

MEMORANDUM

OFFICE OF COMMUNITY DEVELOPMENT

**APPLICATION FOR SITE PLAN APPROVAL OF A "SET-ASIDE" DEVELOPMENT
PURSUANT TO CONNECTICUT GENERAL STATUTES 8-30G:
74 MIXED-INCOME UNITS, ASSOCIATED PARKING AND OTHER SITE IMPROVEMENTS
1199 MANCHESTER ROAD
MEETING DATE : MAY 17, 2022**

PUBLIC HEARING #2
05-17-2022 AGENDA

To:
Town Plan and Zoning
Commission

From:
Office of Community
Development Staff

Memo Date:
May 13, 2022

Zoning District:
Planned Business &
Development Zone/
Rural Residence Zone

Applicant / Owner:
Manchester/Hebron
Avenue, LLC

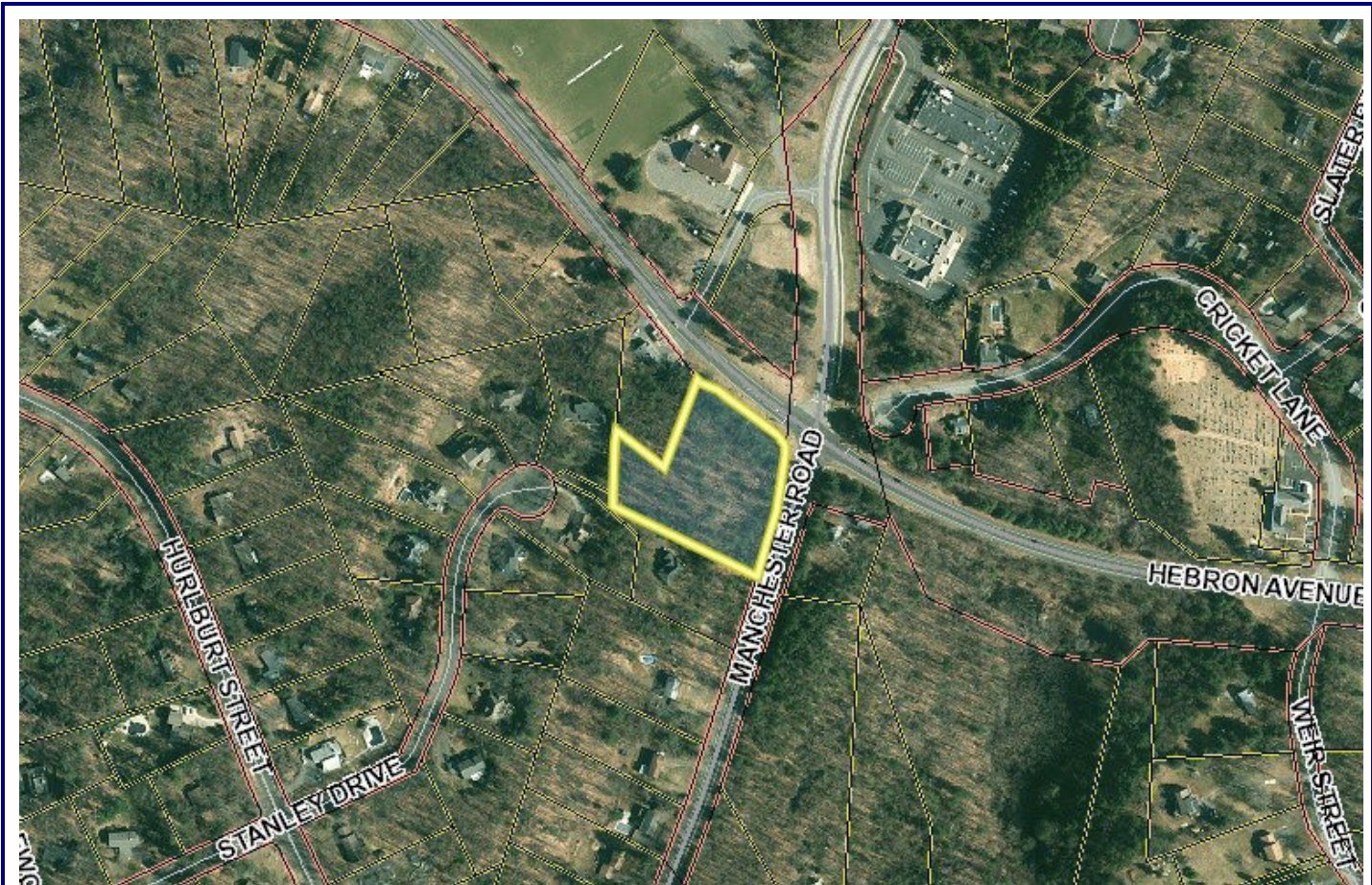
EXECUTIVE SUMMARY

- The applicant is proposing to construct a 5-story, 74-unit apartment complex containing a mix of studio, 1- and 2- bedroom units at 1199 Manchester Road located at the southwest corner of the intersection of Hebron Avenue and Manchester Road.
- The proposal was submitted for Site Plan Approval. As such, per Connecticut General Statutes (CGA) 8-7d, the TPZ has 65 days from the receipt of the application (April 19, 2022) to either approve, modify and approve, or deny the application.
- The project is proposed as a "set-aside development" under CGS 8-30g, which requires at least 30% of the units be deed-restricted as affordable for at least 40 years. At least 15% of all units must be set aside for households whose income is less than or equal to 60% of the area or State median income, with the remainder of the set-aside units restricted to households whose income is less than or equal to 80% of the area median income. The prices for the set-aside units must be set such that a renter will spend no more than 30% of their annual income on housing.
- The project was reviewed by the Plans Review Subcommittee at their meeting May 11, 2022 meeting.
- The Conservation Commission reviewed the project at their May 12, 2022 meeting, and has not yet issued a recommendation.
- The Architectural and Site Design Review Committee will review the project at their May 17, 2022 meeting, and has not yet issued a recommendation.

REVIEW

Included for Commission review are the following:

- Town of Glastonbury staff memoranda
- Project narrative, and affordable housing needs memoranda prepared by the applicant
- Site plans
- Architectural elevations floor plans
- Minutes from the May 11, 2022 Plans Review Subcommittee special meeting



Aerial view of 1199 Manchester Road

SITE DESCRIPTION [See Application Submission Section 2—Overview letter from Hinckley Allen & Snyder LLP, and plans set sheet SV-1 entitled “Existing Conditions 1199 Manchester Road”]

The site is a 2.4 ± acre lot located on the southwest corner of the intersection of Hebron Avenue and Manchester Road. The majority of the site is zoned Planned Business and Development with a small portion closest to the corner of Hebron Avenue and Manchester Road zoned Rural Residence. The site slopes upward to the south from elevation 356 at the northern property line to elevation 406 near the southwest corner of the lot. The lot is currently undeveloped and forested.

