



TOWN PLAN AND ZONING COMMISSION
TOWN OF WOODBRIDGE
WOODBRIDGE, CONNECTICUT

June 11, 2021

TEL. (203) 389-3406

2 Orchard Road LLC
Open Communities Trust, LLC
c/o
Anika Singh Lemar, Esq
Jerome N. Frank Legal Services Organization
Yale Law School P.O. Box 209090
New Haven, Connecticut 06520-9090

Re: Application for Amendment to the Woodbridge Zoning Regulations and Amendment to the Woodbridge Town Plan of Conservation and Development dated September 29, 2020

To Whom It May Concern,

At its regular meeting on Monday, June 7, 2021, the Woodbridge Town Plan and Zoning Commission acted, relative to the applications by 2 Orchard Road LLC and Open Communities Trust, LLC for amendments to both the Woodbridge Plan of Conservation and Development (POCD) and the Zoning Regulations for the Town of Woodbridge (the Regulations) regarding Multifamily and Affordable Housing, to adopt proposed amendments to the POCD and the Regulations submitted by such applicants subject to reasonable changes by the Commission as set forth respectively in Exhibit A and Exhibit B of the motion of approval for said applications as filed with the Town Clerk of Woodbridge on June 9, 2021. The adopted amendments were approved with an effective date of September 7, 2021.

Attached is the motion of approval and referenced Exhibits A and B as filed with the Town Clerk of Woodbridge on June 9, 2021.

Sincerely,

Kristine Sullivan, Staff
Woodbridge Town Plan and Zoning Commission

Certified Mail Return Receipt Requested # 7020 0640 0000 2199 7865

Cc:

- ✓ Erin Boggs, Esq. Open Communities Alliance ~ Certified Mail Return Receipt Requested # 7020 0640 0000 2199 7872
- Mark Branse, Esq Alliance ~ Certified Mail Return Receipt Requested # 7020 0640 0000 2199 7889
- Timothy Hollister, Esq Alliance ~ Certified Mail Return Receipt Requested # 7020 0640 0000 2199 7896

FINAL MOTION

ADOPTED BY WOODBRIDGE TPZ ON JUNE 7, 2021

Introduction

The TPZ expresses no opinion on the characterizations, conclusions and/or opinions set forth in the application described below for many reasons, including most importantly, that the TPZ's jurisdiction here is limited to acting on proposed amendments to regulations included in such application. The TPZ has been advised by its counsel that it does not have the authority to offer any responses on behalf of the Town or past commissions or to offer its opinions on any such material, including historical information or data, presented in such application.

Summary of Procedural History

On September 29, 2020, the TPZ received an application from 2 Orchard Road LLC and Open Communities Trust, LLC (collectively, "Open Communities") for proposed amendments to the (a) Woodbridge Zoning Regulations ("Zoning Regs") and (b) Woodbridge Plan of Conservation and Development ("POCD") (collectively, the "Application"). The Application consisted of 145 pages. In particular, the Application requested (a) regulations to permit housing opportunities, including multi-family and affordable housing, in all of the Town's Residential Districts, namely A, B, T3-C, T3-D and T3-BB, subject only to the issuance of a Zoning Permit and (b) revisions to the POCD to allow multi-family development in all residential zones. The Application also included background information, including an illustrative site plan and floor plan ("Illustrative Site Plan") for property, purportedly owned by 2 Orchard Road LLC and subject to a lease and option to purchase in favor of Open Communities Trust, LLC, located at 2 Orchard Road in Woodbridge.

At its meeting on October 5, 2020, the TPZ formally received the Application.

On October 19, 2020, the Application was referred to the South Central Connecticut Regional Planning Commission ("SCCRPC") and on October 28, 2020, to the Naugatuck Valley Council of Governments ("NVCOG").

On November 25, 2020, the proposed POCD amendments submitted by Open Communities were referred to the Woodbridge Board of Selectmen.

Due to the COVID-19 pandemic, no in person meetings were held by the TPZ during the pendency of the Application.

All meetings involving the Application were publicly noticed and WebEx access and audio conference information provided.

All meetings involving the Application were available simultaneously on Channel 79 and the WGATV YouTube page and available thereafter on YouTube.

Throughout the process, documents in the Record were posted on the TPZ's web page of the Town's website.

On November 30, 2020, the TPZ held the first of seven (7) sessions of the public hearing at a special meeting, at which time Open Communities presented the Application to the TPZ and members of the public, using PowerPoint slides. Open Communities' representatives also spoke during this hearing and were asked to provide their PowerPoint slides for the Record and did so on December 3, 2020, which were posted on the TPZ's web page. The public hearing was continued by the TPZ to a special meeting to be held on January 4, 2021.

On January 4, 2021, the TPZ held the continued public hearing, at which time, 15 members of the public spoke. The TPZ voted to continue the public hearing to a regular meeting to be held on February 1, 2021.

Due to a severe snowstorm and the planned absence of all Commission members, as well as concerns about the ability of participants and the public to access the public hearing, pursuant to the Connecticut Freedom of Information Act, the TPZ adjourned the meeting and continued the public hearing to a special meeting to be held on February 9, 2021.

On February 9, 2021, the TPZ held the continued public hearing, at which time, Attorney Timothy Herbst, representing a group consisting of 14 citizens and taxpayers of the Town, was provided an opportunity, pursuant to his request approved by the TPZ, to cross-examine the Open Communities' planner, Donald Poland, and to address the TPZ. Planning consultant, Brian Miller, on behalf of Attorney Herbst's clients, also presented his analysis, using PowerPoint slides. Mr. Miller was asked to provide his PowerPoint slides for the Record and did so on February 10, 2021, which slides were posted on the TPZ's web page.

At the conclusion of Mr. Miller's presentation, Open Communities' representatives, pursuant to their request approved by the TPZ, were permitted to cross-examine Mr. Miller.

The TPZ voted to continue the public hearing to a special meeting to be held on February 22, 2021. Chairman Klee announced that, at such time, the TPZ's planning consultant would address the TPZ first, followed by questions from the TPZ.

At the public hearing on February 22, 2021, Mr. Glenn Chalder of Planimetrics was introduced as the TPZ's planning consultant and presented his testimony with PowerPoint slides. His testimony was followed by questions from the TPZ members and comments from the participants. The TPZ voted to continue the public hearing to its regular meeting on March 1, 2021. Chairman Klee announced that the public would have the opportunity to speak first on March 1, 2021, followed by questions from the TPZ members, comments from Open Communities and from Attorney Herbst, as time permitted.

