EAST LYME BOARD OF SELECTMEN
REGULAR MEETING MINUTES
MAY 21, 2025

IN ATTENDANCE: Dan Cunningham, Ann Cicchiello, Candice Carlson, Rose Ann Hardy, Jason Deeble and Don MacKenzie

ALSO IN ATTENDANCE: Library Director Lisa Timothy

RECEIVED FOR RECORD
EAST LYME, CT
2025 MAY 27 P 4: 05
TOWN CLERK

Mr. Cunningham called the regular meeting of the East Lyme Board of Selectmen to order at 7:00 p.m. and led the Pledge of Allegiance.

1b. Additional Agenda & Consent Items
There were none.

1c. Delegations

Beth Sabilia, Director of the Center for Eastern Connecticut Center for Housing Opportunity spoke against the Town approving this moratorium. Ms. Sabilia's letter, read into record, and supporting documents are attached hereto as Exhibit #1.

Joshua Caskey, 1 Grooms Way, Niantic, spoke against the Town approving an 8-30G Moratorium. He stated that the town does not have enough housing inventory for the elderly and disabled due to lack of supply. He would like to see more affordable housing projects approved by the Zoning Commission.

Robin Quinn, 4 Whittlesey Place, Niantic, stated that she agrees that there is a housing problem in East Lyme. Although her children have moved away and she is an empty nester in her big house, she can't sell it because there is no affordable housing for her to get into in East Lyme.

1d. Approve Minutes
MOTION (1)
Ms. Cicchiello MOVED to approve the Regular Meeting Minutes of May 7, 2025, as submitted. Seconded by Ms. Carlson. Motion passed 6-0.

1e. Consent Calendar
MOTION (2)
Ms. Cicchiello MOVED to approve the Consent Calendar for May 21, 2025, in the amount of $3,636.18.
Seconded by Ms. Hardy. Motion passed 6-0.

2a. Library Policy on Public Gifts and Planting at the Community Center
Lisa Timothy, Library Director, spoke on this proposed policy, stating that her Library Board instructed her to create said policy. They have a first tree I mind to be planted in honor of Abe Fischer, so they are anxious to get the policy reviewed and approved so that they can get that tree in the ground this fall. It was discussed that currently the Pollinator Pathways group, in conjunction with Town staff, have been maintaining the property surrounding the community center. Mr. Cunningham advised that we should make sure a concrete plan is in place for maintaining the property and would like Public Works advise as well. This is tabled to a future meeting.

3a. Creation of Coastal Resiliency Reserve Fund Discussion
DISCUSSION: First Selectman Cunningham stated that it is important for the town to create this fund, and it would be best if we could get the ordinance approved and in place before the start of the new fiscal year.

3b. Schedule Public Hearing

MOTION (3)

Ms. Cicchiello MOVED the following:

TOWN OF EAST LYME BOARD OF SELECTMEN NOTICE OF PUBLIC HEARING.

NOTICE IS HEREBY GIVEN of a public hearing to be held by the East Lyme Board of Selectmen at 7:00 p.m. on June 4, 2025, at the East Lyme Town Hall, 108 Pennsylvania Avenue, Niantic, Connecticut to consider the following:

1. To consider the proposed ordinance entitled "Ordinance Establishing The East Lyme Climate Change and Coastal Resiliency Reserve Fund".

The proposed Ordinance is on file for public inspection at the office of the East Lyme Town Clerk, 108 Pennsylvania Avenue, Niantic, Connecticut and at http://www.eltownhall.com/ to which reference may be had. Interested persons are invited to attend and be heard. Dated at East Lyme, Connecticut, on this 21st day of May, 2025. East Lyme Board of Selectmen. Seconded by Ms. Hardy. Motion passed 6-0.

3c. Discussion – 8-30G Moratorium

DISCUSSION: Mr. Cunningham was grateful for all of the public comment on this topic. He stated that the Zoning Commission did not wish to engage in further discussion on the topic as they worked very hard to get to the place where they forwarded a favorable recommendation that the First Selectman apply for the moratorium. Ms. Hardy stated that the Zoning commission did not take this matter lightly and worked diligently to get to place where everyone was in agreement to forward the request to the First Selectman for him to request the moratorium.

Mr. Deeble explained that he has been doing a lot of research, and referenced a case in Ridgefield, Exhibit #3. He noted that the courts seem to favor a 9-month moratorium, but it was discussed that it would not be enough time; four years is reasonable since it takes at least that long for a project to get up and running.

Ms. Cicchiello noted that this would be a moratorium on the affordable housing appeals process only and would not prevent developers from applying for an affordable housing project.

