

VESSEL RE HOLDINGS, LLC	:	SUPERIOR COURT
	:	
v.	:	
	:	JUDICIAL DISTRICT OF
	:	HARTFORD
	:	
	:	LAND USE DOCKET
	:	
ZONING COMMISSION OF THE	:	
TOWN OF SIMSBURY	:	FEBRUARY __, 2024

**JOINT MOTION PURSUANT TO  
GENERAL STATUTES § 8-8(n)  
FOR ENTRY OF JUDGMENT IN ACCORDANCE WITH STIPULATION**

The parties to this zoning appeal, filed under General Statutes § 8-8 regarding a development plan filed in compliance with General Statutes § 8-30g, hereby move pursuant to General Statutes § 8-8(n) for court approval of a settlement, and specifically the entry of judgment in accordance with the Stipulation set forth below.

WHEREAS, plaintiff Vessel RE Holdings, LLC (“Vessel”), authorized to do business in Connecticut, is the contract purchaser of a 1.9 acre parcel of land located at 466 Hopmeadow Street, Simsbury, Connecticut;

WHEREAS, on January 18, 2023, Vessel filed with the defendant Zoning Commission of the Town of Simsbury a site plan application, proposing a building containing 80 rental apartment units, a portion of which would be preserved as affordable housing units as “set aside” housing, as defined in General Statutes § 8-30g(a)(6);

WHEREAS, with its site plan application, Vessel also filed a draft Affordability Plan; architectural elevations, renderings, and floor plans; a traffic study; a landscaping plan; a lighting plan; a stormwater management report, a lighting plan; a stormwater management report, and a civil site plan set consisting of 13 sheets dated December 16, 2022, prepared by H&H Engineering, LLC of Mystic, Connecticut;

WHEREAS, in December 2022, in connection with its site plan application, Vessel filed a regulated activities permit application with the Simsbury Conservation and Inland Wetlands Commission;

WHEREAS, the Zoning Commission held public hearings on the site plan application in March and April 2023;

WHEREAS, during these hearings, in response to comments, Vessel revised the site plan several times, eventually reducing the proposal to 64 rental units with 102 total parking spaces, 29 of which would be reserved for future construction if needed;

WHEREAS, in April 2023, the Conservation and Inland Wetlands Commission issued a regulated activities permit for the revised proposal.

WHEREAS, a neighboring property owner appealed that wetlands permit approval, in an action captioned *Gagne v. Conservation and Inland Wetlands Commission*, No. HHD-LND-CV-23-6169155-S (J.D. of Hartford), which action remains pending;

WHEREAS, the Zoning Commission on May 15, 2023 denied Vessel's site plan application;

WHEREAS, Vessel in May 2023 timely served and filed this action, appealing from the denial;

WHEREAS, this appeal was transferred to the Land Use Docket, J.D. of Hartford, in June 2023;

WHEREAS, during September 2023 through January 2024, as reported to this Court, the parties conducted settlement negotiations, some of which involved properly-noticed executive sessions of the Zoning Commission;

WHEREAS, with assistance of counsel and Town staff, in January 2024, the parties reached an agreement in principle on settlement terms;

WHEREAS, at an executive session on January 30, 2024, the Zoning Commission voted to present the proposed settlement at a public meeting of the Zoning Commission;

WHEREAS, the Zoning Commission, in accordance with Connecticut Practice Book § 14-7B, published on the agenda of its February 21, 2024 regular meeting the proposed settlement terms, see Exhibit A;

If approved by the Commission, state public session approval with statement of reasons, recorded in the Minutes, as required by Practice Book Section 14-7B; submit to Court at § 8-8(n) hearing as an Exhibit;

WHEREAS, all aspects of the settlement proposal were conducted as an arms-length negotiation between the parties and through counsel, with no settlement terms other than those stated in the Stipulation below, and without any undue influence;

NOW THEREFORE, the parties hereby stipulate to the entry of judgment, consisting of the following modifications to the 64 unit site plan, as revised to April 28, 2023, that was denied by the Zoning Commission on May 11, 2023.