After the TPZ meeting, Mr. Chalder submitted his PowerPoint slides to TPZ staff, which slides were posted on the TPZ's web page.

At the public hearing on March 1, 2021, Chairman Klee read a letter dated March 1, 2021, from the South Central Connecticut Regional Water Authority ("SCCRWA") into the Record, which included six recommendations to maintain an adequate source water quality for its water system and its customers, as discussed below.

In addition, 11 members of the public spoke. Open Communities was provided an opportunity to ask questions and deferred their responses to the next hearing date. The TPZ members asked questions of Open Communities. Thereafter, the TPZ voted to continue the public hearing to a special meeting on March 18, 2021.

On March 2, 2021, Mr. Chalder provided his PowerPoint slides and copies of the documents referenced in his presentation to TPZ staff, which slides and copies were posted on the TPZ's web page.

At the public hearing on March 18, 2021, Mr. Chalder, in response to the TPZ's request on March 1, 2021, presented testimony on options for the TPZ's consideration with PowerPoint slides. His testimony was followed by questions from the TPZ members, responded to by the TPZ's counsel, representatives of Open Communities, Mr. Miller and Mr. Chalder. Attorney Herbst then cross-examined Mr. Chalder. Thereafter, the Open Communities' representatives presented their rebuttal testimony with PowerPoint slides, which were submitted via email after the close of the Town Hall on March 17, 2021. One member of the public spoke. The TPZ voted to continue the public hearing to its regular meeting to be held on April 5, 2021.

Open Communities' PowerPoint slides were posted on the TPZ's web page on March 19, 2021.

After the TPZ meeting, Mr. Chalder submitted his PowerPoint slides to TPZ staff, which slides were posted on the TPZ's web page.

Throughout the public hearing process, Kristine Sullivan ("Mrs. Sullivan"), in her capacity as staff to the TPZ, received written comments from the public. In addition, members of the public testified during the public hearings. Examples of concerns within the TPZ's jurisdiction that were identified by the public included: inadequacy of water supply from wells especially during hot dry seasons, odors in well water, effects of septic system failures, including septic leaching field leakage, overflow, odors, and rapid spread of contamination especially in areas with close proximity to wetlands, and the unsafe conditions of certain roads and intersections.

By letter dated April 1, 2021, Open Communities stated that the Application was submitted pursuant to Connecticut General Statutes ("CGS") §8-2 and was not submitted pursuant to CGS §8-30g.

At the public hearing on April 5, 2021, Mr. Chalder, in response to the TPZ's request on March 18, 2021, presented testimony to the TPZ, which included a possible decision-making framework. Mr. Chalder provided PowerPoint slides and the possible decision-making framework to the TPZ staff, which slides and framework were posted on the TPZ's website, prior to the meeting. The TPZ initially heard testimony from 4 members of the public. Attorney Herbst was then given an opportunity and provided closing comments. Because of earlier technical difficulties, an additional member of the public provided testimony after Attorney Herbst. Open Communities was given an opportunity and provided closing comments. Counsel for the TPZ provided guidance to the TPZ for their upcoming deliberations, including their

options to adopt, deny or adopt with reasonable changes, the amendments proposed by Open Communities. Thereafter, the TPZ closed the public hearing.

Communications Requested to be included in the Record

On January 4, 2021, Chairman Klee reminded the participants that while the public hearing was open, written comments would be accepted and considered by TPZ members, provided such comments were only submitted to Mrs. Sullivan via her Town of Woodbridge email address or mailed to the TPZ office. Chairman Klee also stated that communications sent directly to individual TPZ members or sent to Mrs. Sullivan and copied to them were not permissible. Chairman Klee disclosed that a flyer was distributed throughout Woodbridge that contained email addresses, some work and some personal, for all TPZ members with a request that the public reach out directly to TPZ members. Chairman Klee further stated that the TPZ was advised by its counsel to block any such emails or to delete them without reading them.

Finally, Chairman Klee announced that to be transparent and fair, the flyer would be added to the Record so that Open Communities would have an opportunity to comment on its contents, if they wished to do so. The flyer with a disclaimer was posted to the TPZ web page. Language was also added to the TPZ's web page under the general description of the Application stating that TPZ members should not be contacted directly.

Thereafter, at all public hearings, Chairman Klee reminded participants that the TPZ would only base its decision on the documents properly in the Record and that all written communications were required to be sent to Mrs. Sullivan via email or mail.

On February 17, 2021, Open Communities requested that all emails sent to TPZ members directly be added to the Record. The TPZ was advised by counsel to deny Open Communities' request for the following reasons: 1) there was no legal obligation, 2) TPZ members were previously advised by counsel to block such emails or delete them, and it did not seem prudent to have some members furnish copies from their computer trash bins or have to otherwise locate them through extraordinary computer data recovery means and 3) it would set a bad precedent and encourage these types of communications in the future. The TPZ, by consensus, denied Open Communities' request.

Agency/Group Comments

(a) NVCOG

The NVCOG provided its comments to the TPZ by Staff Referral Report dated November 9, 2020. The NVCOG concluded:

The NVCOG staff finds the proposed amendments to the Woodbridge Zoning Regulations to be generally consistent with both the Connecticut and VCOG POCD's. Per this consistency, staff believes that the proposed text amendments to the Woodbridge Zoning Regulations will create both positive inter-municipal and inter-regional impacts to all affected communities.

(b) SCCRPC

The SCCRPC provided its comments to the TPZ by letter dated November 17, 2020. The SCCRPC concluded:

By resolution, the RPC has determined that the proposed zoning regulation amendments do not appear to cause any negative inter-municipal impacts to the towns in the South Central Region nor do there appear to be any impacts to the habitat or ecosystem of the Long Island Sound.

The proposed amendments to the Town of Woodbridge Plan of Conservation and Development appear to be consistent with the policies and goals identified in both the State and Regional Plans of Conservation and Development.

(c) Board of Selectmen

By memorandum dated February 24, 2021, Beth Heller, First Selectman, notified the TPZ of the Board of Selectmen's establishment of and charge to the Woodbridge Housing Opportunity Study Committee, stating in relevant part, that such study committee was established to consider the data and information presented in the Application concerning the lack of a broad range of housing opportunities within the Town of Woodbridge.

