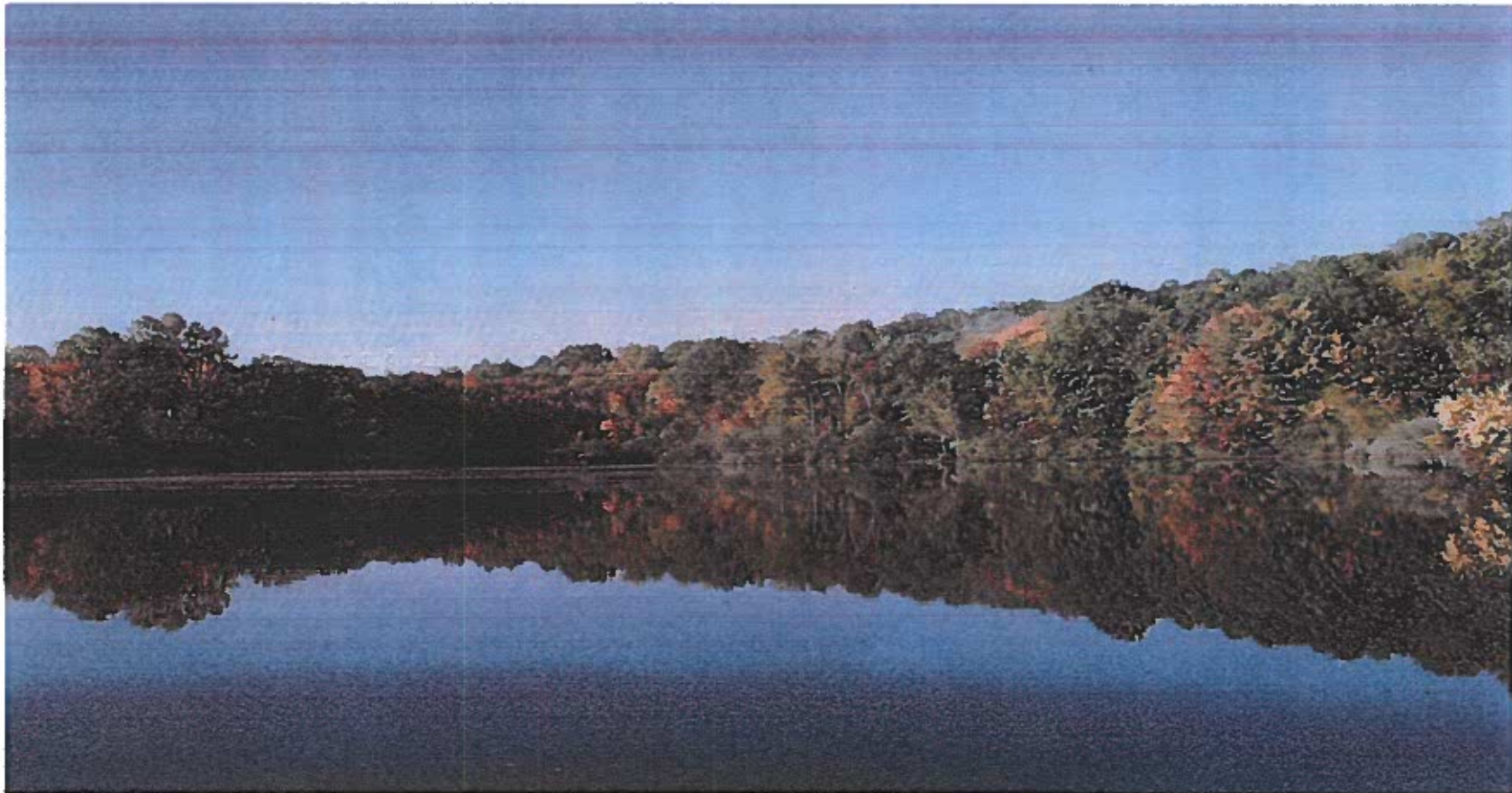


TOWN OF CHESHIRE

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PLAN OF CONSERVATION AND DEVELOPMENT

"The Bedding Plant Capital of Connecticut"



Cheshire Plan of Conservation and Development Town of Cheshire, Connecticut

Effective July 1, 2016

Prepared by the Cheshire Planning and Zoning Commission

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Mixville Pond by Jon Fischer

Policy Overview for Residential Concerns

Approximately 87 percent of land within Cheshire is zoned for residential purposes, making residential uses an essential component of both the community character and economic base. The density pattern is typical for a suburban community within Connecticut, and is characterized by predominantly single family development with higher densities within and adjacent to the commercial core areas along Route 10 and West Main Street, and lower densities as the distance from these areas increases.

