

Law Offices of
Charles D. Houlihan, Jr.

75 West Street
Post Office Box 582
Simsbury, Connecticut 06070

Admitted to Practice:
Connecticut
Texas

Telephone: 860-658-9668
Telecopier: 860-658-1339
charles.houlihan@sbcglobal.net

Via email
mglassman@simsbury-ct.gov

August 8, 2013

Hon. Mary Glassman
Town of Simsbury
933 Hopmeadow Street
Simsbury, CT 06070

**Re: The Red Stone Pub, L.L.C.
Marc Lubetkin, agent for George Markatos
10 Mall Way**

Dear Mary:

On behalf of The Red Stone Pub, I write to request a waiver of land use fees.

In June 2012, the Pub applied for permission to erect a free-standing sign in front of the property. Because of the distance between the building and the road, the signs for the tenants at 10 Mall Way are difficult to see. The large sign stating "The Courtyard" is hidden behind the only tree on the front of the property. Greater visibility is deemed necessary to improve the prospect for success for the Pub.

The design of the sign, as modified, was endorsed by Design Review and the Zoning Commission. Both Commissions declined to act on the application because no free-standing sign is allowed in the SC-3 zone under the current Simsbury Center Regulating Plan.

On February 13, we met in your office with Hiram and the Town Attorney to discuss the most efficient approach to this limitation in the Regulating Plan. At the end of the conference, it was recommended that we seek a zone change to an SC-1 zone which allows a free-standing sign.

We filed an application for a zone change and appeared before Design Review and the Planning Commission on June 11. The day before, Code Studio, the consultant which wrote the Regulating Plan, suggested a text amendment in lieu of the zone change. There had been no discussion of a text amendment during the intervening four months. The zone change received negative referrals based on the new recommendation of Code Studio.

An application for a text amendment, adopting the language of Code Studio, has been filed with the Town and a hearing is scheduled before the Zoning Commission on September 16, 2013.

Hon. Mary Glassman
Town of Simsbury
August 8, 2013
page 2

The complexity of the Regulating Plan guarantees that unexpected issues may arise which complicate what should be a routine process. The rigidity of the Plan has yielded a circuitous and expensive route to obtain ordinary commercial signage. In the process, the following fees have been paid:

Sign Permit	\$160.00	
Zone Change	\$690.00	
Text Amendment	\$290.00	
State fee	\$60.00	
Public Hearing fee	\$50.00	
	\$1,250.00	

Marc Lubetkin, as agent for George Markatos, requests that the Town refund a portion of the fees paid over the past year. The Regulating Plan has made the application for a sign a cumbersome process in this instance, requiring the assistance of legal counsel and significant delays. None of the three land use bodies has objected to the proposed sign itself. The Town should not collect fees on three separate occasions and this process works itself out. To that end, a refund is requested.

Thank you and the Board for your consideration.

Sincerely yours,
s/
Charles D. Houlihan, Jr.