



TOWN OF BROOKFIELD

BROOKFIELD, CT 06804

TOWN OF BETHEL
TOWN CLERK
2012 FEB 21 A 10:02
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CERTIFIED MAIL - RETURN RECEIPT REQUESTED

NOTICE OF APPLICATION FOR ZONE CHANGE

02/15/12

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 Zone Change

398 Federal Road – Proposed Zone Change #201200088: Current Zone is IRC 80/40 and Proposed Change is Incentive Housing Overlay Zone

A Public Hearing will be held at Brookfield Town Hall on **March 8, 2012 at 7:30 PM.**

A copy of the application for the proposed zone change is attached. Please contact me if you require any additional information.

Very truly yours,

Emily Cole
Land Use Secretary

Attachments: Application #201200088 - Proposed Zone Change: IRC 80 / 40 to become Incentive Housing Overlay Zone



201200088

TOWN OF BROOKFIELD
ZONING COMMISSION
APPLICATION- ZONE CHANGE

APPLICANT: BRT Barnbeck, LLC	LAND OWNER OF RECORD: (if not same person as applicant) BRT Barnbeck, LLC
50 Newtown Road	50 Newtown Road
Danbury, CT 06810	Danbury, CT 06810
Phone #: 203-748-5100	Phone #: 203-748-5100
Contact Person: Daniel Bertram	Contact Person: Daniel Bertram
Phone #: 203-748-5100	Phone #: 203-748-5100

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: IRC60/40
 C. The Proposed Zoning Designation is: Incentive Housing Overlay Zone
 D. Rationale for the requested change is attached. Yes
 E. A list of adjacent property owners is attached. Yes

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. yes
 D. A list of adjacent property owners is attached. yes



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: Daniel E. Roberts, Duly Authorized Date: 02/01/2012

FOR COMMISSION USE:

Date Received:
Notice to Planning Comm.:
Hearing Set for:
Disposition:
Notes:

Date Accepted:
Notice to HVCEO:
Publication Dates:
Date:

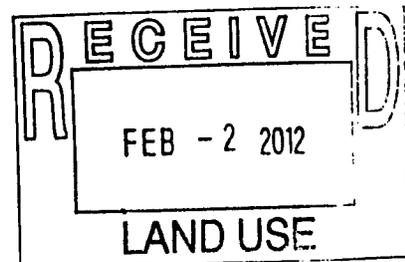
Fee Collected On:
Notice to Land Owners:
Effective Date:

Chairman, Brookfield Zoning Commission

Comments:

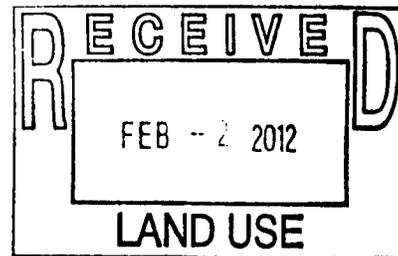
REASON FOR ZONING DISTRICT CHANGE REQUEST
BRT BARNBECK, LLC
BROOKFIELD, CONNECTICUT

