

PLANNING & ZONING COMMISSION

Town of Canaan (Falls Village)
Regular Meeting Minutes/Public Hearing – February 26, 2026
108 Main Street, Falls Village, CT

Attendance

Members – In Person:

ZEO Janell Mullen; Chairman Greg Marlowe; Vice Chairman Stephen Koshland;
Eileen Kinsella; Doug Cohn; Matthew Macchi; Tim Metzger; Vincent Inconiglios

Members – Via Zoom: Kimberly Mahoney

Alternate Members – Absent: Marc Rosen; Kathy Clark

Seating of Alternates: None

Also Present:

Selectman Chris Kinsella; Selectman Judy Jacobs; Chris Hopkins; Denise Cohn and other additional attendees.

Via Zoom: Members of the public

PUBLIC HEARING – 6:15 PM

1. 107 Main Street – Yoga Studio (Special Exception)

The legal notice was read into the record.

Applicant: Monica Zinke, RN and certified yoga/movement specialist, North Canaan.

Proposal: Private and small-group therapeutic yoga sessions. No structural changes required.

Public Comment: Supportive comments offered in person and via Zoom.

Motion to Close Public Hearing at 6:28 PM: Kinsella; **Second:** Metzger; **Vote:** Unanimous

REGULAR MEETING

1. Call to Order & Approval of Minutes

Chairman Marlowe called the meeting to order at **6:28 PM**.

Additions to the Agenda

- Add **IHZ Zone Discussion** under Old Business, Item E
- Add **Member Inconiglios's Term Expiration** under New Business, Item C

Motion to Add Items: Cohn; **Second:** Koshland; **Vote:** Unanimous

Approval of Minutes – January 22, 2026

Motion to Approve: Cohn; **Second:** Kinsella; **Vote:** Unanimous

Amendment: Under Alternate Members, name should read **Kathy Clark**, not Kimberly Clark.

Motion to Amend: Macchi; **Second:** Inconiglios; **Vote:** Unanimous

Motion to Approve as Amended: Macchi; **Second:** Inconiglios; **Vote:** Unanimous

2. Public Comments

A resident expressed concern regarding the IHZ unit cap, emphasizing the original **14-unit maximum** in the 2013 application and requesting the Commission amend regulations accordingly. The **2013 IHZ application** and supporting documents were entered into the record.

3. New Business

A. Change of Use – 107 Main Street (Yoga Studio)

Application complete; fees and neighbor notifications confirmed.

Motion to Approve Special Exception & Change of Use: Macchi; **Second:** Cohn

Roll Call Vote:

Inconiglios–Yes; Macchi–Yes; Metzger–Yes; Cohn–Yes; Mahoney–Yes; Marlowe–Yes; Kinsella–Yes; Koshland–Abstain

Vote: 7-0-1 – Motion Passes

B. Lot Line Modification – 190 Route 63 (Hopkins)

Proposal to convey a portion of land to the adjacent Stratman parcel. No development approved. State reviewed sight lines for shared driveway; acceptable.

Motion to Approve based on Partial Property Survey dated Oct. 8, 2025: Macchi; **Second:** Koshland; **Vote:** Unanimous

C. Member Inconiglios – Term Expiration

Member Inconiglios reflected on his long service and announced his resignation effective **February 26, 2026**. Commission expressed appreciation.

4. Old Business

A. Village Center Parking Plan

No update.

B. Solar Committee Update

No update; brief discussion of regional solar issues.

C. Old Firehouse Sale – Committee Update

Committee has not met; discussions with potential purchasers ongoing.
Sale already approved; change in purchaser does not require new public process.

D. Dark Skies – Implementation Letter

Template letter reviewed.
Locations identified: two Eversource sites, Lee H. Kellogg School, South Canaan Meeting House.

Motion to Approve and Send Letter: Koshland; **Second:** Macchi; **Vote:** Unanimous

E. IHZ Zone Discussion

Commission reviewed the original **2013 IHZ application (14 units / 27 bedrooms)** versus the current **16-unit** plan.

Concerns included:

- Lack of density cap
- Public expectations
- Habitat's preliminary plans
- Subdivision history
- Need for transparency

Motion to **Draft IHZ Regulation Amendments**, including:

- Density cap
- Updated administering agency language
- Corrections to site-plan references
- Notification to Housing Trust and Habitat for March meeting

Motion: Kinsella; **Second:** Koshland; **Vote:** Unanimous

5. Other Business

A. POCD Implementation – Subcommittee Update

Letters sent to all boards/commissions; no responses received.
Plan to resend and coordinate with Selectmen.

B. P&Z Monthly Financial Report

Mileage line increased by \$250; miscellaneous reduced by \$250 to maintain zero change.

C. Budget FY 26–27

Adjustment noted above; otherwise unchanged.

6. Regulations Review

A. Village Business Zone Expansion

Light Industrial uses incorporated as Special Permit uses.

Motion for ZEO Mullen to Draft Notification Letter: Koshland; Second: Inconiglios; Vote: Unanimous

B. Housing Priorities

- Multifamily in village center already addressed
 - Residential compounds remain subdividable in RA zone
 - Cluster housing addressed in Village Business Residential Zone
 - ADU revisions to use percentage-based size limit; simplify permitting
 - No regulation of short-term rentals at this time
-

C. Historic Study Committee Update

ZEO Mullen completed the historic district report/brochure.

Motion to Release ZEO from Further HS Committee commitment: Koshland; Second: Kinsella; Vote: Unanimous

7. ZEO Report

Correction noted: Yoga studio address is **107 Main Street**.

8. Public Comments & Official Correspondence—No additional comments; no correspondence.

9. Adjournment

Motion to Adjourn at 8:26 PM: Koshland; Second: Inconiglios; Vote: Unanimous

MOTION CHART – February 26, 2026 Meeting

#	Motion	Motion By	Second	Vote	Result
1	Close Public Hearing (6:28 PM)	Kinsella	Metzger	Unanimous	Passed
2	Add IHZ Discussion to Agenda	Cohn	Koshland	Unanimous	Passed
3	Add Member Inconiglios Term Expiration to Agenda	Marlowe	Inconiglios	Unanimous	Passed
4	Approve Minutes (Jan 22, 2026)	Cohn	Kinsella	Unanimous	Passed
5	Amend Minutes (correct name)	Macchi	Inconiglios	Unanimous	Passed
6	Approve Minutes as Amended	Macchi	Inconiglios	Unanimous	Passed
7	Approve Special Exception & Change of Use – 107 Main St	Macchi	Cohn	7-0-1	Passed
8	Approve Lot Line Modification – 190 Route 63	Macchi	Koshland	Unanimous	Passed
9	Approve Dark Skies Implementation Letter	Koshland	Macchi	Unanimous	Passed
10	Draft IHZ Regulation Amendments	Kinsella	Koshland	Unanimous	Passed
11	Draft Notification Letter – Village Business Zone Expansion	Koshland	Inconiglios	Unanimous	Passed
12	Release ZEO from Historic Study Committee	Koshland	Kinsella	Unanimous	Passed
13	Adjourn Meeting (8:26 PM)	Koshland	Inconiglios	Unanimous	Passed

RESIGNATIONS

February 26, 2026

Name	Board / Commission	Seat Type	Term Expiration	Action Taken	Effective Date Notes
Vincent Inconiglios	Planning & Zoning Commission	Full Member	February 26, 2026	Resignation Accepted	February 26, 2026

Respectfully Submitted, Recording Secretary, Patti Fife

Town of Canaan Account QuickReport July 2025 through January 2026

Type	Date	Num	Name	Memo	Split	Amount
1011 Planning & Zoning Comm						
1011-101 Zoning Enforce Officer						
Bill	10/06/2025	1349	Janell Mullen Consul...	Inv. 1349	Accounts Paya...	0.00
Bill	11/03/2025	1356	Janell Mullen Consul...	Inv 1356	Accounts Paya...	0.00
Total 1011-101 Zoning Enforce Officer						0.00
1011-104 Secretary						
Paycheck	07/07/2025	49186	CATHERINE BUSH...	VOID:	Checking	0.00
Paycheck	07/21/2025	49286	PATRICIA G FIFE		Checking	160.00
Total 1011-104 Secretary						160.00
1011-403 Publication Exp						
Bill	11/17/2025	2951455	Hearst Media Servic...	2951455 - 10/...	Accounts Paya...	56.79
Bill	11/17/2025	2947168	Hearst Media Servic...	2947168 - 9/1...	Accounts Paya...	142.68
Total 1011-403 Publication Exp						199.47
1011-473 Consultant/Eng						
Bill	11/03/2025		Janell Mullen Consul...		Accounts Paya...	0.00
Total 1011-473 Consultant/Eng						0.00
1011-801 Mileage						
Bill	11/03/2025		Janell Mullen Consul...	July - October	Accounts Paya...	114.80
Total 1011-801 Mileage						114.80
ZEO/Planner						
Bill	08/04/2025	1341	Janell Mullen	July	Accounts Paya...	1,500.00
Bill	09/08/2025	1347	Janell Mullen		Accounts Paya...	1,600.00
Bill	10/06/2025	1349	Janell Mullen Consul...	Inv. 1349 - Se...	Accounts Paya...	1,500.00
Bill	11/03/2025	1356	Janell Mullen Consul...	Inv. 1356	Accounts Paya...	1,800.00
Bill	12/01/2025	1361	Janell Mullen Consul...	Inv. 1361	Accounts Paya...	1,700.00
Bill	01/05/2026		Janell Mullen		Accounts Paya...	2,100.00
Total ZEO/Planner						10,200.00
Total 1011 Planning & Zoning Comm						10,674.27
TOTAL						10,674.27

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Open with Google Docs

10:57 AM
02/19/26
Accrual Basis

Town of Canaan
Profit & Loss Budget vs. Actual
July 2025 through January 2026

	<u>Jul '25 - Jan 26</u>	<u>Budget</u>	<u>\$ Over Budget</u>
1011 Planning & Zoning Comm			
1011-101 Zoning Enforce Officer	0.00	1.00	-1.00
1011-104 Secretary	160.00	1,280.00	-1,120.00
1011-107 Clerical Expenses	0.00	100.00	-100.00
1011-201 Postage	0.00	100.00	-100.00
1011-211 Misc	0.00	1,000.00	-1,000.00
1011-401 Attorney	0.00	1,001.00	-1,001.00
1011-403 Publication Exp	199.47	750.00	-550.53
1011-473 Consultant/Eng	0.00	1,000.00	-1,000.00
1011-801 Mileage	114.80	200.00	-85.20
ZEO/Planner	10,200.00	26,160.00	-15,960.00
Total 1011 Planning & Zoning Comm	10,674.27	31,592.00	-20,917.73

TOWN OF CANAAN (FALLS VILLAGE)
PLANNING & ZONING COMMISSION
108 Main Street, Falls Village, CT 06031

February 2026

Dark Skies Implementation

Dear XX,

As you may know, The Town of Falls Village (Canaan) Planning and Zoning Commission has formally adopted Dark Sky-compliant outdoor lighting regulations.

These standards apply town-wide and are intended to ensure that exterior illumination is thoughtfully designed, appropriately scaled, and compatible with the Town's rural nature. The regulations promote responsible outdoor lighting practices that balance safety and functionality with the preservation of Fall's Village's historic nighttime ambiance. Their purpose is to prevent further degradation of the night sky, and over time, restore the clarity and quality of the nighttime visual environment.

Responsible lighting supports local ecosystems by reducing disruption to nocturnal wildlife, migratory birds, and pollinators whose biological rhythms depend on natural light cycles. In addition, efficient properly controlled lighting lowers energy consumption as well as reduces municipal and household costs.

We encourage all property owners to evaluate existing outdoor lighting and adjust where necessary to reduce glare and obtrusive light. Through collective stewardship, we can protect Falls Village's natural environment, conserve energy resources, and preserve the beauty of the night sky for future generations.

Thank you,

Town of Canaan (Falls Village) Planning and Zoning Commission

Town of Canaan (Falls Village) Planning & Zoning Commission

Village Business Zone Expansion - Memo

Prepared for January 22nd, 2026, updated for February 26, 2026

The Town of Canaan (Falls Village) Planning and Zoning Commission (P&Z) is proposing a new zoning district, **Village Residential Business Zone (VRBZ)**. The intent of this district is to support a balanced mix of residential uses and neighborhood-scale businesses within the Village Center.

With the recent implementation of the Town's digital mapping system (GIS), the P&Z is now able to advance this concept with improved accuracy and clarity. This technology allows zoning maps to be updated efficiently to reflect proposed changes and better illustrate the intended boundaries and impacts of the VRBZ.

HOW IS A ZONING CHANGE MADE?

The P&Z is granted legislative authority to amend zoning regulations and maps when time, experience, or planning for contemporary or future conditions reasonably indicates the need for change. The Commission has been evaluating this potential zoning amendment since 2022. Any modification to the zoning map or regulations must be consistent with the Town of Canaan (Falls Village) Plan of Conservation and Development (POCD).

WHY PROPOSE THIS CHANGE?

A primary object of the Town Plan of Conservation and Development (2024-2034) is to encourage and attract business activity within the Village Center. In support of this goal, the P&Z has determined that the establishment of a new zoning district that is compact, cohesive, and pedestrian-oriented is appropriate.

The proposed VRBZ is intended to strengthen and revitalize the Village Center by fostering a vibrant, mixed-use environment that integrates historic residential structures with small-scale, neighborhood-serving businesses. This zoning approach emphasizes preservation-based economic development, with a focus on revitalization and adaptive reuse, thereby reinforcing the Village Center as an active and sustainable community center.

WHAT USES WILL BE ALLOWED IN THIS ZONE?

The Village Residential Business Zone will allow for the following uses:

BY RIGHT

Open Space

Agricultural Uses/Farming

BY ZONING PERMIT

Single-family dwelling

Two-family dwelling (Duplex)

Retail stores

Office/Financial Institutions

Personal Service Establishments

Educational, philanthropic, or non-profit related use

Restaurants & Cafes, including outdoor dining

Traditional Lodging, such as hotels & inns

BY SPECIAL PERMIT:

Governmental, municipal buildings or Town-related use

Club (the use of firearms or internal combustion engines will not be permitted)

Research & Development

~~Telecommunications~~

Automobile Sales and Service Facilities

Contractor's Yards/Lumber Yards

Mixed-use

Small-scale manufacturing, processing, packaging, or assembly of goods including Food & Beverage Manufacturer or Product Manufacturer

Multi-family dwellings (3 or more units)

Cluster Housing

WHAT ARE THE DIMENSIONAL REQUIREMENTS OF THIS NEW ZONE?

Minimum Lot Size 5,000 square feet

Minimum Frontage 50 feet

Front Setback 0

Side Yard Setback 5 feet

Rear Yard Setback 10 feet

Maximum Building Height 35 feet

Maximum Building Coverage n/a

Maximum Impervious Coverage n/a

DEFINITIONS TO ADD:

Allowable uses that haven't yet been defined will now be defined within Section 8 of the Zoning Regulations.

Contractor's Yard/Lumber Yard – a site where a building trade or contractor stores material and equipment or where a contractor performs shop or assembly work. This use may include a retail component.

