

PLANNING & ZONING COMMISSION
Town of Canaan (Falls Village)
Public Hearing & Special Meeting – May 14, 2026 – 6:30 PM
108 Main Street, Falls Village, CT

Attendance

Members – In Person:

ZEO Janell Mullen; Chairman Greg Marlowe; members Doug Cohn; Matthew Macchi; Tim Metzger; Eileen Kinsella; Kathy Clark

Members – Via Zoom:

Members Absent: Kimberly Mahoney

Alternate Members – In Person:

Alternate Members – Via Zoom:

Alternate Members Absent: Marc Rosen

Seating of Alternates: None

Also Present:

Representing Falls Village Housing Trust: Tracy Atwood
Representing Habitat for Humanity: Bob Whalen, Evan Cooper
Via Zoom (FVHT): Jandi Hanna, Laura Mittaud-Hafner

PUBLIC HEARING

Chairman Marlowe called the hearing to order at **6:30 PM**.

Purpose of Hearing

Commission-initiated text amendment to **Section 4.4 – Incentive Housing Zone (IHZ)**.

Commissioners reviewed the history of the IHZ designation on the original 66-acre River Road parcel. The 2013 state application referenced **14 dwelling units / 27 bedrooms**, which became the benchmark. The parcel was later subdivided, and River Road Homes (FVHT) received site plan approval for **16 units**.

Key Issues Discussed

1. Density: 14 vs. 16 Units

Commissioners acknowledged the original 14-unit reference but noted the Commission approved **16 units** in 2019 (amended 2021).

Consensus: Cap IHZ density at **16 units / 27 bedrooms**, consistent with public expectations and existing approvals.

2. Bedroom Cap

Commission agreed to retain the **27-bedroom** maximum from the 2013 application. Enforcement is feasible through required floor plans.

3. Density Waiver Removal

The existing “density waiver” clause was considered unnecessary and confusing.

Consensus: Remove the waiver (H1) and clearly state maximum density.

4. Applicability to Future IHZs

IHZ applies only to the mapped area. Future IHZs would require a map amendment and may have different density based on engineering and site constraints.

5. Purpose Section Addition

Add a new Purpose clause referencing the original state submission:

“Application to enable the IHZ application dated 07/25/2013.”

6. Affordability Compliance Language

Revise “affordability compliance documentation” to:

“Documentation of affordability requirements from the administering agency.”

This avoids implying tenant-by-tenant income verification at CO.

Public Comment

- Habitat for Humanity noted reliance on published IHZ density when negotiating land and intends to apply for **three single-family homes**.
- Concerns raised regarding tax impacts, tenant preference, and traffic study adequacy. Commission noted these issues fall outside PZC jurisdiction except for the previously accepted traffic study.
- **Motion:** Add the six amended items to the IHZ regulations.
Made by: Koshland; **Seconded:** Kinsella. **Vote:** Unanimous.
- **Motion:** Close the public hearing at **7:50 PM**.
Made by: Koshland; **Seconded:** Cohn. **Vote:** Unanimous.

SPECIAL MEETING

Marlowe called the meeting to order at **7:52 PM**.

Purpose

Act upon the IHZ text amendment following the public hearing.

Commission Action

Commission reviewed and confirmed the six modifications:

1. Set maximum density at **16 dwelling units**.
 2. Set maximum bedrooms at **27**.
 3. Remove density waiver clause (H1).
 4. Add Purpose clause referencing the **7/25/2013 IHZ application**.
 5. Revise affordability language to “documentation of affordability requirements.”
 6. Incorporate minor clarifications discussed.
- **Motion:** Adopt the amended IHZ regulations as modified during the hearing, effective **May 18, 2026**.
Made by: Koshland; **Seconded:** Cohn. **Vote:** Unanimous.

Public Comments

None.

Adjournment

- **Motion:** Adjourn at **7:56 PM**.
Made by: Kinsella; **Seconded:** Clark. **Vote:** Unanimous.

MOTION/ACTION

Item	Motion / Action	Made By	Seconded By	Vote	Notes
Public Hearing – IHZ Amendments	Add six amended items to IHZ regulations	Koshland	Kinsella	Unanimous	Density, bedrooms, waiver removal, purpose clause, affordability language, clarifications
Public Hearing	Close public hearing at 7:50 PM	Koshland	Cohn	Unanimous	—
Special Meeting – IHZ Adoption	Adopt amended IHZ regulations; effective 5/18/26	Koshland	Cohn	Unanimous	Incorporates all six modifications
Special Meeting	Adjourn at 7:56 PM	Kinsella	Clark	Unanimous	—

