

From: Bryan F. Meccariello, Esq.

To: Southington Planning and Zoning Commission and Town Staff

Date: Tuesday, April 20, 2021

Re: ZA #608 | ZC #569 | SPR #1811

Mr. Chairman, thank you for placing these items on the meeting agenda tonight. I would also like to thank Mr. Phillips and his staff for their assistance with processing these matters, as well.

For the record, my name is Attorney Bryan Meccariello. I represent the petitioners/applicants, Frank and Mary Fragola. My office is located at 200 Executive Boulevard here in Southington.

My clients are asking you to approve the following agenda items:

1. Petition to Enact a Zoning Regulation Amendment of Text to Section 3-08, Housing Opportunity District (“HOD”), of the Southington Zoning Regulations;
2. Petition to Change a Zoning District Boundary(ies) from R-80 to HOD; and
3. Site Plan for an age-restricted (55 and older) housing community consisting of 30 single-family residences within 15 duplex units in a private condominium setting.

The property on which these agenda items would specially apply is 295 Laning Street. It is an 11.5 acre parcel of land located across the street from the former Brannigan's Restaurant which backs up along both I-84 and the 13th and 14th holes at Hawk's Landing Country Club and is situated between the First Baptist Church and Doral Lane.

At this time, I would like to introduce the members of our team who are with us this evening. In addition to the applicant, Frank Fragola, we are joined by our planner and civil engineer, Sev Bovino and Andrew Quirk, both from Kratzert & Jones. We are also joined by our planning consultant, Brian Miller from The Miller Planning Group. And, last we are joined by our traffic engineer, Mark Vertucci from Fuss and O'Neil.

I will first be providing an overview of what is before you this evening. Then you will hear from Mr. Miller regarding the zone text amendment petition and the housing "affordability plan" which he prepared and submitted in connection with the first and third agenda items. You will then hear from both Mr. Bovino and Mr. Quirk regarding the site plan application and the map which he prepared and submitted in connection with the third agenda item. After that, you will then hear from Mr. Vertucci regarding the traffic study which he also prepared and submitted in connection with the third agenda item.

There are a couple of housekeeping matters, however, which I need to address at this time. I would like to confirm staff's receipt of the Firm Mailing Book for Accountable Mail for the April 5, 2021 notice mailings to the 500' abutting property owners regarding the second agenda item (submitted for part of the record). I would also like to confirm with staff that notice for these agenda items were not required to be mailed to either the Connecticut Department of Public Health or the Southington Water

Department since the property is not located in a watershed area as would have been required under C.G.S., Section 8-3i.

The property is owned by Frank and Mary Fragola. They purchased it in 2007. The Fragolas have been Southington residents for more than 50 years. In 1973, they started a part-time job shop called "F.F. Screw Products" in a 1,000 square foot building with just two employees. Four years later, they transitioned that business into a full-time operation with ten employees. In 1982, they started making their own product under the trade name "F-K Bearings". And, in 1999, they formed "Fragola Performance Systems" and now their companies are collectively housed in nearly 200,000 square feet of industrial space on West Queen Street and they employ over 100 employees. All of their companies are co-owned and operated by their three children, Maria, Al and Deb, and now a third generation of nine grandchildren are also working in the family businesses. In addition to a strong work ethic, the Fragolas pride themselves in supporting many local organizations such as, the Southington PBA, Bread for Life, UNICO charities and the recent efforts by the town to unearth and move the remnants of a water fountain from Walkley Park to downtown Plantsville. They also donated one of their commercial buildings on West Street for the Southington CyberKnights Robotics Team to use over the past five years.

The Fragolas filed these agenda items in order to provide this Commission with alternatives when considering their proposed age-restricted housing community development. Not only is it being described as a "*six-months in Connecticut and six-months in Florida*" (or "snowbird") type of community which Southington currently does not have, it is the blended type of "*future housing needs*" that is addressed throughout

our Plan of Conservation of Development (POCD) dated June 4, 2016. For example, the need for this type of blended community is specifically referenced throughout the POCD.

I will first start with **Section 1**, particularly the **Introduction** section, and the intention for the POCD to be guide to “*local boards and commissions*” as stated in the **Overview** sub-section on page 1. On pages 8 and 10 in that same section, the POCD charts the **Population Overview and Projections** (and more importantly for this presentation), the **Age Composition** states that “*[f]rom 2010 to 2040, the age composition of Southington is expected to be heavily influenced by the continued aging of the ‘baby boom’ generation (people born between 1945 and 1965). The apparent increase in people aged 55 and over in the chart [shown below on that page], does not reflect a sudden influx of a large number of older residents. Rather, it reflects the natural aging (and longer life expectancies) of people who already live in Southington.*” It goes on to state “*Overall, assuming past trends continue, the number of older residents is expected to grow significantly and this will be an important factor in Southington in the future. A changing age composition can result in a changing demand for municipal and housing types.*” (emphasis added). Remember, this updated version of our POCD was adopted by this Commission on June 4, 2016, nearly five years ago. And, the projections made then are coming true now.

Also in **Section 1**, it is important to understand (again for purposes of this presentation) the make-up of Southington’s housing stock. In the **Housing Overview** subsection on page 12, it states that “*[a]bout 5.7 percent of the housing units in Southington (997 units) are counted as “affordable housing”.* It goes on to state that

“since less than 10 percent of the housing units meets [Section 8-30g], Southington is subject to the Affordable Housing Appeal Procedure ... where a development of affordable housing may not need to comply with local zoning requirements.” At this time, I would like to submit the full text of C.G.S. Section 8-30g, et seq. for the record (submitted for part of the record).

Continuing through the POCD, in **Section 3, Planning Issues**, particularly the **Key Issues** subsection on page 20, a survey of Southington residents answered the following question: *“How residents would like to address future growth or change in Southington”* which the following answer: *“Increase housing diversity (seniors, affordable, etc.)”*. I point this out in further support of these agenda items tonight. And, in **Section 6**, the **Overview** subsection of **Preserve Community Assets**, the POCD calls for the preservation of *“community assets”*. For purposes of this presentation, there are a three of Southington's *“community assets”* to which these agenda items relate. One is Hawk's Landing Country Club and the other two are the adjacent open space properties known as the 47.44 acre “Griffin” parcel” and the 79.24 acre “Novick's Orchard” parcel. As we know, Southington made a significant investment by purchasing the development rights from Hawk's Landing. My clients' site plan incorporates access to Hawk's Landing Country Club so that the residents in their proposed 55 and older housing community can have direct, off-street access via golf carts to play round of golf, make a purchase at the pro shop and enjoy a dinner. My clients have worked closely with the folks at Hawk's Landing on that plan would essentially be a seasonal membership with monthly dues which you “use or loss”. This connection not only makes sense (cents, too) for Hawk's Landing and consequently, the Town of

Southington, but it is exactly the type of residential “golf community” which Southington does not have. As for the open space parcels that I mentioned, those properties are in close proximity for those same residents to also enjoy.

The other section of the POCD which addresses the need for “affordable housing” for our aging population is **Section 11 (Guide to Residential Development)**. In the **Address Future Housing Needs** subsection on page 78, the need for both “*Housing For An Aging Population*” and “*Housing That Is More Affordable*” are addressed. Again, the POCD mentions that the “[p]opulation projections indicate that Southington, like many other communities, will experience a marked rise in the number of older residents.” And that Southington’s housing diversity “*should continue to be encouraged in order to help: Address the housing needs of an aging population ... (and) Offer more housing choices for moderate income people*”. It continues by describing the “*alternate housing types*”, such as “*age-restricted housing development[s]*” and “*income-limited elderly housing development[s]*” on page 79, and for this Commission to “*continue to consider ways to address the housing needs for an aging population*” on page 80.

There is one section of the POCD which specifically refers to the age of “*55 and over*.” That reference is in **Section 12 (Address Community Facility Needs)**. On page 91 of that section, it was important for the authors of the POCD to recognize then that there was a “*growing population of seniors*”. And, that the Calendar House Senior Citizen Center which “*helps Southington residents, age 55 and over*”, [to] fulfill their *social, physical, emotional and intellectual needs*.” I mention this section simply to demonstrate the need to provide for this rapidly growing segment of our population.

The last section of the POCD which I will speak about tonight is **Section 15 (Future Land Use Plan)**. On page 111, it states that “[this] Future Land Use Plan is a statement of what the Southington of tomorrow should look like.” Well, today is that “tomorrow”. And, we believe that these agenda items would be very beneficial to the Town of Southington. Even without the “affordable” component. We tried to amend the regulation in the style that currently exist in your regulations. The purpose and intent of the proposed text amendment is to provide housing that is both appropriate and affordable in our community. So, making amendments to the current zoning regulation which permits this type of housing in town makes more sense since it continues to provide local control over such site plans, rather than the current state statute limiting that control only when a “moratorium” can be declared. As of now, the “affordable” housing stock in Southington is far below the statutory 10% threshold.

I will now ask Mr. Miller to describe the details in his affordability plan followed by Mr. Bovino and Mr. Quirk who will each describe the details on the site plan and then by Mr. Vertucci who will answer any traffic questions.

In closing, I want to thank each and every one of you for considering my clients' agenda items tonight.

Sincerely submitted,

Bryan F. Meccariello

Bryan F. Meccariello, Esq.



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 MCALLISTER TERENCE A &
 280 LANING ST
 SOUTHINGTON, CT 06489

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 69 DORAL LANE
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181060
HOME DEPOT USA INC PROPERTY
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ATLANTA, GA 30348-5842

170071
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NEAL ALEXANDRA N
234 LANING ST
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81 DORAL LA
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Approval #: 00141C			
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PLANNING AND ZONING DEPARTMENT

MUNICIPAL CENTER – 196 NORTH MAIN STREET
SOUTHINGTON, CONNECTICUT 06489

Phone: (860) 276-6248 / Fax: (860) 628-3511

TO: Property Owners within 500 feet of 295 Laning Street
FROM: Robert A. Phillips, AICP, Director of Planning and Community Development
RE: Zone Boundary Change –295 Laning Street (ZC #569)
DATE: April 5, 2021

Please be advised that the Southington Planning and Zoning Commission (PZC) have scheduled the following public hearing for **Tuesday, April 20, 2021 at 7:00PM.**

PLEASE NOTE - This meeting will be held in a WEB-BASED DIGITAL format ONLY using "Webex". Specific instructions on how to enter the virtual meeting will be provided on the Town of Southington Planning Department webpage as described below along with the meeting agenda and other documentation.

All documents submitted prior to the meeting will be made available, 24 hours in advance of the meeting, on the Town of Southington webpage by clicking "Departments" at the top of the home page and then by clicking "Planning" in the listing of department contacts or via the following shortened link –

https://www.southington.org/departments/planning_zoning_department/index.php

The Public Hearing will consider the following Special Permit Application:

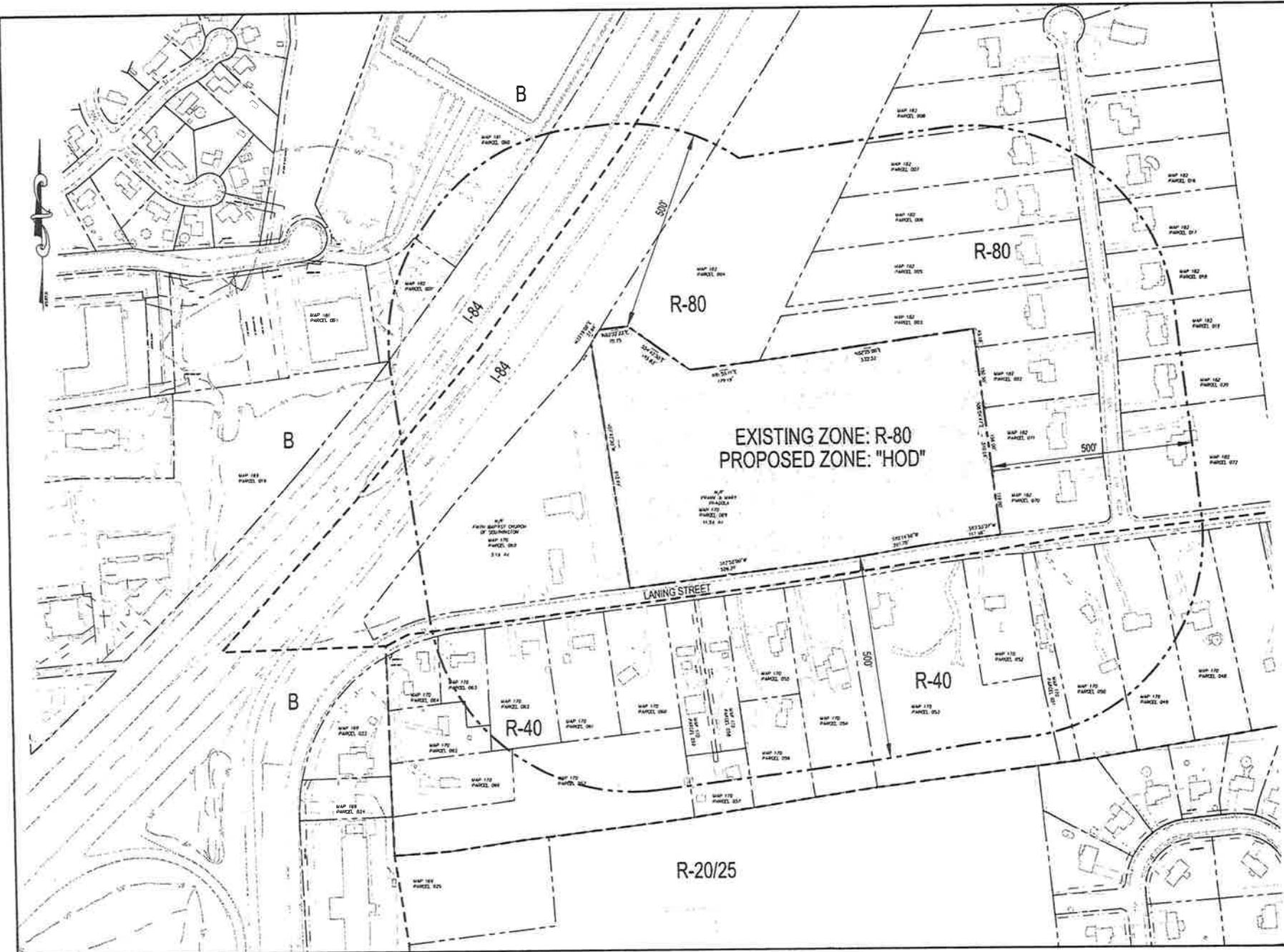
- *ZC #569, Application of Bryan F. Meccariello, petitioner, to change the zoning district from R-80 to Housing Opportunity District (HOD) on property located at 295 Laning Street*

Enclosed please find a copy of the application form submitted and a location map depicting the area of the proposed activity. All other documentation will be available on the town website as described.

Should you decide to speak for or against this application, please connect to the virtual meeting using the instructions posted on the town planning webpage as described above. Alternatively, we can distribute your written comments to the Commission prior to the hearing if you provide them via email at phillipsr@southington.org, **AT LEAST 24 HOURS** prior to the hearing/meeting date.

Should you have any questions, please contact phillipsr@southington.org

enc: application form and location map



Disclaimer:
 The underground utilities shown here were located from limited field survey information and existing drawings. The surveyor makes no guarantee as to the accuracy of the information shown here. It is the responsibility of the user of this information to verify the location and depth of all utilities in the area either in person or otherwise. To meet the requirements of our professional liability insurance, the terms "CERTIFICATE, CERTIFY, AND CERTIFICATION" mean to the best information, knowledge, and belief of the engineer, and are not an indication of certification, warranty or guarantee which are not covered under this plan.

REGIONS TO THESE PLANS BY ANYONE OTHER THAN THAT SHOWN HERE SHALL BE VOID AND NULL. ALL DIMENSIONS ARE TO BE CONSIDERED AS SHOWN.

REVISION 1	
REVISION 2	
REVISION 3	
REVISION 4	
REVISION 5	
REVISION 6	
REVISION 7	
PROJECT	
DATE	
SCALE	

James M. Schuchard
 JAMES M. SCHUCHARD
 CIVIL ENGINEER
 STATE # 000000000
 P. O. BOX 117
 1750 WOODEN-48 THROUGH RD
 BELLEVILLE, CT 06021-0117
 PHONE: (860) 621-2634
 FAX: (860) 621-9620
 EMAIL: JMS@STATECOTEL.COM

ZONE CHANGE MAP

for
FRANK & MARY FRAGOLA & FAITH BAPTIST CHURCH OF SOUTHLINGTON
 LANING STREET
 SOUTHLINGTON, CT

SCALE: 1" = 100'
 DATE: DECEMBER 28, 2015

DATE FILED	DATE	FILE NO.	DRIVING NO.
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BRICKLEY JOHN A &
46 DORAL LN
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170049
CHUDY ZBIGNIEW
380 LANING ST
SOUTHINGTON, CT 06489

182020
DORIO MARYBETH & DAVID
34 DORAL LN
SOUTHINGTON, CT 06489

170051
FITZPATRICK BERNARD
358 LANING ST
SOUTHINGTON, CT 06489

182001
HOME DEPOT USA INC
PROPERTY TAX DEPT RE #6208
ATLANTA, GA 30348-5842

170072
LEMBO CHARLES Z &
14 DORAL LA
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170054
MCKENNEY GEORGE J &
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NEAL ALEXANDRA N
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OZGA STEFAN & DONNA H
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PASCIOLLA SEAN
348 LANING ST
SOUTHINGTON, CT 06489