Two items that were discussed were the water and sewer capacity for new projects, and well as the desire to see more low-income housing, versus affordable housing. A four-year moratorium would allow the Zoning Commission to adjust the Town's regulations. Ms. Hardy noted that the Commission wishes to strengthen the regulations to hold contractors responsible for certain things, such as a playground, that they don't currently need to include in their affordable housing project. It was explained that currently if the developer appeals a denied affordable housing project, the burden of proof is on the Town. Putting the moratorium in place will put the burden of proof on the contractor should the application be denied.

It was again stated that what our town really needs is low-income housing and workforce housing; not necessarily affordable housing. Mr. Cunningham stated that he would review everything, and he will make a decision by the next meeting and will let the Board Members know what he decides.

4a. Ex-Officio Reports

Rose Ann Hardy reported:

- The Commission on Aging is currently experiencing some issues, and she will report back with more information at the next meeting.

Jason Deeble reported:

- Harbor Management discussed that they need new brakes and bearings for the trailer. They are hoping that Public Works will have the time to help them out with that. It was noted that the boat and trailer are shared with Waterford.

Ann Cicchiello reported:

- She thanked everyone present for the thoughtful discussion earlier on the proposed 8-30g moratorium.
- The annual Budget Referendum is tomorrow, May 22nd from 8am-8pm at the Community Center.
- The Library board discussed the planting and gift policy that you review tonight.

Mr. Cunningham reported:

- The annual Budget Referendum is tomorrow, May 22nd from 8am-8pm at the Community Center.
- This year's Memorial Day Parade is on Monday, May 26th with a 2pm start. Board of Selectmen please meet at the usual spot after 1:30pm.
- He will invite Greg Priest, who has extensive experience in emergency management and public safety solutions, to the Board's June 4th meeting. The town may consider hiring him as a consultant.
- East Lyme High School Graduation is on June 13th.
- On Thursday, May 22nd everyone is invited to celebrate the promotion of Lindsay Cutillo to Sargent! May 22nd @ 4pm at the ELPD.

5a. Communications – Invitation to 2025 East Lyme High School Graduation – June 13th

6. Public Comments
There was none.

7. Selectman's Response
There was none.

MOTION (4)
Ms. Cicchiello MOVED to adjourn the May 21, 2025, regular meeting of the Board of Selectmen at 8:24 p.m.
Seconded by Ms. Carlson. Motion passed 6-0.

Respectfully Submitted,

Sandra Anderson
Recording Secretary

Exhibit #1

Public Comment to the East Lyme Board of Selectmen
May 21, 2025

Good evening. My name is Beth Sabilia, of 1 Montauk Ave, New London, and I am the Director of the Center for Housing Opportunity in Eastern CT. Thank you for the opportunity to speak tonight.

I'm here to respectfully urge the Board **not to authorize an application for a moratorium under Connecticut General Statutes Section 8-30g**.

A moratorium would stall the production of affordable housing at a time when East Lyme—and the entire region—is facing a housing affordability crisis. According to the **Eastern Connecticut Housing Needs Assessment**, many of our residents are already struggling to afford a place to live:

- Nearly **30% of renter households in East Lyme are cost burdened**, meaning they spend more than 30% of their income on rent.
- Households earning under **$50,000**—up to 50% of Area Median Income—simply can't afford to rent or buy in town.
- At the same time, **more than 79% of our homes are single-family houses**, and **over 64% have three or more bedrooms**, while **63% of households are just one or two people**.

This mismatch leaves many seniors, young adults, and working families priced out. **Over a quarter of our residents are renters**, yet affordable rental options are extremely limited. Nearly **1 in 5 residents is over 70**, many on fixed incomes, and they're being forced to leave the community because they can't find smaller, affordable homes.

8-30g exists because too many towns in Connecticut have failed to build enough affordable housing. East Lyme has not yet reached the 10% affordability threshold, and applying for a moratorium now would only delay progress.

Affordability isn't just about numbers—it's about who gets to live here. Teachers, healthcare workers, small business staff, and seniors who've spent their lives in this town deserve housing they can afford. A moratorium would shut the door on the very people who keep East Lyme running.

I urge the Board to reject any move toward a moratorium and instead focus on expanding affordable housing options that reflect the needs of all East Lyme residents—now and in the future.

