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March 20, 2019

**VIA HAND DELIVERY**

Mr. Anthony Chory, Vice Chairman  
Town of Trumbull Planning and Zoning Commission  
5866 Main Street  
Trumbull, CT 06611

***Re: Application of Moorefield Farms Development, LLC to propose a text amendment to Sections 2.4.4 – Density - and 2.4.5 – Bulk (Building Standards) of Article II, Section 2.4: Age Restricted Housing Zone of the Trumbull Zoning Regulations***

Dear Vice Chairman Chory and Members of the Planning and Zoning Commission,

I represent the applicant in the above captioned matter, Moorefield Farms Development, LLC (“Moorefield”). I write this letter in support of Moorefield’s application, seeking an amendment of Sections 2.4.4 and 2.4.5 of the Age Restricted Housing Zone (“ARHZ”) Regulations, which allow for designation of an overlay zone in an underlying residential zone. A copy of the proposed amendments to the regulation is attached hereto as Exhibit A.

Currently, Section 2.4.4 of the Regulations permits a maximum of four dwelling units per buildable acre in zones designated as Residence Zone A, whereas a maximum of only two dwelling units per buildable acre is allowed in zones designated as Residence Zone AA or Residence Zone AAA. Section 2.4.5 of the Regulations provides that “[m]aximum square footage of each unit in an underlying Residence Zone A shall be 1,500 sq. ft., or a maximum of 6,000 sq. ft. per acre,” whereas “[m]aximum square footage of each unit in an underlying Residence Zone AA or AAA shall be 3,000 sq. ft., or a maximum of 6,000 sq. ft. per acre.”

Moorefield seeks an amendment that will no longer discriminate between ARHZs in different residential zones by allowing for: 1) a density of up to four dwelling units per buildable acre in all residential zones, provided that all requirements of Section 2.4.2 of the Regulations are satisfied; and 2) maximum square footage in all residential zones of no less than 1,500 square feet and no more than 6,000 square feet. Moorefield

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also seeks a slight reduction in the minimum distance between buildings, from 30 feet to 25 feet.

The amendment Moorefield requests, if granted, will provide greater consistency and uniformity for residential zones throughout the Town. Indeed, there is no reasonable basis for continued unequal treatment of age restricted housing in the Town's residential zones, especially considering that no ARHZ could be designated without land consisting of five contiguous acres, the required frontage on a state highway, sole access to and from the state highway, and the necessary sewer infrastructure, per Section 2.4.2 of the Regulations. These requirements ensure that any ARHZ would be located only in a suitable area, regardless of the designation of the underlying residential zone. It is important to note that virtually all zones currently designated as Residence Zone AA or AAA are now sewered areas of the Town, thereby containing the necessary infrastructure to accommodate more dense housing developments.

The proposed regulation change will not adversely impact any of the residential areas in the Town. The three main state highways in Town are route 111, route 127 and route 108. Only those parcels that consist of at least five (5) contiguous acres, with access to and frontage of 150 feet on a state highway would qualify for an ARHZ development.

**Route 108:** Other than 2157 Huntington Turnpike, I am unaware of any other parcels on route 108 that would qualify for consideration under this proposed amendment. Lower Huntington Turnpike does not yet have sewers. It is part of the sewer contract 5.

**Route 111:** The proposed amendment does not impact any parcels because any eligible parcels would be in the A zone and already eligible for a density of four (4) units per acre.

**Route 127:** The proposed amendment does not impact any parcels because any eligible parcels would be in the A zone and already eligible for a density of four (4) units per acre.

The proposed text amendment is also consistent with the 2014 Plan of Conservation and Development ("POCD"), which repeatedly recognizes the need to provide housing tailored for Trumbull's sizable aging population. Specifically, the POCD contains the following statements:

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- A “key finding” is that “[t]he elderly population is growing.” (p. 5);
- “As the population continues to age, it is anticipated that Trumbull will see increased interest for housing options attractive to older households (smaller, easy-to maintain, etc.). . .” (p. 10);
- “As Trumbull’s population continues to age and household sizes continue to shrink, the Town expects to see sustained interest in other housing choices. The Town will preserve the single-family character of the community while seeking ways to provide new housing opportunities.” (p. 61);
- A “goal” of residential development is to “[e]ncourage new housing opportunities for the elderly. . .” (p. 61);
- “The age composition of Trumbull is changing and the housing needs within the community are changing as a result.” (p. 64);
- “The Town should continue to consider applications for age-restricted developments. . .” (p. 66).