170048
RAGOZZINO LOUIS &
394 LANING ST
SOUTHINGTON, CT 06489-1643

182018
REILLY MICHAEL &
58 DORAL LN
SOUTHINGTON, CT 06489

170050
SARRA JOSEPH D
223 BERLIN AVE 3RD FL
SOUTHINGTON, CT 06489-1643

170067
SHAFRAN MATTHEW
274 LANING ST
SOUTHINGTON, CT 06489

170064
SIRKO JOSEPH & ROBIN
206 LANING ST
SOUTHINGTON, CT 06489

182017
SKAWINSKI STANISLAW
72 DORAL LA
SOUTHINGTON, CT 06489

170056
SNOW SUSAN B
292 LANING ST
SOUTHINGTON, CT 06489-1621

Parcel ID	Owner	Nar	Mailing Ad	Mailing Cit	Mailing Sta	Mailing Zip	Address
170063	ABAZA NEI	218	LANINI	SOUTHING CT		6489	218 LANING ST
170061	ANDERSON	246	LANINI	SOUTHING CT		6489	246 LANING ST
182006	BARMORE	81	DORAL	SOUTHING CT		6489	81 DORAL LN
170065	BARNETT C	206	LANINI	SOUTHING CT		06489-162	196 LANING ST
170060	BEDNARZ J	260	LANINI	SOUTHING CT		6489	260 LANING ST
182002	BETROS BA	39	DORAL	SOUTHING CT		06489-163	39 DORAL LN
170070	BOROFSKY	9	DORAL	SOUTHING CT		06489-163	9 DORAL LN
182019	BRICKLEY J	46	DORAL	SOUTHING CT		6489	46 DORAL LN
182016	CALANDRA	84	DORAL	SOUTHING CT		06489-163	84 DORAL LN
170066	CALLAHAN	200	LANINI	SOUTHING CT		06489-162	200 LANING ST
170049	CHUDY ZBI	380	LANINI	SOUTHING CT		6489	380 LANING ST
170059	DAMERA V	272	LANINI	SOUTHING CT		6489	272 LANING ST
182004	DORAL LAN	201	PATTO	SOUTHING CT		06489-161	61 DORAL LN
182020	DORIO MA	34	DORAL	SOUTHING CT		6489	34 DORAL LN
182008	DZIECIASZE	107	DORAL	SOUTHING CT		6489	107 DORAL LN
170068	FAITH BAP	243	LANINI	SOUTHING CT		06489-162	243 LANING ST
170051	FITZPATRIC	358	LANINI	SOUTHING CT		6489	358 LANING ST
170069	FRAGOLA F	127	MAPLE	SOUTHING CT		06489-525	295 LANING ST
170055	GEBEL ERIK	288	LANINI	SOUTHING CT		6489	288 LANING ST
182001	HOME DEP	PROPERTY	ATLANTA	GA		30348-584	74 INTERSTATE PARK DR
181060	HOME DEP	PROPERTY	ATLANTA	GA		30348-584	89 INTERSTATE PARK DR
170053	LADA STAN	320	LANINI	SOUTHING CT		6489	320 LANING ST
170072	LEMBO CH.	14	DORAL	SOUTHING CT		6489	14 DORAL LN
170071	MAKLES JE	25	DORAL	SOUTHING CT		06489-163	25 DORAL LN
170058	MCALLISTE	280	LANINI	SOUTHING CT		6489	280 LANING ST
170054	MCKENNE	304	LANINI	SOUTHING CT		06489-164	304 LANING ST
170057	MIGLIETTA	280	LANINI	SOUTHING CT		6489	280 LANING ST (REAR)
182005	NAKANO P	69	DORAL	SOUTHING CT		06489-453	69 DORAL LN
170062	NEAL ALEX	234	LANINI	SOUTHING CT		6489	234 LANING ST
182003	OHARA CA	55	DORAL	SOUTHING CT		6489	55 DORAL LN
182007	OZGA STEF	93	DORAL	SOUTHING CT		6489	93 DORAL LN
170052	PASCIOLLA	348	LANINI	SOUTHING CT		6489	348 LANING ST
170048	RAGOZZINI	394	LANINI	SOUTHING CT		06489-164	394 LANING ST
182018	REILLY MIC	58	DORAL	SOUTHING CT		6489	58 DORAL LN
170050	SARRA JOS	223	BERLIN	SOUTHING CT		06489-164	366 LANING ST
170067	SHAFRAN	274	LANINI	SOUTHING CT		6489	274 LANING ST
170064	SIRKO JOSE	206	LANINI	SOUTHING CT		6489	206 LANING ST
182017	SKAWINSK	72	DORAL	SOUTHING CT		6489	72 DORAL LN
170056	SNOW SUS	292	LANINI	SOUTHING CT		06489-162	292 LANING ST

295 LANING ST

Location 295 LANING ST

Mblu 170 / 069 / /

Acct# 13835

Owner FRAGOLA FRANK & MARY

Assessment \$152,030

Appraisal \$217,180

PID 16025

Building Count 1

Current Value

Appraisal			
Valuation Year	Improvements	Land	Total
2020	\$0	\$217,180	\$217,180

Assessment			
Valuation Year	Improvements	Land	Total
2020	\$0	\$152,030	\$152,030

Owner of Record

Owner FRAGOLA FRANK & MARY
Co-Owner
Address 127 MAPLEWOOD RD
 SOUTHLINGTON, CT 06489-5250

Sale Price \$658,000
Certificate
Book & Page 1099/0690
Sale Date 06/08/2007
Instrument 00

Ownership History

Ownership History					
Owner	Sale Price	Certificate	Book & Page	Instrument	Sale Date
FRAGOLA FRANK & MARY	\$658,000		1099/0690	00	06/08/2007
ZISSOPOULOS MELANIE R	\$0		0266/0575	34	02/26/1975

Building Information

Building 1 : Section 1

Year Built:
Living Area: 0
Building Percent Good:

Building Photo

Building Attributes	
Field	Description
Style	Vacant Res
Model	

Grade:	
Stories	
Occupancy	
Exterior Wall 1	
Exterior Wall 2	
Roof Structure	
Roof Cover	
Interior Wall 1	
Interior Wall 2	
Interior Flr 1	
Interior Flr 2	
Heat Fuel	
Heat Type:	
AC Type:	
Total Bedrooms:	
Full Bthrms:	
Half Baths:	
Extra Fixtures	
Total Rooms:	
Bath Style:	
Kitchen Style:	
Total Kitchens	
Fireplaces	
Whirlpool Tubs	
Fin Bsmt Area	
Fin Bsmt Quality	
Bsmt Garages	
Bsmt Type	
Attic Type	
Cath Ceiling	



170 069 05/25/2015

(<http://images.vgsi.com/photos2/SouthingtonCTPhotos/\00\04\89\13.JPG>)

Building Layout

(<http://images.vgsi.com/photos2/SouthingtonCTPhotos//Sketches/16025>)

Building Sub-Areas (sq ft)	Legend
No Data for Building Sub-Areas	

Extra Features

Extra Features	Legend
No Data for Extra Features	

Land

Land Use

Use Code 130
Description Vacant Land - Dev
Zone R-80
Alt Land Appr No

Land Line Valuation

Size (Acres) 11.21
Depth

Category

Outbuildings

Outbuildings	Legend
No Data for Outbuildings	

Valuation History

Appraisal			
Valuation Year	Improvements	Land	Total
2020	\$0	\$217,180	\$217,180
2019	\$0	\$231,760	\$231,760
2018	\$0	\$231,760	\$231,760
2017	\$0	\$231,760	\$231,760
2016	\$0	\$231,760	\$231,760

Assessment			
Valuation Year	Improvements	Land	Total
2020	\$0	\$152,030	\$152,030
2019	\$0	\$162,230	\$162,230
2018	\$0	\$162,230	\$162,230
2017	\$0	\$162,230	\$162,230
2016	\$0	\$162,230	\$162,230

**Town of Southington,
Connecticut**

Office of the Tax Collector

Teresa M. Babon, Director of Assessment &
Revenue

PO Box 579, Southington, CT 06489 [New Search](#)

FRAGOLA FRANK & MARY

127 MAPLEWOOD RD
SOUTHINGTON, CT 06489

Current Bill Information as of 03-24-2021:

List#	Year	Description	Type
19R13835	2019	295 LANING ST	REAL ESTATE

7/1/2020 : 2484.55

1/1/2021 : 2484.55

Installments Total: 4969.10

Total Paid: 4969.10

Current Balance Due:

Current Bill Total: \$0.00

Tax Due: \$0.00

Interest Due: \$0.00

Fee Due: \$0.00

Bond: \$0.00

Lien: \$0.00

Total Due: \$0.00

Payment History:

List #	Principal	Interest	Lien	Penalty	Total	Date Paid
19R13835	\$2484.55	\$0.00	\$0.00	\$0.00	\$2484.55	12/30/2020
19R13835	\$2484.55	\$0.00	\$0.00	\$0.00	\$2484.55	8/4/2020

[« Back to Search Results](#)

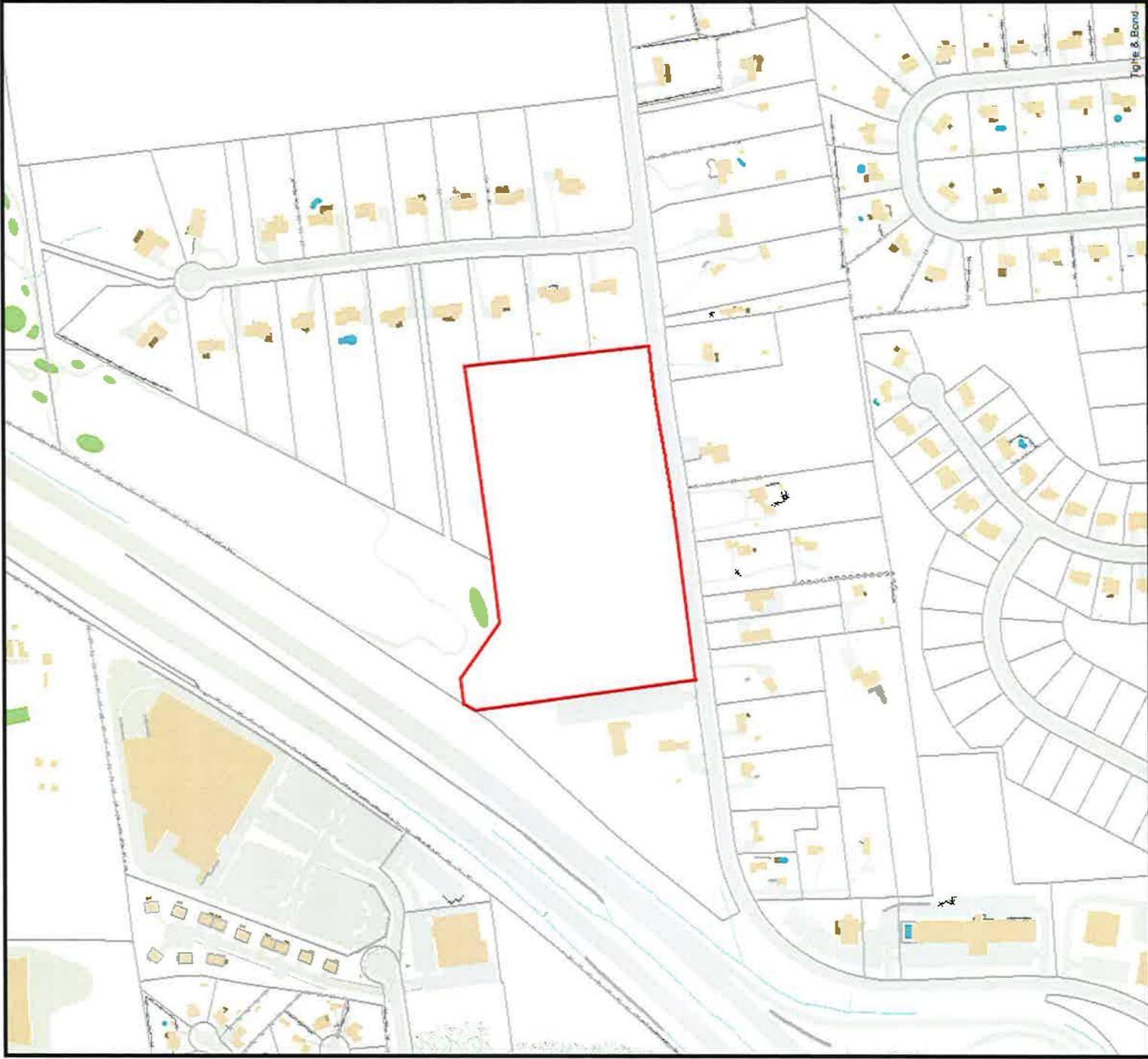
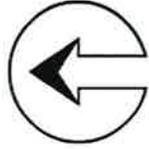


Table & Bond



3/25/2021 9:48:10 AM

Scale: 1"=376'

Scale is approximate

The information depicted on this map is for planning purposes only. It is not adequate for legal boundary definition, regulatory interpretation, or parcel-level analyses.

3-08 HOUSING OPPORTUNITY DISTRICT (“HOD”)

3-08.1 General Section The Housing Opportunity District (HOD) is a class of district that may be established by the Commission and delineated on the Zoning Map upon petition by the owner of property or by any person duly authorized by said owner and after due notice and public hearing as required by law for amendment of these Regulations.

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

- A. To encourage the construction of housing that is both affordable as defined by State Statutes and is consistent with design and construction standards present in the community.
- B. To assist the Town of Southington in complying with the State Zoning Enabling Act, Connecticut General Statutes § 8-2, as amended by Public Act 91-392, by adopting zoning regulations that promote housing choice and economic diversity, including housing for low and moderate income households.
- C. To utilize existing infrastructure efficiently and to promote neighborhood planning by providing, where infrastructure support is available, a mix of housing types, densities, sizes and prices.

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

3-08.4 Area of HOD – The area to be zoned HOD shall consist of either not less than 30 acres in a single tract by a number of contiguous tracts under one ownership, or consolidated into a single tract by a number of different owners by means of a binding agreement which will assure the uniform treatment of an overall development for the entire tract from the time of application and continuing thereof, or 10 acres or more provided that it is within 1,500 feet of a major transportation corridor (i.e. interstate highway, etc.), and served by public water and public sewer or private septic*, may be suitable for a mix of single family and/or attached duplex units at a maximum total site density not to exceed 4 units per acre.

3-08.5 Permitted Uses

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

1. Each multi-family dwelling shall be served by public sewer and water or private septic subject to State Health and/or DEEP approval, if necessary.
2. No building shall contain more than 6 dwelling units.
3. The minimum distance between multi-family buildings shall be 45 feet. Duplex and detached single-family dwellings may be a minimum of ~~30~~ 15 feet apart in a common interest act community.

4. The minimum setback from the road shall be 25 feet.
5. The minimum side yard setback shall be 40 20 feet.
6. The minimum rear yard setback shall be 40 20 feet.
7. The minimum distance between the rear of the units shall be 45 feet. The minimum distance between the sides of units shall be 45 feet. Duplex and single-family dwellings may be a minimum of 30 15 feet apart in a condominium project.
8. Decks and patios shall not be in the building setback.
9. No residential or accessory building shall exceed three stories or 35 feet in height.
 - B. A lease or sales office, recreational facilities and garages for the private use of the residents and their guests;
 - C. One or more swimming pools and such buildings as are reasonably associated with the use of swimming pools. Swimming pools must be fenced in with a locking gate for safety.
 - D. Active and passive recreational uses, including, but not limited to, walking trails, tot playlots, and picnic areas. Plans shall provide on the same parcel of land adequate playspace for the children of such dwellings, except in the case of elderly housing units where such space shall be provided for active or passive adult recreation. The Commission in its sole discretion, if subject to a two-thirds affirmative vote, may waive or reduce recreational requirements for elderly housing set forth herein above, if it finds that the proposed use is designed exclusively for elderly housing, that all or a majority of the proposed units shall be designed to have not more than ~~one~~ two bedroom per unit and that the lot is located within a reasonable safe distance to a public park, public school, open space or other facility with a reasonable area of land dedicated to recreational usage.
 - E. Signs, as provided in Section 13;
 - F. Other accessory uses customary with and incidental to the aforesaid permitted uses.

3-08.6 Development Density – Dwelling unit density in the HOD shall not exceed eight (8) four (4) dwelling units per acre of land. For purposes of computing allowable density, the minimum required area of the HOD shall exclude the area of ponds, marshes and other wetlands and other areas with a natural slope in excess of 25 percent.

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

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

3-08.9 Adequate Parking and Access: At least two and one-half (2.5) off-street parking spaces shall be provided for each **two bedroom** HOD dwelling unit **and at least one and one-half (1.5) off-street parking spaces shall be provided for each one bedroom HOD dwelling unit.** Parking spaces in front of garages shall be counted towards this requirement. The parking and loading facilities shall be deemed to be adequate and properly located, and the entrance and exit driveways are laid out to achieve reasonable safety.

3-08.10 Each property line along which residential units are proposed shall be paralleled by a screen of naturally existing vegetation at least 20 feet wide, or shall be landscaped by planting a double row of pine trees. All landscaping shall be appropriately maintained. Applicants shall avoid clearing existing vegetation where possible, but may propose additional plantings where necessary to improve screening. Such landscaping is not required in areas where utilities are proposed or where wetlands or watercourses are located.

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

3-08.12 If a community center is proposed, the community center shall have one parking space for every 200 s.f. of gross area of the community center in accordance with Section 12-01.1 of the Zoning Regulations.

3-08.13 Full cutoff light fixtures and recessed lenses only shall be used on the property and no light shall be positioned so as to cause a nuisance external to the site from excessive.

3-08.14 Design Standards for Transportation Network: A grid street pattern or interconnecting loops shall be required for the purposes of ensuring adequate public safety access and effective traffic circulation. For developments over ~~25~~ **30** units in density, applicants shall provide two entrance/exits from the development.

3-08.15 Adequate Public Utilities: That the water supply, the sewage disposal, and the storm water drainage shall conform with accepted engineering criteria, comply with all standards of the appropriate regulatory authority, and that such utilities have, or can be improved by the developer to have, adequate capacity for the proposed use.

3-08.16 A Phase I Environmental Report must be submitted to verify there are no environmental concerns and no potential environmental equity concerns.

3-08.17 Adequate Streets for Use: Streets providing access to the proposed use or development shall be adequate in width, grade, alignment and visibility, and shall have adequate capacity for the additional traffic generated by the proposed use. The Commission may deny any proposed development which causes the level of service (LOS) on a roadway or roadway to fall below LOS D2. Alternately, offsite roadway improvements or signalization may be required to ensure the adequacy of the local roadway system and public safety. Provisions shall be made for vehicular traffic to enter and exit the site which do not create an undue traffic hazard and/or cause undue traffic congestion. All access points shall accommodate two lanes of traffic entering and exiting the site unless the Commission deems it in the interests of public safety and the welfare of the general public, due to the existing conditions, to permit alternative access to the site including but not limited to restricted turning movements and shared access.

3-08.18 The property and proposed parking areas shall be suitably landscaped with a combination of trees, shrubs and other plant materials to filter and screen the view of the proposed development from the surrounding area and adjacent properties and enhance the appearance of the proposed development. The Commission may require as a condition of approval a performance bond to assure the completion of any site and/or public improvements.

3-08.19 The proposed use, proposed buildings and structures and other site features are to be designed and maintained in such a manner as not to impose an unacceptable risk to aquifers and public water supplies.

3-08.20 Environmental Protection and Conservation: That the proposed plans shall provide for the reasonable conservation of natural features, the utilization of best management practices to minimize degradation of storm water run-off, and the utilization of landscape and/or buffer areas to protect environmentally sensitive portions of the site.

3-08.211 Control of Issue of Certificates of Occupancy: The issue of Certificates of Occupancy New, ZA #543, effective 1/5/08 shall be limited to 75% of the dwelling units contained in the project until:

- a. All common and/or public improvements, landscaping or erosion and sedimentation control measures covered by bond have been completed to the satisfaction of town staff. Town staff may support bonding for outstanding improvements due to extenuating circumstances, subject to a 2/3 vote by the Commission. Bonding in lieu of improvements for these developments shall be the exception and not the rule.
- b. As built plans of utilities and public improvements within the development, certified by a registered professional engineer, have been received and accepted by the Town Engineer or his designee.
- c. All recreational facilities shown on the approved final plan have been installed.
- d. The final course of pavement has been installed.

SOUTHINGTON

2016 Plan of Conservation and Development



Planning and Zoning Commission
Effective June 4, 2016

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INTRODUCTION

1

Overview

A Plan of Conservation and Development (POCD) is a document whose purpose is to establish a common vision for the future of a community and then identify policies that will help attain that vision. While its key purpose and function is to address the physical development of a community, it will often address issues related to economic and social development.