#### STIPULATION

1. The total density is reduced from 64 units to 48 units, in one building, see Exhibit B.
2. The building is reduced from four stories to three, that is, three floors of 16 units in each floor, with the building footprint, location, and configuration substantially as shown on Exhibits B and C, attached.
3. The color palette of the building, after reductions of dimensions and density as agreed above, will be brown, substantially in conformance with Exhibit C, attached.
4. The parking plan is revised and reduced to 60 total spaces as shown on Exhibit B, plus 14 spaces in reserve for future construction and use if needed.
5. The areas of the plan where parking shown on the prior 64 unit plan that have been converted to landscaping are shown on Exhibit B.
6. The Stormwater Management plan will be reduced and revised proportionally, to the satisfaction of the Town Engineer.
7. All other aspects and details of the site plan as revised to April 28, 2023 will continue.
8. A further condition of site plan approval is as follows:

9. Within 30 days of Vessel acquiring title to the subject property and receiving final and unappealable court approval of this Stipulated settlement, Vessel will provide to the Town of Simsbury, for recording, on the land records, a conservation easement, on forms acceptable to the Town, encumbering the portion of 446 Hopmeadow Street located between the Farmington River Heritage Trail and the Farmington River, consisting of  $\pm$  2.39 acres and shown on Exhibits D1 and D2; terms of such conservation easement to be reviewed and approved by the Commission or Town staff and the Town Attorney.

PLAINTIFF,  
VESSEL RE HOLDINGS, LLC

By /s/ Timothy S Hollister  
Timothy S. Hollister  
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DEFENDANT,  
ZONING COMMISSION OF THE  
TOWN OF SIMSBURY

By /s/ Robert M. DeCrescenzo  
Robert M. DeCrescenzo  
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Updike, Kelley & Spellacy  
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Juris No. 065040  
Tel: (860) 548-2600  
Fax: (860) 548-2680

CERTIFICATION

I hereby certify that the foregoing Joint Motion was sent via electronic delivery this \_\_\_\_ day of February 2024, to all parties listed below, and written consent for electronic delivery has been received from all parties.

Robert DeCrescenzo, Esq.  
[rdecrescenzo@uks.com](mailto:rdecrescenzo@uks.com)  
Updike, Kelley & Spellacy  
225 Asylum Street  
Hartford, CT 06103  
(860)548-2600

*/s/ Timothy S. Hollister*  
Timothy S. Hollister  
Commissioner of the Superior Court

# EXHIBIT A

Zoning Commission February 21, 2024  
Agenda



# Town of Simsbury

933 HOPMEADOW STREET

SIMSBURY, CONNECTICUT 06070

Office of Planning and Community Development

## AGENDA

### ZONING COMMISSION – REGULAR MEETING

Wednesday February 21, 2024 at 7:00 PM

Simsbury Library FSPL Room

725 Hopmeadow St., Simsbury, CT 06070

#### I. CALL TO ORDER

Seating of Alternates

#### II. APPROVAL OF MINUTES

January 30, 2024 Special Meeting

February 5, 2024

#### III. NEW BUSINESS

##### Pending Litigation

*Vessel RE Holdings V. Town of Simsbury Zoning Commission* Draft Settlement Agreement dated 1-29-24, for consideration and action to APPROVE JOINT MOTION FOR SUPERIOR COURT APPROVAL OF SETTLEMENT, in accordance with Connecticut Practice Book Section 14-7B. The Draft Settlement Agreement is included as an attachment to the 2-21-24 Zoning Commission Agenda.

##### Site Plans

**Application ZC #24-03** of Jas Gaurav Singh, Owner, for Site Plan approval to permit up to a +/- 829 sq. ft. attached accessory dwelling unit at **66 Hayes Road** (Assessor's Map J05 Block 127 Lot 170), zone R-15.

#### IV. PUBLIC HEARINGS

**Application ZC #23-36** of the Simsbury Zoning Commission, Applicant, for a text amendment to the Simsbury Zoning Regulations pursuant to sections 4.5, 5.5, and 17.4 and the establishment of a new section 8.7 to allow mobile food vendors as an accessory use in business, industrial, professional office and planned area development districts. *This item has been continued from the 1-17-2024 Regular Meeting.*

#### V. OLD BUSINESS

**Application ZC #23-38** of SL Simsbury LLC, Owner, Holden Sabato, Applicant, for a Type 4 Master Site Development Plan (MSDP) pursuant to Section 5.0.B.4 of the Hartford-Simsbury Form-Based Code (HSFBC) for the construction of a 580-unit residential development (revised to 432 residential units, 27,500 sq.ft. flex-industrial/commercial, and 5,000 sq.ft. of retail/restaurant) at 200 Hopmeadow Street (former Hartford Insurance property-south) (Assessor's Map F17, Block 154, Lot 009-2) Simsbury, CT 06070. Zone HS-FBC.

