

My name is Arthur Rotelli and I'm writing today in support of two (2) separate proposed bills calling for amendment to state statute 8-30g. The proposed bills I ask this written testimony be included in the public record for the February 8, 2013 Housing Committee Public Hearing are: Proposed Bill No. **5220** "An Act Revising the Affordable Housing Land Use Appeals Process" (Introduced by Rep. Lavielle); and Proposed Bill No. **5625** "An Act Exempting Certain Municipalities From Affordable Housing Land Use Appeals Act" (Introduced by Reps. Wood and Steinberg). Both proposed bills aim to remedy major failings in the current 8-30g statute and complement each other in order to provide a more equitable Affordable Housing Law. Please accept my sincerest apologies for being unable to testify in person.

I live in the modest Stratfield section of Fairfield. My neighborhood was recently subjected to the will of an overzealous Cheshire developer looking to circumvent our town's zoning regulations for his own gain. His gain; unfortunately for us, was at the expense of the honest, hardworking taxpayers and property owners in our neighborhood. The developer; even more unfortunately for us, was acting lawfully. He was empowered by Connecticut's Affordable Housing statutes.

A story all too often unfolding centers on developers operating at will and against the regulations of towns and wishes of their residents. Some unscrupulous developers have come to realize that the 8-30g State Statute, in its current language, provides legal leverage to force town plan and zoning commissions to approve non-conforming building plans by simply inserting a set aside affordable component into the proposed development. The mere threat of costly and unflattering law suits to a town trying to protect its residents and their property can be enough for these commissions to just approve the plans against their otherwise better judgment. Residents have no choice but to mobilize, speak out against, hire expensive experts for testimony and obtain even more expensive legal representation in order to protect the safety of their neighborhoods and the already diminished value of their own homes. Even then, neighborhoods have little ability to prevent the damage. They have little time to mobilize; they have very narrow grounds to object; and they have the law working against them.

Here is a perfect illustration of well-intended legislation resulting in detrimental unintended consequences. A law written to: 1). Provide those with lower incomes opportunity to assimilate into a town otherwise just out of their economic reach; 2). Provide developers incentive to include those opportunities in their building plans; and 3). Provide enough incentive for Towns to take notice and not just ignore the law. A law such as this requires balance to protect all affected parties. It should not favor one group at the expense of another. 8-30g's current language falls way short of balance. In fact, it hurts innocent hardworking neighbors who, like all others, deserve to be afforded equal protection by their Town and their State.

The Cheshire developer who recently came into my neighborhood had no respect for my neighbors or our Town. His proposed plans put 3 Townhouse style homes on a 5,000 square foot parcel of land. Our neighborhood is zoned for single family dwellings only. Accessory apartments are accepted; however, the minimal allowable building lot is 10,000 square feet and that is for a single family home. So this developer wanted to put 3 separate homes on one-half the allowable single family dwelling building lot size. He essentially wanted to cover 0.11 of an acre with 3 x 3-story homes. There are no shopping centers nearby our neighborhood. There are no mass transit access points easily accessed from our neighborhood. The proposed building plans didn't at all remotely resemble the neighboring homes. This developer disregarded that the Bridgeport Regional Council voted to not support his plans. He disregarded that our neighbors took extraordinary efforts to fight his plans. He disregarded that the

town; not once, but twice voted to reject his plans. He disregarded suggestion by the TPZ Commission that he could easily conform to the town's zoning regulations while still resulting in his proposed single unit of affordable housing. He ultimately disregarded rationality because he believed his expected profits could not be realized if he were have any regard for others besides himself. He so much as stated this in his amended application (which was subsequently denied unanimously by Fairfield's TPZ Commission). The Town made the informed decision to reject his plans even though they'd just publically lost another 8-30g related suit. Just prior to their vote on the Cheshire developer's plans, the TPZ Commission had another developer threaten to a reporter that they were considering inclusion of an 8-30g component after their [non 8-30g related] plans were rejected*[*Chatham Rd.*]. Fairfield's TPZ clearly saw the writing on the wall here. This can't be the spirit of the affordable housing law and I refuse to believe it was originally intended as a bully stick or a work around for developers.

Our Cheshire developer has already filed suit against Fairfield. It'll now be up to the Town, the developer and the Courts on how this case is handled. But because this incident had such an impact on our neighborhood, we started a petition to the Connecticut General Assembly asking that 8-30g be reformed to "protect communities against Developer exploitation". We collected 157 signatures, many of which were from elected town officials from both sides of the political spectrum. {*The petition was previously submitted to Reps Hwang, Kupchick and Fawcett as well as Senator McKinney*} I realize that any changes to 8-30g subsequently enacted by our Legislature will likely not affect our own neighborhood issue; however, I implore you to amend the law to prevent these types of abuses from happening to others. I hope you find this petition serves as further evidence that the problem transcends political views and that those from both parties can agree the current law doesn't work properly.

I ask as a resident of the town of Fairfield and of the State of Connecticut, please work together and find the balance necessary to achieve affordable housing propagation and equal protections for established neighborhoods from blatant, yet lawful disregard of developers. Please use Proposed Bill No. 5220 and No. 5625 as the framework for the necessary reform.

In closing, I submit the below scale rendering I created (*overlaid onto Bing Map's Birdseye View of the proposed site location*) of the Cheshire Developer's proposed building plans to better illustrate the obnoxious potential of developer exploitation under the current 8-30g language.

Thank you,

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