

**Memorandum  
Land Use Office  
Town of Beacon Falls**

To: Beacon Falls Planning and Zoning Commission  
From: Keith Rosenfeld, SNV  
Date: August 25, 2021  
RE: Preliminary Review of the following applications:

- 1a. "Hopp Brook Village (Zoning) District" (HBVD) as the new Article II, Section 25, Beacon Falls Zoning Regulations
- 1b. "Site Plan of Proposed Single-Family Village, Hopp Brook Village District, Prepared for Hopp brook Developments, LLC by Manuel Silva PE, Rose Tiso & Co., Pages SP-0 to SP-7, dated 2/23/18, revised to 3/31/21
2. Proposal to change property located at Oakwood Drive (included as Schedule A) from R-1 to HBVD

Dear Commissioners:

Although the PZC has only received two specific applications, it is imperative that the Commission recognize that the applications relate to three distinctive elements, i.e., a zoning amendment, a requirement for a "modified" site plan (found in the amendment) and a zone change to the newly created zone. The following is a preliminary review of the above-referenced applications:

1. "Hopp Brook Village (Zoning) District" (HBVD), Article II, Section 25, Beacon Falls Zoning Regulations,
2. Proposed "Site Plan of Proposed Single-Family Village, Hopp Brook Village District, Prepared for Hopp brook Developments, LLC by Manuel Silva PE, Rose Tiso & Co., Pages SP-0 to SP-7, dated 2/23/18, revised to 3/31/21.
3. Change from R-1 to HBVD to property located at Oakwood Drive identified as Schedule A (HBVD).

**General Statutory Comments**

- Section 74.1.1of the BF Zoning Regulations states that both the zoning regulations and zoning map may be amended by the Planning and Zoning commission when initiated by a written petition, only after due notice and public hearing as prescribed by the General Statutes of the State of Connecticut (CGS 8-3).

- Per Section 8-3, If a protest against a proposed ZONING MAP change is filed at or before a hearing with the zoning commission, signed by the owners of twenty per cent or more of the area of the lots included in such proposed change or of the lots within five hundred feet in all directions of the property included in the proposed change, such change shall not be adopted except by a vote of two-thirds of all the members of the commission.(c)

**Without any form of formal or institutional notifications, how do property owners within 500 feet of a proposed zone change know the above process?**

**Proposed Hopp Brook Village (Zoning) District" (HBVD) Article II, Section 25, Beacon Falls Zoning Regulations**

- Section 31.1.2 says that the Hopp Brook Village District shall be a permitted use in the Residential District of Beacon Falls per 6.1 of the zoning regulations which identifies the

HBVD's land uses as "SPECIAL EXCEPTION" uses permitted subject to the approval of the Planning and Zoning Commission in accordance with the provisions of Section 52 or 53 as specified.

**The application is confusing as to that the HBVD is a permitted use under Section 6.1, subject to a Special Exception approval and at the same time, is exempt from the requirements of Section 52 (Special Exceptions).**

- o Section 31.1.2 states that the Hopp Brook Village District shall not have to adhere to Articles 5 (Sections 51, 52, 53, 54) of the BF Zoning Regulations.  
**Many of the items found in ARTICLE V (Site Plans, Special Exceptions, Flood Plain Districts and Soil Erosion and Sediment Control) are in place to protect the health and safety of the future residents of the HBVD, but also those property owners living both adjacent and near by the proposed HBVD. It is essential that the following sections be included within the proposal to maintain an adequate level of health and safety to the proposed HBVD. These sections would include:**
  1. **Section 51.3.4 Drives, Parking and Circulation provides for safe travel conditions.**
  2. **Section 1.3.5 Utility Service provides for safe infrastructure development and usage.**
  3. **Section 51.3.6 Paving and Drainage allows for a proper safe roadway system**
  4. **Section 52.6.2 facilitates for a safe location and size of proposed uses, the intensity of operations, the site layout, and their relationship to access streets.**
  5. **Section 52.6.7 The proposed development affect upon traffic safety hazards or congestion**
  6. **Section 52.6.9 The public water supply facilities and facilities for the disposal of sanitary waste have sufficient capacity to accommodate the needs of the proposed development.**
  7. **Section 53: Flood Plain Districts are designed to promote the public health, safety, and general welfare of its citizenry.**
  8. **Section 54 Soil Erosion and Sediment Control regulations contain proper provisions to adequately control accelerated erosion and sedimentation and reduce the danger from storm water runoff on the proposed site.**
- o Section 32.1.2 states that Beacon Falls "road ordinances" do not apply to the HBVD.  
**The BF Town Road Ordinances provide for the minimal level allowed in the Town pertaining to the safety and health of both pedestrians and vehicles. It is imperative that the Town Engineer to review the specific site plan in relation to the town's current road standards.**
- o Section 32.1.9 states that that the HBVD will be the zoning regulations for the affordable dwelling units.  
**This section should be amended to also apply to those remaining market rate dwelling units.**

### **Additional Text Amendment and Zone Change Concerns**

#### **Section 32.7 – Bulk Standards**

- The proposed setback requirements say (1) from residential adjoining lots, (2) from the front interior road, and (3) the building separation. I'd like to see the setbacks revised to be in relation to the property lines (front, rear, side) as opposed to the current proposed language.

