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99

DECLARATION OF RESTRICTIVE COVENANT

TO ALL PEOPLE TO WHOM THESE PRESENTS SHALL COME, GREETING:

Know Ye, That, Lambert Limited Partnership, a Connecticut Limited Partnership with offices at 92 Forest Street, Stamford, Connecticut for ONE (\$1.00) DOLLAR and other valuable consideration for itself, its successors and assigns hereby covenant with the Town of Wilton, Connecticut and the Planning and Zoning Commission of the Town of Wilton, Connecticut that Units No. 24E, 38E, 41E, 42E, 44E and 48E of a certain condominium known as Lambert Common Condominium which condominium is more particularly described in certain condominium instruments recorded at Volume 381, Page 6 of the Land Records of the Town of Wilton on file in the offices of the Wilton Town Clerk are "middle income dwelling units" in accordance with sections of the Zoning Regulations of the Town of Wilton annexed hereto as Exhibit A and made a part hereof and in accordance with conditions 4 and 10 of Resolution #281 - 2Z of the said Planning and Zoning Commission of the Town of Wilton dated Feb. 2, 1981.

And, furthermore, said Lambert Limited Partnership for itself, its successors and assigns hereby covenants that the sale, resale, lease or other conveyance of said Units No. 24E, 38E, 41E, 42E, 44E, 48E of the said Lambert Common Condominium are and shall be restricted in accordance with the provisions of the Zoning Regulations of the Town of Wilton relating to

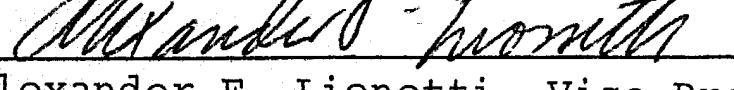
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middle income dwelling units set forth in Exhibit A annexed hereto.
DATED at Stamford, Connecticut, this 10th day of DECEMBER, 1982.

LAMBERT LIMITED PARTNERSHIP,
A Connecticut Limited Partnership

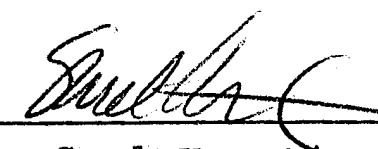

Saul Kwartin


Virginia Fuller

By 
Alexander F. Lionetti, Vice President
of Lambert Enterprises, Inc.,
General Partner

STATE OF CONNECTICUT)
COUNTY OF FAIRFIELD) ss: Stamford December 10, 1982

Personally appeared Alexander F. Lionetti, Vice President
of Lambert Enterprises, Inc., the General Partner of Lambert
Limited Partnership duly authorized, signer and sealer of the
foregoing instrument and acknowledged the same to be his free
act and deed before me.


Saul Kwartin
Commissioner of the Superior Court
~~Notary Public~~

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ADOPTED REGULATIONS - THRD TOWNHOUSE RESIDENCE DISTRICT
(Effective Date July 7, 1980)

29-2. Classes of Districts

Add: THRD Townhouse Residence District

29-26. Permitted uses for residence districts.

Add: D. THRD Townhouse Residence District.

(1) Permitted principal uses.

(a) Any use permitted in the R-1A Single-Family Residence District, as regulated therein.

(b) Townhouses at a density specified by the Commission in accordance with the provisions of Section 29-44.1.; and subject to the design criteria contained therein.

(2) Permitted accessory uses (only in conjunction with a permitted principal use).

(a) Any accessory use permitted in the R-1A Single-Family Residence District, as regulated therein, excluding professional offices.

(b) Garage buildings solely for the use of residents.

(c) Structures and facilities exclusively for recreational use by residents of the development and their non-paying guests.

29-27. Schedule of regulations for residence districts.

Add: THRD Townhouse Residence District

	THRD
MINIMUM LOT SIZE	
Area (acres)	3
MAXIMUM LOT SIZE	
Area (acres)	8
Frontage (feet)	50
Average Width/Depth (feet)	200
MINIMUM YARD (feet)	
Front	Main Building 50 (a) Accessory Building 50 (a) Main Building 50 and 75 ft. from an R-1A or R-2A Residence District (c) (f) Accessory Building 50 and 75 ft. from an R-1A or R-2A Residence District (c) (f)
Side	

29-27 (continued)

MINIMUM YARD (feet)

Rear

THRD
Townhouse
Residence

Main Building
50
and 75 ft. from an
R-1A or R-2A Residence
District (c) (f)

Accessory Building
50
and 75 ft. from an
R-1A or R-2A Residence
District (c) (f)

MINIMUM PARKING AND
LOADING SETBACKS (feet)

Front

No parking shall be per-
mitted in advance of the
front line of the building.

Side

15
and 75 ft. from an
R-1A or R-2A Residence
District (e) (f)

Rear

15
and 75 ft. from an
R-1A or R-2A Residence
District (e) (f)

MAXIMUM BUILDING HEIGHT
(stories - feet)

Main Building
2½ - 30
Accessory Building
1 - 15

MAXIMUM BUILDING COVERAGE
(Building Area as % of Lot Area)

20

MAXIMUM SITE COVERAGE
(Building and Paved Areas
as % of Lot Area)

50

NOTES: (f) Where the adjoining property in a residence
district is used all or in part for non-residential
purposes as permitted in Sections 29-37 and 29-42,
by variance, by Special Permit or as a pre-existing
non-conformity, the Commission may permit the less
restrictive setback.

