

**PROPOSED AMENDMENT TO BROOKFIELD  
ZONING REGULATIONS**

**NEW SECTION 242-404H-1**

**RESIDENTIAL-RENTAL HOUSING OPPORTUNITY  
WORKFORCE ZONE (R-RHOW) DISTRICT**

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TOWN OF BETHEL  
TOWN CLERK

**Submitted by  
Branhaven River and Farm Properties, L.L.C.,  
Torrington Arms Apartments LLC,  
and Skelmorlie, LLC  
to the Brookfield Zoning Commission**

**PREPARED BY:**  
Christopher J. Smith, Esq.  
Shipman & Goodwin LLP  
One Constitution Plaza  
Hartford, Connecticut 06103-1919  
(860) 251-5000

**OCT 13 2015**

**Section 242-404H-1: RESIDENTIAL-RENTAL HOUSING  
OPPORTUNITY/WORKFORCE ZONE (R-RHOW)**

**A. Intent and Purposes:**

The purpose of the Residential-Rental Housing Opportunity/Workforce Zone (“R-RHOW”) is to:

- (1) Increase the availability of affordable and attainable rental workforce dwellings in Brookfield where existing and adequate public facilities and services are present.
- (2) Encourage the construction of rental workforce dwellings that is within the economic means of moderate and low income households, and is in a mixed-income development.
- (3) Promote housing choice and economic diversity, including rental housing for low and moderate income households, within the Town of Brookfield.
- (4) Efficiently utilize existing infrastructure and promote neighborhood planning by providing, where infrastructure support is available, a diversity of housing, densities, sizes, and prices.

Workforce housing which fully satisfies the intent, requirements and purposes of Section 8-30g of the Connecticut General Statutes, must be part of any housing proposal submitted for approval within this Zone District.

**B. Permitted Uses:**

The following uses shall be permitted subject to site plan approval by the Commission in accordance with the standards set forth herein:

- (1) Multi-family residential dwellings.
- (2) Related accessory buildings, amenities, structures and uses, including parking structures.

**C. Site Requirements:**

No parcel of land shall be rezoned to R-RHOW unless it satisfies the following:

- (1) has a minimum area size of 4 acres.
- (2) has frontage on a public street.
- (3) has access to public water and sewer.

**D. Density, bulk, area, and dimensional requirements:**

The following requirements shall be deemed to be the minimum or maximum requirements in every instance of an application:

(1)	Maximum density	36 units per gross acre
(2)	Minimum lot area	4 acres
(3)	Minimum lot width	800 feet
(4)	Minimum front setback	5 feet
(5)	Minimum side setback	35 feet
(6)	Minimum rear setback	80 feet
(7)	Maximum building height	6 stories
(8)	Maximum impervious coverage:	60% of gross lot area

**E. Parking:**

Notwithstanding any other provision of these Regulations, the following minimum parking requirements shall be provided.

(1)	Parking spaces per unit/dwelling:	1.5
(2)	Length of a parking space:	18 feet
(3)	Aisle width:	24 feet

**F. Site Plan Documents Required to be Submitted**

Those documents provided by Article III, Section 242-301(C) of these Regulations are required to be submitted with site plan application filed pursuant to this Section 242-404H-1, except as otherwise provided in this Section 242-404H-1.

**G. Land Use Standards and Design Criteria:**

Notwithstanding Article 6 or any other provision of these Regulations, the following shall be prepared and submitted to the Commission, if requested by the Commission, with regard to an application submitted under this Section 242-404H-1:

- (1) Traffic study addressing existing and proposed traffic conditions.
- (2) Landscaping plan depicting appropriate landscaping enhancements.
- (3) Lighting plan whereby lighting from the proposed development will incorporate appropriate measures to reduce any impact to adjacent properties.
- (4) Fire protection plan. A sprinkler system may be provided. If public water is available, then connection to, or provision of, a community, public or private water supply, such as a water storage tank, shall not be required. Appropriate access for emergency vehicles and personnel to proposed buildings shall be provided.

**H. Architecture:**

Notwithstanding Article 6 or any other provision of these Regulations, appropriate architecture shall be provided.