**The maximum impervious coverage in residential zones is 20%. The applicant's proposal calls for 30%.**

**The interior private road with ids located in the 'Bulk Standards' section. It should be in the 32.8 – Utility and Road Requirements**

### **Section 32.7 – Private Road Regulations**

- Although this is a private property, I reviewed the subdivision regulations to see what the current road creation requirements are in Beacon Falls. Section 4.4. Streets – states that “streets shall be planned and designated to provide a safe and convenient system for the present and prospective traffic and to conform to the following standards: **Thoroughfare (defined), Local Street (defined) Commercial Street (defined). The road requirements that would probably most align with this application are the local street requirements, which are for ‘a street primarily providing access to abutting residential properties.’”**

**The subdivision requirements for local roads state that the width of pavement should be 30'; the radius of curvature should be 150'; the length of tangents between reverse curve should be 100'. I did not see anything about the grade, which subdivision requirements for local streets are at 10%.**

**The current application has the following road requirements: 24' wide consisting of 2 travel lanes 20' wide paved with 2' buffer each side – paving optional and then in 32.13.1 that all driveways shall be asphalt. This does not feel sufficient to provide for the safety and use of residents.**

### **Section 31.10 – Parking**

- The proposed regulations for parking read, “Each home shall have off street parking, a garage, and the HBVD shall have additional 104 visitor parking spaces.”

**A reduction in parking spaces could provide financial incentive and/or assistance to make the project feasible. Standards in section 62.7 should be met to ensure that people can safely use the parking spaces.**

### **Section 31.12 – Standards for Zone Change Approval**

- This section reads, “...Approval of the zone change, and site plan attached allows the applicant to obtain a building permit.”

**This should be revised to say something along the lines of “once all of the required permits have been granted, the applicant can apply for a building permit.” The Commission may consider that this approval from the Health District for the septic be required before a zoning permit is issued.**

### **Application Materials Errors**

- Staff has found several errors in the application materials., including but not limited to the following:

The statement of use says the parcel is both 40 and 59 acres large.

The affordability plan states, "...This Affordability Plan, which is proposed as a condition of site plan approval by the Stratford Zoning Commission satisfies the requirements and describes how HBV regulations relating to affordability will be administered."

The second page of the 'Affordability Plan' states that it's for the 'Oronoque Village' Section V of the Affordability Plan – the final sentence states, "The administration of this Plan may be transferred to another entity provided that such entity has the expertise to administer the plan and further provided that such entity or individual is approved after due notice of the Zoning Commission." The commission needs to be clear as to whether there a difference between due notice and a requirement to appear again to the PZC in order to have the permit transferred?

Section VI also states the Stratford Zoning Commission, the Town of Stratford, and the Stratford Board of Education.

Applicant should explain the references made throughout the new Article relating to "individual lots" and how this relates the landscaping, mailboxes, etc.

### Other Staff Concerns

#### Water

- Exhibit 7 states that Aquarion cannot provide fire flow services at this time – "Please note that system improvements, including installation of a new water storage tank, are required to provide fire flow to the proposed development. This commitment does not include irrigation demand because no demand projections for irrigation were included in the application submitted to Aquarion."

**The letter reads that "This service commitment is valid for 12 months from the date of issuance. If your proposed project is not under construction or ready for water service (intended usage) within 12 months of this letter, then Aquarion's ability to serve your project will have to be re-evaluated." The letter is dated September 3, 2020.**

It would be appropriate to ask that an updated letter new letter be submitted from the Aquarion water company that ensures that the PZC that they can still service this site.

#### Traffic Impact Study

It is imperative that the Town Engineer review the traffic impact study and either concur with the results or contest its findings.

#### Miller Road

- The application proposes to empty a portion of its created automobile traffic onto Miller Road in Bethany, Connecticut.

**The application should be referred to the Town of Bethany for its review and report regarding the above issue with a letter of approval signed by the Town's Chief Elected official.**

#### **Drainage**

- The applicant has submitted a storm drainage report, traffic impact study, development phasing study, grading, and utility plan, etc.

**It is essential that the Town Engineer review and report back on the adequacy of the drainage.**

#### **Fire Safety**

- It is necessary that both the Beacon Falls Fire Marshal and the Fire Chief review and report back to the Commission regarding the Proposed "Site Plan of Proposed Single-Family Village, Hopp Brook Village District, Prepared for Hopp Brook Developments, LLC by Manuel Silva PE, Rose Tiso & Co., Pages SP-0 to SP-7, dated 2/23/18, revised to 3/31/21.

**A current review of the latest proposal, and its ability to meet all fire standards must be submitted in order for the Commission to make a informed, proper decision.**

#### **Health Department**

- The applicant has proposed to utilize a series of community style septic systems, functioning specific each phase of the ground proposal.

**It is imperative that the PZC have their findings regarding the chosen sanitary system as soon as possible and refer that work to the Naugatuck Valley Health Department. In my notes from reading the original Wetland application, there was no Naugatuck Valley Health Department approval. Planning & Zoning Monthly Meeting Minutes December 17, 2020**

#### **Affordability Plan**

**Staff suggests that the Affordability Plan is reviewed by the Town Attorney.**

#### **Schedule A**

**Staff suggests that the Schedule A is reviewed by the Town Engineer.**