(d) SCCRWA

In its March 1, 2021 letter, the SCCRWA provided its comments and recommendations including the following, in relevant part:

1. *Given the potential increased density and impervious cover from multifamily projects versus a typical single family residential home, the RWA would appreciate the opportunity to be notified and provide comments on these projects within the Zoning Permit issuance process.*
2. *The RWA recommends that a [stormwater management plan outlined in Section 5.7 of the Woodbridge Zoning Regulations] be developed, along the implementation of Low Impact Development practices (LID) to maintain natural hydrologic conditions that aid in preserving the quality of water resources used for public drinking water.*

3. *We recommend that an impervious coverage limit be established over the site's buildable area, in addition to maintaining maximum allowed building coverage of not more than 15%. We propose that buildable area be exclusive of wetlands and slopes of 20% or more.*
4. *The RWA recommends a minimum non-disturbance setback buffer width of 50 to 100 feet from watercourses and wetlands for new development in order to limit the impact of development on water supply sources.*
5. *A schedule for inspection and maintenance of on-site septic systems should be established, along with maintaining associated documentation. We recommend inspection and pumping occur at a frequency of no less than every three years. To reduce septic system loading, we recommend that any newly constructed or renovated units be equipped with plumbing fixtures meeting the equivalent of current EPA WaterSense standards.*
6. *Applicants should consult with the Connecticut Department of Public Health (DPH) to determine the status of proposed multifamily developments served by onsite wells with respect to being subject to the regulatory requirements of a Community Water System.*

(e) WRW Coalition

By letter dated March 11, 2021, The West River Watershed Coalition (the "WRW Coalition") provided comments stating, in relevant part,

As you know and is widely accepted, water quality in lakes, rivers and streams is negatively impacted by an increase in watershed impervious cover, such as buildings, roads, and parking lots, predominately due to reduced infiltration and increased rates and volumes of stormwater runoff.

The Coalition also requested that the goals and objectives of the Watershed Management Plan be incorporated into the decision making process and that the Town continue to work to support the goals of the September 2014 compact passed by the Woodbridge Board of Selectmen and the Inland Wetlands Agency. Those goals included capacity building, water quality, habitat protection and restoration, sustainable land use, open space and public access including promoting sustainable land use and appropriate development in the watershed while protecting and improving water quality and natural resources, and education and stewardship for a healthy West River.

Publications in the Record

The TPZ received the following publications (collectively, "Publications"), which were placed in the Record:

OPM: 2013-18 State Plan of Conservation and Development Locational Guide Map with Public Water Supply Watershed Layer

OPM: Conservation & Development Policies: The Plan for Connecticut, 2013-2018

OPM: Conservation and Development Policies Plan for Connecticut, 2005-10

DEP: Carrying Capacity of Public Water Supply Watersheds: A Literature Review of Impacts on Water Quality from Residential Development

DEP: Protecting Connecticut's Groundwater: A Guide for Local Officials

DPH: Drinking Water Assessment and Source Protection Program

DEP: Report for the Blue Ribbon Commission on Housing, on the Land Required to Support Residential Development in Connecticut

DPH: Select Connecticut Statutes and Regulations for the Protection of Public Drinking Water Sources

Estimating Potential Costs of Watershed Development on Drinking Water Treatment

Journal of Planning Literature: Impervious Surfaces and Water Quality: A Review of Current Literature and Its Implications for Watershed Planning

Although Open Communities challenged the validity of some of the information due to the dates of certain of the Publications, the TPZ received information from Mr. Chalder concerning an email of March 25, 2021 from Ms. Corinne Fitting, Supervising Environmental Analyst of the CT DEEP wherein she stated:

While these reports [CT DEP] are older publications, the data they are based on doesn't change over time, and the recommendations are still relevant and valid. The Department has not had the opportunity to update the publications, but we still distribute them and support using the recommendations contained within.

Maps in the Record

The TPZ received the following maps, which were placed in the Record:

Water Quality Classification Map – Woodbridge, CT

Areas With Low Potential for Subsurface Sewage Disposal – Woodbridge, CT

Utilities Map (requested by the TPZ)

Report from Consultant

In his report dated January 3, 2021, Mr. Miller, on behalf of Attorney Herbst's clients, expressed certain concerns about issues clearly within the jurisdiction of the TPZ, including impact on wells, impact on groundwater, wetlands and/or waterbodies from on-site septic systems, safety of current road network, particularly narrow, and winding streets, pedestrian and bicycle safety, drainage problems and a decline in environmental quality of wetlands and watercourses from increased impervious surface coverage and absence of design requirements. Mr. Miller also suggested other approaches to addressing the need for affordable housing in the Town.

Deliberations

On May 3, 2021, May 13, 2021, May 24, 2021 and June 7, 2021, the TPZ conducted its deliberations on the Application. Such meetings were available simultaneously on Channel 79 and the WGATV YouTube page and available thereafter on YouTube. Mr. Chalder provided technical assistance to the TPZ when requested to do so by the TPZ and the TPZ's counsel provided legal assistance.

On May 3, 2021, Chairman Klee reminded the TPZ members and all participants that only the TPZ members could participate in their decision-making process. Chairman Klee and the TPZ members considered their decision-making options, namely to adopt, deny or adopt with reasonable changes the amendments proposed by Open Communities. The TPZ reviewed the hearing record and decided to utilize the possible decision-making framework that Mr. Chalder prepared and explained to the TPZ at the public hearing on April 5, 2021 as a mechanism for formulating reasonable changes to the Application.

On May 13, 2021, Mr. Chalder was asked by the TPZ to provide a mark-up of the amendments proposed by Open Communities with potential reasonable changes as discussed by the TPZ, as well as any changes suggested by Mr. Chalder in his testimony and PowerPoint slides presented during the public hearings, for discussion at their meeting on May 24, 2021.

On May 24, 2021, Mr. Chalder was asked by the TPZ to provide a revised mark-up of the amendments proposed by Open Communities with potential reasonable changes as discussed by the TPZ, for consideration at their June 7, 2021 meeting.

Seating of Alternate

On June 7, 2021, at the beginning of the TPZ's meeting, Chairman Klee seated Alternate TPZ member, Jeffrey Kennedy, who attended all TPZ meetings during the pendency of the Application, to act as a voting member, to fill the vacant regular member seat.

Conclusions

The TPZ concludes that the information in the Publications and other documents in the Record is compelling and thus deserving of greater weight than the rebuttal testimony and

information provided by Open Communities, particularly the students, who although diligent, do not appear to possess the expertise in the relevant subject areas.

The TPZ firmly believes that reliance on other State and local agencies to evaluate and address any issues concerning well water and septic systems, as advocated by Open Communities, would be inconsistent with its duties set forth in CGS § 8-2. The TPZ further believes that it should exercise its oversight in certain circumstances via a special exception process, which would allow the TPZ to collaborate with such agencies to ensure that all concerns are properly addressed as part of a comprehensive review, in lieu of a piecemeal approach.