**I. Application Requirements:**

- (1) Petition to re-zone, if required, as provided by these Regulations.
- (2) Application for site plan, with only those documents provided by Section 242-301(C) of these Zoning Regulations being required as part of the application, except as otherwise provided in this Section 242-404H-1.
- (3) An application for site plan approval submitted pursuant to Section 242-404H-1 shall provide for no net increase in peak stormwater flows or volume from existing conditions at the subject property, and shall provide appropriate storm water quality measures.
- (4) Notwithstanding any other provision of these Regulations, prior approval from any sewer commission or authority, architectural review board, or any other municipal, state or federal authority, shall not be required to submit an application filed pursuant to this Section 242-404H-1, except as otherwise provided by State law.

**J. Definitions:**

- (1) A "Rental Housing Opportunity Development" ("RHOD") is a housing development in which not less than thirty percent (30%) of the dwelling units will be held or conveyed by deeds containing covenants or restrictions which shall require, for a period of at least forty (40) years, that such dwelling units be rented at, or below, prices which will preserve the units as affordable housing as defined in Section 8-30g of the Connecticut General Statutes, as amended.
- (2) "Rental Workforce Dwelling" means a dwelling unit within a Rental Housing Opportunity Development that is subject to long-term price restrictions that comply with Section 8-30g of the Connecticut General Statutes, as amended.

**K. Requirements For Workforce Homes:**

The following requirements shall apply to Rental Workforce Dwellings:

- (1) Rental Workforce Dwellings shall be of a construction quality that is comparable to market-rate units within the development.
- (2) Rental Workforce Dwellings shall be dispersed throughout the development and built on a *pro rata* basis as construction proceeds.
- (3) In conjunction with an application for approval of a site plan for an RHOD development, the applicant shall submit an "Affordability Plan," as required by Section 8-30g of the Connecticut General Statutes, which shall describe how the regulations regarding affordability will be administered. The Plan shall include provisions for administration of and compliance with this section; notice procedures to the general public of the availability of affordable units; identification of the method for designating affordable units; procedures for verification and periodic confirmation of unit occupancy income; and compliance with affordability requirements.
- (4) A violation of the regulations contained in this section shall not result in a forfeiture or reversion of title, but the Zoning Commission of the Town of Brookfield or its designated agent shall otherwise retain all enforcement powers granted by the Connecticut General Statutes, including Section 8-12.



**SHIPMAN & GOODWIN** LLP®  
COUNSELORS AT LAW

Christopher J. Smith  
Phone: (860) 251-5606  
Fax: (860) 251-5318  
cjsmith@goodwin.com

October 8, 2015

**Hand Delivery**

Chairman Ryan Blessey, and  
Brookfield Zoning Commission  
Brookfield Town Hall  
100 Pocono Road  
PO Box 5106  
Brookfield, CT 06804

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2015 OCT 26 A 11:43

TOWN OF BETHEL  
TOWN CLERK

Re: Applications for: 1. zone text amendment to create a new Residential-Rental Housing Opportunity/Workforce Zone (R-RHOW) District; 2. request for zone change; and 3. application for site plan approval; to permit a one hundred fifty-six (156) unit opportunity residential community on real properties located at 763 Federal Road and 777 Federal Road, Brookfield, Connecticut, and designated as Parcels D08054 and D08020 by the Assessor of the Town of Brookfield, Connecticut ("subject applications").

Applicants / owners: Branhaven River and Farm Properties, L.L.C. (co-owner - 777 Federal Road); Torrington Arms Apartments LLC (co-owner - 777 Federal Road) and Skelmorie, LLC (763 Federal Road) (collectively, "Applicant").

These applications are all filed pursuant to, and in compliance with, Section 8-30g of the Connecticut General Statutes ("Section 8-30g").

Dear Chairman Blessey and Members of the Commission:

The undersigned firm represents the Applicant concerning the above-referenced applications. The applications pertain to real properties known as 763 Federal Road and 777 Federal Road in Brookfield, Connecticut (collectively "subject property"). There is an existing day care center, therapy center and vacant commercial structures located on the subject property. The Applicant proposes to replace the existing uses and structures with a one hundred fifty-six multi-family dwelling residential community known as "The Renaissance." The new community will have an affordable or workforce housing component, as provided by Section 8-30g of the Connecticut General Statutes. This component will provide housing opportunities for mixed-income families.

I. Overview:

A. The Proposal:

The subject two properties, 763 and 777 Federal Road, will be combined if these applications are approved. The combined properties comprise approximately 4.55 acres. The property is located in the TCD zone district.