Mixed-Use – business use combined with residential use on a single lot or parcel

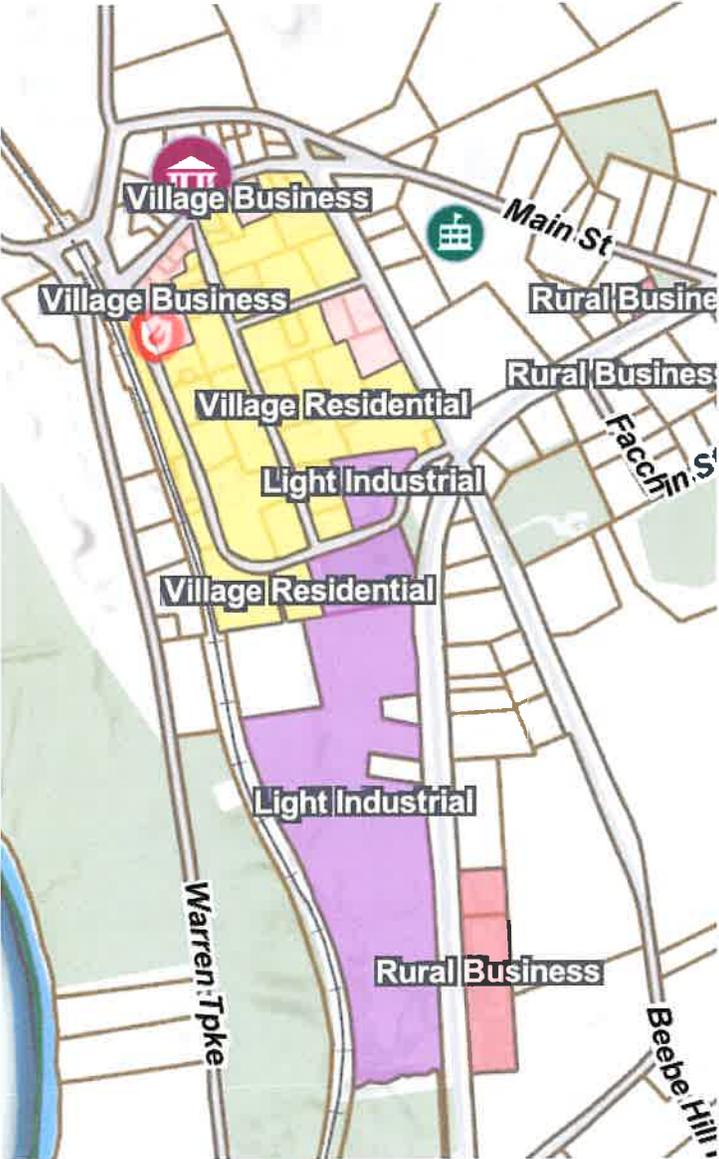
Small-scale Manufacturing – the production of goods on a small scale (within a building of less than 20,000 square feet), typically using limited resources and with a focus on local markets. This type of manufacturing involves the use of manual labor and simple machinery or tools. Small scale manufacturers may produce a wide range of products, including food, textiles, handicrafts, and other consumer goods.

Multi-family Dwelling – a structure that contains more than one separate residential dwelling unit

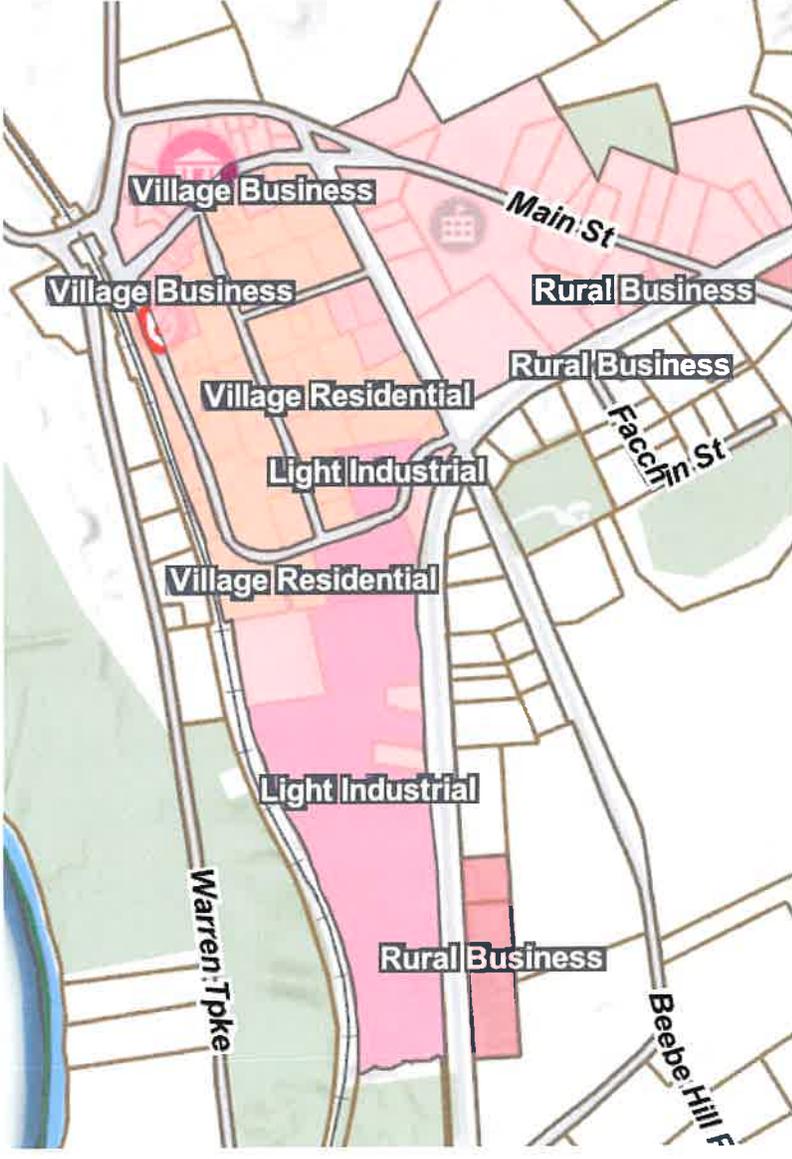
Cluster Housing – a type of residential development where multiple separate residential dwelling units are built close together as a community, sharing communal facilities like gardens, common areas, dining facilities and other amenities.

WHERE WILL THIS DISTRICT BE LOCATED?

CURRENT ZONING MAP



PROPOSED ZONING MAP



WHAT OTHER ZONING REGULATIONS WILL BE AFFECTED BY THIS CHANGE?

All properties that were formerly in the Light Industrial Zone will now be rezoned as properties within the Village Business Residential Zone. All allowable uses within the Light Industrial Zone will become allowable uses in the VRBZ. Allowable uses that haven't yet been defined will now be defined within Section 8 of the Zoning Regulations, as mentioned above.

WHAT PROPERTIES ARE TO BE INCLUDED IN THIS NEW ZONE?

16 BEEBE HILL RD

21 BEEBE HILL RD

24 BEEBE HILL RD

27 BEEBE HILL RD

35 BEEBE HILL RD

40 BEEBE HILL RD

50 BEEBE HILL RD

55 BEEBE HILL RD

56 BEEBE HILL RD

60 BEEBE HILL RD

19 BREWSTER RD

23 BREWSTER RD

25 BREWSTER RD

41 BREWSTER RD

10 MAIN ST

100 MAIN ST

101 MAIN ST

103 MAIN ST

104 MAIN ST

105 MAIN ST

14 MAIN ST

18 MAIN ST

22 MAIN ST

25 & 25A MAIN ST

26 MAIN ST

32 MAIN ST

38 MAIN ST

47 MAIN ST

50 MAIN ST

63 MAIN ST

75 MAIN ST

77 MAIN ST

78 MAIN ST

81 MAIN ST

82 MAIN ST

85 MAIN ST

86 MAIN ST

88 MAIN ST

91 MAIN ST
92 MAIN ST
93 MAIN ST
96 MAIN ST
1 MINER ST
13 MINER ST
5 MINER ST
0 PROSPECT ST
10 PROSPECT ST
15 PROSPECT ST
16 PROSPECT ST
19 PROSPECT ST
22 PROSPECT ST
30 PROSPECT ST
33 PROSPECT ST
40 PROSPECT ST
41 PROSPECT ST
49 PROSPECT ST
5 PROSPECT ST
55 PROSPECT ST
59 PROSPECT ST
8 PROSPECT ST

9 PROSPECT ST

0 RAILROAD ST

0 RAILROAD ST

100 RAILROAD ST

115 RAILROAD ST

33 RAILROAD ST

34 RAILROAD ST

43 RAILROAD ST

44 RAILROAD ST

45 RAILROAD ST

49 RAILROAD ST

57 RAILROAD ST

62 RAILROAD ST

67 RAILROAD ST

7 RAILROAD ST

70 RAILROAD ST

84 RAILROAD ST

88 RAILROAD ST

92 RAILROAD ST

11 RT 7 N

13 + 15 RT 7 N

5 RT 7 N

7

0 RT 7 S

100 RT 7 S

110 RT 7 S

148 RT 7 S

16 RT 7 S

24 RT 7 S

0 WARREN TURNPIKE RD

12 WARREN TURNPIKE RD

DRAFT

ZONING REPORT

Town of Canaan (Falls Village) Planning and Zoning Commission
108 Main Street | Falls Village, CT 06031

Prepared for and issued at the regular meeting on February 26, 2026

Zoning permits issued:

1. **246 Warren Turnpike Road** - structure for student Learning Lab

Zoning Inquiries:

1. **87 Music Mountain Road** - follow up with property owner in re misc debris on property; property owner was responsive
2. **River Road** - follow up with Keith Bodwell, PE regarding TAHD approval documentation for lot line modification regarding 10 acre parcel for FVHT from Habitat for Humanity parcel
3. **182 Route 63** - Town Clerk informed ZEO of map filing request; ZEO followed up with atty outlining the procedure for lot line modifications
4. **185 Music Mountain Road** - Request for final inspection by property owner; receipt of final as-built requested.
5. **108 Main Street**- communication with applicant involving Special Permit procedure and requirements for Town-owned property
6. **Zoning Text Amendments**- email inquiry from Laura Werntz involving the process for amending the zoning regulations; email inquiry requesting meeting minutes; email outlining the inadequacies of the TAHD approval documentation involving River Road Homes (applicant has since signed the application)
7. **180 Sand Road** - inquiry involving possible shop garage at this location; ZEO asked further questions about the intended use and if a residential use would be maintained

Misc:

1. **Historic District Study Committee** - communication with Greg about attendance of workshop meeting on Feb 2.
2. **Dark Skies Implementation Letter** - to be sent to So. Canaan Meeting House, LHK, Eversource (2 sites) and ?

Referrals:

1. **BOS** - Letter expressing concerns of P&Z as Administering Agency with respects to IHZ
2. **BOF** - Communication to Board regarding FY26-27 budget recommendations

Public Ads:

Public Hearing for 108 Main Street (2x)

Training Opportunities:

NHCOG - Fifth Thursdays - January 29th at 7:00 PM - Affordable Housing and HB 8006

****Please use planningandzoning@canaanfallsvillage.org as my address email for all functions associated with Planning and Zoning and the Town of Falls Village.****

*Respectfully submitted,
Janell M Mullen, Planning Consultant*

Application

I. APPLICANT INFORMATION

Municipality: Town of Canaan

Mailing Address: Town Hall, P.O. Box 47, Falls Village, Conn. 06031

Name of Authorized Official: Patricia Mechare Title: First Selectman Telephone #: 860-824-0707

Fax #: _____ Email: canaan021selectmen@comcast.net Municipality FEIN number: 06-600-1969

Municipal population as per the latest federal decennial census: 1,271

II. APPLICANT REPRESENTATIVE INFORMATION

Organization Name: NWCT Regional Planning Collaborative

Organization Address: c/o NWCCOG, 17 Sackett Hill Road, Warren, Conn. 06754

Contact Name: Jocelyn Ayer Title: Director/Senior Planner Telephone #: 860-806-5696

Fax #: _____ Email: jocelyn@nwctplanning.org

If a RPA, RCEO or RCOG is retained, provide a copy of the contract and the scope of work.

III. LOCAL APPROVALS

Submit the required resolutions (**Attachment 1**) from the municipality's legislative body and the local zoning authority. These certified resolutions should be signed by the municipal Clerk and embossed with the corporate seal. The application must be signed subsequent to the adoption of the resolution by the local legislative body. For those municipalities in which the town meeting is the legislative body, in lieu of holding a town meeting, the Board of Aldermen, Board of Selectmen, Burgesses, Court of Common Council, Limited Town Meeting, Representative Town Meeting or Town Council may sign the authorizing resolution.

IV. PROJECT INFORMATION

A. Project Name: Lime Rock Station Road Incentive Housing Zone

B. Project Brief: The Lime Rock Station Rd IHZ creates the option for a 100% affordable 14 unit townhouse development with onsite wastewater treatment and water supply in walking distance to the regional high school.

Identify and describe the elements identified in the Instructions. Attach a locator map (**Attachment 2**) of the municipality to show that the zone is located in an eligible location. Please provide the maps in hardcopy and if applicable, in an editable GIS format.

C. Category of Eligible Location

Please check off one or more of the following that applies to your project:

An area near transit station; Identify: _____

- An area of concentrated development; Explain: _____
- Suitable location; Explain: The IHZ site is just outside of the town's village priority funding area and can access NWCT Transit
- Is the zone location consistent with the State Conservation and Development Policies Plan?
 Yes No: Explain: This site is consistent with the draft 2013 growth management principals #2 and #4.

D. Land Area

	Zone, Acres	% of Municipal Acres
Size of proposed zone	<u>66.1 acres</u>	<u>0.3%</u>
Size of sub zone(s)	<u>N/A</u>	_____
Aggregate size of all zones/sub zones	_____	_____

E. Developable Land

	Acres	% of Aggregate Zone Size
Developable land	<u>13.5</u>	<u>20%</u>
Underutilized Land	<u>0</u>	<u>0%</u>
Land committed to public use – privately and publicly owned, including right-of-ways	<u>0</u>	<u>0%</u>
Recorded conservation easements	<u>0</u>	<u>0%</u>
Land subject to enforceable restriction/prohibition	<u>9.2</u>	<u>77%</u>
Wetlands/Watercourses	<u>0</u>	<u>0</u>
Land unsuitable for development	<u>52.6</u>	<u>80%</u>
Historic district(s)	<u>0</u>	<u>0</u>
Other non-developable land	<u>0</u>	<u>0</u>

Identify, describe and calculate the developable land within the proposed IHZ. Provide a developable land plan (**Attachment 3**).

F. Underlying Zoning/Existing Zoned Units

	Max. As of Right Density (Units/Acre)	Acres of Developable Land	Existing Zoned Units (EZU)
Single family detached housing	<u>0.5 units</u>	<u>13.5</u>	<u>4</u>
Duplex or townhouse	<u>0</u>	<u>2.8</u>	<u>0</u>
Multi-family housing	<u>0</u>	<u>2.8</u>	<u>0</u>

Reuse of existing bldgs.	<u>0</u>	---	---
Reuse of underutilized bldgs.	<u>0</u>	---	---
Total	N/A	2.8	1.4

Provide an existing zoned units plan (Attachment 4).

G. Incentive Housing Zone Units (Units Per Acre)

	Maximum As of Right Density (Units/Acre)	Acres of Developable Land	Total As of Right (AOR) Units	Units for Older Persons (B)	Total Eligible Incentive Units [(AOR)-(B)]
Single family detached housing	4/1	13.5	9	0	9
Duplex or townhouse	6/1	13.5	14	0	14
Multi-family housing	0	—	0	0	0
Reuse of existing buildings	0	—	0	0	0
Reuse of underutilized buildings	0	—	0	0	0
Total	N/A	13.5	9 or 14	0	9 or 14*

Identify and describe existing and potential residential development and the potential for reuse of existing or underutilized buildings within the zone(s). Provide a supporting Incentive Housing Zone Plan (**Attachment 5**). The Incentive Housing Zone must be a separate section of the zoning ordinance or bylaw. The IHZ must satisfy the requirements of PA 07-4, Section 39, which requires an increase of at least 25% in incentive units above the density allowed by the underlying zone.

The % density increase = [(Total AOR units minus Existing Zoned units) divided by the existing zoned units] X 100.

Please deduct the number of units that constitute housing for older persons permitted by the federal Fair Housing Act, 42 USC 3607 or Sections 46a-64c and 46a-64d of the CGS from the Total As of Right units, if applicable, to determine the revised Total As of Right units. These units for older persons are not eligible for housing incentives under the Act.

Provide a Master Plan (**Attachment 6**) for implementation of the housing project. This plan should include information such as a phasing plan (if applicable), development priority for the parcels, schedule for development, any agreements with property owners, etc.

H. Incentive Housing Zone Regulations and Design Standards

	Yes	No
IHZ Regulations proposed	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mixed-use development allowed	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Design standards proposed	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Subdivision regulations amended	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Incorporated responsible growth goals	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Include the text of the proposed IHZ regulations (**Attachment 7**) and design standards (**Attachment 8**) and, if applicable, the text of the subdivision regulations.

