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**Andrea L. Gomes**  
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May 4, 2021

Mr. Eric Knapp, Planning, Zoning &  
Development Coordinator  
Town of Westbrook  
Planning, Zoning & Development  
Department  
Westbrook Town Hall  
866 Boston Post Road  
Westbrook, CT 06498

Re: Application of Dattilo Family Holdings, LLC and Michael Dattilo for Regulation Amendment, Map Amendment, Lot Line Revision, Site Plan Review, and Coastal Site Plan Review for 38 Rental Apartments, 26 Kirtland Street and Surrounding Parcels, Westbrook, CT, "Dattilo Village"

Dear Mr. Knapp:

Pursuant to your request, enclosed are eleven copies of Amended Tab 4 and Amended Tab 9 to the Zoning Application package submitted on Monday, May 3, 2021. An electronic version of these two items will be sent to you separately via e-mail.

If you have any questions or require additional information, feel free to contact our office.

Very truly yours,

*Andrea L. Gomes*

Andrea L. Gomes

Attachments

# **Amended Tab 4**

**(To May 3, 2021 Zoning Application Package)**

# Town of Westbrook



## Application Form Municipal Coastal Site Plan Review

For Projects Located  
Fully or Partially Within the Coastal Boundary

(FOR OFFICE USE ONLY)

Appl. No. \_\_\_\_\_

Date Filed \_\_\_\_\_

Fee Paid \_\_\_\_\_

DEEP Fee \$60.00

Date of Receipt \_\_\_\_\_

Tax Collector \_\_\_\_\_

Please complete this form in accordance with the instruction sheet (CSPR-INST-11/99) and submit it with the appropriate plans to the appropriate Town of Westbrook agency. Additional information and term definitions can be found in the Connecticut Coastal Management Manual at the CT DEP OLISP website:

<http://dep.state.ct.us/olisp/manual/manual.htm>.

### Section I: Applicant Identification

Applicant: Dattilo Family Holdings, LLC and Michael Dattilo Date: 5/3/2021

Mailing Address: 1525 Boston Post Road, Westbrook, CT 06498

Phone: 860-399-5901 Fax: \_\_\_\_\_ Email: cmarasco@watersedgeresortandspa.com

Project Address/Location: See Exhibit A attached hereto. Assessor Map: See Exhibit A Lot: \_\_\_\_\_

Interest in Property:  fee simple  option  lessee  easement  other: \_\_\_\_\_

Primary contact for correspondence if other than applicant:  
Name: Andrea L. Gomes, Esq., Hinckley Allen & Snyder LLP

Mailing Address: 20 Church Street, Hartford, CT 06103

Phone: 860-331-2603 Fax: 860-278-3802 Email: [agomes@hinckleyallen.com](mailto:agomes@hinckleyallen.com)

### Section II: Project Site Plans

Please provide project site plans that clearly and accurately depict the following information and **check the appropriate boxes** to indicate that the plans are included in this application:

- Project location
- Existing and proposed conditions, including buildings and grading
- All coastal resources on and contiguous to the site
- High Tide Line [as defined in CGS Section 22a-359(c)] and mean high water mark elevation contours (for parcels abutting coastal waters and/or tidal wetlands only)
- Soil erosion and sediment controls
- Stormwater treatment practices
- Ownership and type of use on adjacent properties
- Reference datum (i.e., National Geodetic Vertical Datum, Mean Sea Level, etc.)

**Section III: Written Project Information**

Please check the appropriate box to identify the plan or application that has resulted in this Coastal Site Plan Review:

- Site Plan for Zoning Compliance
- Site Plan Review Application
- Subdivision or Resubdivision Application
- Special Exception Permit Application
- Variance Application
- Municipal Project (CGS Section 8-24)

**Section III, Part I: Site Information**

1. Street Address or Geographical Description: See Exhibit A, attached  
City or Town: Westbrook, CT
2. Is project or activity proposed at a waterfront site (includes tidal wetlands frontage)?  YES  NO
3. Name of on-site, adjacent or downstream coastal, tidal or navigable waters, if applicable: Not applicable.
4. Identify and describe the existing land use on and adjacent to the site. Include any existing structures, municipal zoning classification, significant features of the project site: The site consists of seven (7) parcels. Uses include a private access drive (Kirtland Street), two (2) residences and an auto repair business. The remaining land area is wooded, grassed, and wetland. Kirtland Street parcel (Map 182 / Lot 003) is zoned MDR/NCD and the remaining parcels are zoned NCD. Neighboring property uses are residential and retail/commercial.
5. Indicate the area of the project site: 10.58 +/-  acres  square feet
6. Check the appropriate box below to indicate whether the project or activity will disturb 5 acres or more total acres of land area (please also see Part II.B. regarding proposed stormwater best management practices):
  - Project or activity will disturb 5 or more total acres of land area on the site and may be eligible for registration for the Department of Environmental Protection's (DEP) General Permit for Discharge of Stormwater and Dewatering Wastewaters Associated with Construction Activities
  - Project or activity will not disturb 5 or more total acres of land area.

**Section III, Part II.A.: Description of Proposed Project or Activity**

Describe the proposed project or activity including its purpose and related activities such as site clearing, grading, demolition, and other site preparations; percentage of increase or decrease in impervious cover over existing conditions resulting from the project: phasing, timing and method of proposed construction; and new uses and changes from existing uses (attach additional pages if necessary):

The proposed project is a multi-family development consisting of four (4) residential buildings, access driveway, utilities, and parking. Specific site preparation work activities include installation of E&S measures, demolition of existing structures, site clearing, re-grading. Construction activities include establishing rain gardens, retention basins, installation of utilities and storm drainage, building construction, installation of a SSDS, establishing parking, pavement of loop access drive and landscaping. Impervious surface coverage will increase to 21%.

Project is anticipated to start Summer 2021 and be completed Summer 2022.

**Section III, Part II.B.: Description of Proposed Stormwater Best Management Practices**

Describe the stormwater best management practices that will be utilized to ensure that the volume of runoff generated by the first inch of rainfall is retained on-site, especially if the site or stormwater discharge is adjacent to tidal wetlands. If runoff cannot be retained on-site, describe the site limitations that prevent such retention and identify how stormwater will be treated before it is discharged from the site. Also demonstrate that the loadings of total suspended solids from the site will be reduced by 80 percent on an average annual basis, and the post-development stormwater runoff rates and volumes will not exceed pre-development runoff rates and volumes (attach additional pages if necessary):

This site does not discharge any run-off into tidal wetlands. A Stormwater Management Plan has been established in

accordance with the Town of Westbrook Zoning Reg. Section 7N. The Plan was initially reviewed and approved by the Town of Westbrook IWWC and its reviewing consultant on June 2, 2020. The Plan has been revised to reflect the current site plan and is being submitted to the IWWC in connection with an application for a minor amendment to Permit No. 316. Components include rain gardens and retention basins sized to reduce post-development stormwater run-off to pre-development conditions.

See Drainage Design Memorandum – Summary Report, revised January 21, 2021 at Tab 7; a complete Drainage Design Memorandum also has been submitted separately to staff.

**Section III, Part III: Identification of Applicable Coastal Resources and Coastal Resource Policies**

Identify the coastal resources and associated policies that apply to the project by placing a check mark in the appropriate box(es) in the following table.