Thank you,

Beth Sabilia

Exhibit #1

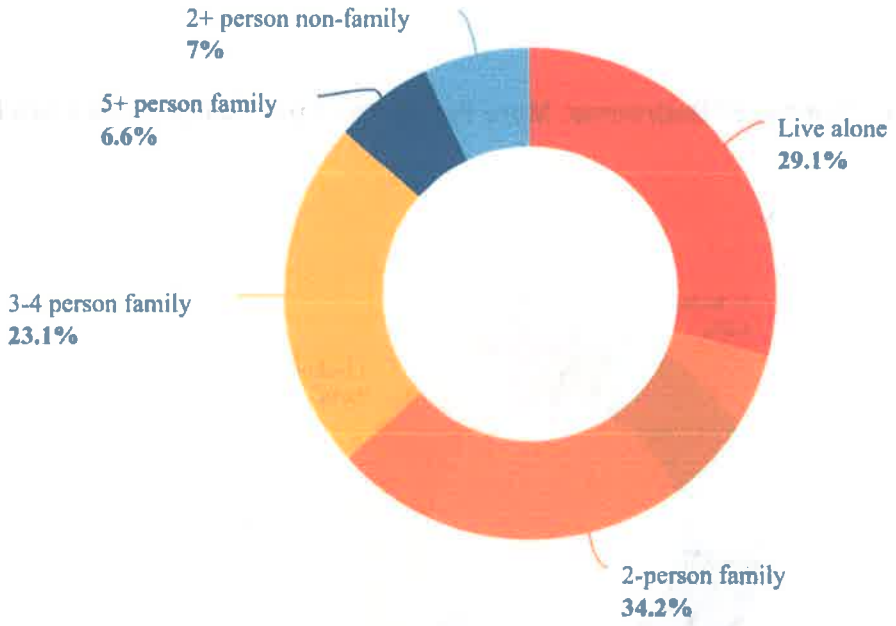
Center for Housing Opportunity

Eastern CT

Eastern Connecticut Housing Needs Assessment Data for East Lyme
https://rpa.org/work/reports/eastern-ct-housing-needs-assessment
Board of Selectmen, Town of East Lyme
Public Comment
5/21/2025

Family Size and Household Type: 63% of the Families in East Lyme are two or fewer people.

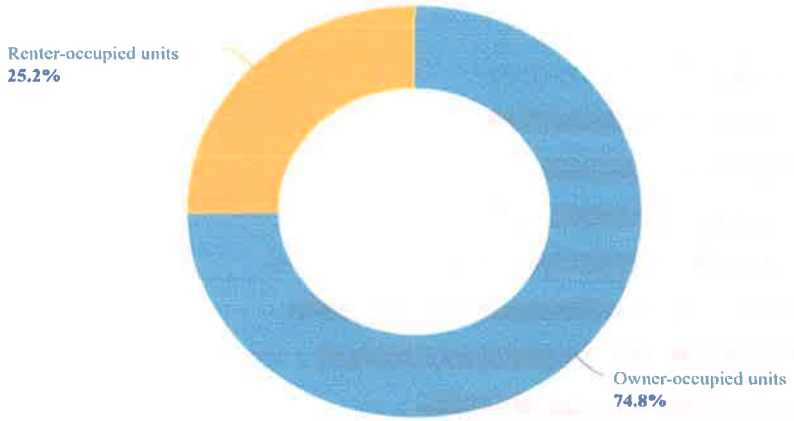
East Lyme



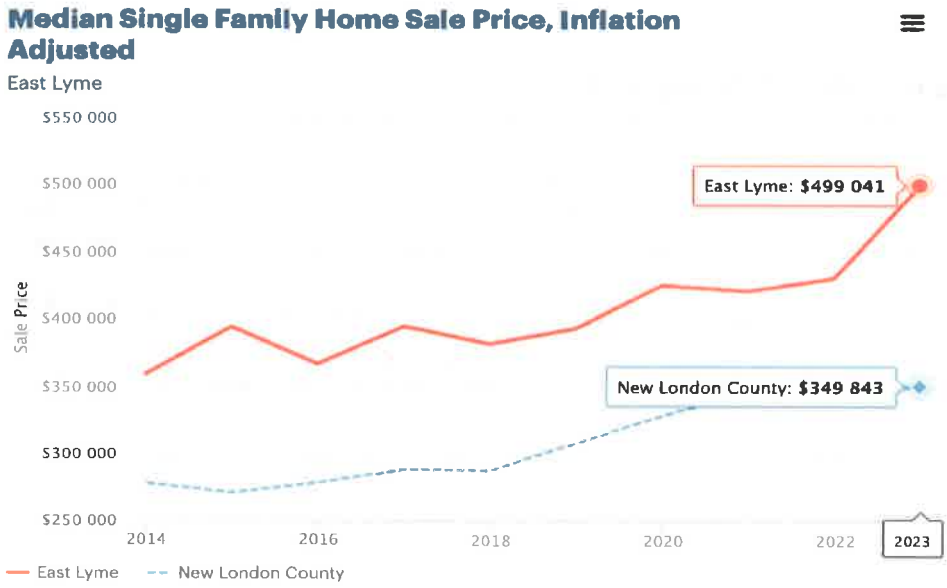
US Census, American Communities Survey 2018-2022

Owner Occupied and Rental: Over a quarter of East Lyme residents are renters.