I. Affordability

	Total As of Right Units (TAOR)	Affordable Units (AU)	% of Total Affordable Units
Single family detached housing	<u>9</u>	<u>9</u>	<u>100%</u>
Duplex or townhouse housing	<u>14</u>	<u>14</u>	<u>100%</u>
Multi-family housing	<u>0</u>	<u>0</u>	<u>0</u>
Total Affordable units	<u>9 or 14</u>	<u>9 or 14</u>	<u>100%</u>

J. Incentive Housing Development

Provide an Incentive Housing Development Plan for review (**Attachment 9**). Identify developable land and the number of incentive units that will be constructed.

	Maximum As of Right Density (Units/Acre)	Acres of Developable Land	Total As of Right (AOR) Units	Units for Older Persons (B)	Total Eligible Incentive Units [(AOR)-(B)]
Single family detached housing	—	—	—	—	—
Duplex or townhouse	—	—	—	—	—
Multi-family housing	—	—	—	—	—
Reuse of existing buildings	—	—	—	—	—
Reuse of underutilized buildings	—	—	—	—	—
Total	N/A	—	—	—	—

K. Local Application Process for Incentive Housing Development Plan Review

Include the text of the proposed local process for review of the IHD applications (**Attachment 10**).

L. Housing Plan

Include a housing plan (**Attachment 11**) that describes the anticipated build-out of the zone or zones, including information on how the municipality intends to promote the residential construction permitted by the proposed regulations including municipal construction of incentive housing units.

M. Administration and Enforcement Plan

Provide the text of the proposed incentive housing restriction and a plan for administering and enforcing its requirements and limitations including the local process that will be

undertaken to review the IHD, public notice requirements, etc. (Attachment 12). Each project shall be subject to an Incentive Housing Restriction. Identify information such as the local agency responsible for enforcement and monitoring of these restrictions, reporting, etc.

N. Adverse Impacts on Nearby Properties

This attachment (Attachment 13) shall contain sufficient information on traffic, water, public and/or private wastewater systems and other infrastructure as it exists or may be practicably upgraded to show that there are no significant adverse impacts on nearby properties. Provide any engineering report(s) that may be available for justification.

V. The process for reviewing and approving zone adoption applications by OPM:

I have read and understand the process to be used by OPM for review and approval of the zone adoption applications.

VI. Certification by Applicant

My signature below, for and on behalf of Town of Canaan, indicates acceptance of the following and further certifies that:
(Name of Grantee)

1. I have the authority to submit this application;
2. I hereby certify that the statements contained in the responses to this application and accompanying documents are true to the best of my knowledge and belief and that I know of no reason why the applicant cannot complete the project in accordance with the representations contained herein.
3. I understand and will comply by the requirements of the **Certificate of Compliance and Quarterly Reporting** as identified in the instructions.

Applicant's Signature: Patricia Mechare
(Authorized Official)

Date: 7.25.13

Applicant's Name: Patricia Mechare

Title: First Selectman, Town of Canaan

Please submit the completed application including all the required documents (1 original and 1 copy) to:

Mr. Dimple Desai
Community Development Director
Office of Policy and Management
Intergovernmental Policy Division
450 Capitol Avenue, MS#54ORG
Hartford, CT 06106-1379
Phone - (860) 418-6412
Fax - (860) 418-6486
Email - dimple.desai@ct.gov

Checklist of Attachments

Identify documents submitted with the Application:

- Attachment 1: Legislative Body Resolution (required)
- Attachment 1.1: Local Zoning Authority (required)

- Attachment 2: Locator Map identifying various listed elements (required)
- Attachment 2.1: Aerial Photograph (required)

- Attachment 3: Developable Land Plan (required)

- Attachment 4: Existing Zoned Units Plan (required)
- Attachment 4.1: Underlying Zoning & Map (required)

- Attachment 5: Incentive Housing Zone Plan (required)

- Attachment 6: Master Plan for Implementation (required)

- Attachment 7: Proposed IHZ Regulations (required)
- Attachment 7.1: Proposed IHZ Zoning Map (s) (required)
- Attachment 7.2: Subdivision Regulations (if applicable)

- Attachment 8: Design Standards (if applicable)

- Attachment 9: Incentive Housing Development Plan (required, if proposing IHD)

- Attachment 10: Local Process for Reviewing Proposed IHD (required)

- Attachment 11: Housing Plan (required)

- Attachment 12: Administration and Enforcement Plan (required)

- Attachment 13: Impact Analysis - Adverse Impacts on Nearby Properties

Certified Resolution of the Legislative Body
(To be completed by the City or Town Clerk)

The Legislative Body of the Town/City of Canaan
met on June 10, 2013 and adopted a resolution by the vote of
3 to 0 which:

- (1) authorizes submission of the zone adoption application under the Housing for Economic Growth Program referenced in Section 8-13(m-x) of CGS; and
- (2) identifies, Patricia Allyn Mechare, as an individual authorized to sign the zone adoption application and administer the project. Such application attached to and made a part of this record.

Attested to by:

Name: MARY M. PALMER

Title: Canaan Town Clerk
(City/Town Clerk)

Date: JUNE 12, 2013

**Certified Resolution of the Local Zoning Authority
(To be completed by the City or Town Clerk)**

The Local Zoning Authority of the Town/City of CANAAN
met on Wednesday, June 26, 2013, and adopted a resolution by the vote of
7 to 0 which:

- (1) Endorses submission of the zone adoption application under the Housing for Economic Growth Program referenced in Section 8-13(m-x) of CGS; and
- (2) Certifies that it will consider the creation of one or more incentive housing zones as identified in the application. Such application is attached to and made a part of this record.
- (3) Certifies that it will consider and act on the Incentive Housing Development when proposed within the approved Incentive Housing Zone/s in compliance with Section 8-13 (m-x) of CGS.

Attested to by: 

Name: Mary M. Palmer (SEAL)

Title: Canaan Town Clerk

Date: July 8, 2013

PLANNING & ZONING COMMISSION, Town of Canaan
Falls Village Town Hall, 108 Main Street, Falls Village, CT

Regular Meeting Minutes

Wednesday, June 26, 2013

Present: Fred Laser, Chairman, Mike O'Neil, Zoning Enforcement Officer and Regular Members, Ruth Skovron, Greg Marlowe, Alice Macchi, Tom Scott, Greg Bidou and Alternate Member, Vincent Inconiglios. Absent: Regular Members, Jody Bronson and Stephen Koshland and Alternate Member, Adam Sher. Also Present, Jocelyn Ayer.

Regular Meeting called to order at 7:06 p.m. by Fred Laser, Chairman.

By consensus, Chairman Laser seated Alternate Member, Vincent Inconiglios to sit in for absent Regular Member, Stephen Koshland.

Agenda:

1. Approval of Minutes

- a. P&Z Regular Meeting, May 22, 2013. **MOTION by Tom Scott, seconded by Greg Marlowe to approve the minutes of the May 22, 2013 Regular Meeting; unanimously APPROVED.**

2. New Business

- a. Review IHZ Housing Zone Application: Ayer advised that the Board of Selectmen had approved the submission of the Application. Questions/comments. Review of proposed Resolution language presented by Ayer. **MOTION by Tom Scott, seconded by Bidou, to adopt the following resolution:**

RESOLUTION: The Local Zoning Authority of the Town of Canaan, met on June 26 2013 and adopted a resolution by the vote of 7 to 0 which: (1) Endorses submission of the zoning adoption application under the Housing for Economic Growth Program referenced in Section 8-13(m-x) of CGS; and (2) Certifies that it will consider the creation of one or more incentive housing zones as identified in the application. Such application is attached to and made a part of this record; and (3) Certifies that it will consider and act on the Incentive Housing Development when proposed within the approved Incentive Housing Zone's in compliance with Section 8-13 (m-x) of CGS; unanimous. (Attestation to be done by the Canaan Town Clerk.)

Ayer advised that the Commission had a credit of \$1,700.00+/- owed by the Collaborative for the preparation of the POCD. Discussion regarding P&Z budget and discussion regarding the need for additional copies of the POCD report and discussion regarding providing a copy of the POCD to the various Town Boards and Commissions. As agreed, Inconiglios will prepare additional copies of the POCD to be provided to the various Town Board and Commissions and Ayer advised that she would prepare a cover letter to accompany the POCD. Chairman Laser advised the Commissioners that Jocelyn Ayer was replacing Dan McGuinness as Director of the NWCCDG. Laser remarked to Ayer that he appreciated and found great value in the seminars that the NWCCOG used to hold for

Planning & Zoning Commissions regarding various duties, etc of Commissioners and would like to see similar seminars offered again by the NWCCOG.

3. ZEO Report by Michael O'Neil: O'Neil provided the Commission members with a copy of his report dated June 26, 2013 and read the report into the record. Discussion/comments. Further discussion regarding zone (residential or business) of Blass property located on Route 7; said property having been changed from residential zone to business zone by Application in 1984. June 26, 2013 ZEO report by Mike O'Neil was accepted, by consensus.

4. Correspondence and Public Comments: Laser advised on a communication from Woods Sinclair regarding the AT&T cell tower application for the site on Barnes Road, wherein Sinclair advised that he had requested an extension, which was granted and that the matter remained on-going.

5. Old Business: None

6. Any other business to properly come before the Commission: None

7. Adjournment: Motion by Marlowe, seconded by Tom Scott to adjourn; unanimous.

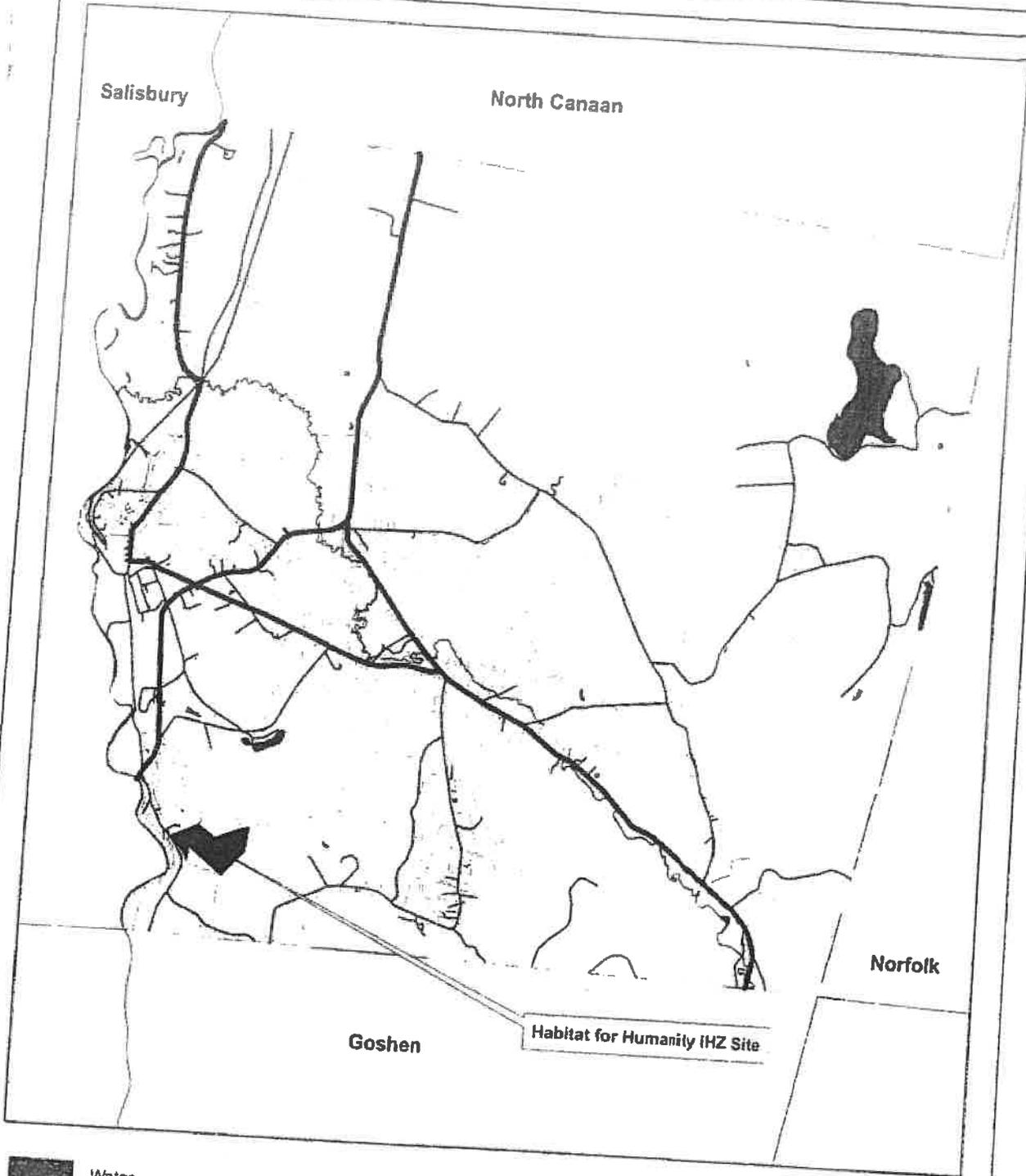
Regular Meeting adjourned at 7:48 p.m. by Chairman, Fred Laser.

Respectfully submitted, Alice Macchi, Recording Secretary

RECEIVED

JUL - 3 2013

9 AM
TOWN OF CANAAN



**IHZ Adoption Application
Falls Village - Habitat for Humanity Site
Lime Rock Station Rd
Locator Map A - Town Scale**

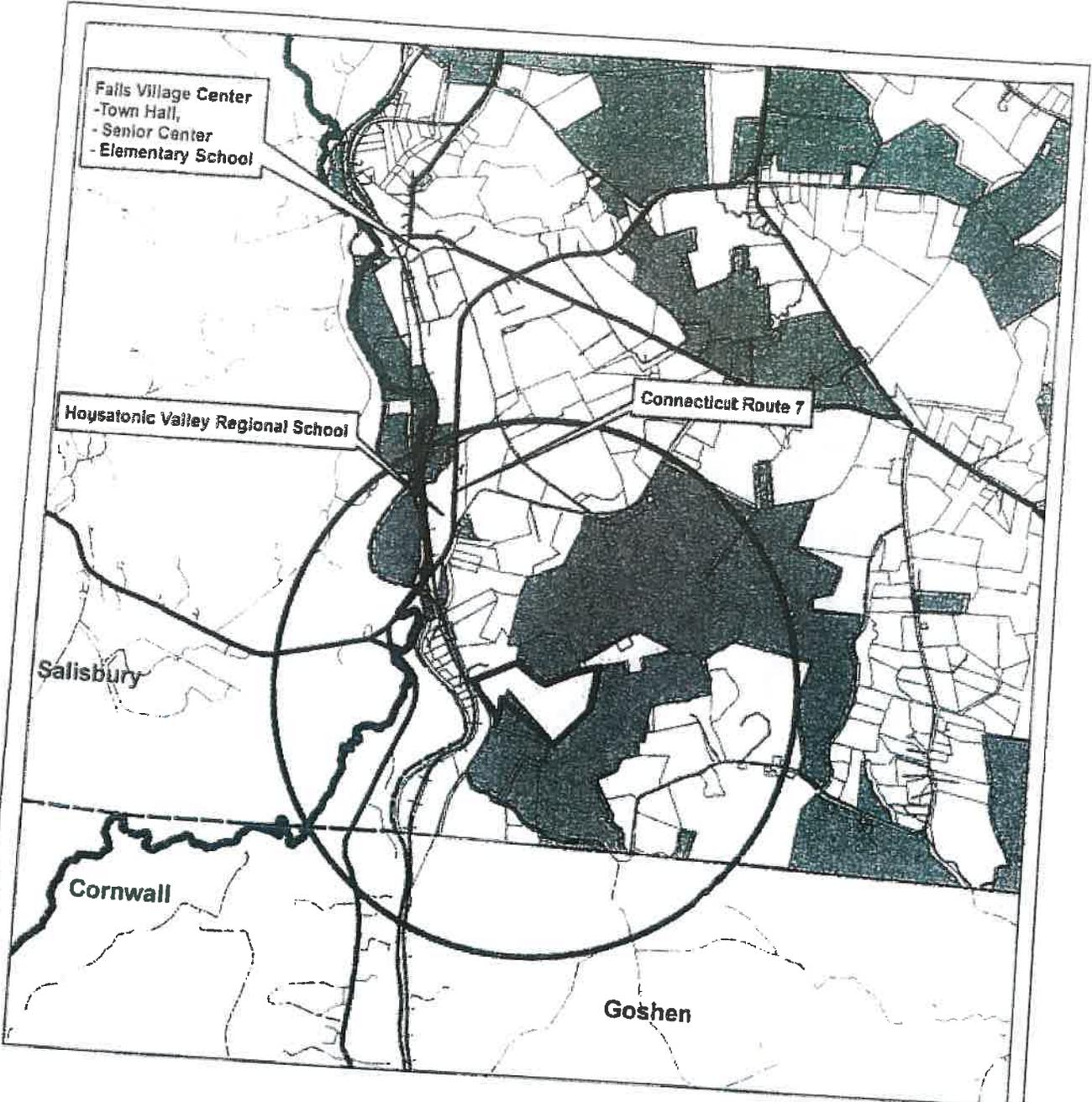
Map by Christopher S. Wood, Northwestern CT Regional Planning Collaborative