The property currently has a day care center, therapy center and vacant commercial buildings. The subject property is served by public water and public sewer. The sewer discharges into the Town of Brookfield municipal sewer system. There is more than adequate sewer capacity to serve the proposed community.

The proposed multi-family residential community will have twenty (20) studio apartments, ninety-six (96) one bedroom apartments, and forty (40) two bedroom apartments.

The Renaissance comprises rental dwellings. The proposed community will have an internal driveway system with full service access at two points to a public street similar to that currently utilized by the subject property. The community's internal driveway system will be private.

An application is being submitted to the Inland Wetland Commission of the Town of Brookfield prior to, or simultaneously with, these zoning applications. The regulated activities associated with this wetlands application will not result in an adverse impact to a wetlands or watercourse.

The proposed development incorporates several best management practices as provided by DEEP's 2004 Stormwater Quality Manual, which are not provided in the existing conditions at the subject property. Specifically, the proposal provides for enhanced stormwater quality measures, including retention, infiltration, covered parking, and an overall reduction in imperious area associated with the existing conditions. These enhancements result in the following benefits when compared to the subject property's existing stormwater quality system: (a) better water quality treatment; (b) a reduction in peak flows attributed to the 2, 10, 25, 50 and 100 year storm events; and (c) a reduction in total volume of stormwater leaving the subject property attributed to the 2, 10, 25, 50 and 100 year storm events. The proposed development complies with DEEP's 2002 Soil and Erosion Control Guidelines.

The proposed residential community will continue to utilize the same sewer and public water services currently serving the subject property.

No portion of the subject property is within five hundred feet of the boundary of an adjoining municipality. No significant portion of the traffic relating to the proposed development will use streets within an adjoining municipality to enter or exit the site. No significant portion of the sewer or water drainage from the site will flow through and significantly impact the drainage or sewerage system within an adjoining municipality. No water runoff from the improved site will impact streets or other municipal or private property within an adjoining municipality.

The Renaissance includes an affordable housing component, as provided by Section 8-30g of the Connecticut General Statutes. Specifically, the proposal provides for fifteen (15%) percent of the total number of dwellings (twenty-four dwellings) to be offered at rental prices that will preserve the housing for which persons and families pay thirty (30%) percent or less of income, where such income is less than or equal to eighty (80%) percent of the median income, as defined by Section 8-30g of the Connecticut General Statutes. Another fifteen (15%) percent of the total number of dwellings (twenty-three dwellings) will be offered at rental prices that will preserve the housing for which persons and families pay thirty (30%) percent or less income, where such income is less than or equal to sixty (60%) percent of the median income, as defined by Section 8-30g of the Connecticut General Statutes. These rental prices target families with incomes comparable to many of Brookfield's municipal and board of education employees. There will be restricted deed covenants to ensure that these dwellings are rented at such prices. The deed covenants will restrict these dwellings for a total of forty years, as provided by Section 8-30g of the Connecticut General Statutes. For purposes of this proposal, the deed restricted dwellings are referred to as "workforce homes." This affordable or workforce housing component results in greater housing opportunities for the citizens of Brookfield.

*B. Workforce Housing Need:*

Section 8-30g of the Connecticut General Statutes, Connecticut's Affordable Housing Land Use Appeals Act, has been in place for more than 20 years, and during that time, a model for zoning approvals for mixed-income development that has been used successfully across the state, including in Bethany, Oxford, Milford, Madison, Newtown, Wallingford, Darien, Avon, Monroe, New Milford, Newtown, Norwalk, Orange, Ridgefield, Simsbury, Westport, Hamden, Fairfield and Wilton. These applications follow this established model; the applicant applies for: (1) the adoption of a new special district regulation, in this Application, the "Residential-Rental Housing Opportunity/Workforce Zone District;" (2) rezoning of the subject property to this new zone district; and (3) site plan approval for the development. This three-part approval will ensure that the site plan is governed by a clear set of land use and dimensional regulations.

The proposed regulation includes administrative rules for the apartments that will be subject to long-term rent restrictions, and these rules are spelled out further in an accompanying Housing Affordability Plan.

It should be noted that the Residential-Rental Housing Opportunity/Workforce Zone District ("R-RHOW") regulation has been drafted for this application and applies only to the subject properties, so as to allow the Zoning Commission to consider this application without having to review the potential application of the regulation to other properties. In other words, while the Commission has the option at any time to make more properties subject to this new R-RHOW regulation, this application does not require that analysis at this time.