<b>Coastal Resources</b>	<b>On-site</b>	<b>Adjacent</b>	<b>Off-site but within the influence of project</b>	<b>Not Applicable</b>
General Coastal Resources* - Definition: CGS Section 22a-93(7); Policy: CGS Section 22a-92(a)(2)	X	X	X	
Beaches & Dunes - Definition: CGS Section 22a-93(7)(C); Policies: CGS Sections 22a-92-(b)(2)(C) and 22a-92(c)(1)(K)				X
Bluffs & Escarpments - Definition: CGS Section 22a-93(7)(A); Policy: CGS Section 22a-92(b)(2)(A)				X
Coastal Hazard Area - Definition: CGS Section 22a-93(7)(H); Policies: CGS Sections 22a-92(a)(2), 22a-92(a)(5), 22a-92(b)(2)(F), 22a-92(b)(2)(J), and 22a-92(c)(2)(B)				X
Coastal Waters, Estuarine Embayments, Nearshore Waters, Offshore Waters - Definition: CGS Sections 22a-93(5), 22a-93(7)(G), and 22a-93(7)(K), and 22a-93(7)(L) respectively; Policies: CGS Sections 22a-92(a)(2) and 22a-92(c)(2)(A)				X
Developed Shorefront - Definition: CGS Section 22a-93(7)(I); Policy: 22a-92(b)(2)(G)				X
Freshwater Wetlands and Watercourses - Definition: CGS Section 22a-93(7)(F); Policy: CGS Section 22a-92(a)(2)	X	X	X	
Intertidal Flats - Definition: CGS Section 22a-93(7)(D); Policies: 22a-92(b)(2)(D) and 22a-92(c)(1)(K)				X
Islands - Definition: CGS Section 22a-93(7)(J); Policy: CGS Section 22a-92(b)(2)(H)				X
Rocky Shorefront - Definition: CGS Section 22a-93(7)(B); Policy: CGS Section 22a-92(b)(2)(B)				X
Shellfish Concentration Areas - Definition: CGS Section 22a-93(7)(N); Policy: CGS Section 22a-92(c)(1)(I)				X
Shorelands - Definition: CGS Section 22a-93(7)(M); Policy: CGS Section 22a-92(b)(2)(I)				X
Tidal Wetlands - Definition: CGS Section 22a-93(7)(E); Policies: CGS Sections 22a-92(a)(2), 22a-92(b)(2)(E), and 22a-92(c)(1)(B)				X

\* General Coastal Resource policy is applicable to all proposed activities.

**Section III, Part IV: Consistency with Applicable Coastal Resource Policies and Standards**

Describe the location and condition of the coastal resources identified in Part III above and explain how the proposed project or activity is consistent with all of the applicable coastal resource policies and standards; also see adverse impacts assessment in Section III, Part VII.A. below (attach additional pages if necessary).

The proposed activities are located northerly of Boston Post Road (Route 1), which runs east to west to the south of the subject property, forming a physical boundary that isolates activities proposed north of Boston Post Road (Route 1) from creating any adverse impacts to coastal resources that are located in Long Island Sound, further to the south. Thus, this section is inapplicable.

**Section III, Part V: Identification of Applicable Coastal Use and Activity Policies and Standards**

Identify all coastal policies and standards in or referenced by CGS Section 22a-92 applicable to the proposed project or activity:

- General Development\* - CGS Sections 22a-92(a)(1), 22a-92(a)(2), and 22a-92(a)(9)
- Water-Dependent Uses\*\* - CGS Sections 22a-92(a)(3) and 22a-92(b)(1)(A);  
Definition CGS Section 22a-93(16)
- Ports and Harbors - CGS Section 22a-92(b)(1)(C)
- Coastal Structures and Filling - CGS Section 22a-92(b)(1)(D)
- Dredging and Navigation - CGS Sections 22a-92(c)(1)(C) and 22a-92(c)(1)(D)
- Boating - CGS Section 22a-92(b)(1)(G)
- Fisheries - CGS Section 22a-92(c)(1)(I)
- Coastal Recreation and Access - CGS Sections 22a-92(a)(6), 22a-92(C)(1)(j) and 22a-92(c)(1)(K)
- Sewer and Water Lines - CGS Section 22a-92(b)(1)(B)
- Fuel, Chemicals and Hazardous Materials - CGS Sections 22a-92(b)(1)(C), 22a-92(b)(1)(E) and 22a-92(c)(1)(A)
- Transportation - CGS Sections 22a-92(b)(1)(F), 22a-92(c)(1)(F), 22a-92(c)(1)(G), and 22a-92(c)(1)(H)
- Solid Waste - CGS Section 22a-92(a)(2)
- Dams, Dikes and Reservoirs - CGS Section 22a-92(a)(2)
- Cultural Resources - CGS Section 22a-92(b)(1)(J)
- Open Space and Agricultural Lands - CGS Section 22a-92(a)(2)

\* General Development policies are applicable to all proposed activities

\*\* Water-dependent Use policies are applicable to all activities proposed at waterfront sites, including those with tidal wetlands frontage.

**Section III, Part VI: Consistency with Applicable Coastal Use Policies and Standards**

Explain how the proposed activity or use is consistent with all of the applicable coastal use and activity policies and standards identified in Part V. **For projects proposed at waterfront sites (including those with tidal wetlands frontage),** particular emphasis should be placed on the evaluation of the project’s consistency with the water-dependent use policies and standards contained in CGS Sections 22a-92(a)(3) and 22a-92(b)(1)(A) – also see adverse impacts assessment in Section III, Part VII.B below (attach additional pages if necessary):

Not applicable.

**Section III, Part VII.A.: Identification of Potential Adverse Impacts on Coastal Resources**

**Please complete this section for all projects.** Identify the adverse impact categories below that apply to the proposed project or activity. The “applicable” column **must** be checked if the proposed activity has the **potential** to generate any adverse impacts as defined in CGS Section 22a-93(15). If an adverse impact may result from the proposed project or activity, please use Section III, Part VIII to describe what project design features may be used to eliminate, minimize, or mitigate the potential for adverse impacts.

Potential Adverse Impacts on Coastal Resources	Applicable	Not Applicable
Degrading tidal wetlands, beaches and dunes, rocky shorefronts, and bluffs and escarpments through significant alteration of their natural characteristics or functions - CGS Section 22a-93(15)(H)		X
Increasing the hazard of coastal flooding through significant alteration of shoreline configurations or bathymetry, particularly within high velocity flood zones - CGS Section 22a-93(15)(E)		X
Degrading existing circulation patterns of coastal water through the significant alteration of patterns of tidal exchange or flushing rates, freshwater input, or existing basin characteristics and channel contours - CGS Section 22a-93(15)(B)		X
Degrading natural or existing drainage patterns through the significant alteration of groundwater flow and recharge and volume of runoff - CGS Section 22a-93(15)(D)		X
Degrading natural erosion patterns through the significant alteration of littoral transport of sediments in terms of deposition or source reduction - CGS Section 22a-93(15)(C)		X
Degrading visual quality through significant alteration of the natural features of vistas and view points - CGS Section 22a-93(15)(F)		X
Degrading water quality through the significant introduction into either coastal waters or groundwater supplies of suspended solids, nutrients, toxics, heavy metals or pathogens, or through the significant alteration of temperature, pH, dissolved oxygen or salinity - CGS Section 22a-93(15)(A)		X
Degrading or destroying essential wildlife, finfish, or shellfish habitat through significant alteration of the composition, migration patterns, distribution, breeding or other population characteristics of the natural species or significant alterations of the natural components of the habitat - CGS Section 22a-93(15)(G)		X



**Section III, Part VII.B.: Identification of Potential Adverse Impacts on Water-dependent Uses**

Please complete the following two sections only if the project or activity is proposed at a waterfront site:

1. Identify the adverse impact categories below that apply to the proposed project or activity. The applicable column must be checked if the proposed activity has the potential to generate any adverse impacts as defined in CGS Section 22a-93(17). If an adverse impact may result from the proposed project or activity, use Section III, Part VIII to describe what project design features may be used to eliminate, minimize, or mitigate the potential for adverse impacts.