Cheshire is also a community of neighborhoods, all of which function to provide community character, spirit, and integrity. Cheshire residents care about this community and are the human capital that is necessary for it to function. Residents volunteer their time to serve on the various boards, committees, commissions, church groups, and youth organizations that form the heart and soul of this community. The Community Survey was also helpful in preparation of this portion of the Plan with 66 percent of respondents stating that they would support an effort to attract moderately-priced housing to meet the needs of residents of moderate incomes, including a broad cross section of community residents such as police, firefighters, teachers, young adults, and senior citizens.

According to the Naugatuck Valley Regional Profile 2014 prepared by the Naugatuck Valley Council of Governments, approximately 82% of housing units within Cheshire are detached, single family homes. In 2013, the Council prepared a Residential Build-Out Analysis for Cheshire which calculated that up to 1,554 dwelling units could be constructed on remaining residentially zoned property. This profile also estimated a potential population increase of up to 4,134 persons that could result from construction of these 1,554 additional dwelling units, calculated at a rate of 2.66 persons per household. This Plan does not challenge any assumptions or predictions made within this analysis, but does recognize that rates of new construction and absorption are not linear, and are tied to economic cycles that vary the pace of new development.

In addition, population projections prepared by the Connecticut State Data Center at the University of Connecticut forecast that our population will shrink by nearly 1 percent from 29,261 persons in 2010 to 28,931 persons in 2025. These projections indicate that there will be a reduction in the number of persons who are younger than age 39.

This Profile indicates that there has been very modest population growth (2.1%) between 2000 and 2013, and a small decline (-0.4%) between 2010 and 2013. The 2.1% increase was the second lowest within the entire 19 town Naugatuck Valley Region. Bristol was lowest at 0.8% and Oxford was highest at 31.1percent, and the regional average is 4.6%.

The median age has increased within Cheshire, and in the entire region. In 1990, this median was 35.5 years, in 2000 it was 38.4 years, and in 2010 it was 42.2 years. The regional averages are 34.3, 37.6, and 40.1 years respectively. Median age growth is affected primarily by out-migration of younger persons and declining household size. This change is also evident in that 45% of Cheshire's population is older than 45 years, and nearly 60% is older than 35.

The Profile also shows that household size has also declined from 3.06 persons in 1980 to 2.66 persons in 2010. The regional average is 2.81 to 2.53 for the same range. Household occupancy is 10.8% single parent, 64.1% married couple, and 25.1% non-family. A non-family household includes people who live alone, or where individuals share homes with persons to whom they are not related. The regional average for households is 18.3% single parent, 49.2% married couple, and 32.5% non-family.

In summary, Cheshire's population has become older and lives in smaller households – a significant portion of which are comprised of unrelated persons, and these characteristics are considered within the policy recommendations of this Plan.

Section 8-23 of the Connecticut General Statutes governs the preparation, amendment and adoption of plans of conservation and development. In 2013, the General Assembly amended CGS Section 23 to require consideration of policies that will allow older adults and persons with a disability the ability to live in their homes and communities whenever possible. This amended section includes consideration of various strategies to accomplish this goal, including home sharing, accessory apartments, and expanding the definition of family to allow for inclusion of aging persons, and those with a disability and their caregivers. It is recommended that the Cheshire Zoning Regulations be reviewed to include appropriate strategies, especially in consideration of our evolving demographic characteristics. These amendments might relate to the accessory apartment regulations and a review of the definition of family set forth with these regulations.

In addition, Section 8-23 requires that this Plan include policies regarding housing diversity and affordable housing. Specifically, Section 8-23, a, (3), (d) states that "the commission...shall consider...the need for affordable housing". This requirement is emphasized within Section 8-23, a, (3), (e) which states that the POCD must show consistency with various growth management principles including "expansion of housing opportunities and design choices to accommodate a variety of household types and needs"; providing "for the development of housing opportunities...for all residents of the municipality and planning region", and promoting "housing choice and economic diversity in housing, including housing for both low and moderate income households."

Town records show that there are approximately 8,082 dwellings in Cheshire (which includes single, two, three, and four family dwellings) and an additional 1,366 condominiums for a total of 9448 dwellings. Of these, 337 qualify as affordable, i.e. available to

households with income levels that are at or below the 80 percent of the median income that is adjusted for family size. Relevant income guidelines are published by the U.S. Department of Housing and Urban Development (HUD), and the current 80 percent adjusted level within Cheshire is \$63,900 for a family of four persons.

There are three primary means to develop affordable housing within Cheshire, two of which are contained within the Cheshire Zoning Regulations, and the third is through appeals filed under Section 8-30g of the Connecticut General Statutes. Section 44A of the Cheshire Zoning Regulations (Omnibus Affordable Housing Regulations) has a stated purpose of providing standards and procedures for the design and development of affordable single family, multifamily, and congregate housing. It provides for a two-step process – zone change and special permit – through which affordable housing projects can be reviewed and processed by the Planning and Zoning Commission. A review of this section leads to a conclusion that it was written as an alternative to CGS Section 8-30g which provides for a complete override of local zoning requirements.

