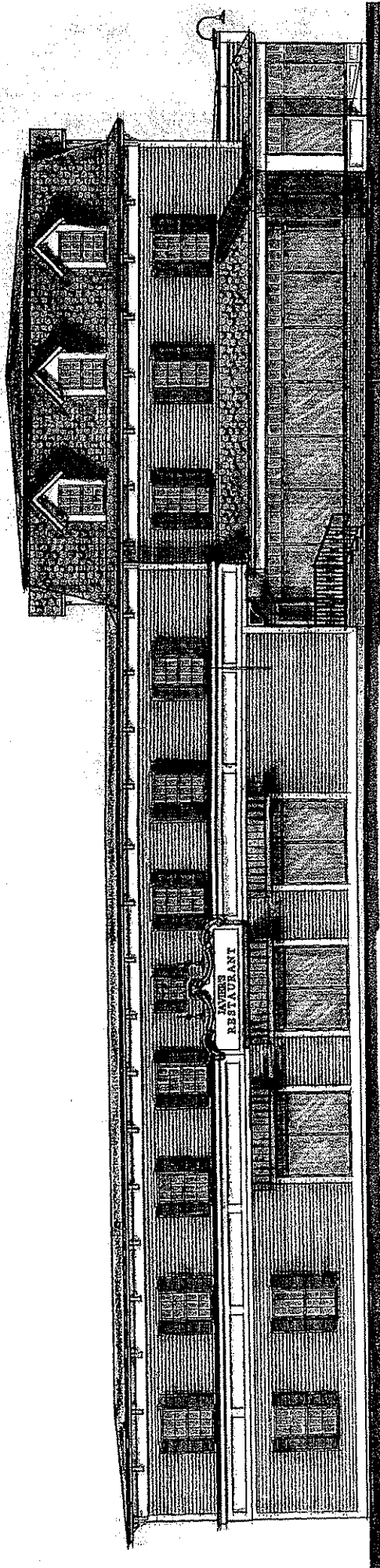
*Existing buildings within sub-district.*

Town of Wallingford Connecticut  
 Proposed Incentive Housing Zone  
 Existing Conditions

Meadow Street Sub-District



*View down Meadow Street; sub-district is to the right.*

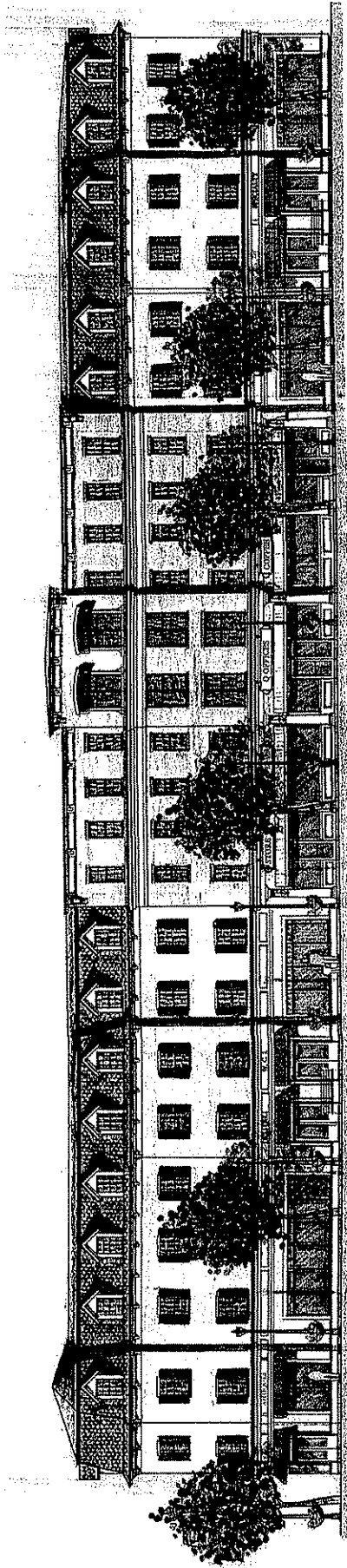


**CORNER CENTER STREET AND NORTH COLONY STREET  
RENOVATION AND PARTIAL SECOND STORY ADDITION**

**LAZARUS & SARGENT ARCHITECTS**

Town of Wallingford Connecticut  
Proposed Incentive Housing Zone  
Sample Rendering of Potential Incentive Housing Development  
Downtown Core Sub-District; Renovation of Existing Building

Source: Lazarus & Sargent Architects,  
Wallingford CT  
March 4, 2009

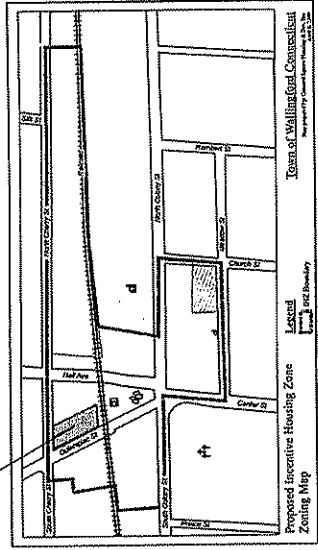


NORTH SIDE OF QUINNPIAC STREET BETWEEN NORTH CHERRY STREET AND THE TRAIN TRACKS  
APARTMENTS, OFFICES AND RETAIL

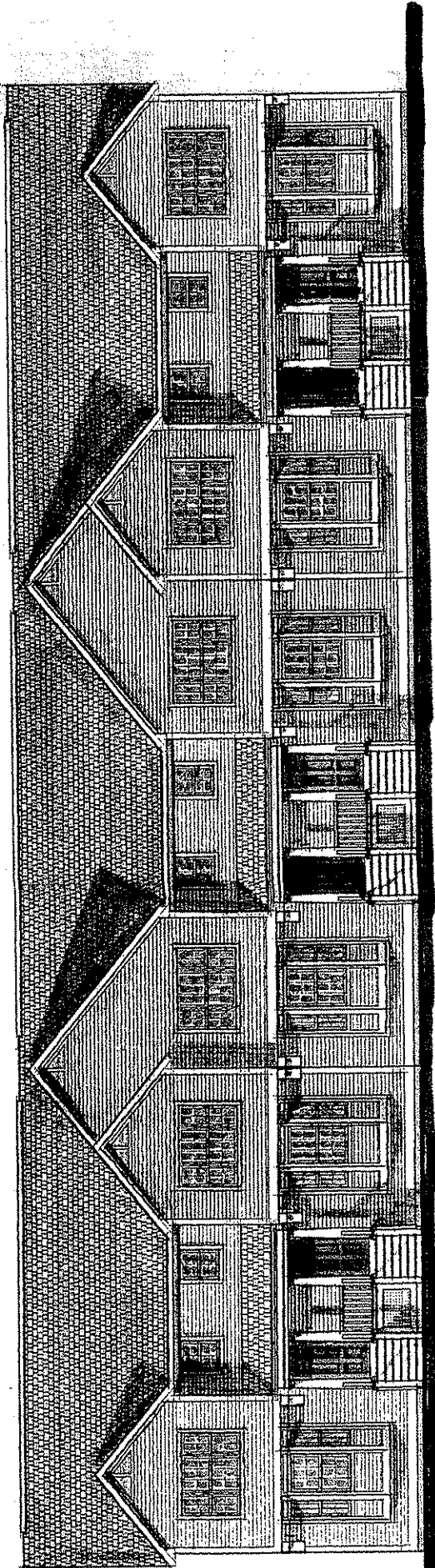
LAZARUS & SARGEANT ARCHITECTS

Town of Wallingford Connecticut  
Proposed Incentive Housing Zone  
Sample Rendering of Potential Incentive Housing Development  
Downtown Core Sub-District; New Construction

Location of this potential IHD.



Source: Lazarus & Sargeant Architects  
Wallingford CT  
March 4, 2009



MEADOW STREET TOWNHOUSES

LAZARUS & SARGEANT ARCHITECTS

Town of Wallingford Connecticut  
Proposed Incentive Housing Zone  
Sample Rendering of Potential Incentive Housing Development  
Meadow Street Sub-District

Source: Lazarus & Sargeant Architects,  
Wallingford CT  
March 4, 2009

**CALCULATION OF "DEVELOPABLE LAND" IN  
ACCORDANCE WITH CONN. GEN. STAT. § 8-13m(3)**

Area Calculations

Total Area of IHZ: 23.34 acres (*see* Notes below)

"Developable Area" as per § 8-13m(3): 14.99 acres consisting of:

Town-owned park, railroad, and rights-of-way excluded	8.35 acres
Developable land, Core Sub-District	10.01 acres
Developable land, North Cherry	4.29 acres
Developable land, Meadow Street	<u>0.69 acres</u>
	14.99 acres

NOTES:

1. For unit calculations, we used the Assessor card data, which is provided in acres. This was converted in GIS and Excel to square feet for the purpose of calculating the units for each parcel of tract.
2. Parcel polygons were created by Concord Square from the CAD data of the tax map provided by the Town Engineering Department, and the area of each polygon was calculated by the GIS Software.

## **BUILDINGS IN IHZ THAT WILL BE PRESERVED OR REUSED**

Several buildings in this proposed IHZ that will be preserved, most notably the Wallingford Train Station and the Hall-Elton Building, both of which are listed on the National Register of Historic Places.

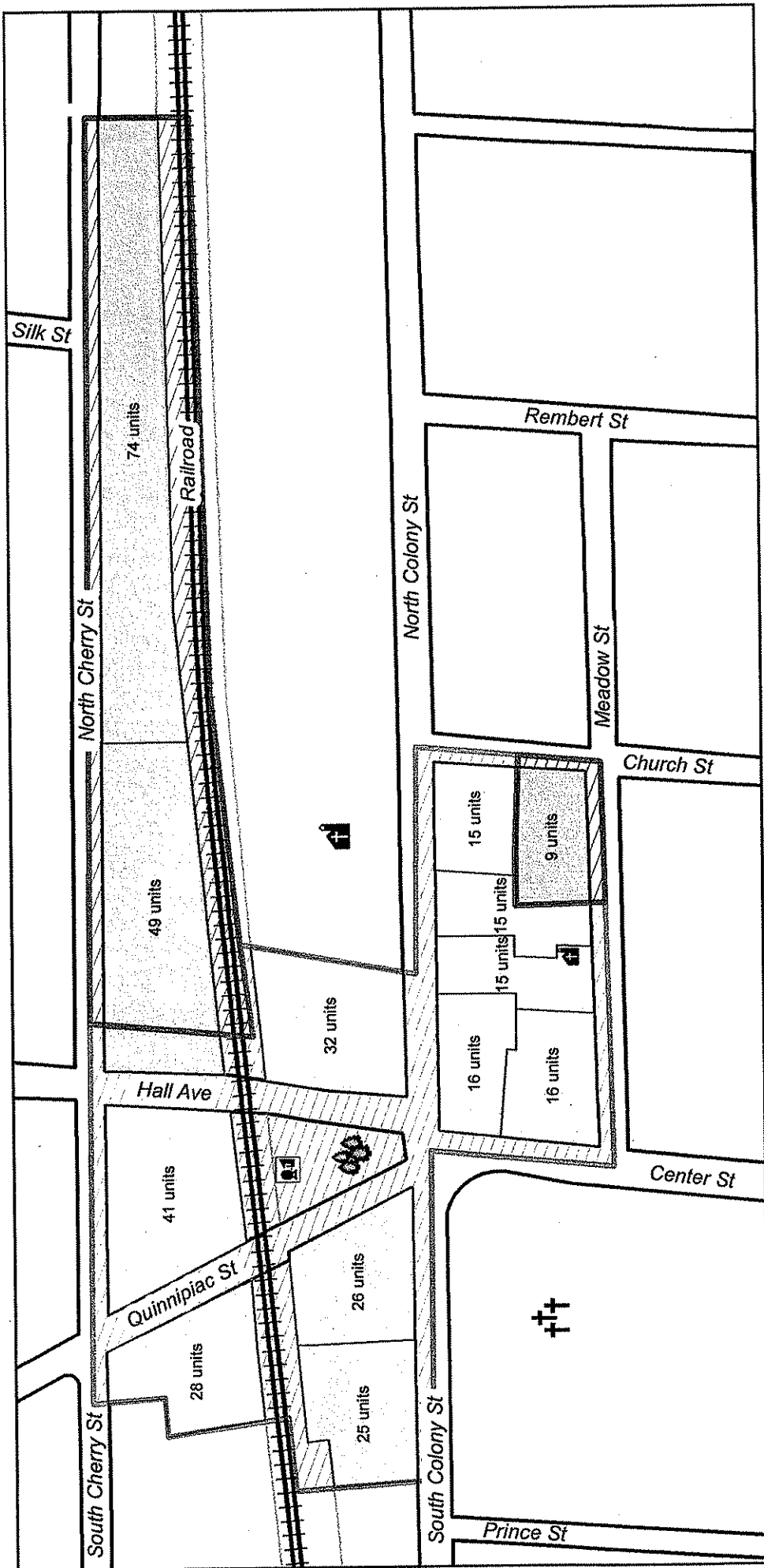
Buildings in the proposed district that are in good condition and are of sufficient size to accommodate new housing at the required densities include three of the large industrial buildings on North Cherry Street: two buildings at 105 North Cherry and one at 63 North Cherry. The ones at 105 North Cherry are two-story brick construction with the potential for adding one or two additional stories for housing, and converting the lower stories to permitted office, retail, and residential.

Two adjacent buildings on Center Street (4 and 16) may also be of a size and condition to make renovation realistic, although the structural integrity or interior condition of them is not known.

## HOW PROPOSED IHZ IS COMPATIBLE WITH EXISTING USES

The proposed IHZ will allow the construction of up to 361 housing units within the district. Since this district is within the downtown, retail uses are prevalent and are required on the street level of all IHZ buildings in the Downtown Core Sub-District. There are currently 58 housing units in the IHZ, and residential uses are prevalent in most of the surrounding area, including two developments at densities equal to or exceeding that required in the new district (Judd Square on South Cherry Street and The Crossings on North Cherry Street). Housing on the west side of North Cherry Street north of Hall Avenue is primarily single-family, which influenced the decision to create the North Cherry Street Sub-District to limit the non-residential component of mixed use developments in this area. Likewise, housing adjacent to the Meadow Street Sub-District is single-family or converted single-family structures, and again, that fact influenced the creation of the sub-district as well as the design standards. The goal is to create a potential for redevelopment in this area that will enhance the neighborhood as much as to enhance the properties themselves. The design standards are written with the goal of creating buildings and sites that fit the character of a New England town.

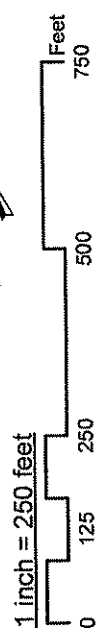
**Calculation of Existing and  
Proposed Residential Uses  
Within Incentive Housing Zone**



# Town of Wallingford Connecticut

Map prepared by: Concord Square Planning & Dev. Inc.  
April 6, 2009

Sources:  
Parcel Lines, Roads, Railroad - Wallingford Engineering Dept.  
IHZ Boundary and Subdistricts - Concord Square Planning & Dev.



## Legend

- Tract Boundaries
- IHZ Sub-Districts/Potential IHZ Tracts:
  - Core - 26 du/a, Total 242 Units
  - Meadow - 15 du/a, Total = 9 Units
  - North Cherry - 26 du/a, Total = 110 Units
- Existing Park
- Existing Train Station
- Existing Church

## Proposed Incentive Housing Zone Incentive Housing Zone Plan

Total Housing Units = 361

1430 Main Street, Suite 202  
Palmer, MA 01069  
413-284-4328  
concordsqdev.com

CONCORD SQUARE  
PLANNING &  
DEVELOPMENT, INC.

**CALCULATION: IHZ CONSTITUTES INCREASE  
IN AS-OF-RIGHT DENSITY OF >25 PERCENT**

1. Total area of IHZ: 23.3 acres
2. Underlying zones that do not allow residential units: CA-6, CB-12, I-40
3. Within Core Sub-District, R-6 zoning allows two residential units
4. Within Meadow Street Sub-District, R-6 zoning allows five residential units
5. **Total units allowed by existing zoning within IHZ: seven units\***
6. **Total units allowed as-of-right by IHZ: 361 units**

\* There are currently 58 total residential units within the IHZ, but 51 are either non-conforming or otherwise not as-of-right

**CALCULATION: IHZ IS <10 PERCENT OF TOWN**

Total area of IHZ: 23.3 acres

Town of Wallingford: 25,813 acres



# Town of Wallingford, Connecticut

## PETITION

I am a property owner in the proposed Wallingford Incentive Housing Zone. I support the Town's efforts to create this new zone.

- |    | Name                            | Property Address  |
|----|---------------------------------|---|
| 1. | <i>Andrew Corbett</i>           | <i>43 Hill</i>  |
| 2. | <i>Charles A. DiFranco</i>      | <i>4 &amp; 6 MEADOW &amp; 42 CENTER 38 CENTER<br/>44 43</i> |
| 3. | <i>Pr. S. K. K.</i>             | <i>33 Northchey. St.</i>                                    |
| 4. | <i>Bureau Migliaro (member)</i> | <i>65 South Colony</i>                                      |
| 5. |                                 |   |

Please return to  
Wallingford Planning Department  
45 South Main St  
Wallingford, CT 06451



*Town of Wallingford, Connecticut*

**PETITION**

I am a property owner in the proposed Wallingford Incentive Housing Zone. I support the Town's efforts to create this new zone.

Name	Property Address
1. Lisamarie Morgillo <i>LM</i>	22-24-86 Meadow St
2. <i>Paul P. Hault.</i>	19-26 So. Colony St.
3.	
4.	
5.	

Please return to  
Wallingford Planning Department  
45 South Main St  
Wallingford, CT 06451



*Town of Wallingford, Connecticut*

**PETITION**

**I am a property owner in the proposed Wallingford Incentive Housing Zone. I support the Town's efforts to create this new zone.**

<b>Name</b>	<b>Property Address</b>
1. <i>Maria Nicolaidis</i> <i>Maria Nicolaidis</i>	<i>32 Center St</i>
2.	
3.	
4.	
5.	

Please return to  
Wallingford Planning Department  
45 South Main St  
Wallingford, CT 06451



*Town of Wallingford, Connecticut*

**PETITION**

**I am a property owner in the proposed Wallingford Incentive Housing Zone. I support the Town's efforts to create this new zone.**

<b>Name</b>	<b>Property Address</b>
1. Rosa Lombardi	57 N. Colony St
2. Don Valente	11 Hall Ave
3. John Terrell	35 Hall Ave
4. Va Rur	95 no cherry st
5. Javier C. Aguirre	35 N. Colony St. & 6 <del>th</del> Center St.

Please return to  
Wallingford Planning Department  
45 South Main St  
Wallingford, CT 06451

**MODEL AFFORDABILITY PLAN**

**INCENTIVE HOUSING DEVELOPMENT**

**WALLINGFORD, CONNECTICUT**

**Submitted to the Office of Policy and Management**

April 2009

PREPARED BY:  
Shipman & Goodwin LLP  
One Constitution Plaza  
Hartford, CT 06103-1919  
(860) 251-5000

**DEFINITIONS:**

**"Incentive Housing Zone Development"** – means the incentive housing located within an approved Incentive Housing Zone, and in which not less than 20 percent of the dwelling units will be conveyed subject to an Incentive Housing Restriction.

**"Incentive Housing Restriction"** – means a deed restriction constituting an obligation with respect to household income, sale or resale price, and rent and housing costs, as defined by Conn. Gen. Stat. §§ 8-13m *et seq.*

**"Incentive Housing Unit"** – means a residential unit within the Incentive Housing Zone that is subject to the Incentive Housing Restriction.

**"Incentive Housing Zone"** – means the approved Incentive Housing Zone, as shown on maps on file with the Town Clerk of the Town of Wallingford.

**"Model Unit"** – means a residential unit within the Incentive Housing Zone that will be constructed to the minimum specifications set forth in **Schedule C** of this plan, and will be sold at market value.

**"Developer"** – means the individual, partnership, limited liability company, corporation, or other entity responsible for construction within an Incentive Housing Zone, and for compliance with this Affordability Plan, or the Developer's successors and assigns.

## **I. Introduction.**

This Affordability Plan is submitted in compliance with the requirements of Conn. Gen. Stat. §§ 8-13m *et seq.* It is intended to be recorded and enforced as a condition of site plan or subdivision approval within an Incentive Housing Zone, and to work in conjunction with the regulations of such Zone, and the development restrictions set forth in **Schedule F**.

## **II. Homes Designated as Incentive Housing Units.**

Twenty percent (20%) of the residential units in the Incentive Housing Zone will be designated as Incentive Housing Units. The specific units designated as Incentive Housing Units are identified in Schedule B attached hereto.

## **III. Fifty (50) Year Period.**

The Incentive Housing Units shall be subject to an Incentive Housing Restriction for a term of fifty (50) years. The fifty (50) year period shall be calculated separately for each Incentive Housing Unit, and the period shall begin on the date of conveyance or initial leasing of such Incentive Housing Unit from the Developer or its successors or assigns to an eligible purchaser, as hereinafter defined.

## **IV. Entity Responsible for Administration and Compliance.**

This Affordability Plan will be administered by (IDENTIFY) ("Administrator"). The Administrator shall be responsible for the following:

- A. Ensuring that households applying for Incentive Housing Units qualify within applicable maximum income limits;
- B. Assuring the accuracy of sale and resale prices or rents, and providing documentation where necessary to buyers, sellers, lessors, lessees, and financing institutions; and
- C. Ensuring that the designated Incentive Housing Units remain compliant with the Incentive Housing Restriction for a term of fifty (50) years.

The Administrator shall submit any data regarding the administration of this Affordability Plan upon request from the Town of Wallingford or the Office of Policy and Management. The Administrator shall provide the requested information in a timely manner.

Notwithstanding any of the above, the Developer will be responsible for all advertising and marketing requirements for initial sales and/or leasing under this Plan.

## **V. Notice of Initial Sale or Rental of Incentive Housing Units.**

### **A. Notice of Initial Sale.**

Except as provided in Section VIII hereof, the Developer shall provide notice of the availability of each Incentive Housing Unit for purchase (the "Notice of Initial Sale"). The Administrator shall also provide such notice to the clerk of the Town of Wallingford and to the Wallingford Planning and Zoning Commission. Such notice shall include a description of the available Incentive Housing Unit (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. Stat. §§ 46a-64b, 64c (together, the "Fair Housing Acts").

### **B. Notice of Initial Rental.**

Except as provided in Section IX hereof, the Developer or Administrator shall provide notice of the availability of each Incentive Housing Unit for rent (the "Notice of Initial Rental"). The Administrator shall also provide such notice to the clerk of the Town of Wallingford and to the Wallingford Planning and Zoning Commission. Such notice shall include a description of the available Incentive Housing Unit (s), the eligibility criteria for potential purchasers, the Maximum Rental 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. Stat. §§ 46a-64b, 64c (together, the "Fair Housing Acts").

## **VI. Purchaser Eligibility.**

The Incentive Housing Units shall be offered to households whose income is less than or equal to eighty percent (80%) of the area median income for Wallingford, as defined under Conn. Gen. Stat. § 8-30g(a)(7). The area median income shall be as determined by the U.S. Department of Housing and Urban Development ("HUD"). For sale units, purchasers shall be permitted to make downpayments that exceed twenty (20%) percent of the purchase price; however, for the purposes of calculating the Maximum Sales Price, a twenty percent (20%) downpayment shall be used.

## **VII. Application Process.**

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

A. Application Form.

The application form shall be provided by the Administrator and shall include an income pre-certification eligibility form and 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 D**, attached.

B. 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. The term "family" shall be as defined by the Zoning Regulations of the Town of Wallingford.
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.
5. Inform the Applicant that a certified 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 re-sale.

C. 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 issue a pre-certification letter. The letter shall indicate to the Applicant and the Developer that the Applicant is income eligible, subject to the verification of the information provided in the Application. The letter will notify the Applicant that he/she will have thirty (30) days to submit all required documentation.

If applicable, the Applicant shall provide the documentation listed on **Schedule E** 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.

### **VIII. Maximum Initial Rental Price.**

Calculation of the maximum rental price ("Maximum Initial Rental Price") for a Workforce Home, so as to satisfy Conn. Gen. Stat. § 8-30g, shall utilize the lesser of the area median income data for the Town of Wallingford or the statewide median income as published by HUD as in effect on the day a rental agreement is accepted by the resident of the Workforce Home ("Resident"). The Maximum Initial Rental Price shall be calculated as follows:

#### **EXAMPLE CALCULATION OF RENTAL PRICE OF A 2-BEDROOM UNIT FOR A HOUSEHOLD EARNING 80 PERCENT OF AREA MEDIAN INCOME**

#### **SAMPLE COMPUTATIONS BASED ON FY 2008 DATA**

1. Determine area median income for a family of four (4) for Wallingford:
2. Determine the adjusted income for a household of 3.0 persons by calculating 90 percent of Item 1:
3. Calculate 80 percent of Item 2:
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:
6. Determine by reasonable estimate monthly expenses for heat and utilities (if tenants responsible for such expenses):
7. Subtract reasonable monthly expenses (Item 8) from maximum housing expense (Item 7) to determine maximum rent:

### **IX. Maximum Initial Sale Price.**

Calculation of the maximum initial sale price ("Maximum Initial Sale Price") for a Incentive Housing Unit, so as to satisfy the Incentive Housing Restriction as defined by Conn. Gen. Stat. §§ 8-13m *et seq.*, shall utilize the area median income data for the Town of

Wallingford as published by HUD as in effect on the day a purchase and sale agreement is accepted by the owner of the Incentive Housing Unit ("Owner"). The Maximum Initial Sale Price shall be calculated as follows:

**EXAMPLE CALCULATION OF SALES PRICE OF A  
2-BEDROOM HOME FOR A HOUSEHOLD EARNING  
80 PERCENT OF AREA MEDIAN INCOME:**

**SAMPLE  
COMPUTATIONS BASED  
ON FY 2008 DATA**

1. Determine area median income for a family of four (4) for Wallingford:
2. Determine the adjusted income for a household of 3 persons by calculating 90 percent of Item 1:
3. Calculate 80 percent of Item 2:
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:
6. Subtract Item 6 from Item 5 to determine the amount available for mortgage principal and interest:
7. 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:
8. Assume 20 percent downpayment:
9. Add Items 8 and 9 to determine MAXIMUM SALES PRICE:

**X. Principal Residence.**

Incentive Housing Units shall be occupied only as an Owner's principal residence. Leasing or subleasing of Incentive Housing Units by the Owner shall be prohibited.