Motion

Whereas, all TPZ members attended all meetings, including all hearings, while the Application was pending, except for Commissioner Greenberg, who was unable to attend the March 18, 2021 meeting, but stated on the Record that he reviewed the YouTube recording of such meeting;

Whereas, all TPZ members have carefully considered the Application and supporting documents submitted by Open Communities pursuant to CGS §8-2, all testimony, letters and reports, all oral and written comments properly submitted by the public, and all other documents in the Record;

Whereas, TPZ members have not considered any documents outside of the Record;

Whereas, in particular, the TPZ received testimony and information from certain experts, including 3 planning experts:

1. Mr. Donald Poland – Open Communities
2. Mr. Bruce Miller – Attorney Herbst's clients and
3. Mr. Glenn Chalder – TPZ;

Whereas, the TPZ also received expert testimony from Mr. Steven Trinkhaus, P. E. – Open Communities and expert information from James Pretti, Jr., P.E., L.S., of Criscuolo Engineering – TPZ in an email dated March 31, 2021 to Mr. Chalder and Mrs. Sullivan;

Whereas, the Open Communities' team included several law students, an architectural student and several attorneys, who addressed the TPZ throughout the proceedings;

Whereas, the Application presented two (2) sets of proposed amendments for decisions by the TPZ, specifically proposed amendments to the POCD and to the Zoning Regulations but did not present the Illustrative Site Plan to the TPZ for its decision;

Whereas, despite several requests and/or opportunities, Open Communities declined to submit any changes to its proposed amendments to address comments and/or concerns from the public, Attorney Herbst, Mr. Miller, Mr. Chalder or TPZ members;

Whereas, the TPZ considered its options for decision-making on the Application including adopting the proposed amendments in their entirety, denying the proposed amendments in their entirety or adopting the proposed amendments with reasonable changes;

Whereas, on May 3, 2021, the TPZ, by consensus, decided that there was a need in Woodbridge for greater housing opportunities and that it would proceed with consideration of reasonable changes to the proposed amendments submitted by Open Communities;

Whereas, the TPZ carefully considered the testimony of its consultant, Mr. Chalder, including his opinion that although zoning can be an effective tool for guiding change, and that zoning regulations can balance a wide variety of issues including housing, community, the environment and natural resources and, public health and safety, the Application did not properly balance such issues;

Whereas, the TPZ recognizes the testimony and information of its planning consultant, Mr. Chalder, to be more credible on all areas where it conflicted with the testimony of others in this proceeding, including the other planning experts;

Whereas, the TPZ has carefully considered all other information in the Record such as the recognition of State agencies and other agencies and groups of the critical need to protect public water supply watershed areas and sensitive environmental resources;

Now therefore, the TPZ adopts the proposed amendments to the POCD and the Zoning Regulations submitted by Open Communities subject to the reasonable changes as follows:

POCD

In general, the TPZ's reasonable changes to the amendments to the POCD proposed by Open Communities are designed to provide a framework for additional housing options and choices in all residential zones, with some options and choices only allowed in certain zones in order to protect health and safety, for example, in those areas where properties are located in public water supply watersheds, regardless of zone. In addition, the TPZ adopts the Utilities Map prepared by New England GEO as part of the POCD for reference concerning the location of utilities throughout the Town. Finally, the TPZ has included certain circumstances where a special exception is required for new housing options, to provide appropriate TPZ oversight to fulfill its obligations under CGS § 8-2.

Accordingly, the TPZ adopts the amendments to the POCD proposed by Open Communities as set forth on Exhibit A, with the reasonable changes included thereon. The TPZ recognizes that there is a need for greater housing opportunities in the Town and that such amendments with reasonable changes are an important first step in creating a planning framework for housing opportunities.

Zoning Regulations

In general, the TPZ's reasonable changes to the amendments to the Zoning Regulations proposed by Open Communities are designed to be consistent with the goals and principles set forth in CGS § 8-2, as balanced with the specific characteristics of the Town, including for

example, protection of the public water supply watershed lands throughout the Town. In particular, the TPZ recognizes that the amendments proposed by Open Communities with reasonable changes would provide greater housing opportunities and help to achieve greater economic diversity in a meaningful manner, with requirements that are fair, provide clear direction, are protective of future residents, and to the extent consistent with public health and safety, create a workable approach.

Accordingly, the TPZ adopts the amendments to the Zoning Regulations proposed by Open Communities as set forth on Exhibit B, with the reasonable changes included thereon. The TPZ finds that such amendments with reasonable changes are consistent with:

- (a) The objectives and governing principles set forth in CGS § 8-2;
- (b) The POCD as revised as set forth on Exhibit A with the reasonable changes included thereon; and
- (c) The comprehensive plan for the Town.

The TPZ further finds that such amendments with reasonable changes are an important first effort in creating greater housing opportunities in the Town and looks forward to collaborating with the Woodbridge Housing Opportunity Study Committee, the Board of Selectmen, departments and agencies of the Town and residents to address creating further housing opportunities and economic diversity in housing. Moreover, the TPZ intends to evaluate the existing requirements for the development of single family homes to ensure that such requirements protect the community from concerns raised in this proceeding.

Effective Date: September 7, 2021

EXHIBIT A

Plan Of Conservation & Development

CHAPTER 1: HOUSING & DEMOGRAPHICS

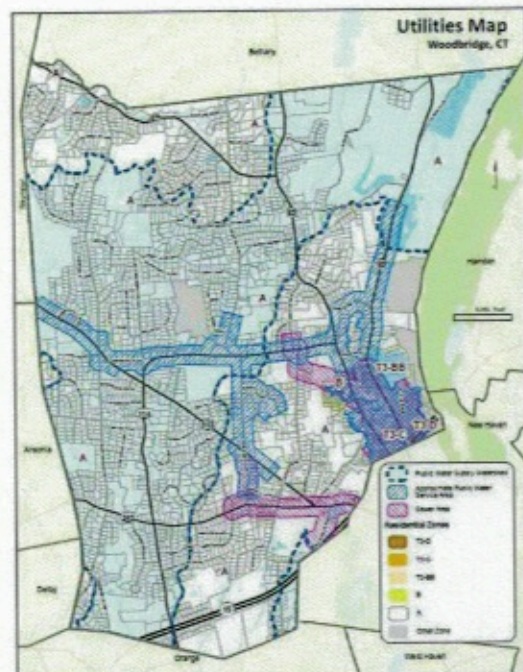
Housing Action Plan (Page 27)

2. Near-Term Action Agenda

Update zoning regulations

- Amend Village District to include mixed use in specific locations.
- To provide for additional housing options and choices, allow accessory dwelling units in all residential zoning districts.
- To provide for additional housing options and choices, allow two-family dwellings in all residential zoning districts:
 - with a Special Exception required in public water supply watersheds,
 - by Site Plan Approval when not served by public water and public sewer, and
 - by Zoning Permit when served by public water and public sewer (either existing or to be provided by the developer).
- To provide for additional housing options and choices, allow multi-family housing in residential zones (subject to Special Exception approval) when served by public water and public sewer (either existing or to be provided by the developer).