This regulation was last used by the Cheshire Housing Authority for the expansion of the Beachport affordable housing project in 2009. It is recommended that Section 44A be reviewed and revised to remove any inconsistencies between it and the provisions of CGS Section 8-30g, and to enable it to become a more effective tool for the creation of affordable housing with more local control.

Affordable housing is also permitted under Section 44 of the Regulations (Planned Residential Subdivision Development), a residential cluster regulation that offers an affordable density bonus in exchange for open space. The terms of this regulation require no less than 20 percent of the total units be maintained as affordable as set forth by the HUD guidelines for 30 years. This regulation was used in 1993 for development of the Moss Farms Subdivision which resulted in the creation of 13 affordable units scattered along Dundee Drive, Maplehurst Court, Orleton Court, and Shipton Court. It is recommended that this regulation also be reviewed and updated for it to remain an effective tool for both the creation of affordable housing and the protection of open space.

CGS Section 8-30g is also known as the Affordable Housing Land Use Appeals Act which provides a complete override of local zoning authority in communities where less than 10 percent of the housing stock is affordable for projects in which at least 30 percent of the dwelling units are “sold or rented at, or below, prices which will preserve the units as housing for which persons or families pay 30 percent or less of their annual income, where such income is equal to 80 percent or less of the median income.” As noted, Cheshire is well below this 10 percent threshold, and it is unlikely that this level can ever be achieved. The review of the existing described above should also consider means of further reducing the likelihood of such burdensome appeals.

The 2002 POCD states that the principal residential goal is "to encourage a balanced growth that is compatible with our infrastructure; to preserve the semi-rural nature of the community and to provide a variety of housing types which offers a choice to meet the needs of various income levels and lifestyles." This language is nearly echoed in the text of CGS Section 8-23, and these policies are also a principal goal of this plan.

Preservation of Cheshire's rural characteristics is also a very important goal. Much of the remaining undeveloped residential land has rural characteristics and important environmental features. These include protected open spaces listed in the Environmental Concerns chapter of this Plan that are owned by the Town, the Cheshire Land Trust, the Regional Water Authority, the Connecticut Department of Energy and Environmental Protection, and the City of Meriden – all of which protect and preserve important environmental assets, as well as defining the character of large portions of the community. Cheshire's total landmass (including water bodies) is 21,165 acres, of which 4,687 acres (22.14%) is protected as open space.

These environmental assets include a ridgeline along our westerly boundary with Prospect, watershed property surrounding Broad Brook Reservoir that is an essential resource for Meriden, those former agricultural areas that establish a greenbelt along our southeasterly boundary with Wallingford, and large open space areas that protect rural character in our northwesterly quadrant, directly adjacent to Waterbury. Much of the remaining residential land is also characterized by steep and irregular topography and areas with substantial wetlands and important watercourses, all of which makes development more difficult and can result in degradation of these resources.

Section 42 of the Cheshire Zoning Regulations is entitled "Cluster Subdivisions" that offers an alternative to conventional subdivision that could be useful in protecting rural character and our environmental resources. These regulations were originally adopted in 1984, and have had some amendments through 2000. There has been little use of Section 42 in recent years, and it is recommended that it be reviewed and revised to make it a more useful tool for the protection of our character as well as these environmental assets. Any revision of these regulations should provide for a review of the responsibilities of homeowners associations. Regulations should provide for a method of reimbursement to the town should an association fail to fulfill its responsibilities that would be specified in an approval, resulting in the town having to perform them in the interests of public health, safety, and welfare. Review should also be given to the rear lot regulations found in Section 5.5 of the Cheshire Subdivision Regulations. A review of these regulations was recommended within the 2002 Plan of Conservation and Development, and it is once again recommended within this update. This review should be done to clarify and/or eliminate inconsistencies in the language and to enable a comprehensive review of the design standards.

Summary of Residential Policy Recommendations

1. Review and amend the Zoning Regulations to include appropriate strategies concerning Cheshire's evolving demographic characteristics.
2. Review and amend Section 44A (Omnibus Affordable Housing Regulations) of the Zoning Regulations to be make it an effective alternative to Section 8-30g of (Affordable Housing Land Use Appeals) of the Connecticut General Statutes and protect local review of affordable housing projects.
3. Review and amend Section 44 (Planned Residential Subdivision Regulations) of the Zoning Regulations that regulate residential cluster subdivisions to provide for more open space for recreation and/or conservation and to provide for affordable housing within Cheshire as already stated within the purposes of this section.
4. Review and amend Section 42 (Cluster Subdivisions) of the Zoning Regulations to make cluster an effective development option that can provide for more usable open space.
5. Review and amend the Subdivision and Zoning Regulations regarding the responsibilities of home owner associations to protect the town from inheriting the maintenance of improvements that are to be maintained by such associations.
6. Review and amend Section 5.5 (Rear Lots) of the Subdivision Regulations to clarify language and review design standards.