Potential Adverse Impacts on Future Water-dependent Development Opportunities and Activities	Applicable	Not Applicable
Locating a non-water-dependent use at a site physically suited for or planned for location of a water-dependent use - CGS Section 22a-93(17)		X
Replacing an existing water-dependent use with a non-water-dependent use - CGS Section 22a-93(17)		X
Siting a non-water-dependent use which would substantially reduce or inhibit existing public access to marine or tidal waters - CGS Section 22a-93(17)		X

2. Identification of existing and/or proposed Water-dependent Uses.

Describe the features or characteristics of the proposed activity of project that qualify as water dependent uses as defined in CGS Section 22a-93(16). If general public access to coastal waters is provided, please identify the legal mechanisms used to ensure public access in perpetuity, and describe any provisions for parking or other access to the site and proposed amenities associated with the access (e.g., boardwalk, benches, trash receptacles, interpretative signage, etc.). If there are no water-dependent use components, describe how the project site is not appropriate for the development of a water-dependent use.

There are no existing or proposed water dependent uses.



**Exhibit A**

**List of Subject Properties**

	<b>Property Address</b>	<b>Property Owner Name and Mailing Address</b>	<b>Assessor's Map / Block / Lot Number</b>	<b>Current Zone</b>	<b>Proposed Zone</b>
1	Kirtland Street	Dattilo Family Holdings, LLC 1525 Boston Post Road Westbrook, CT 06498	177 // 122 //	NCD	Dattilo Village Zone
2	Kirtland Street	Dattilo Family Holdings, LLC 1525 Boston Post Road Westbrook, CT 06498	181 // 001 //	NCD	Dattilo Village Zone
3	26 Kirtland Street	Dattilo Family Holdings, LLC 1525 Boston Post Road Westbrook, CT 06498	181 // 002 //	NCD	Dattilo Village Zone
4	32 Kirtland Street	Dattilo Family Holdings, LLC 1525 Boston Post Road Westbrook, CT 06498	181 // 003 //	NCD	Dattilo Village Zone
5	1572 Boston Post Road*  <i>(*Lot lines to be revised)</i>	Michael Dattilo 1525 Boston Post Road Westbrook, CT 06498	181 // 006 //	NCD	NCD and Dattilo Village Zone
6	Kirtland Street	Dattilo Family Holdings, LLC 1525 Boston Post Road Westbrook, CT 06498	182 // 003 //	NCD and MDR	Dattilo Village Zone
7	Boston Post Road	Dattilo Family Holdings, LLC 1525 Boston Post Road Westbrook, CT 06498	181 // 188 //	NCD	NCD

Claudio Marasco  
1525 Boston Post Road  
Westbrook, CT 06498

January 7, 2021

Mr. Harry Ruppenicker, Jr., Chair,  
and Commission Members  
Zoning Commission  
Town of Westbrook  
Planning, Zoning & Development  
Department  
Westbrook Town Hall  
866 Boston Post Road  
Westbrook, CT 06498

Mr. Eric Knapp, Planning, Zoning &  
Development Coordinator  
Town of Westbrook  
Planning, Zoning & Development  
Department  
Westbrook Town Hall  
866 Boston Post Road  
Westbrook, CT 06498

Re: Application of Dattilo Family Holdings, LLC and Michael Dattilo for Regulation Amendment, Map Amendment, Site Plan Review, and Coastal Site Plan Review for 38 Rental Apartments, 26 Kirtland Street and Surrounding Parcels, Westbrook, CT, "Dattilo Village"

Dear Chair Ruppenicker, Commission Members, and Mr. Knapp:

Dattilo Family Holdings, LLC ("DFH") is the owner of real properties located at Kirtland Street (Map 177 / Lot 122), Kirtland Street (Map 181 / Lot 001), Kirtland Street (Map 182 / Lot 003), 26 Kirtland Street (Map 181 / Lot 002), and 32 Kirtland Street (Map 181 / Lot 003) and Michael Dattilo is the owner of real property located at 1572 Boston Post Road (Map 181 / Lot 006) and Boston Post Road (Map 181 / Lot 188) in Westbrook, Connecticut (the "Subject Properties"). DFH and Michael Dattilo are filing applications for regulation amendment, zoning map amendment, site plan review, and coastal site plan review with the Westbrook Zoning Commission in connection with the proposed construction of 38 one-bedroom apartments on the Subject Properties.

Michael Dattilo, who owns the parcels located at 1572 Boston Post Road (Map 181 / Lot 006) and Boston Post Road (Map 181 / Lot 188) individually, has given me express permission to sign the above-referenced applications on his behalf.

Thank you for your consideration concerning this matter.

Very truly yours,

By:   
\_\_\_\_\_  
Claudio Marasco

9387285v1

Dattilo Family Holdings, LLC and  
Michael Dattilo  
1525 Boston Post Road  
Westbrook, CT 06498

January 7, 2021

Mr. Harry Ruppenicker, Jr., Chair,  
and Commission Members  
Zoning Commission  
Town of Westbrook  
Planning, Zoning & Development  
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Mr. Eric Knapp, Planning, Zoning &  
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Town of Westbrook  
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As required by the Commission's application forms, DFH and Michael Dattilo hereby certify that they are familiar with all the information provided in these applications, plans, and supporting documents, and that the information and statements contained therein are true and accurate to the best of DFH and Michael Dattilo's knowledge and conform to the Town of Westbrook's Zoning Regulations. In addition, DFH and Michael Dattilo grant the Westbrook Zoning Commission members, its authorized representatives,


and Westbrook town staff permission to enter upon the Subject Properties during reasonable hours for the purpose of inspection and reviewing the applications and accompanying plans as well as for the purposes of enforcement of the Westbrook Zoning Regulations and the provisions of the Municipal Coastal Site Plan Permit prior to, during, and after completion. This agreement shall be binding on the heirs, executors, administrators, assigns, and successors of the undersigned.

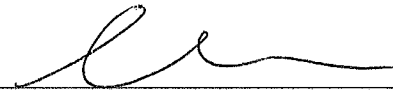
The law firm of Shipman & Goodwin LLP is our legal counsel for these applications. DFH and Michael Dattilo hereby authorize Shipman & Goodwin LLP to execute any application forms or other documents in connection with these applications and to submit documentation pertaining to these applications on their behalf. Attorneys Timothy Hollister and Andrea Gomes of Shipman & Goodwin LLP will be the primary contacts on this matter.

Thank you for your consideration concerning this matter.

Very truly yours,

Dattilo Family Holdings, LLC,

By:   
Claudio Marasco, Manager  
Duly authorized

By:   
Claudio Marasco  
(For Michael Dattilo)

# **Amended Tab 9**

**(To May 3, 2021 Zoning Application Package)**



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**Dattilo Village**  
**Westbrook, Connecticut**

**Housing Affordability Plan**

**Submission Draft**  
**May 3, 2021**

**Submitted by Dattilo Family Holdings, LLC and  
Michael Dattilo to the Westbrook Zoning Commission**

PREPARED BY:  
Hinckley, Allen & Snyder LLP  
20 Church Street, #18  
Hartford, Connecticut 06103  
(860) 725-6200

## **Introduction**

Dattilo Family Holdings, LLC and Michael Dattilo submit this Housing Affordability Plan for the thirty-eight (38) unit multi-family residential rental community located on property known as Kirtland Street (Map 177 / Lot 122), Kirtland Street (Map 181 / Lot 001), Kirtland Street (Map 182 / Lot 003), 26 Kirtland Street (Map 181 / Lot 002), 32 Kirtland Street (Map 181 / Lot 003), and a portion of 1572 Boston Post Road (Map 181 / Lot 006) in Westbrook, Connecticut (the "Community"). See Exhibit A, attached hereto. This Plan does not include or govern the remaining / southerly portion of 1572 Boston Post Road, or the parcel known as Boston Post Road (Map 181 / Lot 188) in Westbrook, Connecticut, which will be utilized only for the public fitness trail surrounding the Community.

Under this plan, thirty percent (30%) of the residential rental units at the Community will meet the criteria for "affordable housing" as defined in Connecticut General Statutes ("C.G.S.") § 8-30g ("Housing Opportunity Units"). C.G.S. § 8-30g requires that fifteen percent (15%) of the Housing Opportunity Units be affordable for 40 years to families earning eighty percent (80%) or less of the area or State median income, whichever is less, and that fifteen percent (15%) be affordable to families earning sixty percent (60%) or less of the area or State median income, whichever is less. This Housing Affordability Plan ("Plan"), which is proposed as a condition of site plan approval by the Westbrook Zoning Commission (the "Commission"), satisfies these requirements and describes how the affordable housing apartment homes will be administered.