29-44. Amend to read: Development standards: Center Residence
Apartment District.

Add: 29-44.1. Development Standards: Townhouse Residence Districts.

All site development plan applications for Townhouse residence developments shall, in addition to complying with all other standards and requirements of these regulations, also satisfy the following standards and conditions:

- A. Development density. The density of development shall not exceed five (5) dwelling units per acre except that the permitted density may be increased by not more than forty percent (40%) if the applicant constructs at least forty percent (40%) of the additional density units as middle income dwelling units.
- B. Criteria for middle income dwelling units.
 - (1) Middle income units shall be available for sale, resale or continuing rental only to middle income families as defined in Section 29-79. Such units shall have a gross living area of not less than 1200 square feet and shall be physically integrated into the design of the development in a manner satisfactory to the Commission.
 - (2) Middle income families applying for middle income dwelling units shall be selected on the basis of the following categories of priority:
 - (a) Town of Wilton municipal employees;
Town of Wilton Board of Education employees
and residents of the Town of Wilton over 62
years of age;
 - (b) Other residents of the Town of Wilton;
 - (c) Other persons employed in the Town of Wilton;
 - (d) Residents of Fairfield County;
 - (e) All others.

The Commission shall maintain a list of eligible middle income families. Where the number of eligible middle income families in the same priority classification exceeds the number of available units, the applicants shall be selected by lottery.

- (3) Maximum rent and sales price. The maximum monthly rent for a middle income dwelling unit excluding utilities (gas, oil and electricity) and common charges shall not exceed two percent (2%) of the median annual Town paid wages of all full time employees and teachers during the preceding calendar year. The maximum sales price for a middle income dwelling unit shall not exceed three and one-half (3½) times the median annual Town paid wages of all full time employees and teachers during the preceding calendar year. There shall be no extra charge for minimum required facilities such as, but not limited to, parking and recreational facilities.

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29-44.1. (continued)

- (4) Resale restrictions. In the case of owner-occupied middle income dwelling units, the title to said property shall be restricted so that in the event of any resale by the owner or any successor, the resale price shall not exceed the then maximum sales price of said unit as determined in accordance with Subsection (3) above plus the cost of any fixed improvements made by the owners.
- (5) The Commission may require additional assurances from the owners and/or tenants of middle income dwelling units, including deed restrictions, to insure the continuing eligibility of tenants and continuing restrictions on use to eligible middle income families.

C. Design criteria.

- (1) Floor area. The average floor area of dwelling units in the THRD Townhouse Residence District shall not exceed 1800 square feet, except, that for each middle income dwelling unit provided, one (1) conventional dwelling unit will be exempt from the average floor area restriction. For the purpose of determining floor area of dwelling units under this Section, the floor area shall be the gross living area exclusive of garages, basement storage areas, exterior hallways, stairways and elevator shafts.
- (2) Garages and parking. At least one (1) single car garage and one and one-half (1½) additional parking spaces, excluding garage aprons, shall be provided for each dwelling unit. A suitably-screened parking area shall be provided for boats, trailers and recreational vehicles in a location and of a design suitable to the Commission.
- (3) Access. All townhouse residence developments shall be provided with safe and convenient access to a major street. Driveways and access roads shall be designed with such horizontal and vertical alignments as may be required to properly accommodate traffic and to afford satisfactory access to emergency vehicles and snow removal equipment.
- (4) Landscaping. All disturbed areas shall be suitably graded and landscaped. Additional landscaping, screening and decorative planting shall be provided in accordance with plans approved by the Commission. Such plans shall include the specie, size and number of plant materials to be provided as well as typical sections showing planting areas in elevation. The Commission may require the provision of a bond or other surety, in an amount satisfactory to the Commission, to insure the installation, maintenance and, if necessary, the replacement of required landscaping.
- (5) Utilities. All townhouse residence developments shall be served by public sewer and public water supply. All electric, telephone and other cable supplied services shall be installed underground.

Rec

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29-44.1.C. (continued)

- (6) Architectural design. The architectural design scale and mass of buildings and other structures including exterior building materials, color, roof line and building elevations shall be residential in character so as to harmonize with and preserve the appearance of the surrounding residential area. There shall be no mechanical equipment, except solar collectors, on the roofs. Mechanical equipment and refuse containers shall be screened from view on all sides.
- (7) Each unit shall have a private, outside space adjoining the unit.

29-47. Schedule of off-street parking requirements.

Add: Townhouse $2\frac{1}{2}$ spaces per dwelling unit including garage

29-79. Definitions.

Add: Middle income families - families whose aggregate income, including the total of all current annual income of all family members from any source whatsoever at the time of application, but excluding the earnings of working minors attending school full-time, averaged for the preceding two years, shall not exceed the following multiple of median annual Town paid wages of all full-time employees and teachers of the Town of Wilton during the preceding calendar year.

1 person family	1.2
2 person family	1.4
3 person family	1.5
4 person family	1.6
5 person family	1.8
6 person family	1.9

Townhouse - a common-wall dwelling unit occupying its own vertical space and providing living facilities for one (1) family.

Received for Record December 10, 1982 at 2:36 P. M. Attest

Mary H. Duffy
Town Clerk