ADJACENT USES

- North—Town owned land and a shopping plaza
- East—A single-family residence
- West— A gas station and a single-family residence
- South—A single-family residence

PROPOSAL [See Application Submission Section 2—Overview letter from Hinckley Allen & Snyder LLP, and plans set sheet SP-1 entitled “Site Layout Plan”]

As stated in their narrative, the applicant intends to construct a 5-story, 74-unit apartment complex. The apartments will be a mix of efficiency, one- and two-bedroom units. The project will be a “set-aside development” in accordance with CGS Section 8-30g in which 30 % (23) of the 74 units will be rent-restricted and the remaining 51 units will be market-rate.

SITE LAYOUT / EXCAVATION [See Application Submission Section 2—Overview letter from Hinckley Allen & Snyder LLP & Section 8 entitled Subsurface Exploration and Slope Development Report March 2022 prepared by Welte Geotechnical, P.C. , and plans set sheet SP-1 entitled “Site Layout Plan”, sheet SP-2 entitled “Site Grading Plan” & SP-5 entitled “Erosion and Sediment Control Plan”]

The building will be located at the southwestern corner of the lot. To create a level area for the building location, the applicant will cut into the side of the hill removing approximately 75,000 cubic yards of sand and gravel from the site. The applicant has secured slope rights from the owner of 2088 Hebron Avenue to grade a portion of that property. The excavated area will have a 2 to 1 slope and the building will be located approximately eight feet from the toe of the slope. There will be retaining walls located at the southeast and southwest corners of the building, along the western side of the Hebron Avenue entrance drive and along the northern property line parallel to Hebron Avenue. The applicant has indicated that the excavation process “...will consist of stabilizing the slopes with topsoil, vegetation and jute netting prior to continuing the excavation down to the next ‘shelf.’” The applicant has also indicated that the duration of the excavation will be approximately 4 months.

PARKING AND SITE CIRCULATION & DUMPSTER LOCATION [See Application Submission Section 2—Overview letter from Hinckley Allen & Snyder LLP, and plans set sheet SP-1 entitled “Site Layout Plan” & SP-7 entitled “Site Access Management Plan”]

The applicant is proposing 85 parking spaces (approximately 1.15 per unit) including 4 handicapped accessible spaces that will be located along the eastern and northern sides of the lot. Access to the site will be through curb cuts off Manchester Road and Hebron Avenue. Both curb cuts will be two way with the Hebron Avenue curb cut having a dedicated left turn lane.

The dumpster will be located at the northwest corner of the building in a 6-foot tall, black aluminum fence enclosure with black privacy slats.

LIGHTING [Please Refer to Plan Set Sheet SP-8 entitled “Site Illumination Plan”]

There will be a total of eight, 14- foot tall, pole-mounted LED lights located along the perimeter of the site, in the landscaped islands, and adjacent to the north side of the building.

DRAINAGE AND UTILITIES [Please Refer to Application Submission Section 2—Overview letter from Hinckley Allen & Snyder LLP & Section 6 and plan set sheet SP-2 entitled “Site Grading Plan”, plan set sheet SP-3 entitled “Utility Plan” and plan set sheet entitled “Offsite Sanitary Sewer Plan & Profile”]

Stormwater will be managed with a combination of landscape features and a subsurface detention / infiltration system. The stormwater from the parking area will be captured by one of four catch basins and piped to the detention/infiltration system. Catch basins will also be located at the bottom of the hill adjacent to the building. The applicant also states that landscaped areas will provide areas of infiltration.

ARCHITECTURE AND LANDSCAPE DESIGN [Please Refer to Application Submission Section 2—Overview letter from Hinckley Allen & Snyder LLP and Architectural Plan Set Sheet PA-3 and PA-4]

The Architectural and Site Design Review Committee Review will review the proposal at their regular meeting of May 17, 2022.

PLANNING AND ZONING ANALYSIS

The Affordable Housing Appeals Act (CGS 8-30g) renders municipalities with less than 10% of their housing stock considered “affordable,” subject to set-aside development proposals. According to the Department of Housing’s 2021 Affordable Housing Appeals List, Glastonbury has 5.59% of its housing considered affordable.

For 8-30g applications, the Commission does not review a proposal for compliance with the Building Zone Regulations; rather, whether the proposal protects public health and safety. To deny an 8-30g application, the law requires Commissions to prove, based upon substantial evidence in the record, that: “(a) the decision was necessary to protect substantial public interests in health, safety, or other matters the municipality may legally consider; (b) such public interests clearly outweigh the need for affordable housing; and (c) such public interests cannot be protected by reasonable changes to the affordable housing development...” If the Commission does not satisfy its burden under CGS 8-30g, the court “shall wholly or partly revise, modify, remand or reverse the decision from which the appeal was taken in a manner consistent with the evidence in the record before it.”

A copy of CGS 8-30g is attached.

An affordable housing application must include an affordability plan that addresses at a minimum:

- (A) Designation of the person, entity or agency that will be responsible for the duration of any affordability restrictions, for the administration of the affordability plan and its compliance with the income limits and sale price or rental restrictions of this chapter;
- (B) an affirmative fair housing marketing plan governing the sale or rental of all dwelling units;
- (C) a sample calculation of the maximum sales prices or rents of the intended affordable dwelling units;
- (D) a description of the projected sequence in which, within a set-aside development, the affordable dwelling units will be built and offered for occupancy and the general location of such units within the proposed development; and
- (E) draft zoning regulations, conditions of approvals, deeds, restrictive covenants or lease provisions that will govern the affordable dwelling units.

The applicant’s submitted Affordability Plan designates the applicant as Administrator and provides marketing plans, lease-up sequencing information, and a sample lease rider for affordable units. The supplemental information updated with 2022 income data provides estimated maximum rental rates for the affordable units. The applicant uses the statewide median income, which is slightly lower than the area median income, as dictated by CGS 8-30g. Further, the following rental and income calculations adhere to the Regulations of State Agencies Section 8-30g-8, “Maximum housing payment calculations in set-aside developments.”

	Market-Rate Units	Housing Opportunity Units ("HOU")	Size	Estimated Max. Rent at 60% and 80% SMI	Max. Qualifying Household Income at 60% and 80% SMI
Efficiency	6	3	540 SF	\$765 - \$938	\$47,292 / \$63,056
1 Bedroom	36	16	651-781 SF	\$929 - \$1,140	\$50,670 / \$67,560
2 Bedroom	9	4	972-1,000 SF	\$1,152 - \$1,413	\$60,804 / \$81,072
Subtotal	51	23			
Total		74			

The architectural floor plans indicate the location of the affordable units, which are spread across all floors of the building.

Pertinent staff correspondence is attached.