During a pre-application review, my client provided the commission with conceptual plans for its proposed ARHZ development. A copy of that conceptual plan is attached hereto as Exhibit B.

The applicant seeks to increase the number of units to four (4) units in all zones so that it is applied uniformly throughout the residential zone. Proper planning should not limit density to one section of the Town, particularly when the infrastructure has been expanded into the other residential zones, thereby making no difference between any parcel in any residential zone that satisfies the requirements of section 2.4.2.

It is the Commission’s sole province, in its legislative capacity, “to amend its regulations whenever time, experience, and responsible planning for contemporary or future conditions reasonably indicate the need for a change. . . . The discretion of a legislative body, because of its constituted role as formulator of public policy, is much broader than that of an administrative board. . . . Zoning must be sufficiently flexible to meet the demands of increased population and evolutionary changes in such fields as architecture, transportation, and redevelopment. . . . The responsibility for meeting these demands rests, under our law, with the reasoned discretion of each municipality acting through its duly authorized zoning commission. Courts will not interfere with these

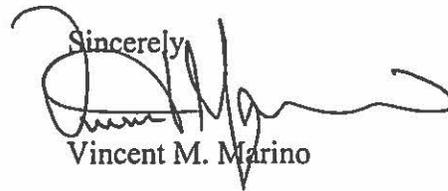
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local legislative decisions unless the action taken is clearly contrary to law or in abuse of discretion.” Campion v. Board of Aldermen, 278 Conn. 500, 527 (2006).

I respectfully submit that Moorefield seeks a text amendment that fosters sensible and logical planning, appropriately provides uniformity for all residential zones, and is in the best interests of the Town as a whole because it will pave the way for additional housing to meet the growing needs of Trumbull’s aging population. Accordingly, I ask that you approve my client’s application.

Sincerely,

A handwritten signature in black ink, appearing to read "Vincent M. Marino", written over the word "Sincerely,".

Vincent M. Marino

Enc.

cc: Marjorie Shansky, Esq.

# EXHIBIT A

## ARTICLE II

### 2.4 Age Restricted Housing Zone

#### 2.4.1 Purpose and Intent

- A. It is the purpose and intent of this regulation to utilize a floating zone vehicle to authorize construction of housing which will offer alternative housing for elderly members of the community. All such elderly housing will be provided so that all such housing shall be developed in a fashion that is generally consistent with housing patterns in the town and will maintain the general character of the neighborhood in which it is located.
- B. Any Age Restricted Housing Zone (ARHZ) constructed within the town shall be in full compliance with all of the requirements of this regulation, as well as all other applicable town ordinances and regulations except as provided for in these regulations.
- C. An Age Restricted Housing Zone (ARHZ) shall be deemed to mean a housing development in which one hundred (100%) percent of the dwelling units will be held or conveyed by deeds containing covenants or restrictions which shall require that such dwelling units be owned and occupied exclusively as a single family residence by at least one person who is sixty (60) years of age or older, provided, however, that the surviving spouse of a person who is fifty (50) years of age or older may remain in occupancy of a dwelling.

#### 2.4.2 Location of Zone

An Age Restricted Housing Zone (ARHZ) shall consist of at least five (5) contiguous acres, and have frontage and its access on a State highway. An ARHZ shall be located only in areas zoned for residential use, and shall have at least 150 feet of road frontage on a State highway. Access to and from the site shall be solely from the State highway. Such ARHZ shall be located in the sewered areas of the town, and shall not be located within one-quarter mile, measured in a straight line ("as the crow flies"), of any zone with a density greater than the A Zone; nor shall such ARHZ be located within one (1) mile measured in a straight line ("as the crow flies"), of any other ARHZ.

#### 2.4.3 Permitted Uses

Permitted uses are those provided for in underling Residence Zones in Section 1 of Article II of these Regulations, and multi-family attached and detached unit developments on common ownership land administered by a common interest association.

**2.4.4 Density**

The maximum number of dwelling units per “buildable” acre shall be no greater than four (4) for the property located within any residential zone, provided that all of the requirements of 2.4.2 of Article II, Section 2.4 are satisfied ~~with an underlying zone designated as Residence Zone A, and shall be no greater than 2 for property with an underlying zone designated as Residence Zone AA, and Residence Zone AAA;~~ provided, however, that when the total number of dwelling units is equal to a fraction, such fractional dwelling unit total shall be rounded down to the nearest whole number if below one-half or 0.5, and rounded up to the nearest whole number if the fraction is greater than, or equal to, one half or 0.5.