The Town of Brookfield, like other municipalities in the region, has an acute need for more housing that is available to moderate income households.

Although the so-called "Ten Percent List," maintained by the Connecticut Department of Housing ("DOH") to identify which municipalities are permanently exempt from General Statutes § 8-30g, is not strictly speaking a measure of housing need, it is an indication of a municipality's lower-cost housing stock relative to other municipalities in the state. In this regard, Brookfield has approximately 6,562 dwellings. With only 2.44 percent of the Town's housing stock being governmentally-assisted or deed-restricted in compliance with § 8-30g (as shown on the 2014 Affordable Housing Appeals List), Brookfield's affordable housing falls far short of the ten percent exemption threshold.

*II. The subject land use applications:*

*A. Proposed new Residential-Rental Housing Opportunity/Workforce Zone District ("R-RHOW"):*

Brookfield's current Zoning Regulations do not permit the proposed residential community. Therefore, the Applicant proposes a zone text amendment that creates a new zone district designated as Residential-Rental Housing Opportunity/Workforce Zone District ("R-RHOW"). The intent of the proposed R-RHOW Zone is to permit the creative conversion of existing uses in a manner that will conserve the natural features of a property, while providing an affordable or workforce housing component pursuant to Section 8-30g. For example, the Applicant's proposal provides that thirty (30%) of the total number of dwellings, or forty-seven (47) dwellings, will be rented at certain prices for a period of forty years.

*B. Request to Re-zone the Subject Properties to Proposed R-RHOW Zone:*

The Applicant also requests that if the R-RHOW Zone is adopted, that the Commission re-zone the subject properties to the R-RHOW Zone. This rezoning will permit, subject to site

plan review and approval by the Commission, the proposed The Renaissance residential community on the subject property. The proposed community is located within the subject property's existing development area, provides better stormwater quality measures, and utilizes the same public sewer, water and road access as currently utilized by the properties. The proposal provides for a meaningful conversion or adaptive reuse of the subject property. The proposed zone change will not adversely impact the values of adjacent properties. The proposed residential community includes an affordable or workforce housing component as provided by Section 8-30g. This component results in forty-seven (47) new workforce home opportunities for the citizens of Brookfield. For the foregoing reasons, the proposal is consistent with the Town Plan of Conservation and Development.

*C. Site Plan application:*

Simultaneously with filing the subject zone text amendment and request for change of zone, the Applicant submits an application for site plan approval. The application complies with the requirements of the R-RHOW Zone and Section 8-30g. The Applicant includes a traffic study and engineering report.

*III. Conclusion:*

In support of this proposal, the Applicant respectfully submits the following documentation:

1. Applications for: (a) zone text amendment; (b) zone change; and (c) site plan approval;
2. Draft "Residential-Rental Housing Opportunity/Workforce Zone District" regulation;
3. "Housing Affordability Plan for Household Income and Rental Price Restrictions for Workforce Homes, Mixed Income Units, Submission Draft, The Renaissance, October 2015";
4. All required site development plans, with architectural;
5. Drainage report; and
6. All other required documentation including the requisite filing fees. Any additional filing fees will be submitted once determined by the Commission's professional staff.

Chairman Ryan Blessey, and  
Brookfield Zoning Commission  
October 8, 2015  
Page 6

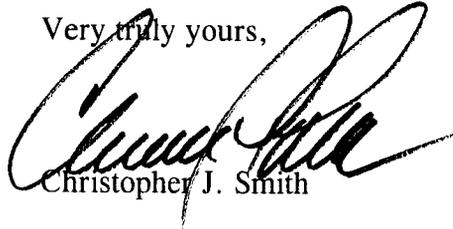
Applicant will forward the required notice letters to adjacent property owners by certified mail concerning the zone change application. Applicant will provide you with confirmation of this mailing. It is my understanding that if this information is submitted by October 14, 2015, the Commission will be able to receive the application at its October 22, 2015 meeting.

On behalf of the Applicant's team, we look forward to processing this exciting proposal with the Commission and Town.

Thank you for your anticipated cooperation and assistance concerning this matter.

As always, best regards.