Sec. 8-30g. *(See end of section for amended version of subsection (l) and effective date.) Affordable housing land use appeals procedure. Definitions. Affordability plan; regulations. Conceptual site plan. Maximum monthly housing cost. Percentage-of-income requirement. Appeals. Modification of application. Commission powers and remedies. Exempt municipalities. Moratorium. Model deed restrictions.

(a) As used in this section and section 8-30j:

(1) “Affordable housing development” means a proposed housing development which is (A) assisted housing, or (B) a set-aside development;

(2) “Affordable housing application” means any application made to a commission in connection with an affordable housing development by a person who proposes to develop such affordable housing;

(3) “Assisted housing” means housing which is receiving, or will receive, financial assistance under any governmental program for the construction or substantial rehabilitation of low and moderate income housing, and any housing occupied by persons receiving rental assistance under chapter 319uu or Section 1437f of Title 42 of the United States Code;

(4) “Commission” means a zoning commission, planning commission, planning and zoning commission, zoning board of appeals or municipal agency exercising zoning or planning authority;

(5) “Municipality” means any town, city or borough, whether consolidated or unconsolidated;

(6) “Set-aside development” means a development in which not less than thirty per cent of the dwelling units will be conveyed by deeds containing covenants or restrictions which shall require that, for at least forty years after the initial occupation of the proposed development, such dwelling units shall 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 their annual income, where such income is less than or equal to eighty per cent of the median income. In a set-aside development, of the dwelling units conveyed by deeds containing covenants or restrictions, a number of dwelling units equal to not less than fifteen per cent of all dwelling units in the development shall be sold or rented to persons and families whose income is less than or equal to sixty per cent of the median income and the remainder of the dwelling units conveyed by deeds containing covenants or restrictions shall be sold or rented to persons and families whose income is less than or equal to eighty per cent of the median income;

(7) “Median income” means, after adjustments for family size, the lesser of the state median income or the area median income for the area in which the municipality containing the affordable housing development is located, as determined by the United States Department of Housing and Urban Development; and

(8) “Commissioner” means the Commissioner of Housing.

(b) (1) Any person filing an affordable housing application with a commission shall submit, as part of the application, an affordability plan which shall include at least the following: (A) Designation of the person, entity or agency that will be responsible for the duration of any affordability restrictions, for the administration of the affordability plan and its compliance with the income limits and sale price or rental restrictions of this chapter; (B) an affirmative fair housing marketing plan governing the sale or rental of all dwelling units; (C) a sample calculation of the maximum sales prices or rents of the intended affordable dwelling units; (D) a description of the projected sequence in which, within a set-aside development, the affordable dwelling units will be built and offered for occupancy and the general location of such units within the proposed development; and (E) draft zoning regulations, conditions of approvals, deeds, restrictive covenants or lease provisions that will govern the affordable dwelling units.

(2) The commissioner shall, within available appropriations, adopt regulations pursuant to chapter 54 regarding the affordability plan. Such regulations may include additional criteria for preparing an

affordability plan and shall include: (A) A formula for determining rent levels and sale prices, including establishing maximum allowable down payments to be used in the calculation of maximum allowable sales prices; (B) a clarification of the costs that are to be included when calculating maximum allowed rents and sale prices; (C) a clarification as to how family size and bedroom counts are to be equated in establishing maximum rental and sale prices for the affordable units; and (D) a listing of the considerations to be included in the computation of income under this section.

(c) Any commission, by regulation, may require that an affordable housing application seeking a change of zone include the submission of a conceptual site plan describing the proposed development's total number of residential units and their arrangement on the property and the proposed development's roads and traffic circulation, sewage disposal and water supply.

(d) For any affordable dwelling unit that is rented as part of a set-aside development, if the maximum monthly housing cost, as calculated in accordance with subdivision (6) of subsection (a) of this section, would exceed one hundred per cent of the Section 8 fair market rent as determined by the United States Department of Housing and Urban Development, in the case of units set aside for persons and families whose income is less than or equal to sixty per cent of the median income, then such maximum monthly housing cost shall not exceed one hundred per cent of said Section 8 fair market rent. If the maximum monthly housing cost, as calculated in accordance with subdivision (6) of subsection (a) of this section, would exceed one hundred twenty per cent of the Section 8 fair market rent, as determined by the United States Department of Housing and Urban Development, in the case of units set aside for persons and families whose income is less than or equal to eighty per cent of the median income, then such maximum monthly housing cost shall not exceed one hundred twenty per cent of such Section 8 fair market rent.

(e) For any affordable dwelling unit that is rented in order to comply with the requirements of a set-aside development, no person shall impose on a prospective tenant who is receiving governmental rental assistance a maximum percentage-of-income-for-housing requirement that is more restrictive than the requirement, if any, imposed by such governmental assistance program.

(f) Except as provided in subsections (k) and (l) of this section, any person whose affordable housing application is denied, or is approved with restrictions which have a substantial adverse impact on the viability of the affordable housing development or the degree of affordability of the affordable dwelling units in a set-aside development, may appeal such decision pursuant to the procedures of this section. Such appeal shall be filed within the time period for filing appeals as set forth in section 8-8, 8-9, 8-28 or 8-30a, as applicable, and shall be made returnable to the superior court for the judicial district where the real property which is the subject of the application is located. Affordable housing appeals, including pretrial motions, shall be heard by a judge assigned by the Chief Court Administrator to hear such appeals. To the extent practicable, efforts shall be made to assign such cases to a small number of judges, sitting in geographically diverse parts of the state, so that a consistent body of expertise can be developed. Unless otherwise ordered by the Chief Court Administrator, such appeals, including pretrial motions, shall be heard by such assigned judges in the judicial district in which such judge is sitting. Appeals taken pursuant to this subsection shall be privileged cases to be heard by the court as soon after the return day as is practicable. Except as otherwise provided in this section, appeals involving an affordable housing application shall proceed in conformance with the provisions of section 8-8, 8-9, 8-28 or 8-30a, as applicable.

(g) Upon an appeal taken under subsection (f) of this section, the burden shall be on the commission to prove, based upon the evidence in the record compiled before such commission, that the decision from which such appeal is taken and the reasons cited for such decision are supported by sufficient evidence in the record. The commission shall also have the burden to prove, based upon the evidence in the record compiled before such commission, that (1) (A) the decision is necessary to protect substantial public interests in health, safety or other matters which the commission may legally consider; (B) such public

interests clearly outweigh the need for affordable housing; and (C) such public interests cannot be protected by reasonable changes to the affordable housing development, or (2) (A) the application which was the subject of the decision from which such appeal was taken would locate affordable housing in an area which is zoned for industrial use and which does not permit residential uses; and (B) the development is not assisted housing. If the commission does not satisfy its burden of proof under this subsection, the court shall wholly or partly revise, modify, remand or reverse the decision from which the appeal was taken in a manner consistent with the evidence in the record before it.