## **XI. Requirement to Maintain Condition.**

All Owners or, for rental properties, residents, are required to maintain their homes. The Owner or resident shall not destroy, damage or impair the home, allow the home to deteriorate, or commit waste on the home. When an Incentive Housing Unit is offered for re-sale or rental, the Administrator may cause the home to be inspected.

## **XII. Resale of an Incentive Housing Unit.**

An Owner may sell his or her Incentive Housing Unit at any time, provided that 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 F** (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 Resale Price, as set forth in Section VIII. The Administrator shall publish notice of the availability of the home in the same manner as was followed for the initial sale, as set forth in Section V, above. 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 Owner and potential purchaser execute the purchase and sale agreement, 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 VII above. 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 Home has complied with the provisions of this Affordability Plan. The Owner shall bear the cost of recording the certification.

## **XIII. Enforcement.**

A violation of this Affordability Plan or the Incentive Housing Restrictions shall not result in a forfeiture of title, but the Wallingford Planning and Zoning Commission or its designated agent shall otherwise retain all enforcement powers granted by the Connecticut 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 Incentive Housing Units with the Incentive Housing statutes, Conn. Gen. Stat. §§ 8-13m *et seq.*, and any applicable regulations.

**XVI. Incentive Housing Restrictions.**

The Incentive Housing Restrictions contained in **Schedule F** shall be included in each deed or lease of an Incentive Housing Unit during the fifty (50) year period in which the Incentive Housing Restriction is in place to provide notice of the affordability restrictions and to bind future purchasers or tenants.

**XVII. Binding Effect.**

This Affordability Plan shall be binding on the successors and assigns of the Developer.

**SCHEDULE A  
PROPERTY DESCRIPTION**

**SCHEDULE B**  
**IDENTIFICATION OF INCENTIVE HOUSING UNITS**

**SCHEDULE C**  
**MINIMUM SPECIFICATIONS FOR INCENTIVE HOUSING UNIT**

**Exterior**

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- Framing and Sheathing – as per building code
- Exterior Wall – 2" x 4"
- Interior Wall – 2" x 4"
- Fiberglass Roof Shingle (25 years)
- Foundation plantings (as specified)
- No-maintenance vinyl siding
- Aluminum gutters and down spouts
- Exterior weather-proof electrical outlet(s)
- Therma-Tru weather stripped and insulated entry door (or comparable)
- Insulated sliding glass patio doors with screens (where applicable)
- Energy efficient vinyl windows
- Asphalt driveways and walks or equivalent (as specified)
- Insulation as per building code; Exterior walls R13; Ceiling R38; Basement Ceiling R11

**Interior**

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- Wall to wall carpeting
- 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
- Garage with direct interior access
- Ground fault circuits in kitchen, bathrooms and garage
- Colonial six-panel doors (or comparable)

**Kitchens**

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- No-wax vinyl flooring
- Laminate or traditional wood cabinets
- Gas range and oven
- Direct vent, two speed range hood
- Sound insulated, multi-cycle dishwasher
- Laminate countertops
- Stainless steel sink with single lever faucet

## **Bathrooms**

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- Full width vanity mirrors
- Single piece acrylic tubs and shower surrounds
- Laminate vanity tops
- No-wax vinyl flooring or equivalent

**SCHEDULE D**  
**DEFINITIONS AND ELEMENTS OF ANNUAL FAMILY INCOME**

1. Annual income shall be calculated with reference to 24 C.F.R. § 5.609, and 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:

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

(2) 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;

i. Any assets not earning a verifiable income shall have an imputed interest income using a current average annual savings interest rate.

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 HUD;
  - g. Income of a live-in aide, as defined in 24 C.F.R. § 5.403;
  - h. The special pay to a family member serving in the Armed Forces who is exposed to hostile fire;
  - i. Food stamps; and
  - j. 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, 401K 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.

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. 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:

(1) Schedule C (Small Business).

(2) Schedule E (Rental Property Income).

(3) 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.

7. 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.

8. 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 checks or receipts for tuition, fees, books, and equipment, if such income and expenses are not expected to change for the next twelve (12) months.

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

9. 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 an 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.

10. 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:

- (1) A list of all assets disposed of for less than FMV;
- (2) The date Applicant disposed of the assets;
- (3) The amount the Applicant received; and
- (4) The market value to the asset(s) at the time of disposition.

11. 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.

12. 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.

13. 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 F  
INCENTIVE HOUSING RESTRICTION**

A. Deed Restrictions for For-Sale Units.

The language below shall be inserted in each deed for an Incentive Housing Unit for the duration of the fifty (50) year sale price restriction period:

The property conveyed hereby is subject to an "Incentive Housing Restriction" as defined in Conn. Gen. Stat. § 8-13m ("Incentive Housing Unit" or "property"). The owner of said Incentive Housing Unit shall sell or transfer said Incentive Housing Unit only to a family or household whose income is less than or equal to eighty percent (80%) of the area median income for the Town of Wallingford as determined by the Connecticut Department of Housing and the U.S. Department of Housing and Urban Development ("HUD"). The designation as an Incentive Housing Unit 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 Wallingford Planning and Zoning Office).

In the event said owner desires to make said property available for sale, said 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 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 of Wallingford. The owner shall bear the cost of such advertisement. The Administrator shall also provide such notice to the Wallingford Planning and Zoning Commission and the Town of Wallingford. 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 Incentive Housing Unit has complied with the provisions of the Affordability Plan. The owner shall bear the cost of recording said certification.

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

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.

This home is part of an Incentive Housing Development that was approved by agencies of the Town of Wallingford. A defined percentage of the homes in this community are required to be subject to Incentive Housing Restrictions. The Incentive Housing Restrictions are required by law to be strictly enforced.

A violation of the Restrictions shall not result in a forfeiture of title, but the Wallingford Planning and Zoning Commission or its designated agent shall otherwise retain all enforcement powers granted by the Connecticut General Statutes, including § 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 Incentive Housing statutes and regulations.

B. Deed Restrictions for Rental Units.

The language below shall be recorded on the Town of Wallingford Land Records:

(Identify address and unit numbers)

These units are incentive housing units and are therefore subject to a limitation on the maximum annual income of the household that may rent the units, and are subject to a limitation on the maximum rental that may be charged for the units. These limitations shall be strictly enforced, and may be enforced by the zoning enforcement authority of the Town of Wallingford or owner or landlord of these units.

For fifty (50) years, these dwelling units shall be rented to persons or families whose annual income is equal to or less than eighty percent (80%) of the area median income, and may be rented only at a rental equal to or less than the rental determined using the formula for maximum monthly rental amount, including utilities, stated in the Incentive Housing Zone Affordability Plan recorded on the Town of Wallingford Land Records.

**Wallingford Incentive Housing Zone**

**Prepared under contract to:**

**Shipman & Goodwin, LLP**

**For:**

**TOWN OF WALLINGFORD**

**By:**

**FITZGERALD & HALLIDAY, INC.  
72 Cedar Street  
Hartford, CT 06106**



**April 2009**

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### Appendix

Trip Generation Summary (detailed by block)

Parking Summary (detailed)

## INTRODUCTION

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This report has been prepared for the Town of Wallingford to support a proposed Incentive Housing Zone (IHZ). This report describes the existing transportation infrastructure and the transportation improvements needed to support the proposed IHZ. A broad-based qualitative transportation assessment of roads, intersections, parking, and transit service was conducted to assess the needs of the transportation infrastructure.

### Project Background

The Town of Wallingford has developed a conceptual plan to develop a zoning district utilizing the provisions of HOMEConnecticut, legislation that provides funding incentives for affordable housing and high-density development, particularly in the vicinity of public transportation. The zoning district referred to as the Incentive Housing Zone (IHZ) is a six block section of Wallingford's central business district and is clustered around the Amtrak station near the intersection of Hall Avenue and Quinnipiac Street. The plan is to create an overlay zone in the area of the existing railroad station with mixed-use development including retail/restaurant on the first floor and high-density residential on the upper floors. The plan allows for the construction of a parking garage which could contain 200 spaces.

All areas of the proposed zone are within two blocks of the existing railroad station platform. CTTransit buses already serve the area. The development of a mix of uses, including high-density residential, in the vicinity of rail service, represents the concept of Transit Oriented Development (TOD) and is considered a responsible and "smart" way to guide economic growth. Figure 1 shows the study area.

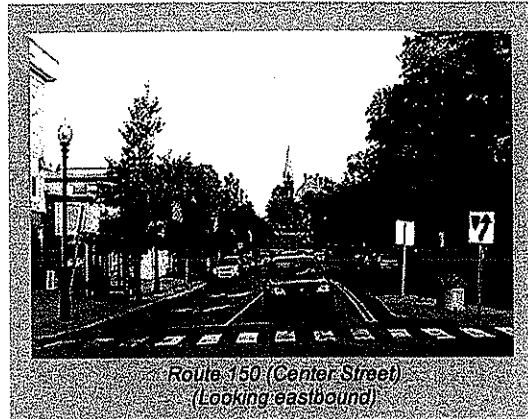
### Transportation Network

The study area is a two block area near the train station bordered by Cherry Street to the west and Center Street (Route 150) to the east. It is bisected by Colony Street (Route 5) and the Amtrak rail line. A description of the roadways and intersections that bound the study area are as follows:

**Route 5 (North Colony and South Colony Streets):** Route 5 is a three-lane roadway that traverses in the north-south direction through the Town of Wallingford, connecting towns from New Haven north to Massachusetts. Route 5 provides a through/right-turn lane and an exclusive left-turn lane for the northbound and southbound approach to Route 150 (Center Street). The posted speed limit within the study area is 30 miles per hour (mph). Land uses in the vicinity of the project site consist of primarily retail/commercial uses.

**Route 150 (Hall Avenue/Center Street):** Route 150 is a two-lane roadway that provides access from downtown Wallingford to Turnpike Road and continues north to intersect with Route 5 again, where it ends. In the study area, Route 150 is locally known as Hall Avenue west of Route 5 and is one-way between Route 5 and Cherry

Street. Route 150 is locally known as Center Street east of Route 5. There is an at-grade railroad crossing of Route 150 approximately 285 feet west of the Route 5/Route 150 intersection. The railroad is owned and operated by Amtrak. Warning gates and a signal are provided at the crossing to alert motorists to on-coming trains. The posted speed limit within the study area is 25 mph. Land uses in the vicinity of the project site consist primarily of commercial/retail uses.

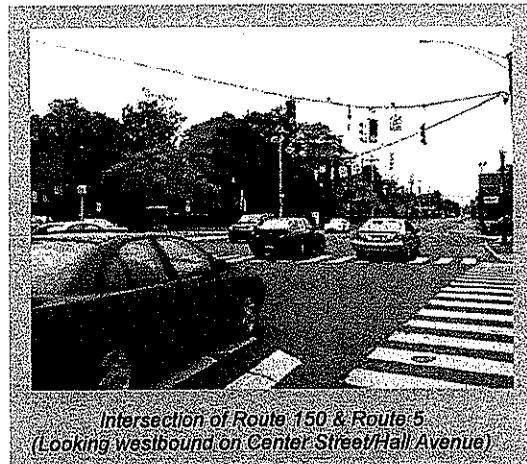


*Route 150 (Center Street)  
(Looking eastbound)*

**Cherry Street:** Cherry Street is a local two-lane roadway that traverses in the north-south direction. Route 150 and Quinnipiac Street intersect with Cherry Street just west of the at-grade railroad crossing.

**Quinnipiac Street:** Quinnipiac Street is a local two-lane roadway that provides access from downtown Wallingford to the Wilbur Cross Parkway. The Amtrak rail line also has an at-grade crossing on Quinnipiac Street approximately 280 feet west of its intersection with Route 5. The posted speed limit within the study area is 25 mph.

**Route 5/Route 150/Quinnipiac Street Intersection:** Route 5 (North Colony Street) is intersected from the east by Route 150 (Center Street) and from the west by Route 150 (Hall Avenue) and Quinnipiac Street to form a five-legged signalized intersection. The northbound approach to the intersection consists of two lanes (one exclusive left-turn lane and one through/right-turn lane). The southbound approach to the intersection consists of a through/right-turn lane and an exclusive left-turn lane. The westbound approach to the intersection consists of two lanes, one through/left-turn lane and right-turn lane. The eastbound approach to the intersection consists of two lanes, one exclusive left-turn lane and one through/right-turn lane. Hall Street is a one-way roadway westbound and conveys traffic away from the intersection.



*Intersection of Route 150 & Route 5  
(Looking westbound on Center Street/Hall Avenue)*

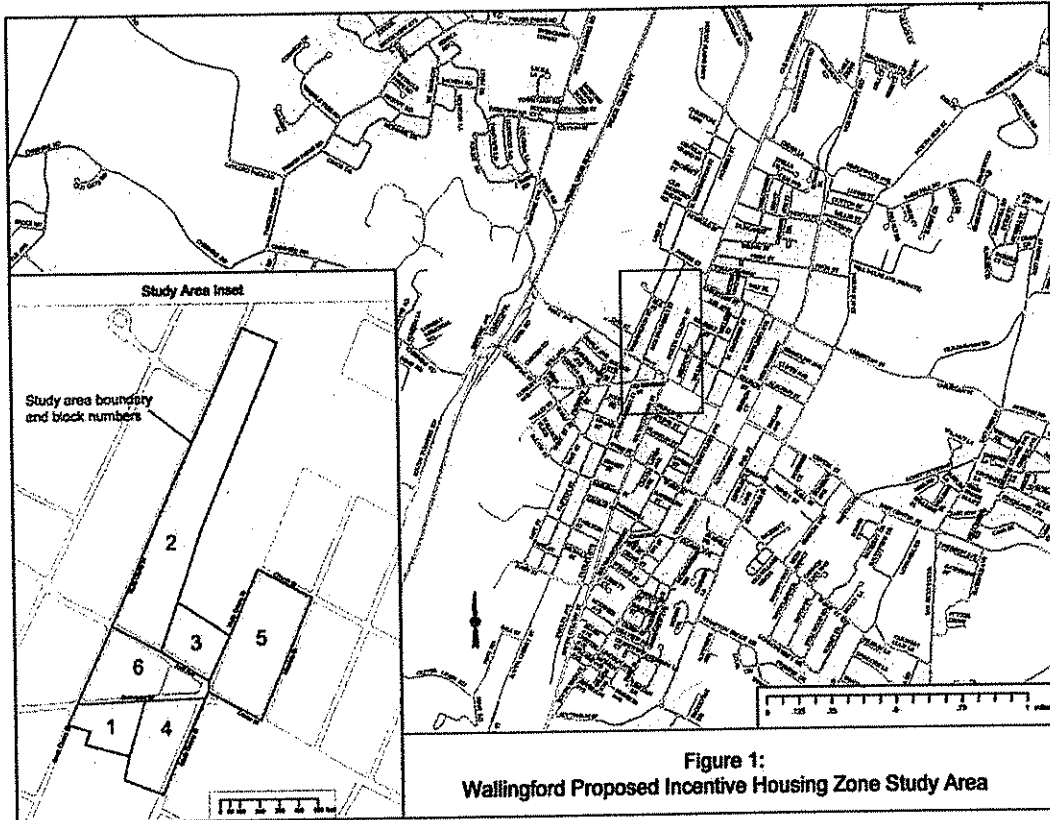
The intersection is controlled by an actuated traffic signal and operates as a six-phase signal with eastbound and northbound leading left-turn phases and a southbound lagging left-turn phase. The signal operates as part of the closed-loop system along Center Street and includes railroad pre-emption phasing.

Pedestrian crosswalks, push buttons, audible pedestrian signals and an exclusive (actuated) pedestrian phase are provided at the intersection for pedestrians crossing

Route 5, Route 150, and Quinnipiac Street. Low pedestrian volumes were observed during field reconnaissance.

At the intersection of Route 5, Route 150, and Quinnipiac Street, there are retail/commercial uses on the northwestern, northeastern, and southwestern corners. There is an open "green space" area in the area between Hall Avenue and Quinnipiac Street and a cemetery on the southeast corner.

**Figure 1: Study Area**



## EXISTING CONDITIONS

### Traffic Volumes

Available average daily traffic volumes from the Connecticut Department of Transportation (CTDOT) were obtained on study area roadways. Based on this information, daily traffic volumes for 2007 on Route 150 ranged from 11,500 vpd east of Route 5 to 3,600 vpd just east of North Cherry Street. Route 5 carries a range of 11,000 vpd south of Route 150 to 14,300 vpd north of Route 150. The significant decrease in traffic volumes on Route 150 from Center Street to Hall Avenue indicate that many westbound travelers on Route 150 travel to Route 5. Table 1 and Figure 2 show the 2007 daily and peak hour volumes.

**Table 1: Existing Traffic Volumes (August 2007)**  
Daily and Peak Hourly Volumes (Bi-Directional)

Roadway Segment	Daily Volume (vpd)	Morning Peak Hour (vph)	Afternoon Peak Hour (vph)
<b>Route 150 (Hall Avenue)</b> East of North Cherry Street	3,600 vpd <sup>1</sup>	192	292
<b>Route 150 (Center Street)</b> East of Route 5 (North/South Cherry Street)	11,500 vpd	729	895
<b>Route 5 (North Colony Street)</b> North of Route 150 (Hall Avenue)	14,300 vpd	773	1,050
<b>Route 5 (South Colony Street)</b> South of Route 150 (Center Street)	11,000 vpd	612	798

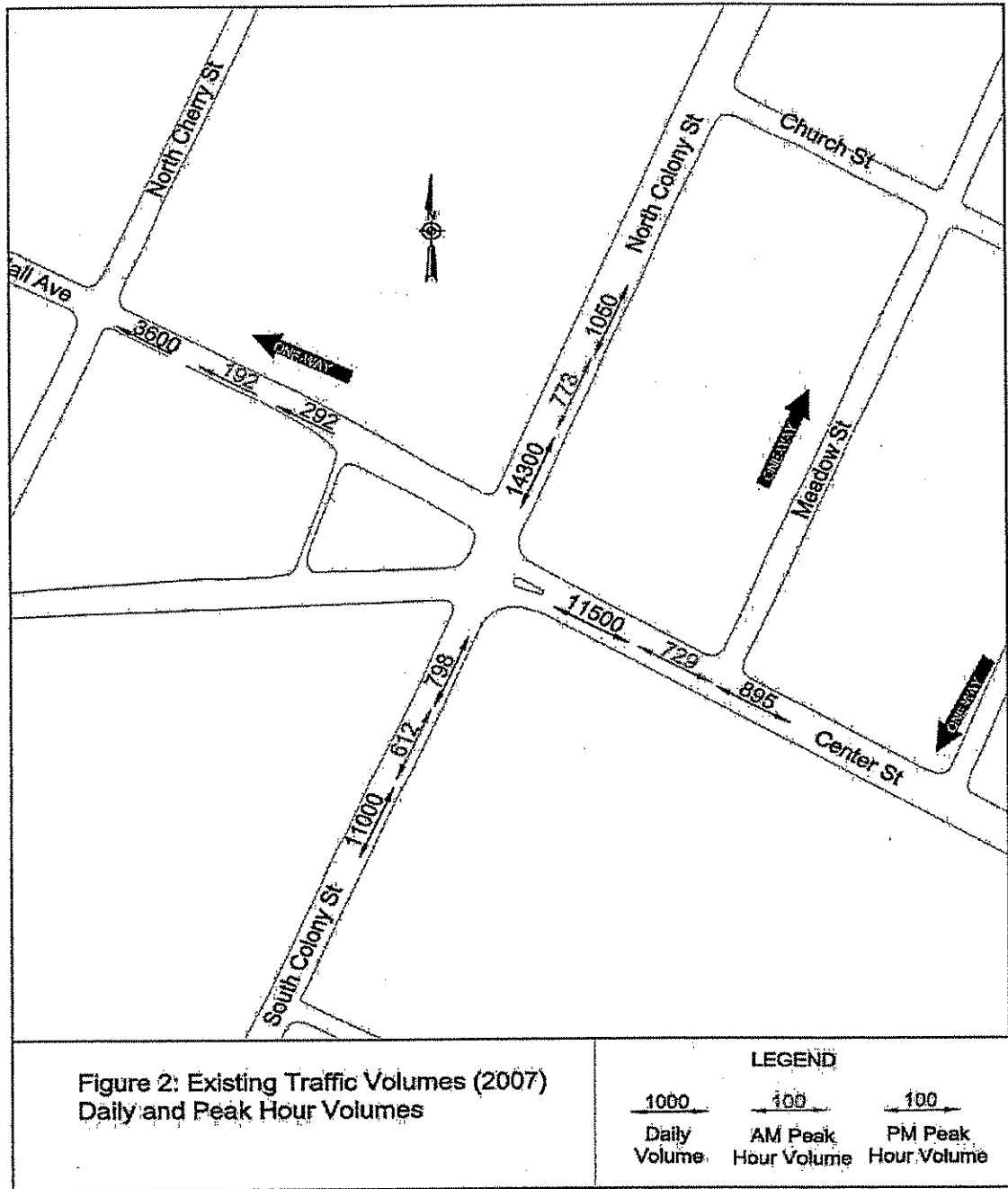
Source: Connecticut Department of Transportation

<sup>1</sup>Daily volume represents one-way directional volume on Hall Avenue between North Colony Street and North Cherry Street.

vpd (vehicles per day)

vph (vehicles per hour)

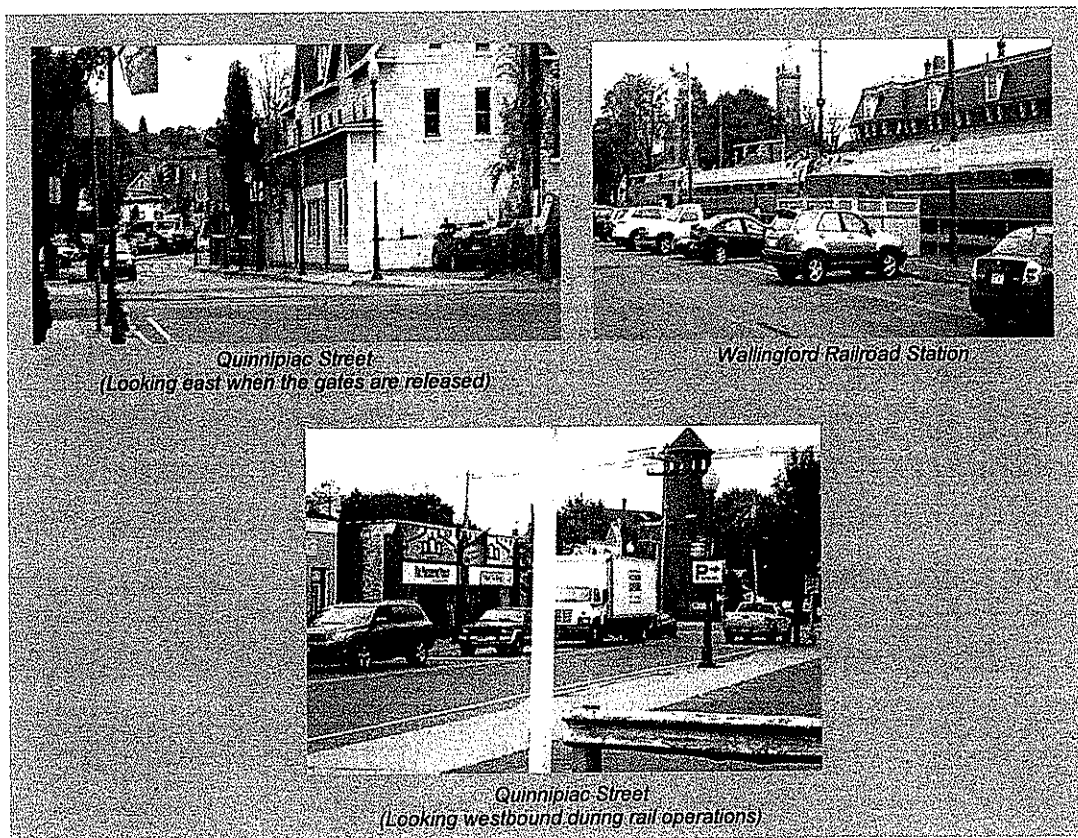
**Figure 2: Existing Traffic Volumes (2007)**



## Traffic Operations

A qualitative assessment was conducted to evaluate traffic operations in the study area based on field observations and a review of available traffic data and the traffic study report, *Proposed CVS Pharmacy North Colony Street (Route 5), June 2000*. Findings from the assessment are described below:

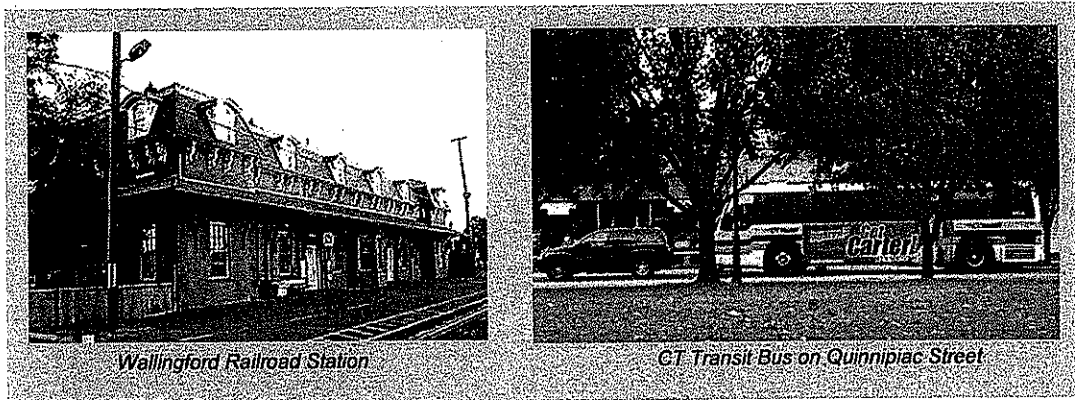
- A review and comparison of existing 2007 traffic data and the 2000 traffic data in the proposed CVS traffic report indicate that 2007 traffic volumes on Route 5 and Route 150 are approximately 1% per year lower than traffic volumes in the year 2000. Therefore, existing traffic operations are expected to be similar or slightly improved as indicated in the traffic report. Thus, traffic operations in the study area are currently operating at acceptable levels.
- When Amtrak stops at the Wallingford railroad station, traffic is stopped on both Route 150 (Hall Avenue) and Quinnipiac Street between Route 5 and North Cherry Street; resulting in queuing and an increase in delay on the surrounding roadways. Due to the roadway configuration and the proximity of the roadways near the station, it is necessary to stop traffic on both Route 150 (Hall Avenue) and Quinnipiac Street until passengers have safely embarked and disembarked and the train has departed from the station. In general, the queuing and delay after the train has departed lasts for a few minutes before traffic flow resumes to normal conditions and is considered a minor interruption to traffic flow.



