

Marguerite W. Purnell

Cornwall Affordable Housing Plan Steering Committee
Cornwall Town Hall
Cornwall, CT 06753

December 17, 2021

RE: Comments on *Cornwall Affordable Housing Plan* October 2021 Draft

Dear Cornwall AHP Steering Committee members,

During the December 8th public hearing on October's lightly edited draft (of the September 29, 2021 first draft) of Cornwall's Affordable Housing Plan, it wasn't clear if additional comments could still be submitted. In hopes that additional public comment is still welcome, please consider these written comments on the October draft of Cornwall's Affordable Housing Plan.

The plan itself (on pages 14 & 15) consists of the same 6 broad goals and an "aspirational" unit goal of 30 new units (20 affordable (10 ownership & 10 rental) and 10 attainable senior housing). To accomplish the stated goals, 14 strategies are provided, most of which involve either potential changes to Cornwall's Zoning regulations or hoped for Town/State collaboration.

It was quite clear during the public hearing that all in attendance completely support the broad goal of enhancing (and maintaining) Cornwall's housing diversity in as many ways as are suitable for a small rural community with challenging topography. The trick will be to strike the right balance that allows Cornwall to grow in a manner that preserves what residents and visitors alike cherish about our Town while providing housing for new residents as well as those who have lived and worked here for decades.

I think we can all agree that the devil will absolutely be in the details. Already some initial issues were identified at December's public hearing (i.e. the opt out provision for Accessory Dwelling Units (ADUs)). To that end, here are a few additional thoughts for the committee's consideration:

Cornwall's AHP Goals & Strategies

- 1)** At the risk of belaboring the point (made in my October comments), please pare the language of goals 1 and 2 (page 14) to eliminate references to any specific group targeted for such housing. As Maggie Cooley observed during the public hearing, the Fair Housing Act (FHA) does not allow for discrimination of any kind. As such, it's advisable to simply state the first goal as "Increase the number of [affordable and/or attainable] rental units" and the second goal as "Increase first-time homebuyer options."

There's no need to qualify these goals further with:

- "...available for local residents and workers" because in doing so you inadvertently limit a) potential new residents (i.e. those considering a move to Cornwall who don't (yet) work here), b) funding options and c) growing Cornwall's population and potential diversity, not to mention possibly falling afoul of the FHA.
- or
- "...to support young families and their children." Again, why limit this goal to young families only? That would leave out first time home buyers who are single or families who have rented for many years and thus have delayed buying their first home.

2) The statement on page 14 that follows the list of 6 goals is not entirely accurate. Cornwall's 2020 POCD recommended that Cornwall "Consider zoning & permitting changes that would make building homes more affordable." That is different than the AHP's current language: "...that would enable more housing options," and as such it's not appropriate to state "...that the first three bullet-points...align with the housing goals..." of the POCD. Instead, only the first two bullet-points are aligned. The AHP text should be corrected accordingly.

3) I hope that there is still time for some gentle reconsideration and rewording of the 14 Strategies. To that end, I offer the following:

- a) Consider numbering the Strategies (on page 15), instead of using bullets. It would make it easier to reference them during the next five years.
- b) Strategy #4 (the opt out provision for ADUs) should be switched to "Encourage the P&Z Commission and the BOS **to** opt-out" of PA 21-29's section regarding ADUs. Cornwall already allows ADUs (one per property, either attached or detached), but if further ADU flexibility is desired (perhaps allowing two ADUs per property (one attached and one detached)), then Cornwall can craft specific language that allows exactly what Cornwall would like (i.e. similar to the scenario mentioned during December's public hearing: a maximum of two ADUs per property (one as-of-right *attached* ADU) and the possibility for a second ADU (*detached*) that would be permitted via Special Permit)).