(h) Following a decision by a commission to reject an affordable housing application or to approve an application with restrictions which have a substantial adverse impact on the viability of the affordable housing development or the degree of affordability of the affordable dwelling units, the applicant may, within the period for filing an appeal of such decision, submit to the commission a proposed modification of its proposal responding to some or all of the objections or restrictions articulated by the commission, which shall be treated as an amendment to the original proposal. The day of receipt of such a modification shall be determined in the same manner as the day of receipt is determined for an original application. The filing of such a proposed modification shall stay the period for filing an appeal from the decision of the commission on the original application. The commission shall hold a public hearing on the proposed modification if it held a public hearing on the original application and may hold a public hearing on the proposed modification if it did not hold a public hearing on the original application. The commission shall render a decision on the proposed modification not later than sixty-five days after the receipt of such proposed modification, provided, if, in connection with a modification submitted under this subsection, the applicant applies for a permit for an activity regulated pursuant to sections 22a-36 to 22a-45, inclusive, and the time for a decision by the commission on such modification under this subsection would lapse prior to the thirty-fifth day after a decision by an inland wetlands and watercourses agency, the time period for decision by the commission on the modification under this subsection shall be extended to thirty-five days after the decision of such agency. The commission shall issue notice of its decision as provided by law. Failure of the commission to render a decision within said sixty-five days or subsequent extension period permitted by this subsection shall constitute a rejection of the proposed modification. Within the time period for filing an appeal on the proposed modification as set forth in section 8-8, 8-9, 8-28 or 8-30a, as applicable, the applicant may appeal the commission's decision on the original application and the proposed modification in the manner set forth in this section. Nothing in this subsection shall be construed to limit the right of an applicant to appeal the original decision of the commission in the manner set forth in this section without submitting a proposed modification or to limit the issues which may be raised in any appeal under this section.

(i) Nothing in this section shall be deemed to preclude any right of appeal under the provisions of section 8-8, 8-9, 8-28 or 8-30a.

(j) A commission or its designated authority shall have, with respect to compliance of an affordable housing development with the provisions of this chapter, the same powers and remedies provided to commissions by section 8-12.

(k) The affordable housing appeals procedure established under this section shall not be available if the real property which is the subject of the application is located in a municipality in which at least ten per cent of all dwelling units in the municipality are (1) assisted housing, (2) currently financed by Connecticut Housing Finance Authority mortgages, (3) 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 median income, (4) mobile manufactured homes located in mobile manufactured home parks or legally approved accessory apartments, which homes or apartments are 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, for a period

of not less than ten years, 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, or (5) mobile manufactured homes located in resident-owned mobile manufactured home parks. The municipalities meeting the criteria set forth in this subsection shall be listed in the report submitted under section 8-37qqq. As used in this subsection, “accessory apartment” means a separate living unit that (A) is attached to the main living unit of a house, which house has the external appearance of a single-family residence, (B) has a full kitchen, (C) has a square footage that is not more than thirty per cent of the total square footage of the house, (D) has an internal doorway connecting to the main living unit of the house, (E) is not billed separately from such main living unit for utilities, and (F) complies with the building code and health and safety regulations, and “resident-owned mobile manufactured home park” means a mobile manufactured home park consisting of mobile manufactured homes located on land that is deed restricted, and, at the time of issuance of a loan for the purchase of such land, such loan required seventy-five per cent of the units to be leased to persons with incomes equal to or less than eighty per cent of the median income, and either (i) forty per cent of said seventy-five per cent to be leased to persons with incomes equal to or less than sixty per cent of the median income, or (ii) twenty per cent of said seventy-five per cent to be leased to persons with incomes equal to or less than fifty per cent of the median income.

* (1) (1) Except as provided in subdivision (2) of this subsection, the affordable housing appeals procedure established under this section shall not be applicable to an affordable housing application filed with a commission during a moratorium, which shall commence after (A) a certification of affordable housing project completion issued by the commissioner is published in the Connecticut Law Journal, or (B) notice of a provisional approval is published pursuant to subdivision (4) of this subsection. Any such moratorium shall be for a period of four years, except that for any municipality that has (i) twenty thousand or more dwelling units, as reported in the most recent United States decennial census, and (ii) previously qualified for a moratorium in accordance with this section, any subsequent moratorium shall be for a period of five years. Any moratorium that is in effect on October 1, 2002, is extended by one year.

(2) Such moratorium shall not apply to (A) affordable housing applications for assisted housing in which ninety-five per cent of the dwelling units are restricted to persons and families whose income is less than or equal to sixty per cent of the median income, (B) other affordable housing applications for assisted housing containing forty or fewer dwelling units, or (C) affordable housing applications which were filed with a commission pursuant to this section prior to the date upon which the moratorium takes effect.

(3) Eligible units completed after a moratorium has begun may be counted toward establishing eligibility for a subsequent moratorium.

(4) (A) The commissioner shall issue a certificate of affordable housing project completion for the purposes of this subsection upon finding that there has been completed within the municipality one or more affordable housing developments which create housing unit-equivalent points equal to (i) the greater of two per cent of all dwelling units in the municipality, as reported in the most recent United States decennial census, or fifty housing unit-equivalent points, or (ii) for any municipality that has (I) adopted an affordable housing plan in accordance with section 8-30j, (II) twenty thousand or more dwelling units, as reported in the most recent United States decennial census, and (III) previously qualified for a moratorium in accordance with this section, one and one-half per cent of all dwelling units in the municipality, as reported in the most recent United States decennial census.

(B) A municipality may apply for a certificate of affordable housing project completion pursuant to this subsection by applying in writing to the commissioner, and including documentation showing that the municipality has accumulated the required number of points within the applicable time period. Such documentation shall include the location of each dwelling unit being counted, the number of points each dwelling unit has been assigned, and the reason, pursuant to this subsection, for assigning such points to such dwelling unit. Upon receipt of such application, the commissioner shall promptly cause a notice of the filing of the application to be published in the Connecticut Law Journal, stating that public comment on

such application shall be accepted by the commissioner for a period of thirty days after the publication of such notice. Not later than ninety days after the receipt of such application, the commissioner shall either approve or reject such application. Such approval or rejection shall be accompanied by a written statement of the reasons for approval or rejection, pursuant to the provisions of this subsection. If the application is approved, the commissioner shall promptly cause a certificate of affordable housing project completion to be published in the Connecticut Law Journal. If the commissioner fails to either approve or reject the application within such ninety-day period, such application shall be deemed provisionally approved, and the municipality may cause notice of such provisional approval to be published in a conspicuous manner in a daily newspaper having general circulation in the municipality, in which case, such moratorium shall take effect upon such publication. The municipality shall send a copy of such notice to the commissioner. Such provisional approval shall remain in effect unless the commissioner subsequently acts upon and rejects the application, in which case the moratorium shall terminate upon notice to the municipality by the commissioner.