## Transit Services

Transit services that exist in the area include rail and bus service. Freight and passenger rail service is provided by Amtrak on the Northeast Regional route, Springfield -New York-Washington D. C. line. Amtrak makes thirteen weekday stops in Wallingford (seven in the northbound direction, six in the southbound direction). Of the total weekday stops, approximately half occur during the commuter peak hours.

CTTransit provides local weekday bus service from 9:00 AM to 5:00 PM with service along Route 150 (Hall Street and Center Street) and Route 5 (North Colony Street). No weekend bus service is provided.



Wallingford Railroad Station

CT Transit Bus on Quinnipiac Street

## Parking

A qualitative assessment of parking conditions was conducted based on field observations and review of the Town's parking study, *Parking in Wallingford's Central Business District, 2004* prepared by the Town. Existing parking in Wallingford's central business district (CBD) consists of on-street non-metered spaces, private parking lots owned by businesses and used for their employees and customers, municipal parking lots either owned or leased by the Town, and town/government parking lots used for town employees and visitors to government buildings. Findings from the parking study indicate that there are a total of 566 parking spaces in the proposed IHZ. Table 2 and Figure 3 provide a summary of the existing spaces in the proposed IHZ.

**Table 2: Parking Spaces within the Proposed IHZ**

	Parking Spaces
On-street spaces	54
Town government spaces	4
Municipal spaces	109
On-Site private spaces	399
<b>Total</b>	<b>566</b>

Results from the Town's parking study indicated that the overall parking space occupancy rate for the CBD is 46.2%. Parking spaces in the proposed IHZ are currently being occupied at rates similar or lower than the CBD as a whole. Thus, the median 10:00 am occupancy rate for parking in the proposed IHZ is 41.7%, resulting in approximately 323 available parking spaces. Since the occupancy rates for the CBD are similar to the proposed IHZ it is assumed that conclusions from the Town's parking study are reflective and indicative of parking conditions in the proposed IHZ. These findings are as follows:

- There is adequate parking in the study area at all times of the day though there is a perception of a lack of parking in the downtown area.
- Most of the available parking is behind buildings and not visible, making it less desirable and underutilized.
- The Downtown contains a mix of uses such as retail, office, restaurant, service, residential, and religious. These uses peak at different peak hours and can often share the same parking spaces.
- Short-term spaces located on-street are often used by those who park long-term.

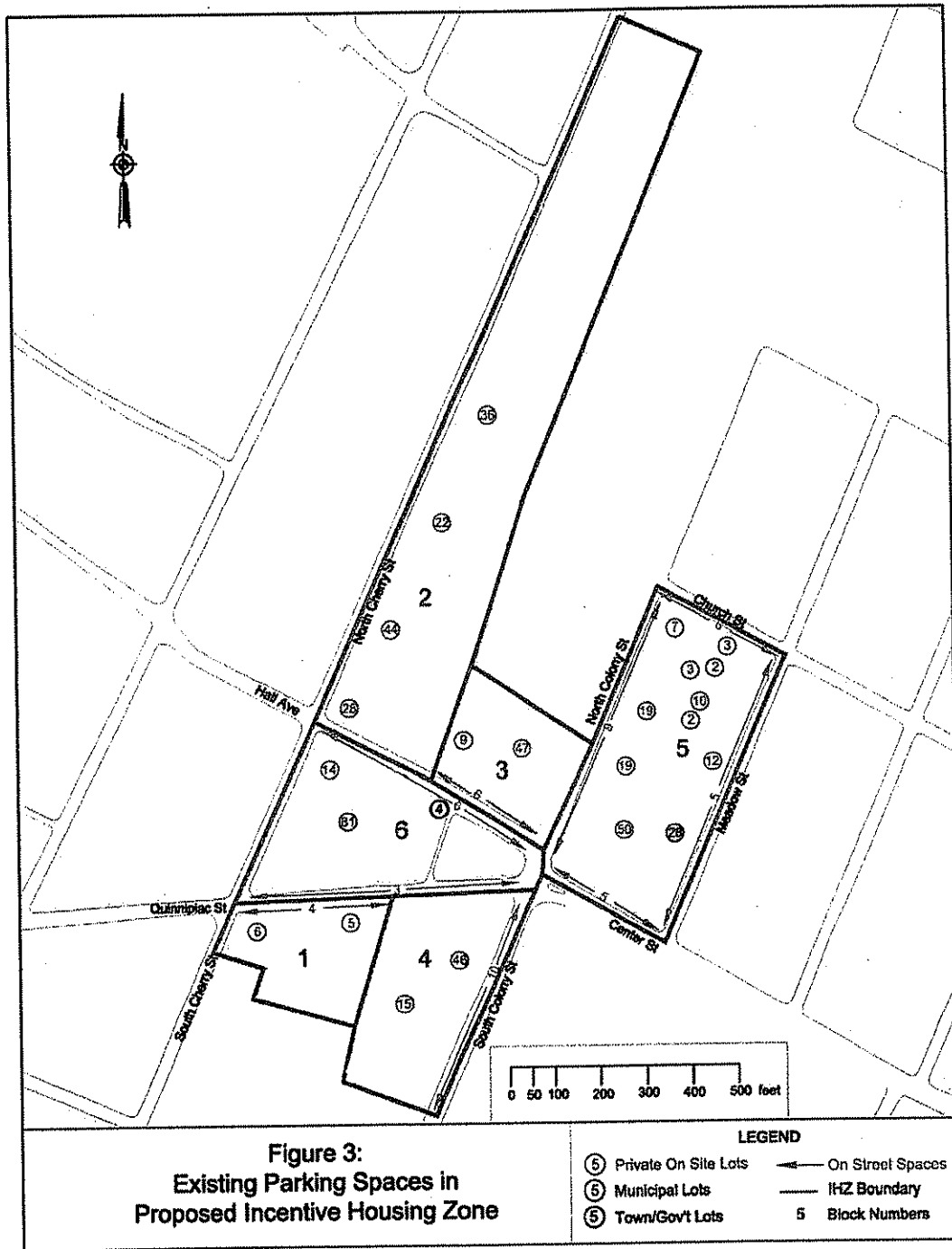
## Summary

Key observations and findings from the qualitative 2008 existing conditions assessment include:

- Daily traffic volumes (2007) obtained from CTDOT indicate that daily volumes on Route 150 range from 3,600 vehicles per day (vpd) to 11,500 vpd. Route 5 carries a range of 11,000 vpd to 14,300 vpd. The significant decrease in traffic volumes on Route 150 from Center Street to Hall Avenue indicate that many travelers westbound on Route 150 travel to Route 5.
- Traffic operations at intersections within the study area operate at acceptable levels during the morning and afternoon weekday commute. However, when Amtrak stops at the Wallingford railroad station, traffic is stopped on both Route 150 (Hall Avenue) and Quinnipiac Street between Route 5 and North Cherry Street; thus, resulting in queuing and an increase in delay on the surrounding roadways. In general, the queuing and delay after the train has departed lasts for a few minutes before traffic flow resumes to normal conditions.
- Rail service is provided by Amtrak on the Northeast Regional route, Springfield - New York-Washington D. C. line. Amtrak makes thirteen weekday stops in Wallingford (seven in the northbound direction, six in the southbound direction). Of the total weekday stops, approximately half occur during the commuter peak hours.

- CTTransit provides local weekday bus service from 9:00 AM to 5:00 PM with service along Route 150 (Hall Street and Center Street) and Route 5 (North Colony Street). No weekend bus service is provided.
- There is adequate parking in the study area at all times of the day though there is a perception of a lack of parking in the downtown area.
  - There is a total of 554 parking spaces in the proposed IHZ. The median 10:00 am occupancy rate for parking in the proposed IHZ is 41.7%, resulting in approximately 323 available parking spaces after 10:00 AM.
  - Most of the available parking is behind buildings and not visible, making it less desirable and underutilized.
  - The Downtown contains a mix of uses such as retail, office, restaurant, service, residential, and religious. These various uses peak at different peak hours and can often share the same parking spaces.
  - Short-term spaces located on-street are often used by those who park long-term.

**Figure 3: Existing Parking Spaces**



## TRAFFIC IMPACT EVALUATION

The proposed plan is to create an overlay zone in the area of the former railroad station with mixed-use development including retail/restaurant on the first floor and high-density residential on the upper floors. The plan also includes the construction of a 4-level parking garage of 200 spaces. The future assessment considers the effects on the local roadway network of future traffic patterns resulting from the mixed-use development. It also considers the effects of currently planned/programmed projects. The evaluation includes estimates of the amount of new traffic to be generated by each block zone as part of the proposed IHZ. Assumptions were formulated to identify the generated and distributed traffic during the morning and afternoon peak hours. The effects of the proposed plan on the transportation network and parking are described below.

### Trip Generation and Distribution

The existing transportation network includes trips generated by the current land uses in the study area. Therefore, to understand the traffic impacts resulting from the proposed IHZ, one must compare the estimated vehicles trips that would be generated by the current zoning and land uses with the proposed zoning and land uses. The standard method used to estimate the volume of traffic to be generated by a particular development is to use data provided by the Institute of Transportation Engineers (ITE) in a publication titled, *Trip Generation, 8<sup>th</sup> Edition*. This method was applied to estimate trips for the current uses and the proposed uses. The resulting difference will determine the net new trips that will be generated to the study area. (Net new trips = proposed trips – current trips)

Current uses in the proposed IHZ consist of 58 housing units (mid-rise apartments) and 244,000 square feet of non-residential (commercial) uses. For purposes of this evaluation it is assumed that the non-residential uses are primarily retail. It is estimated that the current zoning and land uses in the study area generates approximately 17 vehicle trips (5 entering, 12 exiting) during the morning peak hour, resulting from a small amount of housing units and 684 vehicle trips (304 entering, 380 exiting) during the afternoon peak hour.

The proposed development plan includes affordable housing, conventional housing, commercial, and office land uses (as shown in Table 3). It was assumed that the minimum lot size is 25,000 square feet. It is estimated that the proposed IHZ will generate approximately 239 vehicle trips (146 entering, 93 exiting) during the morning peak hour and 653 vehicle trips (285 entering, 368 exiting) during the afternoon peak hour. Table 3 summarizes the estimated trips by land use for the proposed IHZ. A detailed estimation of traffic by block for the proposed IHZ is provided in the appendix.

**Table 3: Trip Generation Summary Proposed IHZ**

	Units	AM Peak Hour		PM Peak Hour	
		Entering	Exiting	Entering	Exiting
Housing	361	33	76	83	59
Retail	126,000 sqft	--	--	150	191
Office	68,822 sqft	110	14	18	101
Restaurant	6,700 sqft	3	3	34	17
<b>Total</b>		<b>146</b>	<b>93</b>	<b>285</b>	<b>368</b>

Therefore, it is estimated that the total net trips generated by the proposed IHZ will be an additional 222 vehicle trips (141 entering, 81 exiting) during the morning peak hour and 31 vehicle trips (19 entering, 12 exiting) less during the afternoon peak hour as compared with the current condition. Table 4 summarizes the total of net new trips generated by the proposed IHZ.

**Table 4: Summary of Net New Trips**

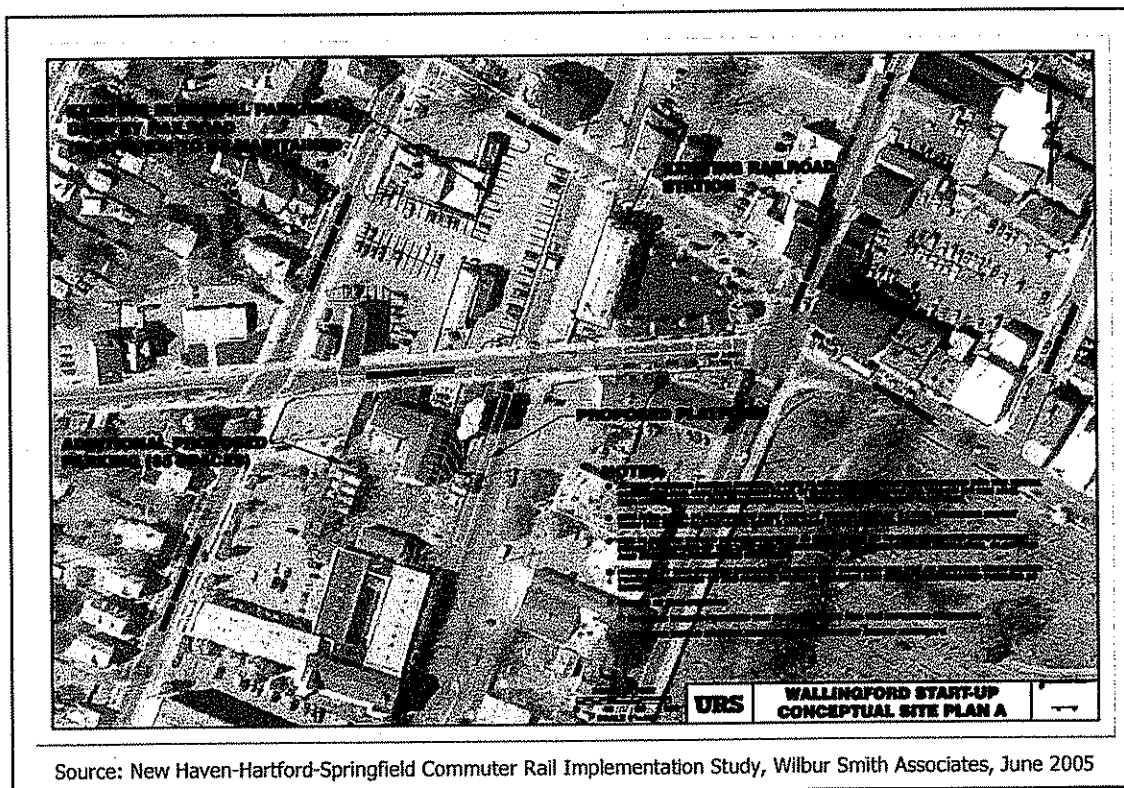
	AM Peak Hour		PM Peak Hour	
	Entering	Exiting	Entering	Exiting
Existing Zoning & Land Use	5	12	304	380
Proposed Zoning & Land Use	146	93	285	368
<b>Net New Trips</b>	<b>141</b>	<b>81</b>	<b>-19</b>	<b>-12</b>

### Transit Service

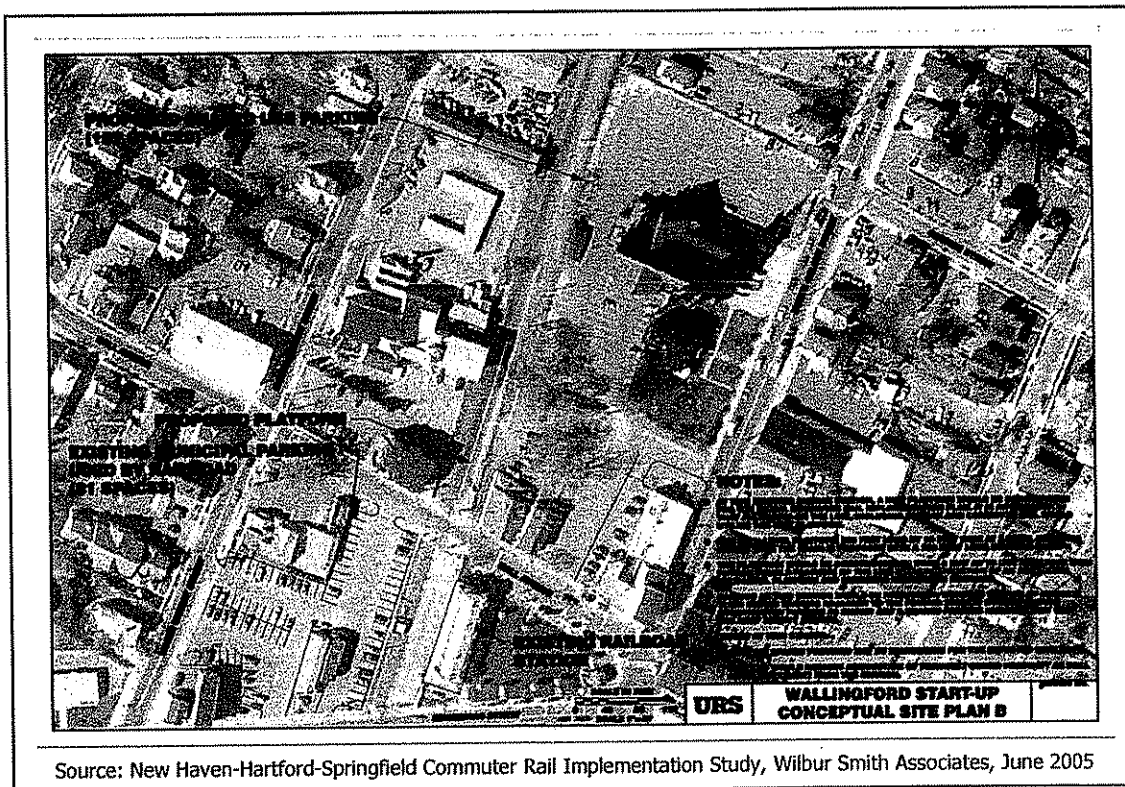
CTDOT is proposing a commuter rail service on the New Haven-Hartford-Springfield rail line. The project is a planned initiative to implement commuter rail service between New Haven, Hartford and Springfield, Massachusetts, inclusive of a station stop at the Wallingford station. The study area corridor is 62 miles of existing rail line from New Haven, Connecticut to Springfield, Massachusetts with service to corridor towns and cities, including Wallingford. In addition to serving commuters traveling between the towns and cities along the corridor, the service would provide a connection to Bradley International Airport, to the existing Metro North and Shore Line East Commute Rail in New Haven, and link to the proposed New Britain-Hartford Busway. Along with the existing nine passenger stations being served along this corridor, three additional stations would be added at North Haven, Newington, and Enfield.

Based on information documented in the *New Haven-Hartford-Springfield Commuter Rail Implementation Study, Wilbur Smith Associates, June 2005*, the service would operate bi-directionally, Monday through Friday on a 30-minute peak hour schedule (at least 14 one-way trips) between New Haven and Springfield. The service would supplement existing Amtrak service on the corridor. All stations would include high-level platforms, pedestrian amenities with grade separated crossings, bicycle storage and racks, and any additional parking required to accommodate projected ridership.

Two plan-level concepts, Site Plan A and Site Plan B, were developed for the Wallingford station stop as shown in Figures 4 and 5. The proposed platform would be utilized by all trains on the Amtrak and commuter rail service. Site Plan A concept considers the proposed platform to be just south of Quinnipiack Street with the provision of eighty-one (81) parking spaces at the currently town owned parking lot adjacent to the existing station and sixty-five (65) newly constructed parking spaces adjacent to the proposed platform. Site Plan B concept considers the proposed platform to be north of Hall Avenue with the provision of eighty-one (81) parking spaces at the currently town owned parking lot adjacent to the existing station and one hundred fifty-seven (157) newly constructed parking spaces adjacent to the proposed platform.



**Figure 4: Wallingford Station Conceptual Site Plan A**



**Figure 5: Wallingford Station Conceptual Site Plan B**

The study documented the average daily ridership on Amtrak at the Wallingford station for fiscal year 2002 to be 10 riders per day with an annual ridership of 3,665 passengers per year. With the implementation of the commuter rail service, CTDOT forecasts ridership at the Wallingford station to increase to 256 riders per weekday. Forecasted ridership during the morning peak is anticipated to be 160 boardings and 73 alightings.

With the proposed New Haven-Hartford-Springfield rail line service to the Wallingford Station, trips generated by the rail service will increase traffic in the study area significantly. Based on the anticipated morning peak ridership, the following assumptions were applied to determine the site-generated auto trips.

- Fifty percent of the morning boardings and alightings occur during the morning peak hour of the adjacent roadway. (80 boardings and 37 alightings)
- During the morning peak hour, all riders boarding the train at Union Station arrive alone by automobile and all riders departing the train at Union Station will use transit service, for a conservative analysis.
- The reverse volumes of morning riders occur during the afternoon peak hour. (37 boardings and 80 alightings)

Based on the assumptions noted above, it is estimated that 80 automobile trips will be generated during both the morning and afternoon peak hours as a result of the commuter rail service from New Haven to Springfield, Massachusetts.

Existing traffic associated with the existing rail service in the transportation network was not adjusted, as these volumes are low and are considered to be negligible to the overall impact on the system. Therefore, it is estimated that a total of 339 vehicle trips (221 entering, 118 exiting) during the morning peak hour and 86 vehicle trips (18 entering, 68 exiting) during the afternoon peak hour will be generated in the study area as a result of the proposed IHZ and the implementation of New Haven-Hartford-Springfield rail service to Wallingford. Table 5 summarizes the trip generation summary for the proposed IHZ and proposed commuter rail service.

**Table 5: Trip Generation Summary  
Proposed IHD & Proposed New Haven-Hartford-Springfield Rail Line**

	AM Peak Hour		PM Peak Hour	
	Entering	Exiting	Entering	Exiting
New Trips (Proposed IHZ)	141	81	-19	-12
Commuter Rail Service	80	37	37	80
<b>Total</b>	<b>221</b>	<b>118</b>	<b>18</b>	<b>68</b>

### **Parking**

A parking assessment was conducted to estimate the number of spaces required for the proposed IHZ based on the current and proposed zoning regulations. Current zoning requires 2.25 parking spaces per dwelling unit, 1 parking space per 250 square feet of retail or office space, and 1 parking space per 75 square feet of restaurant. The proposed zoning requires 1 parking space per dwelling unit, 1 parking space per 375 square feet for retail/office, and 1 parking space per 200 square feet of restaurant for a mixed-use development. The parking assessment considers the following:

- There are a total of 566 existing parking spaces in the proposed IHZ.
- Based on CTDOT's planned commuter rail project, the maximum number of new spaces that will be built to support the new commuter rail service is 157 parking spaces based on Site Plan Concept B, as shown in Figure 5.
- The proposed IHZ allows for the construction of a parking garage in Block 6 which could include 200 parking spaces. Therefore it is assumed that such a parking garage would replace the existing 95 spaces currently in the block.

Table 6 summarizes the parking requirements and anticipated available future supply. Based on the parking required by current zoning for the proposed IHZ, there will be a deficit of parking spaces for the proposed IHZ. Based on the parking required in the proposed zoning regulations, which reflect parking requirements that are more suited for this type of housing district, the new parking spaces almost meet the new parking

demand (less 79 parking spaces). Based on the fact that the existing parking supply is only utilized at 42%, adequate reserve parking is anticipated to meet the expected demand. Therefore the following is concluded:

- It is anticipated that there will be a total of 101 new parking spaces as part of the proposed IHZ and an additional 157 new parking spaces as part of CTDOT's commuter rail service.
- The current parking occupancy for the proposed IHZ is estimated to be approximately 42%; therefore there is adequate parking in the study area at all times of the day.
- Based on the current parking occupancy and the availability of excess parking today combined with the proposed new parking supply, it is expected that there will be adequate parking supply in the study area to support the proposed IHZ.