The goals and recommendations of the Plan are intended to reflect an overall consensus of what is considered desirable for Southington and its residents in the future. It is envisioned that the Plan will be used to help:

- Preserve and protect things important to residents (conservation strategies),
- Guide future growth and change in ways the community wants (development strategies), and
- Identify facilities and services the community wants or needs in the future (infrastructure strategies).

A POCD is primarily an advisory document. It is intended to guide local boards and commissions and to provide a framework for consistent decision-making with regard to conservation and development activities in Southington over the next decade or so.

While the statutory responsibility to adopt the Plan rests with the Planning and Zoning Commission, implementation will occur only with the diligent efforts of the residents and officials of the Town of Southington. The Plan will be effective only if it is understood and supported by the people of Southington and implemented by local boards and commissions.

Southington's Population

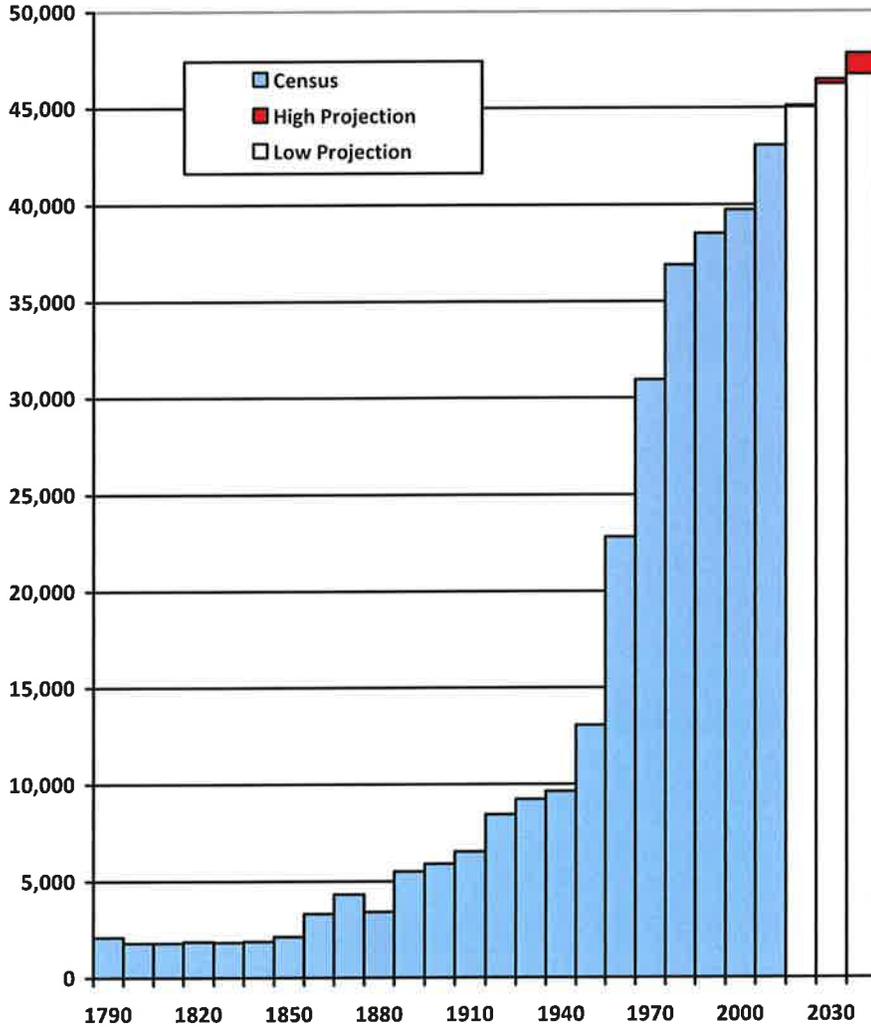
1790	2,110
1800	1,804
1810	1,807
1820	1,875
1830	1,844
1840	1,887
1850	2,135
1860	3,315
1870	4,314
1880	3,411
1890	5,501
1900	5,890
1910	6,516
1920	8,440
1930	9,237
1940	9,646
1950	13,061
1960	22,797
1970	30,946
1980	36,879
1990	38,518
2000	39,728
2010	43,069
2020	<i>45,043 - 45,136</i>
2030	<i>46,244 - 46,476</i>
2040	<i>46,735 - 47,204</i>

US Census data for 1820 to 2010. Projections are in italics. Low projections are based on Planimetrics cohort survival model. High projections based on Connecticut State Data Center cohort survival model extrapolated to 2040.

Population Overview and Projections

According to the Census, Southington had a year 2010 population of 43,069 persons. This represents an increase of 3,341 persons from the 39,728 persons reported in the 2000 Census. The chart shows Southington population growth since the 1790 Census with a range of population projections to the year 2040.

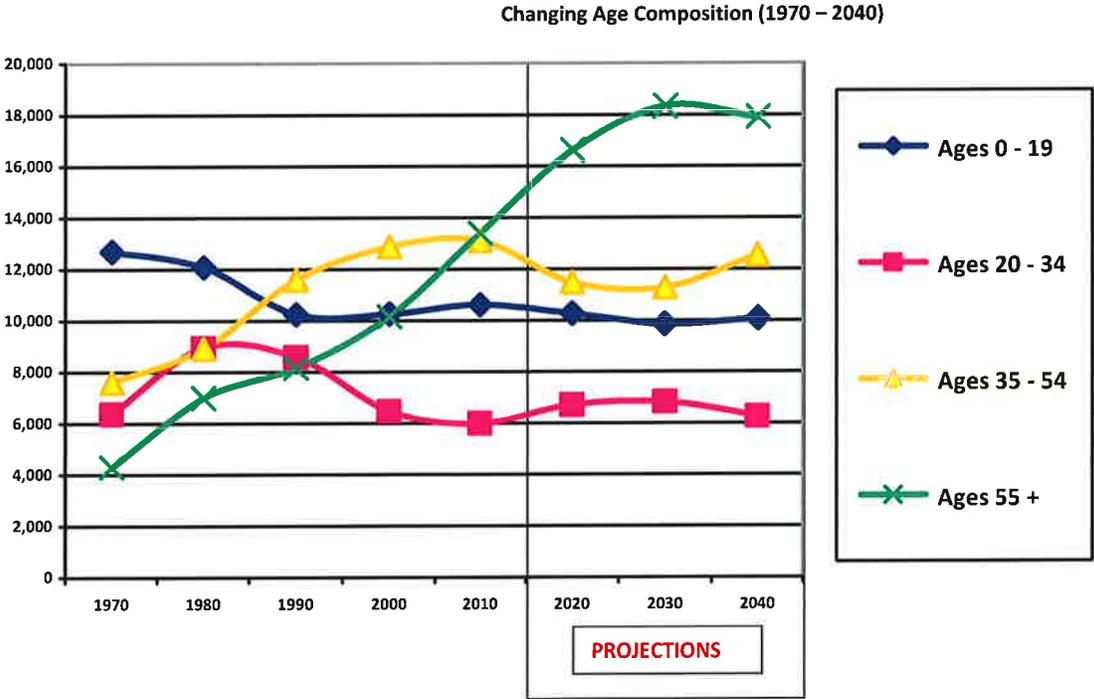
Southington's Population (1790 - 2040)



Age Composition

From 1970 to 2010, the age composition of Southington changed due to the net effect of births, deaths, net migration, longer life expectancies and natural aging. Much of the change in age composition is attributable to the natural aging of people in the “baby boom” (people born between about 1945 and about 1965).

From 2010 to 2040, the age composition of Southington is expected to be heavily influenced by the continued aging of the “baby boom” generation (people born between about 1945 and about 1965). The apparent increase in people aged 55 and over in the following chart does not reflect a sudden influx of a large number of older residents. Rather, it reflects the natural aging (and longer life expectancies) of people who already live in Southington.



Overall, assuming past trends continue, the number of older residents is expected to grow significantly and this will be an important factor in Southington in the future. A changing age composition can result in a changing demand for municipal and housing types.

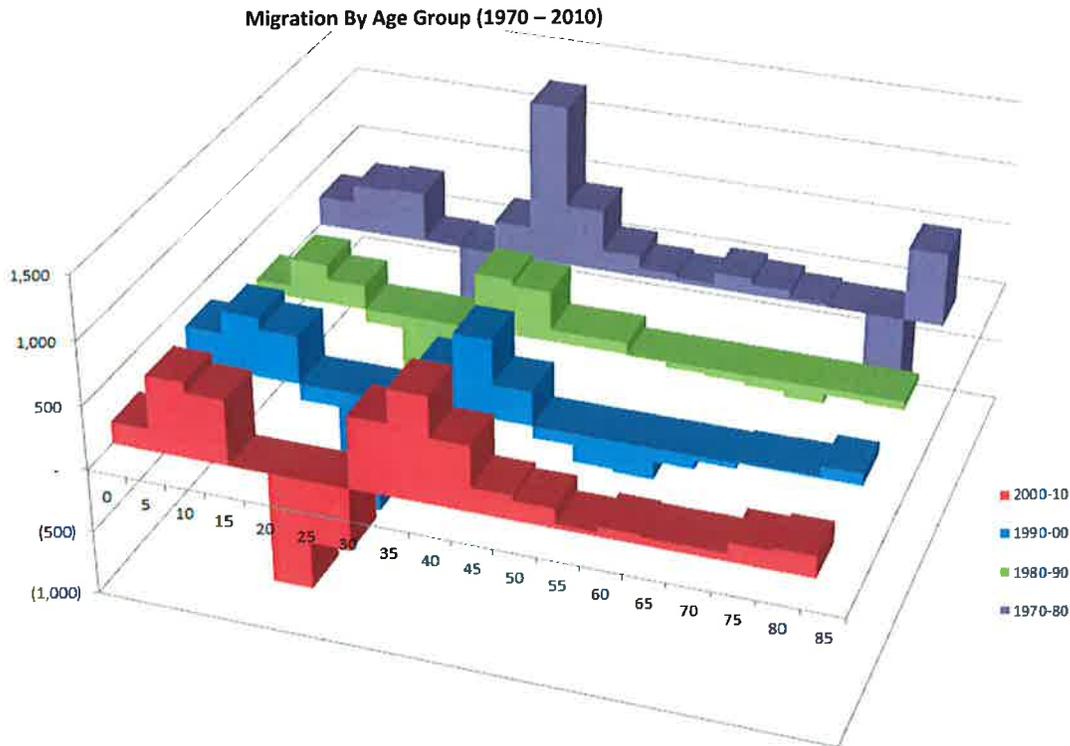
Migration Patterns

By comparing the number of people in one age group in the Census to the number of people 10 years younger in the prior Census (10 years earlier) and after considering natural changes (births and deaths), the dynamics of migration in Southington can be evaluated.

Since at least 1970, as can be seen from the upward columns in the following chart, *net in-migration* to Southington has generally been family age adults (ages 30 to 50) and their children (ages 0 to 15). People in these age groups are probably attracted by the diverse housing options, community services / amenities, and overall quality of life in Southington.

As can be seen from the downward columns in the following chart, *net out-migration* generally occurs with teenagers and young adults (ages 15 to 30). People in these age groups might generally be expected to leave Southington during these years of their lives to pursue education or employment.

People aged 50 and older have fluctuated between modest net in-migration and modest net out-migration over these four decades. Between 2000 and 2010, it appears that there was modest net in-migration for all of the age groups above age 50.



Housing Units

1960	6,298
1970	8,831
1980	12,437
1990	14,250
2000	15,557
2010	17,447

US Census. Data for 1980 to 2010 reflects number of units. Due to data availability, data for 1960 and 1970 reflects number of households.

Percent Multi-Family

New Britain	67%
Meriden	46%
Bristol	39%
State	35%
Plainville	32%
Southington	19%
Cheshire	17%
Berlin	16%
Wolcott	10%

Partnership For Strong Communities, 2014.

Median Sales Price

Cheshire	\$330,000
Berlin	\$253,950
Southington	\$230,000
Meriden	\$162,6500
Bristol	\$182,000
New Britain	\$137,250
Plainville	\$n/a
Wolcott	\$n/a

CERC, 2014

'Affordable Housing'

Southington	5.7%
State	11.3%

CT Department of Housing (2014)

Housing Overview

Southington had about 17,447 housing units in 2010. Over the last two decades, Southington has been adding an average of about 160 housing units per year. This growth rate is a reflection of the fact that Southington is accessible to a variety of areas and that there is undeveloped land in Southington.

The housing stock in Southington consists primarily of single-family detached homes at a range of different price levels. About 19 percent of all housing units in Southington were categorized as multi-family units in the 2010 Census. The vast majority of homes in Southington (84%) are owner-occupied.

About 5.7 percent of the housing units in Southington (997 units) are counted as "affordable housing" (assisted housing, financed by CHFA mortgages, or sale price restricted by deed) by the Connecticut Department of Housing. Since less than 10 percent of the housing units meet this State criteria, Southington is subject to the Affordable Housing Appeals Procedure (codified as Section 8-30g of the Connecticut General Statutes) where a development of affordable housing may not need to comply with local zoning requirements.

Single-Family House



Multi-Family Building



Single-Family House



Single-Family House



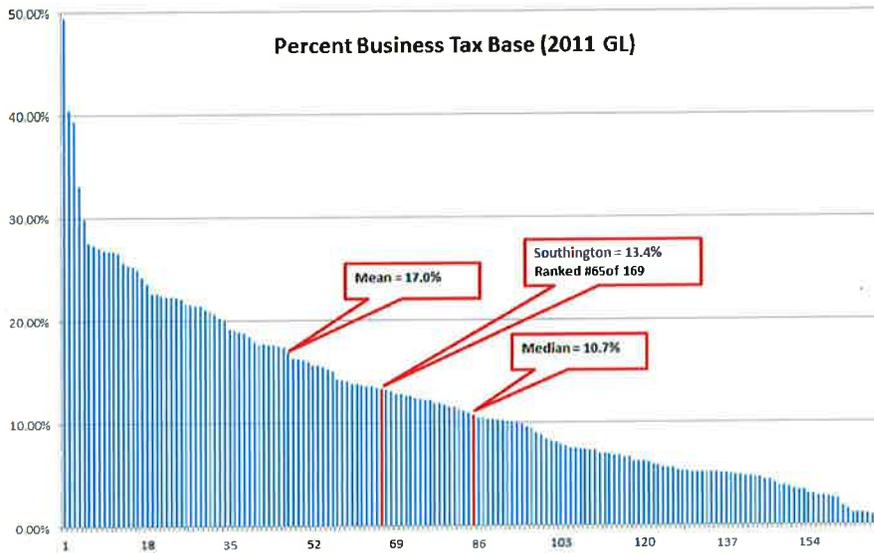
Economic Overview

A local economy is important in terms of:

- providing for jobs for residents,
- ensuring a range of goods and services is available for residents, and
- providing tax revenue to support local services.

In terms of jobs, Southington is an employment center and there are a number of jobs in the community. Southington also benefits from its location relative to other communities and metropolitan areas in terms of access to jobs and the availability of goods and services for residents.

The business component of the tax base in Southington is about 13.4 percent. This is lower than the statewide average but is higher than the median Connecticut community.



Local Employer



Local Business



Jobs In Southington

1960	7,880
1970	10,796
1980	15,260
1990	17,200
2000	16,040
2010	14,654

CT Labor Dept.

Jobs

New Britain	24,772
Bristol	21,592
Meriden	21,549
Cheshire	15,431
Southington	14,833
Berlin	11,623
Plainville	9,277
Wolcott	2,966

CERC, 2014

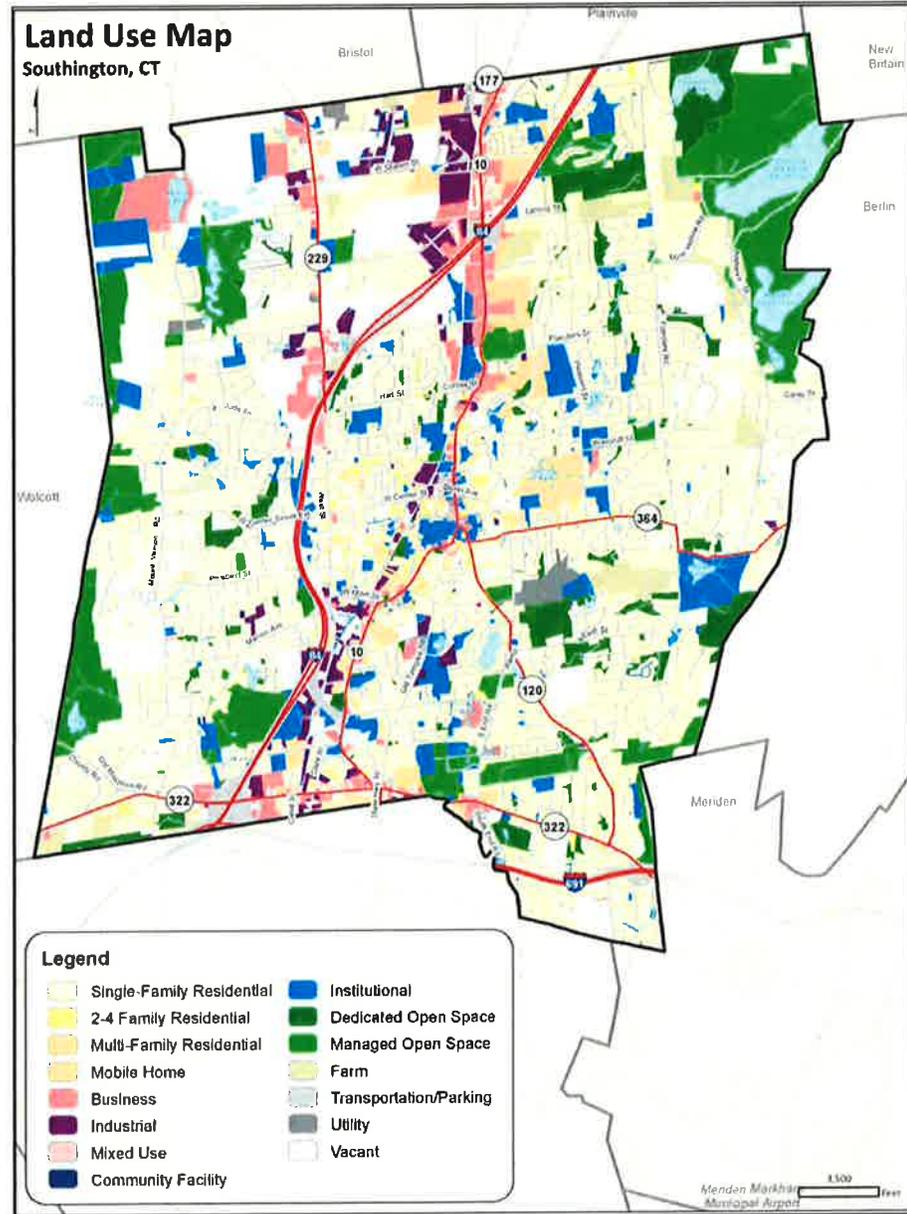
Median Household Income

Cheshire	\$110,587
Berlin	\$85,735
Wolcott	\$80,655
Southington	\$78,668
Plainville	\$61,766
Bristol	\$58,814
Meriden	\$53,831
New Britain	\$39,898