(5) For the purposes of this subsection, “elderly units” are dwelling units whose occupancy is restricted by age, “family units” are dwelling units whose occupancy is not restricted by age, and “resident-owned mobile manufactured home park” has the same meaning as provided in subsection (k) of this section.

(6) For the purposes of this subsection, housing unit-equivalent points shall be determined by the commissioner as follows: (A) No points shall be awarded for a unit unless its occupancy is restricted to persons and families whose income is equal to or less than eighty per cent of the median income, except that unrestricted units in a set-aside development shall be awarded one-fourth point each. (B) Family units restricted to persons and families whose income is equal to or less than eighty per cent of the median income shall be awarded one point if an ownership unit and one and one-half points if a rental unit. (C) Family units restricted to persons and families whose income is equal to or less than sixty per cent of the median income shall be awarded one and one-half points if an ownership unit and two points if a rental unit. (D) Family units restricted to persons and families whose income is equal to or less than forty per cent of the median income shall be awarded two points if an ownership unit and two and one-half points if a rental unit. (E) Restricted family units containing at least three bedrooms shall be awarded an additional one-fourth point. (F) Elderly units restricted to persons and families whose income is equal to or less than eighty per cent of the median income shall be awarded one-half point. (G) If at least sixty per cent of the total restricted units submitted by a municipality as part of an application for a certificate of affordable housing project completion are family units, any elderly units submitted within such application shall be awarded an additional one-half point. (H) Restricted family units located within an approved incentive housing development, as defined in section 8-13m, shall be awarded an additional one-fourth point. (I) A set-aside development containing family units which are rental units shall be awarded additional points equal to twenty-two per cent of the total points awarded to such development, provided the application for such development was filed with the commission prior to July 6, 1995. (J) A mobile manufactured home in a resident-owned mobile manufactured home park shall be awarded points as follows: One and one-half points when occupied by persons and families with an income equal to or less than eighty per cent of the median income; two points when occupied by persons and families with an income equal to or less than sixty per cent of the median income; and one-fourth point for the remaining units.

(7) Points shall be awarded only for dwelling units which (A) were newly-constructed units in an affordable housing development, as that term was defined at the time of the affordable housing application, for which a certificate of occupancy was issued after July 1, 1990, (B) were newly subjected after July 1, 1990, to deeds containing covenants or restrictions which require that, for at least the duration required by subsection (a) of this section for set-aside developments on the date when such covenants or restrictions took effect, such dwelling units shall be sold or rented at, or below, prices which will preserve the units as affordable housing for persons or families whose income does not exceed eighty per cent of the median income, (C) are located within an approved incentive housing development, as defined in section 8-13m, or (D) are located in a resident-owned mobile manufactured home park.

(8) Points shall be subtracted, applying the formula in subdivision (6) of this subsection, for any affordable dwelling unit which, on or after July 1, 1990, was affected by any action taken by a municipality which caused such dwelling unit to cease being counted as an affordable dwelling unit.

(9) A newly-constructed unit shall be counted toward a moratorium when it receives a certificate of occupancy. A newly-restricted unit shall be counted toward a moratorium when its deed restriction takes effect.

(10) The affordable housing appeals procedure shall be applicable to affordable housing applications filed with a commission after a three-year moratorium expires, except (A) as otherwise provided in subsection (k) of this section, or (B) when sufficient unit-equivalent points have been created within the municipality during one moratorium to qualify for a subsequent moratorium.

(11) The commissioner shall, within available appropriations, adopt regulations in accordance with chapter 54 to carry out the purposes of this subsection. Such regulations shall specify the procedure to be followed by a municipality to obtain a moratorium, and shall include the manner in which a municipality is to document the units to be counted toward a moratorium. A municipality may apply for a moratorium in accordance with the provisions of this subsection prior to, as well as after, such regulations are adopted.

(m) The commissioner shall, pursuant to regulations adopted in accordance with the provisions of chapter 54, promulgate model deed restrictions which satisfy the requirements of this section. A municipality may waive any fee which would otherwise be required for the filing of any long-term affordability deed restriction on the land records.

(P.A. 88-230, S. 1, 12; 89-311, S. 1, 4; P.A. 90-98, S. 1, 2; P.A. 93-142, S. 4, 7, 8; P.A. 95-250, S. 1; 95-280, S. 1, 3; P.A. 96-211, S. 1, 5, 6; June Sp. Sess. P.A. 98-1, S. 84; P.A. 99-261, S. 1-3; P.A. 00-206, S. 1; P.A. 02-87, S. 1, 3, 4; P.A. 05-191, S. 2; P.A. 10-32, S. 18; June 12 Sp. Sess. P.A. 12-2, S. 46; P.A. 13-234, S. 11, 150; P.A. 17-170, S. 1.)

***Note:** On and after October 1, 2022, subsection (l) of this section, as amended by section 4 of public act 17-170, is to read as follows:

“(l) (1) Except as provided in subdivision (2) of this subsection, the affordable housing appeals procedure established under this section shall not be applicable to an affordable housing application filed with a commission during a moratorium, which shall commence after (A) a certification of affordable housing project completion issued by the commissioner is published in the Connecticut Law Journal, or (B) notice of a provisional approval is published pursuant to subdivision (4) of this subsection. Any such moratorium shall be for a period of four years, except that for any municipality that has (i) twenty thousand or more dwelling units, as reported in the most recent United States decennial census, and (ii) previously qualified for a moratorium in accordance with this section, any subsequent moratorium shall be for a period of five years. Any moratorium that is in effect on October 1, 2002, is extended by one year.

(2) Such moratorium shall not apply to (A) affordable housing applications for assisted housing in which ninety-five per cent of the dwelling units are restricted to persons and families whose income is less than or equal to sixty per cent of the median income, (B) other affordable housing applications for assisted housing containing forty or fewer dwelling units, or (C) affordable housing applications which were filed with a commission pursuant to this section prior to the date upon which the moratorium takes effect.

(3) Eligible units completed after a moratorium has begun may be counted toward establishing eligibility for a subsequent moratorium.

(4) (A) The commissioner shall issue a certificate of affordable housing project completion for the purposes of this subsection upon finding that there has been completed within the municipality one or more affordable housing developments which create housing unit-equivalent points equal to (i) the greater of two per cent of all dwelling units in the municipality, as reported in the most recent United States decennial census, or seventy-five housing unit-equivalent points, or (ii) for any municipality that has (I) adopted an

affordable housing plan in accordance with section 8-30j, (II) twenty thousand or more dwelling units, as reported in the most recent United States decennial census, and (III) previously qualified for a moratorium in accordance with this section, one and one-half per cent of all dwelling units in the municipality, as reported in the most recent United States decennial census.