1. a.) Do you consider a mistake was made in the initial zoning of the property in question? **No.**
b.) If your answer to the above is affirmative, what is the nature of said mistake? **N/A**
2. Do you consider there has been a substantial change in circumstances or conditions affecting the property in question or its immediate surroundings? **Yes. Incentive Housing regulations were recently adopted in the Town of Brookfield.**
3. Refer to the stated purposes of the zone in question.
 - a.) How does each aspect of this stated purpose relate to your proposal? **See attached memo.**
 - b.) Has the WPCA rendered an opinion as to the possible extension of the sewer line to service your project? **Yes. The property is approved for connection to the municipal sewer line.**
 - c.) Are you aware that since this would be an expansion of a municipal service, it requires the approval of the Planning commission? **N/A**
4. Relative to your proposal, state why you consider the benefit to the Town at large is greater than the benefit to the applicant? **The proposed change combines residential with commercial uses in the area, addressing the key goal of Incentive Housing: to revitalize mixed use development in the Town of Brookfield. The addition of residential use on the property will allow housing for moderate income residents in Brookfield and also benefit the Town of Brookfield through supplemental taxes.**
5. How would you offset any adverse impact on the surrounding residential property owners, especially any potential for the diminution of property values? **There are no adjoining residential properties to the proposed development. As appropriate, the property will be landscaped in order to buffer any effects it may have on adjoining properties. It is our opinion that the completed project will add value to the adjacent properties and to the Town as a whole.**
6. Is the applicant fully aware that although a use within a zone is permitted by the regulations, there is no guarantee that this particular use will meet all the requirements of the Design Review Process? **Yes.**
7. If the Commission were to approve your application, what reasons would you consider appropriate for rendering such as decision?
The reasons could include the following:
 - a.) **Residential use at the proposed site will invigorate existing development immediately adjacent to property (e.g., Greenknoll Professional Center and YMCA) and provide a boost to the future development nearby (e.g., approved commercial retail development at 401 Federal Road).**
 - b.) **Allowing residents another housing option, with an affordable component.**
 - c.) **Possibly providing financial benefit to the Town of Brookfield through Connecticut General Statute Section 8-13m., et sequitur.**
 - d.) **The completed project will visually improve a prominent location within the Town.**



INCENTIVE HOUSING NARRATIVE

BRT BARNBECK, LLC



TO: Brookfield Zoning Commission
RE: Application for Incentive Housing Overlay Zone
DATE: January 31, 2012

BRT Barnbeck, LLC is proposing to overlay the Incentive Housing Zone on the subject property located at 398 Federal Road in Brookfield, Connecticut in accordance with Subsection 5.a. of Section 242-404K of the Town of Brookfield Zoning Regulations governing Incentive Housing developments. This document will explain how the proposed development meets the requirements of the Incentive Housing Regulations and Connecticut General Statute (CGS) 8-13m and The Town of Brookfield Incentive Housing District Section 242-404K.

The purpose of the Incentive Housing District as stated in The Brookfield Zoning Regulations (Section 242-404K 1.) is to revitalize Brookfield's commercial areas by promoting mixed use development. As stated in the Town of Brookfield Zoning Regulations, the incentive housing district should promote the development of a transit-oriented, pedestrian-friendly area. Sidewalks and walking trails will be installed at the proposed development to connect onsite buildings and to allow walking access to the adjacent YMCA, the Greenknoll Professional Center and ultimately to the approved shopping center across Federal Road which also contains an extensive pedestrian sidewalk system. BRT Barnbeck's proposed development at 398 Federal Road will provide residents an interconnected, mixed use walkability that is not presently offered within the Town of Brookfield.

Currently, there are several bus stops through HART (Housatonic Area Regional Transit) in the near vicinity to the proposed development at 398 Federal Road, including bus stops along various locations on Federal Road (540 Federal Road, slightly north of the site), and two on Junction Road. If the Zoning Commission deems necessary, the applicant will contact HART to explore the possibility of having a bus stop located directly on the site – or at a convenient, nearby location to which residents may easily walk.

A total of 168 residential units is proposed with 96 units located in the southern building and 72 units located in the northern building. Seventy percent of the residential units will have one bedroom while the other 30% will have two bedrooms, with an overall average of 800 s.f. per unit.

Incentive Housing at 398 Federal Road would allow the opportunity for town employees and moderate-income residents to live in Brookfield at a more affordable price, which is the essence of the Incentive Housing District.

It is also possible that if the Incentive Overlay District is implemented at BRT Barnbeck's site, the Town of Brookfield may gain financial incentives provided by the Connecticut General Statute Section 8-13m., et sequitur.

The Brookfield Plan of Conservation and Development states that the most appropriate places in Brookfield to locate multi-family developments are on Federal Road, at sites that are served by public water and sewer. The Incentive Housing District states that parcels should comply with the recommendations of Brookfield's Plan of Conservation and Development. BRT Barnbeck's proposal complies with both, and is further located within a transition use area, as designated in the Town's Plan of Conservation and Development.

If the overlay zone is granted at 398 Federal Road, incentive housing requirements in Section 242-404K subsection 6 of the Brookfield Zoning Regulations will be met by the applicant per the following:

- Twenty percent of all dwellings within the development shall be designated as Incentive Housing Units.
- Incentive Housing Units shall be rented or sold and occupied only by Eligible Households.
- Each Incentive Housing Unit shall be subject to any Incentive Housing restriction, which shall be recorded on the town land records. The Incentive Housing Restriction shall include, at a minimum, the following:
 - A description of the Incentive Housing with specifications whether units will be rented or owner-occupied
 - Identify which units will be considered Incentive Housing Units
 - Only eligible households will be allowed to reside in Incentive Housing Units
 - Provide the name and address of the Incentive Housing administrator
 - The formula pursuant to calculating the maximum sale and resale of units, as well as maximum allowable rent
 - The term of Incentive Housing restriction shall be a minimum of thirty years, calculated on a per unit basis from the initial date of occupancy of each Incentive Housing Unit
 - Provisions for enforcement and monitoring of the terms and provisions as set forth by the Town of Brookfield Zoning Commission
 - Provision that the administrator of the Incentive Housing development will file an annual report to the commission

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BRT Barnbeck will also meet the following during the Design Review Approval process, or appropriate waivers will be requested:

- Design and technical standards of the Brookfield Zoning Regulations
- Density requirements at a minimum of twenty and not more than twenty-four units per acre of usable land
- Land use standards for the district as set forth in Section 242-505E & F
- Architectural guidelines as set forth in Section 242-602 I
- Parking regulations that are established in Section 242-305
- Sign, streetscapes, landscaping, and lighting as required in the IRC80/40 zone

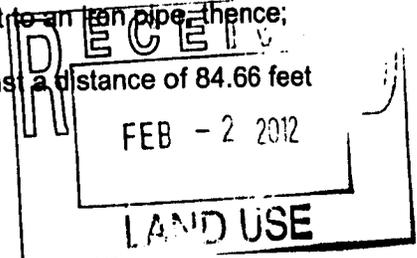
- Occupancy regulations shall be submitted to the commission for approval



BRT Barnbeck, LLC
Overlay Zone
Part of Lot 69 of Tax Map D12
Town of Brookfield, County of Fairfield, State of Connecticut

Beginning at a point on the westerly sideline of U.S. State Highway Route Number 202, A/K/A Federal Road, where the same is intersected by the dividing line of the lands now or formerly belonging to Agius Associates, LLC to the north and the lands herein described to the south, and running, thence:

1. Along the said westerly sideline of Federal Road, on a curve to the right having a radius 1650.40 feet, a length of 61.27 feet, having a chord bearing of South 27 degrees 08 minutes 25 seconds East and a chord distance of 61.27 feet to a point of non-tangency, thence;
2. Along the same, South 25 degrees 34 minutes 46 seconds East a distance of 116.96 feet to a CT Highway Department monument, thence;
3. Along the same, North 63 degrees 06 minutes 40 seconds East a distance of 4.26 feet to a CT Highway Department monument, thence;
4. Along the same, South 25 degrees 03 minutes 27 seconds East a distance of 180.27 feet to a CT Highway Department monument and point of non-tangency, thence;
5. Along the same, on a curve to the right having a radius 2391.10 feet, a length of 433.47 feet, having a chord bearing of South 19 degrees 52 minutes 06 seconds East and a chord distance of 432.88 feet to a CT Highway Department monument and point of non-tangency, thence;
6. Along the same, South 13 degrees 34 minutes 32 seconds East a distance of 18.80 feet to the end of a stone wall, thence;
7. Along the same and along the said wall, South 00 degrees 23 minutes 00 seconds East a distance of 63.87 feet, thence;
8. Along the same and continuing along the said wall, South 07 degrees 59 minutes 34 seconds West a distance of 41.44, thence;
9. Along the same and continuing along the said wall, South 07 degrees 44 minutes 33 seconds East a distance of 11.80 feet to a nail set in a drill hole, thence;
10. Along the dividing line of lands now or formerly belonging to Brookfield Professional Center Condominium, Inc. to the south and the lands herein described to the north, South 75 degrees 51 minutes 26 seconds West a distance of 256.50 feet, thence;
11. Along the same, South 74 degrees 24 minutes 53 West a distance of 249.79 feet to an iron pipe, thence;
12. Along the dividing line of lands now or formerly belonging to Regional YMCA of Western Connecticut, Inc. to the west and the lands herein described to the east, North 01 degrees 21 minutes 10 seconds West a distance of 57.95 feet to an iron pipe, thence;
13. Along the same, North 05 degrees 51 minutes 54 seconds East a distance of 84.66 feet to a 20 inch hickory tree, thence;

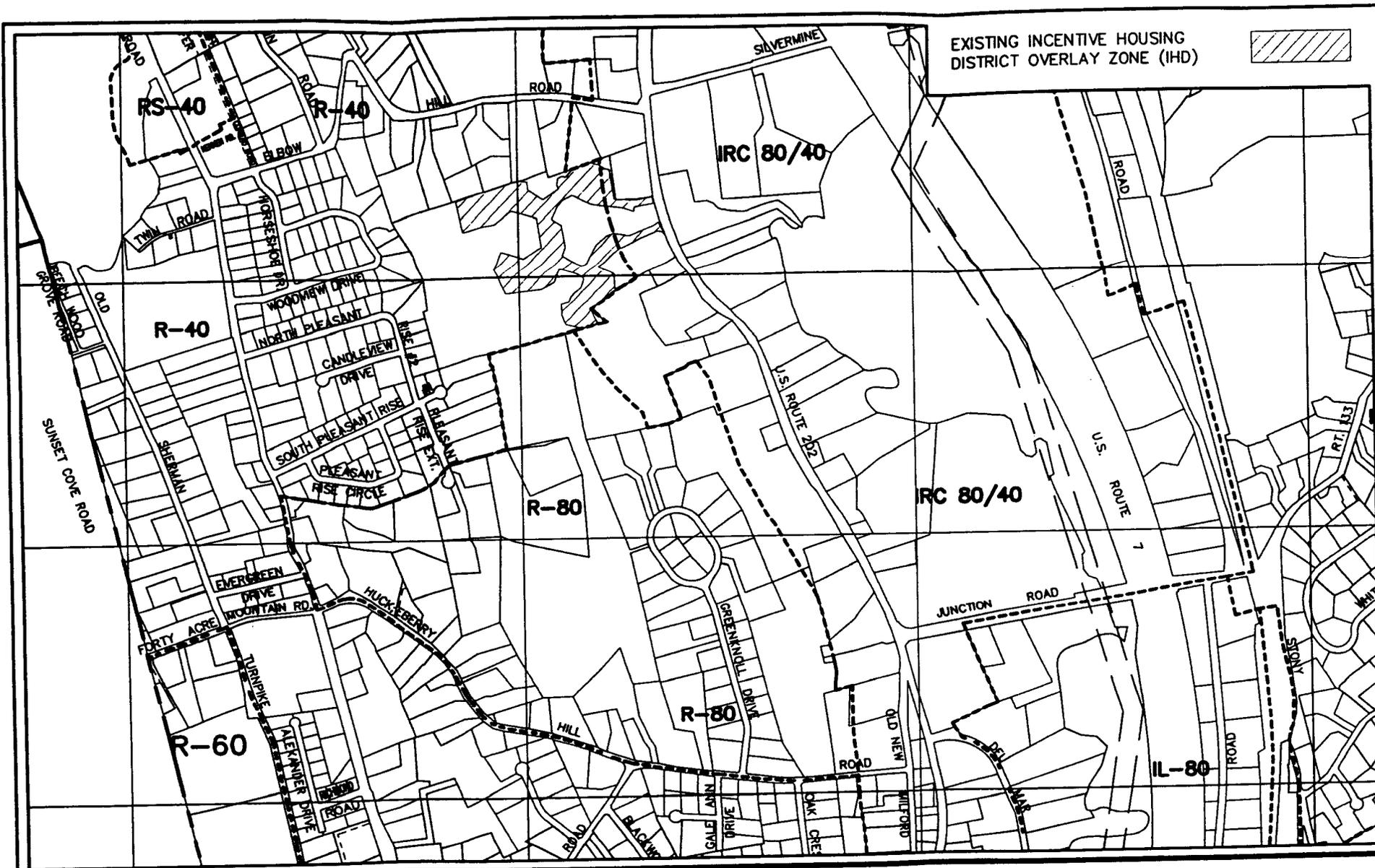


14. Along the same, North 09 degrees 17 minutes 08 seconds West a distance of 83.17 feet to an iron pipe, thence;
15. Passing through said Lot 69, North 13 degrees 39 minutes 48 seconds West a distance of 129.66 feet to an iron pipe, thence;
16. Along the dividing line of lands now or formerly belonging to Regional YMCA of Western Connecticut, Inc. to the west and the lands herein described to the east, North 13 degrees 17 minutes 07 seconds West a distance of 269.64 feet, thence;
17. Along the same, North 14 degrees 25 minutes 03 seconds West a distance of 225.35 feet, thence;
18. Along the dividing line of lands of said Agius to the north and the lands herein described to the south, North 64 degrees 20 minutes 27 seconds East a distance of 374.74 feet to the point and place of Beginning.

The above described area consists of a part of Lot 69 of Tax Map D12. The above described area contains 399,408 square feet or 9.17 acres of land.

