

**MINUTES OF WEST HARTFORD PUBLIC HEARING
DECEMBER 9, 2008
LEGISLATIVE CHAMBER
RE: MERCYKNOLL COMMUNITY HEALTH INC.**

PRESENT: Mayor Scott Slifka, Councilors Steven Adler, Tim Brennan, Shari Cantor, Chuck Coursey, Leon Davidoff, Joe Verrengia and Joe Visconti. Sitting in for Councilor Thornberry: Mr. Richard Patrissi; Town Manager Ron Van Winkle, Assistant Corp. Counsel Pat Alair, Town Clerk Essie Labrot.

President Scott Slifka called the Hearing to order at 6:45 p.m.

President Slifka: I will call the 6:30 Public Hearing to order. Mr. Coursey, could you read the subject matter, please?

Vice President Coursey: Yes, Mr. Mayor, application on behalf of Mercyknoll, Incorporated as owner of 243 Steele Road and Mercy Community Health, Inc. for The Terrace at Mercyknoll: Amendment to the Special Development District 33 at 243, 253 Steele Road and 2021 Albany Avenue for reduction in independent living apartments to 92 and other site and building plan revisions.

ROLL CALL TAKEN

President Slifka: Thank you, Ms. Labrot. Ms. Pearson. We have a presentation from the applicant.

Ms. Pearson: Members of the Town Council, my name is Robin Pearson. I'm an attorney with the firm Shipman, Sosensky, Randich & Marks, LLC in Farmington, Connecticut, and I'm very pleased to be here this evening. I am here on behalf of Mercyknoll, Incorporated, which is the applicant and is the owner of 243 Steele Road and Mercy Community Health, it's sole member and intended developer of The Terrace at Mercyknoll. The application before you seeks modifications to the approved Special Development District plan for The Terrace at Mercyknoll. Here tonight with me I'd like to introduce them now are Bill Fiocchetta, who is the President of Mercy Community, Inc. and Mercy Community Health, Inc. and also President of St. Mary Home, Inc. With him is Bill Richter. Bill Richter is with Richter and Cegan, landscape architect and planner behind this proposal. Myles Brown is here. Myles is with the architectural firm of Amenta/ Emma, which designed the facility. You may recall that in August of this year you approved a change of zone for the property in question and a modification to the existing Special Development District at this location in order to allow construction of The Terrace at Mercyknoll, which was a 95-apartment age-restricted development. It includes as I mentioned 95 independent apartment units to be situated within a new building, which would incorporate the existing chapel at Mercyknoll. I won't go through a lot of the information we presented then because I know it is fresh in your minds, but I would just like to remind you that Mercy Community Health provides for a continuum of

healthcare delivery services with a particular mission of caring for the elderly, and The Terrace at Mercyknoll was designed specifically to provide housing and amenities for an active senior community within the Steele Road area, within the campus community that is currently home to McCauley, Mercyknoll, and St. Mary's Home. So this was one piece of the continuum of services that Mercy Community Health provides.

It is I think fair to say, indeed it is an understatement, that the economic picture has changed considerably since the original design conception for The Terrace at Mercyknoll and, indeed, in particular, it has dramatically changed since the application was approved back in August of this year. Mercy Community Health as a result of those changes has decided to scale back the scope of the proposal that was approved by 3 of the independent apartment units, reducing the number of units in the proposed building from 95 to 92. They've also elected to modify the plan to allow for construction without some of the amenities that were originally proposed and approved for the amendment to that Special Development District while still providing, notwithstanding these proposed modifications that you are going to consider tonight, a beautiful building set within a lovely...I think it is going to be fair to say, landscaped campus. It's important to understand as you review this application that it has been structured, indeed, as we did with the original application, to include some possible items within the overall development scheme for The Terrace at Mercyknoll. So, therefore, there are several features that are noted as possibles, and we will be discussing those as we review the plan before you tonight. These features, should you approve this, would be approved features. They are not necessarily going to be features that would be required to be built in order for the occupancy of The Terrace at Mercyknoll to proceed. They are meant to be features that can be added in the future to the development without having to come back to the Town Council for approval. Again, I remind you that this was an approach that was taken with the initial application that was approved by the Town Council. Our presentation tonight is intended to show you that these modifications will not result in anyway in any less a commendable building or site layout design than you considered and approved back in August. However, before beginning, I would like to just address a communication that you have in your packet. It is the Town Plan and Zoning Commission December 1 Recommendation of Denial for this application. I'm sure you've had a chance to look at it, but I would just like to go over what the TP&Z said in it's recommendation. They expressed concern with the extent and scope of the possibles, suggesting their absence might collectively impact the quality of the development proposal.

President Slifka: Mr. Verrengia.

Councilor Verrengia: Mr. Mayor, I just want to make sure that I have the document that you are referring to. The one that I have is dated December 3rd. I thought you said December 1st.

Ms. Pearson: Well, that was the date that they made the decision. The letter itself is dated the 3rd.

Councilor Verrengia: So we are on the same page.

Ms. Pearson: That is correct.

Councilor Verrengia: Thank you.