**Table 6: Parking Summary**

	Existing Zoning Regulations	Proposed Zoning Regulations
Required Parking	1,653	903
Parking Supply		
Existing Spaces	566	566
IHZ Proposed Net New Spaces	101	101
CTDOT Proposed Net New Spaces	157	157
<b>Total</b>	824	824
Surplus/Deficit (+/-)	-829	-79

## Conclusions

Based on our knowledge of the study area, review of previous studies and data, and anticipated trip generation and parking demand, it is expected that the proposed housing zone at full build out can be supported with the existing roadway and parking infrastructure (including the additional planned parking spaces). Findings from this evaluation conclude:

- The proposed IHZ will generate an estimated 222 additional vehicles to the general area (compared to the existing peak hourly traffic) during the morning peak hour and 31 less vehicles during the afternoon peak hour.
- The existing roadway system in the vicinity of the proposed IHZ appears to have an adequate carrying capacity to accommodate the relatively small number of net new trips generated from the proposed IHZ. Though there will be additional vehicles during the morning peak hour resulting from the

proposed IHZ, these vehicles are anticipated to be distributed throughout the entire roadway network that supports the proposed IHZ. Given the fact that existing roadway and intersection operations are good and that reserve capacity exists in the roadway network, it is not anticipated that roadway mitigation, beyond specifics related to access driveways, will be needed.

- There is expected to be small intervals of time throughout the day with heavy activity associated with vehicles entering and exiting the proposed parking facilities. However, this is anticipated to be of short duration.
- When Amtrak stops at the Wallingford railroad station, queuing and an increase in delay is anticipated on the surrounding roadways for a short period of time during the train stop and after the train has departed.
- Additional trains are anticipated to stop in Wallingford to service commuters during the morning and afternoon peak hours with CTDOT's proposed commuter rail project. At such time this service is implemented, it is anticipated that there will be a significant increase in traffic flow disruption and delays on Hall Avenue, Quinpiac Street, and North/South Cherry Street resulting directly from the increased number of trains stopping.

## APPENDIX

**Trip Generation Summary  
Proposed IHZ by Block**

Description	Units	Trip Generation Rates		Trip Distribution				Entering vs. Exiting			
		AM Peak	PM Peak	AM Enter	AM Exit	PM Enter	PM Exit	AM Enter	AM Exit	PM Enter	PM Exit
<b>Block 1</b>											
Residential: Mid-rise	28	0.30	0.39	0.31	0.69	0.58	0.42	3	6	6	5
Retail	16,000		2.71		0.44	0.56			19	24	
<b>Block 2</b>											
Residential: Mid-rise	123	0.30	0.39	0.31	0.69	0.58	0.42	11	25	28	20
Retail	1,500		2.71		0.44	0.56			2	2	
Office	8,812	1.80	1.73	0.89	0.11	0.15	0.85	14	2	2	13
<b>Block 3</b>											
Residential: Mid-rise	32	0.30	0.39	0.31	0.69	0.58	0.42	3	7	7	5
Retail	13,500		2.71		0.44	0.56			16	20	
Office	13,500	1.80	1.73	0.89	0.11	0.15	0.85	22	3	4	20
<b>Block 4</b>											
Residential: Mid-rise	51	0.30	0.39	0.31	0.69	0.58	0.42	5	11	12	8
Retail	30,000		2.71		0.44	0.56			36	46	
Office	10,000	1.80	1.73	0.89	0.11	0.15	0.85	16	2	3	15
<b>Block 5</b>											
Residential: Mid-rise	77	0.30	0.39	0.31	0.69	0.58	0.42	7	16	17	13
Residential: Townhouse	9	0.44	0.52	0.17	0.83	0.67	0.33	1	3	3	2
Retail	55,000		2.71		0.44	0.56			66	83	
Office	13,750	1.80	1.73	0.89	0.11	0.15	0.85	22	3	4	20
<b>Block 6</b>											
Residential: Mid-rise	41	0.30	0.39	0.31	0.69	0.58	0.42	4	8	9	7
Retail	10,000		2.71		0.44	0.56			12	15	
Office	16,700	1.80	1.73	0.89	0.11	0.15	0.85	27	3	4	25
Restaurant	6,700	0.81	7.49	0.5	0.5	0.67	0.33	3	3	34	17
<b>Train Station</b>											
Office	6,060	1.80	1.73	0.89	0.11	0.15	0.85	10	1	2	9
<b>Total</b>											
Housing	361							33	76	83	59
Retail	126,000							-	-	150	191
Office	68,822							110	14	18	101
Restaurant	6,700							3	3	34	17
<b>Grand Total</b>								<b>146</b>	<b>93</b>	<b>284</b>	<b>368</b>

**Parking Summary  
Proposed IHZ by Block  
Comparison of Existing and Proposed Zoning Requirements**

	Description	Units	Existing Zoning Regulations				Proposed Zoning Regulations			
			Minimum Parking Rate	Minimum Parking Spaces	Parking Spaces Required	Available Parking Spaces	Minimum Parking Rate	Minimum Parking Spaces	Parking Spaces Required	Available Parking Spaces
<b>Block 1</b>					127	15			71	15
	Residential: Mid-rise	28	2.25	63				1	28	
	Retail	16,000	1 per 250 sq.ft	64				1 per 375 sq.ft	43	
<b>Block 2</b>					318	130			150	130
	Residential: Mid-rise	123	2.25	277				1	123	
	Retail	1,500	1 per 250 sq.ft	6				1 per 375 sq.ft	4	
	Office	8,812	1 per 250 sq.ft	35				1 per 375 sq.ft	23	
<b>Block 3</b>					180	62			104	62
	Residential: Mid-rise	32	2.25	72				1	32	
	Retail	13,500	1 per 250 sq.ft	54				1 per 375 sq.ft	36	
	Office	13,500	1 per 250 sq.ft	54				1 per 375 sq.ft	36	
<b>Block 4</b>					245	71			138	71
	Residential: Mid-rise	51	2.25	115				1	51	
	Retail	22,500	1 per 250 sq.ft	90				1 per 375 sq.ft	60	
	Office	10,000	1 per 250 sq.ft	40				1 per 375 sq.ft	27	
<b>Block 5</b>					471	180			278	180
	Residential: Mid-rise	77	2.25	173				1	77	
	Residential: Townhouse	9	2.5	23				2	18	
	Retail	55,000	1 per 250 sq.ft	220				1 per 375 sq.ft	147	
	Office	13,750	1 per 250 sq.ft	55				1 per 375 sq.ft	37	
<b>Block 6</b>					313	108			162	108
	Residential: Mid-rise	41	2.25	92				1	41	
	Retail	10,000	1 per 250 sq.ft	40				1 per 375 sq.ft	27	
	Office	16,700	1 per 250 sq.ft	67				1 per 375 sq.ft	45	
	Restaurant	6,700	1 per 75 sq.ft	89				1 per 200 sq.ft	34	
	Train Station									
	Office	6,060	1 per 250 sq.ft	24				1 per 375 sq.ft	16	
<b>Total Spaces</b>					<b>1,653</b>	<b>566</b>			<b>903</b>	<b>566</b>



**Town of Wallingford**  
**Department of Engineering**  
45 South Main Street  
Wallingford, Connecticut 06492  
Tel: (203) 294-2035; Fax: (203) 284-4012

John P. Thompson, P.E.  
Town Engineer

Robert V. Baltramaitis, P.E.  
Assistant Town Engineer

March 23, 2009

Ms. Linda Bush, AICP  
Wallingford Town Planner  
45 South Main Street  
Wallingford, Connecticut 06492

**RE: Incentive Housing Zone**

Dear Ms. Bush:

As requested, the Department of Engineering has evaluated the existing storm drainage and transportation infrastructure and its ability to accommodate the proposed zoning modification to allow the incentive housing district. The zone is proposed in the downtown area along Center Street, Meadow Street, Colony Road, Hall Avenue, Quinnipiac Street and N/S Cherry Streets.

**Storm Drainage System** - The area is presently developed with large expanses of impervious (rooftop and pavement) coverage. The area is generally underlain by highly pervious soils including sands and gravels. There are no known drainage deficiencies and the area is not identified as being flood prone based on the FEMA Flood Insurance Rate Maps.

**Transportation** - The major intersections in the area are presently signalized and are part of the Towns closed-loop traffic signal coordination system. The closed-loop system allows two-way communication between the traffic signal controllers at each intersection and a central computer at the Engineering Department. The system provides intersection coordination and selects timing patterns to efficiently move platoons of vehicles through the roadway network. The signal timings and coordination can be adjusted manually or by traffic responsive input. While the area can experience moderate motorist delays and vehicle queuing, these are generally limited to the peak commuter hours and during railroad pre-emption operation.

While the storm drainage and transportation impacts of each future land use application will need to be individually evaluated, the present infrastructure appears adequate to support the proposed incentive housing district.

If you have any questions, please do not hesitate to contact us.

Sincerely,

*Town of Wallingford*

Robert V. Baltramaitis, P.E.  
Assistant Town Engineer

**RECEIVED**

**MAR 23 2009**

**WALLINGFORD  
PLANNING & ZONING**



*Town of Wallingford, Connecticut*

ROGER M. DANN  
GENERAL MANAGER



DEPARTMENT OF PUBLIC UTILITIES  
WATER & SEWER DIVISIONS  
377 SOUTH CHERRY STREET  
WALLINGFORD, CONNECTICUT 06492  
TELEPHONE (203) 949-2666

March 26, 2009

Ms. Linda Bush, Town Planner  
Wallingford Planning & Zoning Department  
45 South Main Street  
Wallingford, CT 06492

Re: Incentive Housing Zone Overlay District

Dear Ms. Bush:

In accordance with your request, the Water and Sewer Divisions have evaluated the capacity of the existing municipal water and sanitary sewer utilities in terms of servicing the levels of development that would be permitted in the proposed Incentive Housing Zone overlay district.

As we understand the proposed zoning regulation amendments, they will enable a maximum density potential of approximately 286 residential housing units and 159,000 square feet of commercial/retail space within the proposed overlay district. The location of the proposed overlay district places this development potential at the central downtown core of both the sanitary sewer collection system and of the water distribution system. In general, these parts of the Town's water and sewer utility systems can support the increased demands that would be generated by the potential development.

All of the properties within the proposed overlay district are currently serviced by municipal water and sanitary sewers and all of the potential development sites have frontage on existing municipal water and sewer mains within Center Street, North Colony Street, South Colony Street, Hall Avenue, Quinnipiac Street, Church Street, North Cherry Street and Meadow Street.

With regard to sanitary sewer service, most of the existing sewer mains in the proposed district were originally designed to function as combined storm and sanitary sewers, which have subsequently been separated from the storm drainage system. Therefore, this portion of the sewer collection system generally has excess carrying capacity, which should be more than adequate to service the potential development. We are not aware of any existing pipe capacity deficiencies or of any sewage treatment capacity issues which would require upgrades to accommodate the anticipated demands from the new zoning district.

The capacity of the water main grid is strong in this portion of the distribution system which is supplied by several larger diameter feeder mains located in Center Street, Church Street, North and South Colony Street, and Quinnipiac Street. Static water service pressures in the proposed overlay district range from 115 to 125 psi. We are not aware of any existing distribution or storage capacity deficiencies or of any water treatment or water supply issues that would limit the development potential of the new zoning district.

The domestic water service and/or fire service demands of individual buildings will need to be evaluated on a site specific, case by case basis, particularly on those properties which would need to take service from Hall Avenue, North Cherry Street, or Meadow Street. The existing water mains in those streets are older, 6"Ø unlined cast iron mains and depending on the actual design flow demands for a given building, local, limited extent, water main upgrades may be necessary in order to meet the water service requirements for specific projects.

If the development scenario involves a coordinated development of an entire block of properties, it may be possible to avoid a water main upgrade in the previously cited deficient streets, if the development scheme for the block incorporates a private service extension within the block to connect to one of the existing larger diameter feeder mains located in an adjacent street.

I trust that this evaluation is sufficient for our purposes, however if you have any questions or require any additional information, please do not hesitate to call.

Very truly yours,



Vincent M. Mascia  
Senior Engineer

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cc: Roger M. Dann, General Manager



# *Town of Wallingford, Connecticut*

ROGER M. DANN  
GENERAL MANAGER



DEPARTMENT OF PUBLIC UTILITIES  
WATER & SEWER DIVISIONS  
377 SOUTH CHERRY STREET  
WALLINGFORD, CONNECTICUT 06492  
TELEPHONE (203) 949-2666

April 13, 2009

Ms. Linda Bush, Town Planner  
Wallingford Planning & Zoning Department  
45 South Main Street  
Wallingford, CT 06492

Re: Incentive Housing Zone Overlay District

Dear Ms. Bush:

Please accept this letter which amends and replaces my previous letter of March 26, 2009. My original letter incorrectly stated the potential maximum number of housing units that could be constructed under the proposed zoning. This letter also attempts to clarify some ambiguities in my statements regarding the potential for water main upgrades.

The Water and Sewer Divisions have evaluated the capacity of the existing municipal water and sanitary sewer utilities in terms of servicing the levels of development that would be permitted in the proposed Incentive Housing Zone overlay district. As we understand the proposed zoning regulation amendments, they will enable a maximum density potential of approximately 361 residential housing units and 159,000 square feet of commercial/retail space within the proposed overlay district. The location of the proposed overlay district coincides with the central core of both the sanitary sewer collection system and of the water distribution system. In general, these parts of the Town's water and sewer utility systems can support the increased demands that would be generated by the potential development.

All of the properties within the proposed overlay district are currently serviced by municipal water and sanitary sewers and all of the potential development sites have frontage on existing municipal water and sewer mains within Center Street, North Colony Street, South Colony Street, Hall Avenue, Quinnipiac Street, Church Street, North Cherry Street and Meadow Street.

With regard to sanitary sewer service, most of the existing sewer mains in the proposed district were originally designed to function as combined storm and sanitary sewers, which have subsequently been separated from the storm drainage system. Therefore, this portion of the sewer collection system generally has excess carrying

capacity, which should be more than adequate to service the potential development. We are not aware of any existing pipe capacity deficiencies or of any sewage treatment capacity issues which would require upgrades to accommodate the anticipated demands from the new zoning district.

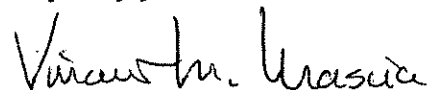
The capacity of the water main grid is strong in this portion of the distribution system which is supplied by several larger diameter feeder mains located in Center Street, Church Street, North and South Colony Street, and Quinnipiac Street. Static water service pressures in the proposed overlay district range from 115 to 125 psi. We are not aware of any existing distribution or storage capacity deficiencies or of any water treatment or water supply issues that would limit the development potential of the new zoning district.

The domestic water service and/or fire service demands of individual buildings will need to be evaluated on a site specific, case by case basis, particularly on those properties which would need to take service directly from Hall Avenue, North Cherry Street, or Meadow Street. The existing water mains in those streets are older, 6"Ø unlined cast iron mains and depending on the actual design flow demands for a given building, water main upgrades of limited or localized extent may be necessary in order to deliver the water service demands to the specific building.

However, in the event that a proposed development scenario involves a coordinated development of an entire block of properties, it may be possible to avoid doing a main replacement in those existing streets with deficient mains if the development scheme for the block can incorporate private water service extensions that would run internally through the block and out to an adjacent side street in order to connect to one of the existing larger diameter feeder mains.

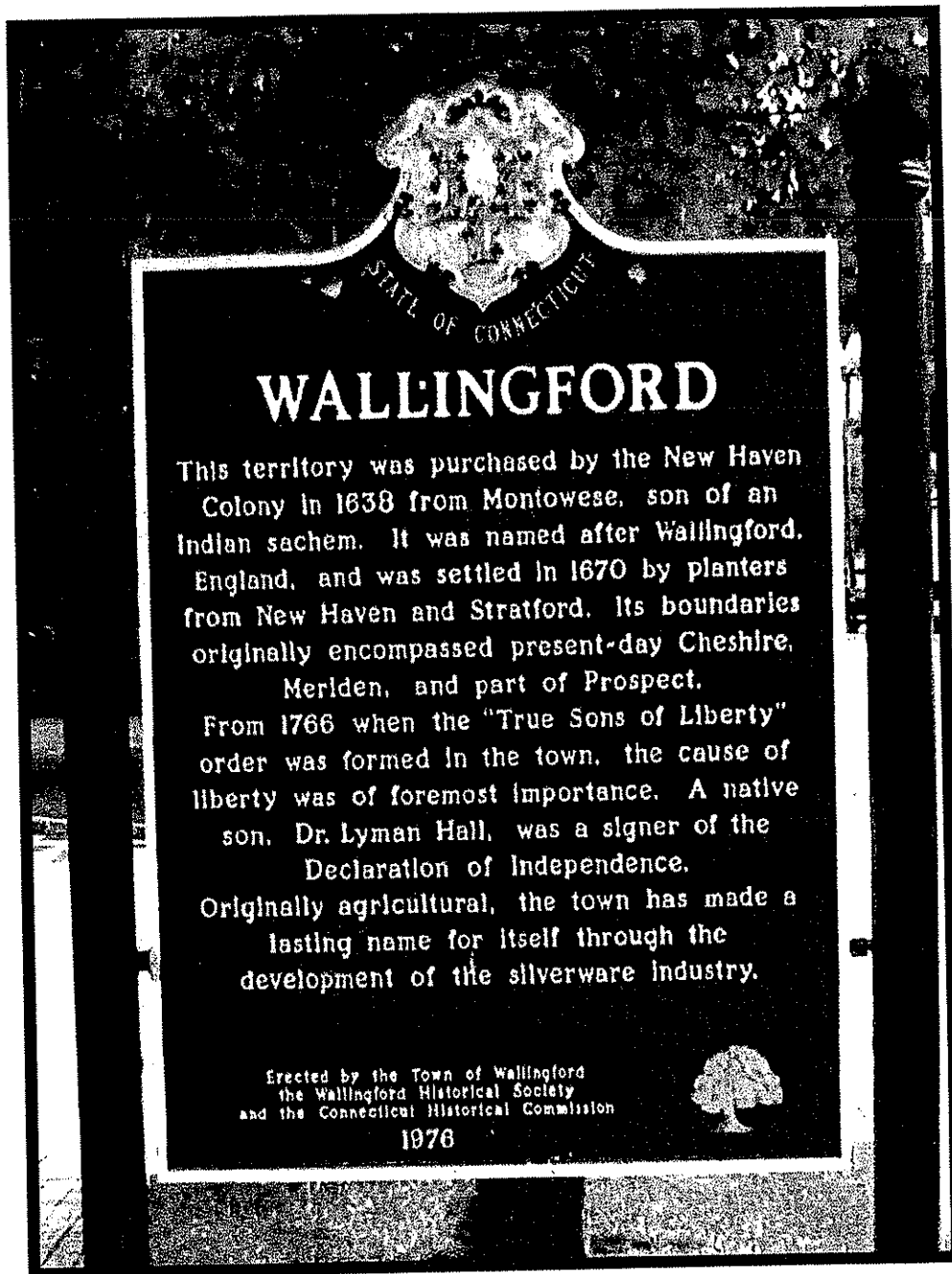
I trust that this evaluation is sufficient for your purposes, however if you have any questions or require any additional information, please do not hesitate to call.

Very truly yours,



Vincent M. Mascia  
Senior Engineer

# ENVISION WALLINGFORD 2015



PLAN OF CONSERVATION AND DEVELOPMENT - 2005

- ◆ Provide appropriate areas for future commercial and industrial development.
- ◆ Encourage the spreading of costs of required capital improvements between all anticipated new users of those capital improvements.

## ECONOMIC DEVELOPMENT-DOWNTOWN RECOMMENDATIONS

### PRIORITY RECOMMENDATIONS

- ◆ Establish a Downtown Overlay District with applicable regulations for signs, parking, landscaping, setbacks, etc, including a uniform and effective treatment for all parking areas. These regulations should be unique for the Downtown.
- ◆ The Zoning Regulations should be amended to encourage a good business climate to aid Downtown Wallingford.
- ◆ Encourage the provision of new housing units at appropriate locations in Downtown Wallingford.
- ◆ Enact the recommendations in the "Downtown Parking Study 2004".

### GENERAL RECOMMENDATIONS

- ◆ The Town should continue to support Downtown business associations.
- ◆ Analyze the feasibility of adopting a Village District for Downtown.
- ◆ Carefully review possible commercial expansion into abutting properties which are now zoned residential.
- ◆ Encourage a mixed use project on the Wooding/Caplan property that will enhance the economic growth of the Downtown.
- ◆ Encourage the preservation of historic structures by use of the Preservation Trust.
- ◆ Re-establish the Downtown as a component of Wallingford's economic base.
- ◆ Assure that any development of the Wooding/Caplan property will also provide for adequate parking for the Police & Fire Departments.
- ◆ Assess the advisability of restricting the use of the first floor of Downtown buildings to retail/restaurant.



Downtown Apartments

## HOUSING

*Introduction:* Housing is normally the predominant land use in a community. Its type, cost and location are an indicator of community character. Capital expenditures on schools, utilities, roads and police and fire protection are also often dependent on the age, quality and density of a community's housing stock.

### KEY ISSUES

Wallingford saw a modest increase in housing during the 1990's compared with the past thirty years.

The amount of single-family units as a percentage of all units has risen steadily since 1970.

East Wallingford averaged .65 persons/acre in 2000. Downtown Wallingford averaged 11.9 persons/acre.

Median family income has not risen as rapidly as median house value since 1960.

Over 45% of Wallingford's housing stock was built before 1960.



Mountainbrook - Single-family Detached Condos

Wallingford has a higher percentage of housing units that are owner occupied than the county or state averages.

Most of the Town's multi-family housing stock is found near Wallingford Center and is the Town's oldest. The remaining land left for residential development is located within single-family zoning districts.

When asked about the mix of housing in Town, 50.1% felt there was not enough affordable housing. 31.4% of those asked felt Wallingford did not have enough affordable rental housing.

### GOAL

Promote the provision of, safe and affordable housing to meet the economic needs of all of the Town's residents.

### HOUSING RECOMMENDATIONS

#### **PRIORITY RECOMMENDATIONS**

- ◆ Promote the construction of affordable housing where appropriate.
- ◆ Permit the construction of new, two and three-family homes in appropriate locations.
- ◆ Promote the development of affordable rental housing.



Balsam Ridge Active Senior Housing

**GENERAL RECOMMENDATIONS**

- ◆ Identify areas in town which would be appropriate for higher density residential development.
- ◆ Encourage housing options for empty nesters and senior citizens who wish to remain in Wallingford, including active senior housing, accessory apartments, congregate housing and assisted living.
- ◆ Expand the Downtown Overlay zone to provide additional areas for higher density residential development.
- ◆ Much of the land zoned RU-80 and RU-120 is located within Wallingford's Watershed. The Town should encourage all large future subdivisions in RU-80 and RU-120 to be open space subdivisions in order to reduce the size of manicured lawns which need herbicides and pesticides and to maintain and increase the acreage available for wildlife habitat.