East Lyme



American Community Survey 2018-2022

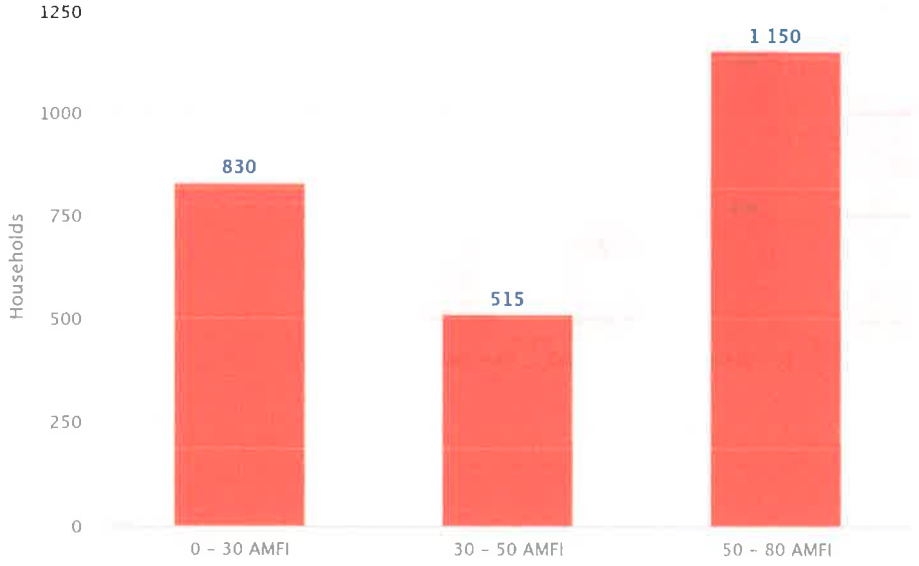


Eastern Connecticut Association of Realtors

East Lyme Family Median Income $98,987.00
0-30% of AMI = $29,696.00 ot less; 30-50% of AMI - $49,494 or less