-  Habitat for Humanity IHZ Site
-  Non-Wetlands Soils
-  Sleep Slopes 15-30%

**IHZ Adoption Application
 Falls Village - Habitat for Humanity Site
 Lime Rock Station Rd
 Locator Map B - Site Conditions**

Map by Christopher S. Wood, Northwestern CT Regional Planning Collaborative



Falls Village Center
 - Town Hall,
 - Senior Center
 - Elementary School

Housatonic Valley Regional School

Connecticut Route 7

Salisbury

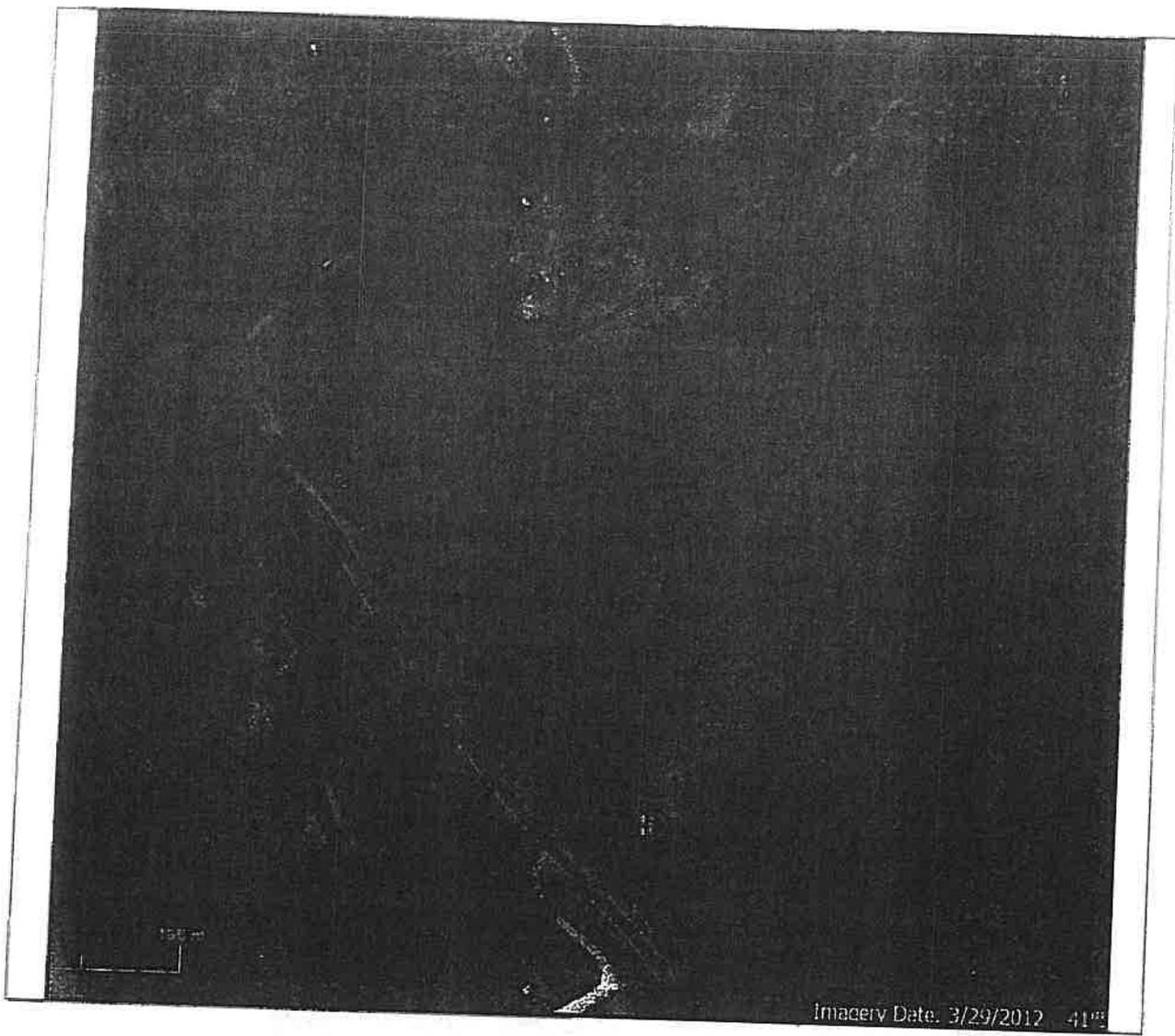
Cornwall

Goshen

-  Habitat for Humanity IHZ Site
-  Housatonic Rail
-  Appalachian Trail
-  Village Development Area
-  Existing Preserved Open Space

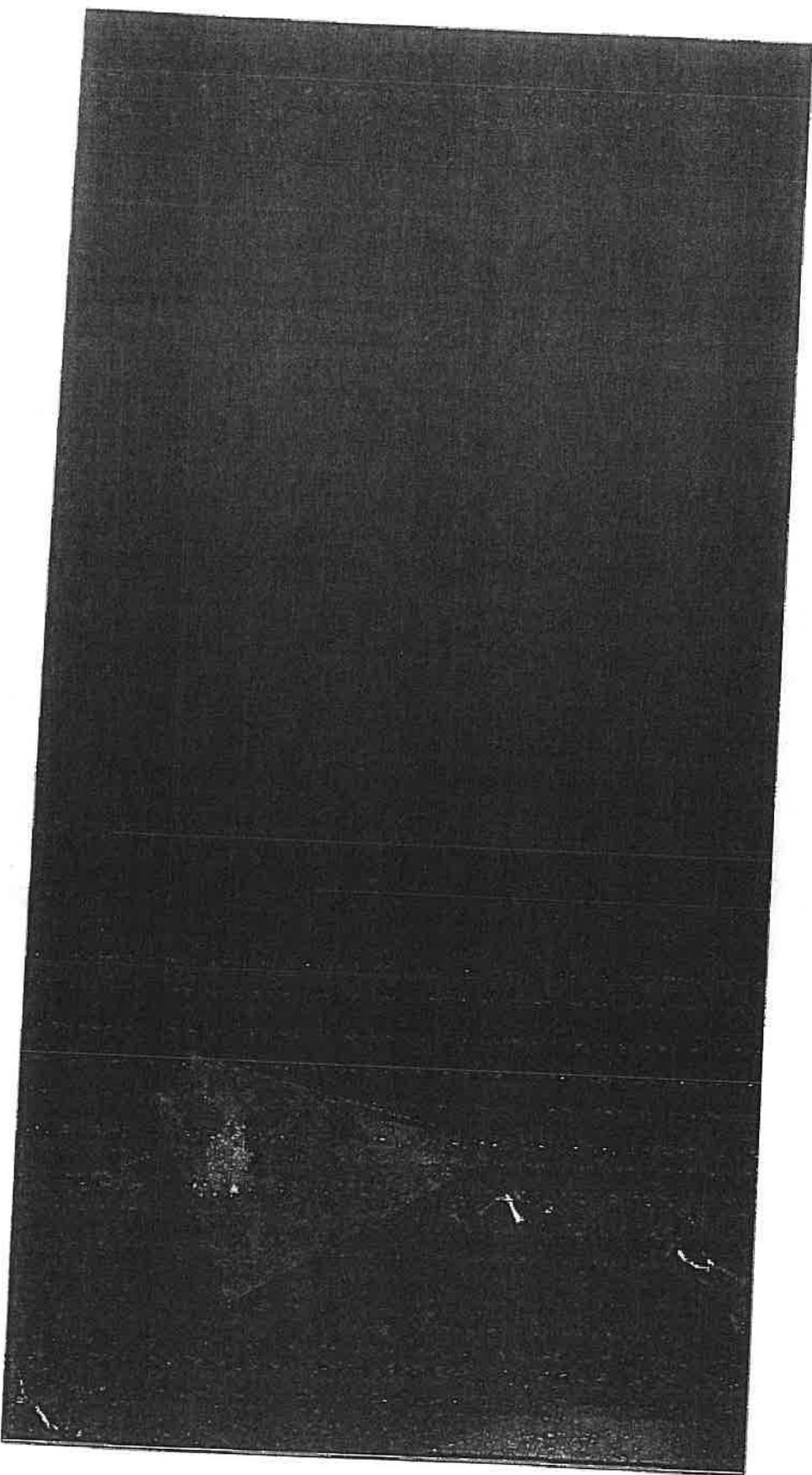
IHZ Adoption Application
Falls Village - Habitat for Humanity Site
Lime Rock Station Rd
Locator Map C - Proximity

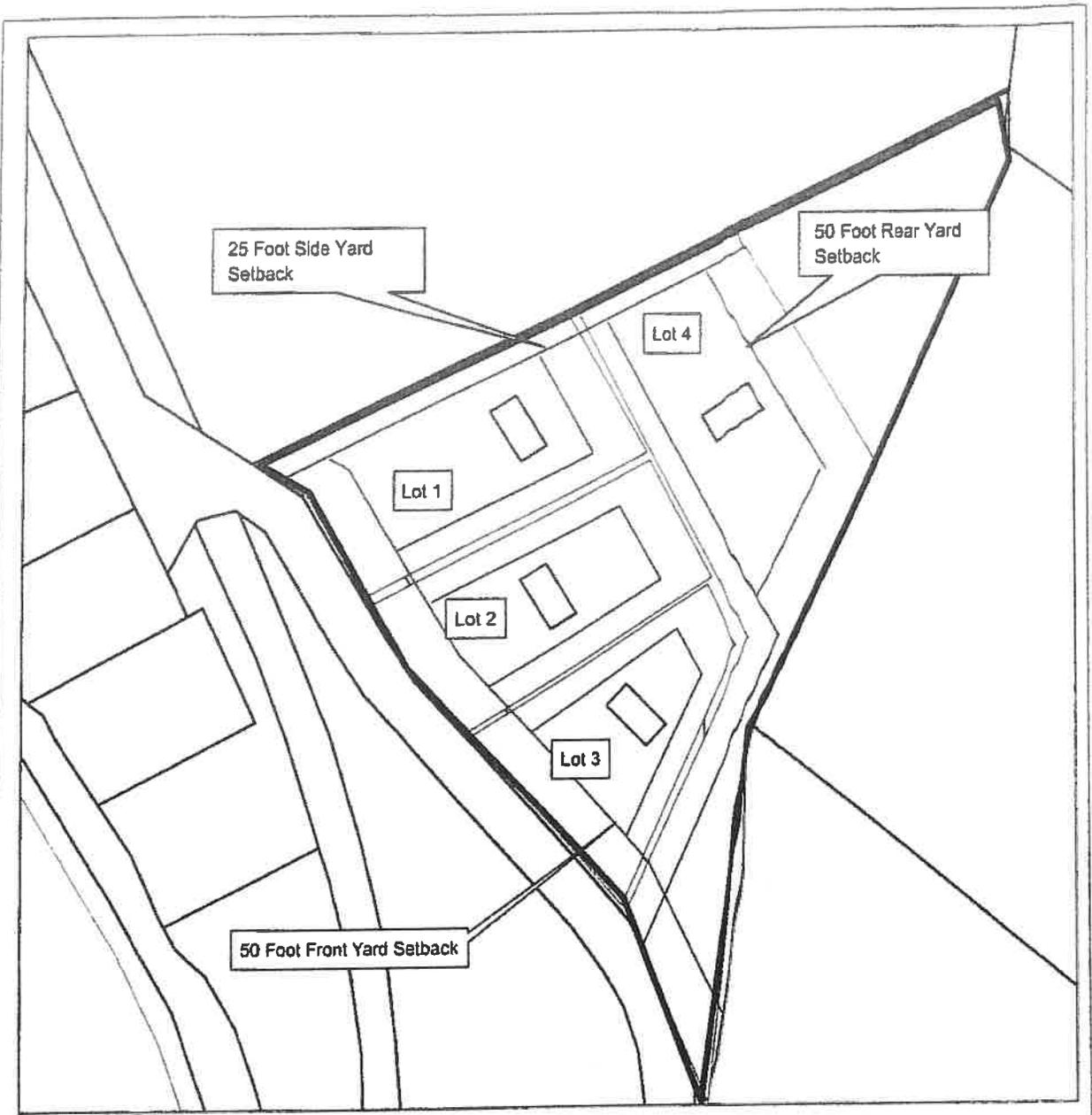
Map by Christopher S Wood, Northwestern CT Regional Planning Collaborative



IHZ Adoption Application
Falls Village - Habitat for Humanity Site
Lime Rock Station Rd
Locator Map D - Aerial, Approximate Location

**Attachment 3 – Developable Land Plan
IHZ Adoption Application
Falls Village - Lime Rock Station Rd
(Boundaries Approximate)**

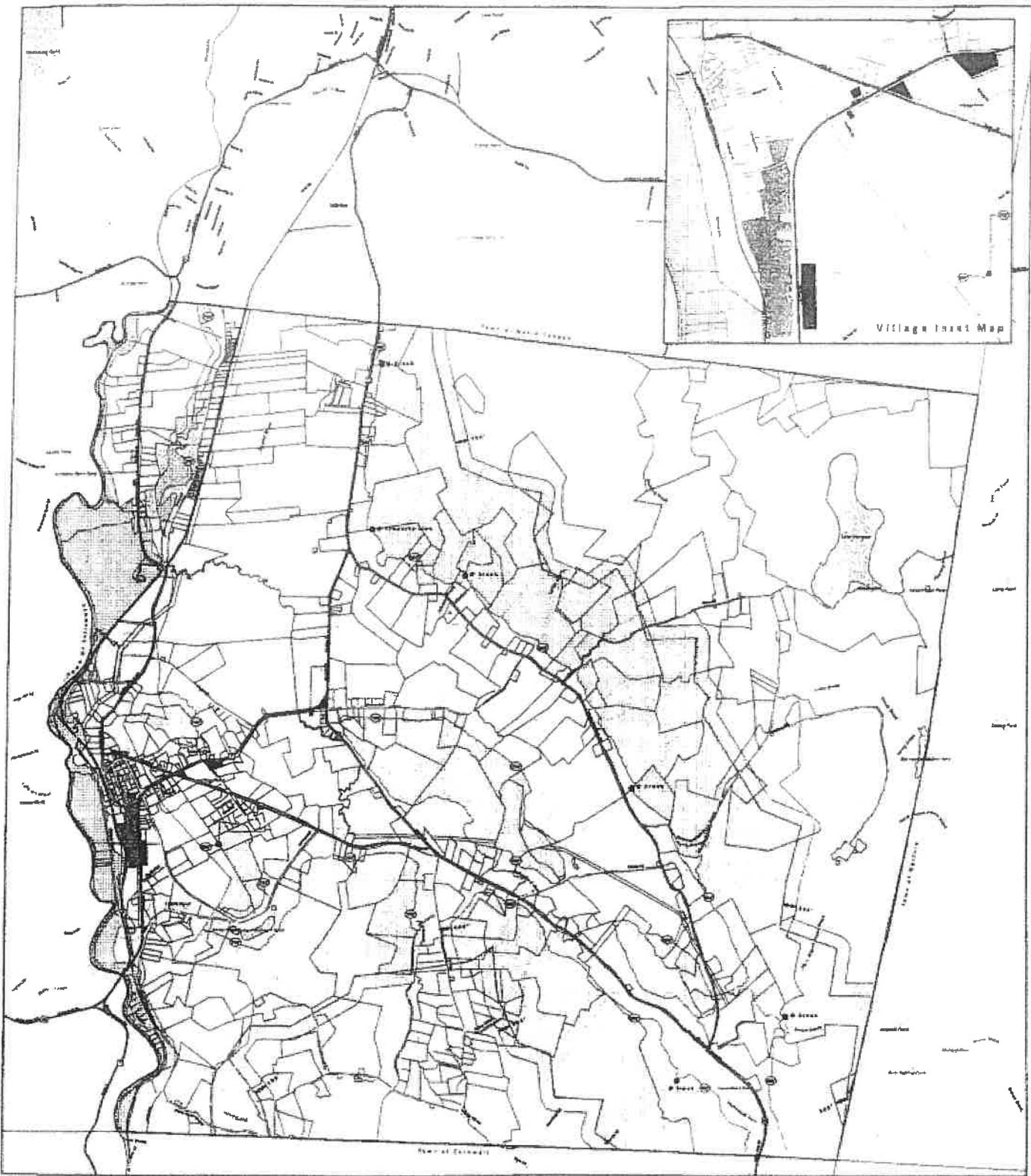




—
Approx. Buildable Area

**IHZ Adoption Application
Falls Village - Lime Rock Station Rd
Attachment 4 - Existing Zoned Units Plan
Not to Scale**

Map by Christopher S. Wood, Northwestern CT Regional Planning Collaborative



Canaan / Falls Village, CT

Zoning Districts



Map prepared by
 [Organization Name]
 1000 North 17th Street
 Gaithersburg, MD 20878
 Phone: (301) 975-2000
 Fax: (301) 975-2800
 www.nist.gov



