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June 2, 2022

**Via Email**

Town of Simsbury  
Zoning Commission  
933 Hopmeadow Street  
Simsbury, CT 06070

**Re: *Relief from Conditions of Approval for Application #17-10  
200 Hopmeadow Street, SL Simsbury LLC  
Dated May 31, 2017***

Dear Sir/Madam:

Please accept this letter as a request from SL Simsbury LLC (hereinafter the “Applicant”) for an amendment to the condition that the applicant must complete the proposed commercial shells before certificates of occupancy are issued on more than 90% of the residential units.

Specifically item #13 of the General Development – Modification/Conditions of Approval (“Condition #13”) states:

The applicant shall begin construction of the two proposed commercial space prior to the start of construction of construction of the 196<sup>th</sup> or subsequent residential units (i.e., before more than 70% of the residential units are under construction or completed). The applicant must complete the proposed commercial shells before certificates of occupancy may be issued for the 252<sup>nd</sup> or subsequent residential units (i.e., before certificates of occupancy may be issued for more than 90% of the residential units).

As you may recall, the Applicant sought and received approval from the Zoning Commission on May 31, 2017 for a mixed use development consisting of 280 residential units, two retail-commercial office buildings, an assisted living facility, and community center (the “Initial Approval”). Subsequent to the Initial Approval, the Applicant was granted permission to add a 32 unit apartment building on August 14, 2020, per Zoning Permit 217-2020 (“Building 6 Approval”), at which time 3 townhouse buildings were eliminated from the plan, which resulted in a net gain of 19 units for a total of 299 residential units. Finally just two months ago, on April 18, 2022 the Planning and Zoning Boards approved a site plan amendment regarding the second commercial

building, per Application #22-12 (“Amended Site Plan”). The Amended Site Plan allowed for the construction of an 8,800 sf retail-office building, which is slightly larger than the previously approved building.

To date, the Applicant has completed construction of one of the proposed commercial shells (3,500 sf) and has been unsuccessfully attempting to lease that space for more than 2 years. The second commercial shell (8,800 sf) is currently under construction. The Simsbury Building department approved and issued a footing and foundations permit. Footings and foundations have been placed and underground utility services (water, fire water, electric, sanitary sewer) are currently being installed as you can see from the attached photos. Additionally the balance of the shell building design is nearing completion, and will be submitted for building department review and permitting in the next 2 to 3 weeks.

Concurrent with the building department review, SL Simsbury LLC will buy out the balance of construction materials and subcontracts for labor. The retail shell and associated Hardscape are expected to be completed in the next three or four months in accordance with Amended Site Plan.

Current market conditions have made retail space less desirable since the Initial Approval was granted 5 years ago as evidenced by the Applicants inability to lease the first commercial shell. By contrast, the demand for residential has increased in that same time and the Applicant currently has a waiting list for the remaining residential units.

At this time the Applicant is asking the Zoning Board to provide relief from Condition #13, and release 8 of the remaining 31 Certificates of Occupancy on the project. These Certificates would be applied to Townhouse Buildings 16 and 18, 4-units each, with Tenants waiting to occupy.

Finally, as the construction of the 8,800 sf retail-office building continues, the Applicant anticipates another similar request in the not too distant future, splitting the balance again in an effort to move families into the new community.

Thank you for your consideration.

Very Truly Yours,

*Anna Patras*

Anna Patras  
General Counsel

CC: Ugo Orsini

Attachments:













