



PLANNING & ZONING DEPARTMENT

Clifford J. Hurgin Municipal Center

1 School Street, Bethel, Connecticut
(203) 794-8578

February 1st 2022
Revised June 9th 2022

Honorable Melissa N. McCaw
Office of Policy & Management
450 Capitol Avenue
MS # 55SEC
Hartford, CT 06106

Dear Ms. McCaw,

On behalf of the Town of Bethel we are pleased to submit the "Town of Bethel Affordable Housing Plan" which was originally adopted December 2019, effective January 1, 2020 as part of our Plan of Conservation & Development and amended as a standalone plan adopted May 24th 2022, effective June 1, 2022.

If you have any questions, please call or email our office.

Sincerely,

Beth Cavagna

Beth Cavagna
Director of Planning, Town of Bethel

Ken Stevens

Ken Stevens
Chairman, Bethel Planning & Zoning Commission



Town of Bethel Planning & Zoning Commission

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Acknowledgements

Beth Cavagna, *Town Planner*

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B.J. Liberty, *PoCD Committee Member*

Consultant

Milone & MacBroom, Inc.

Introduction

The Town of Bethel Affordable Housing Plan builds off of previous experiences and efforts, most notably the Plan of Conservation and Development adopted in 2020. The POCD with the Affordable Housing plan component included surveys, 2 public hearings and 2 workshops. The Town of Bethel working with State Representative Allie-Brennan held a round-table discussion with State Housing Commissioner Seila Mosquera-Bruno prior to the adoption of the plan in November of 2019.

It should be noted that the Town of Bethel developed the “Bethel Forward Downtown Master Plan” which was adopted in 2016 and based on Transit Oriented Development concepts, encompassing over 238 acres surrounding the Bethel Train Station. The regulations for this District contain an affordable housing component under 8-30g along with many opportunities for workforce housing and live/work space. The TOD Plan was funded partially by a grant from the State of Connecticut.

It should be noted that the plan being submitted to the State of Connecticut although mostly prepared during the POCD, now includes an Affordable Housing Map along with Zoning Regulations adopted since 2019 and an updated history.

A public hearing was held on May 24th 2022 and the Plan was adopted with an effective date of June 1st 2022.

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Affordable Housing History within Bethel



5 Maintain Bethel's Quality of Life

Provide housing opportunities for Bethel's changing demographics

This section of the Plan is intended to meet the statutory requirements of Public Act No. 17-170, which requires that municipalities prepare or amend and adopt an Affordable Housing Plan for the municipality every five years.

What We Know:

Bethel has a diverse housing stock and lower cost of living than most of its neighboring towns.

- Bethel's real estate market remains more affordable than most neighboring towns and Fairfield County, with a median home sale price of \$305,000 in 2017. This is lower than all surrounding towns except Danbury. Bethel's median sale price is \$145,000 lower than the median sale price for Fairfield County as a whole.
- Bethel offers a diverse housing stock. 69.3% of units are detached single-family homes, 8.5% are attached single-family homes, and 22.1% are multifamily units.
- 22.2% of housing units in Bethel are rented while 77.8% are owned. Bethel has a larger share of rental housing than all surrounding towns except for Danbury.
- Home sales in Bethel are beginning to recover, reaching 280 sales in 2017. This is the highest number of sales experienced since 2005.
- While the number of sales has recovered, median sale prices for single-family homes are still well below their peak. In 2008, the median home sale price in Bethel was \$357,500. As of 2017, the median home sale price was \$305,000, or just 85.3% of their median price 10 years prior.

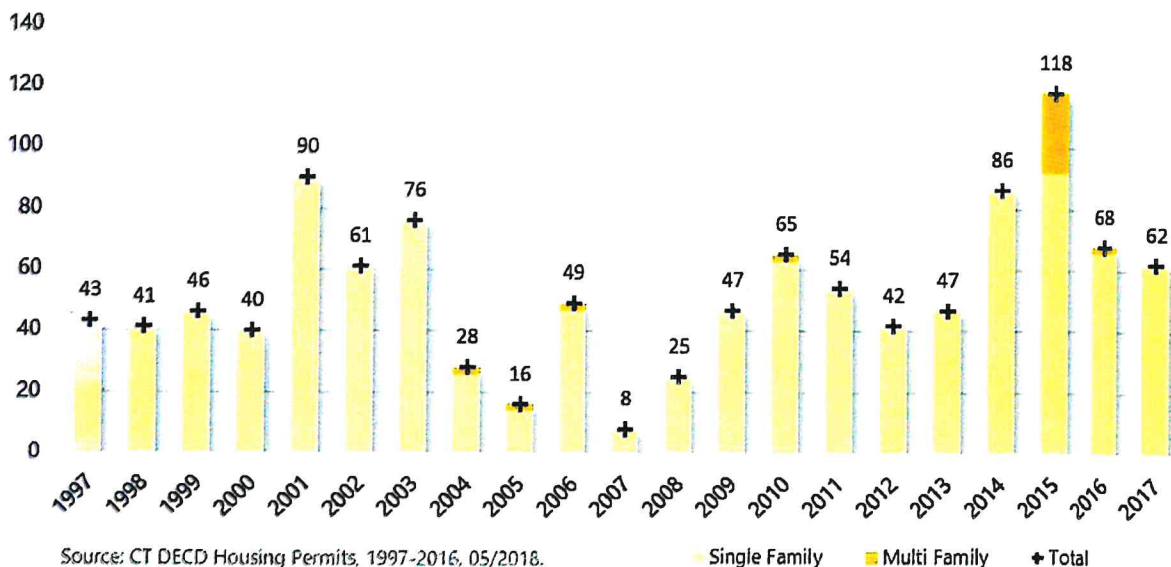
Bethel has seen significant housing growth over the last 10 years.

- Bethel has added 450 housing units since 2010, growing 6.3% during that time. New units include a mix of condominium developments, multifamily apartments, and single-family subdivisions.
- Since 2010, most new housing development has occurred within or on the periphery of Downtown Bethel or in the Route 6 corridor.
- Bethel has the 6th highest housing growth rate in the state since 2010, more than double the Fairfield County rate and triple the state rate.

Demographic shifts within the community may lead to new demands for housing.

- Bethel's population is aging. Between 2000 and 2016, the median age increased from 37.1 years to 42.7 years old.
- As of 2016, 13.6% of Bethel's population is age 65 years old or older. Bethel's senior population is concentrated in the largely single-family neighborhoods outside of the village center, indicating that many are choosing to age in place. Senior households are more likely to live in single-family homes than their nonsenior counterparts.
- Household size has decreased from 2.74 to 2.65 between 2000 and 2010, which may lead to greater demand for smaller housing units.
- Approximately 30% of Community Survey respondents see themselves downsizing into a smaller home over the next 10 years.
- School enrollments have begun to increase over the last few years, signifying an influx of young families with children. Thus, there will continue to be demand for larger single-family homes for families over the next decade.

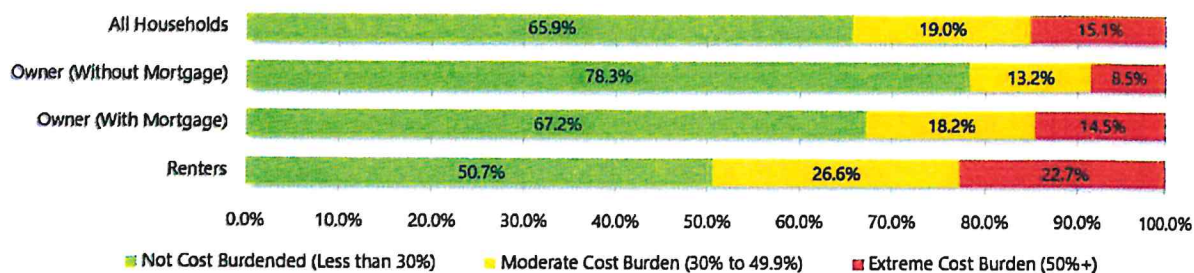
Housing Permit Activity in Bethel, by Number of Units: 1997 to 2017



Bethel's housing stock remains affordable relative to its peers. However, housing costs remain a challenge for many residents, especially seniors and renters.

- The household earning Bethel's median household income of \$94,292 can afford to purchase a home costing \$316,000. By comparison, the median home value in 2016 is \$335,800.
- About one-third of Bethel households are considered cost burdened, meaning they spend greater than 30% of their household income on housing. Senior households and renters are more likely to be cost burdened compared to their counterparts.
- As defined by state statutes, Bethel has 364 affordable housing units, comprising just under 5% of total housing units. The percentage of affordable housing units decreased slightly in recent years as some affordable units at the Bishop Curtis Homes expired after the property was sold.
- Bethel has provisions in its zoning to encourage affordable housing. The Town requires a set aside of 10% affordable housing in the Planned Residential Development (PRD), allows for an affordable housing density bonus in the Designed Conservation District (DCD) zone, and requires a 20% set aside of affordable units in the TOD and Route 6 zones.
- In 2008, Bethel approved an ordinance establishing an Affordable Housing Trust Fund (AHTF) where developers must pay a fee determined by the housing administrator for every unit of affordable housing that they do not build.

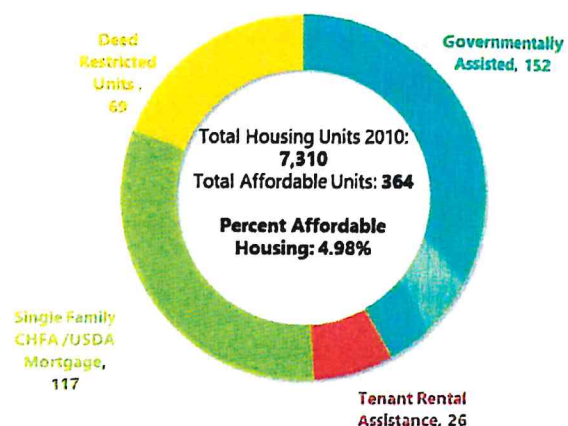
Affordability of Housing, by Tenure: 2016



What is "Affordable Housing?"

According to State Statutes, "affordable housing units" are defined as governmentally assisted units (Section 8 Housing Vouchers, Connecticut Housing Finance Authority (CHFA) or Farmer's Home Administration (FmHA) mortgages), or set-aside developments, where units are deed restricted for households making less 80% of the Area Median Income (AMI), provided that households spend no more than 30% of their income on housing. A family of four making 80% of the AMI for Bethel would have a household income of \$75,500 per year. Municipalities that have less than 10% of housing units satisfy the statutory definition of "affordable housing units" are subject to the State Affordable Housing Appeals procedure, more commonly referred to as "8-30g." As of 2017, Bethel has 364 units that meet the state definition of affordable housing, comprising about 5% of the Town's total housing stock. It should be noted that Bethel contains numerous housing units that are affordable to lower income households but do not meet the State's affordable housing definition.

Affordable Housing Units in Bethel, by Type: 2017



Source: Connecticut Department of Housing – Affordable Housing Appeals List: 2017
 CHFA – Connecticut Housing Finance Authority
 USDA United States Department of Agriculture

Provide housing opportunities for Bethel's changing demographics	
Where We're Going: Objectives	How We'll Get There: Recommended Strategies
Promote universal design techniques (ensuring the built environment is accessible to anyone regardless of age, disability, etc.)	<ul style="list-style-type: none"> ▪ Add a definition of universal design in the Town's zoning regulations. ▪ Incorporate universal design techniques into 50% of future affordable housing units. ▪ Provide financial assistance via the Affordable Housing Trust Fund to developers who meet the 50% universal design threshold.
Provide quality affordable housing for Bethel's workforce and senior population	<ul style="list-style-type: none"> ▪ Maintain existing Bethel Housing Authority (BHA) units in a state of good repair. Maintain or increase the number of affordable units in BHA properties if they are redeveloped. ▪ Target affordable senior and workforce housing units within the TOD Overlay Zone and Route 6 corridor near business and services (as shown on the Existing Affordable Housing Zones Map). ▪ Continue to require an affordable housing set aside in the TOD and Route 6 zones, and consider expanding the requirement to other mixed-use areas, such as Grassy Plain Street. ▪ Promote energy efficiency in new housing as a means of reducing overall housing utility costs. ▪ Explore tools and incentives to retain existing affordable units with expiring affordability covenants. ▪ Lower the minimum parking requirements for efficiency and one-bedroom multi-family units to 1 space per dwelling unit plus 0.25 visitor spaces per unit. ▪ Lower the minimum parking requirements for multi-family developments with two or more units to 2 spaces per dwelling unit plus 0.25 visitor spaces per unit.
Provide housing opportunities for all ages, incomes, and household types	<ul style="list-style-type: none"> ▪ Encourage multi-family housing in areas with sufficient water, sewer and access to transit and services. ▪ Support the development of smaller-scale multi-family projects with ten or fewer units. ▪ Continue to support the development of accessory dwelling units. ▪ Provide support services to seniors who choose to age in place, particularly those who live in single-family homes. ▪ Continue to educate eligible seniors on the local property tax relief program.

Provide housing opportunities for Bethel's changing demographics	
Where We're Going: Objectives	How We'll Get There: Recommended Strategies
Support a range of housing densities with higher-density housing concentrated in the village center and lower densities in rural neighborhoods	<ul style="list-style-type: none"> ▪ Provide a diverse mix of housing types in the Town including large lot single-family developments, small-lot single-family developments, duplexes, triplexes, townhomes, and apartments. ▪ Maintain large lot zoning (R-80) in southern and eastern Bethel, particularly areas within a public water supply watershed or aquifer protection area.

Build a compatible and connected transportation network for all users.

The Town is making investments in the local roadway network.

- Bethel has 101 miles of roadways. About 88 miles of roadway are maintained by the Town Highway Department.
- Respondents from the Community Survey cited the condition of roadways as a top concern.
- The Department of Public Works (DPW) has made significant upgrades to the local road network through their Full-Depth Reconstruction Program. Using full-depth reconstruction, DPW has rebuilt 50% of local roadways, making lasting investments rather than maximizing coverage by repaving. Recent efforts have been focused on the roadways in the Stony Hill and Chimney Heights neighborhoods and have coincided with streets that have undergone sewer extensions.
- DPW recently completed a realignment of Walnut Hill Road with Hoyt Road to reduce the accident rate at the intersection.
- DPW recently completed the widening of Plumtrees Road Bridge and realignment of the intersection with Whittlesey Drive and Walnut Hill Road near Educational Park.

State roadways provide connections between Bethel and the surrounding communities.

- The Connecticut Department of Transportation is planning for long-term improvements on I-84 between Exit 3 and Exit 8 to reduce congestion, improve traffic flow, and enhance mobility.
- The heaviest ADT volumes are along I-84 and Route 6 as well as on other state roads such as Routes 302, 53, and 58.
- The bridge on Route 53 has low clearance, and as a result, trucks divert through residential streets such as Nashville Road and Taylor Avenue, causing quality of life issues for residents.

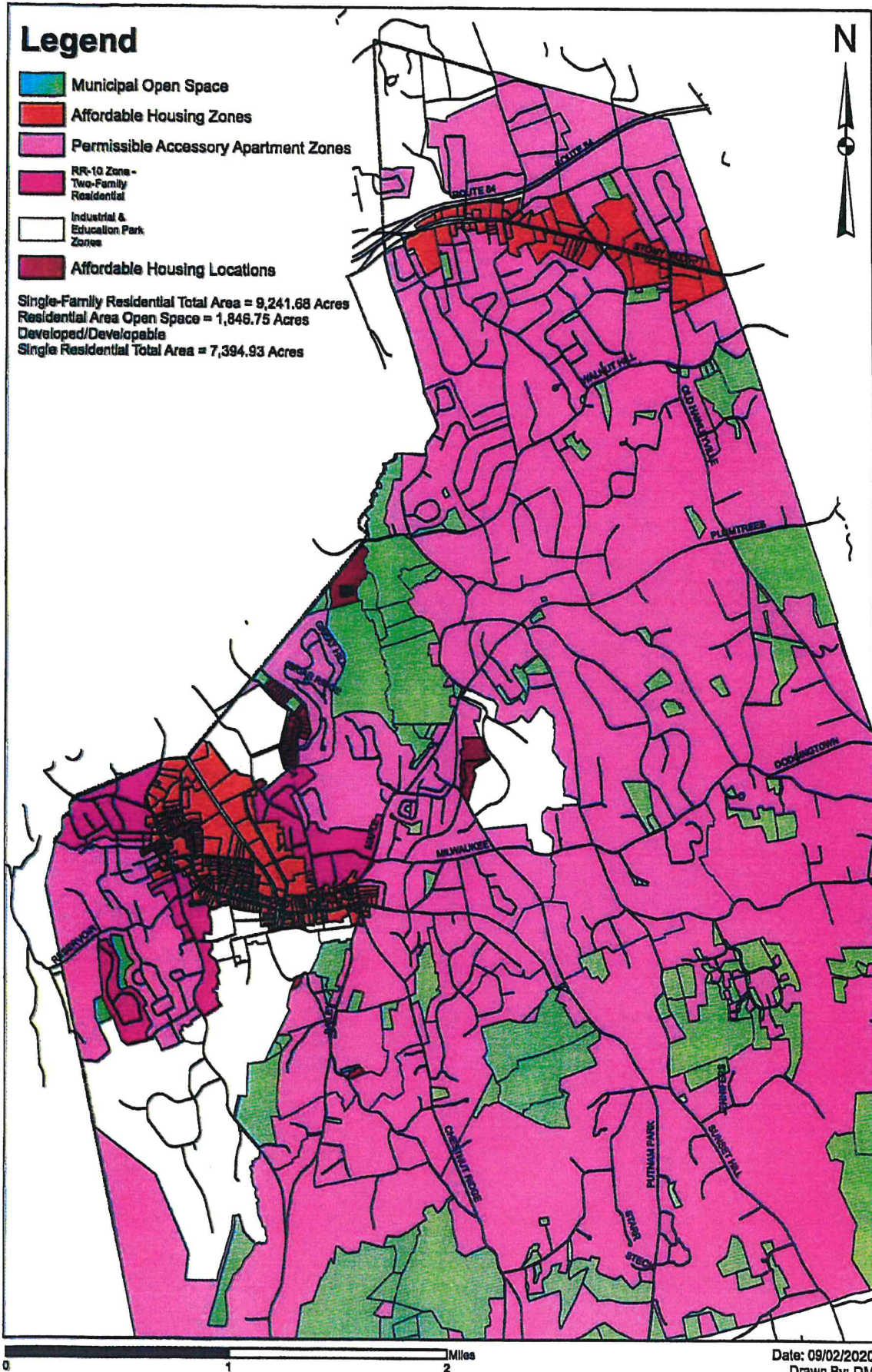


The low-clearance rail bridge on Route 53 just south of Clarke Business Park is too low to accommodate tractor trailer trucks. As a result, these trucks detour on local streets and utilize one of the at-grade crossings in Downtown Bethel.

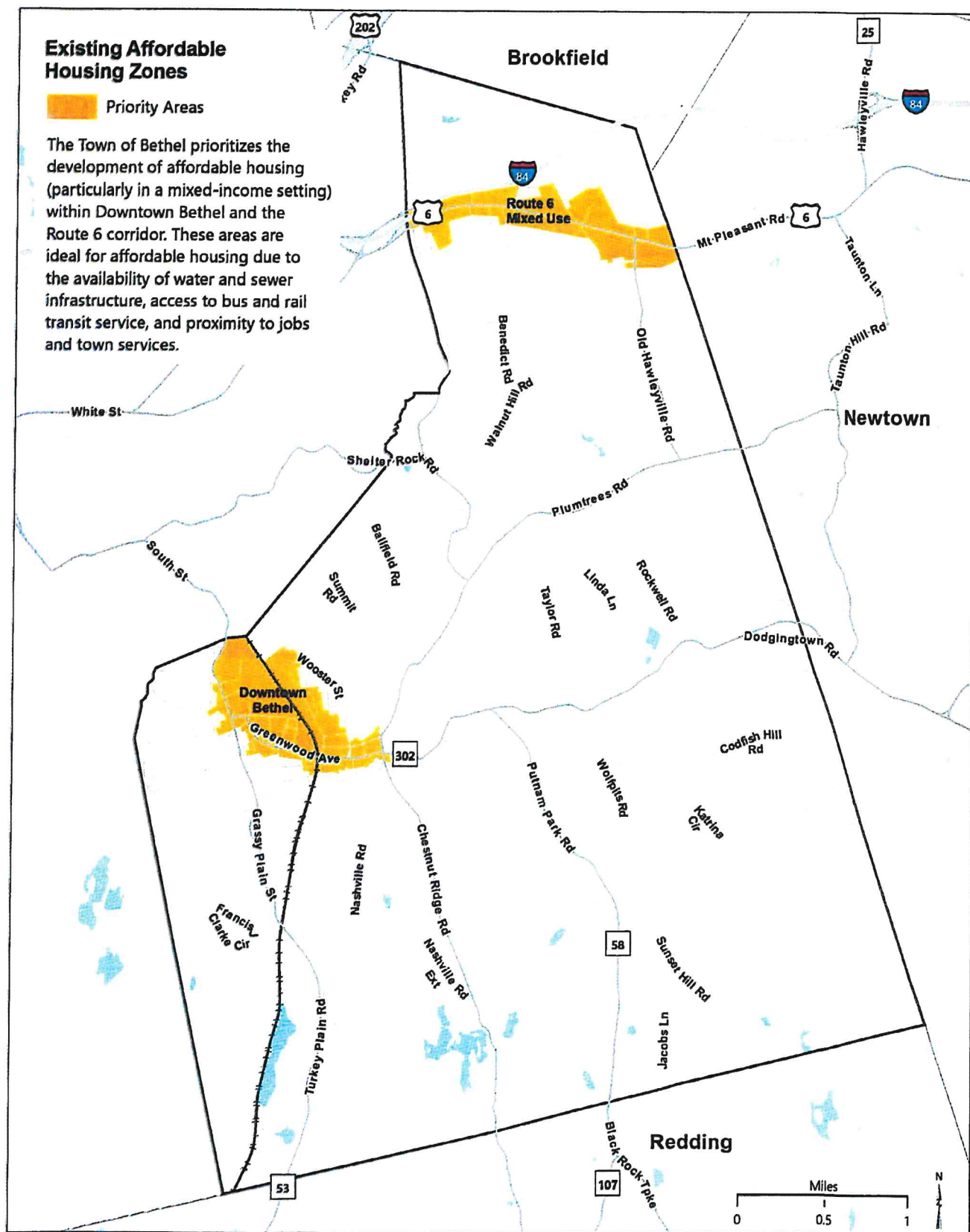
Legend

- Municipal Open Space
- Affordable Housing Zones
- Permissible Accessory Apartment Zones
- RR-10 Zone - Two-Family Residential
- Industrial & Education Park Zones
- Affordable Housing Locations

Single-Family Residential Total Area = 9,241.68 Acres
 Residential Area Open Space = 1,846.75 Acres
 Developed/Developable
 Single Residential Total Area = 7,394.93 Acres



Date: 09/02/2020
 Drawn By: DM



Regulation's containing an affordable housing component: 5/24/22 as amended

Transit Oriented Development

The TOD overlay requires 20% of units to meet 80% of the income requirements of section 8-30g of the Ct State Statues

Example: The Grand II and 10 Wooster Street

Designed Conservation District Overlay

Minimum of 5 acres, with a bonus density if 20% of the units meet 80% of the income requirements of section 8-30g of the Ct State Statues

Residential Multi Office Zone (East)

5 units or more require 10 % of the units to meet 80% of the income requirements and 10% at 60% of the income requirements of section 8-30g of the Ct State Statues

Planned Residential Development

20 acres or more, 10% of the units must meet 80% of the income requirements of section 8-30g of the Ct State Statues

Rte 6 Zone

Residential development requires 20% of units be affordable 10% at 80% of the income requirements and 10% at 60% of the income requirements.

Accessory Apartments

Are allowed in all single family zones with a deed restriction, and are issued by a zoning permit, from the Land Use Department the exception being the RR-10 Zone, which allows for a two family use as of right.

C. Accessory Apartment

1. The principal dwelling unit or the accessory dwelling unit shall be occupied by the owner of the premises.
2. Only one accessory apartment shall be permitted on a premises.
3. Such unit shall be located within, or attached to, the principal unit.
4. The owner of the property shall occupy either the principal dwelling unit or the accessory dwelling unit and occupancy of the other dwelling unit shall be limited to:
 - a. Second-degree family members (such as parents, children, grandparents, grandchildren, brothers, sisters),
 - b. Elderly and/or disabled persons (as defined in CGS Section 8-113a, Subsection (m), or
 - c. Caregivers for elderly and/or disabled persons who live on the premises.
5. Not more than two persons shall occupy the accessory apartment.
6. The accessory apartment shall:
 - a. Contain at least 300 square feet of living area and not more than 900 square feet of living area or 25% of the living area of existing structure, whichever is the lesser, unless in the opinion of the Commission a greater amount of floor area is warranted by the specific circumstances of the particular building.
 - b. Be subject to a binding and recorded deed containing restrictions which require that such apartment be rented at or below prices which will preserve the units as housing for which, for a period of not less than 10 years, persons and families pay 30% or less of income, where such income is less than or equal to 80% of the area median income according to Connecticut General Statute Section 8-30g.
7. In terms of overall design:
 - a. The principal dwelling unit and the accessory dwelling unit combination shall be designed to maintain the appearance and character of the premises as a single-family detached dwelling.
 - b. Additions to the main dwelling to accommodate an accessory unit shall only be allowed to sides or rear of said dwelling.
 - c. Where located within or attached to a dwelling, the accessory apartment shall have:
 - i. one means of egress separate from that of the main dwelling, and
 - ii. at least one operable door on a common wall connecting the dwelling to the apartment.
 - d. All proposed exterior and interior modifications to the dwelling shall be approved by the Building Inspector and Town Fire Marshal.
 - e. The accessory apartment may be equipped with its own kitchen, complete bathroom and not more than one bedroom, all of which may be separate from the dwelling.
 - f. The accessory apartment shall not be billed separately from the principal dwelling unit for utilities.
 - g. The accessory apartment shall be provided with two off-street parking spaces unless modified by the Commission.
 - h. No accessory apartment shall be located in a basement, unless such basement constitutes a walkout basement.

8. Issuance of a building permit from the appropriate Town authorities for an accessory apartment shall be conditioned upon full compliance with this Section of the Regulations, and all work attendant thereto shall be completed within 12 months from issuance of the building permit.
9. A certificate of zoning compliance for the accessory apartment shall be issued by the appropriate Town authorities upon completion of the accessory apartment, provided that it has been completed in accordance with this Section of the Regulations.
10. The continued use of an accessory apartment after issuance of the original certificate of zoning compliance is conditioned upon the requirement that the owner of the premises, on the anniversary date of the approval of the permit each calendar year, shall file with the Zoning Enforcement Officer a new affidavit of ownership of the premises and occupancy of either the dwelling or the apartment by the owner as filed with the original application for the accessory apartment.
11. The certificate of zoning compliance for an accessory apartment automatically terminates when there is any change of ownership of the premises; provided, however, that:
 - a. A new certificate of zoning compliance shall be issued upon receipt of an affidavit from the new owner in form acceptable to the Planning and Zoning Commission, signed by the owner of the one-family dwelling, affirming the intent that the dwelling or accessory apartment is to be occupied by the owner of the premises as a principal place of residence, or
 - b. A new application for an accessory apartment shall be made and approved prior to occupancy of said apartment.

D. Bed and Breakfast

1. The dwelling must be occupied by the owner of the premises.
2. The building proposed for the bed and breakfast operation shall have a minimum of 2,000 square feet.
3. The operation shall be contained within the existing footprint of the building.
4. No more than 30% of the floor area of the building shall be used for guest sleeping accommodations.
5. No more than four guest accommodations are provided. The occupancy of each guest room shall not exceed four individuals.
6. The bed and breakfast operation shall not to be used as a place of residence for other than the property owner.
7. Written certification shall be obtained from the Director of Health that plans for the water supply and sewage disposal systems are adequate to support the intended use.
8. The operation shall meet all applicable Building and Fire Code requirements.
9. Off-street parking spaces shall include at least two spaces for the residents of the single-family use and one for each guest room. The parking spaces shall be located and/or landscaped so that, in the opinion of the Commission, the parking spaces will not detract from the appearance of the property or the neighborhood.
10. The Commission may require fencing, earth berms, evergreen vegetation or other buffers to provide for a visual separation from other neighboring uses.
11. Bed-and-breakfast operations shall be permitted no more than one suitable freestanding sign to identify the property, provided said sign does not exceed nine square feet as measured on one side, contains no lighting, with the exception of indirect spotlighting, and which shall be specifically reviewed and subject to approval as part of the site plan review for its consistency and compatibility with the area in which the bed-and-breakfast is located.

I. RESIDENTIAL USES		VC	C	RT6	I	IP
1. Residential use, in a structure for residential use only, with a density of up to 10 units per acre, provided the dwelling units shall meet the minimum floor area requirements of Section 5.5.E.		P	P	X	X	X
2. Apartment in the same structure with other permitted uses, provided that:						
a. The residential density shall not exceed 10 units per acre.						
b. All apartments meet the minimum floor area requirements of Subsection 5.5.E of the RM-O regulations regarding apartment dwellings.						
c. Apartments shall not be permitted on the same floor of a structure with other permitted uses.		P	P	X	X	X
d. No other permitted use shall be allowed on a floor of a structure located at a higher level than a floor containing apartments.						
e. Apartments shall have adequate access to at least two separate entrances for emergency purposes.						

[effective 3/15/2012]					
3.	Residential dwelling units (apartments, townhouses, or condominiums) provided that:				
	a. Such residential dwelling units are accessory to a permitted use, and				
	b. Such residential dwelling units are not located on the ground floor or below unless authorized by the Commission as part of the Special Permit, and				
	c. The residential dwelling unit density does not exceed ten (10) units per acre.				
	d. Proposed dwelling units shall be required to provide twenty percent (20%) of the total dwelling units subject to binding recorded deeds containing covenants or restrictions which require that such dwelling units be sold or rented at, or below, which will preserve the units as housing for which persons or families pay thirty per cent or less of their income, (10%) shall be required to meet the income level that is less than or equal to (60%) of the area median income, and (10%) shall be required to meet the income level that is less than or equal to (80%) of the area median income as defined by CGS Section 8-30g (a) (7). A development proposal that is required to provide twenty percent (20%) affordable housing units shall submit an affordable plan that complies with CGS Section 8-30g(b) and regulations adopted pursuant thereto. (effective 12/1/2019)	X	X	SP	X X
4.	Residential dwelling units (apartments, townhouses, or condominiums) which are located 275 feet or more from the centerline of the frontage street, provided that:				
	a. Such residential dwelling units are located on a lot which is at least five (5) acres in size. Adjacent lots in the same ownership may be combined to meet this criteria. Land which is located in a different zoning district may be included in calculating the size of the lot or combined lots.				
	b. The lot or combined lots also contain permitted, non-residential uses located along the frontage street. The overall floor area of such non-residential uses must exceed 7,000 square feet per acre of the total land area of the lot or combined lots located within 275 feet of the centerline of the frontage street. Such non-residential uses may be partially located more than 275 feet from the centerline of the frontage street except for a medical use which must exceed 6,000sf per acre of the total land area of the lot or combined lots located within 275ft of the centerline of the frontage street.				
	c. The residential dwelling unit density does not exceed 10 units per acre.				
	d. The land area which is used exclusively for such residential dwelling units and associated infrastructure may not be used to meet any other requirement of these regulations, and the land area of the lot is not used exclusively for such residential dwellings and associated infrastructure may not be used to calculate the residential density in paragraph c.				
	e. For purposed of this subsection (4) the term "frontage street" shall mean State Route 6 (Stony Hill Road) even if the lot or combined lots have frontage on other streets.				

SECTION 5.6. A RESIDENTIAL MULTI-OFFICE ZONE EAST

(RMO EAST) effective 10/15/19

A. Purpose

The Residential Multi-Office East (RM-O East) district is intended to be primarily a residential district where the aim is to:

- Maintain historic structures and the historic character of areas in or near the center of Bethel.
- Maintain residential uses, especially in areas outside Greenwood Avenue, and
- Consider allowing some non-residential uses along Greenwood Avenue when historic structures and the historic character is maintained.

B. Architectural Review Required

The RM-O east Zone is hereby designated as a Village District as authorized by CGS Section 8-2j. Any new construction or remodeling of the exterior of a building within the RM-O East Zone shall be reviewed by a design review board designated by the Commission (see Section 6.10 for additional information and requirements) except that single-family residential use shall be exempt from this requirement. Properties which are also located in the Village District Overlay Zone (see Section 5.4) shall be subject to the requirements of that zoning district in lieu of the foregoing.

C. Uses Permitted

1. Any use permitted in the Residence Zone RR-10 subject to the same conditions and limitations.
2. For a use permitted, accessory uses when customarily incidental to a permitted use and on the same premises.

D. Uses Permitted by Special Permit

All special permit uses shall provide appropriate landscaping, as determined by the Commission, in order to provide a transition between uses

1. Professional office, provided that a residential unit on the property is occupied by the owner of the business occupying the professional office unit.
2. Bed and Breakfast
3. Multifamily dwellings, not to exceed four (4) residential units per building.
 - a) Proposed dwelling units on a parcel of land exceeding five (5) units or more shall be *required* to provide twenty percent (20%) of the total dwelling units subject to binding recorded deeds containing covenants or restrictions which require that such dwelling units be sold or rented at or below prices which will preserve the units as housing for which persons and families pay thirty percent (30%) of less income, where such income is less than or equal to eighty percent (80%) of the area median income, as defined by CGA Section 8-30g (a)(7).
 - b) A development proposal that is required to provide twenty percent (20%) affordable housing units shall submit an affordability plan that complies with CGS 8-30g(b) and regulations adopted pursuant thereto.
4. Special permit uses permitted in the Residence Zone RR-10, except cluster development as set forth in Subsection 3.2.C.7.
5. Accessory uses customarily incidental to a special permit use on the same premises by special permit.

SECTION 5.8. DESIGNED CONSERVATION DISTRICT (DCD)

A. Purpose

The Designed Conservation District (DCD) is intended to permit creative development of land in a manner that will conserve natural, scenic and historic areas, including views and vistas observed from public streets, preserve open space and other natural resource and environmentally sensitive areas, and promote efficient development.

B. Nature of District

The DCD is an overlay district. The requirements and provisions of the DCD shall supplement the requirements and provisions of the underlying zone.

C. Location

The DCD may be applied only to land located within the R-10 and RR-10 zoning districts.

D. Size of District

The DCD may be applied only to parcels of land consisting of at least 5 acres.

E. Permitted Uses

1. Uses as permitted in the underlying zoning district.
2. Single family detached dwellings (whether held in individual subdivided lots or in one or more common interest ownership communities).
3. Multifamily dwellings containing no more than four units per structure (whether held in individual subdivided lots or in one or more common interest ownership communities).
4. Accessory uses to the above, which may include, in addition to uses customarily incidental to the principal uses, and recreational facilities for use by the residents of the DCD.

F. Ownership

1. Dwellings within a DCD may be located on individual lots pursuant to an approved subdivision plan, or may be located in one or more common interest ownership communities.
2. Where the dwellings are located in common ownership interest communities, all private roads and common open space shall be maintained by the homeowners' association.
3. The homeowners' association shall be established prior to issuance of any certificates of occupancy.
4. Membership in the homeowners' association shall be mandatory for each dwelling unit owner.
5. It shall be stated on the site plan and recorded on each deed or declaration of common interest ownership community condominium in the office of Town Clerk that each dwelling unit owner possesses an undivided interest in all private roads, common areas and open space and is jointly and separately responsible for their maintenance and for the payment of all required taxes thereon.

G. Design Standards

1. Base Density.

- a. The number of dwelling units that shall be permitted on a parcel of land shall be determined by dividing the gross area of the parcel, exclusive of the area occupied by wetlands and watercourses and slopes in excess of 25 %, by:

- i. If the underlying zoning district is the R-10 zoning district, 10,000 square feet.
 - ii. If the underlying zoning district is the RR-10 zoning district, 5,000 square feet;
- b. A fractional dwelling unit total shall be rounded down to the nearest whole number if below 0.5 and rounded up to the nearest whole number if the fraction is greater than or equal to 0.5.
- c. The total number of dwelling units may not exceed the maximum number of dwelling units that would be permitted on the parcel by the underlying zoning district.

2. Density Bonus.

- a. Additional dwelling units on a parcel of land shall be permitted, provided that twenty percent (20%) of the total dwelling units on the parcel of land are subjected to binding recorded deeds containing covenants or restrictions which require that such dwelling units be 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 income, where such income is less than or equal to eighty per cent of the median income, as defined by CGS Section 8-30g (a)(7).
- b. The number of additional dwelling units that shall be permitted on a parcel of land shall not exceed one-half of the number of dwelling units calculated under Subsection 5.8.G.1.
- c. Additional dwelling units in excess of the number calculated under subparagraphs (a) and (b) of this section may be permitted by special permit, as part of an affordable housing application, as that term is defined by CGS Section 8-30g (a)(2).
- d. A development proposal that utilizes an affordable housing density bonus shall submit an affordability plan that complies with CGS Section 8-30g (b) and regulations adopted pursuant thereto.
- e. At the applicant's request, some or all of the dwelling units required by subparagraph (a) of this section to be deed-restricted dwelling units may be approved as unrestricted dwelling units, as follows:
 - i. The applicant shall pay to the Town of Bethel a fee-in-lieu of the affordable housing unit in an amount to be determined by the Commission after consultation with the Town of Bethel Housing Administrator for each deed-restricted dwelling unit that is to be approved as an unrestricted dwelling unit, to be used for the express purpose of assisting in the construction and renovation of affordable housing in the Town of Bethel.
 - ii. Any such payments shall be made, in good funds, prior to the issuance of any zoning permits for the development or in accordance with such other schedule that the Commission, in its sole discretion, shall determine.
 - iii. Any such payments shall be deposited into, and held in, a separate account administered by such entity as the Board of Selectmen may designate.
 - iv. No expenditure of any funds received under this section may be made without the approval of the Commission. Any such expenditures must be consistent with the Plan of Conservation and Development.
 - v. Any such payments shall be secured by a lien on the property, which may be filed in the Land Records on or after the effective date of the approval of the application. The Commission may, in its sole discretion, waive or modify this requirement.
 - vi. The provisions of this section shall be within the sole discretion of the Commission to exercise. Nothing contained herein shall grant to an applicant the right to make a payment in lieu of providing some or all of the deed-restricted units which may be required by this section.
 - vii. The provisions of this section shall not apply to an affordable housing application, as that term is defined by CGS Section 8-30g (a)(2).

SECTION 5.12 STONY HILL MIXED USE OVERLAY DISTRICT

A. Purpose

The Stony Hill Mixed Use Overlay District ("SHMUOD") is intended to facilitate unique and desirable development that is consistent with the long range, orderly development of Route 6 but may not be accommodated by the established zoning of that area.

C. Nature

The SHMUOD is an overlay district. The requirements and provisions of the SHMUOD, when applied to a particular property, shall supplement the requirements and provisions of the underlying zoning district.

C. Location

A parcel or parcels of land must meet the following requirements in order to be eligible for overlay pf the SHMUOD:

1. All of the land must be located in the Route 6 Business (RT-6) zoning district;
2. All of the land must be contiguous;
3. The total combined acreage of the land must be at least five (5) acres;
4. The land shall have at least 140 feet of lot width and lot frontage; and
5. The land shall be served by sewer and water.

D. Permitted Uses

The following shall be permitted uses in a SHMUOD:

1. Any use of a commercial nature permitted within the Route 6 Business District, as set forth in Sections 4.3 (A) through (H) and (J) through (O); and
2. Multifamily Residential dwelling uses (apartments, townhouses or condominiums), with a maximum residential density as follows:
 - a. Base Residential Density. The base residential density of dwelling units shall be determined by multiplying the gross area of the land by twenty (20), rounded up to the next whole number.
 - b. In addition to the Base Residential Density, additional residential dwelling units may be permitted, determined by multiplying the gross area of the land by two (2) rounded up to the next whole number, provided that at least fifty (50 %) percent of such additional residential dwellings are affordable dwelling units, meeting the requirements of subsection H of this Section.
 - c. Residential units are restricted to one (1) or two (2) bedrooms.
 - d. Open Space Requirement

Parcels proposed to be developer by the Stony Hill Mixed Use Overlay District will be required to meet open space requirements unless those requirements were fulfilled by a previous subdivision under section 3.05 of the Town of Bethel Subdivision Regulations.

- a. Notwithstanding any other provision of this section, the parcel overlaid with the SHMUOD shall reserve 25% as open space, 10% of the 25% may be paid in the form of a fee in lieu of open space. The payment of the fee in lieu of open space shall be calculated in accordance with the provisions of Section 3.06 of the Bethel Subdivision Regulations and section 8-25 of the Connecticut General Statutes.
- b. No more than half (50%) of the area reserved meeting the minimum open space requirement shall consist wetlands, watercourses and steep slopes in excess of 25%.
- c. The open space may be conveyed to the Town of Bethel, an appropriate conservation organization, or a homeowners' association (subject to a conservation easement).
- d. Any additional area containing wetlands and watercourses and slopes in excess of 25% shall also be subjected to a conservation easement, or may be conveyed to an appropriate conservation organization or the Town of Bethel.
- e. The method of ownership and maintenance of all common open space shall be specified in the application documents.

Notwithstanding any other provision of this Section, the parcels overlaid with the SHMUOD must provide both (a) at least 1,600 square feet per acre of gross area of the land of commercial uses as provided in subsection 1 and (b) residential uses as provided in subsection 2, in a location, configuration and proportion as the Commission shall deem appropriate given the circumstances of the land.

E. Dimensional Standards

1. Except as provided herein, the Dimensional Standards for the SHMUOD shall be the dimensional standards for the underlying zone.
2. Parking requirements for the SHMUOD shall be as the Commission shall deem appropriate, given the circumstances of the proposed development.

H. Affordable Requirements

1. At least twenty (20 %) of the residential units which are part of the base residential density approved as part of a development under this Section shall be subjected to binding recorded instruments containing covenants or restrictions which require that such dwelling units be sold or rented at, or below, prices which will preserve the units as housing for which persons and families pay thirty percent or less of income, where such income is less than or equal to eighty (80 %) percent of the state median income, as defined by CGS Section 8-30g (a) (7).
2. At least fifty (50 %) of residential units which are part of the bonus residential density approved as part of a development under this Section shall be subjected to binding recorded instruments containing covenants or restrictions which require that such dwelling units be sold or rented at, or below, prices which will preserve the units as housing for which persons and families pay thirty percent or less of income, where such income is less than or equal to sixty (60 %) percent of the state median income, as defined by CGS Section 8-30g (a) (7).
2. An application for Site Plan for a development under this Section shall include submit an affordability plan that complies with CGS Section 8-30g (b) and regulations adopted pursuant thereto.

- i. flagpoles less than fifty (50) feet in height above finished grade,
 - ii. schools, public libraries, municipal buildings, and museums which may be built to a height not to exceed three (3) stories, or
 - iii. public utility facilities which may be built to a height not to exceed fifty (50) feet.
- b. Solar panels may exceed the height limitations of these Regulations provided that:
 - i. such panels shall not project more than 12 (12) inches above the roof and shall be located so that no part of any such installation shall project above a thirty-degree slope from the edge of the roof.
- c. Roof-top appurtenances (such as HVAC equipment, stairwell housings, elevator shafts, air-conditioning units, cooling towers, heat pumps, or similar mechanical equipment) may exceed the height limitations of these Regulations provided that:
 - i. such appurtenances shall not project more than ten (10) feet above the roof and shall be located so that no part of any such installation shall project above a thirty-degree slope from the edge of the roof, and
 - ii. all such appurtenances shall be screened on all sides by a solid appearing wall constructed of materials that shall be harmonious in color and texture with the adjacent facade of the building, and
 - iii. such equipment shall not have a horizontal area greater than twenty percent (20%) of the roof area of the building on which it is located without approval of a Special Permit by the Commission.

8. Use Limitations Based on Performance Standards It is the intent of this section to ensure that operations, uses, and activities in the TOD Zone in Bethel are established and maintained in a manner not detrimental to the public health, safety and welfare and in a manner beneficial to the use, enjoyment and value of neighboring properties. The use of performance standards is necessary to measure potential nuisances and hazards objectively, thereby protecting operations, uses, and activities from arbitrary control and at the same time affording the neighboring properties and the general public necessary protection against hazards and nuisance

9. Affordable Housing Requirement

- a. Proposed dwelling units on a parcel of land exceeding 5 units or more shall be required to provide twenty percent (20%) of the total dwelling units subject to binding recorded deeds containing covenants or restrictions which require that such dwelling units be 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 income, where such income is less than or equal to eighty per cent of the state median income, as defined by CGS Section 8-30g (a) (7).
- 2. A development proposal that is required to provide twenty percent (20%) affordable housing units shall submit an affordability plan that complies with CGS Section 8-30g (b) and regulations adopted pursuant thereto.



LAND USE DEPARTMENT TOWN OF BETHEL

12/30/21 revised 6/1/22

Re: Affordable Housing History Memorandum

Prior to the adoption of Connecticut State Statute §8-30g, the Bethel Planning & Zoning Commission ("Commission") undertook many initiatives working collaboratively with property owners to provide diversity in housing.

The first of these initiatives occurred during the 1970's, when the Commission adopted a "Planned Building Group" regulation. The intent of these regulations was to encourage and allow "clusters" of condominium developments serviced by public water supply and sewer lines. While this Regulation diversified new housing opportunities, it was not as successful in providing an affordable housing component. Subsequently, the "Planned Building Group" regulation was repealed. Had the housing stock created per these regulations been built after the adoption of §8-30g, they would qualify to the guidelines of §8-30g. Therefore, this housing stock cannot be considered to help meet the 10% affordable housing stock goal outlined in §8-30g.

The aforementioned Bethel Housing Authority was established subsequent to an Ordinance that was adopted for same in 1975. Its purpose, per the written ordinance, is to target "accommodations for elderly persons at rents they can afford to pay." In total, the Bethel Housing Authority has built eighty (80) of such units on Town-owned property, in addition to the twenty-five (25) units purchased from Phineas Park. The majority, if not all, of these units are still in use providing much-needed affordable housing.

Phineas Park was constructed a few years later in 1985, prior to the Blue Ribbon Committee's initiative to study affordable housing. This complex contains twenty-five (25) affordable units located at #25 Main Street in what is considered part of Bethel's "downtown". *All twenty-five (25) of these units were purchased by the Bethel Housing Authority in 2015, to ensure their affordability would remain unchanged.*

A decision rendered by the Connecticut Superior Court in 2001 provided resolution to an Application for a forty-three (43) lot subdivision called "the Summit", located off of Wooster Street. The decision's contents stated that eleven (11) of the proposed units, or single family dwellings, were to be sold as "deed restricted" affordable housing. The layout and unit size for these dwellings were discussed during the resolution process. ***Working with the developer, Bethel was one of the first towns in Connecticut to require that affordable units be distributed throughout a project and not be located adjacent to one another or otherwise segregated as a group within the development. Additionally, market rate units were to be built in a ratio with affordable units of four (4) to one (1).*** (which coincides with regulatory language within Connecticut State Statute §8-30g prohibiting same).