OverlayZone.descrip.doc





40 Old New Milford Road
 Brookfield, CT 06804
 (203)775-6207

33 Village Green Drive
 Litchfield, CT 06759
 (860)567-3179

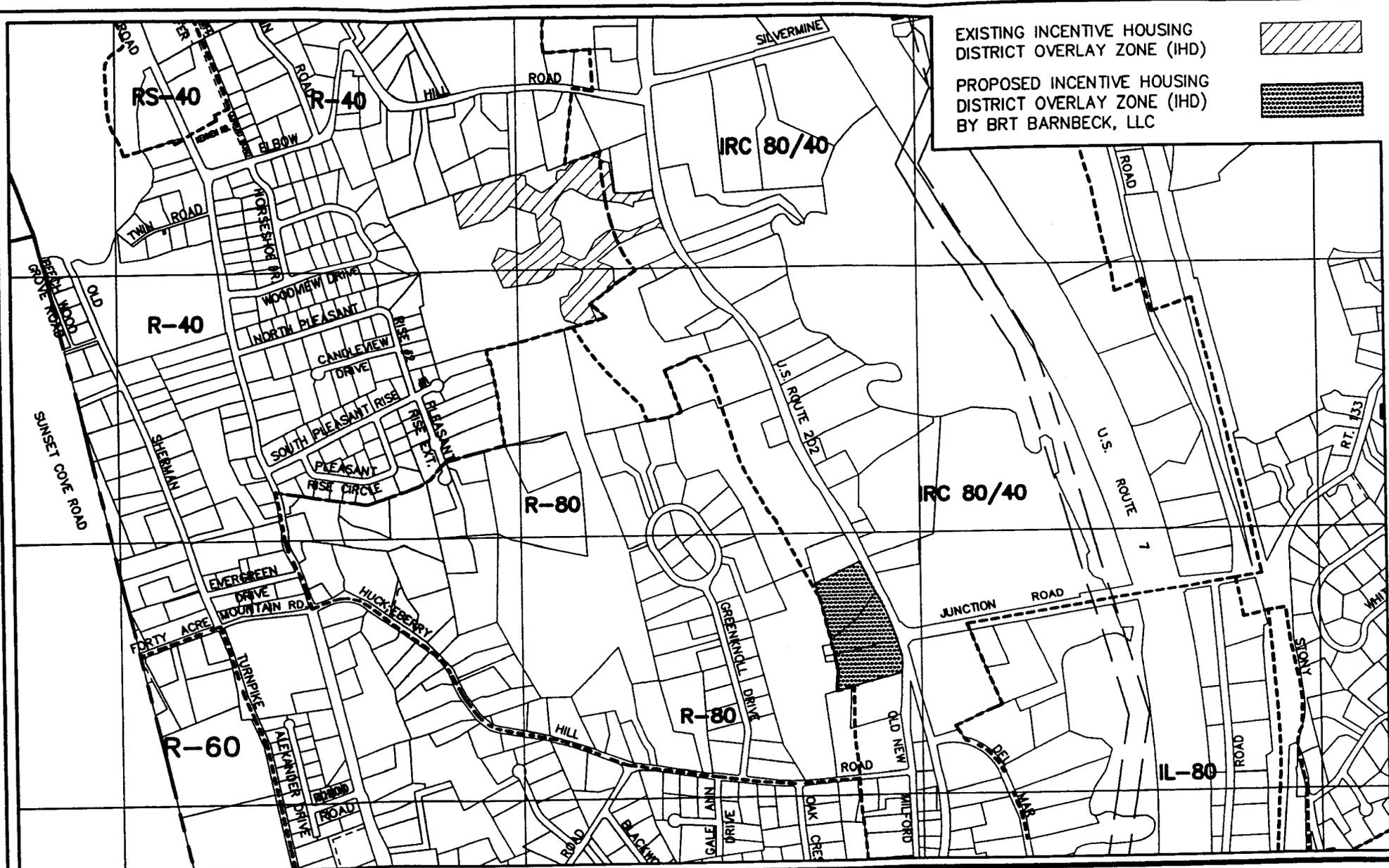
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Scale:	1"=100'
Proj. No.:	01-240
File No.:	988
Acad. No.:	0240-ZM
Sheet:	1 of 3
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ATTACHMENT A
EXISTING ZONE MAP
 SCALE 1"=100'

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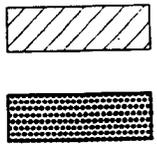
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LAND USE



EXISTING INCENTIVE HOUSING DISTRICT OVERLAY ZONE (IHD)

PROPOSED INCENTIVE HOUSING DISTRICT OVERLAY ZONE (IHD) BY BRT BARNBECK, LLC



40 Old New Millford Road
 Brookfield, CT 06804
 (203)775-6207

33 Village Green Drive
 Litchfield, CT 06759
 (860)567-3179

Date:	1-29-12
Scale:	1"=100'
Proj. No:	01-240
File No:	986
Acad No:	0240-2M
Sheet:	2 of 3
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ATTACHMENT B

