

To: Beacon Falls Planning and Zoning Commission  
From: Keith Rosenfeld, Beacon Falls Town Planner  
Date: September 29, 2021  
RE: **PZC-06252021-2-ZC**  
**Proposal to change property located at Oakwood Drive (included as Schedule A) from R-1 to HBVD**

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Commissioners,

This memo is advisory in nature, and I suggest the commission review this memorandum with the Town Counsel before acting.

### **I. Application Background**

- PZC 06252021-1-ZC and PZC-06252021-2-TA were submitted for the Planning and Zoning Commission's review on Friday, June 25, 2021.
- The Planning and Zoning Commission received the applications at the Thursday, July 15, 2021, Regular Meeting and set a public hearing for both applications for Thursday, August 26, 2021.
- The Planning and Zoning Commission opened the public hearings for both PZC 06252021-1-ZC and PZC-06252021-2-TA on Thursday, August 26, 2021. Both public hearings were continued to Wednesday, September 29, 2021.
- The Planning and Zoning Commission must close both public hearings by Friday, October 1, 2021.
- The Planning and Zoning Commission has 65-days after closing of both public hearings to act.

### **II. Statutory Background**

On Thursday, August 26, 2021, the applicant's representative stated on the record that PZC 06252021-1-ZC and PZC-06252021-2-TA were part of an 8-30g application. Under 8-30g, an **affordable housing application** means "any application made to a commission in connection with an affordable housing development by a person who proposes to develop such affordable housing."

The applicant stated that the proposed development would be a **set aside development**, which is defined by the statute as "a development in which not less than thirty per cent of the dwelling units will be conveyed by deeds containing covenants or restrictions which shall require that, for at least forty years after the initial occupation of the proposed development, such dwelling units shall be sold or rented at, or below, prices which will preserve the units as housing for which persons and families pay thirty per cent or less of their annual income, where such income is less than or equal to eighty percent of the median income.

In a set-aside development, of the dwelling units conveyed by deeds containing covenants or restrictions, a number of dwelling units equal to not less than fifteen per cent of all dwelling units in the development shall be sold or rented to persons and families whose income is less than or equal to sixty per cent of the median income and the remainder of dwelling units conveyed by covenants or restrictions shall be sold or rented to persons or families whose income is less than or equal to eighty percent of the median income."

### **III. Procedure**

#### **Affordable Housing Application**

Section 8-30g Subsection (b)(1) outlines the procedure for filing an affordable housing application. The statute states that “any person filing an affordable housing application with a commission shall submit, as part of the application, **an affordability plan which shall include at least the following:**

1. **Designation of the person, entity, or agency that will be responsible** for the duration of any affordability restrictions, for the administration of the affordability plan and its compliance with the income limits and sale price or rental restrictions of this chapter.
2. **An affirmative fair housing marketing plan** governing the sale or rental of all dwelling units;
3. **A sample calculation of the maximum sales prices or rents** of the intended affordable dwelling units; and
4. **A description of the projected sequence in which, within a set aside development, the affordable dwelling units will be built and offered for occupancy and the general location of such units within the proposed development;** and
5. **Draft zoning regulations, conditions of approval, deeds, restrictive covenants, or lease provisions that will govern the affordable dwelling units.”**

The Town Attorney is reviewing the Affordable Housing Application for consistency with Section 8-30g Subsection (b)(1) requirements.

#### **PZC-06252021-2-ZC**

**Applicant’s Proposal: “Hopp Brook Village (Zoning) District” (HBVD) as the new Article II, Section 25, Beacon Falls Zoning Regulations**

#### **Statutory Applicability**

PZC 06252021-1-TA was reviewed under Connecticut General Statutes Subsection (a) of Section 8-3a which states that, **“In any municipality which has a combined planning and zoning commission operating under the general statutes or any special act, the commission shall state on the record its findings on consistency of a proposed zoning regulation or boundaries or changes thereof with the plan of development of the municipality.”**

#### **Consistency with the Town of Beacon Falls Plan of Conservation and Development**

Staff reviewed the proposed zoning amendment change for consistency with the Town of Beacon Falls 2013 Plan of Conservation and Development. Staff comments are as follows:

#### **CGS 8-23(d) Town of Beacon Falls Plan of Conservation and Development Statutory References (ToBF POCD P. 3**

Section 1.3 – Statutory Requirements – states that the CGS Sec. 8-23(d) states that all plans **shall** consider the following at least once every ten years:

- Promote housing choice and economic diversity in housing, including housing for both low- and moderate-income households and encourage the development of housing which will meet the State housing plan prepared pursuant to CGS Section 8-37t and in the housing component and other components of the State Plan of Conservation and Development.
  - **Staff finds that the proposed zoning amendment consistent with this requirement.**