Map Feature Key

- Town Boundary
- Parcel Boundary
- Primary Route
- Secondary Route
- Local Road
- 4WD Road / Trail
- Active Rail
- Water Course
- Intermittent Water Course
- Waterbody

- ### Residential & Agricultural Zones
- Residential/Agricultural
 - Mountain Residential
 - Village Residential
 - Business & Industrial Zones
 - Village Business
 - Rural Business
 - Light Industrial
 - Quarry Zone

- ### Overlay Districts
- Housatonic River Overlay - Inner Corridor
 - Housatonic River Overlay - Outer Corridor
 - Steep Slope Overlay
 - Flood Zone Overlay
 - Ridgelines
 - Elevation Change Location

Master Plan for Implementation Incentive Housing Zone

OVERVIEW

This Master Plan for Implementation is a requirement of the Incentive Housing Zone Adoption Application. It is required to describe the development priority for each parcel and schedule for development. Only one Incentive housing zone site is being proposed at this time so the concept of establishing development priority of various IHZ sites or phasing is not applicable.

LIME ROCK STATION RD INCENTIVE HOUSING ZONE

Town of Canaan (Falls Village)

This property is owned by the NWCT Chapter of Habitat for Humanity. The property owner intends to sell this property to a developer or to explore the option of building a single family style Incentive Housing Development themselves if the IHZ is adopted and financing is available.

A concept plan has been developed for this site which shows an IHD potential for 14 townhouse style housing units or 9 single family units clustered together near the existing public road. A copy of this concept plan is also attached here as Attachment 5.

INCENTIVE HOUSING OVERLAY ZONE

A. PURPOSE

The purpose of the Incentive Housing Zone is:

- 1. to provide incentives for the development of workforce and starter housing;*
- 2. to create an increased variety of attractive housing options, which will encourage residents of all income types to live and work near the town center; and*
- 3. to promote well-designed projects, which enhance and support the historic character and architectural styles of the town;*

B. DEFINITIONS

For purposes of this Section, the following definitions shall apply:

Administering Agency – the Planning and Zoning Commission shall be designated to review and implement the Affordability requirements affecting Incentive Housing Developments under section G of this regulation entitled “Housing and Housing Affordability”.

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

Duplex- a residential building containing two units.

Eligible Household - an individual or household whose annual income is less than 80 percent of the area-wide median income as determined by the United States Department of Housing and Urban Development (HUD), adjusted for household size.

Incentive Homeownership Unit - a housing unit required to be sold at 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 area median income.

Incentive Housing Zones (IHZ) – a zone or zones adopted by the Planning and Zoning Commission in accordance with this Section.

Incentive Housing Development (IHD) – a residential or mixed-use development that is proposed or located within an approved incentive housing zone and within which all of the dwelling units will be conveyed subject to an incentive housing restriction requiring that, for at least thirty years after the initial occupancy of the development, such dwelling units shall be sold or rented at, or below, prices which will preserve the units as housing

for which persons pay thirty percent or less of their annual income, where such income is less than or equal to eighty percent of the area median income.

Incentive Housing Restriction – a deed restriction, covenant, zoning regulation, site plan approval condition, subdivision approval condition, or affordability plan constituting an obligation with respect to the restrictions on household income, sale or resale price, rent and housing costs required by this Section, enforceable for at least thirty years and recording on the land records of the Town of Canaan.

Incentive Housing Units - housing that is occupied by Eligible Households and is sold or rented at, or below, prices which will preserve the units as housing for which persons pay thirty percent or less of their annual income.

Incentive Rental Unit - a housing unit required to be rented at 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.

Median Income - the area median income as determined by the United States Department of Housing and Urban Development for the Town of Canaan.

Multifamily housing- a building that contains or will contain three or more residential dwelling units.

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

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

C. LOCATION OF INCENTIVE HOUSING ZONE

1. Establishment. *The Incentive Housing Zone Overlay District has been established and is superimposed over the underlying zoning district on the Zoning Map as set forth on the map entitled "Incentive Housing Zone Overlay District, dated ___, prepared by ___." This map is hereby made a part of the Zoning Regulations and is on file in the Office of the Town Clerk.*

D. APPLICABILITY OF IHZ

1. Applicability of IHZ. *An applicant may seek development of an Incentive Housing Development located within the IHZ in accordance with the provisions of this regulation.*

2. Underlying Zoning. *The IHZ is an overlay district superimposed on all underlying zoning districts. The regulations for use, dimension, and all other provisions of the Zoning Ordinance governing the underlying zoning district(s) shall remain in full force, except for those Incentive Housing Developments developed pursuant to this Section. Within the boundaries of the IHZ, a developer may elect either to develop an Incentive Housing Development in accordance with the requirements of the IHZ as described in this regulation, or to develop a project in accordance with requirements of the regulations for use, dimension, and all other provisions of the Zoning Regulations governing the underlying zoning district(s).*

E. PERMITTED USES

1. Permitted Uses. *The following uses are permitted as-of-right with site plan approval (SPA) as noted in the table below for each district:*

Table of Use Regulations

Use Type	
<i>Single-family Residential Uses, Detached</i>	<i>Permitted by right with SPA</i>
<i>Duplex or Townhouse style Residential Uses, Attached*</i>	<i>Permitted by right with SPA</i>

**Note: No more than four units can be attached*

a) Related accessory buildings and structures such as sheds and garages are permitted with proper permitting.

2. Prohibited Uses. *All uses not expressly allowed are prohibited.*

F. SITE PLAN APPLICATION & APPROVAL

1. Site Plan Application. *The applicant for an Incentive Housing Development shall submit a site plan in compliance with Section 9.1 B "Site Plan Requirements" of the Town of Canaan Zoning Regulations.*

2. Site Plan Approval. *Site Plan Approval shall be granted where the Planning & Zoning Commission finds that:*

- a) the applicant has submitted the information and fees required by the Regulations and necessary for an adequate and timely review of the design of the Incentive Housing Development or potential development impacts;*
- b) the project as described in the application meets all of the requirements and standards set forth in this Incentive Housing Overlay Zone regulation, or a waiver has been granted;*
- c) the project conforms to the applicable Design Standards; and*
- d) any extraordinary adverse potential impacts of the Project on nearby properties have been adequately mitigated.*

Conditions to the Site Plan Approval decision shall be imposed on an Incentive Housing Development by the Commission only as necessary to ensure substantial compliance with this Section including the Design Standards, or to mitigate any extraordinary adverse impacts of the development on nearby properties.

3. Waivers. *Upon the request of the Applicant, the Commission may waive dimensional and other requirements in this regulation, including the Design Standards, in the interests of design flexibility and overall project quality, and upon a finding of the following:*

- a) consistency of such variation with the overall purpose and objectives of the IHZ,*
- b) such waiver is necessary to allow the Project to achieve the density, Affordability, and/or physical character allowable under this Section,*
- c) there are compelling reasons of safety, aesthetics or site design issues, or*
- d) that it will result in an improved project in conformance with the purpose and intent of this Article.*

G. HOUSING AND HOUSING AFFORDABILITY

1. Number of Incentive Housing Units. *For all Incentive Housing Developments, not less than one hundred percent (100%) of housing units constructed shall be Incentive Housing Units.*

2. Administering Agency. *The Planning & Zoning Commission shall be designated as the administering agency for any units subject to an Incentive Housing Restriction. In a case where the Administering Agency cannot adequately carry out its administrative duties, upon certification of this fact by the Board of Selectmen such duties shall devolve to and thereafter be administered by a qualified housing entity designated by the Board of Selectmen. In any event, such Administering Agency shall ensure the following, both*

prior to issuance of a Building Permit for a Incentive Housing Development within the IHZ, and thereafter, as the case may be:

- a) prices of Incentive Homeownership Units are properly computed; rental amounts of Incentive Rental Units are properly computed;*
- b) income eligibility of households applying for Incentive Housing is properly and reliably determined;*
- c) the housing marketing and resident selection plan conform to all requirements and are properly administered; Resident selection plan will include a preference for persons currently living, working, or volunteering in the Town as allowed by applicable law;*
- d) sales and rentals are made to Eligible Households chosen in accordance with the housing marketing and resident selection plan with appropriate unit size for each household being properly determined and proper preference being given; and*
- e) Incentive Housing Restrictions meeting the requirements of this section are recorded with the proper registry of deeds.*

3. Submission Requirements. *Prior to the submission of any application for a Building Permit, the Applicant must submit the following documents to the Administering Agency, which shall certify compliance with the provisions of this Section to the Building Inspector:*

- a) evidence that the Incentive Housing Development complies with the cost and eligibility requirements of subsection G.4 below;*
- b) Site development plans that demonstrate compliance with the requirements of the design and construction standards of subsection G.5 below; and*
- c) an Incentive Housing Restriction in such form and content satisfactory to the Administering Agency that complies with the requirements of subsection G.6 below.*

4. Cost and Eligibility Requirements. *Incentive Housing shall comply with the following requirements:*

- a) Incentive Housing required to be offered for rent or sale shall be rented or sold to and occupied only by Eligible Households.*
- b) For an Incentive Rental Unit, the monthly rent payment, including utilities and parking, shall not exceed 30 percent of the maximum monthly income permissible for an Eligible Household, assuming a family size equal to the number of bedrooms in the unit plus one.*

- c) *For an Incentive Homeownership Unit, maximum allowable sale prices for Incentive Homeownership Units shall be calculated consistent with the standards set out in CGS 8-13m as may be amended.*

Prior to the granting of any Building Permit for any structure within an Incentive Housing Development, the Applicant must demonstrate, to the satisfaction of the Administering Agency, that the method by which such rents or purchase prices are computed shall be consistent with state or federal guidelines for affordability applicable to the Town of Canaan.

5. Design and Construction. *Incentive Housing Units shall be finished housing units. Incentive Housing Units shall be dispersed throughout the Incentive Housing Development of which they are part and be comparable in initial construction quality and exterior design to the other housing units in the Incentive Housing Development.*

6. Incentive Housing Restriction. *Each Incentive Housing Development shall be subject to an Incentive Housing Restriction which is recorded with the appropriate registry of deeds and which contains the following:*

- a) *specification of the term of the Incentive housing restriction which shall be no less than thirty years;*
- b) *the name and address of the Administering Agency with a designation of its power to monitor and enforce the Incentive housing restriction;*
- c) *a description of the Incentive Homeownership Unit, if any, by address and number of bedrooms; and a description of the overall quantity and number of bedrooms and number of bedroom types of Incentive Rental Units in a Incentive Housing Development or portion of a Incentive Housing Development which are rental. Such restriction shall apply individually to the specifically identified Incentive Homeownership Unit and shall apply to a percentage of rental units of a rental Incentive Housing Development or the rental portion of a Incentive Housing Development without specific unit identification.*
- d) *reference to the formula pursuant to which rent of a rental unit or the maximum resale price of a homeownership will be set;*
- e) *designation of the priority of the Incentive Housing Restriction over other mortgages and restrictions, provided that a first mortgage of a Homeownership Housing Unit to a commercial lender in an amount less than maximum resale price may have priority over the Incentive Housing Restriction if required by then current practice of commercial mortgage lenders;*
- f) *a requirement that only an Eligible Household may reside in Incentive Housing and that notice of any lease of any Incentive Rental Unit shall be given to the Administering Agency;*

- g) *provision for effective monitoring and enforcement of the terms and provisions of the Incentive housing restriction by the Administering Agency;*
- h) *provision that the restriction on an Incentive Homeownership Unit shall run in favor of the Administering Agency and/or the municipality, in a form approved by municipal counsel, and shall limit initial sale and re-sale to and occupancy by an Eligible Household;*
- i) *provision that the restriction on Incentive Rental Units in a rental Incentive Housing Development or rental portion of a Incentive Housing Development shall run with the rental Incentive Housing Development or rental portion of a Incentive Housing Development and shall run in favor of the Administering Agency and/or the municipality, in a form approved by municipal counsel, and shall limit rental and occupancy to an Eligible Household;*
- j) *provision that the owner[s] or manager[s] of Incentive Rental Unit[s] shall file an annual report to the Administering Agency, in a form specified by that agency certifying compliance with the Affordability provisions of this regulation and containing such other information as may be reasonably requested in order to ensure affordability; and*
- k) *a requirement that residents in Incentive Housing provide such information as the Administering Agency may reasonably request in order to ensure affordability.*

7. **No Waiver.** *Notwithstanding anything to the contrary herein, the Affordability provisions in this Section shall not be waived.*

H. IHZ SITE DEVELOPMENT STANDARDS

1. **Density Requirements.** *Notwithstanding anything to the contrary in this Zoning Regulation, the density and dimensional requirements applicable in the IHZ are as follows:*

Use	Maximum Required Density (du/ac.)
Single Family Detached Dwelling Units	4
Duplex or Townhouse style Dwelling Units	6

Note: In calculating density requirements, multiply the number of acres of Developable Land by the applicable density requirement.

- a) *Density Waiver for Nonprofit or Municipally Owned Land. These density requirements may be waived by the Planning & Zoning Commission if the land to be zoned for incentive housing development is owned or controlled by the municipality itself, an agency thereof, or a land trust, housing trust fund or a nonprofit housing agency or corporation. To qualify for this waiver one hundred per cent (100%) of the proposed residential units must be subject to an incentive housing restriction.*

2. Dimensional Requirements.

Table of Dimensional Requirements in the IHZ District

Minimum lot frontage	50 ft.
Minimum setback from street	15 ft.
Minimum setback from all other lot lines	15 ft.
Maximum building height*	35 ft.