(B) A municipality may apply for a certificate of affordable housing project completion pursuant to this subsection by applying in writing to the commissioner, and including documentation showing that the municipality has accumulated the required number of points within the applicable time period. Such documentation shall include the location of each dwelling unit being counted, the number of points each dwelling unit has been assigned, and the reason, pursuant to this subsection, for assigning such points to such dwelling unit. Upon receipt of such application, the commissioner shall promptly cause a notice of the filing of the application to be published in the Connecticut Law Journal, stating that public comment on such application shall be accepted by the commissioner for a period of thirty days after the publication of such notice. Not later than ninety days after the receipt of such application, the commissioner shall either approve or reject such application. Such approval or rejection shall be accompanied by a written statement of the reasons for approval or rejection, pursuant to the provisions of this subsection. If the application is approved, the commissioner shall promptly cause a certificate of affordable housing project completion to be published in the Connecticut Law Journal. If the commissioner fails to either approve or reject the application within such ninety-day period, such application shall be deemed provisionally approved, and the municipality may cause notice of such provisional approval to be published in a conspicuous manner in a daily newspaper having general circulation in the municipality, in which case, such moratorium shall take effect upon such publication. The municipality shall send a copy of such notice to the commissioner. Such provisional approval shall remain in effect unless the commissioner subsequently acts upon and rejects the application, in which case the moratorium shall terminate upon notice to the municipality by the commissioner.

(5) For the purposes of this subsection, “elderly units” are dwelling units whose occupancy is restricted by age, “family units” are dwelling units whose occupancy is not restricted by age, and “resident-owned mobile manufactured home park” has the same meaning as provided in subsection (k) of this section.

(6) For the purposes of this subsection, housing unit-equivalent points shall be determined by the commissioner as follows: (A) No points shall be awarded for a unit unless its occupancy is restricted to persons and families whose income is equal to or less than eighty per cent of the median income, except that unrestricted units in a set-aside development shall be awarded one-fourth point each. (B) Family units restricted to persons and families whose income is equal to or less than eighty per cent of the median income shall be awarded one point if an ownership unit and one and one-half points if a rental unit. (C) Family units restricted to persons and families whose income is equal to or less than sixty per cent of the median income shall be awarded one and one-half points if an ownership unit and two points if a rental unit. (D) Family units restricted to persons and families whose income is equal to or less than forty per cent of the median income shall be awarded two points if an ownership unit and two and one-half points if a rental unit. (E) Elderly units restricted to persons and families whose income is equal to or less than eighty per cent of the median income shall be awarded one-half point. (F) A set-aside development containing family units which are rental units shall be awarded additional points equal to twenty-two per cent of the total points awarded to such development, provided the application for such development was filed with the commission prior to July 6, 1995. (G) A mobile manufactured home in a resident-owned mobile manufactured home park shall be awarded points as follows: One and one-half points when occupied by persons and families with an income equal to or less than eighty per cent of the median income; two points when occupied by persons and families with an income equal to or less than sixty per cent of the median income; and one-fourth point for the remaining units.

(7) Points shall be awarded only for dwelling units which (A) were newly-constructed units in an affordable housing development, as that term was defined at the time of the affordable housing application,

for which a certificate of occupancy was issued after July 1, 1990, (B) were newly subjected after July 1, 1990, to deeds containing covenants or restrictions which require that, for at least the duration required by subsection (a) of this section for set-aside developments on the date when such covenants or restrictions took effect, such dwelling units shall be sold or rented at, or below, prices which will preserve the units as affordable housing for persons or families whose income does not exceed eighty per cent of the median income, or (C) are located in a resident-owned mobile manufactured home park.

(8) Points shall be subtracted, applying the formula in subdivision (6) of this subsection, for any affordable dwelling unit which, on or after July 1, 1990, was affected by any action taken by a municipality which caused such dwelling unit to cease being counted as an affordable dwelling unit.

(9) A newly-constructed unit shall be counted toward a moratorium when it receives a certificate of occupancy. A newly-restricted unit shall be counted toward a moratorium when its deed restriction takes effect.

(10) The affordable housing appeals procedure shall be applicable to affordable housing applications filed with a commission after a three-year moratorium expires, except (A) as otherwise provided in subsection (k) of this section, or (B) when sufficient unit-equivalent points have been created within the municipality during one moratorium to qualify for a subsequent moratorium.

(11) The commissioner shall, within available appropriations, adopt regulations in accordance with chapter 54 to carry out the purposes of this subsection. Such regulations shall specify the procedure to be followed by a municipality to obtain a moratorium, and shall include the manner in which a municipality is to document the units to be counted toward a moratorium. A municipality may apply for a moratorium in accordance with the provisions of this subsection prior to, as well as after, such regulations are adopted.”

(P.A. 88-230, S. 1, 12; 89-311, S. 1, 4; P.A. 90-98, S. 1, 2; P.A. 93-142, S. 4, 7, 8; P.A. 95-250, S. 1; 95-280, S. 1, 3; P.A. 96-211, S. 1, 5, 6; June Sp. Sess. P.A. 98-1, S. 84; P.A. 99-261, S. 1-3; P.A. 00-206, S. 1; P.A. 02-87, S. 1, 3, 4; P.A. 05-191, S. 2; P.A. 10-32, S. 18; June 12 Sp. Sess. P.A. 12-2, S. 46; P.A. 13-234, S. 11, 150; P.A. 17-170, S. 1, 4.)



Town of Glastonbury

Building Inspection/Zoning Enforcement

April 28, 2022

MEMORANDUM

Rebecca Augur, Director Community Development

From: Lincoln White Building Official/ZEO

Comments: Site plan and building plans are general concept for site grading and layout, parking and utility expectations.

The building plans are not detailed enough for a comprehensive review for code compliance at this time. Notes have been added to include a topic's being considered that were discussed with the Architect at an informal meeting.

The rear slope tends to grab my attention as it climbs up behind the 5-story structure causing concern of its long-term stability and reasonable access for construction of the 1st level retaining wall. A detailed design should be submitted to determine the exact extent to which the hill will have to be excavated to accomplish the extended up-hill footing of the retaining wall/foundation.

Access for building maintenance and emergency services needs to be accommodated along the toe of the slope also. The Building code requires a ten-foot distance out from the building to accommodate surface drainage. The fire sprinkler requirement does allow for lack of vehicle access to portions of the building perimeter where an access way would normally be expected. All these considerations and calculations will need to be part of the submittal.

This is considered a 'threshold building' requiring statutory third-party structural review along with a number of systems requiring Special Inspection designation and submission.

Utility meter locations are not depicted however, I recall them being in a mechanical room near the fire connection to the building, verification would be warranted.