Turnberry - An Open Space Subdivision

**Figure 6: Median Sales Price for Single-Family, Residential Home  
1988 through first half of 2004**

<b>YEAR</b>	<b>MONTHS</b>	<b>SINGLE-FAMILY</b>
2004	January - May	\$232,500
2003	January - December	\$209,000
2002	January - December	\$180,000
2001	January - December	\$164,900
2000	January - December	\$154,450
1999	January - December	\$153,500
1998	January - December	\$140,950
1997	January - December	\$137,000
1996	January - December	\$140,000
1995	January - December	\$145,000
1994	January - December	\$145,000
1993	January - December	\$133,500
1992	January - December	\$139,475
1991	January - December	\$140,000
1990	January - December	\$146,000
1989	January - December	\$161,750
1988	January - December	\$165,000

IMPLEMENTATION SCHEDULE			ECONOMIC DEVELOPMENT
Action Step	Implementing Agency	Planning Period	Comments
Envision Wallingford 2015 Town of Wallingford Plan of Conservation and Development	Economic Development Commission/ Planning and Zoning Commission	Ongoing	
The Town should recognize the tax benefits of retail development. Consider the possibility of mixed-use neighborhoods planned with new development of both residential and commercial/industrial buildings.	Planning and Zoning Commission	Long-Term	
The Town should aggressively monitor the orderly development of our remaining vacant industrial and commercial acreage.	Economic Development Commission/ Planning and Zoning Commission	Ongoing	

Envision Wallingford 2015 Town of Wallingford Plan of Conservation and Development		IMPLEMENTATION SCHEDULE		ECONOMIC/DOWNTOWN DEVELOPMENT
Action Step	Implementing Agency	Planning Period	Comments	
Establish a Downtown Overlay District with applicable regulations for signs, parking, landscaping, setbacks, etc., including a uniform and effective treatment for all parking areas. These regulations should be unique for the Downtown.	Planning and Zoning Commission	Short-Term		
The zoning regulations should be amended to encourage a good business climate to aid Downtown Wallingford.	Planning and Zoning Commission	Short-Term		
Encourage the provision for new housing units at appropriate locations in Downtown Wallingford.	Planning and Zoning Commission	Ongoing		
Enact the recommendations in the "Downtown Parking Study 2004".	Planning and Zoning Commission/ Town Council	Short-Term		
Re-establish the Downtown as a component of Wallingford's economic base.	Economic Development Commission/ Planning and Zoning Commission	Short-Term		
The Town should continue to support Downtown business associations.	Economic Development Commission/ Town Council	Ongoing		
Encourage a mixed-use project on the Wooding/Caplan property that will enhance the economic growth of the Downtown.	Economic Development Commission/ Planning and Zoning Commission/ Town Council	Short-Term		
Carefully review possible commercial expansion into abutting properties which are now zoned residential	Planning and Zoning Commission	Long-Term		
Encourage the preservation of historic structures by use of the Preservation Trust.	Wallingford Historic Preservation Trust	Ongoing		
Assure that any development of the Wooding/Caplan property will also provide for adequate parking for the Police and Fire Departments.	Town Council	Short-Term		
Assess the advisability of restricting the use of the first floor of Downtown buildings to retail/restaurant.	Planning and Zoning Commission/ Wallingford Center, Inc.	Short-Term		
Analyze the feasibility of adopting a Village District for Downtown.	Planning and Zoning Commission	Short-Term		

IMPLEMENTATION SCHEDULE			HOUSING	
Envision Wallingford 2015 Town of Wallingford Plan of Conservation and Development	Action Step	Implementing Agency	Planning Period	Comments
	Promote the construction of affordable housing where appropriate.	Planning and Zoning Commission	Ongoing	
	Permit the construction of new two and three family homes in appropriate localions.	Planning and Zoning Commission	Short-Term	
	Promote the development of affordable rental housing.	Planning and Zoning Commission	Ongoing	
	Identify areas in town that would be appropriate for higher density residential development. Encourage housing options for empty nesters and senior citizens who wish to remain in Wallingford, including active senior housing, accessory apartments, congregate house and assisted living. Expand the Downtown Overlay zone to proved additional areas for higher density residential development.	Planning and Zoning Commission	Long-Term	
	Much of the land zoned RU-80 and RU-120 is located within Wallingford's Watershed. The Town should encourage all large future subdivisions in RU-80 and RU-120 to be open space subdivisions in order to reduce the size of manicured lawns that need herbicides and pesticides and to maintain and increase the acreage available for wildlife habitat.	Planning and Zoning Commission	Ongoing	
		Planning and Zoning Commission	Short-Term	
		Planning and Zoning Commission	Ongoing	

**Excerpt, State Plan of Conservation  
and Development, Showing Incentive  
Housing Zone as "Growth Area"**

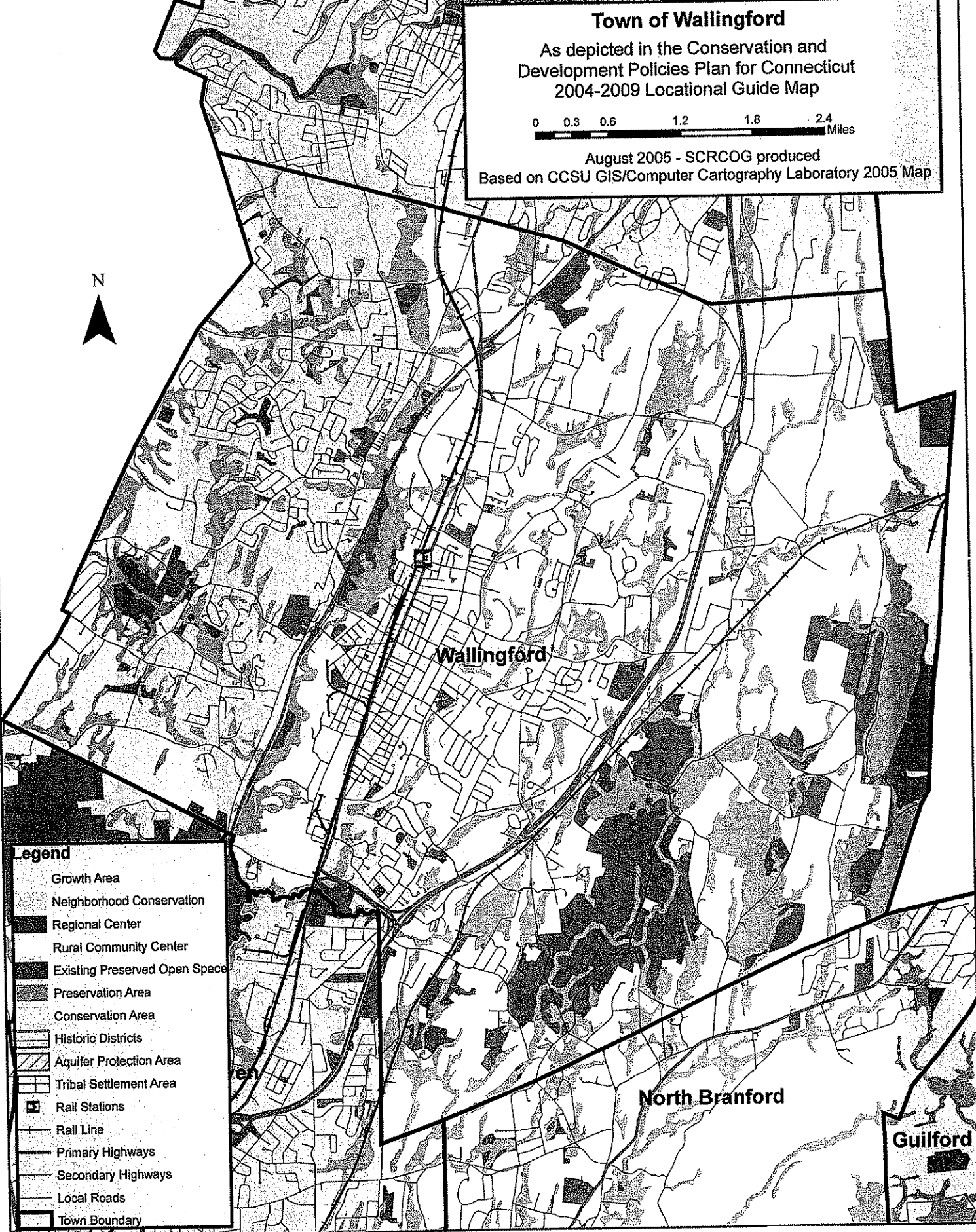
**Town of Wallingford**  
 As depicted in the Conservation and  
 Development Policies Plan for Connecticut  
 2004-2009 Locational Guide Map

0 0.3 0.6 1.2 1.8 2.4 Miles

August 2005 - SCRCOG produced  
 Based on CCSU GIS/Computer Cartography Laboratory 2005 Map



- Legend**
- Growth Area
  - Neighborhood Conservation
  - Regional Center
  - Rural Community Center
  - Existing Preserved Open Space
  - Preservation Area
  - Conservation Area
  - Historic Districts
  - Aquifer Protection Area
  - Tribal Settlement Area
  - Rail Stations
  - Rail Line
  - Primary Highways
  - Secondary Highways
  - Local Roads
  - Town Boundary



**National Historic Register Designation  
for Wallingford Railroad Station**



STATE OF CONNECTICUT  
CONNECTICUT HISTORICAL COMMISSION

December 28, 1993

The Honorable William W. Dickinson, Jr.  
Wallingford Town Hall  
45 South Main Street  
Wallingford, CT 06492

Dear Mayor Dickinson:

It is a great pleasure to inform you that the Wallingford Railroad Station, 51 Quinnipiac St. (37 Hall Ave.), Wallingford, CT has been listed on the National Register of Historic Places effective November 19, 1993.

The National Register of Historic Places is the official list of historic properties recognized by the Federal Government as worthy of preservation for their significance in American History, architecture, archaeology, engineering and culture. Located in the National Park Service, Department of the Interior, the program is part of a national policy to coordinate and support public and private efforts to identify, evaluate, and protect our cultural and national resources, and is maintained by the Secretary of the Interior under provisions of the National Historic Preservation Act of 1966.

Listing in the National Register results in the following for historic purposes:

1. Consideration in planning for Federal, federally licensed, and federally assisted projects. Section 106 of the National Historic Preservation Act of 1966 requires that Federal agencies allow the Advisory Council on Historic Preservation an opportunity to comment on all projects affecting historic properties listed in the National Register. For further information, please refer to 36 CFR 800.
2. Eligibility for Federal tax provisions. If a property is listed in the National Register, certain Federal tax provisions may apply. The Tax Reform Act of 1986 revises the historic preservation tax incentives authorized by Congress in the Tax Reform Act of 1976, the Revenue Act of 1978, the Tax Treatment Extension Act of 1980, the Economic Recovery Tax Act of 1981, and Tax Reform Act of 1984, and as of January 1, 1987, provides for a 20 percent investment tax credit with a full adjustment to basis for rehabilitating historic commercial, industrial, and rental residential buildings. The former 15 percent and 20 percent Investment Tax Credits (ITCs) for rehabilitations of older commercial buildings are combined into a single 10 percent ITC for commercial or industrial buildings

built before 1936. The Tax Treatment Extension Act of 1980 provides Federal tax deductions for charitable contributions for conservation purposes of partial interests in historically important land areas or structures. Whether these provisions are advantageous to a property owner is dependent upon the particular circumstances of the property and the owner. Because tax aspects outlined above are complex, individuals should consult legal counsel or the appropriate local Internal Revenue Service office for assistance in determining the tax consequences of the above provisions. For further information on certification requirements, please refer to 36 CFR 67.

3. Consideration of historic values in the decision to issue a surface coal mining permit where coal is located, in accordance with the Surface Mining and Control Act of 1977. For further information, please refer to 30 CFR 700 et. seq.
4. Qualifications for Federal grants for historic preservation when funds are available. Presently funding is unavailable. Contact the State Historic Preservation Office to determine the current status of such grants.

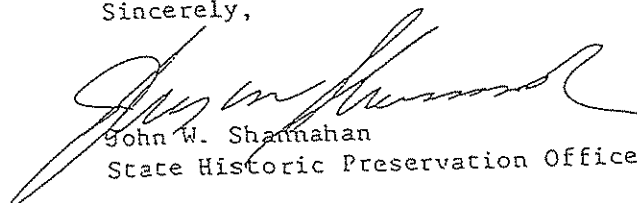
In Connecticut, listing in the National Register of Historic Places results in the following for historic properties:

1. Eligibility to purchase historical markers from the State Historic Preservation Officer.
2. Application of Connecticut General Statutes, Section 22a-19a. This statute directs that the provisions of sections 22a-15 through 22a-19, inclusive, of the Connecticut Environmental Protection Act, which permit legal recourse for the unreasonable destruction of the state's resources, shall also be applicable to historic structures and landmarks of the state. Such structures and landmarks are defined as those properties (1) which are listed or under consideration for listing as individual units on the National Register of Historic Places or (2) which are a part of a district listed or under consideration for listing on the National Register and which have been determined by the State Historic Preservation Board to contribute to the historic significance of such a district. If the plaintiff in a resulting legal action cannot make a prima facie showing that the conduct of the defendant, acting alone or in combination with others, has unreasonably destroyed or is likely unreasonably to destroy the public trust in such historic structures or landmarks, the court shall tax all costs for the action to the plaintiff.

Listing does not mean that the Federal Government wants to acquire the property, place restrictive covenants on the land, or dictate the color or materials used on individual buildings. State and local ordinances or laws establishing restrictive zoning, special design review committees, or review of exterior alterations, are not a part of the National Register program and should be clearly separated from the function of the National Register as a tool in the Federal planning process.

We are pleased to have been of assistance in the preservation of this historic resource.

Sincerely,

  
John W. Shanahan  
State Historic Preservation Officer

Enc.

Narrative Profile

Ted Carman is the President of Concord Square Development Company, Inc. He has spent over 30 years in the residential real estate business. During this period he has been the chief executive and operating officer of three development and management companies which have financed, acquired, built, and managed over 1,000 housing units. He founded two of the companies, including raising the capital required, and was the first President of the other, after it was organized by community leaders of Berkshire County. He also founded Advance Handle Company, LLC, in 2001, and raised nearly \$500,000 of venture capital to fund its initial operations.



After graduating from Harvard College (1963) and receiving a master's degree from the University of North Carolina, he attended the Naval Officer Candidate School in Newport, Rhode Island. He served on active duty for 4 years on a Newport based destroyer and on the staff at OCS. His housing career began with the renovation of several historic homes in Newport. He spent the late 60s and 70s working for and running non-profit, community development companies in Providence and in Berkshire County, Massachusetts. This work was primarily focused on affordable housing, but also involved downtown redevelopment efforts in Pittsfield, and a mill renovation into an arts complex in North Adams that was a precursor to Mass MOCA (Museum of Contemporary Art) in North Adams. In 1971 he conceived and organized what may have been the first instance in the country of a non-profit organization using for-profit syndication techniques to finance affordable housing while at the same time generating significant development fees paid to the non-profit which could then be used to pay for operating costs.

He moved to Boston in 1980 and since that time has worked in the real estate finance and development fields, primarily focused on market rate housing. He was the developer of the Exeter Mill in Exeter, NH, and of Holt Hall, in Portland, Maine. Both are market rate rental housing built in historic buildings, and both are on the National Register of Historic Places. He worked with several artist groups to develop live-work loft spaces in the Fort Point and South End sections of Boston. He worked for a year with Urban Edge, a Community Development Corporation operating in Boston's Roxbury and Jamaica Plain.

In the early 1980's, responding to a request for new ideas by the campaign organization for the second Dukakis administration, he wrote a paper that laid out the concept for a new state housing production program. After the election was won, the ideas were adopted and implemented by the Administration as the **Sharp Program**, administered by MHFA. Eventually tens of thousands of housing units were built.

In 2003 he was the principal author of a report entitled "Building on our Heritage, A Housing Strategy for Smart Growth and Economic Development" that has been adopted by the Commonwealth Housing Task Force. The recommendations of this report led to the enactment of the Smart Growth Zoning provisions of Chapter 40R.

Ted Carman  
Background

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**PROFESSIONAL  
EXPERIENCE**

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**Concord Square Development Company, Inc.,  
Boston, MA  
PRESIDENT**

**1995 to  
Present**

**Development and Consulting work in Real Estate  
and General Business.**

- Conceived and developed a Smart Growth Plan for High Density Overlay Zoning Districts in Massachusetts. Original paper written in October, 2002.
- Consultant for the Commonwealth Housing Task Force, through the Center for Urban and Regional Policy (2003 – 2004) and ongoing:
  - Working with CURP was the principal author of the report: Building on Our Heritage, A Housing Strategy for Smart Growth and Economic Development, October, 2003.
  - Participated in the drafting of legislation and negotiations leading to the passage and signing by the Governor of Chapter 40R, the new Smart Growth Zoning Ordinance, in June, 2004. 40R is based on the ideas in the original paper and the CHTF report.
- Consultant to Cathartes Investments for the development and new construction of 145 condominium units at the Sullivan Square T Station in Charlestown, MA (2003 – 2004) and ongoing.
- Development and consulting work on the Abbot Mill, Westford, Massachusetts. 120 - 180 units of market rate housing in a historic textile mill. Obtained zoning amendment allowing residential use. Consulting to Yule Development Co. (2000 – 2004) and ongoing.
- Consulting to Fantini & Gorga (Mortgage Brokers) with regard to the organization of a HUD approved Mortgagee. Wrote the initial business plan. This became a new business operation for Fantini & Gorga in 2004. (2002 and 2003).
- Development partner and owner with John Moriarty & Associates, Inc., in the renovation of Holt Hall, Portland, Maine (1998). 36 market rate apartments, 7,000 s.f. of office space. Holt Hall is on the National Register of Historic Places. Ongoing supervision of management and operations.
- Consultant to The Cohousing Center, Watertown, MA, and to Carman Electric, Inc., Jackson, WY (1994 - 1995).

**Ted Carman**  
**Background**

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**Advance Handle Company, LLC**  
**PRESIDENT**

**2001 to  
Present**

- Invention and development of the Advance Handle, a retail product that enhances the ability to exert force on a shaft or handle, such as a broomstick or paint roller, that is held in one hand.
  - Raised Venture Capital.
  - US and International Patents Pending.
  - License Agreements under negotiation.
- 

**Urban Edge Housing Corporation, Roxbury, MA**  
**DIRECTOR OF DEVELOPMENT / DIRECTOR OF  
OPERATIONS**

**1992 - 1993**

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**The Arbor Group, Boston, MA**  
**FOUNDER, PRESIDENT of Arbor Development  
Company, Inc. and Arbor Management Company,  
Inc.**

**1983 - 1991**

- Raised \$1,200,000 of venture capital to fund the Arbor Group in 1983.
  - Purchased, developed and managed three multifamily housing properties with 704 units and total costs in excess of \$50 million: Arbor On the Farmington (432 units in Windsor, CT.), The Exeter Mill (140 units in Exeter, NH) and Arbor Hill (132 units in Johnston, RI). Acted as Managing General Partner and property manager of each of the partnerships. Arranged debt and equity for each development.
  - Organized and carried out \$4 million of improvements to two existing properties and \$18 million of construction in The Exeter Mill.
  - Provided development consulting, leasing and management for 164 units of new construction for Metropolitan Real Estate Investments: Applebriar Apartments, in Marlboro, MA.
- 

**Boston Financial Technology Group, Boston, MA.**  
**VICE PRESIDENT, ACQUISITIONS &  
SYNDICATION**

**1980 - 1983**

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- Worked on the acquisition and syndication of apartment properties financed with debt plus private placements of equity.
- 

**Berkshire Housing Development Corporation,**  
**Pittsfield, MA**  
**PRESIDENT, Berkshire Housing Development Corporation**  
**PRESIDENT, Berkshire Housing Services, Inc. (management  
company)**

**1975 - 1980**

**1971 - 1973**

- First President, organized staff and initial operations in 1971.
  - Developed six multifamily, affordable housing projects totaling 330 units.
  - Half time for four years spent as a consultant to the City of Pittsfield and the Chamber of Commerce for an \$80+ million downtown urban retail center (ultimately not built).
  - Organized and built property management company into profit center, operating over 600 units in 7 separate developments, including two
-

**Ted Carman**  
**Background**

housing authorities.

- Developed an accounting system to provide accrued monthly financial statements with cash flow comparisons to budget for 9 separate accounting entities.
- Pioneered use of tax shelter syndication proceeds to generate operating income for Berkshire Housing, a non-profit community development corporation.

---

**Hoosac Community Resources Corporation, North Adams, MA** 1973 - 1975

**CORPORATION MANAGER**

- Economic Development / Crafts and Arts Center in the Windsor Print Works, a historic textile mill. Precursor of the Massachusetts Museum of Contemporary Art (Mass MOCA).

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**Carman, Inc., Newport, RI** 1971 - 1973

**PRESIDENT**

- Financed, syndicated, and built a \$900,000, 40 unit, HUD- insured project under the Section 236 program in Providence, RI, for own account. Served as general partner until sale of property in 1985.

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**Citizens United Renewal Enterprises, Providence, RI** 1969 - 1970

**TECHNICAL ASSISTANT, and then DEPUTY DIRECTOR**

- Responsible for financing and general project development work for numerous HUD subsidized housing projects. Non-profit development company. Extensive work in South Providence.
- Wrote the initial concept and business plan for and became an original founder of the Church Community Corporation (Non-profit CDC) in Newport (1969).

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**Acquisition of Historic Properties** 1964-1994  
**Principal Owner**

- Acquisition and restoration / renovation of three eighteenth and nineteenth century buildings containing 8 apartments in Newport, R.I. (1964 - 1971)
- Acquisition and renovation of a large early 19<sup>th</sup> century farmhouse in Lanesboro, MA (1971 - 1985)
- Acquisition of gutted shell and complete rebuilding into three condominium units of a 4,000 s.f. brick row building in the South End of Boston (1988)

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**United States Navy, Newport, RI** 1964 - 1968

**LIEUTENANT (highest rank)**

Active Duty. Served as MPA, DCA, R Division Officer, and Fleet Officer of the Deck on USS Glennon (DD 840) from 1964 to 1967. On Staff of Officer Candidate School, Newport, R.I. 1967 -1968.

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Ted Carman  
Background

<b>EDUCATION</b>	<b>University of North Carolina, Chapel Hill, NC</b> MA, European History	<b>1963 - 1964</b>
	<b>Harvard College, Cambridge, MA</b> BA, Magna Cum Laude, European History	<b>1959 - 1963</b>

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<b>OTHER</b>	<p>Member, Commonwealth Housing Task Force          Member, Citizens Housing and Planning Association, Boston, MA          Member and Member Emeritus of Advisory Board of the Housing Development Reporter, Washington, D.C., 1975 - 1990          Lecturer and moderator on real estate syndication at numerous East Coast seminars for the Northwest Center for Professional Education 1983 - 1990.          Board of Directors, Operation Clapboard, Newport, Rhode Island          Board of Directors, ACT, Inc., and Historic Massachusetts, Inc., Boston, Mass          Squash Player. Hiking and backpacking. Mountaineering in the 60s.          Author of a paper on <u>The Master Builder</u> by Henrik Ibsen (1999) [Link to Paper and Letter from Robert Brustein, Artistic Director of the American Repertory Theater]          President of the Harvard Mountaineering Club (1962 - 63) - prime mover in the construction of the Harvard Cabin 2 miles up the east side of Mt. Washington, in Huntington Ravine [Link to narrative and photographs]</p>
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**DEVELOPMENT PROJECTS**

Year	No. Units	Location	Type	Role	Financing
1964	2	Newport, RI	Rehab	Owner	\$15,000
1964	2	Newport, RI	Rehab	Owner	\$5,000
1968	4	Newport, RI	Rehab	Owner	\$17,000
1971	3	Lanesborough, MA	Rehab	Owner	\$75,000
1969 - 1970	30	Providence, RI	Scattered Rehab	Primary	\$300,000
	70	Manville, RI	Rehab	Consultant	\$1,200,000
	8	Providence, RI		Primary	\$150,000
	30	Providence, RI	New	Consultant	\$600,000
1971	40	Providence, RI	New	General Partner	\$900,000
1971 - 1980	90	Pittsfield, MA	Rehab	Primary	\$2,000,000
	40	Great Barrington, MA	New	Joint Venture	\$1,300,000
	40	Adams, MA	Rehab	Primary	\$1,200,000
	60	Williamstown, MA	New	Primary	\$1,800,000
	40	Pittsfield, MA	Rehab	Joint Venture	\$1,800,000
	60	Pittsfield, MA	Rehab	Joint Venture	\$2,500,000



Karen M. Cullen, AICP



1430 Main Street, Suite 202  
Palmer, MA 01069-1235  
Tel: (413) 284-4328

June 2008

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### Summary of Qualifications

Highly motivated, creative planner with over 20 years of experience with a track record of successful projects incorporating multiple elements of planning. Demonstrated competence in analyzing problems, developing and simplifying procedures, and finding innovative solutions. Proven ability to write plans, bylaws, and regulations that are sensible and understandable to all stakeholders. Proficient at managing multiple complex projects and communicating effectively with all audiences in both written and verbal format. In addition to typical office software products, utilizes GIS to effectively communicate concepts and facts through mapping.

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### Selected Accomplishments

- ♦ Wrote bylaws and regulations including a thorough rewrite of zoning bylaws and subdivision regulations (Spencer MA), new sections and amendments to the land management ordinance (Hilton Head Island SC), and many revisions to zoning, site plan, and subdivision regulations (NH towns).
- ♦ Prepared long range plans including the Broad Creek Management Plan (Hilton Head Island SC), master plans (NH towns), open space plans (NH towns, Hilton Head Island SC, and Spencer MA).
- ♦ Created educational materials including brochures, pamphlets, articles, maps, posters, interpretive signs, presentations, internet content, and user guides.
- ♦ Managed conversion of five individual offices into an integrated department, including financial management and budget preparation, development of a coordinated review process, modernization of data management techniques, and supervision of professional and administrative staff.
- ♦ Provided professional assistance to planning and zoning boards and commissions in the management of their responsibilities.
- ♦ Managed numerous projects, including grant writing, grant management, budget preparation and management, personnel and resources management, and scheduling.
- ♦ Coordinated and directed staff and outside professional assistants in the successful implementation of emergency procedures pertaining to public health during a three day, widespread malfunction of the public water supply (Spencer MA).
- ♦ Recipient of Community Leadership Award from Central Massachusetts Regional Planning Commission, June 2008, for efforts developing the first Town Planner position and service as the first Director of the Office of Development & Inspectional Services in the Town of Spencer.

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### Professional Experience

*Senior Planner* for Concord Square Planning & Development Inc. Manager for field office in Palmer MA for Boston based consulting firm. Responsibilities include marketing and project management for a wide variety of planning contracts for public and private clients. Emphasis on providing municipalities with planning services needed to supplement professional staff capabilities for specific projects or to provide services for day-to-day needs of planning and zoning boards for small communities that have no professional staff. Projects include assistance with revitalization and redevelopment efforts in town centers, master planning, zoning, and smart growth planning.

April 2008 – Present

*Director of Development & Inspectional Services/Town Planner* for the Town of Spencer, MA. Responsibilities included all aspects of town planning in addition to heading up the department, which consists of the building and local inspectors and the four boards charged with various aspects of land development and their professional staff: planning, zoning, conservation, and health. As the first person to hold this position – and the first town planner – I led the town on many issues:

- ♦ *The conversion of five individual offices into an integrated department*, including financial management and budget preparation, assistance to boards, applicants, and town staff in a new coordinated review process, conversion of outmoded data management techniques to better utilize the computer resources available, and hiring professional and administrative staff.
- ♦ *A comprehensive update of the zoning bylaw*, including the addition of Open Space Residential Development, site plan review, and two new zoning districts (to address the unique circumstances of lakefront areas and the opportunities within the town center), reorganization of and updates to the use regulations, modifications to the density regulations, significant reformatting and rewording to enhance the comprehensibility of the bylaw, and the development of a new zoning map based on parcel boundaries. Significant public education efforts which resulted in adoption by Town Meeting on the first try included the production of a set of brochures on the major changes in the bylaw, local cable television appearances, and speaking engagements with various groups.
- ♦ *A complete update of the subdivision regulations*, including revised standards to encourage smart growth and low impact development, thorough procedural provisions from pre-application to public acceptance of infrastructure, and provisions for open space residential development.
- ♦ *Downtown revitalization*, including removal of a burned out structure in the heart of downtown and the subsequent purchase of that parcel and construction of a public parking lot, preparation of an application for CDBG funding for a planning study to determine the best ways for public monies to be spent to encourage private reinvestment in properties and for a housing rehabilitation program; assistance on several projects to rehabilitate and reuse existing public structures, and work on two town owned sites within the town center for affordable housing production.
- ♦ *Open space protection*, partnered with Mass. Audubon Society to secure grant funding for the purchase of conservation restrictions on 65 acres of open space bordering a town road and a pond, assistance to staff on scenic road issues, discussions with residents in the agriculture industry on open space and farmland preservation, assistance to staff on updating the open space plan, and research on zoning techniques to protect open space.
- ♦ *Affordable housing*, including education of town officials on affordable housing issues including MGL 40B and 40R/40S, coordinated a housing summit to open discussion on the issues facing the town on affordable housing, secured PDF funding and managed the grant for predevelopment planning on several town owned properties for affordable housing, and assisted a private developer to navigate the local application process for reuse of a school for low income elderly housing units.
- ♦ *Long range transportation issues*, including working to secure funding for several road projects and serving as a technical member of the Central Massachusetts Transportation Planning Committee (Vice-Chair in 2007/08).
- ♦ *Geographic information system*, including establishment of GIS, staff training, data collection, management of parcel digitization, coordination with other town departments, and map production.