**Town of Beacon Falls Plan of Conservation and Development: 4.4 – Housing Goal, Policies, and Recommendations. (ToBF POCD P. 31)**

- Section 4.4.1 outlines the Town’s Housing Goal as: “The expansion of the housing stock should be of the highest quality and consistent with the small-town character of the community. The existing housing stock should be preserved and maintained to accommodate Beacon Falls residents of a range of incomes.”
  - ***Staff finds that the proposed zoning amendment consistent with this goal.***
- Section 4.4.2 – Detached single-family housing shall remain the predominant form of housing within the community, due to minimal anticipated growth and environmental limitations to undeveloped areas.
  - ***Staff finds that the proposed zoning amendment consistent with this policy.***
- Preserve the integrity and quality of existing neighborhoods, particularly the unique older housing.
  - ***Staff does not find that the proposed zoning amendment consistent with this policy.***
- The neighborhood should be the basis for residential development in Beacon Falls, with residential development designed to create and/or enhance the sense of neighborhood.
  - ***Staff finds that the proposed zoning amendment consistent with this policy.***
- Continue to ensure that residential development includes the preservation of open space, with various methodologies such as payment in lieu of open space which can be used for acquisition.
  - ***Staff finds that the proposed zoning amendment consistent with this policy.***
- Recognize the need to provide affordable housing to residents of Beacon Falls, who cannot afford the current high costs of housing, in a way consistent with the character of the community.
  - ***Staff finds that the proposed zoning amendment consistent with this policy.***
- Section 4.4.3 – Consider the reduction of maximum density in the rural outlying areas of the Town.
  - ***Staff does not find that the proposed zoning amendment consistent with this strategy.***

**Town of Beacon Falls Plan of Conservation and Development – 7.1.2 – Transportation and Circulation; Existing Condition; Road Design (ToBF POCD p. 57)**

- This section states that “The Town’s requirements for street width and design should be compared with more contemporary back to basics requirements. Standards should be reviewed by the Fire Department but *could include paved road widths of 26 feet instead of the currently required 30 feet, with only 22 feet of pavement required where on street parking is unlikely.*”
  - ***Staff does not find that the proposed zoning amendment consistent with the road design recommendation.***

**Town of Beacon Falls Plan of Conservation and Development Section 8 – Community Services and Facilities (ToBF POCD P. 66)**

- Section 8.1.1 – Sanitary Sewer Service reads that, “The public sewer system of a community is a major determinant of the location and intensity of growth and development, as well as health concerns. *The presence of a public sanitary sewer facilitates higher density development, while the lack of sewer service to a property generally limits the development potential to relatively low density uses, such as single-family houses on lots with a minimum size of at least one-acre.*
  - ***Staff does not find that the proposed zoning amendment consistent with the sanitary sewer service constraints.***
  
- This section also states that, “The COGCNV’s Regional Plan recommends in Chapter 5 that, in areas with private septic systems, a maximum density of 1 unit per acre where there are minimal soil constraints to 0.5 units per acre where there are server soil constraints.
  - ***Staff does not find that the proposed zoning amendment consistent with the COGCNV’s recommendations for private septic system density.***
  
- Section 8.1.3 – Water Services, states that “All three of the public water companies have adequate capacity to serve anticipated needs from existing and new development. The major issue facing water service provision in Beacon Falls is maintaining adequate pressure, because of the topography of the Town. The Department of Public Health requires that public water systems offer water pressure between 25 and 135 PSI. Most of higher elevations in Town are not serviced by public water. However, there has been significant development activity in the southeastern section of Town which is creating issues with water pressure. The Skokorat pump station needs to be upgraded. Water pressure on Blackberry Hill needs to be improved. A new storage tank was planned to serve the now defunct Chatfield II development (ToBF POCD, P. 68).”
  - ***Staff finds that the proposed zoning amendment consistent with the concerns addressed in Section 8.1.3 if the applicant can provide documentation that the required PSI levels can be met before the start of construction.***
  
- Section 8.2.1 – Goal, Policies, and Strategies states that the goal for Community Services and Facilities is to “Continue to provide Town residents with a safe and functional public utility system which meets the growing needs of the Town, consistent with the adopted plans of the Town of Beacon Falls. (ToBF POCD P. 72)” Section 8.2.2 – Policy, states that the policy to meet this goal is to “ensure that the proper systems are provided in conjunction with any growth and ensure that there is adequate capacity for all the systems. (ToBF POCD P. 72).”
  - ***Staff finds that the proposed zoning amendment has not proven that the systems provide adequate capacity for all the systems (water and sewer). Staff recommends letters being provided by the proper permitting bodies to demonstrate adequate capacity.***
  