**Note: Maximum building height shall be measured to the mean of the roof.*

- 3. **Parking Requirements.** *Unless otherwise approved by the Planning & Zoning Commission, the minimum number of off-street parking spaces required shall be based upon the parking requirements of the underlying zoning district.*

I. DESIGN STANDARDS

- 1. **Applicability.** *The site plan shall meet the following design standards as set forth in this section of the Regulation.*

2. Building Design

- a) *Buildings shall be designed with an architectural character that fits the town and should contain details such as cornices, brackets, lintels, window shutters, and columns. Variations in architectural elements from building to building are encouraged to add visual interest.*
- b) *Exterior building materials shall reflect the residential character of the town; wood or fiber cement clapboards or shingles, stone, brick, and other such materials are encouraged. Vinyl is discouraged.*
- c) *Where more than one material is used, traditionally heavier materials (stone, brick, concrete, etc.) should be located below lighter materials (wood, shingle, clapboards, etc). The change in material should occur along a horizontal line, preferably at the floor level.*
- d) *Building designs incorporating differing heights and roof lines within different areas of the building are required, to reduce the appearance of a single large building.*

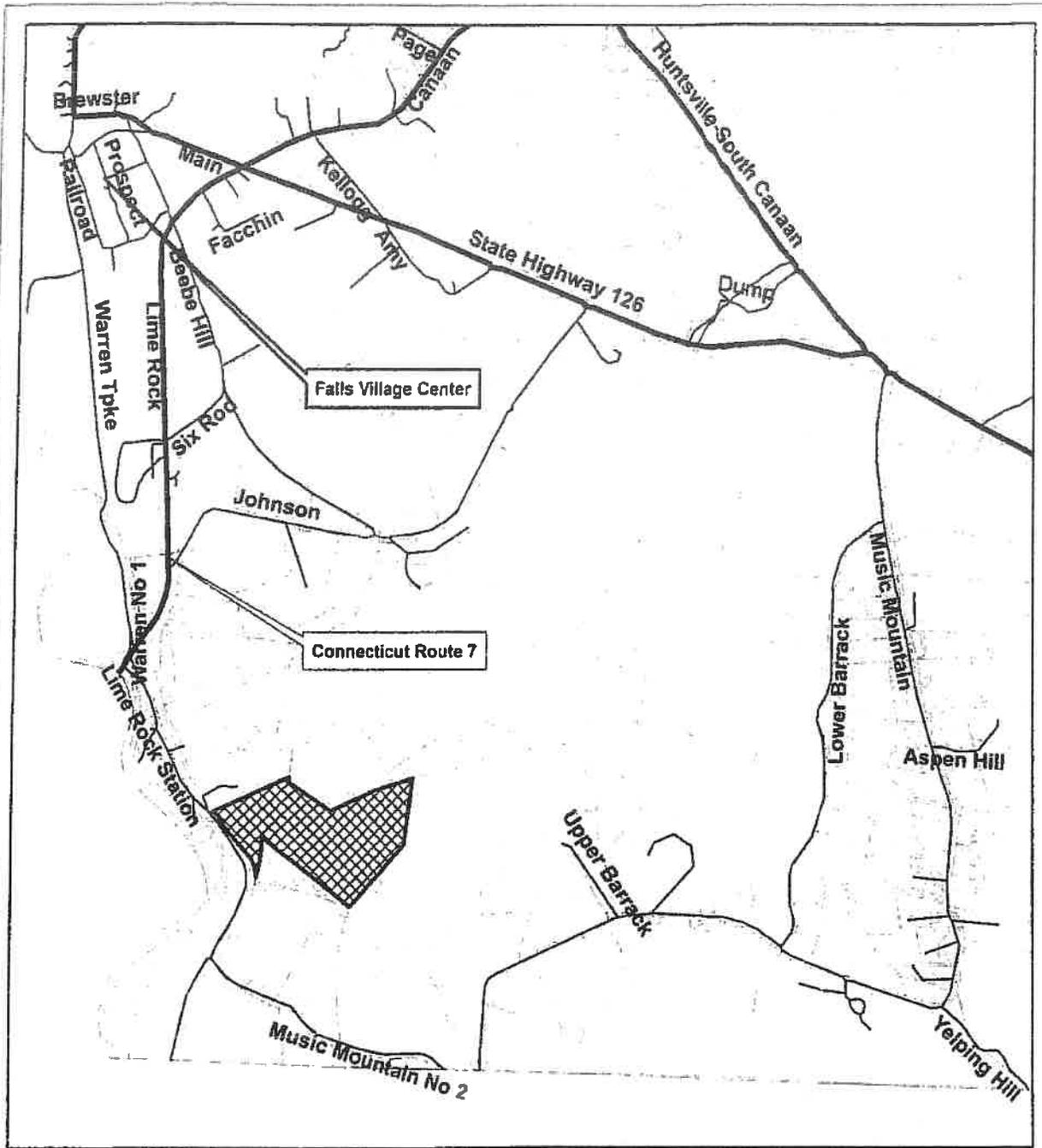
- e) *Buildings with facades that are greater than 40 feet wide shall be broken into smaller elements to add visual character. Such elements may be delineated with varying materials, colors, and architectural projections or recesses.*
- f) *Sloped roofs are required. Roof forms may incorporate decorative cornice treatments and dormers, but shall not be too cluttered with various forms and elements.*
- g) *Porches, decks and balconies are encouraged, provided the overall appearance of the building maintains a character compatible with the neighborhood.*
- h) *Windows shall be placed on all sides of the building. The shape and proportion of windows shall be in line with the shape and size of the house. In general, all windows should be taller than they are wide.*
- i) *All windows shall have a window casing with a minimum width of 2”.*

3. *Lighting. All site lighting shall be full cut-off fixtures that follow “dark skies” principles, and no glare shall be permitted to impact adjacent properties. Exterior lighting fixtures shall not exceed fourteen feet in height.*

4. *Landscaping*

- a) *In addition to new plantings, existing mature trees should be preserved to the maximum extent practicable.*
- b) *The site design shall include a variety of landscape elements including street trees, evergreens, shrubs, and perennials and annuals.*
- c) *Plant materials shall be chosen to withstand seasonal weather cycles in New England and for compatibility with existing plantings in the surrounding neighborhood, with consideration for resistance to infestations, resilience to climate exposure, water availability and drainage conditions. Native species are encouraged and invasive plant species are prohibited. Plants located near streets, driveways or parking lots must be salt-tolerant.*
- d) *Trees shall be a minimum of 3” caliper measured at a point four (4) feet above grade at time of planting and have rope supports for one year, or if the trees are evergreen trees they shall be a minimum of seven (7) feet tall at the time of planting.*
- e) *All landscape plantings shall be guaranteed for a period of one year.*

5. *Stormwater management. Any IHD shall comply with the stormwater management regulations that apply to the underlying zoning district.*



 Proposed IHZ Overlay Zone

Current Zoning

-  Residential/Agricultural
-  Rural Business
-  Village Business
-  Village Residential

**IHZ Adoption Application
Attachment 7.1 - Proposed IHZ Overlay Zone
Falls Village - Lime Rock Station Rd**

Map by Christopher S. Wood, Northwestern CT Regional Planning Collaborative

ATTACHMENT 8:
Design Standards

The design standards are part of the proposed Incentive Housing Zone regulation. Please see pages 8-9 of the proposed Incentive Housing Zone regulations (Attachment 7).

**Local Application Process
for Reviewing Incentive Housing Development**

The Town of Canaan Planning & Zoning Commission will conduct a public hearing in connection with an application for site plan approval for an Incentive Housing Development. The Commission may, to the extent allowed by the Freedom of Information Act, conduct one or more preliminary or pre-application planning or workshop meetings with regard to an Incentive Housing Development. Section F of the Town of Canaan Incentive Housing Overlay Zone Regulation lays out the process and requirements for review and approval or denial of an application. This section reads as follows:

F. SITE PLAN APPLICATION & APPROVAL

1. Site Plan Application. *The applicant for an Incentive Housing Development shall submit a site plan in compliance with Section 9.1 B "Site Plan Requirements" of the Town of Canaan Zoning Regulations.*

2. Site Plan Approval. *Site Plan Approval shall be granted where the Planning & Zoning Commission finds that:*

- a) the applicant has submitted the information and fees required by the Regulations and necessary for an adequate and timely review of the design of the Incentive Housing Development or potential development impacts;*
- b) the project as described in the application meets all of the requirements and standards set forth in this Incentive Housing Overlay Zone regulation, or a waiver has been granted;*
- c) the project conforms to the applicable Design Standards; and*
- d) any extraordinary adverse potential impacts of the Project on nearby properties have been adequately mitigated.*

Conditions to the Site Plan Approval decision shall be imposed on an Incentive Housing Development by the Commission only as necessary to ensure substantial compliance with this Section including the Design Standards, or to mitigate any extraordinary adverse impacts of the development on nearby properties.

3. Waivers. *Upon the request of the Applicant, the Commission may waive dimensional and other requirements in this regulation, including the Design Standards, in the interests of design flexibility and overall project quality, and upon a finding of the following:*

- a) consistency of such variation with the overall purpose and objectives of the IHZ,*
- b) such waiver is necessary to allow the Project to achieve the density, Affordability, and/or physical character allowable under this Section,*
- c) there are compelling reasons of safety, aesthetics or site design issues, or*
- d) that it will result in an improved project in conformance with the purpose and intent of this Article.*

Section 9.1 B "Site Plan Requirements" of the Town of Canaan Zoning Regulations reads as follows: (Scanned section of zoning regulations attached)

Housing Plan

Town of Canaan

May 2013

Prepared by:
Jocelyn Ayer, NWCT Regional Planning Collaborative

This plan was developed as a part of the Town of Canaan Incentive Zone Adoption Application and includes excerpts from the 2013 Town Plan of Conservation & Development.

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- I. Housing Needs Assessment
- II. Strategies to Address Affordable Housing Needs
- III. Incentive Housing Zone Buildout
- IV. Town Efforts to Support Incentive Housing Zone Development

I. Housing Needs Assessment

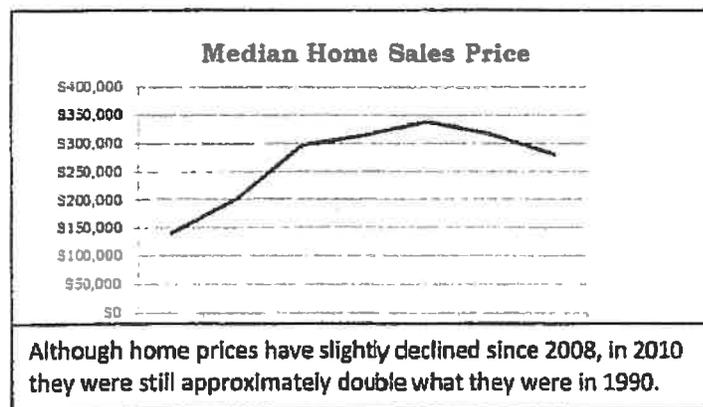
Housing Changes

The Town of Canaan has approximately 636 units of housing (Source: CERC Town profile 2012). The 2000 Census showed about 610 housing units. Of these housing units a vast majority are owner occupied, single family homes. The 2010 Census found only 9 units for rent at that time.

A range of housing options are needed in any town to meet the needs of families and individuals of different ages, household sizes, and incomes. Even as current residents grow older, their housing needs change. *The Town of Canaan does not have a diverse range of housing options.* This has an effect on who can move to or stay in the Town of Canaan. Focus session participants noted, for example, that the high cost of housing has affected the Region 1 school district's ability to retain & recruit staff.

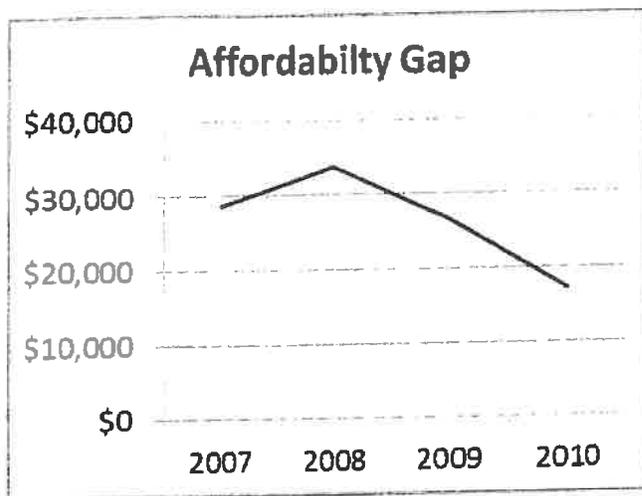
Additionally, the lack of affordably priced homes and rental housing options is believed to have directly affected the Town's ability to attract and retain younger fire and ambulance volunteers.

The problem of housing affordability is not unique to the Town of Canaan. It is a problem in the state and the



county as a whole as housing prices have risen more quickly than incomes leaving a large gap between what residents earn and what they would need to earn to qualify for a mortgage on the median priced home. Rental housing rates are also out of reach for many people, Connecticut residents typically need to earn at least \$23/hr. (or about \$45,000 annually) to afford the typical 2-bedroom apartment.

Typically housing is considered "affordable" if a household is paying less than 30% of their household income on housing costs (for example rent or mortgage). In the Town of Canaan, 93 renter occupied households and 28 owner occupied households reported spending more than 30% of their income on housing costs.



A Falls Village resident who earned \$68,150 and wanted to buy the median priced home in 2010 would need to earn \$17,143 more per year to afford it.

Median Sales Price of Homes:

- The median sales prices of homes have increased significantly since 2000 (67%). This has put homeownership out of the reach of many more families.
- Though the prices have decreased somewhat over the last couple of years, the decrease is not nearly enough to offset the dramatic increase that happened over the last decade.

	1990	2000	2005	2007	2008	2009	2010
median sales price	\$141,500	\$202,500	\$296,025	\$315,000	\$338,750	\$316,000	\$280,000

(Source: The Warren Group through NWCCOG)

- According to a survey of homes currently for sale (December 2, 2010 Realtor.com), the median sales price is \$375,000.

Affordability Gap in Falls Village:

- The gap between what a family earning the median income makes and the income that would be needed to qualify for the median sales priced home in the town is referred to as the “affordability gap”.
- In Falls Village, a family earning the town’s median income is making **\$33,730 LESS THAN what they would need to be making** to qualify for a mortgage on the median priced home in town (using 2008 median income and median home price).
(Source: HOME Connecticut report “Affordability in Connecticut, 2008”)
 - Using the 2009 median income for Falls Village of \$69,246, a household would qualify for a mortgage on a home that cost approximately \$292,000. This is \$83,000 less than the current median home price (December 2, 2010 Realtor.com).
 - This gap is even greater for families earning only 80% of the town’s median income (\$55,396) and as we saw, most school employees have incomes at or below this range.

Household Income

- The median income of a household in Canaan in 2009 was \$69,246 (Source: CERC-Town Profile 2010).
- Efforts at providing affordable housing options generally try to accommodate the needs of households at or below the median income.

Household Income Limits & Eligibility for Affordable Housing Programs

The Department of Housing & Urban Development (HUD) develop income limits every year for the housing programs that they administer (many other funding programs use these limits as well) to make sure that families who are served by these programs make less than the income limits. These are based on the median income in the county and are adjusted for household size. The income limits for Litchfield County (which would apply in Falls Village) are as follows:

FY 2009 Income Limits Summary

Goshen town, Connecticut										
FY 2009 Income Limit Area	Median Income	FY 2009 Income Limit Category	1 Person	2 Person	3 Person	4 Person	5 Person	6 Person	7 Person	8 Person
Canaan town	\$86,700	(50%) Income Limits	\$30,350	\$34,700	\$39,000	\$43,350	\$46,800	\$50,300	\$53,750	\$57,200
		(30%) Income Limits	\$18,200	\$20,800	\$23,400	\$26,000	\$28,100	\$30,150	\$32,250	\$34,300
		(80%)	\$44,800	\$51,200	\$57,600	\$64,000	\$69,100	\$74,250	\$79,350	\$84,500

		<u>Income Limits</u>								
--	--	--------------------------	--	--	--	--	--	--	--	--

(Source: HUD Income Limits for FY2009 www.huduser.org)

Example: A Falls Village family of four who earned up to \$64,000 would be eligible for affordable housing funded through most programs.

INTERVIEW RESULTS

Emergency Service Providers

Interviewed: David Seney, Fire Chief and Linda Paviol, Head of EMS/Ambulance

- There are 45 volunteers that serve the fire department and EMS, the average age of these volunteers is mid-40's.
- Not all of the volunteers live in Falls Village.
- It is difficult to keep younger volunteers due to the high housing costs in town.
- There is a need for more homeownership and/or rental options that volunteers can afford; especially well-maintained rentals.

Kellogg School

Interviewed: Maria Bulson, School Principal

- There are 14 full time staff members, 7 part time staff members, and 22 volunteers.
- There are 18 staff members who earn under \$50,000, 11 of which earn under \$20,000.
- This would make those 18 staff members eligible for typical affordable housing programs (this assumes single income households with 2 or more family members).
- None of these 18 school staff could afford to buy the current median priced home of \$375,000 (home prices from Realtor.com- December 2, 2010).
- Only two staff members currently live in Falls Village. Principal would like to have more teachers living in the community. New teachers live in Torrington because the housing prices there are affordable for them.
- Affordable rental units are especially important for teacher recruitment, especially young teachers. There are a number of programs where it is difficult for teachers to participate because they don't live in town.