In performing these duties, I spent a significant amount of time educating people at various levels from the average citizen who has no knowledge of planning, zoning, or land use issues to professional engineers and site designers on specific provisions of the town's regulations. I also worked closely with Town Counsel on numerous issues, including several cases in litigation. In addition to my significant contributions in the regulatory arena, I positioned Spencer to continue to move into the 21<sup>st</sup> century in regard to many land use issues, including affordable housing and revitalization of the town center. March 2005 – May 2008

**Senior Planner, Comprehensive Planning Division** for the Town of Hilton Head Island, SC. Responsibilities included research, data collection and analysis, writing plans, preparing and giving presentations, preparing maps, educating and working with the public in neighborhood planning and environmental issues, generating creative solutions to problems, and communicating effectively with a broad range of people from scientists to lay people. Served as team leader for a variety of projects involving creating and implementing plans, drafting regulations, researching planning tools, and analyzing future land use and traffic impacts. Served as team member for variety of projects including recreational planning, redevelopment planning and disaster recovery planning. Led an interdisciplinary team to create a comprehensive plan for Broad Creek, a major tidal river which holds a vital position in the landscape of the island. Partnered with state and federal agencies to create maps of shellfish resources using remote sensing technologies. Created numerous public education products, including brochures, interpretive signs, posters, and internet content on local environmental issues. Gave presentations at international conferences on the Broad Creek Management Plan and the use of GIS and remote sensing technologies for coastal planning. October 1999 – March 2005

**Senior Planner, Current Planning Division** for the Town of Hilton Head Island, SC. Responsible for development review, including presentation of applications to Town boards. Prepared amendments to zoning and land development regulations. Participated in the implementation of permit tracking software, including the creation of a user manual and training of department staff. May 1998 – October 1999

**Planning Director** for the Town of Alton, NH. Responsibilities included all aspects of community planning. Prepared amendments to zoning and land development regulations, coordinated work on the comprehensive plan update and the capital improvements program, performed development review, assisted the public, managed the department budget, assisted in the hiring of several staff members, and supervised the department staff. February 1997 - August 1997

**Planning Consultant** for New Hampshire communities. Managed all aspects of town planning, from development review to long range planning. Advised applicants and Boards on applications, prepared amendments to land use and zoning regulations, created educational materials on planning processes, performed demographic analyses, prepared capital improvements programs, prepared open space and recreation plans, and wrote updates to a number of comprehensive plans. May 1989 - December 1996

**Regional Planner/Consultant** for Southwest Region Planning Commission, Keene, NH. Responsibilities included working with towns on master plans, capital improvement programs, and land use regulations. Produced a socioeconomic profile of the region's 35 towns, a labor market study for the Keene Labor Market Area, a report on emergency planning for towns within the Vermont Yankee nuclear power plant emergency zone, and a regional housing study. November 1985 - April 1989

**Planner/Information Specialist** for Seminole County, FL. Responsibilities included the organization, maintenance, and statistical analysis of data relevant to growth and other planning concerns, participation in the community involvement phase of a Transportation Management Program, development review, and training staff in the use of computer hardware and software. January 1984 - October 1985

## Education

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**Master of Regional Planning**, University of Massachusetts at Amherst. Project work: applying computer techniques (using a prototype geographic information system on a mainframe computer) in the preparation of a Water Resources Management Study for the Town of Andover, Massachusetts. This work was used by the Town in their decision making on protection techniques for the watershed, specifically regarding water quality of the public water supply. May 1983

**Bachelor of Science in Plant and Soil Science**, University of Massachusetts at Amherst. May 1981

**Additional Courses:**

Landscape Planning Short Course, University of Georgia, Athens, GA	February 1999
Management Skills and Techniques for New Supervisors, AMA, Atlanta, GA	August 2002
Stormwater BMP Academy, Clemson University, Charleston, SC	October 2002
Remote Sensing For Spatial Analysts, NOAA Coastal Services Center, Charleston SC	January 2003

**Professional Affiliations**

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American Planning Association  
American Institute of Certified Planners, Certificate Number 012036  
APA Small Town and Rural Planning Division  
Massachusetts Planning Association  
Massachusetts Association of Planning Directors  
Massachusetts Federation of Planning & Appeals Boards, Area Director

**Selected Publications & Presentations**

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Tips on Running a Small Planning Office – An Integrated Small Planning Office, The Spencer Experience.  
Mass. Association of Planning Directors Annual Conference, June 2008  
Town of Spencer Zoning Bylaw and Subdivision Regulations, Nov. 2006 and April 2007  
Broad Creek Management Plan – A Comprehensive Approach to Coastal Resource Planning. Pgs 76 – 80 in  
*Converging Currents: Science, Culture, and Policy at the Coast*. Proceedings of the 18<sup>th</sup> International Conference  
of the Coastal Society, Galveston TX; April 2002 (Co-author and presenter)  
A Local Approach to Coastal Resource Planning: The Broad Creek Management Plan. Plenary Presentation  
at 6<sup>th</sup> International Conference on Shellfish Restoration, Charleston, SC; Nov. 2002 (Co-author/ presenter)  
The Use of GIS in the Development of A Coastal Resources Management Plan. Proceedings of the 3<sup>rd</sup>  
Biennial Coastal GeoTools Conference, Charleston SC; January 2003 (Co-author)  
Remote Sensing for Intertidal Oyster Reef Mapping and Change Detection in Coastal South Carolina.  
Proceedings of the 3<sup>rd</sup> Biennial Coastal GeoTools Conference, Charleston SC; January 2003 (Co-author)  
Managing and Monitoring Intertidal Oyster Reefs with Remote Sensing in Coastal South Carolina. National  
Shellfisheries Association Annual Meeting. New Orleans, LA; April 2003 (Co-author)  
The Use of Remote Sensing in Local Planning. Coastal Issue Workshop: Remote Sensing of Intertidal  
Shellfish Habitats, Georgetown, SC; June 2003 (Author and presenter)  
A Local Approach to Coastal Watershed Planning: The Broad Creek Management Plan. Poster at the Coastal  
Zone '03 Conference, Baltimore MD; July 2003 (Author)  
Broad Creek Management Plan Web Page (bcmp.org, site no longer online); July 2003  
Implementation of the Broad Creek Management Plan – Local Government Can Make a Difference. Poster  
at the 19<sup>th</sup> International Conference of the Coastal Society, Newport, RI; May 2004 (Author /presenter)  
South Carolina's Shellfish Mapping Project at the Local Level. Presentation at the 7<sup>th</sup> International  
Conference on Shellfish Restoration, Charleston, SC; November 2004 (Author and presenter)  
Numerous public presentations at local Board meetings and hearings throughout career.



**SHIPMAN & GOODWIN LLP**  
COUNSELORS AT LAW

**Timothy S. Hollister**  
Partner



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Tim Hollister practices land use, environmental and municipal law, and handles a wide range of real estate and administrative law problems that arise in the context of land use and environmental matters. He has represented developers, corporations, property owners, municipalities, boards of education, and neighborhood and environmental groups in administrative proceedings before local, state, regional and federal agencies and litigation in the state and federal trial courts, and has argued more than 30 cases in the state and federal appellate courts.

Tim has specific experience in eminent domain and inverse condemnation, unconstitutional takings and other civil rights violations, workforce and affordable housing, fair housing, wetlands regulation, drafting and enforcement of land use regulations, inclusionary zoning, flood plain management, mineral rights, riparian rights, specific performance, landlord and tenant, quiet title, title insurance, tax appeals, broker's commissions and foreclosures.

Tim has developed a national reputation in land use law. He is widely recognized for his work in workforce and affordable housing development, wetlands regulation, and eminent domain. He currently serves on the Steering Committee of the HOME Connecticut campaign, which is pursuing innovative solutions to Connecticut's affordable housing crisis, was a principal drafter of the HOME Connecticut legislation, and during 2008 has been a frequent speaker on HOME Connecticut Incentive Housing Zones.

**PRACTICE AREAS**

Environment, Energy and Land Use

**BAR ADMISSIONS**

Connecticut

**COURT ADMISSIONS**

United States Supreme Court  
United States Court of Appeals for the First Circuit  
United States Court of Appeals for the Second Circuit  
United States District Court District of Connecticut

**EDUCATION**

Boston University School of Law, J.D., 1982  
Occidental College, M.A., 1980  
Coro Foundation Fellows Program in Public Affairs, St. Louis, 1978-1979  
Wesleyan University, B.A., 1978, *cum laude*

**DISTINCTIONS**

- AV Peer Review Rated, Martindale-Hubbell
- Chambers USA, America's Leading Lawyers: Real Estate
- 2009 Best Lawyers in America®, Land Use & Zoning Law
- Listed as a 2008 Connecticut Super Lawyer®: Land Use/Zoning
- Listed as a 2009 Connecticut Super Lawyer®: Land Use/Zoning

- Steering Committee, HOMEConnecticut Campaign (2005 - present)
- Blue Ribbon Commission to Study Affordable Housing, State of Connecticut Office of the Governor (1999-2000)
- Distinguished Service Award, Connecticut Home Builders Association (2004 and 2007)
- Local Government Law Fellow, International Municipal Lawyers Association (2002-2007, renewed in 2007 through 2012)
- Filed six petitions or briefs in the United States Supreme Court

#### **PROFESSIONAL AFFILIATIONS**

- American Bar Association
- Connecticut Bar Association: Environmental Law Section, Executive Committee (1992-present); Chair (1996-1997); Chair, Affordable Housing and Homelessness Committee (2005-2008)
- International Municipal Lawyers Association: Member, Program Planning Committee (2002-present); Former Regional Vice President; Former State Chair

#### **COMMUNITY INVOLVEMENT**

- Governor's Teen Safe Driving Task Force: Member (2007-2008)
- Connecticut Coalition to End Homelessness: Counsel (1988-present)
- Coro Foundation, New York Center: Founding Member, Board of Directors (1980-86)
- Task Force on Inclusiveness and Diversity, Asylum Hill Congregational Church, Hartford: Co-Chair (2004 - 2006)

**Education**

M.S. Civil Engineering, University of Connecticut, 1993  
B.S. Civil Engineering, North Carolina Agricultural and State University, 1991  
Highway Noise Analysis, University of Louisville, 1999

**Overview**

Ms. Tillery's expertise is focused in the area of traffic engineering, transportation planning and modeling, transit and rail studies, and environmental analysis. Her experience includes a wide variety of projects such as: corridor studies, traffic impact studies, STC studies, access management studies, traffic signal and coordination analysis, long range transportation plans, short range transit studies, environmental impact studies, and environmental assessments. She has utilized a variety of transportation computer programs and is very familiar with Congestion Management Systems, Incident Management Systems, Intelligent Transportation Systems, Census Transportation Planning, TEA-21, and the Clean Air Act.

**Traffic Engineering**

Ms. Tillery has extensive experience in traffic impact analysis, traffic simulation, signal optimization, parking studies, signing/markings/MPT, and travel survey/data collection. She has prepared and reviewed traffic impact studies for both private and municipal clients, employed simulation models to evaluate traffic operations, analyzed and optimized signal timing and phasing plans for isolated and coordinated traffic signals, determined parking needs for multi-use facilities, and developed plans for signage, pavement marking, and maintenance and protection of traffic. Furthermore, she has designed, carried out, and analyzed results from travel surveys, including origin-destination surveys, license plate surveys, transit on-board surveys and parking surveys. Ms. Tillery has utilized a variety of transportation computer programs, including Synchro, Signal 2000, TrafNETSIM, CORSIM, MAPINFO, FRESIM, TRANSYT\_7F, Traffic Noise Model (TNM), the Highway Capacity Software, AutoCAD, and ArcView.

**Transportation Planning and Modeling**

Ms. Tillery has extensive experience in transportation planning and demand forecast modeling. She has maintained and evaluated several transportation demand models and used them to project traffic on existing and improved facilities. Ms. Tillery is well versed in using MINUTP and has used transportation models to not only project traffic on existing and improved facilities but to subsequently analyze traffic operations on ramps and at ramp intersections with cross streets. Ms. Tillery also uses VIPER, a visual planning environment tool that combines the functionality of transportation demand models formatted in MINUTP, TP+, TranPlan, or TRIPS with Geographical Information Systems (GIS) features.

**Transit and Rail Studies**

Ms. Tillery has expertise in transit and rail planning and analyses. She has participated in several transit and rail development programs, corridor studies, alternatives analyses, fixed guideway studies and intermodal facility planning studies. Ms. Tillery is familiar with the programs, requirements, and regulations of the Federal Transit Administration and the Federal Railroad Administration. She is also familiar with a variety of patronage estimation techniques.

**Environmental Analysis**

Ms. Tillery has participated in the preparation of several environmental impact statements and environmental assessments for a variety of transportation improvement projects. She has an understanding of the National Environmental Policy Act (NEPA) and the Connecticut Environmental Policy Act (CEPA) as they relate to transportation projects. She has participated in several NEPA documents including environmental assessments, environmental impact statements, and related specialized environmental studies. In addition, Ms. Tillery has educational training in identifying noise sensitive areas and receptors, performing noise monitoring, and utilizing the Traffic Noise Model (TNM) for prediction of noise levels.

**Professional Affiliations**

Institute of Transportation Engineers (ITE)  
Institute of Transportation Systems (ITS)



**Representative  
Projects**

Intermodal Facilities  
Traffic Analysis  
Signing/MPT  
Traffic Simulation  
Signal Optimization

**Traffic Engineering**

- Bridgeport Intermodal Signal Study, Bridgeport (CT)
- 95/7 Ventures, Norwalk (CT)
- Whitney Center Life Care Facility, Hamden (CT)
- Country Club Road, Cheshire (CT)
- Center Street Intersection Improvement, Wilton (CT)
- Water Street Alignment Alternatives, Derby (CT)
- Highland Ridge Estates and Country Club, Winchester (CT)
- Bristol (CT) Recreation Community Center
- Buckland Hills Installation of Closed Loop Signal System, Manchester (CT)
- Greenwich Avenue Corridor Improvements, Stamford (CT)
- Georgetown Transit Oriented Development (CT)
- I95 Operational Screening (CT)
- Bridgeport (CT) Intermodal Transportation Center
- Thomaston (CT) High School Traffic Study
- Walgreen's Traffic Impact Analysis Review, Campbell County (VA)
- Traffic Signals System (CT)
- Greater Bridgeport (CT) Regional Planning Agency ITS Feasibility Study

Demand Modeling  
Corridor Studies  
Access Management

**Transportation Planning and Modeling**

- Route 305 (CT) Corridor Study
- Route 110/113 Rotary Interchange Study, Methuen, MA
- Route 22 (CT) Corridor Study
- Route 35 (CT) Traffic Improvement Plan
- Route 34 (CT) Corridor Study
- Lynnhaven Parkway Interchange and Great Neck Road (VA)
- Hampton Roads (VA) Model Update
- Hampton Roads (VA) Crossing Study
- Virginia Department of Transportation Air Quality Conformity
- Route 202 (CT) Corridor Study
- Seaview Avenue Corridor Study (CT)
- Southeast Suffolk Downtown Study (VA)
- Route 66 (CT) Corridor Study
- Route 17 (CT) Corridor Study
- Route 8 (CT) Corridor Study

Transit Planning  
Rail Planning  
Signing

**Transit and Rail Studies**

- Northwest Corridor Transit Study (CT)
- Shoreline East Railroad Expansion Project (CT)
- Greater Bridgeport (CT) Circulation Study
- Griffin Busway Feasibility Study (CT)
- Dulles Corridor Rapid Transit Project, Northern VA
- Regional Transit Strategy for the Capitol Region Council of Governments (CT)
- Metro North Signage Project (CT/NY)

Demand Estimation  
Noise Analysis  
Traffic Assessment  
Transit Assessment  
Bicycle Facilities  
Pedestrian Facilities  
Parking Assessment

**Environmental Analysis**

- Shoreline East Railroad Station Improvements Environmental Impact Evaluation
- Gateway Community College Relocation Environmental Impact Assessment
- Department of Public Health Laboratory Environmental Assessment
- Department of Veteran's Affairs Adult Facility Environmental Assessment
- West Haven/Orange (CT) Commuter Railroad Station Environmental Assessment
- Hartford (CT) Civic Center Redevelopment Environmental Assessment
- Central Connecticut State University Master Plan/Environmental Assessment
- Southern Connecticut State University Master Plan/Environmental Assessment



SPECIAL JOINT MEETING  
OF THE  
WALLINGFORD TOWN COUNCIL  
AND  
WALLINGFORD PLANNING AND ZONING COMMISSION

March 23, 2009

MINUTES

A Special Joint Meeting of the Wallingford Town Council and the Planning and Zoning Commission was held on Monday, March 23, 2009, at 7:00 p.m. in the Robert Earley Auditorium of the Wallingford Town Hall Municipal Building, 45 South Main Street, Wallingford, CT. In attendance were: Town Councilors Mr. Michael Brodinsky, Chairman; Mr. Vincent Testa, Jr., Vice Chairman; Mr. Michael Spiteri; Mr. Jerry Farrell, Jr.; Ms. Rosemary Rascati; and Mr. John LeTourneau. Absent were Town Councilors Mr. Robert Parisi, Mr. Vincenzo M. DiNatale, and Mr. Nick Economopoulos. Present from the Planning and Zoning Commission were: Regular Members Mr. James Fitzsimmons, Chairman; Ms. Marci Baxter, Vice Chairperson (arrived as noted); Mr. David Fritz, Secretary; Mr. James Seichter; and Mr. Patrick Birney; also Alternate Members Mr. Jon-Paul Venoit and Ms. Stacey Voss. Absent was Alternate Member Mr. Armand Menard. The Town staff persons attending were Town Planner Ms. Linda Bush, Assistant Town Planner Ms. Kacie Costello, and PZC Recording Secretary Ms. Kathleen Burns. Present were 18 persons in the audience. Note: All motions were voted by roll call, except as noted.

Town Council Chairman Michael Brodinsky announced this Joint Meeting, which he called to order at 7:13 p.m. He asked everyone to stand for a Moment of Silence and the Pledge of Allegiance to the Flag. He introduced the Town Councilors. Chairman Fitzsimmons introduced the Commissioners and consultants Attorney Timothy Hollister of Shipman & Goodwin of Hartford and Ms. Karen Cullen, AICP, Senior Planner, from Concord Square Planning and Development of Palmer, Massachusetts.

1. Proposed Incentive Housing Zone

The topic of this Joint Meeting is the proposed Incentive Housing Zone that is being prepared by the Town of Wallingford and its consultants to comply with Connecticut General Statutes § 8-13m et seq., the HomeCT legislation. Reference is made to the Draft Proposed Zoning Amendments as of 2/25/09 and as amended 3/11/09 by the Planning and Zoning Commission. The Proposed Amendments consist of Amendments to Wallingford's Zoning Regulations § 2.2 Definitions and § 3.1 Special Districts, and to add a new § 4.22 – Wallingford Incentive Housing Zone (Att. 1A). Copies are available from the Planning and Zoning Department Office.

Town Council Chairman Brodinsky asked for opening remarks.

Chairman Fitzsimmons: Thank you very much for your availability to meet with us. The Planning and Zoning Commission has been meeting for several months, both the Commis-

sion and the staff with Karen and Tim, to explore creation of a Downtown Incentive Housing Zone (IHZ). We had met with you last year to get your feedback. Two weeks ago, the Commission saw a revised draft, which you have tonight (Att. 1A). The Wallingford Incentive Housing Zone will have a significant impact. First, this is not about the Town acquiring and developing property. This is an overlay zone that would allow private property owners to have another housing opportunity to develop their land. Second, this potential zoning is not dependent on the possible commuter railroad between New Haven and Hartford. It's not part of what the Town and State are considering as far as a train platform in Wallingford. Finally, this is something that the State has funded, should the Town proceed with an application to the Connecticut Office of Policy and Management (OPM). If accepted, we'd be first in line to receive significant State funding based on the use of this zone in the downtown area.

Note: Commissioner Ms. Baxter arrived at this time.

Ms. Bush: This began over a year ago. It was my goal to find a way to expand the retail space available in downtown Wallingford, which is also the goal of downtown merchants and Wallingford Center Inc. (WCI). The Town funds WCI each year and spends thousands on streetscape improvements. After visiting Blueback Square in West Hartford, it occurred to me that we could help the downtown and the Town. If the Town adopts the IHZ, it's only an amendment to the Zoning Regulations book and the Map. It's an overlay zone, and the existing zoning that's there will stay. People can continue to use the benefits of the existing zone. But, if they choose to, they can use the benefits of the overlay zone. These are some of the buildings in the proposed IHZ (display board shown). We'd like them to look like buildings on North Main Street, the Caplan block. The proposed zone has design standards written in. This is just a zoning regulation. The only reason we're sending our regulations to OPM is that it has to comply with the State statute. We can put whatever we want in our Zoning Regulations. But to be part of this HomeCT program, our regulations have to comply. In this zone, 20% of the units will be affordable. For example, Olde Oak Village on the Hartford Turnpike is 30% affordable units. In Wallingford, "affordable" is considered that a family of four makes \$60,000 per year.

Ms. Bush continued: There's been news stories about the rail platform recently. That's not directly related to this. It's possibly to be in this block over here. If the commuter line starts and DOT needs more parking, they're going to pave all this and a lot more. In addition, whenever the train stops now, it stops traffic. When the money comes in for development, I think the Town can use that money for parking later. So we're trying to move the platform to two blocks from here where Amtrak owns land—not far away. Additional considerations: All of these IHZ developments will be by site plan only. Developments in the underlying zoning are by site plan only, but we'd have development by Special Permit if it's a major traffic generator. We had a traffic engineer participate on this, to make sure that the traffic and parking would work. I pulled out one of the earlier proposals from the Wooding-Caplan property. That proposed a three-story building with retail on the first floor and a density of 26 units per acre and parking. My office has done several downtown parking studies. There is a parking problem in front of stores. Any building that gets built will have to have parking. Tonight we're not asking the Planning and Zoning Commission or the Town

Council to adopt this zoning. We're hoping that you will pass resolutions to allow it to go to OPM for a preliminary review. If that happens, then we'll have to have a public hearing about having Zoning Regulation Amendments and Zoning Map changes. We think it might have a major impact on the land by Center Street, Quinnipiac Street, and Hall Avenue to benefit the Town of Wallingford.

Attorney Hollister: We're nearing the end of this process. The assistance from Town staff has been exemplary. Wallingford is farthest along on this in the State, which is a testament to the leadership of the people in this room and the Town staff. Housing is part of the solution to our economic and social needs. The team has been working to prepare this Incentive Housing Zone regulation. We're not asking the Town Council or Planning and Zoning Commission to enact a regulation but to pass resolutions that will allow the team on your behalf to make an application for a preliminary determination from OPM in Hartford for the district regulation and supporting materials. HomeCT is a particular program to give incentives to municipalities to allow builders to have a higher density to build more units, which is how low-cost housing is created. This is the fourth public session. Materials have been available at the Town offices throughout. We have had several meetings with the public and area property owners. I think the process has been clear and transparent. I'd describe the "Town of Wallingford Application to Connecticut OPM". This is the same assembly of documents that I gave you two weeks ago. Changes were made to the regulation from the March 11<sup>th</sup> PZC meeting, and I added in a draft Traffic Study, which you did not see. We've been working on this the last seven months. It's unusual for the Town Council to be partnering with the PZC on this as a zoning regulation. The reason is that the Town is not just approving a zoning regulation but also asking the State to provide an incentive payment for it. That's why the Town Council is involved. The State Legislature wants to know, when the application is being made to OPM, that both the legislative side, being the Town Council, and Planning and Zoning are on board.

Attorney Hollister continued: The application includes:

- A transmittal letter from the Mayor
- A summary table showing that we have met all the requirements of the HomeCT statute
- The two resolutions
- A petition from property owners within the area indicating their support for the program
- Photographs of the existing district and streetscape
- Legal descriptions of the three sub-districts
- The proposed Zoning Regulation and design standards. It's an overlay zone with an additional set of uses. The PZC has limited discretion because design standards are in the detailed regulation. The trade-off is that it's an as-of-right approval for what the applicant must do.
- A developable land calculation, prepared as the basis for the incentive payment from the State. Payment would be \$2,000 per residential unit. That's not for the actual building permit count, but based on the conceptual application of the regulation to the land in the zone.
- An Affordability Plan with a 20% set-aside for families earning \$60,000 or less,

- and a set of regulations as to how those will be administered.
- First draft of the Traffic Report from Fitzgerald & Halliday and a set of supporting remarks from Mr. Thompson and Mr. Mascia. This is so the traffic and the mixed-use development are both served by the infrastructure.
- A statement that the local Plan of Conservation and Development that applies to the IHZ is consistent.
- The State Plan of Conservation and Development
- Wallingford Train Station information
- And qualifications of the consultant team.