The Commission also approved another development of one-hundred fifteen (115) units called "Lexington Meadows", which also contains twenty-nine (29) affordable units. *This market rate and affordable unit total was the result of the development's **Applicant acknowledging concerns of Town Staff regarding the location of excavation and fill activity in proximity to an existing wetland;** the*

development's proposal originally included one-hundred forty-three (143) units. Additionally, Town Staff requested the project plans be revised to ensure that affordable units would be distributed through the development without restriction to any area.

Toll Brothers, Inc.'s first development within Bethel, "Bethel Meadows", including approximately one-hundred thirty (130) units, was initially denied by the Bethel Inland Wetlands Commission. Pursuant to a successful appeal by Applicant to the Connecticut Appellate Court, negotiations and agreements ensued. **Town Staff and Toll Brothers, Inc. collaborated** to draft what eventually became the "Design Conservation District" Overlay Zone, which was ultimately incorporated to the Bethel Zoning Regulations. A critical component of this regulation, found in §5.8.G.2.e.i, states the following:

"At the Applicant's request, some or all of the dwelling units required by... this section to be deed-restricted dwelling units maybe [sic] approved as unrestricted dwelling units, as follows... the Applicant shall pay to the Town of Bethel a fee-in-lieu of the affordable housing unit in an amount to be determined by the Commission after consultation with the Town of Bethel Housing Administrator for each deed-restricted dwelling unit that is to be approved as an un-restricted dwelling unit, to be used for the express purpose of assisting in the construction and renovation of affordable housing in the Town of Bethel." As a result, the Town of Bethel now has an Affordable Housing Trust Fund. This account has been used for our Affordable Housing Administrator, Affordable Housing Plan, and – in the near future – will be used to design and construct more affordable housing on Town-owned properties.

Oven Rock Partners, LLC submitted an Application to the Inland Wetlands Commission proposing twenty-three (23) units on a parcel adjacent to Reservoir Street. The Inland Wetlands Commission denied all but six (6) of the proposed units. Pursuant to the Appellate Court's denial of the Applicant's decision appeal, Town Staff discussed alternative site development options with the Applicant. **The Applicant redesigned the project and was subsequently approved to build two-family units, whose decreased developments impacts were appropriate for the site; the approved structures were more consistent with the surrounding neighborhood.**

"Ricky's Court", located at #263 Greenwood Avenue, contains seven (7) rental units that can also contribute to Bethel's §8-30g affordable housing stock. *Built along a major transportation route, the Applicant acknowledged Town Staff comments to add architectural details and façade elements, thereby improving the structure's street appeal for its residents and neighboring properties.*

DeMarco Holdings, LLC and Codfish Hill Construction, LLC recently acquired an approval and completed site development activities at #10 Nashville Road Extension. *Initially proposing fourteen (14) units, the developers acknowledged Town Staff comments and revised their development to propose twelve (12) units, age-restricted to occupants aged fifty-five (55) and over.*

Ledgewood, LLC (also currently with two different applications before the Planning & Zoning Commission as Shelley Woods, LLC and Oak Woods, LLC), recently acquired an approval and completed site development activities at #49 Taylor Avenue for a nine (9) unit project to increase the affordable unit stock per §8-30g. As a result of cost overruns from installing public utility services for the site, the Applicant sought a revised Approval from the Commission to increase the development structure's unit count. **With the cooperation of the Commission the unit stock increased from the original nine (9) units to eighteen (18) units.**

Ledgewood, LLC (also currently with two different applications before the Planning & Zoning Commission as Shelley Woods, LLC and Oak Woods, LLC), also acquired subsequent approval for site development activities at #91 Wooster Street for a nine (12) unit project to increase the affordable unit

stock per §8-30g. To increase the site's productivity, the Applicant twice sought a revised Approval from the Commission to increase the development structure's unit count, and to revise the interior floor plan for Building Code Compliance. ***With cooperation from the Commission, both revisions have received Commission approvals.***

Augustana Homes (a.k.a. "Simeon Village"), which contains eighty (80) units, formerly was senior low-income housing overseen by the Dioceses of Bridgeport until its recent purchase by a private developer. ***Following cooperative discussions between the private developer and Town Staff, forty (40) existing units continue to remain affordable as defined by HUD (Housing & Urban Development); this also qualifies the units to be considered affordable units stock per §8-30g.***

In 2016, the Commission to the initiative to develop a Transit-Oriented Development ("TOD") Overlay Zone, which encompasses approximately 238 acres of land with Bethel's "downtown". This Overlay Zone promotes mixed-use development with an Application process more favorable to developers and property owners due to its 20% affordable housing component. Following extensive public participation, discussion, and review, the Commission officially adopted the TOD Overlay Zone regulations in 2018. Since then, two residential developments within the TOD Overlay Zone have been approved and completed.

In updating and creating the Town of Bethel's latest Plan of Conservation and Development (January 1, 2020), the Commission incorporated elements from the Town's most recent affordable housing plan. This update process also included amendments to the Town of Bethel's Official Zoning Map. To increase affordable housing development, a change was made to the Route 6 ("RT-6") Zone requiring any residential use proposed to include a 20% affordable housing component. With this update, ***the only Zone within Bethel to where affordable housing is not an allowable/permmissible use is the Industrial zone.***

In 2021 the Commission approved 2; 8-30g applications located close to the TOD overlay zone containing 21 residential units in total.

In 2022 the Commission approved a regulation for an overlay zone in Rout 6 allowing for a density bonus if half of the units are at 60% of the median income. The present configuration will add 9 units.

In summary, The Town of Bethel has gained critical experience to progress to meet the goals of the State in creating affordable housing, including multiple litigations processes and unfulfilled opportunities. However, the outcome with a majority of developments has led to development designs that are more compatible with the neighborhoods for which they're located. Bethel's Commissioners take immense pride in having refined their Regulations to meet the needs of affordable housing, including allowing accessory apartments in all residential zones, allowing two-family dwellings as-of-right in the RR-10 Zone, and adding a density bonus for incorporating affordable housing within two major travel corridors ("downtown" and within the Route 6 Zone). Both of these areas are serviced by public water, sewer lines, public utilities, public transit, and convenient access to common services. The Town and its Commissioners are welcome the opportunity to increase affordable housing developments in these areas in the future.



PLANNING & ZONING COMMISSION

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**To be posted in the Newstimes
April 13th 2022**

Public Notice

The Bethel Planning & Zoning Commission will hold a public hearing on May 24th 2022 at 7:00pm in the Municipal Center Meeting Room D to receive comments on the adopted Affordable Housing Plan as described in the 2020 Plan of Conservation & Development to meet requirements of Section 12 of Public Act 21-29.

The public may send comments via regular mail and email at landuse@bethel-ct.gov. A copy of the Plan can be found in the Town Clerk's Office, or by link on Town of Bethel's web site.


Ken Stevens
Chairman