Number of Households by Average Median Family Income

East Lyme

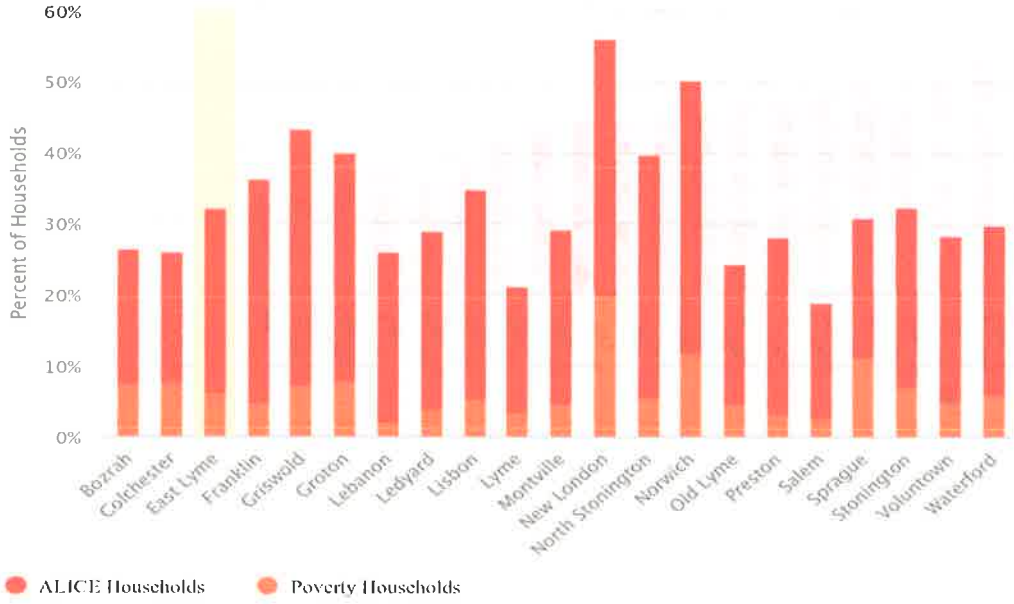


HUD Comprehensive Housing Affordability Strategy 2016-2020

Homeownership is Becoming Out of Reach

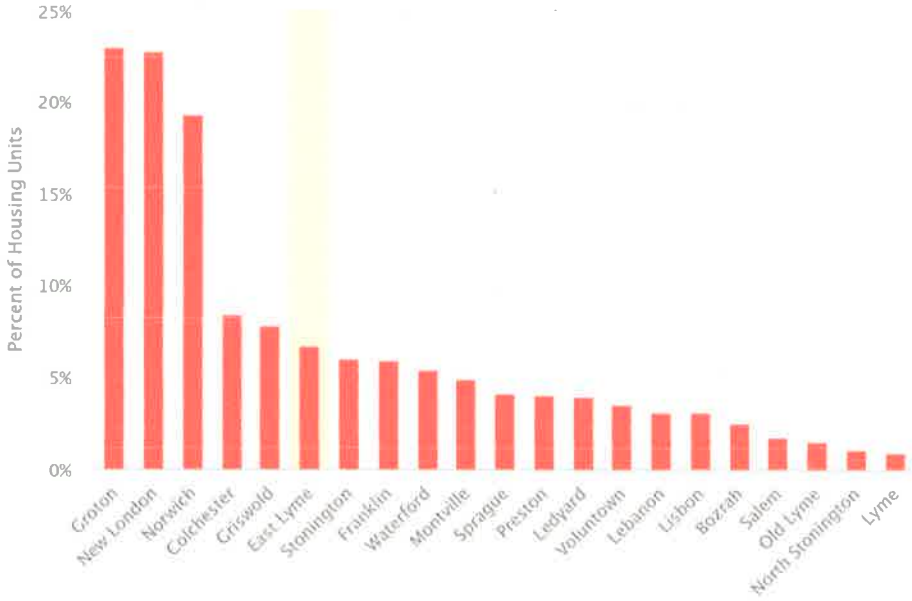
Asset Limited, Income Constrained, Employed Households

New London County



Percent of Housing Units Deemed Affordable

New London County



Connecticut Dept. of Housing, 8-30g Appeals List 2012, 2022

Rough Draft
Exhibit #2

Board of Selectmen
MAY 21 25
Agenda Item #2a

East Lyme Public Library Commemorative Gift Policy **(Draft – May 5, 2025)**

Individuals or groups may be honored by establishing a commemorative space in or outside the library, book plating, or by donation of funds for the purchase of books or other items.

Memorials can be established for library patrons, staff, board members from the Board of Trustees or Directors of the East Lyme Library Foundation, or community members in general. The Library Director will review Naming proposals and Tree/Garden memorials submitted via the attached form to the Library Director. The Board of Trustees will then review these requests based on the type of memorial and appropriateness.

Small monetary and book donations made in memory of or in honor of individuals do not require a form or review by the board.

All donations made in memory or in honor of someone will be listed in the library's annual report for the year in which the donation was made. Donors are notified when their donation is received. Donations greater than $250.00 are often tax-deductible; the library will provide a receipt or acknowledgement letter for tax purposes.

Room Naming

Rooms or spaces can be named after individuals who have made significant contributions to the library, the community, society, or in memory of those who have passed. A formal written request must be submitted via the attached form, detailing the person to be honored, their contributions, and the proposed room/space for naming. The library board will review the proposal to ensure the name aligns with the library's mission and values. If the room or building

is later renovated or changed significantly the library board current to these changes will determine how to best retain the name with the new design.

Memorial Gardens or Tree Planting Process

Individuals may be memorialized by planting a tree or garden outside the Community Center. Gardens may include plants, benches, and other appropriate items as determined by the board of trustees. A plaque or small sign may be placed near the tree or garden to identify the individual or group memorialized by the tree or garden. Typically, donations are required to cover the cost of the tree/garden, planting, and appropriate commemorative plaque. Plants used must be those that have native compatibility to Southeastern Connecticut, in consultation with the East Lyme Pollinator Pathway or other Pollinator Pathway groups if East Lyme does not have one.

Donating Books in memory of or to honor someone

Donors can contribute funds to purchase a book in memory of or in honor of someone, or contribute funds for the library to select a book in memory of an individual. Books chosen must adhere to the library's collection development policy. A special bookplate can be placed inside the book, acknowledging the person in whose memory or honor the book is donated. Donors may use the library's standard book plate, or design their own bookplate proposal (to be submitted to the Director for approval). There is no need to fill out a form for the board to review

Donations of cash in memory of or in honor of an individual or group.

Monetary donations to the library can be made in memory or in honor of an individual or group. Donations such as these may be directed to a specific library project or section, or they may be made to the general fund of the library.

Form for Commemorative Room Naming, Tree Planting or Garden Creation

Name and contact information of person making donation:

Who is this donation commemorating?

What are this person's contributions to the library or community of East Lyme?

If naming a room or section of the library what part of the library should commemorate this person?