### **I. Apartment Homes Designated as Housing Opportunity Units.**

Thirty percent (30%) of the residential rental units in the Community, or twelve (12) units, will be designated as Housing Opportunity Units pursuant to C.G.S. § 8-30g. The specific apartments initially designated as Housing Opportunity Units are shown on reduced floor plans included in Schedule A of this Plan.

### **II. Forty (40) Year Affordability Period.**

The Housing Opportunity Units in the Community shall be designated as affordable or workforce housing units for at least forty (40) years after the initial occupation of the Community. The 40 years shall be calculated for each Housing Opportunity Unit beginning on the date that the certificate of occupancy is issued for the Housing Opportunity Unit.

### **III. Pro-Rata Construction and Dispersion.**

The Housing Opportunity Units shall be built and offered for rent on a *pro rata* basis as construction proceeds in accordance with the construction-phasing plan approved by the Commission for the Community. It is the intent of this Plan that one (1) Housing Opportunity Unit will be built and offered for rental within the time that three (3) market-rate units are completed and offered for rental.

**IV. Nature of Construction of Housing Opportunity Units.**

The Housing Opportunity Units shall be constructed in substantial conformance with the site plans and floor plans approved in the zoning permits for the Community, as may be modified based on the requirements of the Westbrook Building Official or other Town staff in signing off on administrative permits or approvals. *See also* Schedule B of this Plan.

**V. Entity Responsible for Administration and Compliance.**

This Affordability Plan will be administered by Dattilo Family Holdings, LLC, or its successors and assigns (the "Administrator"). Dattilo Family Holdings, LLC hereby represents that its staff has the experience necessary to administer this Plan. The principal point of contact under this Plan shall be \_\_\_\_\_. Contact information for the principal point of contact shall be provided to the Town of Westbrook and the Commission prior to the issuance of a Certificate of Occupancy.

The Administrator shall submit annually a written status report demonstrating compliance with affordability and occupancy rules and approval conditions. The role of Administrator may be transferred or assigned to another entity, provided that such entity has the experience and qualifications to administer this Plan. In the event of any assignment of the role of Administrator, Dattilo Family Holdings, LLC or Michael Dattilo, or its successors, will provide prior written notice to the Commission.

**VI. Notice of Initial Rental of Housing Opportunity Units.**

Except as provided in Section X of this Plan and subject to Section VIII, during the initial lease-up of the Community, the Administrator shall provide notice of the availability for rental of each Housing Opportunity Unit. Such notice shall be provided, at a minimum, by advertising at least two times in a newspaper of general circulation in the Town of Westbrook. The Administrator shall also provide such notice to the Commission and to the Clerk of the Town of Westbrook. Such notice shall include a description of the available Housing Opportunity Unit(s), the eligibility criteria for potential residents, the maximum rental price (as hereinafter defined), and the availability of application forms and additional information. All such notices shall comply with the federal Fair Housing Act, 42 U.S.C. §§ 3601 *et seq.* and the Connecticut Fair Housing Act, C.G.S. §§ 46a-64b *et seq.* (together, the "Fair Housing Acts").

**VII. Resident Eligibility.**

Eligibility of applicants to lease a Housing Opportunity Unit in the Community shall be determined by the Administrator in accordance with this Plan and C.G.S. § 8-30g, as amended.

### **VIII. Affirmative Fair Housing Marketing Plan.**

The rental of both Housing Opportunity Units and market-rate units in the Community shall be publicized, using State regulations for affirmative fair housing marketing programs as guidelines. The purpose of such efforts shall be to apprise residents of municipalities of relatively high concentrations of minority populations of the availability of such units. The Administrator shall have responsibility for compliance with this section. Notices of initial availability of units shall be provided, at a minimum, by advertising at least two times in a newspaper of general circulation in such identified municipalities. The Administrator shall also provide such notices to the Commission and the local or regional housing authority. Such notices shall include a description of the available Housing Opportunity Unit(s), the eligibility criteria for tenants, and the availability of application forms and additional information.

Using the above-referenced State regulations as guidelines, dissemination of information about available Housing Opportunity Units and market-rate units shall include:

A. Analyzing census, Connecticut Department of Economic and Community Development town profiles, and other data to identify racial and ethnic groups least likely to apply based on representation in Westbrook's population, including Asian Pacific, Black, Hispanic, and Native American populations.

B. Announcements/advertisements in publications and other media that will reach minority populations, including newspapers, such as and radio stations serving Westbrook and other towns in the metropolitan statistical area and regional planning area, and advertisements or flyers likely to be viewed on public transportation or public highway areas.

C. Announcements to social service agencies and other community contacts serving low-income minority families (such as churches, civil rights organizations, the housing authority, and other housing authorities in towns represented in Westbrook's metropolitan statistical area and regional planning agency, legal services organizations, etc.).

D. Assistance to minority applicants in processing applications.

E. Marketing efforts in geographic area of high minority concentrations within the housing market area and metropolitan statistical area.

F. Beginning affirmative marketing efforts prior to general marketing of units, and repeating again during initial marketing and at 50 percent completion and thereafter at reasonable period intervals with respect to re-rentals.

All notices shall comply with the federal and State Fair Housing Acts.

## **IX. Application Process.**

A person seeking to rent one of the Housing Opportunity Units ("Applicant") must complete an application to demonstrate eligibility. The application form and process shall comply with the Fair Housing Acts.

### *A. Application Form.*

The application form shall be provided by the Administrator and shall include an income certification form. In general, "income" for purposes of determining an Applicant's qualification shall include the Applicant family's total anticipated income from all sources for the twelve (12) month period following the date the lease commences (the "Lease Begin Date"). If the Applicant's financial disclosures indicate that the Applicant may experience a significant change in the Applicant's future income during the twelve (12) month period, the Administrator shall not consider this change unless there is a reasonable assurance that the change will in fact occur.

In determining what is and is not to be included in the definition of annual family income, the Administrator shall use the criteria set forth by HUD and listed on Schedule C, attached.<sup>1</sup>

### *B. Applicant Interview.*

The Administrator shall interview an Applicant upon submission of a completed application. Specifically, the Administrator shall, during the interview, undertake the following:

1. Review with the Applicant all the information provided on the application.
2. Explain to the Applicant the requirements for eligibility, verification procedures, and the penalties for supplying false information.
3. Verify that all sources of family income and family assets have been listed in the application. Make clear that the term "family" includes all individuals who are to occupy the home, and that no relationship by blood or marriage is required.
4. Request the Applicant to sign the necessary release forms to be used in verifying income. Inform the Applicant of what verification and documentation must be provided before the application is deemed complete.
5. Inform the Applicant that a decision as to eligibility cannot be made until all items on the application have been verified.

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<sup>1</sup> See 24 C.F.R. § 5.609. Federal regulations are subject to change, and it is the intent of this Affordability Plan to follow HUD regulations with respect to income certification as such regulations may be amended from time to time.

C. *Verification of Applicant's Income.*

Where it is evident from the income certification form provided by the Applicant that the Applicant is not eligible, additional verification procedures shall not be necessary. However, if the Applicant appears to be eligible, the Administrator shall require verification of the Applicant's reported income.

If applicable, the Applicant shall provide the documentation listed on Schedule C, attached hereto, to the Administrator. This list is not exclusive, and the Administrator may require any other verification or documentation as the Administrator deems necessary.

A sample rider to the lease agreement for Housing Opportunity Units is attached hereto as Schedule D.

X. **Prioritization of Applicants for Initial Rental.**

In the event that the number of qualified Applicants exceeds the number of Housing Opportunity Units, then the Administrator shall compile a waiting list, from which Applicants will be selected on a first-come, first-served basis. For purposes of this section, an application shall be considered received when a completed and signed application form is submitted with the applicable application fee.

