

PUBLIC HEARING
May 12, 2009
LEGISLATIVE CHAMBERS
Ordinance Revising Mailing Requirements for Certain Zoning Applications

President Slifka called the Public Hearing to order at 7:17 p.m.

President Slifka: This is on an Ordinance revising mailing requirements for certain zoning applications. Could we have a roll call please Ms. Labrot?

Present: Councilors Adler, Brennan, Cantor, Coursey, Davidoff, Slifka, Thornberry, Verrengia

Absent: Councilor Visconti

President Slifka: Thank you Ms. Labrot. This is a presentation from the administration – Mr. Van Winkle, Mr. Alair, Mr. O'Brien, who would like to go?

Mr Alair: Good evening. The ordinance that you have in front of you quite simply transfers the obligation to mail notice of a hearing and this is strictly limited at this point to special use permits and ZBA matters, that's the only type of matter where there is an ordinance required that abutters and neighbors be notified by mail of a zoning hearing. This ordinance would transfer that obligation to the applicant. Historically the town has done it, we mail out notices to every person within x feet of each application, so on each TPZ agenda, for example, there may be 4 or 5 hearings and notices go out to everybody within the radius around that property by mail. At a ZBA matter, where they deal with many more matters, but smaller hearings, there could be as many as 15 or 20 applications and they mail out those notices every month. Under the state statutes they are required to do a "certificate of mailing" which is a document which is provided by the US Postal service to verify that they did in fact mail those. We would transfer that obligation over to the applicant. I regret you will have to continue the hearing tonight because TP & Z declined to make its recommendation at its last meeting. At least one member of the TP & Z had expressed some concern about what might perhaps be a technical amendment, and that is requiring that the applicant get approval for the form of the mailing from the Town Planner or the Secretary to the ZBA. The concern was that it might be used as an opportunity to turn a required notice into a marketing piece and perhaps not necessarily accurately describe the hearing or minimize or downplay the public's role in the process. But they did table until next month so we would ask you to do the same.

President Slifka: Thank you Mr. Alair. Are there any questions for the administration? Dr. Thornberry?

Councilor Thornberry: You know on first blush, Mr. Alair, I have some of the same concerns that I think TP&Z is struggling with as well. And why is this that is being proposed more agreeable to us the Town, than charging? Upping the fees that are associated with this kind of mailing?

Mr. Alair: I think we've debated that internally. It's difficult to peg the cost because it changes from application to application depending on the size of the field. If you draw a circumference of what we refer to as "the donut" the two hundred foot perimeter around the property, the larger the property, the larger the perimeter and therefore the more houses, the more property owners you have to notify. So it's difficult to peg that cost and then spread it evenly across all applicants. This is, from what I've heard, and I haven't done a formal survey, it's about a 50/50 split in the State of people who have the Town do the notice versus the applicant do the notice. This seems to be a more direct way of passing that cost along and making it specific to the applicant so that you're not charging some people too much or some people too little.

Mr. Van Winkle: If I could respond to that also. It's not about the money. It's about the staffing and the time. If you took the money and gave it to me to add staff, that would be a different issue. We're shrinking our staff and in the Planning Department we just reduced staff and so it's a matter of us being able to do that work. It's not about the money; it's about our ability of where we should be spending our time for the most productivity.

Mr. Alair: And that's the only time you will ever in your lives you will hear an Economist say, "It's not about the money".

President Slifka: How long have you been saying that one?

Mr. Alair: 23 years!

President Slifka: Were there further questions? Mr. Davidoff?

Councilor Davidoff: Through you Mr. Mayor. Dr. Thornberry raised a very good question. Now would the data source for the people that need to be notified still be generated by the Town, so you would pick up labels at the Town?

Mr. Alair: You would pick up a list. I'm not sure you would pick up the labels, but we would provide the data source, yes.

Councilor Davidoff: Thank you.

President Slifka: Thank you Mr. Davidoff. Dr. Thornberry?

Dr. Thornberry: I know that we'll get into this a little bit after we receive the TP&Z's report, but you know, again, if you think about what the public interest is here and what we have to make sure is being done, is there any gap in what needs to be noticed and making sure that when we shift the responsibility that that indeed does happen? I'm sorry, was that clear?

Mr. Alair: Absolutely. There are a couple of things. For a moment let me step back and be clinical. Clinical: date, time, place of the hearing, subject matter of the hearing, that's all that the law requires us to provide. Where people get into trouble is when they either don't provide notice, or provide inadequate notice. It is by far in the applicant's best interest to provide notice because if somebody didn't get noticed there is a statute in

Connecticut that says an inadequate notice gives you a one year appeal period as opposed to a 20 day appeal period. So it is definitely in the applicant's interest to give an adequate notice. Beyond that, do they use the document for marketing; do they put a literature stuffer in there? They may. They could just as easily send that separately to everybody who is on the same list and do it in a separate mailing and it would not be any different. What we care about is that the legal requirements of the notice are given and that's why the technical amendment that the TPZ proposed which is that we review and approve the letter, in fact I think Mila has already drafted a sample that we would use as a standard form letter and say, "Here applicant, use this". just to make it easy and consistent, would get the job done. Did that answer your question?

Dr. Thornberry: It did, thank you.

President Slifka: Thank you Dr. Thornberry. Anyone else? Sign up sheet? Mr. Coursey, go ahead and read.

Vice President Coursey: Yes, just a letter to read into the record. Letter dated May 7, 2009 from Jeffrey Daniels Chairman of TPZ tabling their decision on the Ordinance revising mailing requirements for certain zoning applications.

President Slifka: Thank you. Mr. Alair informs me the sign up sheet is blank, but Mr. Bowin is here and would like to ..

Mr Bowin: As a resident of West Hartford who sat through the planning meeting, all six hours of it last Monday, I had time to think bout this issue, and to my mind it makes more sense if we outsource the mailing. It can all be, the items can be electronically distributed to several of the different mailing – like Marketing Solutions in West Hartford, could electronically receive the addresses, the letter and then pay per item. It's just another alternative idea. Thank you.

President Slifka: Mr. Bowin if I could just get your name and address for the record.

Mr. Bowin: Yes, Bret Bowin, 25 Westborough Drive, West Hartford CT.

President Slifka: Thank you. We're sorry it won't be retroactively Changed for you. Is there anyone else who did not sign up? I don't think there's anyone here. OK. With that, we will continue the Public hearing to May 26th at 7:00 p.m. Yes, I am told that's correct. Ok, thank you and we will continue the Public Hearing.

Public Hearing adjourned at 7:26 p.m.



Essie S. Labrot, Town/Council Clerk