(Utilities Map to be added to Chapter 1)



CHAPTER 2: VILLAGE & ECONOMIC DEVELOPMENT

Woodbridge Village Zoning Revisions (Page 45)

Two new zoning designations are proposed to replace the existing mix of zoning districts in the Village area, which currently includes GB, BI, DEV-1 and -2, and Residential BB, C, and D zones.

Village Mixed Use

The new Village Mixed Use (VMU) zone combines the existing GB, BI, and portions of the DEV-1 zone under a new set of use and design standards. A mixed-use village center with closer integration of different housing and commercial options can be promoted by establishing a hybrid zoning district with a broad array of permitted uses and form-based development standards, with regulations targeting public space and building forms of new development.

The district would allow for increases in residential density and allow for multi-family housing which may also include housing over commercial uses. Ground floor housing units could be built to high standards of accessibility, providing new options for older residents.

In addition to simplifying the area's current patchwork of zones, the VMU zone advances the goal of maximizing the Town's tax base by spurring appropriate new development at a two to three story scale and enhancing ratables through high-quality design and greater flexibility to achieve parcels' highest and best uses.

Village Residential

The new Village Residential (VR) zone would be sited on the eastern side of Route 69 in the Village area and residential areas adjacent to Landin and Mettler Streets and Manilla and Merritt Avenues, combining portions of existing Residential BB, C, and D zones into a unified residential zone consistent with the goals of the 2005 Woodbridge Plan of Conservation and Development. The intent of the VR zone is to provide development regulations consistent with the existing uses in the village district.

To achieve these goals in the VR zone, existing one-family residences will be permitted to add in-law apartments or home offices by right, subject to design standards. General design guidelines will address issues such as scale (two- to two-and-a-half story), orientation towards the street, landscaping, and access per existing regulations.

FUTURE LAND USE PLAN

Future Land Use: Overview (Pages 132-134)

The Future Land Use Plan contains a variety of land use categories that address location, density, and current conditions. These categories and general locations are described in more detail in the following section. It should be noted that there are individual properties that have a land use different than the category displayed on the map; this is unavoidable in a built out community with many small parcels. The intent of the Future Land Use Plan is to present desirable land use patterns to guide future change. Existing land uses are not affected by the map.

Land Use Definitions

- **Low Density Residential:** properties that are designated primarily for single family residential development on lots of 1.5 acres or more. Accessory dwelling units and two-family dwellings may be permitted. To provide for housing choice and housing options and deed-restricted affordable housing units, multi-family dwellings may be permitted by the Commission outside of public water supply watersheds when served by public water and public sewer (either existing or to be provided by the developer). These properties may also include some accessory agricultural or other uses where the use of the land is still defined by its primary role of providing single family housing.
- **Moderate Density Residential:** properties that are designated primarily for single family residential development on lots of less than 1.5 acres, as well as typical accessory uses. These areas include smaller lots predating the current Residence A district, as well as lots in other Residence districts. Accessory dwelling units and two-family dwellings may be permitted. To provide for housing choice and housing options and deed-restricted affordable housing units, multi-family dwellings may be permitted by the Commission when served by public water and public sewer (either existing or to be provided by the developer).
- **Two-Family Residential:** properties that are designated for residential uses with two-family residences, located primarily in the Village District area of Town. To provide for housing choice and housing options and deed-restricted affordable housing units, multi-family dwellings may be permitted by the Commission when served by public water and public sewer (either existing or to be provided by the developer).
- **Elderly Assisted Residential:** properties that are designated to provide age-restricted, assisted living, or nursing residential units, located primarily in and around the Village District area of Town.
- **Agriculture:** tracts of land that are designed for primarily agricultural uses, including both private and community farms.
- **Commercial Office:** properties that are designated primarily for typical commercial office uses; non-office commercial uses may not be appropriate on these properties.

- **Commercial: Retail/Services:** properties that are designated for commercial land uses primarily consisting of retail and personal services establishments.
- **Village Mixed Use:** properties that are designated for a mix of uses, including but not limited to residential, retail, office, and institutional land uses, that collectively support a traditional village built environment and create an atmosphere conducive to economic development.

Future Land Use Plan Classifications

- **Village Residential:** properties that are designated for moderate density residential uses, including single family, two-family, and multi-family residences which are compatible with the form and character of a traditional village built environment.
- **Institutional:** properties that are designated for non-governmental, not-for-profit uses, including cemeteries, places of worship, private schools and community centers, and other private institutional land holdings.
- **Town or State Facility:** properties that are designated as Town or State facilities include lands and buildings owned by the Town of Woodbridge or State of Connecticut agencies and departments (including local school districts) for various public facilities, with accessory uses that may include areas of open space for active or passive uses.
- **Industrial:** properties that are designated for manufacturing, fabrication, distribution, and warehousing uses, primarily located in the eastern portion of the Village area.
- **Mixed Use - Residential and Open Space:** properties that are designated as suitable for a combination of residential and open space uses, including active and passive recreational uses.
- **Open Space - Utility:** tracts of land held as open space by a public utility company for the provision of services or the protection of watersheds.
- **Open Space- General:** tracts of land designated as open space for conservation and passive recreational uses in either Town or private ownership.
- **Open Space - State Park:** tracts of land designated as open space for conservation and passive recreational and designated as a State Park by the Connecticut Department of Energy and Environmental Protection.
- **Open Space - Recreation:** tracts of land designated as open space for active recreational uses, including ball fields, playgrounds, golf courses, and camp sites.
- **Infrastructure:** properties that are designated for public infrastructure, including Town and State rights of way and other miscellaneous infrastructure.