XI. **Maximum Rental Price.**

Calculation of the maximum rental price ("Maximum Rental Price") for a Housing Opportunity Unit, so as to satisfy C.G.S. §§ 8-30g, shall utilize the lesser of the area median income for the Town of Westbrook or the statewide median income as published by HUD as in effect on the day a lease is signed by the lessee of the Housing Opportunity Unit ("Resident"). Such income shall then be adjusted for household size assuming occupancy by 1.5 persons per bedroom and using the adjustment formula adopted by State regulations. The Maximum Rental Price shall be calculated as follows:

**ONE BEDROOM RENTAL UNIT FOR  
FAMILY EARNING LESS THAN 80 PERCENT  
OF STATEWIDE MEDIAN INCOME**

**SAMPLE  
COMPUTATIONS BASED  
ON FY 2020 DATA**

1. Determine lower of relevant year (2020) area median income for Southern Middlesex County, CT HMFA (\$112,000) or statewide median income (\$99,700), adjusted for family size (family of 4), as published by HUD	\$99,700
2. Determine adjusted income for a household of 1.5 persons by calculating 75 percent of Item 1	\$74,775
3. Calculate 80 percent of Item 2	\$59,820
4. Calculate 30 percent of Item 3, representing maximum portion of a family's income that may be used for housing	\$17,946
5. Divide Item 4 by 12 to determine maximum monthly housing expense	\$1,496
6. Compare HUD 2020 Fair Market Rents for Southern Middlesex County, CT HMFA (\$1,100) times 120 percent	\$1,320
7. Use lesser of calculated maximum monthly expense (Item 5) and HUD fair market rent (Item 6)	\$1,320
8. Determine by reasonable estimate monthly expenses for heat and utility costs, excluding telephone and cable television but including any fee required for all tenants (tenant responsible for such expenses)	\$125
9. Subtract reasonable monthly expenses (Item 8) from maximum housing expense (Item 7) to determine maximum amount available for rent	\$1,195

**ONE BEDROOM RENTAL UNIT FOR  
FAMILY EARNING LESS THAN 60 PERCENT  
OF STATEWIDE MEDIAN INCOME**

**SAMPLE  
COMPUTATIONS BASED  
ON FY 2020 DATA**

1. Determine lower of relevant year (2020) area median income for Southern Middlesex County, CT HMFA (\$112,000) or statewide median income (\$99,700), adjusted for family size (family of 4), as published by HUD	\$99,700
2. Determine adjusted income for a household of 1.5 persons by calculating 75 percent of Item 1	\$74,775
3. Calculate 60 percent of Item 2	\$44,865
4. Calculate 30 percent of Item 3, representing maximum portion of a family's income that may be used for housing	\$13,460
5. Divide Item 4 by 12 to determine maximum monthly housing expense	\$1,122
6. Compare HUD 2020 Fair Market Rents for Southern Middlesex County, CT HMFA	\$1,100
7. Use lesser of calculated maximum monthly expense (Item 5) and HUD fair market rent (Item 6)	\$1,100
8. Determine by reasonable estimate monthly expenses for heat and utility costs, excluding telephone and cable television but including any fee required for all tenants (tenant responsible for such expenses)	\$125
9. Subtract reasonable monthly expenses (Item 8) from maximum housing expense (Item 7) to determine maximum amount available for rent	\$975



**XII. Principal Residence.**

Housing Opportunity Units shall be occupied only as a Resident's principal residence. Notwithstanding any zoning, subdivision or other regulation to the contrary, subleasing of Housing Opportunity Units shall be prohibited.

**XIII. Requirement to Maintain Condition.**

All Residents are required to maintain their units. The Resident shall not destroy, damage or impair the unit, allow the unit to deteriorate, or commit waste on the unit. When a Housing Opportunity Units offered again for rental, the Administrator shall cause the unit to be inspected.

**XIV. Change of Income or Qualifying Status of Resident.**

In the event that a Resident's income changes so as to exceed the qualifying maximum, or if the Resident otherwise becomes disqualified, such Resident must provide notice to the Administrator within seven (7) days of the disqualification. When a resident becomes disqualified, the Administrator shall require the Resident to vacate the Housing Opportunity Unit within sixty (60) days. The Administrator (or owner, if the Administrator is not the owner) in his sole discretion may elect to move the Resident to a market rate apartment unit if the Resident satisfies the Administrator's (or owner's) normal criteria for such unit.

**XV. Enforcement.**

A violation of this Affordability Plan shall not result in a forfeiture of title, but the Commission shall otherwise retain all enforcement powers granted by the General Statutes, including § 8-12, which powers include, but are not limited to, the authority, at any reasonable time, to inspect the property and to examine the books and records of the Administrator to determine compliance of Housing Opportunity Units with this Affordability Plan and applicable state statutes and regulations. Such records are confidential and not subject to disclosure under the Freedom of Information Act.

**SCHEDULE A**  
**DESIGNATION OF HOUSING OPPORTUNITY UNITS**

**Total Number of Units (All One Bedroom Units):**

Market-Rate Units	26
Housing Opportunity Units	<u>12</u>
Total	38

Apartment units designated as Housing Opportunity Units are identified on the attached floor plans.

The specific units designated as Housing Opportunity Units are dispersed throughout the building.

## **SCHEDULE B**

### **MINIMUM SPECIFICATIONS FOR HOUSING OPPORTUNITY UNITS**

#### **Foundation**

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- Footings – poured concrete w/footing drain
- Frost Walls – poured concrete w/waterproofing and foundation coating
- Floors – poured concrete

#### **Exterior**

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- Framing and Sheathing – as per building code
- Exterior Wall – 2" x 6"
- Interior Wall – 2" x 4"
- Fiberglass Roof Shingle (25 years)
- Foundation plantings (as specified)
- Brick siding
- Aluminum gutters and down spouts
- Exterior weather-proof electrical outlet(s)
- Energy efficient vinyl windows
- Asphalt driveways and walks or equivalent (as specified)
- Insulation as per building code; Exterior walls R21; Ceiling R49

#### **Interior**

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- Wall to wall carpeting or vinyl plank
- Energy efficient heating system
- Tankless hot water heater
- Direct wire smoke and CO<sub>2</sub> detectors
- Easy care vinyl clad wire closet shelving
- Pre-wired telephone and cable TV outlets
- Laundry area with washer / dryer
- Ground fault circuits in kitchen, bathrooms and garage
- Colonial six-panel doors (or comparable)

#### **Kitchens**

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- Vinyl plank
- Laminate or traditional wood cabinets
- GE self-cleaning oven, refrigerator and microwave
- Sound insulated, multi-cycle dishwasher
- Laminate countertops
- Stainless steel sink with single lever faucet

## **Bathrooms**

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- Full width vanity mirrors
- Single piece acrylic tubs and shower surrounds
- Laminate vanity tops
- No-wax vinyl flooring or equivalent