PROPOSED INCENTIVE HOUSING DISTRICT

ZONE CHANGE

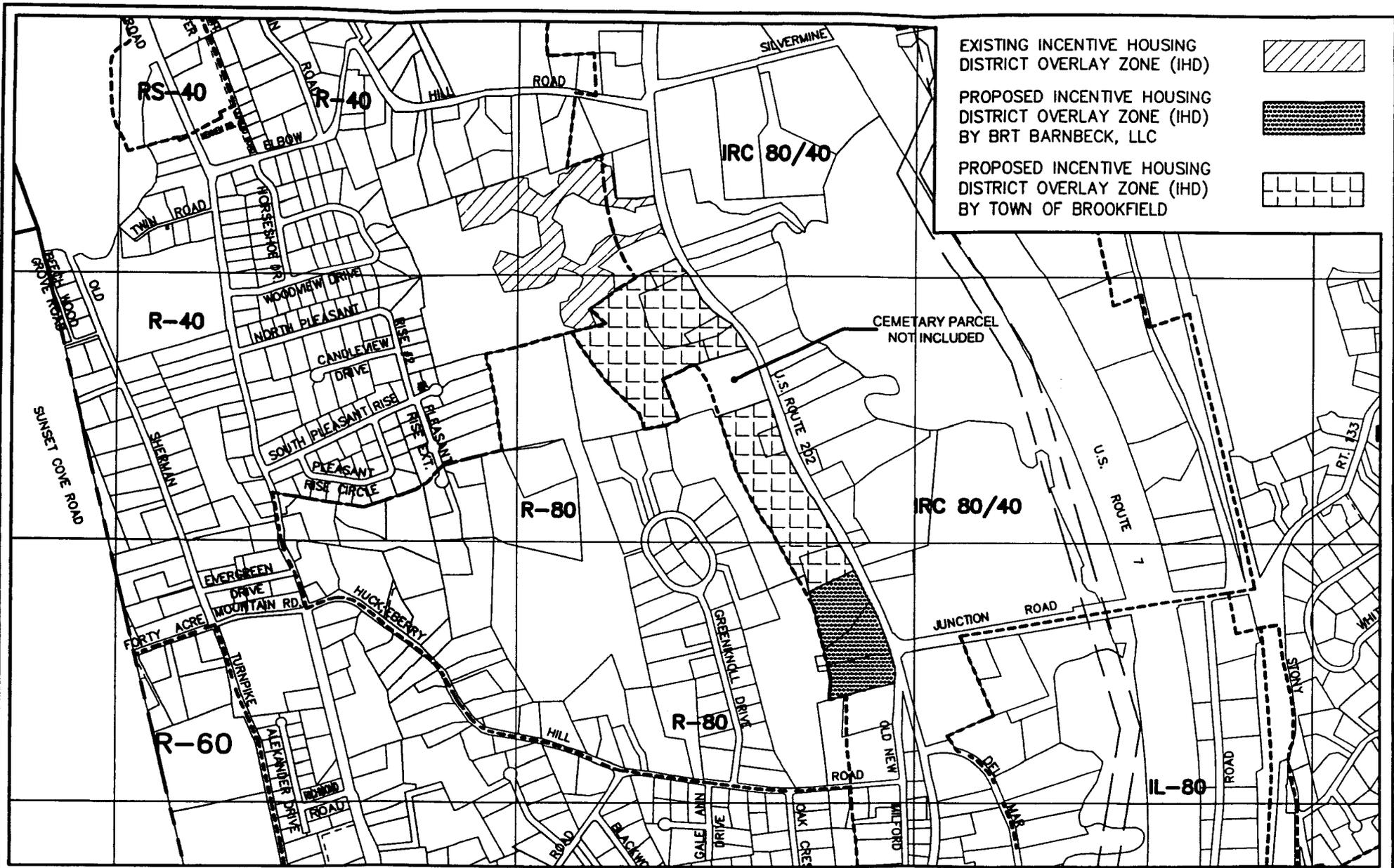
BY

BRT BARNBECK, LLC

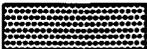
SCALE: 1"=100'

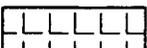
FEE - 2 2012

LAND USE



EXISTING INCENTIVE HOUSING DISTRICT OVERLAY ZONE (IHD) 

PROPOSED INCENTIVE HOUSING DISTRICT OVERLAY ZONE (IHD) BY BRT BARNBECK, LLC 

PROPOSED INCENTIVE HOUSING DISTRICT OVERLAY ZONE (IHD) BY TOWN OF BROOKFIELD 

CEMETARY PARCEL NOT INCLUDED



40 Old New Milford Road
Brookfield, CT 06804
(203)775-8207

33 Village Green Drive
Litchfield, CT 06759
(860)567-3179

Date:	1-29-12
Scale:	1"=100'
Proj. No.:	01-240
File No.:	986
Acad No.:	01240-ZM
Sheet:	3 of 3

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ATTACHMENT RECEIVED

PROPOSED INCENTIVE HOUSING DISTRICT ZONE CHANGE

BY

TOWN OF BROOKFIELD ZONING COMMISSION

LAND USE

FEB 2 2012

SCALE: 1"=100'