If planting a tree what type of tree do you want planted?

If planting a garden what type of plant and what other objects are you proposing?

What wording would you like to see on the commemorative plaque that accompanies this donation?

Is there anything else you would like to tell us?

Board of
Selectmen

MAY 21 25

Agenda Item
#3a

ORDINANCE ESTABLISHING
THE EAST LYME CLIMATE CHANGE AND COASTAL RESILIENCY RESERVE FUND

1. There is hereby established the East Lyme Climate Change and Coastal Resiliency Reserve Fund (the "CRRF") in accordance with General Statutes § 7-159d.

2. Funds may be paid into the CRRF upon the recommendation of the First Selectman and approval by the Board of Finance, provided that such contributions must be drawn from (a) amounts authorized to be transferred into such CRRF from the general fund cash surplus available at the end of any fiscal year, and (b) the proceeds of bonds, notes or other obligations issued pursuant to General Statutes § 7-374b (b).

3. The Town Treasurer, under the supervision and direction of the Board of Finance, shall manage and invest the funds contained in the CRRF in accordance with General Statutes § 7-159b (c).

4. The Town Treasurer shall annually submit a complete and detailed report concerning the condition of the CRRF to the First Selectman, the Board of Finance, and the Board of Selectmen. Said report shall be made a part of the Town's annual report.

5. The whole or any part of the CRRF may be used and appropriated to pay for municipal property losses, capital projects and studies related to mitigating hazards and vulnerabilities of climate change including, but not limited to, land acquisition. Such use and appropriation may only occur upon the joint recommendation of the First Selectman and the Board of Finance and the approval of the Board of Selectmen.

6. The CRRF may be discontinued in accordance with the provisions of General Statutes § 7-159d (f) upon the joint recommendation of the First Selectman and Board of Finance and approval of the Board of Selectmen. Following any such vote to discontinue the CRRF, any remaining assets or funds within the CRRF shall be converted into, or added to, a sinking fun to provide for the retirement of the bonded indebtedness of the Town. If, at that time, the Town has no bonded indebtedness, the remainder of such fund shall be transferred to the general fund of such municipality.

Exhibit #3

HINCKLEY ALLEN

MEMORANDUM

TO: Ridgefield Planning and Zoning Commission; Director Alice Dew (via email to: pzdirector@ridgefieldct.gov)

FROM: Attorney Timothy S. Hollister

CC: Attorney Robert R. Jewell

SUBJECT: Illegality of Proposed "Temporary and Limited Development Moratorium"

DATE: January 17, 2025

We represent Thomas Montanari and several other owners of property in Ridgefield. The purpose of this memorandum is to explain the law governing municipal zoning moratoria, and how the proposed moratorium is illegal in several respects.

As explained below, first, the proposed moratorium exceeds the very limited circumstances in which the Connecticut Supreme Court has allowed moratoria, and violates the standards that the Court has articulated. Second, to the extent the proposal attempts to prevent applications made under General Statutes § 8-30g, it is in conflict with and therefore preempted by state law. Third, the moratorium proposal conflicts with several mandatory sections of Public Act 21-29, as now codified in General Statutes § 8-2, the Zoning Enabling Act, and is therefore also in conflict with and preempted by state law.

At the outset, it is important to recognize what a zoning moratorium is and why one may be imposed only in specific, narrow circumstances. A moratorium is a suspension of property rights. It is an action taken by a municipal commission that temporarily overrides state real property and land use law. There is no provision in the General Statutes that allows a moratorium. Our Supreme Court has therefore allowed a moratorium only in compliance with strict, specific, and short-term requirements, and only when necessary to address a specific problem with existing regulations. The Court has said that a moratorium may not be imposed to stop or even pause a broad spectrum of development, but to assist in the administration of regulations when a specific issue arises and then only as necessary to fix the problem. The best recent example is moratoria imposed on cannabis retail stores. When cannabis was legalized, few if any towns had regulations in place to control the opening and operation of stores. Short-term moratoria were thus permissible for the specific purpose of allowing time to draft and adopt

regulations where, for good reason, none existed, and avoiding the problem of unregulated stores opening. But only such limited and compelling circumstances warrant a suspension of applications and property rights.

1. Summary of Moratorium Proposal, January 2025

The moratorium proposal is in three parts. Subsection A, "Intent and Purpose," states that the Planning and Zoning Commission "has determined that in order to protect the health, safety, and welfare of its citizens, it is prudent and necessary to implement a temporary and limited moratorium on certain types of applications…which involve a heightened level of technical complexity and greater potential impact to town infrastructure and resources." The intent is to undertake a "comprehensive and integrated review" of five categories:

(a) the Zoning Regulations "including but not limited to Residential Zones, Other Housing Zone Basic Standards and Administration";

(b) the 2020 Plan of Conservation and Development;

(c) the Town zoning map;

(d) "town infrastructure and resources"; and

(e) "Capacity, capabilities and procedures of the Planning and Zoning Department" and the "availability of reliable external consultants…for proper review of complex applications."