## SCHEDULE C

### DEFINITIONS AND ELEMENTS OF ANNUAL FAMILY INCOME

1. Annual income shall be calculated with reference to 24 C.F.R. § 5.609, and includes, but is not limited to, the following:
  - a. The full amount, before any payroll deductions, of wages and salaries, overtime pay, commissions, fees, tips, bonuses and other compensation for personal services;
  - b. The net income from operations of a business or profession, before any capital expenditures but including any allowance for depreciation expense. Any withdrawal of cash or assets from the operation of a business or profession will be included in income, except to the extent the withdrawal is reimbursement of cash or assets invested in the operation by the family;
  - c. Interest, dividends, and other net income of any kind from real or personal property, before any capital expenditures but including any allowance for depreciation expense. Any withdrawal of cash or assets from an investment will be included in income, except to the extent the withdrawal is reimbursement of cash or assets invested by the family. Where the family has net family assets in excess of \$5,000, annual income shall include the greater of the actual income derived from all net family assets or a percentage of the value of such assets based on the current passbook savings rate, as determined by HUD;
  - d. The full amount of periodic payments received from social security, annuities, insurance policies, retirement funds, pensions, disability or death benefits, or other similar types of periodic payments; including a lump-sum amount or prospective monthly amounts for the delayed start of a periodic amount, except as permitted in 2.q, below;
  - e. Payments in lieu of earnings, such as unemployment and disability compensation, worker's compensation, and severance pay, except as permitted in 2.c, below;
  - f. Welfare assistance payments.
    - (1) Welfare assistance payments made under the Temporary Assistance for Needy Families (TANF) program are included in annual income only to the extent such payments:
      - i. Qualify as assistance under the TANF program definition at 45 C.F.R § 260.31; and
      - ii. Are not otherwise excluded under Section 2, below
    - (2) If the welfare assistance payments include an amount specifically designated for shelter and utilities that is subject to adjustment by the welfare assistance agency



- e. Income of a live-in aide, as defined in 24 C.F.R. § 5.403;
- f. Subject to 1.i, above, the full amount of student financial assistance paid directly to the student or to the educational institution;
- g. The special pay to a family member serving in the Armed Forces who is exposed to hostile fire;
- h. Amounts received under training programs funded by HUD;
- i. Amounts received by a person with a disability that are disregarded for a limited time for purposes of Supplemental Security Income eligibility and benefits because they are set aside for use under a Plan to Attain Self-Sufficiency (PASS);
- j. Amounts received by a participant in other publicly assisted programs which are specifically for or in reimbursement of out-of-pocket expenses incurred (special equipment, clothing, transportation, child care, etc.) and which are made solely to allow participation in a specific program;
- k. Amounts received under a resident service stipend. A resident service stipend is a modest amount (not to exceed \$200 per month) received by a resident for performing a service for the PHA or owner, on a part-time basis, that enhances the quality of life in the development. Such services may include, but are not limited to, fire patrol, hall monitoring, lawn maintenance, resident initiatives coordination, and serving as a member of the PHA's governing board. No resident may receive more than one such stipend during the same period of time;
- l. Incremental earnings and benefits resulting to any family member from participation in qualifying State or local employment training programs (including training programs not affiliated with a local government) and training of a family member as resident management staff. Amounts excluded by this provision must be received under employment training programs with clearly defined goals and objectives, and are excluded only for the period during which the family member participates in the employment training program;
- m. Temporary, nonrecurring or sporadic income (including gifts that are not regular or periodic);
- n. Reparation payments paid by a foreign government pursuant to claims filed under the laws of that government by persons who were persecuted during the Nazi era;
- o. Earnings in excess of \$480 for each full-time student 18 years old or older (excluding the head of household and spouse);
- p. Adoption assistance payments in excess of \$480 per adopted child;

- q. Deferred periodic amounts from supplemental security income and social security benefits that are received in a lump sum amount or in prospective monthly amounts, or any deferred Department of Veterans Affairs disability benefits that are received in a lump sum amount or in prospective monthly amounts;
  - r. Amounts received by the family in the form of refunds or rebates under State or local law for property taxes paid on the dwelling unit;
  - s. Amounts paid by a State agency to a family with a member who has a developmental disability and is living at home to offset the cost of services and equipment needed to keep the developmentally disabled family member at home; and
  - t. Amounts specifically excluded by any other Federal statute from consideration as income for purposes of determining eligibility or benefits under a category of assistance programs that includes assistance under any program to which the exclusions set forth in 24 C.F.R § 5.609(c) apply. *See Exhibit 5-1 at pp. 4-5 to HUD Handbook 4350.3: Occupancy Requirements of Subsidized Multifamily Housing Programs, revised as of November 2013, for a listing of income sources that apply for the exclusion.*
3. Net family assets for purposes of imputing annual income include the following:<sup>2</sup>
- a. Cash held in savings and checking accounts, safety deposit boxes, homes, etc.;
  - b. The current market value of a trust for which any household member has an interest;
  - c. The current market value of any rental property or other capital investments, less (a) any unpaid balance on any loans secured by the property and (b) reasonable costs that would be incurred in selling the asset (e.g., penalties, broker fees, etc.);
  - d. The current market value of all stocks, bonds, treasury bills, certificates of deposit, mutual funds, and money market accounts;
  - e. The current value of any individual retirement, 401K or Keogh account;
  - f. The cash value of a retirement or pension fund which the family member can withdraw without terminating employment or retiring;
  - g. Periodic or lump-sum receipts from pension and retirement funds at retirement, termination of employment or withdrawal;

<sup>2</sup> What is included and excluded from Net Family Assets is derived with reference to Exhibit 5-2 to HUD Handbook 4350.3: Occupancy Requirements of Subsidized Multifamily Housing Programs, revised as of November 2013.



- h. The cash value of life insurance policies available to the individual before death;
  - i. Any lump-sum receipts not otherwise included in income (*i.e.*, inheritances, capital gains, one-time lottery winnings, victim's restitution and settlement on insurance claims);
  - j. The current market value of any personal property held for investment (*i.e.*, gems, jewelry, coin collections); and
  - k. Interest payments on a mortgage or deed of trust held by an Applicant.
4. Net family assets do not include the following:
- a. Necessary personal property (clothing, furniture, cars, etc.);
  - b. Interest in Indian Trust Land;
  - c. Equity in a cooperative unit in which the family lives;
  - d. Term life insurance policies;
  - e. Assets which are part of an active business, not including rental properties;
  - f. Assets that are not effectively owned by the Applicant because, although held in the Applicant's name, the assets and any income accrue to the benefit of someone else who is not a member of the family and the other person is responsible for income taxes incurred; and
  - g. Assets that are not accessible to the Applicant and provide no income to the Applicant.

## **SCHEDULE D DOCUMENTATION OF INCOME**

The following documents shall be provided, where applicable, to the Administrator to determine income eligibility:

1. Employment Income.

Verification forms must request the employer to specify the frequency of pay, the effective date of the last pay increase, and the probability and effective date of any increase during the next twelve (12) months. Acceptable forms of verification (of which at least one must be included in the Applicant file) include:

- (a) An employment verification form completed by the employer.
- (b) Check stubs or earnings statement showing Applicant's gross pay per pay period and frequency of pay.
- (c) W-2 forms if the Applicant has had the same job for at least two years and pay increases can be accurately projected.
- (d) Notarized statements, affidavits or income tax returns signed by the Applicant describing self-employment and amount of income, or income from tips and other gratuities.

2. Social Security, Pensions, Supplementary Security Income, Disability Income.

- (a) Benefit verification form completed by agency providing the benefits.
- (b) Award or benefit notification letters prepared and signed by the authorizing agency. (Since checks or bank deposit slips show only net amounts remaining after deducting SSI or Medicare, they may be used only when award letter cannot be obtained.)
- (c) If a local Social Security Administration ("SSA") office refuses to provide written verification, the Administrator should meet with the SSA office supervisor. If the supervisor refuses to complete the verification forms in a timely manner, the Administrator may accept a check or automatic deposit slip as interim verification of Social Security or SSI benefits as long as any Medicare or state health insurance withholdings are included in the annual income.

3. Unemployment Compensation.

- (a) Verification form completed by the unemployment compensation agency.

(b) Records from unemployment office stating payment dates and amounts.

4. Government Assistance.

(a) All Government Assistance Programs. Agency's written statements as to type and amount of government assistance the Applicant is now receiving, including but not limited to assistance under the federal Section 8 program, and any changes in such assistance expected during the next twelve (12) months.

(b) Additional Information for "As-paid" Programs: Agency's written schedule or statement that describes how the "as-paid" system works, the maximum amount the Applicant may receive for shelter and utilities and, if applicable, any factors used to ratably reduce the Applicant's grant.

5. Alimony or Child Support Payments.

(a) Copy of a separation or settlement agreement or a divorce decree stating amount and type of support and payment schedules.