AMENDMENTS

Amendment #	Description of Amendment	Source / Rationale
1	Set maximum density at 16 dwelling units	Reflects 2019/2021 approvals; consistent with public understanding
2	Set maximum bedrooms at 27	Matches 2013 state application; addresses school/water/septic concerns
3	Remove density waiver clause (H1)	Clause unnecessary and confusing; clarity preferred
4	Add Purpose clause referencing 7/25/2013 IHZ application	Ties regulation to original state submission
5	Revise affordability language to “documentation of affordability requirements from the administering agency”	Avoids implication of tenant-level income verification
6	Incorporate minor clarifications discussed	Clean-up edits for clarity and consistency

Attachments:

- IHZ Overlay Final Draft (amendments in red)
- Correspondence from resident Colter Rule

Respectfully submitted,
Patti Fife, Recording Secretary

4.4 Incentive Housing Overlay Zone (IHZ)

This proposed text amendment will replace the current language within Section 4.4 of the Town of Canaan (Falls Village) Zoning Regulations.

*A public hearing has been scheduled for Thursday, May 14th at 6:30 PM **with the following amendments as discussed to be effective 5/18/2026.***

A. Purpose

Pursuant to **CGS Chapter 124b**, the Incentive Housing Zone (IHZ) is established to:

1. Enable as-of-right development of higher-density, mixed-income housing;
2. Increase the supply of affordable housing; and
3. Direct growth to appropriate locations consistent with the **State Plan of Conservation and Development** and the **Town of Canaan (Falls Village) Plan of Conservation and Development**.
4. **Align with the application enabling the IHZ in the Town of Canaan (Falls Village) dated 7/25/2013 as submitted to the Office of Policy & Management.**

B. Definitions

For purposes of this Section:

- **Administering Agency** – A qualified entity approved by the Town of Fall Village (Canaan) Planning & Zoning Commission to administer and enforce affordability requirements.
- **Developable Land** – Land within the IHZ suitable for development, excluding:
 - Land committed to public use;
 - Protected open space or conservation land;
 - Land subject to legal development restrictions;
 - Wetlands and watercourses (CGS Chapter 440);
 - Contiguous areas ≥ 0.5 acres with slopes $> 20\%$.
- **Duplex** – A building containing two dwelling units.
- **Eligible Household** – A household earning $\leq 80\%$ of Area Median Income (AMI), adjusted for household size.
- **Incentive Housing Development (IHD)** – A residential or mixed-use development within the IHZ where all units are subject to an Incentive Housing Restriction for a minimum of 30 years.
- **Incentive Housing Restriction** – A recorded legal instrument ensuring compliance with affordability requirements.
- **Incentive Housing Unit** – A dwelling unit affordable to Eligible Households at $\leq 30\%$ of income.
- **Incentive Rental Unit / Homeownership Unit** – Units meeting affordability standards for rental or ownership, respectively.
- **Median Income** – Area Median Income as defined by HUD.

- **Multifamily Housing** – A building containing three or more dwelling units.
- **Townhouse** – A dwelling unit in a group of three or more attached units, each extending from foundation to roof.
- **Open Space** – As defined in CGS §23-8.

C. Location

The IHZ is an overlay district mapped as “Incentive Housing Zone Overlay District” and incorporated into the Zoning Map, on file with the Town Clerk and as illustrated by the Town’s [GIS Mapping](#).

D. Applicability

1. Optional Overlay

Property within the IHZ may be developed under either:

- The IHZ provisions; or
- The underlying zoning district regulations.

2. Superseding Standards

Where elected, IHZ standards supersede conflicting underlying zoning provisions.

E. Permitted Uses

1. As-of-Right Uses (Site Plan Approval Required)

Use	Approval
Single-family detached dwellings	Site Plan
Duplex, townhouse (max. 4 attached units)	Site Plan

Accessory structures are permitted per these Regulations.

F. Site Plan Review

1. Application

Applications shall comply with **Section 9.1B. Site Plan Requirements**.

2. Approval Criteria

The Commission shall approve a site plan upon finding that:

- The application is complete;
- The proposal complies with this Section;
- Design standards are met; and
- Impacts are adequately mitigated.

3. Waivers

The Commission may waive dimension requirements (such as building height, setbacks, lot coverage), parking requirements, or road design standards to support:

- Desired density
- Mix of Uses
- Physical Compatibility

G. Housing and Affordability

1. Affordability Requirement

100% of units shall be Incentive Housing Units.

2. Administering Agency

The Agency shall oversee:

- Pricing compliance;
- Income eligibility;
- Marketing and selection;
- Fair unit allocation;
- Recording of restrictions.

3. Compliance Prior to Certificate of Zoning Compliance

The applicant shall provide:

- **Documentation of Affordability Requirements from the Administering Agency;**
- Verified site/design compliance;
- Executed Incentive Housing Restriction.