Ms. Cullen described the slide presentation: This shows the existing conditions in the area with the buildings, parking areas, and driveways. The dotted line around the six blocks is the outside boundary of the entire Incentive Housing Zone District. It is an overlay district, which means that the existing zoning remains in place. So the existing owners can use the existing zoning to develop their property, or they can redevelop their property under the IHZ regulations. There's no mix-and-match. You choose one, or you choose the other. This shows the existing zoning now, such as R-6, CA, CA-12, CB-40. We decided we needed three sub-districts to enhance the compatibility of new development with the surrounding areas. These are the Downtown Core, Meadow Street, and North Cherry Street Sub-Districts. This graphic highlights the Downtown Core Sub-District of over 10 acres with 40 parcels. This shows the zoning as it is now. The goal is to create a vibrant area with restaurant, retail, residential, and other uses. Use of vertical space will enhance achieving that goal, to drive more customers to the new businesses and existing businesses. The proposed regulation requires retail on the street level and office and residential on the upper floors. Residential density would be 20 to 26 units per acre. Some 240 units could be developed within the entire district.

Ms. Cullen continued: The Meadow Street Sub-District has .69 acre or 2/3 of an acre. There are five parcels: four are currently in residential use and one is a parking lot for the adjacent residential uses. There's currently eight units on these four lots. These four lots are nonconforming, so additional units could only be by Special Permit. So this regulation allows a higher number of units in townhouse development, at the density of 15 units per acre, or a maximum here of nine units. It was thought that a higher density would not be compatible. The North Cherry Street Sub-District has 4.29 acres. Of the six existing parcels, three are eligible for redevelopment. Across the street are residential uses and one industrial use. Development would have retail use and then between 16 and 26 residential units per acre, for a maximum of 110 units. It could increase walkability along North Cherry Street. First-floor nonresidential uses would be nearer to the train. Retail use on the first floor would be limited to 15%, with office use as the rest, for mixed use. Residential would be on the upper floors, up to four stories.

Ms. Cullen continued: The unit count for the entire zone would be 361 dwelling units, if developed at maximum: 242 in the Core; 9 on Meadow Street; and 110 on North Cherry Street. Standards are included for a pedestrian-friendly environment plus design standards. Building design would be compatible with the surrounding buildings. Where there are no existing surrounding buildings, then the first buildings that are proposed for the district

would be looked at to meet the intent and to be close to the design standards. Buildings should have interesting windows, sidewalks that are inviting place to walk around, and brick exteriors if possible. Front facades would include a variety of treatments for architectural interest. In the sketch are four buildings of three to four stories. They all have retail on the first floor and a variety of windows and detailed top treatments on the buildings. You'll see the repetitive design pattern we're looking for at the windows and the cornice lines and the use of compatible materials on the facades. Clapboards are allowed in the Meadow Street Sub-District, although we don't allow vinyl siding there. This illustrates a four-story building with a couple of different ways of treating the fourth floor for perception from the street. They all have the same living space. This one gives the sense that it's a three-story building. Or you could use a flat roof with a strong cornice line at the third/fourth story to make the building not seem so imposing. Site standards include signage, streetscapes, and lighting in the regulations. Wallingford's current sign regulations were adapted for the IHZ District. Visual aesthetics are important to create the pedestrian scale and environment that we're seeking. I'd thank Mr. Steve Lazarus, architect, for his drawings. This example would fit between North Cherry Street and the train tracks. This is the area we're talking about: the half block between Quinnipiac, Hall, North Cherry, and the train tracks. There's a few small buildings and a couple of parking lots now. This is a potential renovation with an existing structure and a modified façade adding some windows. This particular building is located at the corner of Center Street and North Colony Street. It shows what could happen with that structure—not necessarily what you will see. This is a potential Meadow Street with townhouses that look like they have individual building detail and façade treatments. Here are existing houses in the Meadow Street Sub-District right now. This illustrates the character that we're looking to maintain in this neighborhood. That's the presentation.

Chairman Brodinsky: Good job, O.K. Do you have any clarifications, Linda?

Ms. Bush: No. One thing: In the Hartford Courant two weeks ago there were two articles on transit and transit-oriented development. Both mentioned that land surrounding transit stops usually increase in value. So that zone would be in place before the rail improvements happen. You'd have people there to utilize the shops.

Mr. Testa: I like the idea that this is voluntary on the part of the property owner. People have asked me about this. How would you handle development such as this and the impact of the parking on all the pieces that now use that parking?

Ms. Bush: Minimum lot size in the zone is 25,000 square feet, which the Commission discussed at our last meeting, for more cohesive development. Developers would probably have to assemble pieces. On each minimum 25,000-square-foot lot, they would have to provide adequate parking for all the uses. If anyone did the whole block, they might feel that a parking garage would work. They would have to provide parking.

Mr. Testa: Given this example, if we O.K. this, where do all of an owner's customers park? Would this take up the parking lot he uses now?

Chairman Brodinsky: It's as a matter "of right", if it complies. It sounds simple, but it's not?

Chairman Fitzsimmons: That's the issue we talked about two weeks ago. The use is by right; but, if someone is not in compliance, then we'd discuss delaying the approval because there's issues before us. We have a number of Commissioners who have sat for a number of years in our meetings. We rely on materials from Town department heads. That could be covered in number 4 (page 9) under "Referrals to Town Agencies".

Ms. Bush: This does refer to our Site Plan section. If they can't proceed without water and sewer, they can't build.

Attorney Hollister: On page 9, paragraph 8: "Conditions shall be imposed on an Incentive Housing Development approval by the Commission only as necessary: . . . ." And then paragraph 9 gives the circumstances upon which an application may be denied. Those are in "a" or "c". That would cover water and sewer and utilities.

Chairman Brodinsky: That's saying about "adverse . . . impacts on nearby properties".

Attorney Hollister: If they did not have fire safety, it would affect nearby properties.

Chairman Brodinsky: I'd look at that language.

Chairman Fitzsimmons: It's very general. With any application, the Commission and staff rely on our Town department heads to provide comments, and occasionally from the Board of Education and even on bus transportation issues. So the application process is in our book. This does refer back to our regulations.

Ms. Bush: We handed out a draft sentence that Kacie and I made up (Att. 1B). We faxed it to Karen on Friday. This is a change to add at the end of 4.22.C. (by removing the last sentence and adding in its place): "The provisions of other sections of the Wallingford Zoning Regulations shall apply to an Incentive Housing Development proposal except for the following:

- "a. Required on-site parking shall be governed by Section F.1. of this regulation.
- b. All landscaping and buffer requirements shall be covered by Section L. of this regulation.
- c. All signage shall be governed by Section J. of this regulation.
- d. All dimensional standards shall be governed by Section E. of this regulation.
- e. The application process shall be governed by Section G. of this regulation."

Ms. Bush continued: We require adequate water and sewer and storm drainage, which are in the regulations. In the townhouses, the parking space behind a garage is not a parking space, even if it's on your property. So you'd have to pave a little extra on the site to have two cars

in the IHZ. Kacie and I reviewed our regulations, with the exceptions in the language that we handed out tonight.

Chairman Brodinsky: That's a good answer. Page 9 paragraph 8 says: "Conditions shall be imposed on an Incentive Housing Development approval by the Commission only as necessary: a. to ensure substantial compliance of the proposed development with the requirements of the incentive housing zone regulations including the design standards. Or b. to mitigate any extraordinary adverse impacts of the development on nearby properties." When that might apply?

Attorney Hollister: It might be an issue of building materials or parking, etc. It's a broad delegation of authority, to be sure that the neighbors are respected in their existing homes, such as a condition "That the site plan would be approved as modified in the following respects: . . . ." A neighbor or anyone could bring it up at the public hearing.

Ms. Rascati: There may be a parking garage—would that be up to the developer? Or do you have a location in mind? I'd hate to see something lovely go up and then to have a parking garage.

Ms. Bush: You'd have to see the parking garage in Blueback Square. I think a garage would have to be done in cooperation with the Town. Our regulations do not allow them to be visible on the street. They would have to look better or have retail stores in front.

Ms. Cullen: There's ways to have a parking garage relatively close to the street and with street-level retail and parking on the second and third floors. It depends on how many parcels a developer would be able to acquire. A smaller site probably won't have a garage.

Mr. Testa: I was opposed to the prior Smithcraft proposal for the Wooding-Caplan property because it focused on renters and bringing in a very attractive demographic. I like this idea, but I have concerns. There's the phrase "initial occupancy" (see within 4.22.H.1.). For rental units, how would we handle that down the road, if units would become rental units? And you have design standards. I've been concerned about the condition of lower Center Street, appearance and the quality of life. Business owners and residents tell me there are parking lots behind some buildings that you can't safely park in. Just how much control would you have through design standards and occupancy requirements to prevent a large number of units that could become rental units? Are there any restrictions as to how low rent can go? Over time, do we look to controls as to appearance and ownership?

Ms. Bush: We don't regulate the ownership. The use can be rented or owner-occupied. A developer cannot afford to build and rent them for \$500 a month. So I think these will be available for the average Wallingford resident.

Mr. Testa: Not \$500 a month. But numbers were thrown out earlier of \$1,500.

Ms. Bush: In the old Record-Journal building, the renovated apartments upstairs, two- and three-bedroom units, rent for \$1,300 to \$1,500 a month. That's an older building. So I think the rentals could be the same or higher. I don't know about the concern over quality of life.

Attorney Hollister: Under the regulations, the PZC and the Zoning Enforcement Officer have more control as to initial and continuing quality requirements. Design becomes a quality of the site plan. You're not abandoning design control after the initial construction.

Mr. Testa: Are there going to be restrictions on satellite dishes on the building? I thought under Federal law you can't restrict that.

Ms. Bush: You can't. But I think someone who would do these buildings would put cable in there. Presently, there's no cable in those buildings.

Chairman Fitzsimmons: The former R-J building has a satellite dish that you don't see. It can be done. It's not been done consistently on Center Street.

Mr. Testa: I want this idea to go, to work. But are there any controls you have that could prevent in five or 10 years from having a large number of rental units, where we would have a big version of what we have on lower Center Street now?

Chairman Fitzsimmons: We discussed this. Consider the area across from Brothers on North Cherry Street, Wallingford Crossing. That's less than 20 years old, an attractive redevelopment there. Across the street is the old Riley's. That's an example of an apartment that has maintained its character. For this, we're not talking strictly residential but with an important retail component. We call it an Incentive Housing Zone, but the first floor will have retail as the key element, a Subway, shoe store, etc. The EDC and WCI have been aware of this. The housing part is what makes it attractive for the private property owner and the developer. So it's not to be a large CVS, but it could have a smaller type of store.

Mr. LeTourneau: The old Record-Journal building near my store was renovated by a developer from outside of Wallingford, my landlord. He turned the upper part of that building into five high-end apartments. So the economics are there. Three or four years ago another developer was looking at the Wallace Silversmith factory, to do something similar. I asked him why. He said someday the rail line is going to come up, and that right now the highways are here, and this is an area where people who work in New Haven, New York, and Southern Connecticut would want to live. I also worked on the Caplan-Wooding project. I asked Smithcraft, why Wallingford? They said it would work well here because Wallingford is not much different from Milford in demographics. The retail component is what we need, from 1,100 to 1,500 square feet for storefronts. Many on Center Street are 400 to 500 square feet, so you're limited. Bigger storefronts are easier to rent. I like the concept and I like the area it's proposed for. Lower Center Street and onto Quinnipiac and Hall Avenue has been underdeveloped. But downtowns are coming back, and strong. Blueback Square is wonderful for West Hartford center. The parking garage was well hidden, blending in with the buildings. There's not a lot of on-street parking. I see this whole thing doing well on all the properties. Whether the rail line comes in, we don't know. If it comes, it's going to have

a huge impact. I've seen it happen to other towns on Metro North. It's Wallingford's time to grab onto this and move forward. We need to be ready when the economy turns.

Chairman Brodinsky: There's a reference to "disability glare" on lighting?

Ms. Bush: It's in our present regulations.

Chairman Brodinsky: This regulation talks about how the developer "should" or "shall" do things. So, if they don't do it, it's not complying and it's denied?

Ms. Cullen: "Shall" says that they must do something. "Should" means it's strongly recommended. Circumstances on the site may not allow you to do it quite this way.

Chairman Brodinsky: Who is the Incentive Housing Administrator?

Ms. Bush: It would be whoever the developer selects. At Olde Oak Village, it's the Wallingford Housing Authority under 8-30g. Juniper Ridge has an attorney. It's someone to make sure that the qualifications are met for the affordability plan.

Chairman Brodinsky: I think I brought these things up to check the "ping" on crystal, and I think all the answers that came back are good. It seems to be crystal. I think we're ready to go to public question and answer. Any P&Z Commission comments? None. We'll open it up to public Q&A.

Mr. Craig Fishbein, Grieb Road: You call this an Incentive Housing Zone, and there doesn't seem to be any incentive for a developer. I have only heard about payment to the Town. Is there incentive, other than income from rents, to the developer? I'm totally against moving the train station platform. This morning I drove downtown and saw from the crest of Center Street down to the American flag and the train station. You don't destroy the center of a Town. Currently, developers on upper Main Street can get parking variances. Are we going to have variances for parking? They won't come if the cars can't park there. I don't want to see an ugly parking lot. I commend Blueback Square, but that is downtown West Hartford.

Ms. Bush: The incentive for builders to build is to make money—not to help the Town, but to make money. I used the HomeCT model. Wallingford Crossing has 21 units per acre; Judd Square has 36 units. The train station—we don't know what will happen. Variances—our office does not oppose variances for downtown parking. I wrote a draft regulation that would exempt them, because there is no parking for any downtown buildings. Restaurants have brought vitality to upper Center Street. We'd like to see vitality for lower Center Street. But we would oppose variances for new construction.

Ms. Cullen: If the train platform is moved away from its current location between Hall and Quinnipiac, that wouldn't mean that the train station will go away. It's a historic structure. It's just that the platform would be moved.

Chairman Brodinsky: It's a separate process for the platform. If there's objection to moving the platform, I think that would be an opportunity for the public at a later time.

Ms. Bush: It's DOT's call. We can make recommendations.

Mr. Jim Wolfe, Economic Development Commission Member: In our February meeting we reviewed the proposed zone changes in full. The EDC is in favor of this. If you implement this zoning, some buildings that need to be redeveloped will take advantage of this.

Attorney Joan Molloy, 150 South Main Street: The staff and the consultants have tried to give some examples to help us understand this. It does not mean that those examples are going to be what you're going to see—say, for what may go at North Cherry Street to the train tracks. That could happen, the four stories. Talking about parking garages: That's a possibility, but nobody is saying that. So I'd urge the Town Council and the Commission to continue talking about this. There's no application in front of you. You could find this is something quite valuable to downtown Wallingford.

Mr. John Gervasio, Jodi Drive: This is described as only a zoning regulation, but it's really more than that. It might actually happen. You may wind up with several four-story buildings in a very small place off Hall Avenue and Quinipiac Street. What is the cost to the Town if this is built out?

Ms. Bush: There's no cost to the Town. The Town will gain tax dollars.

Mr. Gervasio: It's important to understand that West Hartford had to bond nearly \$50 million and another \$10 million for Blueback Square to happen. That garage is three stories. The City of Norwalk is anticipating bonding nearly \$100 million to make a similar project work. In North Haven, the Pratt & Whitney site developer went through several years. It was also a transit-oriented project, and costs look to be in the tens of millions. So, there has to be a cost to the Town. Has there been discussion with developers?

Ms. Bush: No, because it's just a zoning regulation.

Mr. Gervasio: It's not. You're putting it in place for developers to come in and do this. Affordable housing: How much do we need in Wallingford? Do we have a study?

Chairman Brodinsky: In order to get this approved, I think we have to include a certain percentage of affordable housing.

Mr. Gervasio: I'm not against "affordable". It means that a family of four that makes \$60,000 is eligible. But then you tell us that it's not families with children who are going to move into here. That's an inconsistency. So maybe not 20%, but maybe 30%. What are we going to do for lower-income folks? There's no senior units, why is that?

Attorney Hollister: The State will not pay the incentive money for age-restricted units.

Ms. Bush: Our Zoning Regulations have no provision for senior housing. The Commission made a decision years ago not to put that in. A developer can do that, but they wouldn't get any high-density benefits for it, as it wouldn't be part of the Zoning Regulations.

Mr. Gervasio: I think folks who design workable, livable environments will tell you that those are perfect for seniors who wouldn't want to drive and who want transit. Will anybody be penalized for not being part of this zone?

Chairman Brodinsky: No. The present property owner, who is renting to a commercial tenant on the first floor, may decide that an offer is too good to refuse. That owner may decide to sell. Then that lease on the commercial business may not be renewed. But no one is required to sell to anybody. They can refuse an offer.

Mr. Gervasio: I heard that. So would you agree to include in this regulation a statement that would preclude you from using eminent domain and to not impose any special taxes on anybody that does not want to be part of this special district? West Hartford imposes a special tax. You shouldn't be taxed because you're sitting in this special zone.

Chairman Brodinsky: I don't think a special district tax would be consistent with our plan. I don't think that would fly. There's no public project going on down there.

Mr. Gervasio: But put it in writing that you will not use eminent domain in this zone to accomplish what the full build would look like.

Ms. Bush: The Planning and Zoning Commission has no authority over taxes. We can't include it because it's not part of our authority.

Attorney Hollister: Mr. Gervasio is right. It's been stated several times that eminent domain is not intended here. It could be in the Mayor's letter to OPM that there's no intent to use eminent domain.

Mr. Gervasio: I understand it's a schematic, but Karen has made the statement in the past that with 300-plus units there's more room for outdoor space. Can you explain that?

Ms. Cullen: Where patios or balconies could be, something like that—balconies on the street side are probably not something that the community is going to want; on the back, balconies would be acceptable. We don't have common outdoor space, but this is more of an urban type of structure that you'll end up getting.

Mr. Gervasio: But making a community "workable" and "livable" are the whole catch-phrases of this. You'd have hundreds of people in units with no place to go. This has no vest-pocket parks where people can gather and walk and sit and talk. It flies in the face of the principles of designing a project that has a "walkable, livable" environment. When you put in a regulation that says "by right", you can put something in this way.

Ms. Bush: There's a vest-pocket park in the district, the railroad station green. And there are two other parks within walking distance, Wallace Park and the Linear Trail.

Mr. Gervasio: Except that it's smack in the bull's eye of 30,000 car trips a day. There's little respite from the urban landscape we're creating. I heard the idea of "cohesiveness". But this won't come out looking similar right away because it's voluntary. How in the short-, mid-, and long-term do you have any cohesiveness? Suppose there's a four-story building with a one-story building next to it?

Chairman Brodinsky: One project is supposed to complement the other by the design regulations. It could take years. It's likely to start with 25,000-square-foot projects. The design standards are in there. If this works, the people will have to buy into the design standards.

Mr. Gervasio: Do we have any walking-distance studies from your new elements and other part of downtown to where the platform would be moved? Mr. Farrell has this exactly right. I heard that you and the Mayor suggested that the platform would be moved to Parker Place.

Ms. Bush: We're hoping that the railroad platform would stay in the downtown. Maybe there would be a parking garage built on North Cherry Street. I suggested that the platform would be moved to the Amtrak property at North Cherry and Parker Place.

Mr. Gervasio: If you look at the Urban Land Institute's walking distance, it's probably outside that. How do you know the parking garage on your schematic is in the right place? Is the parking garage shown on the schematic necessary for the four buildings?

Chairman Brodinsky: I think a parking garage is years away, highly speculative. And looking for another platform location is hypothetical now.

Ms. Bush: The schematic shows the potential. It's highly unlikely it will be built like that. It depends on what property owners in that block want to do.

Mr. Gervasio: You show a potential garage. But what if they have enough on-site parking?

Ms. Bush: Then they have to put in a certain number of parking spaces.

Mr. Gervasio: The schematic shows something that goes from North Cherry to the railroad tracks. Why look at something that's not real?

Ms. Bush: That's not. Schematics aren't real.

Ms. Cullen: The schematic that you're referring to shows the series of buildings and the parking garage. We looked at two things: 1) the parking demands to be provided, such as for restaurants; and 2) to deal with the existing public parking in that area. If the surface parking was going to be maintained, you wouldn't have room to do any development. Brothers Restaurant has very little parking on its own site. Most of its parking is taken care

of in the public lot. There are five other parcels privately owned in that block. If you wanted to redevelop that whole section and service the existing public parking, then you'd be looking at a parking garage. That was just an example, not definitely what's going to happen.

Mr. Gervasio: The land behind the train station that has public parking. If it's developed for other purposes, will have to have a parking garage?

Ms. Cullen: Yes.

Mr. Gervasio: Can this zone be enacted elsewhere in Town, or what? Could it be used in an I-5 zone?

Ms. Bush: No, there's no reason the Planning and Zoning Commission would do that. This zoning is only for what's been talked about tonight.

Chairman Brodinsky: We're talking about the zone that's proposed, not other areas.

Mr. Gervasio: The Gilbert & Bennett project in Redding, it's a transit-oriented project with a train station, a 600-car parking garage, and 100 residential units and retail, which could be what you'd want to do in an I-5 or IX zone, if you wanted something outside of downtown.

Chairman Brodinsky: Other questions from the public? None. Then we'll close the public Q&A. Other questions from the Council or Commission? None.

MOTION: A motion was made by Town Councilor Jerry Farrell, seconded by Town Councilor Rosemary Rascati, to remove from the plan the properties at the northwest corner of Hall Avenue and North Cherry Street, designated on the map with the label "32 units".

In discussion:

Mr. Testa: Can we do that? It's not our zone; it's not our regulation.

Chairman Brodinsky: It would be to remove our approval from that.

Chairman Fitzsimmons: Can you clarify? It's the way to Holy Trinity Church?

Mr. Farrell: It's the Pasciolla, Valenti, and Travelli properties.

Chairman Fitzsimmons: All the way to the railroad track?

Mr. Farrell: Right.

Chairman Fitzsimmons: The Hall-Elton building wouldn't be included?

Mr. Farrell: Right.

Ms. Bush: If Holy Trinity Church felt strongly about this, that's their right. But this is part of this project, visually. If they had come to the Planning and Zoning Commission or the Town Council to express their concerns that there's no way that they could coexist—I don't see the reason.

Mr. Farrell: As an elected representative, I need to do any measures that I feel are appropriate to protect my constituents.

The vote on the Motion by the Town Council was:

YES: Ms. Rascati, Mr. Farrell

NO: Mr. LeTourneau, Mr. Brodinsky, Mr. Testa, Mr. Spiteri

By a vote of 2 Yes to 4 No, the motion failed to pass.

Chairman Brodinsky called for a motion by the Town Council on the proposed Resolution for the entire zone.

Mr. Testa: For clarification: We're not adopting a zone tonight?

Chairman Brodinsky: No.

MOTION: A motion was made by Town Councilor Testa, seconded by Chairman Brodinsky, to accept the following Resolution of the Town Council:

WHEREAS, the Planning and Zoning Commission of the Town of Wallingford has drafted proposed regulations establishing a Wallingford Incentive Housing Zone; and

WHEREAS, the Commission seeks to have the draft regulations forwarded to the Office of Policy and Management for a preliminary determination of eligibility for zone adoption payment pursuant to Connecticut General Statutes §8-13m, et seq; and

WHEREAS, the Town Council of the Town of Wallingford supports the application to Office of Policy and Management for a preliminary determination of eligibility for zone adoption payment, pursuant to Connecticut General Statutes §8-13m, et seq.

NOW THEREFORE BE IT RESOLVED that the Town Council approves the application and authorizes the submittal of the Application to the Office of Policy and Management.

Said Resolution was passed by the Town Council of the Town of Wallingford on the 23<sup>rd</sup> day of March, 2009.

In discussion:

Mr. Testa: This is to simply approve the application to OPM for a determination of whether or not this zone has eligibility for the money we could received in the future, correct?

Chairman Brodinsky: Correct.

The vote by the Town Council on the Motion and Resolution was:  
YES: Mr. LeTourneau, Ms. Rascati, Mr. Brodinsky, Mr. Testa, Mr. Spiteri.  
NO: Mr. Farrell.  
By a vote of 5 Yes to 1 No, the Motion and Resolution were approved by the Town Council.

Chairman Fitzsimmons: The Commission has a similar Resolution.

MOTION: A motion was made by Commissioner Baxter, seconded by Commissioner Fritz, that the Planning and Zoning Commission adopt the following Resolution:

WHEREAS, the Planning and Zoning Commission of the Town of Wallingford has drafted proposed regulations establishing a Wallingford Incentive Housing Zone; and

WHEREAS, the Commission seeks to have the draft regulations forwarded to the Office of Policy and Management for a preliminary determination of eligibility for zone adoption payment pursuant to Connecticut General Statutes §8-13m, et seq.

NOW THEREFORE BE IT RESOLVED that the Planning and Zoning Commission approves the application and authorizes the submittal of the Application to the Office of Policy and Management.

Said Resolution was passed by the Planning and Zoning Commission of the Town of Wallingford on the 23<sup>rd</sup> day of March, 2009.