ACTION AGENDA

Demographics & Housing (Page 136)

GOAL: Update Zoning Regulations	Lead Agency	On-Going	Short-Term (0-3 Years)	Mid-Term (4-6 Years)	Long-Term (7-10 Years)
Adopt Village Mixed Use and Village Residential zoning regulations and revise zoning map to reflect alterations.	TPZC		✗		
Amend Village District to include mixed use in specific locations.	TPZC		✗		
To provide for additional housing options and choices, allow accessory dwelling units in all residential zoning districts.	TPZC		✗		
To provide for additional housing options and choices, allow two-family dwellings: <ul style="list-style-type: none"> with a Special Exception required in public water supply watersheds, by Site Plan Approval when not served by public water and public sewer, and by Zoning Permit when served by public water and public sewer (either existing or to be provided by the developer). 	TPZC		✗		
To provide for additional housing options and choices, allow multi-family housing in residential zones (subject to Special Exception approval) when served by public water and public sewer (either existing or to be provided by the developer).	TPZC		✗		

(Future Land Use Plan map (shown below) to be modified prior to effective date to reflect revised category names in the legend)

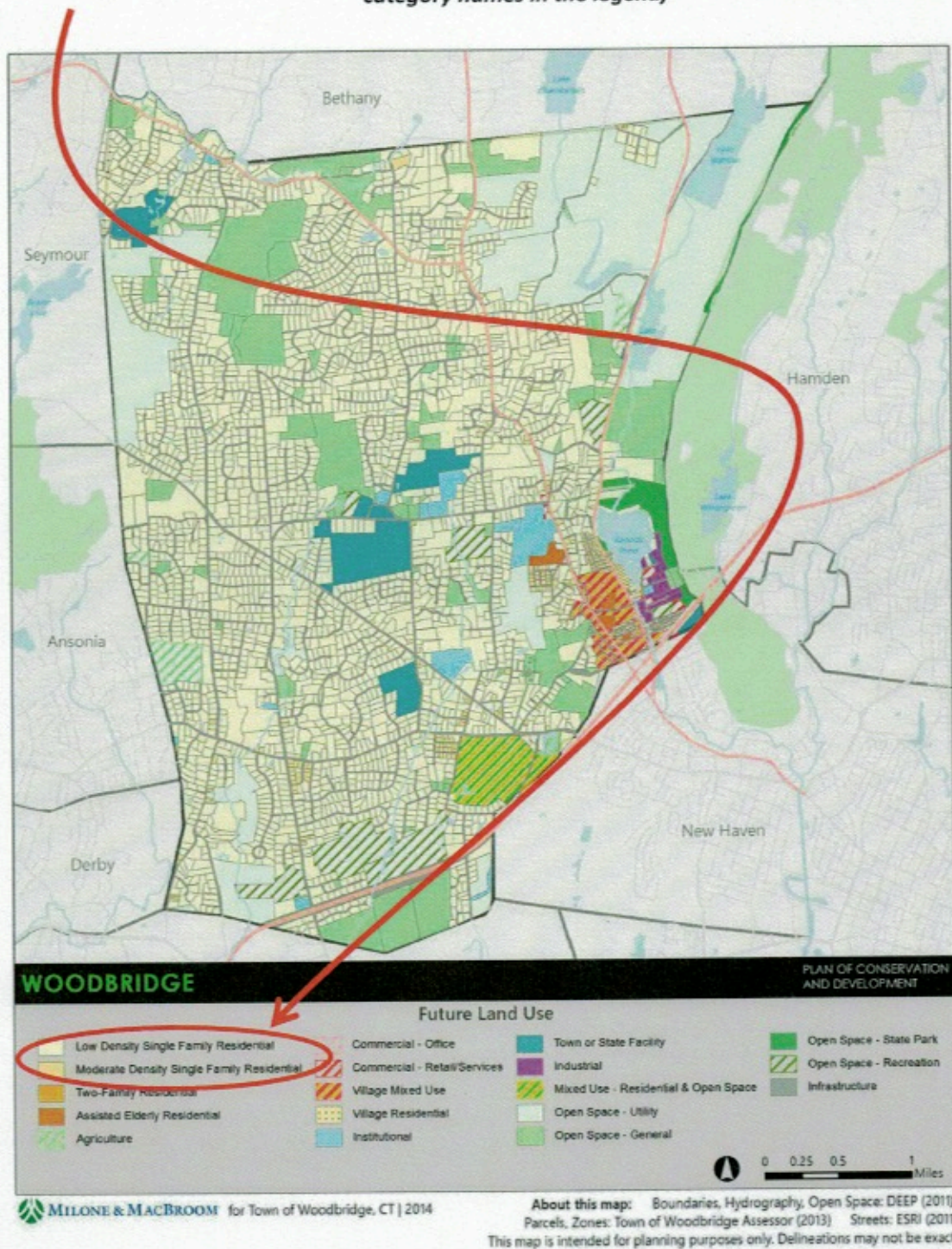


Exhibit B

Zoning Regulations

Section 3.4 OPPORTUNITY HOUSING

A. Purpose

The purpose of this Section is to enable multiple-unit residential uses and structures within certain residential zoning districts in Woodbridge, as provided herein and as authorized by governing provisions in the Connecticut General Statutes, in order to promote housing choice and economic diversity in housing and provide for the development of housing opportunities while balancing statutory obligations such as:

- Protection of public health and safety,
- Consistency with soil types, terrain, infrastructure capacity, and
- Protection of public water supply watersheds.

The allowed multiple-unit structures must comply with all bulk and dimensional requirements for the proposed development as specified in this Section 3.4 and developments with three or more units must include affordable housing units as specified in Section 3.4.E of this regulation.

B. Applicable Districts

Opportunity Housing shall be an allowed use in Residential Districts as specified herein.

C. Definitions

As used in this section:

1. "Affordable" means a dwelling unit sold or rented at, or below, prices which will preserve the units as housing for which persons and families pay thirty per cent or less of their annual income, where such income is less than or equal to a prescribed percentage of the median income.
2. "Deed-restricted" and "deed restrictions" means the restrictions are contained in a deed and shall apply for at least forty (40) years after initial occupancy.
3. "Median income" has the same meaning as provided in Connecticut General Statutes Section 8-30g(a)(7).
4. "Multi-family dwelling" means a dwelling unit in an Opportunity Housing development of three or more residential units that meets the requirements set forth in Section 3.4.E.

5. "Opportunity Housing" means a residential development that meets the requirements set forth in this Section 3.4.
6. "PWSW" means a public water supply watershed area.
7. "Rental assistance" means rental assistance, whether tenant-based or project-based, provided pursuant to 42 U.S.C. § 1437f and corresponding federal regulations or Connecticut General Statutes Sections 8-345 and 8-346 and corresponding provisions of the Regulations of Connecticut State Agencies, or successor rental assistance programs.