4. Cost Standards

- **Rental Units:** $\leq 30\%$ of eligible income (including utilities/parking).
- **Ownership Units:** Per CGS §8-13m.

5. Design Requirements

Affordable units shall:

- Be comparable in quality;
- Be integrated throughout the development.

6. Incentive Housing Restriction

Shall include:

- Minimum 30-year term;
- Enforcement authority;
- Unit identification or proportional applicability;
- Pricing formulas;
- Occupancy restrictions;
- Monitoring and reporting requirements.

7. No Waiver

Affordability requirements shall not be waived.

H. Development Standards

1. Density

The maximum density in this zone is **16 dwelling units with a fixed cap of 27 bedrooms.**

2. Dimensional Standards

Standard	Requirement
Lot frontage	50 ft
Front setback	15 ft
Side/rear setback	15 ft
Max height	35 ft

3. Parking

Per general requirements (**Section 5.2 Parking & Loading**) unless modified by the Commission

I. Design Standards

1. Lighting

a) All exterior lighting shall utilize full cut-off fixtures consistent with Dark Sky principles and in accordance with **5.6 Outdoor Illumination.**

b) Lighting shall be designed and located to prevent glare onto adjacent properties or public rights-of-way.

c) The maximum height of freestanding light fixtures shall not exceed eighteen (18) feet.

2. Landscaping

a) Existing mature vegetation shall be preserved to the maximum extent practicable and shall be identified on the site plan.

b) Site design shall incorporate a mix of landscape elements, including street trees, shrubs, and groundcover plantings. Native plants are encouraged. Invasive plants are prohibited.

c) All plantings shall be maintained and guaranteed for a minimum period of one (1) year.

3. Stormwater Management

All Incentive Housing Developments shall comply with applicable stormwater management requirements of the Connecticut Department of Energy and Environmental Protection (DEEP).

May 11, 2026

Falls Village Planning and Zoning Commission
Town of Falls Village
Falls Village, CT

First Selectman, Town of Falls Village
Falls Village, CT

Falls Village Housing Trust
Falls Village, CT

RE: Immediate Concerns Regarding River Road Affordable Housing Development — Request to Pause Work

Dear Members of the Planning and Zoning Commission, First Selectman, and Falls Village Housing Trust Board:

We, the undersigned residents of Falls Village living in close proximity to the proposed affordable housing development on River Road, write to you with serious and urgent concerns regarding the project currently underway. We are not opposed to affordable housing in principle. However, we believe that a number of critical legal, safety, and procedural questions remain unresolved, and we are formally requesting that all ground-clearing and construction activity be paused until these matters are addressed in full and in writing.

We are addressing this letter jointly to the Planning and Zoning Commission, the First Selectman, and the Falls Village Housing Trust because our concerns touch on the responsibilities of each body. We would like these points acknowledged and addressed.

1. Property and Lot Line Disputes — Can Work Legally Proceed?

It is our understanding that the lot lines for this property have not been definitively established. To our knowledge, the Planning and Zoning Commission, the Falls Village Housing Trust and Habitat for Humanity have been working to resolve this matter for several years without resolution. We are also uncertain whether the Falls Village Housing Trust has formally acquired the property — we have been told that the Trust purchased 10 acres from Habitat for Humanity, but this has never been confirmed to us officially.

We ask directly: How can ground-clearing and site work on 5 acres legally commence when the lot lines are not established and ownership may not be fully settled? We request documentation confirming chain of title and a copy of the current surveyed lot boundaries before any further work proceeds.

2. Competitive Bidding Requirements — Federal and State Funds

It is our understanding that this project is being funded in whole or in part by federal and/or state money. Such funding typically triggers mandatory competitive bidding requirements to ensure public accountability and prevent the misuse of taxpayer dollars. We are not aware that this project — and specifically the civil engineering work being contracted by Civil One, owned by David Berto — was ever put out to public bid. Were local contractors ever contacted and given a chance to bid as FVHT has stated would be the case ?

We formally request:

- Confirmation of all federal and state funding sources for this project
- Documentation showing whether competitive bidding was conducted for the civil engineering work
- If no competitive bid was conducted, a legal justification for that decision

If applicable procurement laws were not followed, work must stop immediately until this is remedied.

3. Traffic Safety — No Licensed Traffic Study Conducted

The proposed development at River Road sits at the base of a steep hill the top of which exists a very blind corner. Cars come roaring around that corner and accelerate downhill and would need to brake hard to successfully stop for cars or school buses when the development is built. This intersection is known to become more dangerous in winter conditions, including ice and snow. The addition of a 14-unit development — with the associated vehicle traffic from residents, visitors, deliveries, contractors, and school buses — raises serious and foreseeable safety concerns.