CERC, 2014

Land Use Pattern

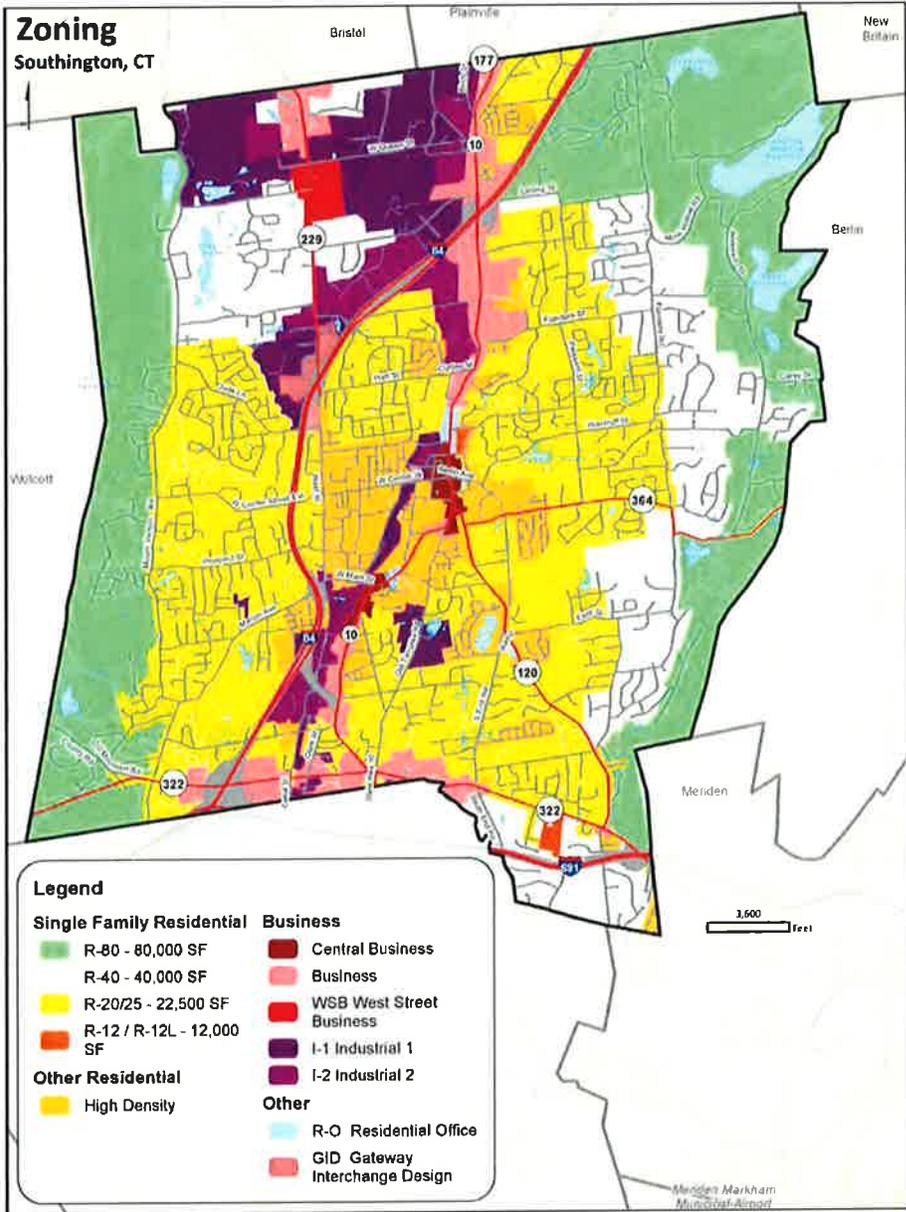
According to the Town's geographic information system, Southington contains approximately 23,239 acres of land. As can be seen from the following map, most of the land is used for single family residential uses (light yellow color).



Zoning Pattern

In Southington, according to the Town’s geographic information system:

- about 75 percent is zoned for single-family residential development,
- about 8 percent is zoned for two-family / multi-family development,
- about 7 percent of Southington is zoned for business development, and
- about 10 percent is zoned for industrial development.



Per Capita Tax Base

Berlin	\$158,906
Cheshire	\$136,761
Southington	\$130,644
Wolcott	\$120,192
Plainville	\$109,225
Bristol	\$92,351
Meriden	\$76,437
New Britain	\$51,934

CT-OPM data reflecting the estimated full market value of all taxable property in a municipality (2014)

Per Capita Tax Levy

Berlin	\$2,873
Cheshire	\$2,608
Southington	\$2,315
Plainville	\$2,269
Bristol	\$1,942
Wolcott	\$1,880
Meriden	\$1,811
New Britain	\$1,505

CT-OPM, 2014

Equalized Mill Rate

New Britain	28.33
Meriden	23.71
Bristol	20.94
Plainville	20.93
Cheshire	18.99
Berlin	17.98
Southington	17.57
Wolcott	15.49

CT-OPM, 2014

Fiscal Overview

Information reflecting the fiscal circumstances of Southington and surrounding communities are presented in the sidebar.

On a per capita basis, Southington has a strong tax base and a comparable tax levy. The equalized mill rate (taxes as a percent of market value) is the second lowest among nearby communities).

Past studies of communities like Southington have found that residential development typically requires more in service costs than it provides in tax revenue.

Tax Base



Community Services



PLANNING ISSUES

3

Overview

Early in the planning process, exercises were conducted to understand issues of concern to the community:

- A discussion of issues with the POCD Update Committee,
- A discussion of issues with the Planning and Zoning Commission,
- Input from members of other boards and commissions,
- Input from Town department heads, and
- A public meeting to solicit input and listen to Southington residents.



Key Issues

Based on all of the exercises and surveys, the following themes emerged as being important issues for Southington to consider as part of preparing the Plan of Conservation and Development.

CONSERVATION-RELATED ISSUES – Things residents would like to protect or preserve in Southington

- Preserve open space
- Protect water quality / natural resources
- Maintain Southington’s character / preserve scenic views

DEVELOPMENT-RELATED ISSUES – How residents would like to address future growth or change in Southington

- Manage residential development
 - Amount / pace / type of growth
 - Increase housing diversity (seniors, affordable, etc.)
- Enhance Downtown and Plantsville
- Promote business development / grow the tax base

INFRASTRUCTURE-RELATED ISSUES – Services or facilities that residents would like to have available to support the overall quality of life in Southington

- Maintain/ enhance the level of community facilities and services
- Address traffic circulation and congestion
- Encourage walking and biking
- Provide adequate utility services for community needs

PRESERVE COMMUNITY ASSETS

6

Overview

Southington has a number of “community assets” which contribute to the character of the community and the overall quality of life of residents:

- Farms and farming
- Historic buildings and areas
- Scenic views and areas (including undeveloped land)
- Building design / appearance
- Community spirit / pride

Farms



Historic Buildings



Scenic View

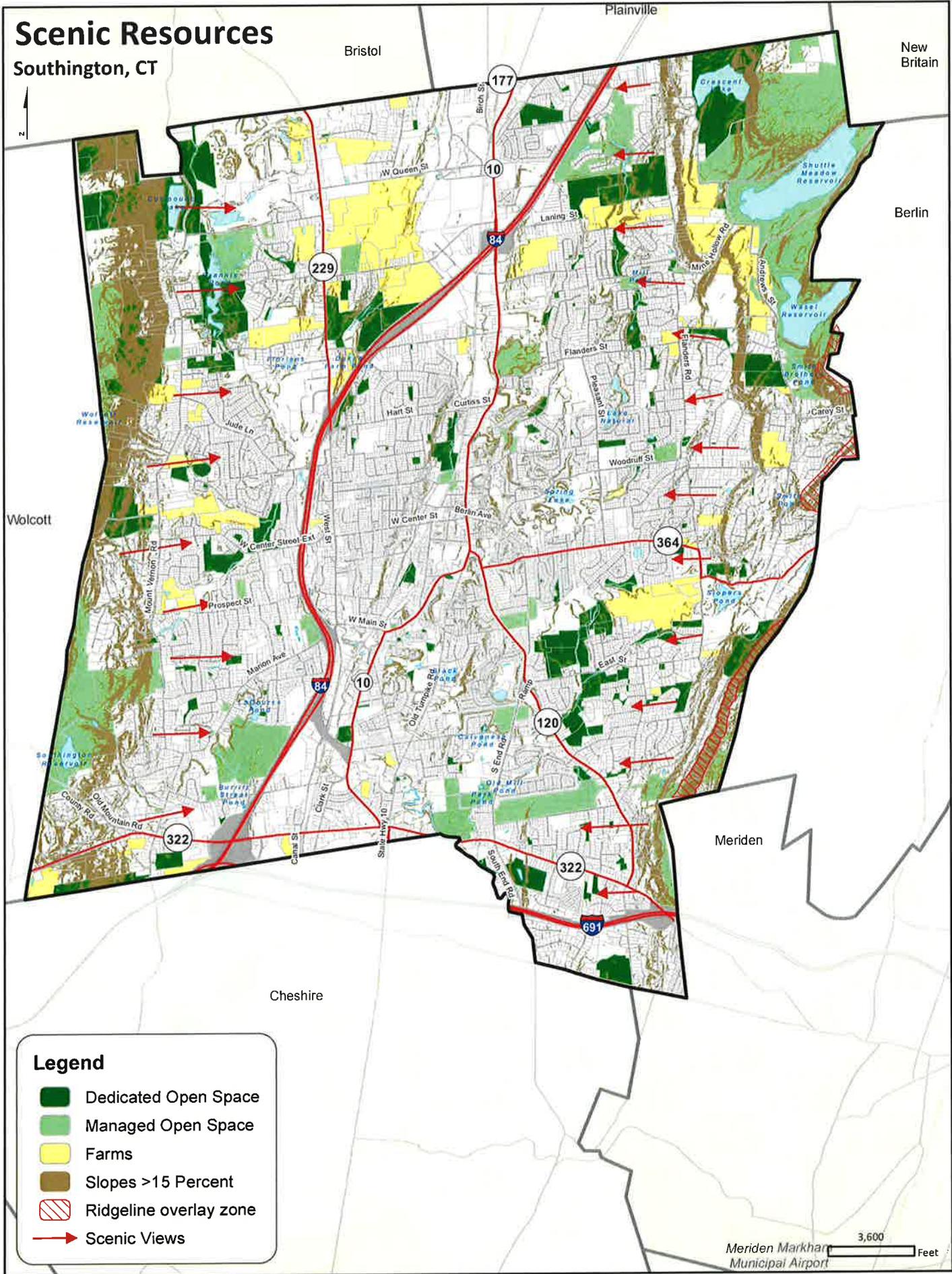


Community Spirit



Scenic Resources

Southington, CT



Legend

- Dedicated Open Space
- Managed Open Space
- Farms
- Slopes >15 Percent
- Ridgeline overlay zone
- Scenic Views

Meriden Markham Municipal Airport 3,600 Feet

GUIDE RESIDENTIAL DEVELOPMENT

11

Overview

Southington is a residential community and most of the land is zoned and used for residential purposes. Residential growth is expected to continue due to Southington's convenient location, range of housing choices, a well-regarded school system, and quality of life.

Even though Southington appears mostly developed, there is additional residential development potential and guiding and managing activities in residential districts is a key element of the Plan.

Historic Style



Contemporary Style



Multi-Family Development



Multi-Family Development



Regulation Clean-Up

CASE STUDY

Cost Of Community Services

In 2007, Town staff evaluated municipal costs and revenues associated with different types of residential development in Southington. This study was undertaken at the direction of the Town Council in order to evaluate the fiscal impact from residential development at different densities.

At that time, the study concluded that:

- R-12 single family subdivisions show a negative revenue differential regardless of the age of the development;
- R20/25 single family subdivisions show a negative revenue differential, although the newer development almost breaks even with regard to fiscal impact on the town.
- Newer condominium units break even or provide a slight positive revenue stream while older condominiums have a negative revenue differential.
- Apartment complexes show a negative revenue differential.

There are three lot area and other provisions in the Subdivision Regulations which should probably be relocated to the Zoning Regulations:

- SR 3-06,
- SR 3-17 and
- SR 3-18)

In addition, it may make sense to change the zoning designation of R-20/25 areas that do not have public water and public sewer to R-40 rather than have a different lot are standard in the subdivision regulations. (SR 3-06).

Cape Cod Style



Historic Style



Colonial Style



Neo-Traditional Style



Affordable Housing Stock

According to the State's Affordable Housing Appeals program, about 997 Southington housing units meet the State definition of "affordable" housing:

Governmentally Assisted Units	609
Tenant Rental Assistance	42
CHFA/USDA Mortgages	295
Deed Restricted Units	51
Total Assisted Units	997

Southington has a number of "naturally occurring" affordable housing units (units that sell or rent at affordable prices but are not deed-restricted) but these units are not considered in the State tabulation.

Address Future Housing Needs

Housing For An Aging Population

Population projections indicate that Southington, like many other communities, will experience a marked rise in the number of older residents in the future. Since housing needs can change as people get older for health, economic, or lifestyle reasons, having a range of housing option can help ensure that residents will always be able to live in Southington if they so choose.

The table on the facing page summarizes some possible housing needs and policy options for consideration.

Housing That Is More Affordable

Southington has a diverse range of housing at the present time and this diversity should continue to be encouraged in order to help:

- Address the housing needs of an aging population.
- Provide housing choices for existing residents so that they do not have to move elsewhere if their circumstances change.
- Offer more housing choices for younger people.
- Offer more housing choices for single people.
- Offer more housing choices for moderate income people who work the area.

There may also be some legal and practical reasons why Southington might want to maintain a diverse housing portfolio. Without a diverse housing stock, Southington is subject to the "affordable housing appeals procedure."

In 1989, Connecticut adopted the "Affordable Housing Appeals Procedure" (codified as Section 8-30g of the Connecticut General Statutes) which affects any municipality where less than ten percent of the housing stock is considered affordable (as defined in the statute). As of 2014, about 5.7 percent of the housing stock in Southington (997 out of 17,447 units) met the State criteria and so Southington is subject to the statute.

CGS Section 8-13m enables a community to adopt an "Incentive Housing Zone" (IHZ) to help guide the establishment of mixed-income developments where at least 20 percent of the units are set aside for moderate income households (earning 80 percent or less of the area median income). The Department of Housing has been offering technical assistance grants for communities to evaluate the IHZ program within their community and Southington should consider applying for such a grant when they become available.

Possible Policy Options For Addressing The Housing Needs Of An Aging Population

	Housing Options	Current Status	Possible Policy Options
Remain In Current Home	1. Remain in current home with no use of Town services.	No restrictions	Publicize availability of Town services for those who need or want them.
	2. Remain in current home with use of local senior programs.	No restrictions	Maintain/enhance services for senior citizens (meals-on-wheels, dial-a-ride, etc.).
	3. Remain in current home with elderly tax relief.	No restrictions	Maintain/enhance elderly tax relief programs.
	4. Remain in current home and modify to meet needs.	Zoning regulations require setbacks and limit coverage and this could inhibit modifications to address changing needs.	Consider allowing modifications to homes to accommodate renovations for an aging population (handicapped ramps, caregiver services, first floor additions, energy efficiency, etc.
Accessory Apartment	5. Move in with family in their home or <i>accessory unit</i> .	Accessory units for parent permitted by Special Permit	Continue current policies
	6. Remain in home with <i>accessory unit</i> for caregiver, and/or income.	Permitted by Special Permit only in R-40 and R-80 zone and limited to parent or grandparent	Consider allowing accessory units for other occupancies (i.e. – son / daughter / caregiver / caretaker, etc.)
Move To Alternate Housing Type	7. Move to a market rate condominium or rental housing.	Units exist in Southington	Continue current policies
	8. Move to an age-restricted market-rate housing development.	Units exist in Southington	Continue current policies
	9. Move to income-limited elderly housing development.	Have existing units (with extensive waiting period)	Consider ways of providing for more units to meet present and future community needs
Move To Institutional Facility	10. Move to <i>institutional facility</i> providing some services: <ul style="list-style-type: none"> • congregate / assisted living • nursing / convalescent home 	Permitted by Special Permit only in R-40 and R-80 zone	Consider allowing such facilities in other zones as well

Accessory Apartment



Independent Living



Incentive Housing Overlay

The Incentive Housing Zone (IHZ) program includes the following:

- Incentives to municipalities for creating Incentive Housing Zones in eligible locations, such as, near transit facilities, an area of concentrated development or an area because of existing, planned or proposed infrastructure that is suitable for development as an IHZ.
- The incentive payments are only available for an incentive housing development developed in a state-approved IHZ.

A state-approved IHZ must meet the following standards:

- The IHZ must be established as an overlay zone.
- The zone shall be consistent with the State Plan of Conservation and Development and be located in an eligible location.
- Regulations of the zone shall permit, *as of right*, incentive housing development.
- Zone must comply with minimum allowable density requirements.
- Minimum densities shall be subject only to site plan or subdivision procedures, and shall not be subject to special permit or special exception procedures, requirements or standards

Address Future Housing Needs	
Policies	
1.	Maintain a diverse housing stock.
2.	Continue to consider ways to address the housing needs of an aging population.
3.	Consider ways to provide housing opportunities consistent with soil types, terrain, and infrastructure capacity.
Action Steps	
4.	Consider modifying accessory apartment regulations to help meet the housing needs of an aging population (i.e. – allow an elderly occupant to rent to a caregiver or caretaker).
5.	Consider modifying the accessory apartment regulations to require that such units be deed-restricted to rent at affordable prices (see CGS 8-30g (k)).
6.	Consider modifying the Housing Opportunity District (HOD) provisions to allow such housing on sites less than 30 acres and to allow single-family detached units.
7.	Consider applying a technical assistance grant to evaluate the desirability of implementing the IHZ program within Southington.

See page 136 for information on preliminary priorities and the entities involved in implementation.

ADDRESS COMMUNITY FACILITY NEEDS

12

Overview

Community facilities support functions such as education, public works, public safety, and recreation, all of which are important to maintaining the character and quality of life in Southington.

The Plan of Conservation and Development does not get involved in the day-to-day operations of individual departments. Rather, the Plan seeks to identify potential community facility needs (buildings and sites) so that they can be anticipated and planned for. The Plan also serves as a useful guide for referrals of proposed municipal improvements (as required by CGS Section 8-24) for review by the Planning and Zoning Commission.