(b) A letter from the person paying the support.

(c) Copy of latest check. The date, amount, and number of the check must be documented.

(d) Applicant's notarized statement or affidavit of amount received or that support payments are not being received and the likelihood of support payments being received in the future.

6. Net Income from a Business.

The following documents show income for the prior years. The Administrator must consult with Applicant and use this data to estimate income for the next twelve (12) months.

(a) IRS Tax Return, Form 1040, including any:  
Schedule C (Small Business)  
Schedule E (Rental Property Income)  
Schedule F (Farm Income)

(b) An accountant's calculation of depreciation expense, computed using straight-line depreciation rules. (Required when accelerated depreciation was used on the tax return or financial statement.)

(c) Audited or unaudited financial statement(s) of the business.

- (d) A copy of a recent loan application listing income derived from the business during the previous twelve (12) months.
- (e) Applicant's notarized statement or affidavit as to net income realized from the business during previous years.

7. Recurring Gifts.

- (a) Notarized statement or affidavit signed by the person providing the assistance. Must give the purpose, dates and value of gifts.
- (b) Applicant's notarized statement or affidavit that provides the information above.

8. Scholarships, Grants, and Veterans Administration Benefits for Education.

- (a) Benefactor's written confirmation of amount of assistance, and educational institution's written confirmation of expected cost of the student's tuition, fees, books and equipment for the next twelve (12) months. To the extent the amount of assistance received is less than or equal to actual educational costs, the assistance payments will be excluded from the Applicant's gross income. Any excess will be included in income.
- (b) Copies of latest benefit checks, if benefits are paid directly to student. Copies of canceled check or receipts for tuition, fees, books, and equipment, if such income and expenses are not expected to change for the next twelve (12) months.
- (c) Lease and receipts or bills for rent and utility costs paid by students living away from home.

9. Family Assets Currently Held.

For non-liquid assets, collect enough information to determine the current cash value (i.e., the net amount the Applicant would receive if the asset were converted to cash).

- (a) Verification forms, letters, or documents from a financial institution, broker, etc.
- (b) Passbooks, checking account statements, certificates of deposit, bonds, or financial statements completed by a financial institution or broker.
- (c) Quotes from a stock broker or realty agent as to net amount Applicant would receive if Applicant liquidated securities or real estate.
- (d) Real estate tax statements if tax authority uses approximate market value.
- (e) Copies of closing documents showing the selling price, the distribution of the sales proceeds and the net amount to the borrower.

- (f) Appraisals of personal property held as an investment.
- (g) Applicant's notarized statements or signed affidavits describing assets or verifying the amount of cash held at the Applicant's home or in safe deposit boxes.

10. Assets Disposed of for Less Than Fair Market Value ("FMV") During Two Years Preceding Lease Begin Date.

- (a) Applicant's certification as to whether it has disposed of assets for less than FMV during the two (2) years preceding the Lease Begin Date.
- (b) If the Applicant states that it did dispose of assets for less than FMV, then a written statement by the Applicant must include the following:
  - (i) A list of all assets disposed of for less than FMV;
  - (ii) The date Applicant disposed of the assets;
  - (iii) The amount the Applicant received; and
  - (iv) The market value to the asset(s) at the time of disposition.

11. Savings Account Interest Income and Dividends.

- (a) Account statements, passbooks, certificates of deposit, etc., if they show enough information and are signed by the financial institution.
- (b) Broker's quarterly statements showing value of stocks or bonds and the earnings credited the Applicant.
- (c) If an IRS Form 1099 is accepted from the financial institution for prior year earnings, the Administrator must adjust the information to project earnings expected for the next twelve (12) months.

12. Rental Income from Property Owned by Applicant.

The following, adjusted for changes expected during the next twelve (12) months, may be used:

- (a) IRS Form 1040 with Schedule E (Rental Income).
- (b) Copies of latest rent checks, leases, or utility bills.
- (c) Documentation of Applicant's income and expenses in renting the property (tax statements, insurance premiums, receipts for reasonable maintenance and utilities, bank statements or amortization schedule showing monthly interest expense).

- (d) Lessee's written statement identifying monthly payments due the Applicant and Applicant's affidavit as to net income realized.

13. Full-Time Student Status.

- (a) Written verification from the registrar's office or appropriate school official.
- (b) School records indicating enrollment for sufficient number of credits to be considered a full-time student by the school.

**SCHEDULE E**  
**SAMPLE LEASE RIDER FOR HOUSING OPPORTUNITY UNITS**

**2021 RIDER TO THE LEASE AGREEMENT**  
**FOR HOUSING OPPORTUNITY UNITS (80%)\***

**1. TERM AND PROVISIONS**

The annexed Lease Agreement for an affordable residential rental unit is for a term of at least (1) year.

This unit is being rented as an "affordable housing unit" as defined by Section 8-30g of the Connecticut General Statutes, and is to be rented at or below the lesser of 80 percent of the area median income for the Town of Westbrook, Connecticut, or 80 percent of the State Median Income as determined by the U.S. Department of Housing and Urban Development ("HUD"). (Rates are determined on an annual basis.) This development has been approved by the Westbrook Zoning Commission based in part on the condition that a defined percentage of residential rental units will be rented as affordable housing apartment homes. The Landlord is required by law to strictly enforce these restrictions.

**2. INCOME LIMITS**

Prior to the commencement of the lease term, resident must provide Landlord with a copy of his or her most recently filed Federal Income Tax Return (Form 1040 or 1040A) or any other proof requested or allowed by law for the purpose of verifying income. Resident must certify that such proof is true and accurate and that the total annual income of all the members of Resident's family who will occupy the unit subject to this lease does not exceed the amount set forth below which applies to the number of persons in Resident's family who will be residing in the subject unit:

FAMILY SIZE:

<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>
\$ _____	\$ _____	\$ _____	\$ _____

**3. MAXIMUM RENTS**

Notwithstanding anything in the Lease Agreement to the contrary, the total rent for the affordable housing residential rental units shall not exceed the amounts set forth below. :

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\* A similar Rider will be used for the 60% affordable income apartments.

MAXIMUM RENT

ACTUAL RENT  
(Less a Utility Allowance)

1 bedroom:

Annual \$ \_\_\_\_\_  
Monthly \$ \_\_\_\_\_

\$ \_\_\_\_\_

**4. UTILITY ALLOWANCE**

The monthly rent for an affordable rental unit includes a monthly allowance for utilities, which are heat, hot water, electricity, trash but excluding telephone and cable television. Heat and utility costs are calculated by a reasonable estimate.

**5. CERTIFICATION OF INCOME**

Prospective residents will be required to fill out an application form containing detailed instructions for calculating their family income and allowing the Administrator to verify the information. Applicants will be required to sign a verification of their review and understanding of the income maximums, the penalties for false information, and the applicable procedures in the event that their income increases at some future time above the allowable maximum. Applicants will also be required to provide appropriate documentation to verify their income. Incomes of resident(s) in each affordable unit will be re-verified annually at the time of the lease renewal.

This Agreement shall terminate and the Resident may be evicted for failure to qualify, if the Resident has falsely certified family income or family composition. Such false certification constitutes material noncompliance under the Lease Agreement. Resident is obligated to provide such subsequent re-certification of income as the Landlord shall require.

The Town of Westbrook will be entitled to inspect the income statements of the residents of the affordable units upon which the Administrator bases the certification.

**6. CHANGE OF INCOME**

In the event that an affordable unit resident's income changes so as to exceed the qualifying maximum or if the resident otherwise becomes disqualified, such resident must provide notice to the Landlord's representative within seven (7) days of the disqualification. When a resident becomes disqualified, the Administrator shall require the Resident to vacate the Housing Opportunity Unit within sixty (60) days. The Administrator (or owner, if the Administrator is not the owner) in his sole discretion may elect to move the Resident to a market rate apartment unit if the Resident satisfies the Administrator's (or owner's) normal criteria for such unit.



