

## Strauss, Patricia

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**From:** Eileen Lavigne Flug <elflug@optonline.net>  
**Sent:** Monday, September 19, 2016 3:50 PM  
**To:** # TOW-RTM Mailing List  
**Cc:** Bloom, Ira  
**Subject:** Re: Review of 1177 Post Road East by RTM

Hi everyone:

Ira Bloom has added a supplement to his legal memo that I circulated last week. Please see below.

Eileen

On Sep 19, 2016, at 2:00 PM, Ira Bloom <[ibloom@bmdlaw.com](mailto:ibloom@bmdlaw.com)> wrote:

Eileen: As a supplement to my memo from last week, I wanted to address a couple of points that have arisen: 1) If the RTM overturns the zone text amendment and zone map change, will construction of the proposed buildings at 1177 Post Road East be prohibited? Steve Palmer and I have reviewed this, and the answer is no. The applicant has an approved site plan, which is not reviewable by the RTM. In the 8-30g context, this would be adequate to seek zoning permits, building permits, and commence construction, regardless of the outcome of the RTM review. 2) Can the approved zone text amendment be used by other potential developers? The answer is no for two reasons. First, the actual wording of the approved zone text is specific to this site so it cannot be used anywhere else. Second, the zone text amendment was passed with a "sunset" clause, which means that by its own terms it expires in 60 days and is unavailable to anyone else after that. Ira

<image001.png>

**Ira W. Bloom**  
Berchem, Moses & Devlin, P.C.  
1221 Post Road East  
Westport, CT 06880

Direct Dial: (203) 571-1715  
Main Office Number: (203) 227-9545  
Fax: (203) 227-2443  
[ibloom@bmdlaw.com](mailto:ibloom@bmdlaw.com)  
[www.bmdlaw.com](http://www.bmdlaw.com)

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