Education



Public Safety



Public Works

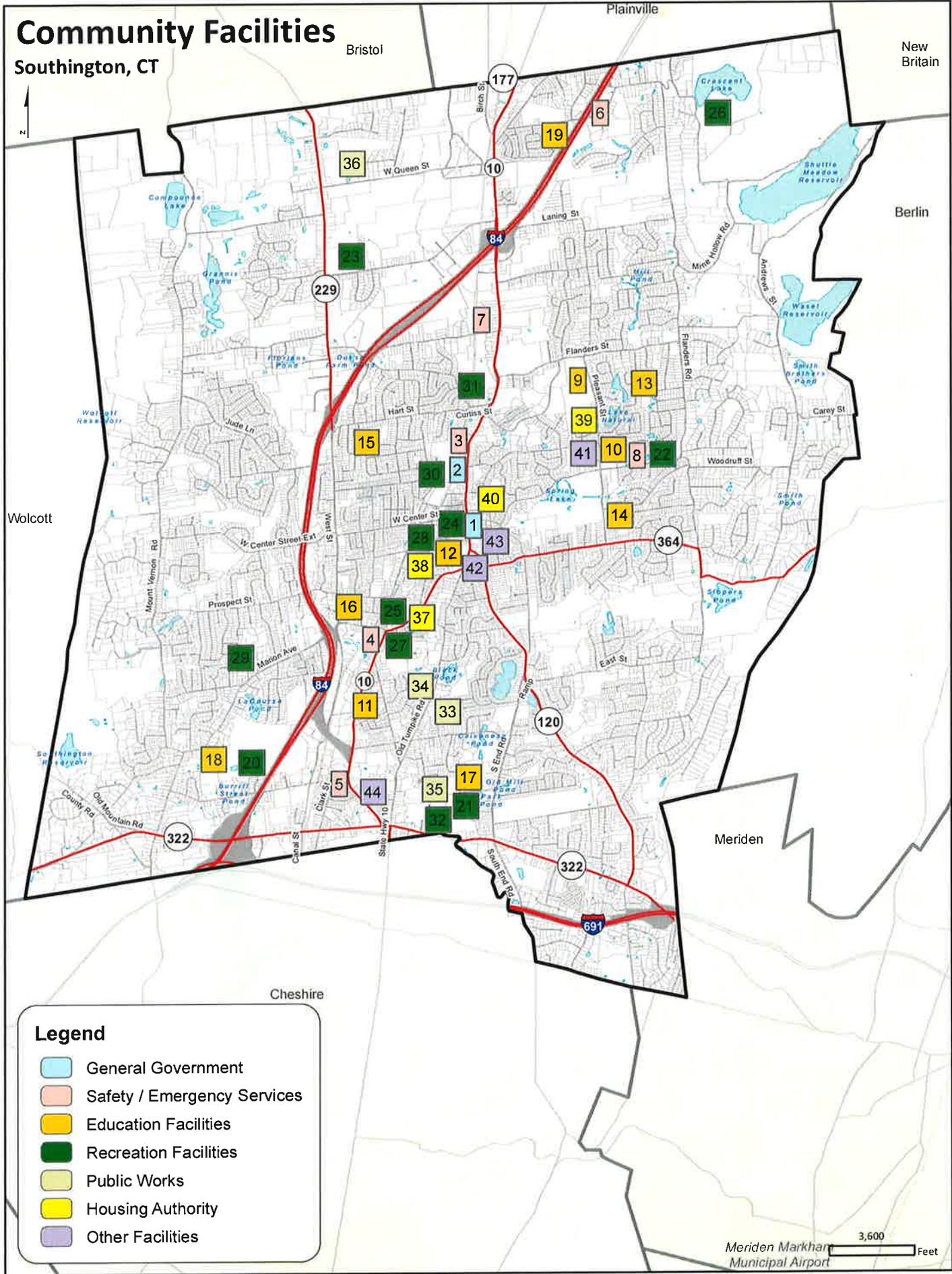


Recreation



Community Facilities

Southington, CT



Legend

- General Government
- Safety / Emergency Services
- Education Facilities
- Recreation Facilities
- Public Works
- Housing Authority
- Other Facilities

Meriden Markham Municipal Airport
3,600 Feet

Other Facilities

There are a number of community other facilities in Southington which have not been included in this section:

- Barnes Museum,
- Community Theater,
- Train Station,
- West Street Schoolhouse, and
- South End Schoolhouse,
- Marion Schoolhouse.

OTHER FACILITIES	Assessment
<ul style="list-style-type: none"> • Senior Center  <p>(Funding approved to build a new facility but construction not yet completed)</p>	<ul style="list-style-type: none"> • The Calendar House Senior Citizen Center helps Southington residents, age 55 and over, fulfill their social, physical, emotional and intellectual needs • A space and needs assessment for the facility at 388 Pleasant Street was recently conducted • A referendum is anticipated in the Fall of 2015 on development of a new building on the current site • <u><i>If approved by residents</i></u>, the new facility should be completed by 2018 • Once completed, the facility is expected to meet the needs of the growing population of seniors
<ul style="list-style-type: none"> • Library  <p>(Current facility considered inadequate to meet future needs)</p>	<ul style="list-style-type: none"> • Current library building is about 50% of the size suggested for Southington's population • Concept plans for building expansion have been prepared • Parking area has been expanded • <u><i>Funding sources are being identified</i></u> • A referendum for local funding will be necessary
<ul style="list-style-type: none"> • Arts Center Building 	<ul style="list-style-type: none"> • A nonprofit group raised \$1.3 million to convert the former town hall annex into a community arts center. • The center is expected to offer classes, studios, performance space, galleries and other cultural spaces for arts programs
<ul style="list-style-type: none"> • Community Services Bldg. 	<ul style="list-style-type: none"> • Provides social services (food pantry, clothing energy assistance, holiday baskets, summer camp, emergency assistance, shelter, etc.) • Facility at 91 Norton Street in Plantsville appears to be adequate

Calendar House



Library



Arts Center



Community Services



Overview

The recommendations of the Plan can be combined to present an overall Future Land Use Plan for Southington. The Future Land Use Plan is a reflection of the stated goals, policies, and recommendations of the Plan as well as an integration of the preceding elements of the Plan of Conservation and Development. In essence, the Future Land Use Plan is a statement of what the Southington of tomorrow should look like.

Residential



Business



Community Uses



Open Space



**Connecticut Conservation and Development Plan –
State Growth Management Principles**

In accordance with CGS Section 8-23, the Plan of Conservation and Development has been evaluated for consistency with statewide growth management principles and found to be generally consistent with those principles.

<p>Principle 1 – Redevelop and revitalize regional centers and areas of mixed-land uses with existing or planned physical infrastructure.</p>	<p>FINDING – Consistent</p> <p>Southington has extensive physical infrastructure (both existing and planned) and is well-located to accommodate growth and development.</p>
<p>Principle 2 – Expand housing opportunities and design choices to accommodate a variety of household types and needs.</p>	<p>FINDING – Consistent</p> <p>The Plan recommends that Southington seek to diversify its housing portfolio and address recognized housing needs – housing that is more affordable and housing for an aging population.</p>
<p>Principle 3 – Concentrate development around transportation nodes and along major transportation corridors to support the viability of transportation options and land reuse.</p>	<p>FINDING – Consistent</p> <p>The Plan continues with the overall framework of higher intensity development along and near the major highway corridors in Southington:</p> <ul style="list-style-type: none"> • Route 10, • Route 229, and • Route 322.
<p>Principle 4 – Conserve and restore the natural environment, cultural and historical resources, and traditional rural lands.</p>	<p>FINDING – Consistent</p> <p>The Plan identifies the importance of protecting important community resources such as the natural environment, farm land, open spaces, and historic resources.</p>
<p>Principle 5 – Protect environmental assets critical to public health and safety.</p>	<p>FINDING – Consistent</p> <p>The Plan contains recommendations to protect environmental assets critical to public health and safety. In particular, the Plan stresses the importance of protecting water quality.</p>
<p>Principle 6 – Integrate planning across all levels of government to address issues on a local, regional, and statewide basis.</p>	<p>FINDING – Consistent</p> <p>The Plan is part of the process of integrating planning with other levels of government and with other agencies. The Plan will be used to coordinate efforts with:</p> <ul style="list-style-type: none"> • adjacent communities, • regional organizations, and • state agencies.

Planning Integration

Southington participates in a number of organizations in order to:

- promote integration of planning across all levels of government, and
- address issues on a local, regional and statewide basis.

This includes:

- membership / participation in statewide organizations such as the Connecticut Conference of Municipalities,
- membership in regional planning organizations such as the Capitol Region Council of Governments acting as the metropolitan planning organization,
- collaborations with neighboring municipalities, and
- membership in other regional management groups addressing health, emergency preparedness, and environmental issues.

Overview

Implementation of recommendations is a key part of the planning process. In fact, it may be the most important part of the planning process. If strategies to make Southington a better place are identified but not acted upon, the planning process will not have produced the changes desired by the community or realized the full potential of what the community could and should be.

The whole purpose of the planning process is not to produce a Plan but to identify positive changes that should be undertaken in Southington in order to:

- meet community needs,
- preserve community character, and
- enhance the overall quality of life.

Implementation Committee



Groundbreaking



Ribbon Cutting



Guide Residential Development (continued)

See page 80

Address Future Housing Needs			
Policies	Priority	Leader	Partners
1. Maintain a diverse housing stock.	3.61	PZC	Town HA CS
2. Continue to consider ways to address the housing needs of an aging population.	5.83	PZC	HA CS SCB
3. Consider ways to provide housing opportunities consistent with soil types, terrain, and infrastructure capacity.	1.39	PZC	Town
Action Steps			
4. Consider modifying accessory apartment regulations to help meet the housing needs of an aging population (i.e. – allow an elderly occupant to rent to a caregiver or caretaker).	0.56	PZC	
5. Consider allowing residential facilities with services (assisted living, congregate care, etc.) in more zoning districts.	0.56	PZC	
6. Consider modifying the accessory apartment regulations to require that such units be deed-restricted to rent at affordable prices (see CGS 8-30g (k)).	0.00	PZC	
7. Consider modifying the Housing Opportunity District (HOD) provisions to allow such housing on sites less than 30 acres and to allow single-family detached units.	1.94	PZC	
8. Consider applying for a technical assistance grant to evaluate the desirability of implementing the IHZ program within Southington.	0.00	Town	TC PZC

0 = low priority
10 = high priority

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CONCLUSION

Overview

The Plan of Conservation and Development has been prepared to meet the challenges that will confront the Town of Southington in the future. The Plan is intended to serve as a guide to be followed in order to enhance the Town's quality of life, the overall economy, and community character.

The Plan is also intended to be flexible enough to allow adjustments that achieve specific goals and objectives while maintaining the integrity of the long-term goals of the community. Still, the most important step of the planning process is implementation of the Plan's strategies, policies, and action steps.

During the next few years, some of the goals will be achieved, some circumstances will undoubtedly change, and some conditions may arise that will suggest that it is time to reconsider some of the Plan strategies, policies, and action steps. Such situations are to be expected. Programs that help achieve community consensus, establish community goals, and promote community welfare will all turn out to be positive steps in the history of Southington.

CHAPTER 126a

AFFORDABLE HOUSING LAND USE APPEALS

Table of Contents

Sec. 8-30g. *(See end of section for amended version of subsection (l) and effective date.) Affordable housing land use appeals procedure. Definitions. Affordability plan; regulations. Conceptual site plan. Maximum monthly housing cost. Percentage-of-income requirement. Appeals. Modification of application. Commission powers and remedies. Exempt municipalities. Moratorium. Model deed restrictions.

Sec. 8-30h. Annual certification of continuing compliance with affordability requirements. Noncompliance.

Sec. 8-30i. Sales price of certain housing subject to affordable housing deed restriction or limitation of bylaws of condominium unit owners' association.

Sec. 8-30j. Affordable housing plan. Hearing and adoption. Amendments. Filing requirement.

Sec. 8-30g. *(See end of section for amended version of subsection (l) and effective date.) Affordable housing land use appeals procedure. Definitions. Affordability plan; regulations. Conceptual site plan. Maximum monthly housing cost. Percentage-of-income requirement. Appeals. Modification of application. Commission powers and remedies. Exempt municipalities. Moratorium. Model deed restrictions. (a) As used in this section and section 8-30j:

- (1) “Affordable housing development” means a proposed housing development which is (A) assisted housing, or (B) a set-aside development;
- (2) “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;
- (3) “Assisted housing” means housing which is receiving, or will receive, financial assistance under any governmental program for the construction or substantial rehabilitation of low and moderate income housing, and any housing occupied by persons receiving rental assistance under chapter 319uu or Section 1437f of Title 42 of the United States Code;
- (4) “Commission” means a zoning commission, planning commission, planning and zoning commission, zoning board of appeals or municipal agency exercising zoning or planning authority;
- (5) “Municipality” means any town, city or borough, whether consolidated or unconsolidated;
- (6) “Set-aside development” means 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 per cent 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 the dwelling units conveyed by deeds containing covenants or restrictions shall be sold or rented to persons and families whose income is less than or equal to eighty per cent of the median income;

(7) "Median income" means, after adjustments for family size, the lesser of the state median income or the area median income for the area in which the municipality containing the affordable housing development is located, as determined by the United States Department of Housing and Urban Development; and

(8) "Commissioner" means the Commissioner of Housing.

(b) (1) 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: (A) 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; (B) an affirmative fair housing marketing plan governing the sale or rental of all dwelling units; (C) a sample calculation of the maximum sales prices or rents of the intended affordable dwelling units; (D) 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 (E) draft zoning regulations, conditions of approvals, deeds, restrictive covenants or lease provisions that will govern the affordable dwelling units.

(2) The commissioner shall, within available appropriations, adopt regulations pursuant to chapter 54 regarding the affordability plan. Such regulations may include additional criteria for preparing an affordability plan and shall include: (A) A formula for determining rent levels and sale prices, including establishing maximum allowable down payments to be used in the calculation of maximum allowable sales prices; (B) a clarification of the costs that are to be included when calculating maximum allowed rents and sale prices; (C) a clarification as to how family size and bedroom counts are to be equated in establishing maximum rental and sale prices for the affordable units; and (D) a listing of the considerations to be included in the computation of income under this section.

(c) Any commission, by regulation, may require that an affordable housing application seeking a change of zone include the submission of a conceptual site plan describing the proposed development's total number of residential units and their arrangement on the property and the proposed development's roads and traffic circulation, sewage disposal and water supply.

(d) For any affordable dwelling unit that is rented as part of a set-aside development, if the maximum monthly housing cost, as calculated in accordance with subdivision (6) of subsection (a) of this section, would exceed one hundred per cent of the Section 8 fair market rent as determined by the United States Department of Housing and Urban Development, in the case of units set aside for persons and families whose income is less than or equal to sixty per cent of the median income, then such maximum monthly housing cost shall not exceed one hundred per cent of said Section 8 fair market rent. If the maximum monthly housing cost, as calculated in accordance with subdivision (6) of subsection (a) of this section, would exceed one hundred twenty per cent of the Section 8 fair market rent, as determined by the United States Department of Housing and Urban Development, in the case of units set aside for persons and families whose income is less than or equal to eighty per

cent of the median income, then such maximum monthly housing cost shall not exceed one hundred twenty per cent of such Section 8 fair market rent.

(e) For any affordable dwelling unit that is rented in order to comply with the requirements of a set-aside development, no person shall impose on a prospective tenant who is receiving governmental rental assistance a maximum percentage-of-income-for-housing requirement that is more restrictive than the requirement, if any, imposed by such governmental assistance program.

(f) Except as provided in subsections (k) and (l) of this section, any person whose affordable housing application is denied, or is approved with restrictions which have a substantial adverse impact on the viability of the affordable housing development or the degree of affordability of the affordable dwelling units in a set-aside development, may appeal such decision pursuant to the procedures of this section. Such appeal shall be filed within the time period for filing appeals as set forth in section 8-8, 8-9, 8-28 or 8-30a, as applicable, and shall be made returnable to the superior court for the judicial district where the real property which is the subject of the application is located. Affordable housing appeals, including pretrial motions, shall be heard by a judge assigned by the Chief Court Administrator to hear such appeals. To the extent practicable, efforts shall be made to assign such cases to a small number of judges, sitting in geographically diverse parts of the state, so that a consistent body of expertise can be developed. Unless otherwise ordered by the Chief Court Administrator, such appeals, including pretrial motions, shall be heard by such assigned judges in the judicial district in which such judge is sitting. Appeals taken pursuant to this subsection shall be privileged cases to be heard by the court as soon after the return day as is practicable. Except as otherwise provided in this section, appeals involving an affordable housing application shall proceed in conformance with the provisions of section 8-8, 8-9, 8-28 or 8-30a, as applicable.

(g) Upon an appeal taken under subsection (f) of this section, the burden shall be on the commission to prove, based upon the evidence in the record compiled before such commission, that the decision from which such appeal is taken and the reasons cited for such decision are supported by sufficient evidence in the record. The commission shall also have the burden to prove, based upon the evidence in the record compiled before such commission, that (1) (A) the decision is necessary to protect substantial public interests in health, safety or other matters which the commission may legally consider; (B) such public interests clearly outweigh the need for affordable housing; and (C) such public interests cannot be protected by reasonable changes to the affordable housing development, or (2) (A) the application which was the subject of the decision from which such appeal was taken would locate affordable housing in an area which is zoned for industrial use and which does not permit residential uses; and (B) the development is not assisted housing. If the commission does not satisfy its burden of proof under this subsection, the court shall wholly or partly revise, modify, remand or reverse the decision from which the appeal was taken in a manner consistent with the evidence in the record before it.

(h) Following a decision by a commission to reject an affordable housing application or to approve an application with restrictions which have a substantial adverse impact on the viability of the affordable housing development or the degree of affordability of the affordable dwelling units, the applicant may, within the period for filing an appeal of such decision, submit to the commission a proposed modification of its proposal responding to some or all of the objections or restrictions articulated by the commission, which shall be treated as an amendment to the original proposal. The day of receipt of such a modification shall be determined in the same manner as the day of receipt is determined for an original application. The filing of such a proposed modification shall stay the period for filing an appeal from the decision of the commission on the original application. The commission shall hold a public hearing on the proposed modification if it held a public hearing on the original application and

may hold a public hearing on the proposed modification if it did not hold a public hearing on the original application. The commission shall render a decision on the proposed modification not later than sixty-five days after the receipt of such proposed modification, provided, if, in connection with a modification submitted under this subsection, the applicant applies for a permit for an activity regulated pursuant to sections 22a-36 to 22a-45, inclusive, and the time for a decision by the commission on such modification under this subsection would lapse prior to the thirty-fifth day after a decision by an inland wetlands and watercourses agency, the time period for decision by the commission on the modification under this subsection shall be extended to thirty-five days after the decision of such agency. The commission shall issue notice of its decision as provided by law. Failure of the commission to render a decision within said sixty-five days or subsequent extension period permitted by this subsection shall constitute a rejection of the proposed modification. Within the time period for filing an appeal on the proposed modification as set forth in section 8-8, 8-9, 8-28 or 8-30a, as applicable, the applicant may appeal the commission's decision on the original application and the proposed modification in the manner set forth in this section. Nothing in this subsection shall be construed to limit the right of an applicant to appeal the original decision of the commission in the manner set forth in this section without submitting a proposed modification or to limit the issues which may be raised in any appeal under this section.

(i) Nothing in this section shall be deemed to preclude any right of appeal under the provisions of section 8-8, 8-9, 8-28 or 8-30a.

(j) A commission or its designated authority shall have, with respect to compliance of an affordable housing development with the provisions of this chapter, the same powers and remedies provided to commissions by section 8-12.