Region One School District

Interviewed: Sam Herrick

- Region One School District (HVRHS, Pupil Services, & RSSC) employs 125 full time and 55 part time employees.
- 61% (110) of those employees earn less than \$60,000. This would make all 110 of them eligible for typical affordable housing programs (again this assumes single income households with 4 family members).
- None of these 110 school district employees could afford to buy the current median priced home of \$375,000 (home prices from Realtor.com- December 2, 2010).

- The cost of housing in Falls Village and the other Region One towns negatively affects the school district's ability to retain & recruit staff.
- 63 school district staff currently live outside of region one towns.
- There IS a need for more homeownership and rental options that employees can afford.

Community Survey Results on Housing related questions

In 2011 as part of the Town Plan update process, every household in the Town of Canaan was sent a postcard and asked to participate in a survey. There were 144 responses to the survey. Following is a summary of the results on the questions related to housing:

- 80% of respondents agreed the town should do more to encourage and support housing opportunities for families earning between \$50K and \$90K. (only 59% agreed for families earning less than \$50K)
- 80% of respondents would like to see Falls Village be a community with residents of all ages- old, young, & in between.
- 74% of respondents agreed that the town should pursue housing & job creation strategies that would bring/keep more young families with school aged children in town.
- 64% of respondents agree there is a need for housing that young emergency volunteers and school teachers can afford (22% don't know).

II. Strategies to Address Housing Needs

The Town Plan of Conservation & Development 2013 has made the following recommendations to address the town's housing needs:

Goal 1: Encourage a range of housing options. Address the diverse housing needs of all residents.

- Form a local housing group with volunteers to proactively seek ways of meeting the housing needs of residents- rental and homeownership.
- Revise zoning regulations to allow for the conversion of larger homes into two or three-family homes.
- Consider adopting an Incentive Housing Zone (IHZ) to allow zoning flexibility to create well designed affordable and market rate housing.
- Continue to allow for two-family housing to provide for housing choice.
- Consider zoning regulation revisions that allow multi-family housing in the village center.
- Promote accessory apartments by holding an outreach session at least once a year in Falls Village on how to create them. Continue to modify regulations as needed to encourage accessory apartments.

III. Incentive Housing Zone Buildout

The Town of Canaan is proposing one incentive housing zone (IHZ) on Lime Rock Station Rd. The purpose of adopting an IHZ on this site would be to encourage the use of the site for additional housing development near the regional high school and village center area including affordable housing as is consistent with the Town Plan and the State Plan. A concept plan has been developed for this site which shows an IHD potential for up to 14 housing units with a total of 27 bedrooms.

Through the Canaan Incentive Housing Zone Study grant, the water and wastewater infrastructure needs of this site have been studied in detail. Please see Attachment 5 of the Zone Adoption Application of which this Housing Plan is a part. The Town of Canaan does not have public sewer, therefore there must be on site wastewater treatment and wells to accommodate any development.

IV. Town Efforts to Support Incentive Housing Zone Development

Through the Town's participation in the incentive Housing Zone Study carried out by the NWCT Regional Planning Collaborative they have shown their willingness to consider and explore the option of an Incentive Housing Development.

With the Planning Collaborative's assistance, the town will continue to explore the possibilities on this site with the property owner that would lead to the creation of affordable housing consistent with the Town Plan.

**Incentive Housing Zone
Administration & Enforcement Plan**

I. TEXT OF PROPOSED INCENTIVE HOUSING RESTRICTION

Deed restriction for For-Sale Units

The language below shall be inserted in each deed for an Incentive Housing Unit for the duration of the thirty (30) year sale price restriction period:

The property conveyed is hereby subject to an "Incentive Housing Restriction" as defined in Connecticut General Statute 8-13m and is therefore an "Incentive Housing Unit". The owner of the Incentive Housing Unit shall sell or transfer the Incentive Housing Unit only to a household whose income is less than or equal to eighty percent (80%) of the area median income for the Town of Canaan ("Town") as determined by the Connecticut Department of Housing and the US Department of Housing and Urban Development ("HUD"). The designation as an Incentive Housing Unit shall remain in place for the duration of the price restriction period. Determination of a potential purchaser's eligibility shall be made by the NWCT Chapter of Habitat for Humanity (or insert name of other organization whose mission includes the creation of affordable housing).

In the event that the owner of the Incentive Housing Unit desires to sell the property, the owner shall notify the NWCT Chapter of Habitat for Humanity in writing. The NWCT Chapter of Habitat for Humanity shall then provide notice of the availability of the Incentive Housing Unit for purchase. Such notice shall be provided, at a minimum, by advertising at least two times in newspapers of general circulation in the Town. The owner of the Incentive Housing Unit shall bear the cost of such advertisement. The NWCT Chapter of Habitat for Humanity shall also provide such notice to the Town of Canaan. Such notice shall include a description of the Incentive Housing Unit, the eligibility criteria for potential purchasers, the maximum sales price and the availability of application forms and additional information. All such notices shall comply with the Federal Fair Housing Act and the Connecticut Fair Housing Act.

The owner of the Incentive Housing Unit may hire a real estate broker or otherwise solicit offers from potential purchasers, independent of the NWCT Chapter of Habitat for Humanity's action. The owner shall inform any potential purchaser of the affordability restrictions before any purchase and sale agreement is executed. The purchase and sale agreement shall contain a provision to the effect that the sale is contingent upon determination by the NWCT Chapter of Habitat for Humanity that the potential purchaser is an Eligible Household as defined in the Town of Canaan's Incentive Housing Zone regulation. Once the purchase and sale agreement is executed, the potential purchaser shall immediately notify the NWCT Chapter of Habitat for Humanity in writing. The NWCT Chapter of Habitat for Humanity shall have thirty (30) days from such notice to determine the eligibility of the potential purchaser. The NWCT Chapter of Habitat for Humanity shall notify the Incentive Housing Unit owner and the potential purchaser of its determination of eligibility in writing within said thirty (30) day period.

If the NWCT Chapter of Habitat for Humanity determines that the potential purchaser is not eligible, the purchase and sale agreement shall be void, and the owner may solicit other potential purchasers. If the NWCT Chapter of Habitat for Humanity determines that the potential purchaser is eligible, they shall provide the potential purchaser and the owner of the Incentive Housing Unit with a signed certification stating that the sale of the incentive Housing Unit complies with the Town of Canaan's Incentive Housing Zone regulations.

The Incentive Housing Unit owner shall occupy the property as their principal residence and shall not lease the property. The owner shall maintain the Incentive Housing Unit and shall not destroy, damage, or impair the property.

A violation of this Incentive Housing Restriction shall not result in a forfeiture of title, but the Canaan Planning & Zoning Commission shall otherwise retain all enforcement powers granted by the Connecticut General Statutes, including sections 8-12, which powers include the authority to inspect said property and to examine the books and records of the NWCT Chapter of Habitat for Humanity to determine compliance of the property with the Incentive Housing Zone regulations.

Deed restriction for Rental Units

The language below shall be recorded on the Town land records:

[identify address and unit numbers]

These units are incentive housing units and therefore are subject to a limitation on the maximum annual income of the household that may rent the units, and are subject to a limitation on the maximum rent that may be charged for the units.

For thirty (30) years, these dwelling units shall be rented to persons or families whose annual income is equal to or less than eighty (80%) percent of the area median income. In addition, the monthly rent payment, including utilities, shall not exceed thirty (30%) percent of the maximum monthly income permissible for an Eligible Household, assuming a family size equal to the number of bedrooms in the unit plus one.

II. PLAN FOR ADMINISTERING & ENFORCING

Section G of the proposed Incentive Housing Zone regulation describes the plan for administering and enforcing the requirements of the Incentive Housing Restriction. The text of this section is included below:

1. Number of Incentive Housing Units. For all Incentive Housing Developments, not less than one hundred percent (100%) of housing units constructed shall be Incentive Housing.

2. Administering Agency. The Canaan Planning & Zoning Commission shall be designated as the administering agency for all units subject to an incentive Housing Restriction. In a case where the Administering Agency cannot adequately carry out its administrative duties, upon certification of this fact by the First Selectman such duties shall devolve to and thereafter be administered by a qualified housing entity designated by the First Selectman or by the Board of Selectmen. In any event, such Administering Agency shall ensure the following, both prior to issuance of a Building Permit for a Incentive Housing Development within the IHZ, and thereafter, as the case may be:

- a) prices of Incentive Homeownership Units are properly computed; rental amounts of Incentive Rental Units are properly computed;
- b) income eligibility of households applying for Incentive Housing is properly and reliably determined;
- c) the housing marketing and resident selection plan conform to all requirements and are properly administered; Resident selection plan will include a preference for persons currently living, working, or volunteering in the Town as allowed by applicable law;
- d) sales and rentals are made to Eligible Households chosen in accordance with the housing marketing and resident selection plan with appropriate unit size for each household being properly determined and proper preference being given; and
- e) Incentive Housing Restrictions meeting the requirements of this section are recorded with the proper registry of deeds.

3. Submission Requirements. Prior to the submission of any application for a Building Permit, the Applicant must submit the following documents to the Administering Agency, which shall certify compliance with the provisions of this Section to the Building Inspector:

- a) evidence that the Incentive Housing Development complies with the cost and eligibility requirements of subsection F.4 below;
- b) Site development plans that demonstrate compliance with the requirements of the design and construction standards of subsection F.5 below; and
- c) an Incentive Housing Restriction in such form and content satisfactory to the Administering Agency that complies with the requirements of subsection F.6 below.

4. Cost and Eligibility Requirements. Incentive Housing shall comply with the following requirements:

- a) Incentive Housing required to be offered for rent or sale shall be rented or sold to and occupied only by Eligible Households.
- b) For an Incentive Rental Unit, the monthly rent payment, including utilities and parking, shall not exceed 30 percent of the maximum monthly income permissible for an Eligible Household, assuming a family size equal to the number of bedrooms in the unit plus one.
- c) For an Incentive Homeownership Unit, maximum allowable sale prices for Incentive Homeownership Units shall be calculated consistent with the standards set out in CGS 8-13m as may be amended.

Prior to the granting of any Building Permit for any structure within an incentive Housing Development, the Applicant must demonstrate, to the satisfaction of the Administering Agency, that the method by which such rents or purchase prices are computed shall be consistent with state or federal guidelines for affordability applicable to the Town of Canaan.

5. Design and Construction. Units of incentive Housing shall be finished housing units. Units of incentive Housing shall be dispersed throughout the incentive Housing Development of which they are part and be comparable in initial construction quality and exterior design to the other housing units in the incentive Housing Development.

6. Incentive Housing Restriction. Each Incentive Housing Development shall be subject to an Incentive Housing Restriction which is recorded with the appropriate registry of deeds and which contains the following:

- a) specification of the term of the incentive housing restriction which shall be no less than thirty years;
- b) the name and address of the Administering Agency with a designation of its power to monitor and enforce the incentive housing restriction;
- c) a description of the Incentive Homeownership Unit, if any, by address and number of bedrooms; and a description of the overall quantity and number of bedrooms and number of bedroom types of incentive Rental Units in a Incentive Housing Development or portion of a Incentive Housing Development which are rental. Such restriction shall apply individually to the specifically identified Incentive Homeownership Unit and shall apply to a percentage of rental units of a rental Incentive Housing Development or the rental portion of a Incentive Housing Development without specific unit identification.
- d) reference to the formula pursuant to which rent of a rental unit or the maximum resale price of a homeownership will be set;
- e) designation of the priority of the Incentive Housing Restriction over other mortgages and restrictions, provided that a first mortgage of a Homeownership Housing Unit to a commercial lender in an amount less than maximum resale price may have priority over the Incentive Housing Restriction if required by then current practice of commercial mortgage lenders;
- f) a requirement that only an Eligible Household may reside in incentive Housing and that notice of any lease of any Incentive Rental Unit shall be given to the Administering Agency;
- g) provision for effective monitoring and enforcement of the terms and provisions of the incentive housing restriction by the Administering Agency;
- h) provision that the restriction on an Incentive Homeownership Unit shall run in favor of the Administering Agency and/or the municipality, in a form approved by municipal counsel, and shall limit initial sale and re-sale to and occupancy by an Eligible Household;
- i) provision that the restriction on incentive Rental Units in a rental Incentive Housing Development or rental portion of a Incentive Housing Development shall run with the rental Incentive Housing Development or rental portion of a incentive Housing Development and shall

ATTACHMENT 12

run in favor of the Administering Agency and/or the municipality, in a form approved by municipal counsel, and shall limit rental and occupancy to an Eligible Household;

- j) provision that the owner[s] or manager[s] of Incentive Rental Unit[s] shall file an annual report to the Administering Agency, in a form specified by that agency certifying compliance with the Affordability provisions of this regulation and containing such other information as may be reasonably requested in order to ensure affordability; and
- k) a requirement that residents in Incentive Housing provide such information as the Administering Agency may reasonably request in order to ensure affordability.

7. No Waiver. Notwithstanding anything to the contrary herein, the Affordability provisions in this Section shall not be waived.

OVERVIEW

This impact analysis is a requirement of the Incentive Housing Zone Adoption Application. The proposed Incentive Housing Zone on Lime Rock Station would create the opportunity for up to 14 homes. As mentioned previously, the Town of Canaan has no public wastewater treatment therefore this must be accommodated on the site.

WATER & WASTEWATER TREATMENT

Attached as **ATTACHMENT 5** of this application is a preliminary site feasibility sketch showing the maximum number of units that could realistically be supported by on-site wastewater treatment systems and an on-site water supply within a reasonable cost range, in support of a potential Incentive Housing Zone on the site. Eighteen test pits were dug to assess soil conditions for accommodating septic systems. The conclusion of the analysis is that given the soil conditions, the site is suited for an IHZ with up to 27 bedrooms in single family detached or townhouse units, served by on-site wastewater treatment systems and on-site wells in a public water system for water supply.

HOUSATONIC RIVER OVERLAY ZONE

The concept plans for a development with up to 27 bedrooms was designed to comply with the Housatonic River Overlay Zone regulations.

ROAD ACCESS

The proposed road to serve up to 14 units would require one additional curb cut. Sight lines from the proposed road onto Line Rock Station Rd would be reviewed and approved to assure that the development would not create safety issues if and when a development is proposed for this site.

PROPERTY VALUES

There is a great deal of research and local anecdotal evidence that the neighboring property values do not decline when affordable or mixed income housing is built. For a copy of the one page summary of the research and links directly to these research reports, visit www.homeconnecticut.org.

Mary M Palmer

From: MICHAEL O NEIL [michael_o_neil@sbcglobal.net]

Sent: Wednesday, December 11, 2013 4:23 PM

To: Mary M Palmer

Subject: Re: P&Z Public Hearing Notice to be published for 12/18/13 -GINNIE Rep-Am

**TOWN OF CANAAN / FALLS VILLAGE
Planning & Zoning Commission
Town Hall
Falls Village, CT 06031**

Wednesday, December 18, 2013 6:30 PM

To Whom it May Concern:

Notice is hereby given that on Wednesday, December 18, 2013 at 6:30 PM, in the Canaan Falls Village Town Hall, the Canaan / Falls Village Planning & Zoning Commission will hold a Public Hearing on the following applications;

1. Consideration of Incentive Housing Zone, LimeRock Station
2. Consider elimination of Zoning Regulation, Section 5.12
3. Consideration of Special Permit, Plan of Operation 2014, Century Aggregates, Inc. Falls Village Quarry at Sand Road, Canaan, Connecticut by Applicant, Century Aggregates, Inc.

At this hearing, interested persons may be heard and written communication received.

Frederick Laser
P&Z Chairman

PLANNING & ZONING COMMISSION, Town of Canaan
Falls Village Town Hall, 108 Main Street, Falls Village, CT
Public Hearing Minutes
Wednesday, December 18, 2013, 6:30 p.m.

Present: Chairman, Fred Laser, Michael O'Neil, Zoning Enforcement Officer, Regular Members, Greg Bidou, Alice Macchi, Jody Bronson (late arrival), Stephen Koshland, Tom Scott and Ruth Skovron.
Absent: Alternate Members, Vincent Inconiglios and Adam Sher.