1. Buildable land is defined as the gross acreage of the subject parcel, minus the following:
  - a. Fifty (50%) percent of the land with grades steeper than forty percent.
  - b. Seventy-five (75%) percent of all wetland areas as determined by a certified soil scientist and approved by the Inland Wetlands and Watercourses Commission.
  - c. Ten percent for internal roads.

**2.4.5 Bulk (Building Standards)**

Minimum Road Frontage	150'
Maximum Building Height	40'
Setbacks - Landscaped Front	60'
Landscaped Side	50'
Landscaped Rear	50'
Maximum Lot Coverage	25 %

Maximum square footage of each unit in an ~~underlying Residence Zone A~~ Age Restricted Housing Zone shall be no less than 1,500 sq. ft. and no greater than, ~~or a maximum of 6,000 sq. ft. per acre.~~

~~Maximum square footage of each unit in an underlying Residence Zone AA or AAA shall be 3,000 sq. ft., or a maximum of 6,000 sq. ft. per acre.~~  
2,400

Minimum distance between buildings shall be ~~30~~ 25 feet, except that for buildings along existing Streets, the minimum distance between such buildings shall be 40 feet.

**2.4.6 Utility and Road Requirements**

1. There shall be a storm drainage system which shall collect, carry off, and dispose of surface water run-off and shall be constructed to conform to all applicable town

ordinances and regulations, specifically including Article I, Section 5.3 of these Regulations.

2. All utility facilities shall be placed underground.
3. The dimensions and construction of the paved portions of the roads shall conform to all applicable town ordinances and regulations.
4. The dimensions and construction of parking areas shall conform to all applicable town ordinances and regulations.
5. There shall be a public water supply and municipal sewer system.
6. All common areas and elements are to be maintained by an association of homeowners in accordance with the Connecticut Common Interest Ownership Act.
7. All internal roads shall be private roads and not dedicated to the Town.

#### **2.4.7 Landscaping**

Land that is not covered with impervious surfaces, such as buildings, drives, parking areas, and walkways shall be suitably landscaped or retained in its natural state, with supplemental plantings as designated by the Commission. Landscaping shall be provided which shall be approved by the Tree Warden. Applicants shall provide a copy of the Landscaping Plan in sufficient time for the Town Tree Warden to make comments and recommendations. The recommended plan shall be presented to the Planning and Zoning Office prior to the scheduled Public Hearing. The purpose of said landscaping shall be to enhance the appearance and natural beauty of the town and to protect and increase property values through preservation of existing vegetation and establishment of new screening and landscaping material, to moderate heat, noise, glare, and accumulation of dust, to shade, to provide privacy from noise and visual intrusion, to prevent the erosion of soil, excess water run-off of drainage water, to guide the safe circulation of traffic. All plantings shall be installed according to accepted horticultural methods. Said plan may include height and spacing arrangement as shall best be in keeping with the intent of these regulations. A bond, which shall insure completion of landscaping requirements, shall be submitted in a form satisfactory to the Commission.

#### **2.4.8 Design Review**

The applicant shall submit design standards in conformance with Section 2.4.12 of this Article.

### **2.4.9 Provisions for Vehicles**

A minimum of one and one half (1.5) spaces per dwelling unit shall be provided; at least one-half of the number of required spaces shall be garage spaces. In addition, there shall be at least 1 visitor parking spaces per unit located in the common area.

### **2.4.10 Application for Zone Change Approval**

An application for a zone change to ARHZ shall include:

- A. A completed zone change application as provided for by the Commission including, where necessary, an approval letter from the Inland Wetlands and Watercourses Commission determining the extent of the wetland areas (as required by Section 2.4.4 of this Article).
- B. A written statement describing how the proposal complied with the purposes set forth in this Article II, Section 2.4.1, of these regulations.
- C. A site plan prepared and certified by a registered landscape architect, a licensed architect, and a registered civil engineer, which shall:
  - (1) Define the location of the areas to be used for residential and conservation or recreational purposes.
  - (2) Set forth the proposed density of the dwelling units.
  - (3) Show all roads and utilities.
  - (4) Show present and proposed topography.
  - (5) Show conceptual landscaping plan for the site.
  - (6) Applicants shall provide a copy of the Landscaping Plan in sufficient time for the Town Tree Warden to make comments and recommendations. The recommended plan shall be presented to the Planning and Zoning Office prior to the scheduled Public Hearing.
- D. Preliminary building plans illustrating:
  - (1) A typical floor plan.
  - (2) Typical elevations.