(k) The affordable housing appeals procedure established under this section shall not be available if the real property which is the subject of the application is located in a municipality in which at least ten per cent of all dwelling units in the municipality are (1) assisted housing, (2) currently financed by Connecticut Housing Finance Authority mortgages, (3) subject to binding recorded deeds containing covenants or restrictions which require that such dwelling units 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 income, where such income is less than or equal to eighty per cent of the median income, (4) mobile manufactured homes located in mobile manufactured home parks or legally approved accessory apartments, which homes or apartments are subject to binding recorded deeds containing covenants or restrictions which require that such dwelling units be sold or rented at, or below, prices which will preserve the units as housing for which, for a period of not less than ten years, persons and families pay thirty per cent or less of income, where such income is less than or equal to eighty per cent of the median income, or (5) mobile manufactured homes located in resident-owned mobile manufactured home parks. The municipalities meeting the criteria set forth in this subsection shall be listed in the report submitted under section 8-37qq. As used in this subsection, "accessory apartment" means a separate living unit that (A) is attached to the main living unit of a house, which house has the external appearance of a single-family residence, (B) has a full kitchen, (C) has a square footage that is not more than thirty per cent of the total square footage of the house, (D) has an internal doorway connecting to the main living unit of the house, (E) is not billed separately from such main living unit for utilities, and (F) complies with the building code and health and safety regulations, and "resident-owned mobile manufactured home park" means a mobile manufactured home park consisting of mobile manufactured homes located on land that is deed restricted, and, at the time of issuance of a loan for the purchase of such land, such loan required seventy-five per cent of the units to be leased to persons with incomes equal to or less than eighty per cent of the median income, and either (i) forty

per cent of said seventy-five per cent to be leased to persons with incomes equal to or less than sixty per cent of the median income, or (ii) twenty per cent of said seventy-five per cent to be leased to persons with incomes equal to or less than fifty per cent of the median income.

***(1)** (1) Except as provided in subdivision (2) of this subsection, the affordable housing appeals procedure established under this section shall not be applicable to an affordable housing application filed with a commission during a moratorium, which shall commence after (A) a certification of affordable housing project completion issued by the commissioner is published in the Connecticut Law Journal, or (B) notice of a provisional approval is published pursuant to subdivision (4) of this subsection. Any such moratorium shall be for a period of four years, except that for any municipality that has (i) twenty thousand or more dwelling units, as reported in the most recent United States decennial census, and (ii) previously qualified for a moratorium in accordance with this section, any subsequent moratorium shall be for a period of five years. Any moratorium that is in effect on October 1, 2002, is extended by one year.

(2) Such moratorium shall not apply to (A) affordable housing applications for assisted housing in which ninety-five per cent of the dwelling units are restricted to persons and families whose income is less than or equal to sixty per cent of the median income, (B) other affordable housing applications for assisted housing containing forty or fewer dwelling units, or (C) affordable housing applications which were filed with a commission pursuant to this section prior to the date upon which the moratorium takes effect.

(3) Eligible units completed after a moratorium has begun may be counted toward establishing eligibility for a subsequent moratorium.

(4) (A) The commissioner shall issue a certificate of affordable housing project completion for the purposes of this subsection upon finding that there has been completed within the municipality one or more affordable housing developments which create housing unit-equivalent points equal to (i) the greater of two per cent of all dwelling units in the municipality, as reported in the most recent United States decennial census, or fifty housing unit-equivalent points, or (ii) for any municipality that has (I) adopted an affordable housing plan in accordance with section 8-30j, (II) twenty thousand or more dwelling units, as reported in the most recent United States decennial census, and (III) previously qualified for a moratorium in accordance with this section, one and one-half per cent of all dwelling units in the municipality, as reported in the most recent United States decennial census.

(B) A municipality may apply for a certificate of affordable housing project completion pursuant to this subsection by applying in writing to the commissioner, and including documentation showing that the municipality has accumulated the required number of points within the applicable time period. Such documentation shall include the location of each dwelling unit being counted, the number of points each dwelling unit has been assigned, and the reason, pursuant to this subsection, for assigning such points to such dwelling unit. Upon receipt of such application, the commissioner shall promptly cause a notice of the filing of the application to be published in the Connecticut Law Journal, stating that public comment on such application shall be accepted by the commissioner for a period of thirty days after the publication of such notice. Not later than ninety days after the receipt of such application, the commissioner shall either approve or reject such application. Such approval or rejection shall be accompanied by a written statement of the reasons for approval or rejection, pursuant to the provisions of this subsection. If the application is approved, the commissioner shall promptly cause a certificate of affordable housing project completion to be published in the Connecticut Law Journal. If the commissioner fails to either approve or reject the application within such ninety-day period, such application shall be deemed provisionally approved, and the

municipality may cause notice of such provisional approval to be published in a conspicuous manner in a daily newspaper having general circulation in the municipality, in which case, such moratorium shall take effect upon such publication. The municipality shall send a copy of such notice to the commissioner. Such provisional approval shall remain in effect unless the commissioner subsequently acts upon and rejects the application, in which case the moratorium shall terminate upon notice to the municipality by the commissioner.

(5) For the purposes of this subsection, “elderly units” are dwelling units whose occupancy is restricted by age, “family units” are dwelling units whose occupancy is not restricted by age, and “resident-owned mobile manufactured home park” has the same meaning as provided in subsection (k) of this section.

(6) For the purposes of this subsection, housing unit-equivalent points shall be determined by the commissioner as follows: (A) No points shall be awarded for a unit unless its occupancy is restricted to persons and families whose income is equal to or less than eighty per cent of the median income, except that unrestricted units in a set-aside development shall be awarded one-fourth point each. (B) Family units restricted to persons and families whose income is equal to or less than eighty per cent of the median income shall be awarded one point if an ownership unit and one and one-half points if a rental unit. (C) Family units restricted to persons and families whose income is equal to or less than sixty per cent of the median income shall be awarded one and one-half points if an ownership unit and two points if a rental unit. (D) Family units restricted to persons and families whose income is equal to or less than forty per cent of the median income shall be awarded two points if an ownership unit and two and one-half points if a rental unit. (E) Restricted family units containing at least three bedrooms shall be awarded an additional one-fourth point. (F) Elderly units restricted to persons and families whose income is equal to or less than eighty per cent of the median income shall be awarded one-half point. (G) If at least sixty per cent of the total restricted units submitted by a municipality as part of an application for a certificate of affordable housing project completion are family units, any elderly units submitted within such application shall be awarded an additional one-half point. (H) Restricted family units located within an approved incentive housing development, as defined in section 8-13m, shall be awarded an additional one-fourth point. (I) A set-aside development containing family units which are rental units shall be awarded additional points equal to twenty-two per cent of the total points awarded to such development, provided the application for such development was filed with the commission prior to July 6, 1995. (J) A mobile manufactured home in a resident-owned mobile manufactured home park shall be awarded points as follows: One and one-half points when occupied by persons and families with an income equal to or less than eighty per cent of the median income; two points when occupied by persons and families with an income equal to or less than sixty per cent of the median income; and one-fourth point for the remaining units.

(7) Points shall be awarded only for dwelling units which (A) were newly-constructed units in an affordable housing development, as that term was defined at the time of the affordable housing application, for which a certificate of occupancy was issued after July 1, 1990, (B) were newly subjected after July 1, 1990, to deeds containing covenants or restrictions which require that, for at least the duration required by subsection (a) of this section for set-aside developments on the date when such covenants or restrictions took effect, such dwelling units shall be sold or rented at, or below, prices which will preserve the units as affordable housing for persons or families whose income does not exceed eighty per cent of the median income, (C) are located within an approved incentive housing development, as defined in section 8-13m, or (D) are located in a resident-owned mobile manufactured home park.

(8) Points shall be subtracted, applying the formula in subdivision (6) of this subsection, for any affordable dwelling unit which, on or after July 1, 1990, was affected by any action taken by a municipality which caused such dwelling unit to cease being counted as an affordable dwelling unit.

(9) A newly-constructed unit shall be counted toward a moratorium when it receives a certificate of occupancy. A newly-restricted unit shall be counted toward a moratorium when its deed restriction takes effect.

(10) The affordable housing appeals procedure shall be applicable to affordable housing applications filed with a commission after a three-year moratorium expires, except (A) as otherwise provided in subsection (k) of this section, or (B) when sufficient unit-equivalent points have been created within the municipality during one moratorium to qualify for a subsequent moratorium.

(11) The commissioner shall, within available appropriations, adopt regulations in accordance with chapter 54 to carry out the purposes of this subsection. Such regulations shall specify the procedure to be followed by a municipality to obtain a moratorium, and shall include the manner in which a municipality is to document the units to be counted toward a moratorium. A municipality may apply for a moratorium in accordance with the provisions of this subsection prior to, as well as after, such regulations are adopted.

(m) The commissioner shall, pursuant to regulations adopted in accordance with the provisions of chapter 54, promulgate model deed restrictions which satisfy the requirements of this section. A municipality may waive any fee which would otherwise be required for the filing of any long-term affordability deed restriction on the land records.

(P.A. 88-230, S. 1, 12; 89-311, S. 1, 4; P.A. 90-98, S. 1, 2; P.A. 93-142, S. 4, 7, 8; P.A. 95-250, S. 1; 95-280, S. 1, 3; P.A. 96-211, S. 1, 5, 6; June Sp. Sess. P.A. 98-1, S. 84; P.A. 99-261, S. 1-3; P.A. 00-206, S. 1; P.A. 02-87, S. 1, 3, 4; P.A. 05-191, S. 2; P.A. 10-32, S. 18; June 12 Sp. Sess. P.A. 12-2, S. 46; P.A. 13-234, S. 11, 150; P.A. 17-170, S. 1.)

*Note: On and after October 1, 2022, subsection (l) of this section, as amended by section 4 of public act 17-170, is to read as follows:

“(l) (1) Except as provided in subdivision (2) of this subsection, the affordable housing appeals procedure established under this section shall not be applicable to an affordable housing application filed with a commission during a moratorium, which shall commence after (A) a certification of affordable housing project completion issued by the commissioner is published in the Connecticut Law Journal, or (B) notice of a provisional approval is published pursuant to subdivision (4) of this subsection. Any such moratorium shall be for a period of four years, except that for any municipality that has (i) twenty thousand or more dwelling units, as reported in the most recent United States decennial census, and (ii) previously qualified for a moratorium in accordance with this section, any subsequent moratorium shall be for a period of five years. Any moratorium that is in effect on October 1, 2002, is extended by one year.

(2) Such moratorium shall not apply to (A) affordable housing applications for assisted housing in which ninety-five per cent of the dwelling units are restricted to persons and families whose income is less than or equal to sixty per cent of the median income, (B) other affordable housing applications for assisted housing containing forty or fewer dwelling units, or (C) affordable housing applications which were filed with a commission pursuant to this section prior to the date upon which the moratorium takes effect.

(3) Eligible units completed after a moratorium has begun may be counted toward establishing eligibility for a subsequent moratorium.

(4) (A) The commissioner shall issue a certificate of affordable housing project completion for the purposes of this subsection upon finding that there has been completed within the municipality one or more affordable housing developments which create housing unit-equivalent points equal to (i) the greater of two per cent of all dwelling units in the municipality, as reported in the most recent United States decennial census, or seventy-five housing unit-equivalent points, or (ii) for any municipality that has (I) adopted an affordable housing plan in accordance with section 8-30j, (II) twenty thousand or more dwelling units, as reported in the most recent United States decennial census, and (III) previously qualified for a moratorium in accordance with this section, one and one-half per cent of all dwelling units in the municipality, as reported in the most recent United States decennial census.

(B) A municipality may apply for a certificate of affordable housing project completion pursuant to this subsection by applying in writing to the commissioner, and including documentation showing that the municipality has accumulated the required number of points within the applicable time period. Such documentation shall include the location of each dwelling unit being counted, the number of points each dwelling unit has been assigned, and the reason, pursuant to this subsection, for assigning such points to such dwelling unit. Upon receipt of such application, the commissioner shall promptly cause a notice of the filing of the application to be published in the Connecticut Law Journal, stating that public comment on such application shall be accepted by the commissioner for a period of thirty days after the publication of such notice. Not later than ninety days after the receipt of such application, the commissioner shall either approve or reject such application. Such approval or rejection shall be accompanied by a written statement of the reasons for approval or rejection, pursuant to the provisions of this subsection. If the application is approved, the commissioner shall promptly cause a certificate of affordable housing project completion to be published in the Connecticut Law Journal. If the commissioner fails to either approve or reject the application within such ninety-day period, such application shall be deemed provisionally approved, and the municipality may cause notice of such provisional approval to be published in a conspicuous manner in a daily newspaper having general circulation in the municipality, in which case, such moratorium shall take effect upon such publication. The municipality shall send a copy of such notice to the commissioner. Such provisional approval shall remain in effect unless the commissioner subsequently acts upon and rejects the application, in which case the moratorium shall terminate upon notice to the municipality by the commissioner.

(5) For the purposes of this subsection, “elderly units” are dwelling units whose occupancy is restricted by age, “family units” are dwelling units whose occupancy is not restricted by age, and “resident-owned mobile manufactured home park” has the same meaning as provided in subsection (k) of this section.

(6) For the purposes of this subsection, housing unit-equivalent points shall be determined by the commissioner as follows: (A) No points shall be awarded for a unit unless its occupancy is restricted to persons and families whose income is equal to or less than eighty per cent of the median income, except that unrestricted units in a set-aside development shall be awarded one-fourth point each. (B) Family units restricted to persons and families whose income is equal to or less than eighty per cent of the median income shall be awarded one point if an ownership unit and one and one-half points if a rental unit. (C) Family units restricted to persons and families whose income is equal to or less than sixty per cent of the median income shall be awarded one and one-half points if an ownership unit and two points if a rental unit. (D) Family units restricted to persons and families whose income is equal to or less than forty per cent of the median income shall be awarded two points if an ownership unit

and two and one-half points if a rental unit. (E) Elderly units restricted to persons and families whose income is equal to or less than eighty per cent of the median income shall be awarded one-half point. (F) A set-aside development containing family units which are rental units shall be awarded additional points equal to twenty-two per cent of the total points awarded to such development, provided the application for such development was filed with the commission prior to July 6, 1995. (G) A mobile manufactured home in a resident-owned mobile manufactured home park shall be awarded points as follows: One and one-half points when occupied by persons and families with an income equal to or less than eighty per cent of the median income; two points when occupied by persons and families with an income equal to or less than sixty per cent of the median income; and one-fourth point for the remaining units.

(7) Points shall be awarded only for dwelling units which (A) were newly-constructed units in an affordable housing development, as that term was defined at the time of the affordable housing application, for which a certificate of occupancy was issued after July 1, 1990, (B) were newly subjected after July 1, 1990, to deeds containing covenants or restrictions which require that, for at least the duration required by subsection (a) of this section for set-aside developments on the date when such covenants or restrictions took effect, such dwelling units shall be sold or rented at, or below, prices which will preserve the units as affordable housing for persons or families whose income does not exceed eighty per cent of the median income, or (C) are located in a resident-owned mobile manufactured home park.

(8) Points shall be subtracted, applying the formula in subdivision (6) of this subsection, for any affordable dwelling unit which, on or after July 1, 1990, was affected by any action taken by a municipality which caused such dwelling unit to cease being counted as an affordable dwelling unit.

(9) A newly-constructed unit shall be counted toward a moratorium when it receives a certificate of occupancy. A newly-restricted unit shall be counted toward a moratorium when its deed restriction takes effect.

(10) The affordable housing appeals procedure shall be applicable to affordable housing applications filed with a commission after a three-year moratorium expires, except (A) as otherwise provided in subsection (k) of this section, or (B) when sufficient unit-equivalent points have been created within the municipality during one moratorium to qualify for a subsequent moratorium.

(11) The commissioner shall, within available appropriations, adopt regulations in accordance with chapter 54 to carry out the purposes of this subsection. Such regulations shall specify the procedure to be followed by a municipality to obtain a moratorium, and shall include the manner in which a municipality is to document the units to be counted toward a moratorium. A municipality may apply for a moratorium in accordance with the provisions of this subsection prior to, as well as after, such regulations are adopted.”

(P.A. 88-230, S. 1, 12; 89-311, S. 1, 4; P.A. 90-98, S. 1, 2; P.A. 93-142, S. 4, 7, 8; P.A. 95-250, S. 1; 95-280, S. 1, 3; P.A. 96-211, S. 1, 5, 6; June Sp. Sess. P.A. 98-1, S. 84; P.A. 99-261, S. 1-3; P.A. 00-206, S. 1; P.A. 02-87, S. 1, 3, 4; P.A. 05-191, S. 2; P.A. 10-32, S. 18; June 12 Sp. Sess. P.A. 12-2, S. 46; P.A. 13-234, S. 11, 150; P.A. 17-170, S. 1, 4.)

