



Town of Simsbury

933 HOPMEADOW STREET

P.O. BOX 495

SIMSBURY, CONNECTICUT 06070

Thomas F. Cooke - Director of Administrative Services

BOARD OF SELECTMEN MEETING AGENDA SUBMISSION FORM

1. **Date of submission: October 24, 2013, 2013**
2. **Date of Board Meeting: October 28, 2013**
3. **Individual or Entity making the submission: Hiram Peck, Director of Planning**
4. **Action requested of the Board of Selectmen (Acceptance of gift, creation of reserve, approval of contract, information only, etc. Be as specific as possible with respect to the desired action of the Board.):**

The Board of Selectmen asked the Zoning Commission for a recommendation as the Mr. Lubetkin's request for a refund of fees for various land use applications. The Zoning Commission's recommendation is sent to BOS for review and possible action.

5. **Individual(s) responsible for submission (Please include complete contact information. The identified individual(s) should be prepared to present information to the Board of Selectmen at the Board Meeting.):**

Hiram Peck, Director of Planning and Community Development for the Simsbury Zoning Commission.

6. **Summary of Submission (Include in your summary (i) relevant dates and timelines; (ii) parties involved; (iii) a description of financial terms and conditions specifically identifying the financial exposure/commitment of the Town of Simsbury; (iv) whether or not contracts, licenses and other legal documents have been reviewed by the Town's counsel; and (v) other information that will inform the Board of Selectmen's consideration of your submission. Include any additional information in an attached memorandum.):**

Mr. Lubetkin submitted various applications based, it is assumed, on advice from his attorney. The initial application was for a sign that was not permitted by the adopted Town Center Code. Subsequently and application was submitted to revise the Zone and Zoning Map for Mall Way. This application was recommended for denial by Planning Commission and DRB. The application was then withdrawn.

Further subsequently an application for a Zoning (Code) text change was submitted and was modified and approved.

Mr. Lubetkin, through his attorney, is seeking a refund of application and processing fees. This request is made as shown on letter dated August 8, 2013.

At its meeting of 10/7/13 the Zoning Commission recommended:

- the refund of ½ of the \$690 Zone change fee or \$345, and
- the \$160 fee for the new freestanding sign (not yet applied for) be waived.

This matter is sent back to the BOS for final determination and action.

7. Description of documents included with submission (All documents must be in final form and signed by the appropriate party.):

The following documents are included with this submission and attached hereto:

Attachments include:

1. Copy of letter dated October 8, 2013 from Hiram Peck to Mary Glassman containing the Zoning Commission's 4-2 recommendation on this matter.
2. Copy of the Zoning Commission's 10/7/13 minutes on this matter.
3. Copy of letter from Attorney Houlihan representing Mr. Lubetkin and requesting "a waiver" of land use fees. Staff note: In fact the fees already paid would need to be refunded and those fees not yet paid, such as the fee for the new sign, are requested to be waived.

Thank you for your consideration of this matter.



Town of Simsbury

p/28
BDS

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Planning and Land Use Department

Received
OCT 08 2013
Selectmen's Office

October 8, 2013

To: Mary Glassman, First Selectman

From: Hiram Peck, Director of Planning

HPS

Re: 10 Mall Way, Red Stone Pub, request for refund on land use applications.

At your request, The Simsbury Zoning Commission considered the August 8 letter from Attorney Charles Houlihan to "waive land use fees" in connection with the recent applications of the Red Stone Pub for sign permits, zoning change application, zone text change application, state land use fees and public hearing fee.

After hearing the rationale for the return of fees from Attorney Houlihan, and discussing the request, and staff's opposition to the request, the Zoning Commission decided to recommend the following to the Board of Selectmen:

The Zoning Commission recommended to the Board of Selectmen:

1. One half of the Zone Change fee (\$690) or \$345 be refunded.
2. The \$160 fee for the new sign that will now be applied for be waived.

The vote on this recommendation was 4-2.

The Commission noted that they have no ability to recommend the waiver of any applicable State of CT fees.

If you have any questions, please let me know.