Also Present: Jocelyn Ayer, NWCT Regional Planning Collaborative/NWCCOG, Greg Marlowe on behalf of Century Aggregates, Bob and Ruth Giumarro, and Ellery Sinclair, o/b/o Inland/Wetlands Commission and Conservation Commission.

Public Hearing called to order at 6:39 p.m. by Chairman, Fred Laser.

AGENDA:

1. Consideration of Incentive Housing Zone, Limerock Station
2. Consider elimination of Zoning Regulation, Section 5.12
3. Consideration of Special Permit, Plan of Operation 2014, Century Aggregates, Inc., Falls Village Quarry at Sand Road

Legal Notice read into the record by Chairman Laser.

Matter 1/Consideration of Incentive Housing Zone, Limerock Station: IHZ presentation by Jocelyn Ayer. Ayer provided background that the Reg. Pl. Collaborative has been working with the Town for the past three years and commented that the Town's POCD provides for housing options. Ayer advised that the site on Limerock Station Road consists of approximately 66.1 acres, noting that only 13.5 acres are buildable. Ayer further noted that 9 single or 14 townhouse-style homes (the likelier scenario) could be built on the site and the housing could be home ownership or rental, adding that 20% of the homes would have to be offered as affordable (income/family: \$51,000/2, \$64,000.00/4). A fixed overlay zone would apply only to this site but additional sites could be added in the future, with Town meeting approval. The Plan allows for 4 attached units, which would need to follow design and other regulation conditions.

Questions/comments and/or discussion by the Commission and/or the Public: Question by Tom Scott inquiring if preference could be afforded to Falls Village residents? Ayer advised that Section G2c provides preference for those who currently live and/or work and/or volunteer in Falls Village and noted that additional conditions could be added. It was also discussed that a point system could be developed for use of selection preferences. Further discussion regarding preference to those who grew up in Town? Woods Sinclair addressed the Commission with regard to Public Hearing Matter 2 and provided a handout, Memo from Ellery W. Sinclair, IW/CC Chairman and Commission Members to P&Z Chairman Fred Lazer (sic) and Commission Members, dated December 17th, 2013, Re: December 18th, 2013 Notice of P&Z Public Hearing. Laser commented in response to the one paragraph in the Memo with regard to the Matter of the IHZ that yes, water issues were looked at and Ayer commented that there would be no additional expenses to the Town and noted that the developer would have to deal with any issues for approvals, which would include water and septic. Laser advised that we were currently working with Public Comments regarding Public Hearing Matter 1 so that the other concerns set forth in

the Memo would be addressed when Public Hearing Matter 2 was on the table. There being no further questions, comments or discussion regarding Public Hearing Matter 1, the Public Hearing for Matter 1 was closed at 7:00 p.m.

Matter 2/ Consider elimination of Zoning Regulation, Section 5.12: It was noted by Mike O'Neil that the standards currently set forth in Zoning Regulation, Section 5.12 are regulated by other Agencies and the Zoning Enforcement Officer is not qualified to enforce any of the standards and does not have the tools or authority to enforce. There was further comment that the current Regulation is too vague and does not define with enough guidelines and requires more clarification. Laser read into the record the Memo from Ellery W. Sinclair, IW/CC Chairman and Commission Members to P&Z Chairman Fred Laser (sic) and Commission Members, dated December 17th, 2013, Re: December 18th, 2013 Notice of P&Z Public Hearing. Laser commented that the idea of Local Ordinances might be a good avenue to look into. O'Neil commented that the standards in Regulation Section 5.12 fall outside the purview of land use and reiterated that the ZEO is not qualified or authorized to control these standards. It was also noted that as previously discussed, the Commission feels the need to add "land use" regulations for livestock (i.e. acreage and setbacks). Questions/comments and/or discussion by the Commission and/or the Public: It was advised that Tom Scott would copy Woods Sinclair with regard to any Zoning Regulation changes/revisions. Laser & O'Neil commented that the Commission has a set protocol for action and that there would be no protocol for the standards set forth in Regulation section 5.12 given the lack of authority and enforcement. Woods commented that there exists definition for common-law nuisance and there should exist some local regulation in the Planning & Zoning Regulations. Koshland read the definition from the handbook. There being no further questions, comments or discussion regarding Public Hearing Matter 2, the Public Hearing for Matter 2 was closed at 7:30 p.m.

Matter 3/ Consideration of Special Permit, Plan of Operation 2014, Century Aggregates, Inc., Falls Village Quarry at Sand Road: Century Aggregates presentation/overview by Greg Marlowe (w/map to show area where work currently occurs). Marlowe advised that the location of the quarry work and operating standards for 2014 are nearly identical to that in 2012 & 2013; sequence of mining has not changed; same standards of sending notice letters to abutters and interested parties to advise of blasting in place; work being done in the same general area. Questions/comments and/or discussion by the Commission and/or the Public: discussion regarding the need (?) for Marlowe to come before the Commission, as mandated by the Court order, which is due to expire. Further discussion regarding superseding Perpetuity Agreement entered into, noting that agreed-upon setbacks and other conditions remain in force and effect. ZEO advised that he would make site visits for annual renewal of Special Permit, as may be required. Question by Bob Giumarro regarding where the equipment is, still in the hole or moved across the street? Giumarro advised that there is a real dust issue and that he has developed allergies and that having the equipment stored across the street seems to improve the dust issue. Marlowe advised that the equipment is still in the hole. There being no further questions, comments or discussion regarding Public Hearing Matter 3, the Public Hearing for Matter 3 was closed at 7:40 p.m.

There being no further questions, comments or discussion, Chairman Laser closed the Public Hearing.

Adjournment: Public Hearing adjourned at 7:40 pm. by Chairman, Fred Laser.

Respectfully submitted, Alice Macchi, Recording Secretary

Rec'd 1/16/14
11:31 AM
M Palmer TZ

TOWN OF CANAAN / FALLS VILLAGE

Planning & Zoning Commission

Town Hall

Falls Village, CT 06031

Wednesday, December 18, 2013 6:30 PM

To Whom it May Concern:

Notice is hereby given that on Wednesday, December 18, 2013 at 6:30 PM, in the Canaan Falls Village Town Hall, the Canaan / Falls Village Planning & Zoning Commission will hold a Public Hearing on the following applications;

1. Consideration of Incentive Housing Zone, LimeRock Station
2. Consider elimination of Zoning Regulation, Section 5.12
3. Consideration of Special Permit, Plan of Operation 2014, Century Aggregates, Inc. Falls Village Quarry at Sand Road, Canaan, Connecticut by Applicant, Century Aggregates, Inc.

At this hearing, interested persons may be heard and written communication received.

Frederick Laser

P&Z Chairman

RECEIVED
DEC 16 2013
12:20 PM
TOWN OF CANAAN

PLANNING & ZONING COMMISSION, Town of Canaan
Falls Village Town Hall, 108 Main Street, Falls Village, CT
Regular Meeting Minutes
Wednesday, December 18, 2013

Present: Chairman, Fred Laser, Michael O'Neil, Zoning Enforcement Officer, Regular Members, Greg Bidou, Alice Macchi, Jody Bronson, Stephen Koshland, Greg Marlowe, Tom Scott and Ruth Skovron.
Absent: Alternate Members, Vincent Inconiglios and Adam Sher.

Also Present: Jocelyn Ayer, Northwest Regional Planning Collaborative/NWCCOG.

Regular Meeting called to order at 7:41 p.m. by Chairman, Fred Laser.

AGENDA:

1. Approval of Minutes

a. P&Z Regular Meeting minutes of November 20, 2013: **MOTION** by Tom Scott, seconded by Skovron to approve the minutes of the November 20, 2013 Regular Meeting as presented; **unanimous.**

2. New Business

a. Review Incentive Housing Zone, Limerock Station: Discussion: **MOTION** by Tom Scott, seconded by Bidou to adopt Incentive Housing Zone Regulation at Limerock Station, being Assessor Map/Block/Lot 3-6; **unanimous (by individual vote).**

b. Review elimination of Zoning Regulation, Section 5.12: Discussion. **MOTION** by Tom Scott, seconded by Bidou to eliminate Zoning Regulation, Section 5.12; **unanimous (by individual vote).** Discussion regarding need to add Regulation regarding livestock (acreage consideration and setbacks).

c. Review Century Aggregate Plan of Operation 2014: Discussion. **MOTION** by Koshland, seconded by Skovron to approve Special Permit for Century Aggregate Plan of Operation 2014; **unanimous (by individual vote, abstention by Greg Marlowe).** (Discussion regarding need for requirement of annual Special Permit; Marlowe to check and advise.)

d. Set dates and schedule for Regular P&Z Meetings 2014: Review of proposed schedule provided by O'Neil. Date set for March meeting date to be March 19, 2014. **MOTION** by Koshland, seconded by Marlowe to accept the Schedule for Regular P&Z Meetings 2014, as prepared by O'Neil with the foregoing noted meeting date for March; **unanimous.**

Agenda Addition: Under New Business/e./Proposed Language for Regulation 5.12 Environmental Standards. MOTION by Tom Scott, seconded by Jody Bronson to add the following matter as item e. under New Business to the Agenda, *Proposed Language for Regulation 5.12 Environmental Standards*; **unanimous.**

e. Proposed Language for Regulation 5.12 Environmental Standards:

5.12 Environmental Standards

The Town of Canaan/Falls Village, refers the following standards to the Agencies indicated below:

1. Air Pollutants: CT Department of Energy & Environmental Protection ("DEEP");

2. *Odors: CT Department of Energy & Environmental Protection ("DEEP") and/or Torrington Area Health District ("TAHD");*
3. *Noise: CT Department of Energy & Environmental Protection ("DEEP") and/or Torrington Area Health District ("TAHD");*
4. *Vibration: CT Department of Energy & Environmental Protection ("DEEP");*
5. *Hazardous Materials and Wastes: CT Department of Energy & Environmental Protection ("DEEP") and/or Fire Marshal.*

MOTION by Tom Scott, seconded by Jody Bronson to send the foregoing proposed Language for Regulation 5.12 Environmental Standards to Jocelyn Ayer at NWCCOG for review/comment/approval; unanimous.

Discussion regarding previous receipt of Manual for CT municipalities on zoning regulations for livestock, including recommended setback requirements, buffers, etc., as provided by Jocelyn Ayer. Further discussion regarding review of the Manual for possible language for adoption of regulation regarding livestock at a future Regular meeting.

3. ZEO Report by Michael O'Neil: ZEO Report of December 18, 2013 read by Mike O'Neil. Discussion/questions/comments. By consensus, the ZEO Report of December 18, 2013 was accepted as presented.

4. Correspondence and Public Comments: N/A

5. Old Business: Ayer presented a copy of the Memo sent to the other Town Boards and Commissions with a copy of the 2013 POCD provided, with reference to a "Town Plan Implementation Meeting" to be held in February, 2015, held for the purpose of reviewing the strategies (status, changes or updates needed) listed in the plan.

6. Any other business to properly come before the Commission: N/A

7. Adjournment: MOTION by Tom Scott, seconded by Bidou to adjourn; unanimous.

Regular Meeting adjourned at 8:47 pm. by Chairman, Fred Laser.

Respectfully submitted, Alice Macchi, Recording Secretary

Rec'd 1/16/14
11:30 AM
M. Palmer, TC.

Town of Canaan (Falls Village)

Planning & Zoning

108 Main Street

824-0707

Regular Meeting Schedule 2014

January 22, 7:00 PM
Application due January 15

February 26, 7:00 PM
Application due February 19

March 19, 7:00 PM
Application due March 12

April 23, 7:00 PM
Application due April 16

May 28, 7:00 PM
Application due May 22

June 25, 7:00 PM
Application due June 18

July 23, 7:00 PM
Application due July 16

August No Meeting

September 24, 7:00PM
Application due September 17

October 22, 7:00P
Application due October 15

November 19, 7:00 PM
Application due November 12

December 17, 7:00 PM
Application due December 10

RECEIVED

DEC 19 2013

9 AM
TOWN OF CANAAN

PLANNING & ZONING COMMISSION, Town of Canaan
Falls Village Town Hall, 108 Main Street, Falls Village, CT
Regular Meeting Minutes
Wednesday, January 22, 2014

Present: Michael O'Neil, Zoning Enforcement Officer, Regular Members, Greg Bidou, Alice Macchi, Tom Scott (Acting Chairman), Stephen Koshland, and Ruth Skovron and Alternate Member, Adam Sher.

Absent: Fred Laser, Chairman, Greg Marlowe, Regular Member and Alternate Member, Vincent Inconiglios.

Regular Meeting called to order at 7:07 p.m. by Acting Chairman, Tom Scott.

Seating of Alternate Member, Adam Sher: By consensus, Sher was seated for absent Regular Member, Greg Marlowe.

AGENDA:

1. Approval of Minutes

a. P&Z Public Hearing Meeting minutes of December 18, 2013: **MOTION** by Koshland, seconded by Skovron to approve the minutes of the December 18, 2013 Public Hearing as presented; unanimous. (Abstention by Adam Sher.)

b. P&Z Regular Meeting minutes of December 18, 2013: **MOTION** by Bidou, seconded by Skovron to approve the minutes of the December 18, 2013 Regular Meeting as presented; unanimous. (Abstention by Adam Sher.)

2. New Business

a. **Review NHCOC Planning & Zoning survey, re Continuing Education:** Jocelyn Ayer putting together a *Planning & Zoning Commission Survey* for Commission members interested in participating in continuing land use education and resources workshop and forums with an offering of (1) a workshop (topics to include, roles and responsibilities of land use Commissions, legal requirements in land use decision making and basic elements of reading site plans) to be held in Goshen at a date to be determined in February, and (2) Land use Planning Forum (for the purpose of facilitating the exchange of information and resources between neighboring planning & zoning commissions and present information on a topic of common interest to our towns) to be held on the 5th Thursdays of the year (5/29, 7/31, 10/30) at 6:00 p.m. (and would include a light dinner). Commissioners interested in participating in the workshop and/or forums should contact Tom Scott and he will advise Jocelyn Ayer.

b. **Review Certified Resolution of Local Zoning Authority:** Proposed Resolution

as follows:

Certified Resolution of the Local Zoning Authority

The Local Zoning Authority of the Town of Canaan
met on January 22, 2014 and adopted a resolution by the vote of ___ to
___ which:

(1) Endorses submission of the Pre-development grant application for assistance under the Housing for Economic Growth Program referenced

In section 8-13(m-x) of CGS; and

(2) Certifies that it will consider an application for an Incentive Housing Zone project if it is submitted. Summary of such grant application is attached to and made a part of this record.

Attested to by:

Name: _____
Title: _____
(City/Town Clerk)
Date: _____

MOTION by Skovron, seconded by Bidou to pass the foregoing Resolution; discussion/questions/comments: foregoing Resolution unanimously passed by individual vote of 6 in favor and 0 opposed.

3. ZEO Report by Michael O'Neil: ZEO Report of January 22, 2014 read by Mike O'Neil. Discussion/questions/comments. **By consensus, the ZEO Report of January 22, 2014 was accepted as presented.**

4. Correspondence and Public Comments:

- Communication from ZBA regarding the granting of a Variance to Camp Isabella Freedman for a hoop house.
- Memo from Linda Paviol, Town Treasurer, regarding budget needed from the Planning & Zoning Commission for next fiscal year. Discussion/questions/comments. Discussion regarding Capital Non-Recurring Reserve Account for next required Plan Of Conservation & Development (POCD). **MOTION by Bidou, seconded by Sher to submit the same budget as the previous year (w/out change) and further, if there is not already a Capital Non-Recurring Reserve Account in place, then request for a Capital Non-Recurring Reserve Account to be created and funded in an amount of \$2,500.00 per year; unanimous. (Post meeting notation: First Selectman Pat Mechare has confirmed that a Capital Non-Recurring Reserve Account for the purpose of paying for the P&Z's next required POCD has already been established and is being funded annually and further has indicated that Capital Non-Recurring Reserve Accounts are not part of individual budgets.)**

5. Old Business: None

Any other business to properly come before the Commission: None

6. Adjournment: MOTION by Bidou, seconded by Skovron to adjourn; unanimous.

Regular Meeting adjourned at 7:53 pm. by Acting Chairman, Tom Scott.

Respectfully submitted, Alice Macchi, Recording Secretary