Subsection B, "Application Types Subject to Moratorium," lists any zoning permit, special permit, or subdivision application that includes multi-family residential housing in any zone; any proposal to build five or more dwelling units; and special permit applications that would require a zone change or regulation amendment. Special permit applications proposing commercial or mixed-use developments are also prohibited.

Subsection C states the moratorium will expire in one year, but the Commission can extend its length "as necessary" to achieve "the intent and purpose stated above" of subsection A.

2. The Moratorium is Invalid Because it is Overly Broad, Has No Specific Purpose, and is Unreasonable in Duration

Zoning moratoria must be limited in scope and duration, and must address a specific defect in the existing zoning regulations that justifies a temporary suspension of the rights of property owners under state law.[1] See *Arnold Bernhard & Co. v. Plan. & Zoning Common of*

[1] Limits on moratoria similar to Connecticut's are recognized across the country. For example, a New Jersey Court invalidated a zoning moratorium purporting to ban all new multifamily

Town of Westport, 194 Conn. 152, 164 (1984), attached at Tab 1. See also *Town of Lebanon v. Woods*, 153 Conn. 182 (1965) (temporary minimum lot area and living space requirements upheld where stated purpose was to give the commission time to draft zoning regulations, where none existed). In *Arnold*, the Court upheld a zoning moratorium suspending applications for business uses within a specific 14 acre part of Westport's business district. The Court held the moratorium was properly limited in scope because it restricted development in only a specified portion of the land in town zoned for business uses. It was properly limited in duration because it expired after nine months. The moratorium addressed a specific defect where the existing zoning regulations had permitted "the rapid expansion of business uses" in the identified location, and gave the commission sufficient but not excessive time to draft revised restrictions to control potential impacts not addressed by the existing rules. Id. at 160.

Compared to these standards, the illegalities in the proposal now before the Ridgefield Planning and Zoning Commission are numerous and breathtaking, and include the following:

a. It does not explain, or reference, when or how the Commission "determined" the need for a moratorium;

b. It does not identify any specific concern, problem, regulation defect, or recent problematic application that requires correction or revision;

c. Its wording is consistently broad, vague, and undefined;

d. Its statements of scope are open-ended, such as "including but not limited to";

e. It prohibits an application for a zone change, regulation amendment, or special permit regardless of the use proposed, the complexity or simplicity of the application, and the impact;

f. Though stated as a moratorium on zoning, it includes review of the Plan of Conservation and Development which was adopted only four years ago; a

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development because it violated state law (similar to Connecticut law) requiring zoning moratoria be "strictly limited" and "have a real, legitimate and substantial relationship to the objectives being sought and must accomplish its goals with due consideration of all alternative methods and the rights of everyone to be affected by the ordinance." See *New Jersey Shore Builders Ass'n v. Twp. Comm. of Dover Twp.*, 191 N.J. Super. 627, 631-633 (Law. Div. 1983) ("It is not enough to support a moratorium…to say that a problem exists and some residents are complaining. The situation must be exigent, the causes must be adequately explored and it must be demonstrated that other less extreme solutions have been investigated and found to be not feasible"). Similarly, a moratorium on all cell tower construction was unreasonable because there was no evidence that cell towers produced any public health or safety problems; rather, the moratorium was based on unsupported perceptions of the residents regarding health. See *Cellular Tel. Co. v. Vill. of Tarrytown*, 624 N.Y.S.2d 170 (1995).

POCD's adoption is generally a lengthy process that can easily exceed a year, and is undertaken by PZC in its planning, not zoning, capacity;

g. It inexplicably and arbitrarily exempts "municipal or government uses" without defining what these are;

h. It covers every zone in the entire town, without geographic limit;

i. It applies to and prohibits small, minimal impact proposals, despite its stated intent of reviewing complex applications; and

j. It states that the Commission's review will cover "infrastructure and resources" and the "availability of reliable consultants," neither of which is a matter involving the zoning regulations *per se,* and is likely to intrude on the powers of the Board of Selectmen and other town agencies.