There is no indication of heating source fuel, the applicant should confirm type and location.

Respectfully,

Lincoln White
Building Official
Zoning Enforcement Officer
Town of Glastonbury

JC:kmk

April 26, 2022

MEMORANDUM

To: Town Plan and Zoning Commission
Rebecca Augur, Director of Planning and Land Use Services

From: Daniel A. Pennington, Town Engineer/ Manager of Physical Services *DAP*

Re: 1199 Manchester Road – 74 Unit Residential Building

The Engineering Division has reviewed the plans for the proposed 74 unit residential building located at 1199 Manchester Road, last revised on March 5, 2022, and the related Stormwater Management Report last revised February 1, 2022 prepared by Wentworth Civil Engineers, LLC and offers the following comments:

1. The Engineering Division has reviewed the traffic impact study provided and finds the methodologies utilized to be in line with industry standards. Peak hour impacts to level of service at the adjacent signalized intersection and roadway network in general are expected to be minimal. No mitigation measures are recommended for implementation.
2. Design of the stormwater management system is generally in conformance with Town standards. Applicant should provide additional water quality volume retention for the driveway to Hebron Avenue.
3. A designated pull-off area for delivery/moving vehicles that does not block normal traffic flow through the site should be provided based on the number of units and associated resident movement.
4. A note or short narrative shall be added to the plans requiring the snow storage area on the west side of the building to be kept clear of material storage of any type.
5. Provide 5 foot-wide concrete sidewalk across the entire frontage of the parcel with 8" thick reinforced sidewalk through the driveway per Town standards.
6. Given the 74 residential unit proposal and its proximity to the nearby public park and commercial market, it is recommended that the applicant consult with the State Department of Transportation concerning inclusion of a true pedestrian phase within the Hebron Avenue /Manchester Rd traffic signal cycle. This signal is owned and maintained by the Department of

Transportation, and at present includes only a pedestrian push button calling the side street green phase. The Engineering Division believes that consideration of a concurrent or exclusive pedestrian phase with appropriate pedestals, crosswalk pavement markings and necessary controller modifications is warranted. Documentation of the recommended consultation shall be provided to the Town Engineer and any Department required improvements implemented.

7. Revise the proposed sanitary sewer extension in accordance with the attached memo from the Town Engineer to Gregory Mahoney dated April 1, 2022 and per any additional conditions of approval from the WPCA. Applicant shall also adhere to all requirements outlined in the attached March 15, 2022 letter from Gregory Mahoney regarding 1199 Manchester Road – Proposed Residential Apartment Development Sanitary Sewer Report.
8. The proposed excavation procedure described in the geotechnical report prepared by Welti Geotechnical, P.C. requires supporting diagrams and phased Erosion and Sediment Control plans for proper implementation during construction. Separate E&S plans for each phase of construction should be provided to clarify the proposed construction sequence and the necessary sediment controls during each phase outlined in the narrative. Cross sections of the site during each phase should also be provided as part of these plans to clarify intent of phasing narrative and specific controls required during each phase. The construction sequence and project specific erosion and sediment control narrative on Sheet SP-11 should be relocated to the E&S Plan Sheet SP-5. Adherence to these requirements will help to insure worker safety during the large scale excavation operations.
9. Reverse slope benches are required for the proposed 2:1 slopes on the west and south sides of the site for consistency with the 2002 CT Guidelines for Erosion and Sediment Control and to avoid long term erosion problems due to the length and height of the slope.
10. The proposed temporary silt trap shown on Sheet SP-5 overlaps into the area of the proposed underground chambers and should be adjusted in order to preserve integrity of soils in that area.
11. Silt sacks are required on Sheet SP-5 to protect the drainage system inlets on Hebron Avenue and Manchester Road downhill of the proposed driveway entrances.
12. Additional spot grades are necessary for the proposed sidewalk that abuts the ADA parking spaces on the north side of the proposed building in order

to ensure compliance with ADA regulations. Precast concrete parking bumpers should be provided where there is no curb.

13. Additional spot grades should be provided at the top and bottom of all retaining walls to clarify proposed grading.
14. The proposed top of wall grades for the retaining wall along the Hebron Avenue frontage of the property appear to be lower than the abutting parking lot pavement at certain locations and should be raised to support the abutting pavement. Guiderail or other suitable barrier is recommended along the top of this wall to prevent errant vehicles from driving over the wall during parking maneuvers. A scaled cross section / detail through this wall should be provided to demonstrate that the proposed wall envelope, barrier, and light poles can be constructed within the limits of the subject property.
15. The proposed stormwater maintenance plan on Sheet SP-11 should be relocated to the utility plan Sheet SP-3 for ease of reference.
16. The Town standard MS4 tracking table and Engineering Division Inspection note should be provided on Sheet SP-3.
17. A suitable geotextile fabric should be added to the construction details for the underground detention systems to protect the washed stone envelope around each system. Inspections ports should be provided for each row of the system to check system function and need for maintenance.
18. The Town standard details for concrete sidewalk, sanitary sewer trench, and sanitary sewer manhole should be added to the plan set.
19. An encroachment permit will be required from the CT Department of Transportation for work within the State Right-of-way of Hebron Avenue (Route 94) and Manchester Road (Route 83). A copy of the permit shall be furnished to the Town prior to the start of construction.
20. Applicant shall provide a copy of final stamped and signed plans, stormwater management report, and traffic report in PDF form to the Town Engineer.



Town of Glastonbury

2155 MAIN STREET • P.O. BOX 6523 • GLASTONBURY, CONNECTICUT 06033-6523

March 15, 2022

Mr. Richard Hayes, Jr.
Manchester/Hebron Avenue, L.L.C.
1471 Pleasant Valley Road
Manchester, CT 06042

Re: 1199 Manchester Road- Proposed Residential Apartment Development
Sanitary Sewer Report

Dear Mr. Hayes,

This is to advise you that at its meeting on March 9, 2022, the Water Pollution Control Authority ("WPCA") approved the Sanitary Sewer Impact Report, prepared with respect to the above property by Wentworth Civil Engineers, L.L.C., dated January 19, 2022, and submitted by 1199 Manchester Hebron Avenue, L.L.C. ("Applicant") subject to the terms and conditions stated below.

Inasmuch as the report indicates that the applicant's estimated sanitary sewer discharge would be in excess of 150 % of the flow allotted to the parcel by the Town of Glastonbury ("Town") Master Sewer Plan, the Applicant agrees that the excess flow fee established by the Authority be levied in lieu of the installation of equipment (holding tanks, pumps and timers) for the retention and discharge of sewage during off-peak hours.

The fee will be based upon the Applicant's verbal estimate, provided at the Authority's meeting, of \$50,000.00 as the cost to install said equipment. Excess flow is defined as the anticipated daily flow from the proposed development above that which is provide for this parcel by the Town's Master Sewer Plan.

