



15-OCT  
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**CITY OF DANBURY**  
**OFFICE OF THE CORPORATION COUNSEL**  
155 DEER HILL AVENUE  
DANBURY, CONNECTICUT 06810

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PLEASE REPLY TO:

October 22, 2004

Hon. Mark D. Boughton, Mayor  
Hon. Members of the Common Council  
City of Danbury  
155 Deer Hill Avenue  
Danbury, CT 06810

Re: Affordable Housing Contract between City of Danbury and Poplar Park, LLC  
Poplar Park Condominiums/Housing Incentive Option  
40 Division Street /2-4 Park Avenue

Dear Mayor Boughton and Common Council Members:

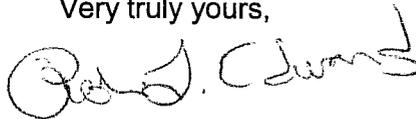
At the October 5, 2004, Common Council meeting the above mentioned matter was referred to this office for a thirty-day report (see item #15 of the meeting minutes). I write to advise you that this office has reviewed the above-mentioned contract which has been submitted to the City pursuant to the provisions of Section 8-2g of the Connecticut General Statutes ("C.G.S."). We find the contract to be in compliance with the requirements of Section 8-2g of the Connecticut General Statutes, as well as Section 4.B.7.d.(1) of the Zoning Regulations of the City of Danbury.

This project contains six units in excess of the number of units which would otherwise be permitted, three of which are designated as affordable housing units. Section 8-2g of the C.G.S. is designed to encourage municipalities to promote the development of affordable housing. The statute authorizes municipal land use commissions to approve applications for exemption from density limits providing for the construction of a designated number of permitted multi-family dwelling units in excess of applicable density limits, in accordance with a contract entered into between the developer and the municipality. Section 8-2g of the C.G.S. further sets forth the provisions and terms that the developer must comply with in providing for a designated number of affordable housing units. The Planning Commission granted the developer's application for a special exception to approve a housing incentive option on June 2, 2004. Pursuant to Section 8-2g of the C.G.S., the legislative body of the municipality is required to approve all proposed contracts entered into between the developer and the municipality.

October 22, 2004

Therefore, after review of the contract, it is this office's opinion that the Common Council properly may authorize the Mayor to execute the contract between Poplar Park, LLC and the City of Danbury.

Very truly yours,

A handwritten signature in black ink, appearing to read "Robin L. Edwards". The signature is written in a cursive style with a large initial "R" and "E".

Robin L. Edwards  
Assistant Corporation Counsel

cc: Robert J. Yamin, Corporation Counsel  
Eric L. Gottschalk, Deputy Corporation Counsel  
Dennis I. Elpern, Director Planning & Zoning  
Paul Schierloh, Associate Director of Health  
Wayne Skelly, Zoning Enforcement Officer  
Steven M. Olivo, Esquire