History: P.A. 89-311 effective July 1, 1990 (Revisor's note: P.A. 88-230 authorized substitution of “judicial district of Hartford” for “judicial district of Hartford-New Britain” in all 1989 public and special acts, effective September 1, 1991); P.A. 90-98 changed the effective date of P.A. 88-230 from September 1, 1991, to September 1, 1993; P.A. 93-142 changed the effective date of P.A. 88-230 from

September 1, 1993, to September 1, 1996, effective June 14, 1993; P.A. 95-250 and P.A. 96-211 replaced Commissioner and Department of Housing with Commissioner and Department of Economic and Community Development; P.A. 95-280 amended Subsec. (a) to revise the definition of “affordable housing development” to require 25% of units rather than 20% be affordable for 30 rather than 20 years and to add provision that income of eligible persons or families may be 80% of the state median income; amended Subsec. (b) to change appeal to the judicial district where the real property is located instead of the Hartford-New Britain district and amended Subsec. (c) to add provision placing burden of proof on the commission to show that the application would locate affordable housing in an industrial area not zoned for housing and that development is not assisted housing and made technical changes, effective July 6, 1995, and applicable to affordable housing applications pending on that date for which the commission has not rendered a decision; June Sp. Sess. P.A. 98-1 amended Subsec. (a) by making a technical change; P.A. 99-261 amended Subsec. (a) by adding that for at least 30 years after the initial occupation of the proposed development the dwelling units shall be sold or rented at, or below, prices which will preserve the units as affordable housing, and by adding the requirement that 10% of the deed-restricted units be set aside for families at or below 60% of the area median income, effective June 29, 1999, and amended Subsec. (b) by adding further specification as to where all appeals, including pretrial motions, shall be heard (Revisor's note: In codifying Subsec. (a) the Revisors editorially deleted the designator “(i)” from the phrase “... of the proposed development, (i) such dwellings ...” to reflect the deletion of “(ii)” by floor amendment to sHB 6834); P.A. 00-206 amended Subsec. (a) to redefine “affordable housing development” and to add definitions in Subdivs. (6) to (8), inserted new Subsecs. (b) to (e), inclusive, re affordability plan, conceptual site plan, maximum monthly housing cost and maximum percentage-of-income-for-housing requirement, respectively, relettered former Subsecs. (b) to (e) as Subsecs. (f) to (i), amended Subsec. (g) re commission's burden of proof, amended Subsec. (h) to add language re commission procedures to deal with modifications to applications and increase from 45 to 65 days the time period within which the commission must act, added new Subsec. (j) re powers and remedies of commission under this chapter, relettering former Subsec. (f) as (k) and adding requirement that commissioner use the most recent U.S. census, deleted former Subsec. (g) re certificate of affordable housing project completion and added Subsec. (l) re moratorium; P.A. 02-87 amended Subsec. (k) by adding “binding recorded” in Subdiv. (3), adding Subdiv. (4) re mobile manufactured homes and accessory apartments, defining “accessory apartment” and making technical changes, amended Subsec. (l)(1) to extend moratorium period from 3 years to 4 years and add provision re extension of moratorium in effect and added Subsec. (m) re model deed restrictions; P.A. 05-191 amended Subsec. (k) by requiring municipalities meeting criteria to be listed in report submitted under Sec. 32-1m instead of in regulations, and eliminating authority for regulations and requirement re denominator to be used in determining percentage required by subsection; P.A. 10-32 made technical changes in Subsecs. (f), (h) and (i), effective May 10, 2010; June 12 Sp. Sess. P.A. 12-2 made technical changes in Subsecs. (f) and (g); P.A. 13-234 amended Subsec. (a)(8) by redefining “commissioner” and amended Subsec. (k) by replacing reference to Sec. 32-1m with reference to Sec. 8-37qq re report, effective July 1, 2013; P.A. 17-170 amended Subsec. (a) by adding reference to Sec. 8-30j, amended Subsec. (c) by deleting “shall”, amended Subsec. (f) by adding “Except as provided in subsections (k) and (l) of this section”, amended Subsec. (g) by deleting reference to definition in Subsec. (a) in Subdiv. (2)(B), amended Subsec. (k) by deleting “Notwithstanding the provisions of subsections (a) to (j), inclusive, of this section”, deleting “or” before Subdiv. designators (2), (3) and (4), adding Subdiv. (5) re mobile manufactured homes and adding definition of “resident-owned mobile manufactured home park” in Subpara. (F), amended Subsec. (1) by replacing “Notwithstanding the provisions of subsections (a) to (j), inclusive” with “Except as provided in subdivision (2)”, replacing “be the four-year period” with “commence” and adding provision re moratorium period in Subdiv. (1), deleting “Notwithstanding the provisions of this subsection” in Subdiv. (2), designating provisions re greater of two per cent of

dwelling units as clause (i) and amending same by replacing “seventy-five” with “fifty”, and adding clause (ii) re municipality that adopted affordable housing plan, has 20,000 or more dwelling units and previously qualified for moratorium in Subsec. (4)(A), adding definition of “resident-owned mobile manufactured home park” in Subdiv. (5), adding new Subpara. (E) re restricted family units, redesignating existing Subpara. (E) re elderly units as Subpara. (F), adding Subpara. (G) re awarding of additional one-half point for elderly units, adding Subpara. (H) re awarding of additional one-fourth point for restricted family units, redesignating existing Subpara. (F) re set-aside development containing family units as Subpara. (I), adding Subpara. (J) re awarding of additional points for mobile manufactured homes in Subdiv. (6), adding Subpara. (C) re approved incentive housing development and adding Subpara. (D) re resident-owned mobile manufactured home park in Subdiv. (7), and made technical and conforming changes, effective July 24, 2017; P.A. 17-170 amended Subsec. (I) by replacing “fifty” with “seventy-five” in Subdiv. (4)(A)(i), deleting former Subpara. (E) re restricted family units, redesignating existing Subpara. (F) re elderly units as Subpara. (E), deleting former Subpara. (G) re awarding of additional one-half point for elderly units, deleting former Subpara. (H) re awarding of additional one-fourth point for restricted family units, redesignating existing Subparas. (I) and (J) re set-aside development and mobile manufactured homes, respectively, as Subparas. (F) and (G) in Subdiv. (6), and deleting former Subpara. (C) re approved incentive housing development and redesignating existing Subpara. (D) re resident-owned mobile manufactured home park as Subpara. (C) in Subdiv. (7), effective October 1, 2022.

Court held that legislature intended statute's appeals procedure to apply to defendant's legislative decision to grant or deny a zone change in connection with an affordable housing proposal. 228 C. 498. Cited. 232 C. 122. Denial by planning commission of master plan for affordable housing development does not invalidate appeal of decision by zoning commission denying proposed changes to zoning regulations and map because viability of such changes not dependent on viability of such master plan. 271 C. 1. Denial of sewer application by water pollution control authority is valid reason for denial of subdivision application for affordable housing development by the planning commission and commission has no authority to approve subdivision application on condition sewer application is approved. *Id.*, 41.

The narrow rigorous standard of section dictates that commission cannot deny an application on broad grounds such as noncompliance with zoning. 37 CA 303. Cited. *Id.*, 788. Court construed language of section to apply to every type of application filed with a commission in connection with an affordable housing project whether application is submitted to change zoning at a particular site or to build affordable housing on land previously zoned for that purpose. 42 CA 94. Burden of proof on commission to show by specific evidence that denial was necessary to protect substantial public interests in health and safety or that public interests clearly outweighed need for affordable housing. 59 CA 608. Statute requires applicant in an affordable housing appeal to prove that he or she is aggrieved pursuant to Sec. 8-8(b). 66 CA 631.

Subsec. (a):

Plaintiff's floating zone creation application and its accompanying single page conceptual site plan failed to satisfy definitional requirement to be considered an “affordable housing development” because it failed to demonstrate that it received or should be receiving financial assistance under any governmental program for its development and, in the alternative, the conceptual site plan also did not indicate an intention to restrict the deed language in accordance with the definitional language in section. 142 CA 300.

Subsec. (f) (former Subsec. (b)):

Statute provides no right of direct appeal to Appellate Court from a final judgment of Superior Court and, as in other zoning cases, such an appeal requires certification by Appellate Court as required in Sec. 8-8(o). 245 C. 257.

To have statutory standing to bring an affordable housing appeal under Subsec., plaintiff was required to establish that defendant's approval of plan with modifications created a substantial adverse impact either on the viability of the planned affordable housing development or on the degree of affordability of the planned units. 139 CA 256.

Subsec. (g) (former Subsec. (c)):

When a town renders a decision, it shall identify those specific public interests that it seeks to protect by the decision; Subparas. (B), (C) and (D) of Subdiv. (1) require the same defendant's burden as Subpara. (A), namely, to establish that decision and reasons cited therein are supported by sufficient evidence in the record; court's function in an appeal is to apply the scope of judicial review as expressed in Subparas. (A), (B), (C) and (D) to the pertinent determinations made by zoning commission; Subpara. (A) states the general scope of review, drawn from traditional zoning principles, that applies to Subparas. (B), (C) and (D); each of the Subparas. in Subdiv. (1) embodies the "sufficient evidence" standard; judicial review must be based on the zoning record returned to the court, not on the basis of a trial de novo; need for affordable housing is determined by the need for such housing in the local community, not by regional or statewide housing needs. 249 C. 566. Legislature intended that commission bear burden of proving that the public interest cannot be protected by reasonable changes to applicant's proposed development and such burden is not inconsistent with Sec. 22a-19. 256 C. 674. Statute requires board to make a collective statement of its reasons on the record when it denies an affordable housing land use application, including a denial based on the industrial zone exemption. 259 C. 675. Application of legal standards set forth in Subsec. is mixed question of law and fact subject to plenary review by court and the court is not limited to review of commission decision to determine if supported by sufficient evidence. 271 C. 1. Trial court's remand order to defendant zoning commission was not an appealable final judgment in a matter where remand order required commission to conduct further evidentiary proceedings and thereafter commission retained discretion to grant or deny plaintiff's application. 284 C. 124.

The goals of affordable housing can be satisfied by conditional approvals; since a conditional approval can protect against the risk of harm to the public interests, it was proper for the trial court to order commission to grant plaintiff's amended application on condition that plaintiff obtain approval from the water pollution authority, even if there was no evidence that the other agency would act favorably. 124 CA 379. Court has power to correct application defects arising from noncompliance with statutory requirements, and is not limited to defects re municipal regulations. 125 CA 665. In reviewing affordable housing appeal, court must determine whether the record establishes that there is more than a mere theoretical possibility, but not necessarily a likelihood, of a specific harm to the public interest if the application is granted; reasons cited by zoning commission for denial of affordable housing application not supported by sufficient evidence of a quantifiable probability that a specific harm would result if application were granted. 130 CA 36. Establishment of town-wide standards for road construction is matter of public health and safety that commission may properly consider, but any deviation from those standards does not constitute "per se" ground for denial of affordable housing application; court authorized under Subsec. to remand matter to commission with direction to grant modified application "as is". 162 CA 678; judgment affirmed, see 326 C. 55.

Sec. 8-30h. Annual certification of continuing compliance with affordability requirements. Noncompliance. On and after January 1, 1996, the developer, owner or manager of an affordable housing development, developed pursuant to subparagraph (B) of subdivision (1) of subsection (a) of section 8-30g, that includes rental units shall provide annual certification to the commission that the development continues to be in compliance with the covenants and deed restrictions required under said section. If the development does not comply with such covenants and deed restrictions, the developer, owner or manager shall rent the next available units to persons and families whose incomes satisfy the requirements of the covenants and deed restrictions until the development is in compliance. The commission may inspect the income statements of the tenants of the restricted units upon which the developer, owner or manager bases the certification. Such tenant statements shall be confidential and shall not be deemed public records for the purposes of the Freedom of Information Act, as defined in section 1-200.

(P.A. 95-280, S. 2, 3; P.A. 97-47, S. 16.)

History: P.A. 95-280 effective July 6, 1995; P.A. 97-47 substituted reference to the Freedom of Information Act for list of sections.

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Sec. 8-30i. Sales price of certain housing subject to affordable housing deed restriction or limitation of bylaws of condominium unit owners' association. Notwithstanding any provision of the general statutes or the bylaws of a condominium unit owners' association, adopted under section 47-80, or any affordable housing deed restriction limiting the sales price of housing subject to such provisions or restrictions, an owner who purchased such housing on or after July 1, 2004, but before July 15, 2004, for an amount exceeding the amount specified in every such provision or restriction may sell such housing for an amount not exceeding the amount such owner paid to purchase the housing.

(P.A. 08-173, S. 2.)

History: P.A. 08-173 effective June 12, 2008.

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Sec. 8-30j. Affordable housing plan. Hearing and adoption. Amendments. Filing requirement. (a) At least once every five years, each municipality shall prepare or amend and adopt an affordable housing plan for the municipality. Such plan shall specify how the municipality intends to increase the number of affordable housing developments in the municipality.

(b) The municipality may hold public informational meetings or organize other activities to inform residents about the process of preparing the plan. If the municipality holds a public hearing, at least thirty-five days prior to the public hearing on the adoption, the municipality shall file in the office of the town clerk of such municipality a copy of such draft plan or any amendments to the plan, and if applicable, post such draft plan on the Internet web site of the municipality. After adoption of the plan, the municipality shall file the final plan in the office of the town clerk of such municipality and, if applicable, post the plan on the Internet web site of the municipality.

(c) Following adoption, the municipality shall regularly review and maintain such plan. The municipality may adopt such geographical, functional or other amendments to the plan or parts of the plan, in accordance with the provisions of this section, as it deems necessary. If the municipality fails to amend such plan every five years, the chief elected official of the municipality shall submit a letter to the Commissioner of Housing that explains why such plan was not amended.

(P.A. 17-170, S. 2.)

History: P.A. 17-170 effective July 24, 2017.

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The Miller Planning Group
Land Use Solutions

HOUSING AFFORDABILITY PLAN

Application of Frank and Mary Fragola for
Lansing Oaks
295 Laning Street, Southington, Connecticut

Submitted to the Southington Planning and Zoning Commission in support of application submitted pursuant to Section 8-30g, of the Connecticut General Statutes

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1. Applicability

This Housing Affordability Plan is prepared to be in conformance with Section 8-30g of the Connecticut General Statutes for the site plan application for “Lanning Oaks”, an age restricted affordable housing development under Connecticut General Statutes Section 8-30g, et seq, property located at 295 Laning Street, in an R-80 zone (SPR #1791) comprised of fifteen duplex buildings contain a total of thirty (30) units.

2. Property Description

The property which is subject to this Affordability Plan, is to be known as “Laning Oaks,” is located on the north side of Laning Street; as described within the “Existing Conditions Plan” prepared by Kratzert, Jones and Associates, submitted in conjunction with this application.

3. Homes Designated for Affordable Housing Units

A total of thirty percent (30%) of the total units or 9 (nine) units within the community, will be designated as Affordable Housing Units. Five of the Affordable Housing Units shall be deed-restricted to be affordable to and occupied by households earning 60 percent or less of the area median income for Southington, and an additional four of the Affordable Housing Units shall be deed-restricted to be affordable to and occupied by households earning 80 percent or less of the area median income for Southington, as determined and reported by the United States Department of Housing and Urban Development (HUD).

The affordable units shall be as designated on the approved site plan.

The Affordable Housing Units shall be maintained, as affordable for a period of forty (40) years. This period shall begin on the date of conveyance for each Affordable Housing Unit from the Developer or its successors or assigns to an eligible purchaser or date of the initial lease, as hereinafter defined.

The developer’s intent is to have the units for sale. However, we are including a scenario for rental affordable units to cover all potential conditions over the 40-year period of restriction.

The affordable units may be sold or available for rental in accordance with all provisions of the requirements herein and as required by State Statute. All the affordable units which are sold shall be sold to eligible owners and shall be owner-occupied.

4. Sequence of Construction

The units shall be constructed in a sequence illustrated in the following table. The proposed sequence would permit the construction up to the number of units indicated in Column 2, followed by the construction of the affordable units as shown in Columns 3 and 4.

The timing of the construction shall be determined by the issuance of Certificates of Occupancy. Nothing shall prohibit the developer from constructing more affordable units before the construction of the market rate units.

Phase Construction of Affordable Units				
	Column 2	Column 3	Column 4	Column 5
Phase	Market Units	Affordable @ 60%	Affordable @ 80%	Total in Phase
1	5	1	1	7
2	4	1	1	6
3	4	1	1	6
4	4	1	1	6
5	4	1	0	5
Total	21	5	4	30

The phases refer to sequence of construction, which may not coincide with the locations of phases on the site plan.

5. Nature of Construction

The affordable units shall be of comparable construction quality with the market rate units. All units, including affordable and market rate, shall be architecturally compatible in accordance with the renderings included as part of this application.

Each two-bedroom affordable unit shall contain two full baths with a minimum living area of 1,200 square feet of floor area.

Each one-bedroom affordable unit shall contain one full bath with a minimum living area of 800 square feet of floor area.

The nine (9) affordable units shall be as follows:

		For 60% of Median	For 80% of Median	Total Affordable
1	BR	3	2	5
2	BR	2	2	4

6. Entity Responsible for Administrating and Compliance

The Affordability Plan shall be administered by an Administrator, approved by the Town of Southington. The administrators shall have the responsibility for:

- (A) Ensuring that households applying for affordable units qualify within applicable maximum income limits.
- (B) Assuring the accuracy of sale or resale prices or rents, and providing documentation where necessary to buyers, sellers, lessors, lessees, and financing institutions.
- (C) Maintaining minimum percentages in a set-aside development.
- (D) Reporting compliance to the municipality; and
- (E) Executing the affirmative fair housing marketing plan.

7. Prioritization of Applicants for Initial Occupancy of Affordable Housing Units

If the number of qualified applicants exceeds the number of Affordable Units, after publication of the Notice of Initial Sale, as described in Section 8, the Administrator shall establish a list of qualified applicants. Those applicants who meet the criteria of “least likely to apply” as defined by in the Connecticut Agency Regulations 8-37ee, all of which meet the income criteria described herein, shall be given first preference in the purchase of the Affordable Housing Units. If the number of applicants which meet the criteria of “least likely to apply” exceed the number of available Affordable Housing Units, the Administrator shall be based upon a “first come, first served” basis.

8. Affirmative Housing Marketing Plan

The sales of the Affordable Housing Units shall be done in compliance with an Affirmative Housing Marketing Plan that is in conformance with Section 8-37ee of the Department of Economic and Community Development Housing Regulations.

The developer shall provide notice of sale or rental of each of the Affordable Housing Units in accordance with the Affirmative Housing Marketing Plan. The Administrator shall also provide such notice to the Commission. Such notice shall include a description of the available affordable homes, the eligibility criteria for the purchasers, the maximum sales price or monthly rental costs as hereinafter defined and the availability of application forms and additional information. All such notices shall comply with the Fair Housing Act, 42 U.S.C. 3601 et. seq, and the Connecticut Fair Housing Act Connecticut General Statutes 46a-64b, 64c.

The plan shall include the following:

- (A) Analyzing census and other data to identify racial and ethnic groups least represented in the population.

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

The specific marketing strategy shall be reviewed annually in accordance with results and available information to assure its effectiveness. A written copy of the annual review shall be submitted to the Town of Southington.

9. Income Eligibility

The income eligibility requirements are based upon the lower of the median family income of families within the State of Connecticut and the Hartford – East Hartford – West Hartford Metropolitan area. They shall be adjusted annually as the estimated income is updated by the Department of Housing of the State of Connecticut. The data for 2019 will be utilized within this plan as examples of the calculations of income and household costs.

2020 Median Family Income	
State of Connecticut	\$99,700
Hartford-West Hartford-East Hartford Metro Area	\$ 97,400

As it is lower, the Metro Area median income will be used in these calculations.

10. Initial Occupancy of Eligibility of Affordable Housing Units

The Affordable Housing Units, which shall encompass not less than 30% of the total number of units, (9) shall be either sold or rented to families whose income is less than 80% or 60% of the area or statewide median income, whichever is less, as described above. The area and statewide median income shall be as determined by the U.S. Department of Housing and Urban Development. Those families purchasing Affordable Housing Units shall not be required to make down payments which exceed 20% of the purchase price.

In situations where the income information indicates that the applicant is ineligible for an affordable unit, no additional actions are required. However, if the applicant appears to be eligible, the Administrator shall issue a pre-certification letter, which indicates to the Applicant and Developer or seller of the property that the Applicant is income eligible, subject to the verification of the information provided in the Application.

If applicable, the Applicant shall provide the documentation listed on Schedules B and C of the Plan, to the administrator. The Administrator may require any additional relevant information or clarifications.

11. Maximum Monthly Housing Payments Eligibility

Calculation of eligibility for occupancy in an Affordable Housing unit, shall be in accordance with the requirements of Section 8-30g of the Connecticut General statutes, and shall require the proposed owner to meet the following criteria:

- Maximum monthly household income adjusted for unit/family size.
- A maximum purchase price or rental cost that does not exceed the maximum sale price or rental cost for an affordable home as calculated under Connecticut General Statutes 8-30g and as described as follows within an example of a calculation for the purchase of a two-bedroom unit.