Many individuals spoke eloquently about this particular issue, and it appears to be a no brainer for Cornwall, a Town who has always done things its own way. I hope the AHP committee will agree to make this change to encourage the Town to opt-out. In doing so the P&Z would have to hold a public hearing on the matter, so if there's any doubt as to the wishes of your fellow Cornwallians on this matter, then let them provide their input to help guide the Town's decision making on what's better for Cornwall: ADUs per PA 21-29 vs. ADUs per Cornwall.

- c) The second sentence of Strategy #4 should be separated out into its own Strategy since it addresses a different concept than the first sentence and the parties responsible for implementation are not identical. Thus there would be a total of 15 Strategies.
- d) Add another responsible party (Cornwall property owners) to Strategy #5.

- e) Rephrase Strategy #6 to read “Examine the requirements for buildable areas and minimum housing size to determine if (and where) smaller houses might be allowed.”
- f) Rephrase Strategy #8 to be consistent with all other Strategies (in that they all start with a verb). Thus #8 would read “Conduct an annual Town-wide Housing Forum...”

Revised or New Text

1) The new paragraph at the bottom of page 10 regarding SustainableCT should be reworded.

- a) Yes, Cornwall is a “participant,” but that’s an underwhelming characterization. In reality there are many in Cornwall who have worked for years on various endeavors so that Cornwall could achieve Bronze status. A more accurate statement would be that “Cornwall was one of the first towns in CT to register with SustainableCT, and in 2019 achieved certification at the Bronze level.” As such, might the AHP committee consider tweaking that first sentence?
- b) Also, the statement “[T]his affordable housing plan includes strategies that supports sustainability...” is not accurate. Instead, as currently written, it’s actually the reverse. This draft of the AHP promotes:
 - allowing private developer(s) to build multi-family and mixed use developments in Town. At present multi-family buildings may be built by a non-profit. This recommended change to the Zoning regulations (to add private developers) could backfire in a most spectacular manner since the motivations of a private developer (i.e. profit) are not likely to align as closely with the desires of the community as those of a local non-profit, who instead has their finger firmly on the pulse of the community. All it takes is one poorly sited or poorly conceived project to spoil what Cornwall has worked for decades to achieve: a suitable balance between its built environment and its natural environment.
 - allowing as-of-right detached ADUs with only a site plan review (remember that if the site plan is in compliance with Cornwall’s regulations, legally it can’t be denied). One unintended consequence of such unfettered freedom (in a town with multiple development constraints (i.e. steep slopes, soil capacity for septic, wetlands and watercourses, some of which are quite rare, etc.) is that on a larger lot, the main house might be closer to the road, whereas an as-of-right detached ADU could be located much further into the lot, potentially requiring an extension of the driveway and additional clearing to accommodate the ADU and its leaching field. And if the size restrictions are relaxed, the ADU might end up as large as or larger than the original house; this has been the case in other NW CT towns. Such an ADU would obviously not be able to be considered as “affordable,” but it would certainly be attractive as a short term rental. This would only benefit those in town who have the financial capacity to build such units, and in doing so, they would be increasing impervious cover (driveway and building), potentially encroaching upon or actually building on top of prime agricultural soils or further fragmenting forest. Such impacts are not sustainable, and actually run counter to the guidance promoted by SustainableCT.

- encourages the enlargement of building footprints (i.e. Strategy #4 that would “further ease size restrictions...” of accessory apartments). Cornwall currently allows ADUs up to 1,200 SF. If this size limit was to be increased, it would result in an increase in impervious surfaces for all detached ADUs (and their driveways) and for those attached ADUs that are additions to the main house that expand the original building’s footprint. Again, this is inconsistent with the guidance from SustainableCT.
- encourages the conversion of state forest to housing (i.e. Strategy #11 “...identifying state-owned land that is suitable for local housing development.”). This also runs counter to the SustainableCT’s guidance.

That said, the generation, town approval and implementation of an AHP is indeed an action that is supported by SustainableCT, so that’s all the AHP can accurately state. In an effort to make such an edit easy, what would you think of using the following rewrite of that entire paragraph?

