

MINUTES OF PUBLIC HEARING ON AN ORDINANCE TO PROVIDE FOR A DEFINITE STARTING TIME FOR ACTION BY THE TOWN PLANNER ON A SITE PLAN APPLICATION, FOR CLARIFICATION OF WHAT THE CONTENTS OF THE APPLICATION MUST BE AT THE TIME HE BEGINS TO ACT

October 12, 1993 Council Chambers 999

President Sandy F. Klebanoff called the hearing to order at 7:35 p.m.

Present were Councilors Owen Eagan, Linda I. French, Tom Johnson, Sandy F. Klebanoff, Charles R. Matties, Madeline S. McKernan, Carole Mulready, Larry Price and Andy Schatz.

President Klebanoff: Does the administration have a presentation, Mr. Feldman?

Barry M. Feldman, Town Manager: Madam Mayor, I believe Marge wanted to comment, unless Don you have some introductory comments that you would like to make?

Donald R. Foster, Town Planner: Madam Mayor, just to reference the Planning Commission recommendation or a little background on this so Marge can explain the ordinance that her staff drafted. The Town Plan and Zoning Commission looked at this back in August of 1993 and recommended unanimously in favor of the proposed modification. They found that the proposed text amendment would assist the town staff in dealing with incomplete site plan submissions and the Corporation Counsel's office assisted in the preparation of this text amendment. Marge is here and I'll let her pick it up from here.

Marjorie Wilder, Corporation Counsel: I don't know what you said.

Mr. Foster: I said the TPZ recommended in favor of this.

President Klebanoff: Mrs. Wilder.

Mrs. Wilder: The need for this amendment came to our attention really when we were dealing with a case involving a site plan for Mr. Gelinas but it is a generic problem. The ordinance as it is now written could be interpreted to require us to act by approving, disapproving or approving with modifications a site plan within fifteen days. It isn't too infrequent that we do receive site plans that are incomplete and what we like to do is to tell the applicant that it is incomplete and could you please come back with additional information to make your site plan complete and we hate to have to reject it because it is incomplete because that makes them have to pay again when they reapply.

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We advised the Planning Department, the Corporation Counsel's office advised the Planning Department that they really need to act in the fifteen days to accept or reject the site plan even if it is incomplete because they risk otherwise automatic approval of a very poor site plan. That is based on a court interpretation of similar language in the State statutes.

We do think it is helpful. It is a very small change in our ordinance but it makes it absolutely clear that that fifteen days only starts to run if the site plan application is a complete one. So that is why we are requesting the change and we do think it will help the Planning Department and applicants who are applying for a site plan approval but need to provide additional information.

President Klebanoff: Thank you. Questions for Mrs. Wilder or Mr. Foster? If not, there is no one on the sign up sheet. Is there anyone in the audience who wishes to address the Council on this ordinance? If not, any further comments, questions? I will close the public hearing.

The hearing adjourned at 7:40 p.m.

Norma W. Cronin
Recording Secretary