The moratorium's time limit also exceeds the length of time that courts have sanctioned. See *Arnold* (nine months); *Nicholas v. Zoning Common of Town of Ledyard*, 1995 WL 27500 (Conn. Super. Ct., Jan. 18, 1995) (six months). The proposal states that it will expire after one year, but gives the Commission authority to renew it "as necessary." So, the stated length and the reserved extension both exceed prior court decisions. With no clear metric from which progress can be measured (moratorium objective is simply to "review" and "consider" possible zoning revisions), an extension is virtually guaranteed. The Court in *Arnold* cautioned against moratoriums that are limited to a year but annually renewed. See *Arnold*, 194 Conn. at 163; citing *Lake Illyria Corp. v. Town of Gardiner*, 352 N.Y.S.2d 54 (1974) (four repeated one year moratoriums were unreasonable in duration).

The moratorium is demonstrably overbroad, vague, and open-ended, and thus in violation of Connecticut law regarding moratoria.

Also, again, as noted above, the Commission has not identified any past or recent application that warrants the moratorium proposal. It is essential to recognize that the Commission cannot suspend state land use law on essentially a town-wide basis without a specific, compelling reason. Taking a nomadic tour of the regulations is not a justification, nor is deploying a bazooka where nothing more than a slingshot may be needed.

3. The Commission Does Not Have the Authority to Suspend a State Statute and the Proposed Moratorium is Preempted by Conn. Gen. Stat. § 8-30g

We note that Town officials have recently posted online a concession that a moratorium cannot prohibit applications made under General Statutes § 8-30g. That is correct. The Commission cannot enact a moratorium that conflicts with a state statute. See *MSW Assocs. LLC v. Plan. & Zoning Dep't of City of Danbury*, 202 Conn. App. 707, 723–24 (2021). "There is attached to every ordinance… adopted by…a municipality the implied condition that [it] must yield to the predominant power of the state when that power has been exercised.… [A] local

ordinance is preempted by a state statute whenever the legislature has demonstrated an intent to occupy the entire field of regulation on the matter...or...whenever the local ordinance irreconcilably conflicts with the statute." Id. For example, zoning regulations cannot regulate tidal wetlands because the legislature granted DEEP exclusive authority to do so. See *Varicella v. Plan. & Zoning Bd. of Appeals of Town of Greenwich*, 32 Conn. Supp. 104, 114 (CT. Comm. Pl. 1974).

The Commission does not have the authority to suspend state statutes. Moreover, § 8-30g is a remedial statute, meaning that it is the state's imposition of a special procedure to overcome exclusionary zoning practices and regulations. A town can be exempt from § 8-30g in only two ways. The first is when at least ten percent of it housing stock is affordable; Ridgefield's stock of affordable housing is only 2.96%. The second is a moratorium from the Department of Housing from § 8-30g applications. This Commission cannot create a third procedure.

4. <u>The Moratorium Also Suspends Several Sections of Public Act P.A. 21-29 by Temporarily Banning All Multi-Family Housing And Rules Intended to Promote It</u>

Public Act 2021, No. 21-29, § 4, amended Conn. Gen. Stat. § 8-2, the Zoning Enabling Act, in several respects intended to boost the production of multi-family and affordable housing. Zoning regulations *shall* (emphasis added):

- "Address significant disparities in housing needs and access to educational, occupational and other opportunities…and…affirmatively further the purposes of the federal Fair Housing Act….," see Conn. Gen. Stat. § 8-2(b)(2)(H) and (J);

- "Provide for the development of housing opportunities, including opportunities for multi-family dwellings…, for all residents of the municipality and planning region in which the municipality is located…," see General Statutes § 8-2(b)(4);

- "Promote housing choice and economic diversity in housing, including housing for both low and moderate income households," see General Statutes § 8-2(b)(5); and

- "Expressly allow the development of housing which will meet the housing needs identified in the state's consolidated plan for housing and community development pursuant to [General Statutes] 8-37t…."

In addition, General Statutes § 8-2(d)(8) provides that zoning regulations may not "Place a fixed numerical or percentage cap on the number of dwelling units that constitute multi-family housing over four units, middle housing or mixed-use development that may be permitted in the municipality."

In other words, while the Connecticut Supreme Court, more than 30 years ago, allowed a short moratorium on specific business uses, four years ago the state legislature adopted multiple

specific mandates and prohibitions regarding regulation of multi-family and affordable housing. We respectfully submit that, in light of these recent statutory mandates, there is ample reason to conclude that our courts today will either prohibit moratoria that suspend multifamily and affordable housing development, or impose even stricter standards on such moratoria.

5. Conclusion.

It is worth noting that zoning regulation of multi-family and affordable housing has been discussed and debated for decades. There is no new, unexpected, or unusual problem that has arisen in Ridgefield – only a group of residents newly reacting, based in part on misinformation, to what state law tries to achieve.

For these reasons, the proposal is illegal and cannot be adopted. If approved, it will be surely invalidated and enjoined by the courts.