

## McCall, Brandon

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**From:** Kathryn Braun <klbesq@aol.com>  
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**To:** HSGTestimony  
**Subject:** 10 Reasons to Reform CGS 8-30g

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To the State Legislature

re: 8-30g Reform Needed

Reform of this statute is needed for a host of reasons. I will be brief. My comments are in no particular order:

1. The 10% exemption appears to have been passed completely without any logic or rational basis. The end result is that Towns that are historically very densely built out, especially those along the I-95 corridor, will never be exempt from this law. This means that Towns are at the whim of outside, profit motivated developers, permanently. This removes from Towns the ability to adequately conduct their own planning based on Town needs, because no matter what a Town puts in place, it will never avoid the reach of 8-30g.

2. Reverse Burden of Proof, etc. It turns 80 years of zoning practice on its head to reverse the burden of proof and place it on Town bodies, among other technical statutory mandates. Land use decisions are permanent and land use boards are volunteer positions filled by lay people. These boards should not require being filled with land use attorneys to be able to fully understand and comply with these technical requirements.

The statute has several arbitrary provisions that a decision on a permanent housing development should not turn on. If we want a good result- appropriate additions to housing stock that is affordable, then provisions such as the mandate that TPZ commissioners specifically state exactly the reasons for denial on the record, will result in bad developments by virtue of technical defect. This is one reason that the burden of proof should remain on the applicant.

A board of lay commissioners should not have to wade through 3 nights of long public hearings, and have a well grounded basis, but then be overturned on a technicality. It certainly doesn't help the residents of an affordable housing development to reside in a structure that will be inundated by flood, have inadequate parking, impediments to emergency access, or require evacuation on a regular basis. Yet this is exactly what can happen should a commission fail to follow certain technicalities in the existing statute.

3. A major unintended consequence is environmental harm. As an attorney who often represents environmental interests I have seen it happen over and over again- the threat of high rise, high density residential development in a modest neighborhood of small houses and unimproved open space, being used to to coerce a slightly less dense but still overburdened and inappropriate use of land.

This incentivizes the over-development of land and results in many long term direct and indirect consequences- that otherwise inappropriate developments be squeezed in, the destruction of natural resources, wetlands buffer, wildlife habitat, migratory stopover places, loss of natural flood mitigation and increased flood hazards, loss of biodiversity, increase of invasive plant and animal species, and a long term degradation of our environmental health.

4. Seniors are counted as 1/2 a point in the moratorium calculation. Most seniors probably are unaware of this, but it appears that our State has decreed that a senior is only half a person. This matters because Towns seeking relief from 8-30g have an incentive to approve anything but senior housing, or to convert senior to non-senior housing to gain points. With current demographics, the number of baby boomer retirees is about to explode. Our State should be encouraging the construction of more senior housing, not discouraging it.

5. Homeless shelters are not counted and should be. It shouldn't matter that homeless shelters are not designed to provide permanent housing; they satisfy a great need, and should be counted.

6. Anything built prior to 1990 is not counted. This is also illogical. The fact is, affordable housing exists and while the statute's goal is to build more, there is no rational basis to omit actual affordable housing that exists now.
7. Flood mitigation- as global warming causes rising sea levels, expect more storms and advancement of salt marshes inland. We need to protect this, because natural buffer is critically important for flood mitigation. Affordable housing should be excluded from the coastal areas, which are prone to flooding and contain sensitive natural resources.
8. Passive Open Space- omitted from most arguments is the natural value of passive open space areas. It is not only wetlands that needs protecting, but the areas surrounding them, as well as the non-wetlands related diversity of natural features we rely on for overall environmental health- we have seen in recent years a sharp decline in songbird populations as well as severe problems with bee colonies, both of which are harbingers of environmental health.
9. Affordable Housing should not be relegated to a few high rises in compromised, wet areas, which is what we've seen proposed. There should be incentives built into the statute to encourage smaller units- duplexes and triplexes mixed into the community.
10. The 'Affordable Housing Plan' required for all affordable housing applications, needs a better way to monitor both applicant's and long term compliance. The burden should be on the applicant to establish to the TPZ that it is capable of properly managing affordable housing developments and that it has no history of violating the regulations which are in place to ensure it actually benefits those in need. Unfortunately, the way the statute is written, the burden is on the Town to find a way to monitor a multitude of regulatory requirements. A better way should be devised to track and make available information on those applicants who have already violated affordable housing regulations in other towns or states, and to assist Towns in ensuring compliance in the long term in a more uniform manner.

Sincerely,  
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