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June 29, 2016

Jullie Pudem
Land Use Technician
Clinton Planning & Zoning Commission
54 East Main Street
Clinton, CT 06413

Re: Proposed Zoning Regulation Amendment – AR 15-058
Our File No. 22226.0001

Dear Jullie:

As requested, I have reviewed Application No. AR 15-058 proposing to amend Sections 21.3.2 and 24 of the Clinton Zoning Regulations to create an Affordable Housing District floating zone. I have the following comments:

1. The proposed text of Section 21.3.2(a)(1) refers to “ADH-1” instead of “AHD-1”.
2. As the Commission recognized when adopting the concept of floating zones in the first instance, the process could become complicated and confusing if the hearings for the text amendment, the map amendment and special permit are all being held simultaneously. The Commission should consider whether it would prefer to maintain the orderly sequence of applications that it currently requires under Section 21.2(d). If not, the Commission must be sure that the effective dates of any approvals are appropriate to permit the other approvals to be granted at the same time or at a later date.
3. The phrase “except as may be overridden by Section 8-30(g) of the Connecticut General Statutes” in Section 21.3.2(a)(3)(i) is superfluous. That statute places the burden on the Commission to defend any regulatory requirement or condition of approval or the denial of an application for affordable housing in a subsequent proceeding in Superior Court. It does not in and of itself contain any specific provisions that “override” zoning regulations. While the concept is correct legally, it probably should not be included in the text of the regulations.

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4. The five acre maximum in Section 21.3.2(a)(4)(ii) is apparently tailored specifically to this project but may not be appropriate in all other instances. The Commission may also wish to consider whether it would like a minimum or maximum area on parcels being considered for the AHD-1 zone.
5. As with the five acre maximum, the provisions of Section 21.3.2(c) are specific to the applicant's particular project. If the Commission's intention is to have this section serve as a vehicle for additional affordable housing districts, rather than to enable one particular development, these deviations from the standard zoning requirements should be reviewed carefully.

Please feel free to contact me with any questions or concerns in this regard.

Very truly yours,



Richard P. Roberts

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