Very truly yours,



Christopher J. Smith

CJS:las

cc: Branhaven River and Farm Properties, L.L.C.  
Torrington Arms Apartments, LLC  
Skelmorie, LLC



**TOWN OF BROOKFIELD**

BROOKFIELD, CT 06804

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

**NOTICE OF APPLICATION FOR REGULATION AND ZONE CHANGE**

**10/20/15**

Town Clerk  
City of Danbury  
115 Deer Hill Ave.  
Danbury, Ct 06811

Town Clerk  
Town of Newtown  
45 Main Street  
Newtown, CT 06470

Town Clerk ✓  
Town of Bethel  
1 School Street  
Bethel, CT 06801

Town Clerk  
Town of Bridgewater  
P.O. Box 216  
Bridgewater, CT 06752

Town Clerk  
Town of New Milford  
10 Main Street  
New Milford, CT 06776

Town Clerk  
Town of New Fairfield  
4 Bush Hill Road  
New Fairfield, CT 06812

**Re: Application for Brookfield Zoning Regulation Changes**

The Zoning Commission received an application for the creation of a new Zone District (R-RHOW) and Text Regulation for properties 763 and 777 Federal Road. This Application will be listed on their October 22, 2015 Agenda and a Public Hearing will be scheduled.

**Application #201500955 – Proposed new Zone currently in the Town Center District to become known as Residential-Rental Housing Opportunity/Workforce Zone.**

**Application #201500951 – Proposed Amendment to Brookfield Zoning Regulations for a New Section §242-404H-1**

Copies of the proposed regulation and zone changes are attached.

Very truly yours,  
*Nina Mack*

Nina Mack  
Land Use and Zoning Commission Secretary

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**TOWN OF BETHEL  
TOWN CLERK**

TOWN OF BROOKFIELD

ZONING COMMISSION

APPLICATION FOR ZONE OR REGULATION CHANGE

**Applicant:**

See Exhibit A attached hereto. \_\_\_\_\_  
\_\_\_\_\_

Phone #: \_\_\_\_\_

Contact Person: \_\_\_\_\_

Phone #: \_\_\_\_\_

**Land Owner of Record:** (if for specific parcel)

See Exhibit A attached hereto. \_\_\_\_\_  
\_\_\_\_\_

Phone #: \_\_\_\_\_

Contact Person: \_\_\_\_\_

Phone #: \_\_\_\_\_

**Boundary Change:** \*

- A. Two (2) copies of an official zoning map are attached hereto indicating:
  - (i) The area for which the change is requested.
  - (ii) The proposed boundary lines and narrative description of the boundaries.
- B. The current Zone Designation is: TCD
- C. The proposed Zone Designation is: R-RHOW
- D. Rationale for the requested change is attached. (See Exhibit B attached hereto.)
- E. A list of adjacent property owners is attached. (See Exhibit C attached hereto.)

**Regulation Change:**

- A. The current Section Number is: N/A The current text reads:
- B. The Proposed Section Number is: N/A. The proposed text or deletion is:
- C. Rationale for the requested change is attached.

**Applicant Signature and Representation:**

I apply herewith for a change in the Zoning Regulation of the Town of Brookfield in accordance with Chapter 124, Section 8-3 of the Connecticut General Statutes.

Applicant's Signature: See signature page attached hereto.

Land Owner's Signature: See signature page attached hereto.

(For Zone Change Applications)

**\*This application is being submitted pursuant to Section 8-30g and all of Chapter 126A of the Connecticut General Statutes entitled "Affordable Housing Land Use Appeals."**

Revised 3/20/13

## Exhibit A

### Applicants and Land Owners of Record:

#### 777 Federal Road:

Branhaven River and Farm Properties, L.L.C. and  
Torrington Arms Apartments LLC  
705 North Mountain Road, Suite G105  
Newington, CT 06111  
Contact Person: Thomas Briggs, Managing Member  
Phone No.: 860-436-9955

#### 763 Federal Road:

Skelmorlie, LLC  
705 North Mountain Road, Suite G105  
Newington, CT 06111  
Contact Person: Thomas Briggs, Managing Member  
Phone No.: 860-436-9955

### Agent:

Christopher J. Smith, Esq.  
Shipman & Goodwin LLP  
One Constitution Plaza  
Hartford, CT 06103-1919  
Phone No.: 860-251-5606  
Fax No.: 860-251-5318  
cjsmith@goodwin.com

## EXHIBIT B

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