D. Two-Units Per Parcel

The following types of uses and structures containing two residential units in one building may be allowed as indicated in Table 3.4.D and subject to compliance with all bulk and dimensional requirements for a single-family structure (such as those in Table 4.1):

TABLE 3.4.D - Two-Units Per Parcel

USE \ ZONE						
	T3-D	T3-C	T3-BB	B	A	A (PWSW)
Two-Family (including two-family with at least one unit deed-restricted at 60% of median income) when served by public water and public sewer.	P	P	P	P	P	SE
Two-Family (including two-family with at least one unit deed-restricted at 60% of median income) when NOT served by public water and public sewer.	S	S	S	S	S	SE

TABLE LEGEND

P	Permitted by Zoning Permit (Staff)	S	Permitted by Site Plan Approval (TPZ)	SE	Permitted by Special Exception (TPZ)
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E. Multi-Family Development (Three Or More Units Per Parcel)

1. Basic Provisions –

- a. The following types of uses and structures containing three or more units in one building and/or on one property may be allowed as indicated in Table 3.4.E-1 and subject to compliance with all bulk, dimensional, and other requirements as specified in this Section 3.4.E:

TABLE 3.4.E-1 - Three Or More Units Per Parcel

USE \ ZONE	T3-D	T3-C	T3-BB	B	A	A (PWSW)
Multi-family dwelling(s) in accordance with Section 3.4.E	SE	SE	SE	SE	SE	x

TABLE LEGEND

SE	Permitted by Special Exception (TPZ)	x	Not permitted
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- b. Any multi-family Opportunity Housing development proposed under this Section 3.4.E shall be served by public water and public sewer.

2. Bulk Regulations –

- a. Unless otherwise provided in this Section, any multi-family Opportunity Housing development shall be governed by the bulk regulation as set forth in the following Table 3.4.E-2 (and not by the General Bulk Regulations set forth in Table 4.1 of these Regulations):

TABLE 3.4.E-2 – Opportunity Housing Bulk Regulations

MAXIMUM BUILDING MASSING \ ZONE	T3-D	T3-C	T3-BB	B	A	A (PWSW)-
A. Maximum Density (units per acre)	15.0	15.0	15.0	15.0	15.0	n/a
B. Maximum Building Coverage	50%	40%	30%	30%	15%	n/a
C. Maximum Lot Coverage (total impervious)	75%	60%	45%	45%	22.5%	n/a
MINIMUM SETBACKS						
D. Minimum Principal Building Setbacks (front / side / rear)	Same as the underlying zoning district					
E. Minimum Accessory Building Setbacks (front / side / rear)	Same as the underlying zoning district					
F. Parking Area Setbacks – Front	10	10	20	30	50	n/a
G. Parking Area Setbacks – Side / Rear	4	6	10	15	25	n/a
MAXIMUM BUILDING HEIGHT						
H. Maximum Number Of Stories (Excluding Cellar & Basement)	2.5	2.5	2.5	2.5	2.5	n/a

3. Affordability Requirements –

- a. At a minimum, twenty percent (20%) of the units in a multi-family Opportunity Housing development, shall be deed restricted for at least forty (40) years as affordable units and at least half of those units shall be deed-restricted for sale or rental to a household earning (60%) of the median income or less and any other required affordable units shall be deed-restricted for sale or rental to a household earning eighty percent (80%) of median income or less utilizing the maximum household income, and maximum sale price or rental calculated in compliance with Connecticut General Statutes Section 8-30g and corresponding state regulations.
 - b. This percentage requirement for affordable units shall be considered satisfied if the required number of units are:
 - Leased to households receiving rental assistance,
 - Developments receiving project-based rental assistance, or
 - "Assisted housing" as defined in Connecticut General Statutes Section 8-30g(a)(3).
 - c. For purposes of this Section 3.4, any calculation of the minimum number of affordable units required which results in a fractional remainder shall be rounded up to the next highest whole number. [Example: if the calculation requiring a minimum percentage of affordable units results in a product of 2.2 units, the minimum number of units required shall be rounded up to 3 units.]
 - d. The required affordable units in a multi-family Opportunity Housing development shall be deed restricted for at least forty (40) years for sale or rental to a household earning the specified percentage of the median income or less, utilizing the maximum sale price or rental calculated in compliance with governing Statutes and corresponding state regulations.
 - e. The Commission may require the filing of an affordability easement or restriction in favor of the Town with regard to the required affordable units (either individually or collectively) to help ensure the long-term retention of the affordable units.
- 4. Stormwater Management** - Any multi-family Opportunity Housing development proposed under this Section 3.4 shall be designed and constructed in accordance with Section 5.7 of these Regulations in terms of stormwater management.
- 5. Building / Site Design**– Except as may be modified by the Commission by separate Special Exception based on overall excellence in design:
- a. Any building within a multi-family Opportunity Housing development shall not have a flat roof but may have a gable, hip, or gambrel roof.
 - b. On any long side of a multi-family Opportunity Housing building containing residential units, walls shall have more than one (1) plane.
 - c. In a multi-family Opportunity Housing development, the affordable units, including any units leased to households receiving rental assistance, shall be comparable in size, number of bedrooms, exterior design, construction (including insulation, HVAC equipment, appliances, finishes, etc.), and quality of materials to the market-rate units.

- d. Any refuse area(s) and/or outdoor storage area(s) shall be visually screened from the street and adjacent properties by fencing and/or landscaping.
6. **Project Sequencing / Location** - For a multi-family Opportunity Housing development proposed pursuant to Section 3.4.E, the following information shall be provided as part of the application:
- a. A description of the sequence in which the affordable dwelling units will be built and offered for occupancy demonstrating that the Opportunity Housing development will comply at all times (permitting, construction, marketing, occupancy, etc.) and for all phases with the minimum affordability percentage required, and
 - b. The specific location of such units within the proposed development so that the affordability restrictions can be administered and monitored, as necessary.

F. Housing Affordability Plan Requirement

1. Any person applying for a multi-family Opportunity Housing development shall submit with its application, for approval by the Commission, a Housing Affordability Plan, which shall include at least the following:
 - a. Designation of the person, entity, or agency that:
 - Is qualified, experienced, and capable of administering the Housing Affordability Plan for the duration of any affordability restrictions,
 - Will be responsible, for the administration of the Housing Affordability Plan and its compliance with the income limits and sale price or rental restrictions, and
 - Will be responsible for submitting annual reports to the Commission verifying that the affordable units are occupied by eligible households and that the rental rate or sale price was in accordance with the sale price or rental restrictions.
 - b. The methodology for ascertaining income to determine eligibility.
 - c. The methodology for calculating the maximum sales prices or rents of the intended affordable dwelling units.
 - d. Deeds, restrictive covenants, lease provisions or other conditions that will govern the affordable dwelling units.
2. In the event that a standard Housing Affordability Plan (as contemplated by CGS Section 8-30g(b)(1)) has been prepared by or accepted by the Town, the Commission may require utilization of such standard plan provided it is in accordance with State and Federal law.
3. In the event that a list of independent third-party administrators has been prepared by or accepted by the Town, the Commission may require utilization of a third-party administrator from that list.