12. Affordable Units for Sale

12.1.Examples of Calculation of Income Eligibility for Purchase

One Bedroom Owner @60%	
(1) Determine lower of area: Hartford – East Hartford –West Hartford Metro Area or statewide Median Income for a family of four.	\$ 97,700
(2) Determine the adjusted income for a household of 1.5 persons by calculating 75% of Item 1	\$ 73,275
(3) Calculate 60% of Item 2 to determine maximum Annual Household Income to Qualify	\$ 43,965
(4) Calculate 30 percent of Item 3 representing the maximum portion of a family’s income that may be used for housing	\$ 13,190
(5) Divide Item 4 by twelve to determine the Maximum Monthly Housing Payment	\$ 1,099
(6) Determine by reasonable estimate monthly housing expenses, including real property taxes; ^[1] real property insurance; any common interest ownership or similar fee required of all unit purchasers or owners; and heat and utility costs, excluding television, telecommunications, and information technology services.	\$ 677
Real Property Taxes ¹	\$ 261
Property Insurance	\$ 50
Common Interest Charges	\$ 250
Heat & Utility Cost ²	\$ 116
(7) Subtract Step 6 from Step 5 to determine the amount available for mortgage principal and interest.	\$ 422
(8) Using the amount resulting from Step 7, apply a mortgage term and interest rate that is commercially reasonable and available to households likely to apply to purchase such units, to determine the financeable amount. ³	\$ 98,240
(9) Calculate down payment, 20%	\$ 24,560
(10) Add Steps 8 and 9 to determine the maximum sale or resale price.	\$ 122,800

¹ Real Estate Taxes are based upon the published mill rate of 30.64 for FY 2019 and an assessed valuation of 70% of market value.

² Source: Connecticut Department of Housing; Section 8 Housing Choice Program, Utility Allowance Schedule for the period 06/01/2020 – 05/31/2021 for electricity

³ Assumption of 3.0% Fixed Interest Rate; 30-year term, as available with Connecticut Housing Finance Authority as of March 27, 2021

Two Bedroom Owner @60%	
(1) Determine lower of area: Hartford – East Hartford –West Hartford Metro Area or statewide Median Income for a family of four.	\$ 97,700
(2) Determine the adjusted income for a household of 3 persons by calculating 90% of Item 1	\$ 87,930
(3) Calculate 60% of Item 2 to determine maximum Annual Household Income to Qualify	\$ 52,758
(4) Calculate 30 percent of Item 3 representing the maximum portion of a family's income that may be used for housing	\$ 15,827
(5) Divide Item 4 by twelve to determine the Maximum Monthly Housing Payment	\$ 1,319
(6) Determine by reasonable estimate monthly housing expenses, including real property taxes; ^[1] real property insurance; any common interest ownership or similar fee required of all unit purchasers or owners; and heat and utility costs, excluding television, telecommunications, and information technology services.	\$ 768
Real Property Taxes ⁴	\$ 346
Property Insurance	\$ 50
Common Interest Charges	\$ 250
Heat & Utility Cost ⁵	\$ 122
(7) Subtract Step 6 from Step 5 to determine the amount available for mortgage principal and interest.	\$ 551
(8) Using the amount resulting from Step 7, apply a mortgage term and interest rate that is commercially reasonable and available to households likely to apply to purchase such units, to determine the financeable amount. ⁶	\$ 130,400
(9) Calculate down payment, 20%	\$ 32,600
(10) Add Steps 8 and 9 to determine the maximum sale or resale price.	\$ 163,000

⁴ Real Estate Taxes are based upon the published mill rate of 30.64 for FY 2019 and an assessed valuation of 70% of market value.

⁵ Source: Connecticut Department of Housing; Section 8 Housing Choice Program, Utility Allowance Schedule for the period 06/01/2020 – 05/31/2021 for electricity

⁶ Assumption of 3.0% Fixed Interest Rate; 30-year term, as available with Connecticut Housing Finance Authority as of March 27, 2021

One Bedroom Owner @80%	
(1) Determine lower of area: Hartford – East Hartford –West Hartford Metro Area or statewide Median Income for a family of four.	\$ 97,700
(2) Determine the adjusted income for a household of 1.5 persons by calculating 75% of Item 1	\$ 73,275
(3) Calculate 80% of Item 2 to determine maximum Annual Household Income to Qualify	\$ 58,620
(4) Calculate 30 percent of Item 3 representing the maximum portion of a family's income that may be used for housing	\$ 17,586
(5) Divide Item 4 by twelve to determine the Maximum Monthly Housing Payment	\$ 1,466
(6) Determine by reasonable estimate monthly housing expenses, including real property taxes; ⁷ real property insurance; any common interest ownership or similar fee required of all unit purchasers or owners; and heat and utility costs, excluding television, telecommunications, and information technology services.	\$ 817
Real Property Taxes ⁸	\$ 401
Property Insurance	\$ 50
Common Interest Charges	\$ 250
Heat & Utility Cost ⁹	\$ 116
(7) Subtract Step 6 from Step 5 to determine the amount available for mortgage principal and interest.	\$ 649
(8) Using the amount resulting from Step 7, apply a mortgage term and interest rate that is commercially reasonable and available to households likely to apply to purchase such units, to determine the financeable amount ¹⁰	\$ 152,800
(9) Calculate down payment, 20%	\$ 38,200
(10) Add Steps 8 and 9 to determine the maximum sale or resale price.	\$ 191,000

⁸ Real Estate Taxes are based upon the published mill rate of 30.64 for FY 2020 and an assessed valuation of 70% of market value.

⁹ Source: Connecticut Department of Housing; Section 8 Housing Choice Program, Utility Allowance Schedule for the period 06/01/2020 – 05/31/2021 for electricity

¹⁰ Assumption of 3.0% Fixed Interest Rate; 30-year term, as available with Connecticut Housing Finance Authority as of March 27, 2021

Two Bedroom Owner @80%	
(1) Determine lower of area: Hartford – East Hartford –West Hartford Metro Area or statewide Median Income for a family of four.	\$ 97,000
(2) Determine the adjusted income for a household of 3 persons by calculating 90% of Item 1	\$ 87,300
(3) Calculate 80% of Item 2 to determine maximum Annual Household Income to Qualify	\$ 69,840
(4) Calculate 30 percent of Item 3 representing the maximum portion of a family’s income that may be used for housing	\$ 20,952
(5) Divide Item 4 by twelve to determine the Maximum Monthly Housing Payment	\$ 1,746
(6) Determine by reasonable estimate monthly housing expenses, including real property taxes;[1] real property insurance; any common interest ownership or similar fee required of all unit purchasers or owners; and heat and utility costs, excluding television, telecommunications, and information technology services.	\$ 921
Real Property Taxes ¹¹	\$ 495
Property Insurance	\$ 50
Common Interest Charges	\$ 250
Heat & Utility Cost ¹²	\$ 126
(7) Subtract Step 6 from Step 5 to determine the amount available for mortgage principal and interest.	\$ 825
(8) Using the amount resulting from Step 7, apply a mortgage term and interest rate that is commercially reasonable and available to households likely to apply to purchase such units, to determine the financeable amount ¹³	\$ 186,400
(9) Calculate down payment, 20%	\$ 46,600
(10) Add Steps 8 and 9 to determine the maximum sale or resale price.	\$ 233,000

¹¹ Real Estate Taxes are based upon the published mill rate of 30.64 for FY 2019 and an assessed valuation of 70% of market value.

¹² Source: Connecticut Department of Housing; Section 8 Housing Choice Program, Utility Allowance Schedule for the period 06/01/2020 – 05/31/2021 for electricity

¹³ Assumption of 3.0% Fixed Interest Rate; 30-year term, as available with Connecticut Housing Finance Authority as of March 27, 2021

12.2. Principal Residences for Affordable Housing Units

Affordable Housing Units shall be occupied only as the Owner's principal residence. The leasing of Affordable Housing Units shall be prohibited.

12.3 Resale of Affordable Housing Units

An owner may sell their Affordable Housing Unit at any time provided that the sale is in compliance with the restrictions of homes set forth in this Plan including, but not limited to the occupancy restrictions set forth in Section 12 and the income restrictions set forth in Section 11. The owner shall notify the administrator of intent to sale prior to the finalization of any sale. The Administrator shall establish a sales price, with the assistance of the Owner, in compliance with this Plan and the regulations of the Town of Southington. No sale shall be finalized without finding of compliance with the requirements of this Plan, and all applicable local regulations and applicable Connecticut General Statutes and the regulations of the State of Connecticut department of Economic and Community Development.

The owner may hire a real estate broker or otherwise solicits offers from potential purchasers. The Owner shall inform any potential purchase of the affordability restrictions before any purchase and sale agreement is executed by furnishing the potential purchaser with a copy of this 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 Plan. Once the owner and potential purchaser execute the Purchase and Sale, potential purchaser shall immediately notify the Administrator in writing. The potential purchaser shall also provide the Administrator with all necessary income information required within this Plan as well as any additional information or clarification required by the Administrator to determine eligibility. The administrator shall have 10 days from notification and receipt of all information to determine the eligibility of the purchaser.

The Administrator shall notify the Owner and Potential purchaser of its determination within the 10-day period. If the Administrator determines that situations where the income information indicates that the applicant is ineligible for an affordable unit, no additional actions are required. However, if the applicant appears to be eligible, the Administrator shall issue a pre-certification letter, which indicates to the Owner and Potential Purchaser that the Potential Purchaser is income eligible, subject to the verification of the information provided in the Application.

If applicable, the Applicant shall provide the documentation listed on Schedule A of the Plan, to the administrator. The Administrator may require any additional relevant information or clarifications.

12.4 Procedure for Obtaining written Certification of Compliance.

The procedure by which sellers, purchasers, lenders, or title insurers may, upon request and in a timely manner, obtain written certification of compliance with applicable set aside, household income, sale, or resale price limitations or requirements would be:

- The seller, purchaser, lender or title insurer requests by written letter, or electronic e-mail a written certification of compliance with all applicable requirements from the affordable housing plan administrator.
- The administrator shall respond by to such request within ten (10) working days from date of such request in writing, which includes such certification and a signature of the administrator.

13. Affordable Rental Units

13.1 Examples of Calculation of Income Eligibility for Rent

One Bedroom Rental @ 60%	
(1) Determine lower of area: Hartford – East Hartford –West Hartford Metro Area or statewide Median Income for a family of four.	\$ 97,700
(2) Determine the adjusted income for a household of 1.5 persons by calculating 75% of Item 1	\$ 73,275
(3) Calculate 60% of Item 2 to determine maximum Annual Household Income to Qualify	\$ 43,965
(4) Calculate 30 percent of Item 3 representing the maximum portion of a family's income that may be used for housing	\$ 13,190
(5) Divide Item 4 by twelve to determine the Maximum Monthly Housing Payment	\$ 1,099
(6) Determine the fair market rent for a unit with the same number of bedrooms as published by US Department of Housing and Urban Development.	\$ 993
(7) Multiply fair market rent by 100%	\$ 993
(8) Maximum monthly housing payment is the less of Steps (5) and (7).	\$ 993
(9) Tenant paid costs, including heat and electricity costs ¹⁴	\$ 123
(10) Maximum monthly rent is tenant paid costs, (9) subtracted from maximum monthly housing payment, (8).	\$ 870

¹⁴ Source: Connecticut Department of Housing; Section 8 Housing Choice Program, Utility Allowance Schedule for the period 06/01/2020 – 05/31/2021 for electricity

Two Bedroom Rental @ 60%	
(1) Determine lower of area: Hartford – East Hartford –West Hartford Metro Area or statewide Median Income for a family of four.	\$ 97,700
(2) Determine the adjusted income for a household of 3 persons by calculating 90% of Item 1	\$ 87,930
(3) Calculate 60% of Item 2 to determine maximum Annual Household Income to Qualify	\$ 52,758
(4) Calculate 30 percent of Item 3 representing the maximum portion of a family's income that may be used for housing	\$ 15,827
(5) Divide Item 4 by twelve to determine the Maximum Monthly Housing Payment	\$ 1,319
(6) Determine the fair market rent for a unit with the same number of bedrooms as published by US Department of Housing and Urban Development.	\$ 1,230
(7) Multiply fair market rent by 120%	\$ 1,230
(8) Maximum monthly housing payment is the less of Steps (5) and (7).	\$ 1,230
(9) Tenant paid costs, including heat and utility costs ¹⁵	\$ 153
(10) Maximum monthly rent is tenant paid costs, (9) subtracted from maximum monthly housing payment, (8).	\$ 1,077

¹⁵ Source: Connecticut Department of Housing; Section 8 Housing Choice Program, Utility Allowance Schedule for the period 06/01/2019 – 05/31/2020 for electricity

One-Bedroom Rental @ 80%	
(1) Determine lower of area: Hartford – East Hartford –West Hartford Metro Area or statewide Median Income for a family of four.	\$ 97,700
(2) Determine the adjusted income for a household of 3 persons by calculating 75% of Item 1	\$ 73,275
(3) Calculate 80% of Item 2 to determine maximum Annual Household Income to Qualify	\$ 43,965
(4) Calculate 30 percent of Item 3 representing the maximum portion of a family's income that may be used for housing	\$ 13,190
(5) Divide Item 4 by twelve to determine the Maximum Monthly Housing Payment	\$ 1,099
(6) Determine the fair market rent for a unit with the same number of bedrooms as published by US Department of Housing and Urban Development.	\$ 993
(7) Multiply fair market rent by 120%	\$ 1,192
(8) Maximum monthly housing payment is the less of Steps (5) and (7).	\$ 1,099
(9) Tenant paid costs, including heat and electricity costs ¹⁶	\$ 123
(10) Maximum monthly rent is tenant paid costs, (9) subtracted from maximum monthly housing payment, (8).	\$ 976

¹⁶ Source: Connecticut Department of Housing; Section 8 Housing Choice Program, Utility Allowance Schedule for the period 06/01/2019 – 05/31/2020 for electricity

Two Bedroom Rental @ 80%	
(1) Determine lower of area: Hartford – East Hartford –West Hartford Metro Area or statewide Median Income for a family of four.	\$ 97,700
(2) Determine the adjusted income for a household of 3 persons by calculating 90% of Item 1	\$ 87,930
(3) Calculate 80% of Item 2 to determine maximum Annual Household Income to Qualify	\$ 52,758
(4) Calculate 30 percent of Item 3 representing the maximum portion of a family’s income that may be used for housing	\$ 15,827
(5) Divide Item 4 by twelve to determine the Maximum Monthly Housing Payment	\$ 1,319
(6) Determine the fair market rent for a unit with the same number of bedrooms as published by US Department of Housing and Urban Development.	\$ 1,310
(7) Multiply fair market rent by 120%	\$ 1,572
(8) Maximum monthly housing payment is the less of Steps (5) and (7).	\$ 1,310
(9) Tenant paid costs, including heat and utility costs ¹⁷	\$ 153
(10) Maximum monthly rent is tenant paid costs, (9) subtracted from maximum monthly housing payment, (8).	\$ 1,157

14. Enforcement

The requirements of this Plan shall be included within deed restrictions to be placed upon each of the Affordable Housing Units. This shall include, but not be limited to income limits, occupancy requirements and sales price.

¹⁷ Source: Connecticut Department of Housing; Section 8 Housing Choice Program, Utility Allowance Schedule for the period 06/01/2019 – 05/31/2020 for electricity

SCHEDULE A

DESIGNATION OF AFFORDABLE UNITS

	One-Bedroom Units	Two-Bedroom Units
Market Rate Units	7	14
Aff. Housing @ 60%	3	2
Aff. Housing @ 80%	2	2
Total	12	18

SCHEDULE B
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, and 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 or grant 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 organizations or 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

~~-----Welfare assistance 7 , -----~~
 - h. All regular pay, special pay and allowances of a member of the Armed Forces, except combat pay as in 2.h, below;

- 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 items identified in 24 C.F.R. § 5309(c), including the following:
- a Income from employment of children (including foster children) under the age of 18;
 - b Payments received for the care of foster children or foster adults;
 - c Lump-sum additions to family assets, such as inheritances, insurance payments (including payments under health and accident insurance and worker's compensation), capital gains and settlement for personal or property losses;
 - d Amounts received by the family that are specifically for, or in reimbursement of, the cost of medical expenses for any family member;
 - e The full amount of scholarships paid directly to the student or to the educational institution (subject to 24 C.F.R. § 5.609(b)(9)).
 - 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 Temporary, nonrecurring or sporadic income (including gifts that are not regular or periodic);
 - j Reparation payments paid by a foreign government pursuant to claims filed under the laws of that government by persons who were persecuted during the Nazi era;
 - k Earnings in excess of \$480 for each full-time student 18 years old or older (excluding the head of household and spouse);
 - l Adoption assistance payments in excess of \$480 per adopted child;
 - m Deferred periodic amounts from supplemental security income and social security benefits that are received in a lump sum amount or in prospective monthly amounts;
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- n Amounts received by the family in the form of refunds or rebates under State or local law for property taxes paid on the dwelling unit;

- o. Amounts paid by a State agency to a family with a member who has a developmental disability and is living at home to offset the cost of services and equipment needed to keep the developmentally disabled family member at home; and
 - p. Amounts specifically excluded by any other Federal statute from consideration as income for purposes of determining eligibility or benefits.
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, 401 K 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 (e.g., inheritances, capital gains, one-time lottery winnings, and settlement on insurance claims);
 - h. The current market value of any personal property held for investment (e.g., 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
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- e. Assets that are not accessible to the Applicant and provide no income to the Applicant.

SCHEDULE C DOCUMENTATION OF INCOME

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

1. Employment Income.

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

- (a) An employment verification form completed by the employer.
- (b) Check stubs or earnings statement showing Applicant's gross pay per pay period and frequency of pay.
- (c) W-2 forms if the Applicant has had the same job for at least two years and pay increases can be accurately projected.
- (d) Notarized statements, affidavits or income tax returns signed by the Applicant describing self-employment and amount of income, or income from tips and other gratuities.

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

- (a) Benefit verification form completed by agency providing the benefits.
- (b) Award or benefit notification letters prepared and signed by the authorizing agency. (Since checks or bank deposit slips show only net amounts remaining after deducting SSI or Medicare, they may be used only when award letter cannot be obtained.)
- (c) If a local Social Security Administration ("SSA") office refuses to provide written verification, the Administrator should meet with the SSA office supervisor. If the supervisor refuses to complete the verification forms in a timely manner, the Administrator may accept a check or automatic deposit slip as interim verification of Social Security or SSI benefits as long as any Medicare or state health insurance withholdings are included in the annual income.

3. Unemployment Compensation.

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

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

4. Government Assistance.

(a) All Government Assistance Programs. Agency's written statements as to type and amount of government assistance the Applicant is now receiving, including but not limited to assistance under the federal Section 8 program, and any changes in such 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:
Schedule C (Small Business)
Schedule E (Rental Property Income)
Schedule F (Farm Income)

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

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

- (d) A copy of a recent loan application listing income derived from the business during the previous twelve (12) months.
- (e) Applicant's notarized statement or affidavit as to net income realized from the business during previous years.

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 check 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.
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- (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 Lease Begin Date.
- (a) Applicant's certification as to whether it has disposed of assets for less than FMV during the two (2) years preceding the Lease Begin 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:
 - (i) A list of all assets disposed of for less than FMV;
 - (ii) The date Applicant disposed of the assets;
 - (iii) The amount the Applicant received; and
 - (iv) The market value to the asset(s) at the time of disposition.
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 on 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.