- Section 8.2.3 – Recommendations, states: Require the extension of water and sewer service in conjunction with development in accordance with all municipally adopted and coordinated plans.
  - ***Staff finds that the proposed zoning amendment is consistent with this recommendation.***

**Town of Beacon Falls Plan of Conservation and Development Section 10.2 – Land Use; Overall Land Use Concepts (ToBF POCD P. 76)**

- Section 10.2.3 – Suburban Neighborhood Area – states “These are primarily established residential areas of the Town where there are existing patterns of development, and public utility services either exists or is planned. Most of these areas are planned for the continuation of the existing pattern of low to moderate density residential development, although some areas may support slightly higher concentrations.”
  - ***Staff finds that the proposed zoning amendment is consistent with development pattern as amended by the applicant with a previous application.***
- Section 10.3 is the Land Use Goal, Policies, and Strategies Section. 10.3.1 outlines the goal, which is to “maintain the small-town character and compact development of Beacon Falls by encouraging growth within the traditional core area along the Naugatuck River Corridor and discouraging development on the hilly periphery of the Town. (ToBF POCD P. 80).”
  - ***Staff finds that the proposed zoning amendment is not consistent with the Land Use Goal.***
- Section 10.3.2 – Policies, has the following policies to note: “Promote the continued acquisition of land for open space within the peripheries of the Town, both as a tool of natural resource preservation as well as the promotion of community character.”
  - ***Staff finds that the proposed zoning amendment is consistent with the policy.***
- “Continue to implement the defined sewer service area, in cooperation with the Water Pollution Control Authority.”
  - ***Staff finds that the proposed zoning amendment is consistent with the policy.***
- Section 10.3.3 – Recommendations, has the following policies to note: 3. The residential densities of all areas outside the core area should be limited to a maximum of 0.5 to 1.09 dwelling units per acre.
  - ***Staff finds that the proposed zoning amendment is not consistent with the recommendation.***

**Hopp Brook Zone Change Soils Data**

1. **Central Naugatuck Valley 2008 REGIONAL PLAN OF CONSERVATION & DEVELOPMENT  
TABLE 5.3 RECOMMENDED LAND USE INTENSITY RANGES (COGCNV POCD PAGE 32)**

Private Septic/Public Water Minimum Density

Private Septic/Public Water  
Minimum Density  
(Units/Acres)  
Minimal 1.33 2.0 Units/Acres  
Modeate 1.33 2.0 Units/Acres

Severe .5 1.0 Units/Acres

- Staff reports that Figure 5.1 Natural Resource Constraints and Areas Sensitive to Development Central Naugatuck Valley Region Plan shows that the property containing the proposed Hopp Brook Set Aside Affordable Housing Development contains soil that are SEVERE. (5 1.0 Units/Acres)

2. **SOILS SURVEY OF NEW HAVEN COUNTY, JULY 1979**  
**US DEPARTMENT OF AGRICULTURE, SOIL CONSERVATION SERVICE**  
**SOILS SERIES AND MORPHOLOGY**  
**BRIEF OVERVIEW OF PREDOMINANT SOILS ON HOPP BROOK**

- Staff reports that most predominant soils are characterized as:

**WyB WOODBRIDGE FINE SANDY LOAM (2 TO 8% SLOPES) VERY STONEY**

- “Waste disposal systems, such as an onsite septic system will generally not function satisfactorily with only normal design and installation because of the slowly permeable substratum and the seasonal high-water table”. p.86

**CnD CHARTON CHATFIELD COMPLEX (15-45% SLOPES) VERY ROCKY**

- “Waste disposal systems, such as an onsite septic system require very careful and unusual design and installation to insure, they function satisfactorily, and effluent does not seep to the surface downslope.” p.17

**HSE HOLLIS-CHATFIELD OUTCROP COMPLEX (15-45% SLOPES)**

- “Septic systems general require very unusual design and installation, and there is a hazard that they may fail, or effluent may seep into cracks in the bedrock and pollute groundwater.” P. 30.

3. **WATERSHED COMMENTS**

In the letter dated September 29, 2021, the Regional Water Authority (RWA) noted that “approximately 68% of the 135-acre property is within the watershed of Hopp Brook, which is a reserve public water source for the RWA.”

- **Staff recommends that the Trust for Public Land’s *Protecting Land to Safeguard Connecticut’s Drinking Water Report* be reviewed to ensure that the drinking water of the watershed is protected.**