Telephone (860) 658-3245

Facsimile (860) 658-3205

[www.simsbury-ct.gov](http://www.simsbury-ct.gov)

An Equal Opportunity Employer  
8:30 – 7:00 Monday  
8:30 – 4:30 Tuesday through Friday

## **VI. EXECUTIVE SESSION**

The Commission may choose to enter into Executive Session pursuant to General Statutes section 1-200(6)(B): Legal Briefing and Discussion of Pending Litigation and/or Claim related to *Vessel RE Holdings LLC v. Simsbury Zoning Commission* and invite Planning Director McGregor and Town Attorney DeCrescenzo to join.

## **VII. ADJOURNMENT**

### **HOW TO VIEW APPLICATION MATERIALS**

Visit: <https://www.simsbury-ct.gov/zoning-commission>



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WHEREAS, at an executive session on January 30, 2024, the Zoning Commission voted to present the proposed settlement at a public meeting of the Zoning Commission;

WHEREAS, the Zoning Commission, in accordance with Connecticut Practice Book § 14-7B, published on the agenda of its February \_\_, 2024 regular meeting the proposed settlement terms, as shown below under “Stipulation”;

[If approved by the Commission state public session approval with statement of reason as required by Practice Book Section 14-7B];

WHEREAS, all aspects of the settlement proposal were conducted as an arms-length negotiation between the parties and through counsel, with no settlement terms other than those stated in the Stipulation below, and without any undue influence;

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3. The color palette of the building, after reductions of dimensions and density as agreed above, will be brown, substantially in conformance with Exhibit C, attached.
4. The parking plan will be revised and reduced to 80 total spaces as shown on Exhibit D, the intention being to hold 20 spaces in reserve for future construction and use if needed.
5. The areas of the plan where parking shown on the 64 unit plan will be eliminated will be converted to landscaping, the intention being to provide additional buffering and screening of the reduced building from neighboring properties.
6. The Stormwater Management plan will be reduced and revised proportionally, to the satisfaction of the Town Engineer.
7. All other aspects and details of the site plan as revised to April 28, 2023 will continue.
8. Other conditions of site plan approval are as follows:

[other conditions]

9. Within \_\_\_ days of Vessel acquiring title to the subject property and receiving final and unappealable court approval of this Stipulated settlement, Vessel will provide to the Town of Simsbury, for recording, on the land records, a conservation easement, on forms acceptable to the Town, encumbering the portion of 446 Hopmeadow Street located between the Farmington River Heritage Trail and the Farmington River, consisting of \_\_\_ acres and shown on Exhibit E; terms of such conservation easement to be reviewed and approved by the Commission or Town staff and the Town Attorney.

PLAINTIFF,  
VESSEL RE HOLDINGS, LLC

By /s/ Timothy S Hollister  
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DEFENDANT,  
ZONING COMMISSION OF THE  
TOWN OF SIMSBURY

By /s/ Robert M. DeCrescenzo  
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CERTIFICATION

I hereby certify that the foregoing Joint Motion was sent via electronic delivery this \_\_\_\_\_ day of February 2024, to all parties listed below, and written consent for electronic delivery has been received from all parties.

Robert DeCrescenzo, Esq.  
rdcrescenzo@uks.com  
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Hartford, CT 06103  
(860)548-2600

/s/ Timothy S. Hollister  
Timothy S. Hollister  
Commissioner of the Superior Court

# EXHIBIT B



# EXHIBIT C





# EXHIBIT D1



# EXHIBIT D2



**WINSLOW PLACE**



**MBL : G14-145-0**  
**Owner : EAY PROF**  
**Acres : 2.39**  
**Land Use : Reside**  
**Zoning : R-40**

[Parcel Details](#) [Quick Map](#) [Property Car](#)

100 Ft: Find Abutters

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