The hazards in this stretch of roadway are numerous and compounding:

- There are no sidewalks along this section of River Road, meaning pedestrians — including children who may reside in the new units — will walk in the road itself
- There is no painted center line on the road, leaving drivers without clear lane guidance, particularly dangerous on the curve at the base of the hill
- Approximately 70 yards from the development, at the base of the hill, there is a railroad crossing with minimal signage — an additional and serious hazard for vehicles accelerating or decelerating in this area

We have informed Civil One and the project team on multiple occasions that we believe there will be accidents at this location in the years ahead. Those concerns have gone unacknowledged.

Regarding the traffic study: Civil One did arrange for a traffic study to be conducted, but it was performed by one of their own associates — not an independent, licensed traffic engineer approved by the Connecticut Department of Transportation. We formally protested at the time that this individual was not properly licensed, and our objection was noted but never resolved. A new, independent, properly licensed traffic study was never conducted. This is an unacceptable gap in the project's due diligence, and we do not consider the prior study to be valid. We request:

- Confirmation that the prior traffic study has been set aside given the licensing objection raised
- A new, independent traffic study conducted by a licensed Connecticut DOT-approved traffic engineer
- That study to be completed and made available for public review before any further work proceeds.
- **WE WANT IT ON RECORD: that we have raised these concerns formally and in writing on numerous occasions. Should accidents occur at this location in the future, this letter will stand as documentation that the hazard was identified and reported to all responsible parties prior to construction.**

4. Working Hours — Repeated Requests Ignored—other concerns

A letter was recently placed in a neighboring mailbox — without postage, raising questions about whether it constitutes proper legal notice — announcing that construction work would proceed from 7:00 AM to 5:00 PM, Monday through Saturday for 12 weeks. Over the years, we have made repeated requests that these hours be reduced, and those requests have not been honored or even acknowledged.

We ask the Planning and Zoning Commission and the First Selectman to review whether these hours comply with Falls Village ordinances and any applicable state guidelines, and to take action to reduce them to reasonable daytime weekday hours. The proposed schedule represents a significant and ongoing disruption to the quality of life of neighboring residents, six days per week. We have been dealing with the stress of this imminent development for 7 years now, since the original application was filed in May 2019. Now that the parties involved have gotten all THEY want, why not consider the Immediate Neighbors needs to some degree ? We have other requests we have mentioned over the years. Curious what they are ? No Dogs Allowed. A decent setback and Line of Trees to muffle and hide the Development to lessen sound and light pollution.

5. Fiscal Impact — Effect on Mill Rate and School Costs

We wish to raise for the record the potential fiscal impact of this development on the Town of Falls Village. Our region's high school costs are substantial — by our estimation, the per-pupil cost to send a student to the regional high school is approximately \$60,000 annually. If a number of the 14 units in this development are occupied by families with school-age children, the resulting increase in the town's education expenditures could have a meaningful and lasting impact on the already high mil rate for all Falls Village property taxpayers.

Beyond school costs, we question whether the full fiscal impact on town services has been explored at all. The addition of residents in a 14-unit development will place increased demands on a range of municipal services that Falls Village already funds on a tight budget, including:

- The transfer station — increased usage by new residents will accelerate wear and raise operating costs

- The town maintenance crew — additional roadwork and plowing obligations on and around River Road, a stretch already presenting seasonal challenges
- Emergency services — additional calls for the ambulance service and fire department, both of which depend on volunteer and limited paid staff
- Social services — potential increased demand depending on the needs of incoming residents

We ask that the Selectman's office, the Planning and Zoning Commission or Board of Finance to undertake or commission a comprehensive fiscal impact analysis that accounts for school enrollment costs and the full range of municipal service demands before the project moves further forward.

Our Request

In summary, we respectfully but firmly request the following:

- All ground-clearing and construction work on the River Road site be paused immediately, pending resolution of the issues described in this letter
- Written confirmation of clear title and established lot lines before any work resumes
- Documentation that federal and state competitive bidding requirements were satisfied
- A licensed traffic impact study be conducted and shared publicly
- A review of working hours for compliance with local ordinances and consideration of neighbors quality of life.
- A fiscal impact analysis examining the potential effect on school enrollment costs and town services on the mil rate.

Please address our concerns. We trust that the town's elected and appointed officials, as well as the Falls Village Housing Trust and Habitat for Humanity take their obligations to existing residents seriously alongside their commitment to new housing.

Thank you for your attention to this matter.

Respectfully,

Colter and Katy Rule, Bob Anderson and Immediate Neighbors of Lime Rock Station

cc: Office of the Connecticut Attorney General — Affordable Housing Division cc: Connecticut Department of Housing