There was no discussion by the Planning and Zoning Commission. Chairman Fitzsimmons asked for a roll-call vote by the Regular Members:

The vote by the Planning and Zoning Commission on the Motion and Resolution was:  
YES: Ms. Baxter, Mr. Fritz, Mr. Seichter, Mr. Birney, Mr. Fitzsimmons.  
NO: None.  
By a vote of 5 Yes to 0 No, the Motion and Resolution were approved by the Planning and Zoning Commission.

Adjournment:

Chairman Brodinsky asked for a motion by the Town Council to adjourn the meeting.

MOTION: A motion was made by Councilor Testa and duly seconded to adjourn the meeting.

The motion was passed unanimously in a voice vote of the Town Councilors.

Chairman Fitzsimmons asked for a motion by the Planning and Zoning Commission to adjourn the meeting.

MOTION: A motion was made by Mr. Fritz and duly seconded to adjourn the meeting.

The motion was passed unanimously in a voice vote of the Planning and Zoning Commission Regular Members.

This Special Joint Meeting was adjourned at 9:37 p.m. by Chairman Brodinsky.

Respectfully submitted,

Kathleen L. Burns  
Planning and Zoning Commission  
Recording Secretary

Atts. 1A-B

## CHAPTER 124b INCENTIVE HOUSING ZONES

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**Sec. 8-13m. Definitions.** As used in this section and sections 8-13n to 8-13x, inclusive:

(1) "Approved incentive housing zone" means an overlay zone that has been adopted by a zoning commission and for which a letter of final eligibility has been issued by the secretary under section 8-13q.

(2) "Building permit payment" means the one-time payment, made pursuant to section 8-13s, for each qualified housing unit located within an incentive housing development for which a building permit has been issued by the municipality.

(3) "Developable land" means the area within the boundaries of an approved incentive housing zone that feasibly can be developed into residential or mixed uses consistent with the provisions of this section and sections 8-13n to 8-13x, inclusive, not including: (A) Land already committed to a public use or purpose, whether publicly or privately owned; (B) existing parks, recreation areas and open space that is dedicated to the public or subject to a recorded conservation easement; (C) land otherwise subject to an enforceable restriction on or prohibition of development; (D) wetlands or watercourses as defined in chapter 440; and (E) areas exceeding one-half or more acres of contiguous land that are unsuitable for development due to topographic features, such as steep slopes.

(4) "Duplex" means a residential building containing two units.

(5) "Eligible location" means: (A) An area near a transit station, including rapid transit, commuter rail, bus terminal, or ferry terminal; (B) an area of concentrated development such as a commercial center, existing residential or commercial district, or village district established pursuant to section 8-2j; or (C) an area that, because of existing, planned or proposed infrastructure, transportation access or underutilized facilities or location, is suitable for development as an incentive housing zone.

(6) "Historic district" means an historic district established pursuant to chapter 97a.

(7) "Incentive housing development" means a residential or mixed-use development (A) that is proposed or located within an approved incentive housing zone; (B) that is eligible for financial incentive payments set forth in this section and sections 8-13n to 8-13x, inclusive; and (C) in which not less than twenty per cent of the dwelling units will be conveyed subject to an incentive housing restriction requiring that, for at least thirty years after the initial occupancy of the development, such dwelling units shall be sold or rented at, or below, prices which will preserve the units as housing for which persons pay thirty per cent or less of their annual income, where such income is less than or equal to eighty per cent or less of the median income.

(8) "Incentive housing restriction" means a deed restriction, covenant, zoning regulation, site plan approval condition, subdivision approval condition, or affordability plan constituting an obligation with respect to the restrictions on household income, sale or resale price, rent and housing costs required by this section and sections 8-13n to 8-13x, inclusive, enforceable for thirty years as required by said sections, and recorded on the land records of the municipality where the housing is located.

(9) "Incentive housing zone" means a zone adopted by a zoning commission pursuant to this section and sections 8-13n to 8-13x, inclusive, as an overlay to one or more existing zones, in an eligible location.

(10) "Incentive housing zone certificate of compliance" means a written certificate issued by the secretary in accordance with this section and sections 8-13n to 8-13x, inclusive.

(11) "Letter of eligibility" means a preliminary or final letter issued to a municipality by the secretary pursuant to section 8-13q.

(12) "Median income" means, after adjustments for household size, the area median income as determined by the United States Department of Housing and Urban Development for the municipality in which an approved incentive housing zone or development is located.

(13) "Mixed-use development" means a development containing one or more multifamily or single-family dwelling units and one or more commercial, public, institutional, retail, office or industrial uses.

(14) "Multifamily housing" means a building that contains or will contain three or more residential dwelling units.

(15) "Open space" means land or a permanent interest in land that is used for or satisfies one or more of the criteria listed in subsection (b) of section 7-131d.

(16) "Secretary" means the Secretary of the Office of Policy and Management or the designee of the secretary.

(17) "Townhouse housing" means a residential building consisting of a single-family dwelling unit constructed in a group of three or more attached units, in which each unit extends from foundation to roof and has open space on at least two sides.

(18) "Zone adoption payment" means a one-time payment, made pursuant to section 8-13s.

(19) "Zoning commission" means a municipal agency designated or authorized to exercise zoning powers under chapter 124 or a special act, and includes an agency that exercises both planning and zoning authority.

(June Sp. Sess. P.A. 07-4, S. 38.)

History: June Sp. Sess. P.A. 07-4 effective July 1, 2007.

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**Sec. 8-13n. Requirements for incentive housing zones.** (a) Notwithstanding the provisions of a charter or special act, a zoning commission may adopt, as part of the zoning regulations adopted under section 8-2 or any special act, regulations establishing an incentive housing zone in accordance with the provisions of sections 8-13m to 8-13x, inclusive.

(b) An incentive housing zone shall satisfy the following requirements:

(1) The zone shall be consistent with the state plan of conservation and development and be located in an eligible location.

(2) The regulations of the zone shall permit, as of right, incentive housing development.

(3) The minimum allowable density for incentive housing development, per acre of developable land, shall be: (A) Six units per acre for single-family detached housing; (B) ten units per acre for duplex or townhouse housing; and (C) twenty units per acre for multifamily housing, provided that a municipality whose population as determined by the most recent federal decennial census is less than five thousand, when applying to the secretary for a letter of eligibility under section 8-13q, may request approval of minimum as of right densities of not less than four units per acre for single-family detached housing, not less than six units per acre for duplex or townhouse housing, and not less than ten units per acre for multifamily housing. In making such request, the municipality shall provide the Secretary of the Office of Policy and Management with evidence of sewage disposal, water supply, traffic safety or other existing, substantial infrastructure limitations that prevent adoption of the minimum densities set forth in this subdivision. If the proposed incentive housing zone otherwise satisfies the requirements of this section, the secretary may issue the requested letter of eligibility. A municipality may request a waiver of the density requirements of this subdivision and the secretary may grant a waiver if the municipality demonstrates in the application that the land to be zoned for incentive housing development is owned or controlled by the municipality itself, an agency thereof, or a land trust, housing trust fund or a nonprofit housing agency or corporation. The proposed incentive housing zone regulation shall require, in an enforceable manner, that one hundred per cent of the proposed residential units will be subject to an incentive housing restriction, and the proposed incentive housing zone will otherwise satisfy the requirements of this section.

(4) In order to qualify for financial incentive payments set forth in section 8-13s, the regulations of an incentive housing zone concerning the minimum as of right densities set forth in subdivision (3) of this subsection shall constitute an increase of at least twenty-five per cent above the density allowed by the underlying zone, notwithstanding the provisions of said section 8-13s with regard to zone adoption and building permit payments.

(5) The minimum densities prescribed in subdivision (3) of this subsection shall be subject only to site plan or subdivision procedures, submission requirements and approval standards of the municipality, and shall not be subject to special permit or special exception procedures, requirements or standards.

(6) An incentive housing zone may consist of one or more subzones, provided each subzone and the zone as a whole comply with the requirements of sections 8-13m to 8-13x, inclusive.

(7) The land area of an incentive housing zone shall not exceed ten per cent of the total land area in the municipality. The aggregate land area of all incentive housing zones and subzones in a municipality shall not exceed twenty-five per cent of the total land area in the municipality.

(c) A zoning commission may modify, waive or delete dimensional standards contained in the zone or zones that underlie an incentive housing zone in order to support the minimum or desired densities, mix of uses or physical compatibility in the incentive housing zone. Standards subject to modification, waiver or deletion include, but shall not be limited to, building height, setbacks, lot coverage, parking ratios and road design standards.

(d) If a zoning commission adopts a regulation for an incentive housing zone that permits single-family detached homes on subdivided lots, requiring subdivision approval under the subdivision regulations of the municipality, the zoning commission shall make a written finding that the applicability of such subdivision regulations will not unreasonably impair the economic or physical feasibility of constructing housing at the minimum densities and subject to an incentive housing restriction as required in sections 8-13m to 8-13x, inclusive. If housing on subdivided lots is proposed in an incentive housing zone, the zoning commission shall use its best efforts to adopt or encourage the planning commission to adopt subdivision standards that will ensure consistency of the single-family detached housing with the purposes of sections 8-13m to 8-13x, inclusive.

(e) The regulations of an incentive housing zone may allow for a mix of business, commercial or other nonresidential uses within a single zone or for the separation of such uses into one or more subzones, provided that the zone as a whole shall comply with the requirements of sections 8-13m to 8-13x, inclusive, and that such uses shall be consistent with as-of-right residential uses and densities required under this section.

(f) An incentive housing zone may overlay all or any part of an existing historic district or districts, and a municipality may establish an historic district within an approved incentive housing zone, provided, if the requirements or regulations of such historic district render the approved housing incentive zone not in compliance with the provisions of sections 8-13m to 8-13x, inclusive, the secretary shall deny a preliminary or final letter of eligibility, deny or revoke a certificate of compliance, or deny any financial incentive payments set forth in section 8-13s.

(g) An applicant for site plan or subdivision approval to construct an incentive housing development within an approved zone may, through an incentive housing restriction, exceed the minimum requirements for such a development as follows: (1) More than twenty per cent of the total proposed dwelling units may be subject to the restriction; (2) the maximum annual income of qualifying households may be less than eighty per cent of the area median income; or (3) the duration of the restriction may be longer than thirty years. An application for approval of an incentive housing development may not be denied on the basis that the proposed incentive housing restriction contains one or more of the provisions set forth in this subsection.

(h) The provisions of this section shall not be construed to affect the power of a zoning commission to adopt or amend regulations under chapter 124 or any special act.

(June Sp. Sess. P.A. 07-4, S. 39.)

History: June Sp. Sess. P.A. 07-4 effective July 1, 2007.

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**Sec. 8-13o. Design standards.** (a) A zoning commission, at the time of and as part of its adoption of regulations for an incentive housing zone, may adopt design standards for incentive housing developments within such zone. Such design standards (1) may ensure that construction within the incentive housing zone is complementary to adjacent and neighboring buildings and structures, and consistent with the housing plan provided for in section 8-13p, and (2) may address the scale and proportions of buildings; site coverage; alignment, width and grade of streets and sidewalks; type and location of infrastructure; location of building and garage entrances; off-street parking; protection of significant natural site features; location and design of open spaces; signage; and setbacks and buffering from adjacent properties.

(b) A design standard shall not be adopted if such standard will unreasonably impair the economic or physical feasibility of constructing housing at the minimum densities and with the required incentive housing restriction set forth in sections 8-13m to 8-13x, inclusive. The Secretary of the Office of Policy and Management shall not approve a request for a letter of preliminary or final eligibility under section 8-13q if a proposed design standard will violate the provisions of this subsection.

(June Sp. Sess. P.A. 07-4, S. 40.)

History: June Sp. Sess. P.A. 07-4 effective July 1, 2007.

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**Sec. 8-13p. Application for preliminary determination of eligibility for zone adoption payment.** On or before June 30, 2017, a municipality may file with the Secretary of the Office of Policy and Management an application for preliminary determination of eligibility for a zone adoption payment pursuant to subsection (a) of section 8-13s. Such application shall:

- (1) Identify and describe the boundaries of the proposed incentive housing zone or zones;
- (2) Identify, describe and calculate the developable land within the proposed incentive housing zone or zones;
- (3) Identify and describe existing and potential residential development and the potential for reuse of existing or underutilized buildings within the zone or zones;
- (4) Calculate the number of residential units that may be constructed in the zone or zones if the proposed regulations are approved based on developable land and the minimum as-of-right densities set forth in subdivision (3) of subsection (b) of section 8-13n;
- (5) Include a housing plan that describes the anticipated build-out of the zone or zones, including information on available and proposed infrastructure, compatibility of proposed incentive housing development with existing and proposed buildings and uses, and efforts that the municipality is making

or intends to make to support and promote the residential construction permitted by the proposed regulations;

(6) Include the text of the proposed incentive housing zone regulations and design standards and, if applicable, the text of the subdivision regulations; and

(7) Include the text of the proposed incentive housing restriction and a plan for administering and enforcing its requirements and limitations.

(June Sp. Sess. P.A. 07-4, S. 41.)

History: June Sp. Sess. P.A. 07-4 effective July 1, 2007.

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**Sec. 8-13q. Preliminary determination of eligibility for financial incentive payments. Letter of final approval of incentive housing zone.** (a) Upon application by a municipality under section 8-13p, the Secretary of the Office of Policy and Management shall, not later than sixty days after receipt, issue, in writing, a preliminary determination of the eligibility of the municipality for the financial incentive payments set forth in section 8-13s. At least thirty days before making such preliminary determination, the secretary shall electronically give notice of the application to all persons who have provided the secretary with a current electronic mail address and a written request to receive such notices. If the secretary determines that the application is incomplete or the proposed incentive housing zone is not eligible or does not comply with the provisions of sections 8-13m to 8-13x, inclusive, the secretary shall, within the sixty-day response period, notify the municipality, in writing, of the reasons for such determination. A municipality may thereafter reapply for approval after addressing the reasons for ineligibility. The secretary's failure to issue a written response within sixty days of receipt shall be deemed to be disapproval, after which the municipality may reapply.

(b) After a municipality has received from the secretary a preliminary letter of eligibility, the zoning commission of the municipality may adopt the incentive housing zone regulations and design standards as proposed to the secretary for preliminary approval. Not later than thirty days after receipt from the municipality of a written statement that its zoning commission has adopted the proposed regulations and standards, the secretary shall issue a letter of final approval of the incentive housing zone. The secretary's failure to issue a letter of final approval not more than thirty days after receipt of the written statement shall be deemed disapproval of the zone after which the municipality may reapply for determination of eligibility under this section.

(c) The secretary shall not approve any proposed incentive housing zone for which the proposed regulations or design standards have the intent or effect of discriminating against, making unavailable, denying or impairing the physical or financial feasibility of housing which is receiving or will receive financial assistance under any governmental program for the construction or substantial rehabilitation of low or moderate income housing, or any housing occupied by persons receiving rental assistance under chapter 319uu or Section 1437f of Title 42 of the United States Code.

(d) Any amendment to the regulations or design standards approved by the secretary for preliminary or final eligibility shall be submitted to the secretary for approval as set forth in this section. The secretary shall approve or disapprove such amendment not more than sixty days after receipt of the

amendment. If the secretary fails to approve or disapprove such amendment within such period, the amendment shall be deemed to be disapproved. Thereafter, the commission may reapply for approval of the amendment.

(June Sp. Sess. P.A. 07-4, S. 42.)

History: June Sp. Sess. P.A. 07-4 effective July 1, 2007.

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**Sec. 8-13r. Incentive housing zone certificate of compliance.** (a) Each municipality whose zoning commission has received a final determination of eligibility and has adopted an approved incentive housing zone shall annually, in accordance with procedures established by the Secretary of the Office of Policy and Management, apply to the secretary for an incentive housing zone certificate of compliance. To receive a certificate, the municipality shall verify within the time specified by the secretary that:

(1) The zoning commission of the municipality has not amended or repealed any portion of the regulations or design standards in the incentive housing zone without approval of the secretary as required by sections 8-13o and 8-13q;

(2) The approval of the incentive housing zone has not been revoked by the secretary;

(3) The municipality is making reasonable efforts to assist and promote approval of incentive housing development and construction of housing within the approved zone or zones; and

(4) The zoning commission has not unreasonably denied any application for site plan or subdivision approval, or other necessary coordinating permits or approvals, and has only denied applications in a manner consistent with the provisions of section 8-13t.

(b) If the information required pursuant to subsection (a) of this section has been submitted by a municipality in a timely manner, and the secretary makes a determination that the municipality has met the requirements of sections 8-13m to 8-13x, inclusive, the secretary shall issue compliance certificates by October first annually. If the secretary determines that the municipality is in material noncompliance with the requirements of sections 8-13m to 8-13x, inclusive, the secretary, after notice and hearing pursuant to chapter 54, may revoke certification. Any revocation of certification, or other sanctions imposed by the secretary under section 8-13v, shall not affect the validity of the incentive housing zone regulations or the application of such regulations to a pending or approved development application within the incentive housing zone, but shall render the municipality ineligible for financial incentive payments set forth in section 8-13s.

(June Sp. Sess. P.A. 07-4, S. 43.)

History: June Sp. Sess. P.A. 07-4 effective July 1, 2007.

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**Sec. 8-13s. Zone adoption payments. Building permit payments.** (a) Upon the determination that (1) the housing incentive zone has been adopted; (2) the time for appeal of the final adoption of the regulations has expired or a final and unappealable judgment upholding such regulations has been issued in any civil action challenging or delaying such regulations; and (3) the municipality has otherwise complied with the requirements of sections 8-13m to 8-13x, inclusive, the Secretary of the Office of Policy and Management shall, subject to the availability of funds, make a zone adoption payment to the municipality in the amount of two thousand dollars for each unit of housing that can, as-of-right, be built as part of an incentive housing development within such zone or zones based on the definition of developable land and the minimum as-of-right densities set forth in subdivision (3) of subsection (b) of section 8-13n.

(b) Subject to the availability of funds the secretary shall issue to the municipality a one-time building permit payment for each building permit for a residential housing unit in an approved incentive housing development upon submission by a municipality to the secretary of proof of issuance of such building permit and after determining that (1) no appeal from or challenge to such building permit has been filed or is pending, and (2) such building permit was issued for housing in an incentive housing development not later than five years after the date of the final adoption of incentive housing zone regulations by the zoning commission in accordance with the provisions of subsection (b) of section 8-13q. The amount of payment shall be two thousand dollars for each multifamily housing unit, duplex unit or townhouse unit and five thousand dollars for each single-family detached unit. Such payment shall be made by the secretary not more than sixty days after receipt of proof of the issuance of building permits and verification of the absence of any appeal or challenge.

(c) Residential units that are located within an approved incentive housing zone that are part of a development that constitutes housing for older persons permitted by the federal Fair Housing Act, 42 USC 3607 or sections 46a-64c and 46a-64d shall not be eligible for payments under this section.

(June Sp. Sess. P.A. 07-4, S. 44.)

History: June Sp. Sess. P.A. 07-4 effective July 1, 2007 (Revisor's note: In Subsec. (b), a reference to "secretary" was changed editorially by the Revisors to "the secretary" for consistency).

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**Sec. 8-13t. Application process for incentive housing development.** (a) A zoning commission shall prescribe, consistent with the provisions of sections 8-13m to 8-13x, inclusive, the form of an application for approval of an incentive housing development. The time for and procedures for receipt and processing of applications shall be as provided in chapters 124 and 126, as applicable. A zoning commission or its agent may, to the extent allowed by the Freedom of Information Act, conduct one or more preliminary or preapplication planning or workshop meetings with regard to an incentive housing zone or development. A zoning commission shall conduct a public hearing in connection with an application for site plan or subdivision approval of an incentive housing development.

(b) The regulations of an incentive housing zone may require the applicant for approval of an incentive housing development to pay the cost of reasonable consulting fees for peer review of the technical aspects of the application for the benefit of the zoning commission. Such fees shall be accounted for separately by the municipality from other moneys and used only for expenses associated with the technical review of the application by consultants who are not otherwise salaried employees of

the municipality or the zoning commission. Any amount in the account remaining after payment of all expenses for technical review, including any interest accrued, shall be returned to the applicant not later than forty-five days after the completion of the technical review.

(c) The regulations of the incentive housing zone may provide for the referral of a site plan or subdivision application to other agencies, boards or commissions of the municipality for comment. If a site plan or subdivision application is referred to another agency, board or commission, such agency, board or commission shall provide any comments within the time period contained in section 8-7d that is applicable to such application. The provisions of this section shall not be construed to affect any other referral required by the general statutes.

(d) An incentive housing development shall be approved by the zoning commission subject only to conditions that are necessary to (1) ensure substantial compliance of the proposed development with the requirements of the incentive housing zone regulations, design standards and, if applicable, subdivision regulations; or (2) mitigate any extraordinary adverse impacts of the development on nearby properties. An application may be denied only on the grounds: (A) The development does not meet the requirements set forth in the incentive housing zone regulations; (B) the applicant failed to submit information and fees required by the regulations and necessary for an adequate and timely review of the design of the development or potential development impacts; or (C) it is not possible to adequately mitigate significant adverse project impacts on nearby properties by means of conditions acceptable to the applicant.

(e) The duration and renewal of an approval of an incentive housing development shall be governed by subsection (i) of section 8-3, subsection (j) of section 8-3, section 8-26c or section 8-26g, as applicable. The time to complete the work approved shall be extended (1) by the time required to adjudicate to final judgment any appeal from a decision of the commission on an incentive housing development site plan or subdivision plan or any required coordinate permit; (2) by the zoning commission if the applicant is actively pursuing other permits needed for the development; (3) if there is other good cause for the failure to complete such work; or (4) as provided in an approval for a multiphase development.

(f) An applicant for approval of an incentive housing development within an approved incentive housing zone may not make such an application utilizing the provisions of section 8-30g.

(g) Approval of or amendment to regulations or design standards for an incentive housing zone or subzone, or site plan or subdivision approval of an incentive housing development, may be appealed to the Superior Court pursuant to the provisions of section 8-8 or 8-28.

(June Sp. Sess. P.A. 07-4, S. 45.)

History: June Sp. Sess. P.A. 07-4 effective July 1, 2007.

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**Sec. 8-13u. Report on incentive housing zone program to Governor and General Assembly.** (a) The Secretary of the Office of Policy and Management shall be responsible for the administration, review and reporting on the incentive housing zone program as provided in sections 8-13m to 8-13x, inclusive.

(b) On or before January 1, 2009, and annually thereafter, the secretary shall submit an annual report on the program to the Governor and the General Assembly in accordance with section 11-4a. Each municipality shall submit to the secretary any data requested by the secretary on the incentive housing program. The report shall be based on such data and shall be for the period ending the last day of the prior fiscal year. The report shall (1) identify and describe the status of municipalities actively seeking letters of eligibility; (2) identify approved incentive housing zones and the amounts and anticipated schedule of zone adoption and building permit payments under section 8-13s during the prior and current fiscal year; (3) summarize the amount of land area zoned for particular types of development in both proposed and approved zones and the number of developments being reviewed by zoning commissions under section 8-13t, including the number and type of proposed residential units, the number of building permits issued, the number of completed housing units and their type; (4) state the amount of zone adoption and building permit payments made to each municipality; and (5) for the current and immediately succeeding fiscal years, estimate (A) the anticipated number and size of proposed new incentive housing zones over such time period; (B) the number and size of new incentive housing zones that may be approved over such time period; (C) the potential number of residential units to be allowed in such new and proposed incentive housing zones; and (D) anticipated construction of housing over such time period.

(June Sp. Sess. P.A. 07-4, S. 46.)

History: June Sp. Sess. P.A. 07-4 effective July 1, 2007.

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**Sec. 8-13v. Repayment by municipality of payments or reimbursements. Regulations.** (a) The Secretary of the Office of Policy and Management may require the municipality to repay to the state all or part of the payments or reimbursements made to a municipality under sections 8-13m to 8-13x, inclusive, upon determination by the secretary that the municipality has (1) amended or repealed the designation of an incentive housing zone without the approval of the secretary; or (2) acted to discourage incentive housing development or to impose arbitrary or unreasonable standards, requirements, delays or barriers to the construction of housing following approval of an incentive housing zone.

(b) The secretary may adopt regulations, in accordance with the provisions of chapter 54, to implement the provisions of this section.

(June Sp. Sess. P.A. 07-4, S. 47.)

History: June Sp. Sess. P.A. 07-4 effective July 1, 2007.

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**Sec. 8-13w. Technical assistance grants for incentive housing zones.** Within available appropriations, the Secretary of the Office of Policy and Management may make grants to municipalities for the purpose of providing technical assistance in the planning of incentive housing zones, the

adoption of incentive housing zone regulations and design standards, the review and revision as needed of applicable subdivision regulations and applications to the secretary for preliminary or final approval as set forth in sections 8-13m to 8-13x, inclusive. The secretary may adopt regulations, in accordance with the provisions of chapter 54, to implement the provisions of this section.

(June Sp. Sess. P.A. 07-4, S. 48.)

History: June Sp. Sess. P.A. 07-4 effective July 1, 2007.

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**Sec. 8-13x. Grants for housing development.** Within available appropriations, the Commissioner of Economic and Community Development, in consultation with the Secretary of the Office of Policy and Management, may make grants to nonprofit housing assistance or nonprofit housing development organizations in order to support technical assistance planning, predevelopment, development, construction and management of housing developments. The commissioner may adopt regulations, in accordance with the provisions of chapter 54, to implement the provisions of this section.

(June Sp. Sess. P.A. 07-4, S. 49.)

History: June Sp. Sess. P.A. 07-4 effective July 1, 2007.

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