G. Affirmative Fair Housing Marketing Plan Requirement

1. Any person applying for a multi-family Opportunity Housing development shall submit with its application, for approval by the Commission, an Affirmative Fair Housing Marketing Plan governing the sale or rental of all dwelling units, consistent with the requirements of Connecticut General Statutes Section 8-37ee and with the corresponding Regulations of Connecticut State Agencies.
2. For units to be leased to households receiving rental assistance, the Affirmative Fair Housing Marketing Plan shall be reasonably calculated to lease units to such households, including, but not limited to, advance notice to and consultation with the Connecticut Department of Housing and any Connecticut public housing agency as defined in 42 U.S.C. § 1437a(b)(6), within thirty (30) miles from any boundary of the Town of Woodbridge, including any of their contractors,
3. In no event shall a deed-restricted affordable unit be leased to, sold to, or occupied by an ineligible household or be leased or rented at an incorrect maximum price.

H. Filing Of Documents

1. Final deeds, restrictive covenants, lease provisions, and/or other relevant documents shall be:
 - a. Submitted to the Zoning Enforcement Officer prior to the issuance of any Zoning Permit authorizing construction, and
 - b. Reviewed by the Town Attorney and approved by the Commission,
 - c. Executed to comply with this Section prior to the issuance of any Certificate of Zoning Compliance authorizing occupancy of the structure, and
 - d. Filed with the Town Clerk.

J. Limitation On Variance

1. As provided in CGS Section 8-6, uses permitted by this Section 3.4 shall not be permitted by variance in districts in which such uses are not otherwise allowed.

Table 3.1 – Allowed Use By Zone

(only changed section of Table 3.1 shown below)

Table 3.1 Allowed Uses by Zone													
REFERENCE	USE	ZONING DISTRICTS											
		A	B	T1	T2	T3-C	T3-D	T3-BB	BI	GB	GBA	Dev 1	Dev 2
3.3.CC	Residential												
3.3.CC.1	Single Family	P	P			P		P					
3.3.CC.1 / 3.4.C	Two-Family (when IN a public water supply watershed)	SE											
3.3.CC.1 / 3.4.C	Two-Family (when NOT IN a public water supply watershed)												
	• When served by public water and public sewer	P	P			P	P	P					
	• When NOT served by public water and public sewer	S	S			S	S	S					
3.3.CC.2	Accessory Dwelling Units in Single-Family Home	P	P			P	P	P					
3.3.DD	Affordable Housing												
	Accessory Dwelling Unit as part of Mixed Use (Max. 4 Dwelling units).									SE			
3.4.D	Multi-Family Dwellings in accordance with Section 3.4												
	• When IN a public water supply watershed												
	• When NOT IN a public water supply watershed	SE	SE			SE	SE	SE					
3.3.EE	Congregate Communities		SE									SE	
	Active Adult Community (55+)											SE	
	Active Adult Community (55+) mixed-use											SE	SE
	20% of first floor shall contain shopfront facades.												
KEY: P-Zoning Permit Only S-Site Plan Application SE-Special Exception Application AR-Allowed-by-right (no permit req'd) Blank Space – Not Allowed													
A - Residential District A B - Residential District B T - Transit Districts GB - General Business GBA-Overlay Includes Residential													
SD-Special District P - Park District Dev 1 - Development 1 Dev 2 - Development 2 BI - Business + Industrial													

Table 3.2 - Delete Required Floor Area for Primary Dwelling Units

CC. Residential

1. Primary Dwelling Units:

- a. Maximum Number of Primary Dwellings Per Lot. Except as may be permitted by Section 3.4 of these Regulations, not more than one building containing a Dwelling Unit or Units is permitted on a Lot.

Table 3.2 Reserved			

2. Accessory Dwelling Units in Single-Family Home.

A single-family dwelling may be converted to allow the incorporation of one Accessory Dwelling Unit in any zone permitting a single-family residence subject to a Zoning Permit and the following conditions:

- a. An Accessory Dwelling Unit shall have a minimum floor area of 350 square feet and a maximum floor area of 600 square feet, and a maximum of two bedrooms;

Table 3.3 Required Floor Area for Accessory Dwelling Units	
Unit Type	Min. Floor Area, Sq. Ft.
1 room	350
2 rooms (1 BR)	425
3 rooms (1 BR)	600

- b. One of the occupants of the dwelling shall be the owner of record;
- c. No Accessory Dwelling Unit shall be located in a garage or basement unless one wall opens to grade;
- d. An Accessory Dwelling Unit shall be self-contained, with separate entrance, cooking, sanitary, and sleeping facilities for the exclusive use of the occupant;
- e. No exterior change shall be made to the existing front of the principal dwelling except for dormers or windows;
- f. Expansion of a principal dwelling shall be permitted to accommodate an Accessory Dwelling Unit via dormer(s) or an addition beyond the existing foundation;
- g. No accessory building shall be used or created for the purpose of accommodating an Accessory Dwelling Unit;
- h. The principal dwelling and Accessory Dwelling Unit shall conform to all requirements of the applicable building, health, fire, sanitary, and zoning codes; and
- i. Except as may be permitted by Section 3.4 of these Regulations, there shall not be more than two (2) dwelling units on any parcel in a Residential District.

Table 4.1 **Modify Part A – General Bulk Regulations**
Delete Rows In Table - Residential Density – Families Per Building

4.1 BULK REGULATIONS

A. GENERAL BULK REGULATIONS. The accompanying table, entitled "Table 4.1: Table of General Bulk Regulations," is referred to herein as "Bulk Table." All buildings hereafter erected or altered shall comply with requirements accompanying this table for the zone in which such building will be located. *Exception: Where any conflict arises between the provisions of these Regulations and any other law, ordinance, regulation, or permit, the provision that imposes the highest standard or establishes the greatest restriction upon the use of the land, form of buildings, structures, or site shall control. Where any conflict arises between the bulk table of this Section 4.1 and the provisions of Section 3.4 of these Regulations ("Opportunity Housing"), the provisions of Section 3.4 shall control.*

Table 4.1 Table of General Bulk Regulations													
Bulk Description	ZONING DISTRICTS												
	A	B	T1	T2	T3-C	T3-D	T3-BB	BI	GB	GBA (Overlay)	Dev 1 ²	Dev 2 ²	P