The WPCA and the Applicant have agreed that discharge monitoring shall be performed during the first year of operation once a minimum of 80% occupancy level has been achieved to determine the actual sewage flow, vs the sewage flow calculated under the Master Sewer Plan, in order to determine the actual excess flow mitigation fee. All sewer discharge flow monitoring and documentation shall be the responsibility of the Applicant, and shall be certified as correct by a professional civil engineer registered with the State of Connecticut.

The Applicant shall submit a proposed Agreement between the Applicant and the WPCA, containing terms acceptable to the WPCA for its approval, and which, upon the WPCA's approval shall be executed by the Applicant and the Town.



Town of Glastonbury

2155 MAIN STREET • P.O. BOX 6523 • GLASTONBURY, CONNECTICUT 06033-6523

Simultaneous with execution of the Agreement, the Applicant shall deposit with the Town the sum of \$50,000.00, pending calculation to the Town's satisfaction of the actual excess flow, from which the actual excess flow fee shall be determined. In the event that the actual excess flow mitigation fee exceeds the sum of \$50,000.00, the Applicant shall promptly pay to the Town the amount by which said fee exceeds the sum on deposit with the Town. Conversely, in the event that the excess flow fee is less than said deposit amount, the excess payment by the Applicant shall be reimbursed to the Applicant by the Town.

If you have any questions, please call me at (860) 652-7742.

Sincerely,

Gregory J. Mahoney

Senior Engineering Technician

C: Rebecca Augur, Director of Planning and Land Use Services

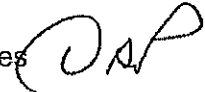
Timothy S, Hollister, Esquire Hinkley Allen

April 1, 2022

MEMORANDUM

To: Gregory J. Mahoney, Senior Engineering Technician/WPCA Staff Liaison

From: Daniel A. Pennington, Town Engineer/Manager of Physical Services



Re: 1199 Manchester Rd – Proposed Sanitary Sewer Extension

I have reviewed the Sanitary sewer extension plan and profile submitted by the Engineer representing the applicant for the above referenced development and offer the following comments for consideration by the Water Pollution Control Authority:

1. The Engineering Division takes no issue with the general concept of Sanitary sewer extension to the subject property, however, there are technical design items which should be addressed prior to approval.
2. The proposed Sanitary sewer pipe profile should maintain a minimum of 4' of cover throughout per Town standard. There are no extenuating circumstances such as utility elevation conflict associated with this situation which would require reconsideration of this requirement.
3. The proposed horizontal alignment of the sewer extension should be configured such that #2088 Hebron Avenue could connect in the future without conflicting with existing underground utilities. This can be accomplished without undue burden to the Developer.

cc: Michael J. Bisl, Superintendent of Sanitation
Stephen M. Braun, Assistant Town Engineer

DAP/dl



TOWN OF GLASTONBURY
FIRE MARSHAL'S OFFICE
SITE PLAN/SUBDIVISION REVIEW

PROJECT: **Manchester/Hebron Ave LLC** LOCATION: **1199 Manchester Rd**

X NEW CONSTRUCTION CHANGE OF USE SUBDIVISION X COMMERCIAL

OCCUPANCY CLASSIFICATION: **Group R** FILE # **22-003 R**

PROPOSED FIRE PROTECTION: **via 8" MDC water main & the GFD**
ENGINEER'S PLAN: **21-002-1C** INITIAL PLAN **XX** REVISED PLAN **03-05-22**

ENGINEER: **Wesley J. Wentworth P.E.**

ADDRESS: **177 West Town St. Lebanon CT 06249** PHONE: **860-642-7255**

DATE PLANS RECEIVED: **4-20-22** DATE PLANS REVIEWED: **4-20-22**

COMMENTS: **74- unit 5 story residential apartment complex**

Address numerals will need to be provided that are visible from the streets abutting the complex

Fire lanes will need to be posted at locations specified by this office.

The locations of the above fire lanes and methods of posting same, will need to be specified on the final and permanent drawing of record submitted and filed with the Town of Glastonbury.

The depicted location of the fire hydrant immediately adjacent to the building is not acceptable. The proposed hydrant is blocked by parking stalls and will prevent vehicle traffic circulation if the fire department apparatus connects to the hydrant. The Hydrant location will need to be repositioned just south of the enclosed concrete dumpster pad, three feet back from the curb on the south east driveway.

A reflective sign that reads "FDC "will need to be posted at the fire department connection.

The sign will also need to indicate that the connection serves the automatic fire sprinklers and the building standpipes. Standpipes are required in the stairways.

The building will need to be provided with at least one public safety rapid entry vault.

An exterior rated flashing light connected to the fire alarm will need to be provided.

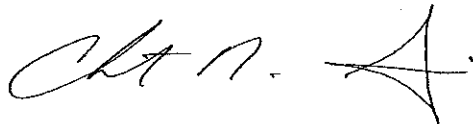
Exterior emergency lighting will be required at the exits.

Lease agreements or caveats will need to be in place to restrict the use of propane barbeque grills on the balconies.

The use of and location of temporary fuel tanks utilized for construction purposes will need to be reviewed by this office.

The developer shall inform all contractors that the disposal of construction debris by open burning is not permitted. This includes any vegetation that might be cleared as part of this proposal.

Portable toilets shall be positioned at a minimum of ten feet from the building while under construction.

A handwritten signature in black ink, appearing to read "Chris Siwy". The signature is stylized and cursive.

REVIEWED BY

Deputy Chief Chris Siwy –Fire Marshal

PAGE 2 OF 2

cc: Applicant
File



Town of Glastonbury

Health Department

Memo

April 26, 2022

To: Jonathan Mullen, AICP, Planner
Fr: Wendy S. Mis, MPH, RS, Director of Health
Re: 1199 Manchester Road

This office has reviewed the package of information regarding the above-referenced property, including site plans by Wentworth Civil Engineers, LLC dated 11/8/21, last revised 3/5/22, and bond document submitted by Hinckley Allen dated April 18, 2022. The proposal is for an apartment building containing 74 units with parking and other site improvements.

The site plan shows an enclosed dumpster area approximately 8' x 14'. The Commission may want to consider if that area will be sufficient to contain garbage, household trash and recycling generated by the 87 bedrooms as proposed (9 efficiency, 52 - 1 BR, 13 - 2 BR).

Interior bicycle storage is proposed for residents, and one exterior bicycle rack is shown on the site plan, although no rack detail or placement design is included on the plan.

It is strongly suggested that a sidewalk be constructed along the frontage of the property in order to provide safe pedestrian travel along the front of the property.

Pending Commission satisfaction with the concerns listed above, approval with respect to CT Public Health Code is forwarded for Commission consideration.