Cornwall was one of the first towns in CT to register with SustainableCT, and in 2019 achieved certification at the Bronze level. The development and implementation of an Affordable Housing Plan is one of the actions promoted by SustainableCT.

Other

- 1) On page 3, the citation at the bottom of the page is now misplaced (due to the addition of that new last paragraph). Move the citation up to beneath the table (and if you add the date “(2020)” to the citation, you can eliminate the “2020” in two of the table headings).
- 2) On page 4, third paragraph, what if you added “(passed in 2017)” after “The more recent legislation...” so as to distinguish it from the most recent legislation passed in 2021. It would help to clarify which is which.
- 3) On page 5, fifth paragraph (second to last sentence), is that statement entirely accurate? Yes, 12 sites have been “acquired” through the years, but didn’t 4 of those sites already have houses on them? As currently written, it appears that 12 properties have been purchased (aka acquired) and 12 houses constructed (aka developed) via the Parcel Program. This sentence would benefit from a gentle rewrite, because it’s a bit misleading.
- 4) On page 5, last paragraph, as a general reference/citation comment, the asterisk should always be placed ahead of the definition. Thus wherever there’s an asterisk (i.e. “...housing*” on the last line), the term/definition (or whatever the asterisk is intended to refer or define), that asterisk should precede the term, not follow the term (i.e. it should read “*What is attainable housing?”) in the left hand column. All of these references/definitions throughout the body of the AHP should be corrected. I had hoped that the committee would have agreed to place these definitions into a glossary, and thus these edits wouldn’t have been necessary.
- 5) On page 6, first paragraph (second sentence), add “pandemic” after “...Covid-19...” While the latter would then be somewhat redundant, you could remove “global” as well, but I think it’s

better to leave “global” in the sentence because so many people don’t understand the difference between epidemic and pandemic. There’s no harm in emphasizing the worldwide aspect.

- 6) On page 7, bottom of the page, add the date(s) to the citation, and it would be better still if the date of the ACS report was given (if such a document exists); if there’s not an actual report, then use the 2014-2018 range since that’s when the data was collected. A related question is why is there a difference between the 1,007 housing units cited in the AHP draft (2020 Census data perhaps?) whereas the 2014-2018 ACS data (upon which the charts are calculated uses a total of 1,042 units)?
- 7) On page 8, fourth paragraph, is there a citation/source for the assertion made in the second sentence? An important related component to the problem of housing affordability is the fact that wages have not kept pace with that of housing, or for that matter cost of living in general. Higher wages would help reduce the number of cost burdened renters and owners, but that’s an issue far beyond an AHP...though it might be helpful to include a mention of this somewhere.
- 8) On page 8, fourth paragraph, the “...competing with cash buyers...” draws another somewhat spurious conclusion. Yes, there may be a larger number of cash buyers in the region these days, but many purchases at the “affordable” end of the spectrum are not intended as personal residences for the purchasers, and instead reflect speculative investment(s), to be renovated and flipped (or rented out as a lucrative short term rental). The great majority of cash purchases involve properties that would not / could not be considered “affordable.”
- 9) On page 15, Strategy 11, add an “s” to “resident” on the first line.
- 10) On page 16, third paragraph (the one in bold text), the paragraph should be reformatted to eliminate the blank space at the end of the first line.
- 11) On page 16, first ADU paragraph (last sentence), change the “would” to “may” because adding ADUs may not actually increase housing supply, especially if these new units are used instead as guest cottages or for home businesses or short term rentals that do not help to alleviate the long term housing crunch.
- 12) On page 19, the reference list is not yet complete. Please add the data sources for all citations contained within the document.
- 13) Consider adding the Land Development Suitability map (including its explanation pages) that was generated for and included in the 2020 POCD as an additional Appendix (after the Land Use Map) to Cornwall’s AHP.

Thank you once again for all your effort on Cornwall’s AHP and for your consideration of these additional comments. Please use them or ignore them as you see fit.

Sincerely,

Marguerite Purnell