**7. LANDLORD'S RIGHT TO INCREASE RENT**

In the event that the Resident's residence is no longer being subsidized under Section 8 of the United States Housing Act of 1937, the Landlord's right to increase the monthly rent shall be conditioned upon the Landlord's furnishing Resident with a notice at least sixty (60) days prior to such increase.

**8. LANDLORD'S RIGHT TO REASSIGN PREMISES**

Whereas the monthly rent for this unit is calculated on the basis of the number of bedrooms in the unit, Resident may, during the term of the Lease, be reassigned to different premises if an increase or decrease in the number of Resident's family members residing in the unit warrants such a change under applicable statutes and regulations. In the event of such reassignment, Resident's monthly rent shall be based upon the size of the unit occupied for the remaining Lease term.

**9. NO SUBLETTING OR ASSIGNMENT**

Subletting of affordable units shall be prohibited. In addition, the affordable unit shall be occupied only as the resident's principal residence.

**10. RESTRICTIONS ON USE**

No portion of the unit may at any time during the term of this Agreement be used on a transient basis, for example, as a hotel, motel, dormitory, fraternity house, sorority house, rooming house, hospital, nursing home, sanitarium, or rest home.

**11. ACCESS TO COMMON FACILITIES**

Residents shall be given equal access with all other Residents, at an equal charge if any, to all on-site and all off-site common facilities of the Community. The Landlord shall ensure that handicapped or disabled individuals are afforded equal access to all facilities of the Community.

**12. INTERPRETATION**

Unless otherwise indicated, the terms used herein shall have the same meaning ascribed to them in the main body of this Lease Agreement. This rider shall control any conflict between terms herein and the Lease Agreement.

**13. PROCEDURES FOR INITIAL DESIGNATION AND LEASING OF AFFORDABLE UNITS**

Attached to this Lease Agreement is the developer's initial designation of the units that shall be rented as affordable units. These units shall remain vacant until a qualified family is found.

In the event that the development is fully leased and the development contains the minimum number of affordable units containing income-qualified families, if one of the families occupying these units vacates voluntarily or otherwise, this unit will be kept vacant until another qualified family is found.

**RIDER TO THE LEASE AGREEMENT  
FOR HOUSING OPPORTUNITY UNITS**

IN WITNESS WHEREOF, the parties hereto have executed this Rider to the Lease Agreement  
on the \_\_\_\_\_ day of \_\_\_\_\_ Year \_\_\_\_\_.

RESIDENT

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
PRINT NAME

\_\_\_\_\_  
PRINT NAME

\_\_\_\_\_  
DATE

Dattilo Family Holdings, LLC

\_\_\_\_\_  
SIGNATURE MANAGEMENT REPRESENTATIVE

## Exhibit A Property Description

A parcel of land located along the north side of Boston Post Road (US Route 1) in the Town of Westbrook, Middlesex County, State of Connecticut and shown on a plan titled "PROPERTY BOUNDARY AND LOT REVISION PLAN PREPARED FOR DATTILO FAMILY HOLDINGS LLC BOSTON POST ROAD WESTBROOK, CONNECTICUT" scale: 1"=50' and dated 04-28-21 prepared by Resource Management & Mapping and more particularly described as follows:

Beginning at a point at the southwest corner of the intersection of Boston Post Road and Kirtland Street marked by a Connecticut Highway Department (CHD) monument;

Thence generally northeasterly along the southwesterly street line of said Kirtland Street the following six (6) courses:

- 1) Thence N39°08'26"E bounded southwesterly by land now or formerly of the Southern New England Telephone Company a distance of 90.45 feet;
- 2) Thence N34°15'11"E bounded southwesterly partially by land now or formerly of the Southern New England Telephone Company and partially by land now or formerly of Julie A. Barrett & Jon A. Barrett, Trustees a distance of 130.63 feet;
- 3) Thence N35°00'44"E bounded southwesterly by land now or formerly of Julie A. Barrett & Jon A. Ttees a distance of 96.36 feet;
- 4) Thence N35°00'44"E bounded southwesterly by land now or formerly of Patricia K. Wright a distance of 102.44 feet;
- 5) Thence N50°34'01"E bounded southwesterly by land now or formerly of Doreen Holton a distance of 17.86 feet;
- 6) Thence N36°15'07"E bounded southwesterly by land now or formerly of Doreen Holton a distance of 64.29 feet to a point whence a steel pin with plastic cap stamped "LS 16528" bears N72°13'06"W a distance of 6.22;

Thence S72°13'06"E bounded northeasterly by land now or formerly of Frederick T. & Diane R Ruehl a distance of 42.00 feet to a steel pin with plastic cap stamped "LS 16528";

Thence S72°13'06"E departing said street line and bounded northeasterly by land now or formerly of Frederick T. & Diane R Ruehl a distance of 200.23 feet to an iron pipe;

Thence S69°45'44"E bounded northeasterly by land now or formerly of Timothy G. & Rita M. Stino a distance of 241.03 feet to an iron pipe;

Thence S67°42'29"E bounded northeasterly by land now or formerly of Timothy G. & Rita M. Stino a distance of 144.75 feet to a concrete monument;

Thence S19°19'20"W bounded easterly by land now or formerly of Barbara Stotler a distance of 196.89 feet to a steel pin and plastic cap stamped "LS 16528";

Thence S68°06'43"E bounded northerly partially by land of said Stotler and partially by land now or formerly of Sheila Robertson a distance of 151.09 feet to a steel pin and plastic cap stamped "LS 16528";

Thence S18°41'33"W bounded easterly by land now or formerly Michael Dattilo a distance of 187.33 feet to a wall corner;

Thence S29°42'54"W along said wall and bounded easterly by said land of Michael Dattilo a distance of 243.42 feet to a point whence a steel pin and plastic cap stamped "RMM LS 16528" bears N29°42'54"E a distance of 54.88 feet;

Thence N63°15'11"W bounded northerly by said land of Michael Dattilo a distance of 88.05 feet;

Thence N25°11'40"E bounded easterly by said land of Michael Dattilo a distance of 16.56 feet;

Thence N64°48'20"W bounded northerly by said land of Michael Dattilo a distance of 88.36 feet;

Thence N23°33'33"E a distance of 94.86 feet to a point on a stone wall marked by a drill hole;

Thence N62°40'55"W along said stone wall bounded southeasterly by said land of 1566 Boston Post Rd LLC a distance of 54.05 feet;

Thence N64°14'13"W along said stone wall bounded southeasterly by said land of 1566 Boston Post Rd LLC a distance of 70.48 feet to a wall corner;

Thence N23°34'44"E along said stone wall and bounded westerly by land now or formerly of Westbrook Land Conservation Trust a distance of 16.68 feet;

Thence N49°38'55"W along said stone wall and bounded southwesterly partially by said land of Westbrook Land Conservation Trust and partially by land now or formerly of Connecticut Water Company a distance of 200.02 feet to a drill hole;

Thence N58°14'50"W departing said stone wall and bounded southwesterly by land now or formerly of Dattilo Family Holdings LLC a distance of 10.15 feet;

Thence N48°37'23"W bounded southwesterly by land now or formerly of Dattilo Family Holdings LLC a distance of 77.71 feet;

Thence N51°29'03"W bounded southwesterly by land now or formerly of Dattilo Family Holdings LLC a distance of 111.64 feet to a point on a stone wall marked by a drill hole;

Thence N48°34'48"W bounded southwesterly by land now or formerly of Karen Lynn Hyde a distance of 122.82 feet to a steel pin on the southeasterly street line of said Kirtland Street;

Thence S40°25'40"W along said street line and bounded southeasterly by said land of Karen Lynn Hyde a distance of 222.72 feet to a point on the northeasterly highway line of said Boston Post Road marked by a railroad spike;

Thence N42°26'37"W along said highway line a distance of 29.42 feet to the point and place of beginning,

The above described parcel contains an area of 350,285 square feet (8.04 acres), more or less.