- (3) Design Standards (as required in Section 2.4.12 of this Section 2.4).

#### **2.4.11 Standards for Zone Change Approval**

The Commission may approve a petition for a change of the existing zone to Age Restricted Housing Zone if it complies with the following:

The development project conforms to the purposes set forth in Section 2.4.1 of this Article and to all applicable provisions of these Regulations.

If the proposed development will be a common interest community, the applicant shall submit draft documents to provide assurance of adequate provision for maintenance of conservation or recreation areas or facilities, and private streets and utilities.

The zone change request shall be submitted simultaneously with a proposed site plan. In addition, construction must begin within one year from the date of final site plan approval or the zone change and site plan approval shall expire.

#### **2.4.12 Standards for Design**

The Commission may approve a site plan in connection with a ARHZ zone change if it complies with the requirements of these Regulations, and conforms to the following design standards:

##### **A. Site Development Standards**

- (1) Driveways: All drives shall be asphalt, pea stone, brick and/or stone.
- (2) Walkways and Stoops: All walks and stoops shall be brick, flagstone, stone, wood, or concrete.
- (3) Finish Grading: The house shall be backfilled to expose a minimum amount of foundation unless the foundation is faced with brick or stone above the grade. A minimum of 4" (four inches) of compacted loam shall be placed throughout the entire disturbed construction area, except those areas reserved for landscape trees, shrubs, or ground covers, which shall be seeded or sodded in conformance with the CT Guidelines for Soil Erosion and Sediment Control (1985) as amended.
- (4) Pools and Tennis Courts: All pools and tennis courts shall be heavily screened with plantings, and shall not be located within 75' of the state highway. "Above ground" swimming pools are not permitted. There shall be a clubhouse where residents can gather for social and recreational purposes.

- (5) Mailboxes, trash containment areas: Mailboxes, trash containment areas, and other indications of modern occupancy shall be effectively located and/or shielded to de-emphasize their presence.
- (6) Signage: Permanent numerical identification signs not exceeding 4" (four inches) in height, and signs affixed to either mailboxes or lamp posts which identify the residents, and which do not exceed, in the aggregate, more than two square feet per household, are permitted. Temporary real estate signs are also permitted. One sign identifying the proposed development shall be permitted at each entrance; said sign shall contain no more than six square feet in area, and shall not exceed six feet in height. No other signage is permitted.
- (7) Size: No buildings shall exceed two stories, or forty (40') feet in height.
- (8) Sidings: Acceptable exterior surface treatments are red or white cedar clapboard, red or white cedar shingles, brick facing, field stone, vertical cedar, redwood siding, high grade vinyl siding at least .044" in thickness. Unacceptable materials include, but are not limited to, particle board, composition board, "Dryvit", cement block, prefabricated metal, asbestos shingle, pine, plastic, aluminum or unapproved vinyl siding.

#### **B. Additional Restrictions**

- (1) No trucks or other commercial-type vehicles shall be stored or parked on any lots, or common ground, except while parked in a closed Private Garage or while performing services at a dwelling. In no case, however, shall any vehicles be parked on the roads, passageways, or on any other right-of-way or accessway in the development.
- (2) No Livestock, except usual household pets (quartered within the dwelling at night), shall be permitted.
- (3) There shall be no burning of garbage, refuse, or debris.
- (4) All construction and/or site improvements in and ARHZ shall conform to the underlying Residence Zone regulations herein, except where specifically modified by this Article.
- (5) All units shall be restricted to be used exclusively for a residential use as a single-family dwelling by at least one person who is sixty (60) years of age or older; provided, however, that the surviving spouse of a person who is sixty (50) years of age or older may remain in occupancy of a dwelling. A single-family residence is defined as a single-family housekeeping unit, operating on a non-profit, non-

commercial basis between its occupants, cooking and eating, with a common kitchen and dining area. This restriction must appear in the deed of conveyance and run with the land.

#### **2.4.13 Continuing Nature of Standards**

The regulations, prohibitions and standards of performance herein set forth are expressly declared to be of continuing application. Any permission to use land for residential purposes granted after the enactment of this revision shall be granted subject to compliance with the regulations, prohibitions, and standards herein set forth, and upon failure to comply with the same within fifteen (15) days after written notice of noncompliance from the Commission, the Commission may revoke any permission previously granted upon a hearing with notice to the owner(s).

No building permits shall be issued until a Mylar of the final approved plan is recorded in the office of the Town Clerk, and the required bonds have been received by the Planning and Zoning Administrator.

\*Effective September 1, 2006

# EXHIBIT B