Ms. Pearson: It is that. But their recommendation was made at their meeting of December 1st. Again, they mentioned the possibles as being a concern to them, and they basically felt that they were not in a position to evaluate whether or not this proposal would indeed diminish the positives of the building and site as you approved it back in August. They wanted instead that the applicant come in with the plan that would show exactly what would be built without any of the possibles sort of clouding the picture for them. I'm paraphrasing what they said, but they did ask that a plan of exactly what would be built before occupancy come back in so that they would be in a position to better evaluate what was being proposed. The only specific recommendation that they made with regard to the proposal was one that DRAC made, and DRAC is the Design Review Advisory Committee, and that is that EIFS, which is a type of building finish, not be used. I will just mention now and you will hear it again that we have agreed to that recommendation by DRAC and, indeed, TP&Z was not aware of the fact that we are amenable to not including EIFS in the design proposal. But that was the only specific recommendation other than denial that the Town Plan and Zoning Commission made to us. But I mentioned this to you at the beginning of the presentation, which if in standard presentation preparation one wouldn't start out with a negative like this it might be something you slip in sort of towards the end, but I think it is important that...because you are going to be thinking about it and, obviously, it affects the number of votes that we need for approval, I think it is important for you to understand TP&Z's concerns and to listen to the presentation tonight with the knowledge that TP&Z did not have the benefits of seeing some of the exhibits that you are going to see tonight, nor did they have the benefit of the presentation by our team, which you are going to hear tonight, nor did they have the opportunity to ask us any questions related to the concerns that they did have. This is going to be very different for you. The reason they did not have that is because there was no Public Hearing attendant to the recommendation that they had to consider before transmitting that decision to you. In contrast, they did have the opportunity to have a presentation and have discussion with us in the first go round and that is because we were required at that point to get an Inland Wetland Permit also. As you are aware, the Town Plan and Zoning Commission is also the Inland Wetland Agency, so by virtue of that Public Hearing process, there was good give and take, a lot of shared information, and we were able to respond to any concerns that they had. They did not have the benefit of that, and in addition to that, some of the exhibits that we are going to show you tonight were ones that were prepared after the Town Plan and Zoning Commission decision made on December 1st and specifically in response to the concerns that they had for us. In some way it was sort of a precursor to this presentation and allowed us to understand what the flaws might be in the information that was conveyed so that we feel very confident that with the benefit of our extremely capable team and the thoughtful approach that they took to this entire application, both the changes to the

building and to the site plan that you are going to be able to decide this in a different way from the TP&Z. Indeed, I really believe that if the Town Plan and Zoning Commission had the opportunity to hear what you are going to hear tonight their position would have been different also. With that, I'd like to turn it over to our team to make the presentation.

President Slifka: We have a question. Mr. Adler?

Councilor Adler: Through you, Mr. Mayor, to Attorney Pearson, is that material you are going to be handing out the revised changes to the plan. I guess my question is I need a copy. I had left it at the...

Ms. Pearson: Absolutely. Let me clarify, they are not changes to the plan. What you are going to see tonight is change in the presentation of the information in the application package. So the plans themselves have not changed from what you have before you and what was submitted with the application. It's just a change in what we show you... TP&Z didn't have the benefit of it, so we can make sure that we are able to address the issues that seem to be at the root of the Town Plan and Zoning Commission's concerns. Yes, we are going to hand out an exhibit book, which is the same exhibit information that you are going to see. We will put it on the big screen for you. Bill Richter will begin, and Bill is from Richter and Cegan and will go through the site modifications, and then we will have Myles Brown from the architectural team go through the building changes. Again, as the Design Review Advisory Committee noted, these are altogether minor changes, but they are still significant enough to have required us to come back to you for an amendment to the plan as previously approved. I will pass around those exhibit booklets and ask that the screen...are we ready for the screen to come down?

Mr. Richter: For the record, my name is Bill Richter, a partner in the firm Richter and Cegan, Avon, Connecticut, landscape architects and planners on this project. To re-familiarize yourself, the outer line is the campus at St. Mary's, Albany Avenue on the right, Steele Road on the bottom. The existing Mercyknoll building main entrance to the project, and off of Albany Avenue, St. Mary's Home and McCauley and St. Joe's upper. This was the previously approved plan. The preservation of the chapel, the new addition of the 95 units as part of Mercyknoll, the new entrance boulevard, the new loop road, garage entries at the northwest corner and at the east edge, parking and detention basin in the back. But basically everything that we are doing, short of the 3 units, really has insubstantially been changed. This is the proposed plan. As you can see, it looks extremely close to what you just looked at. The yellow boxes up here are just some of the resultant numbers that did change on the project, but basically it was a deletion of 3 units so that we are at 92 units. We lost 2 parking spaces from the total, all the surface parking, roadway system is the same. The minor changes really relate to the location of the dumpsters, the refinement of the west terrace, the location of the canopy connection between Mercyknoll to McCauley and some minor site reductions in terms of planting, walkways, and some other items which we will go through. This panel really reflects the extent of the changes. As I said, we took 3 units off the building at the northwest corner,

so it came back so it's tighter to the building. As such, because of the end unit configurations now, we took the trash area, the dumpsters, and pushed it further away from the building because originally the building was out here and was able to separate the dumpsters from the west terrace. We needed some separation area from it. As a result of that, we reconfigured in a slight way the west terrace, so it is just a design change. It still represents the same area of hard scape in the back but just in a slightly different manner. The canopy connection over here slid down the building. Myles will go through the change to the elevation, but in the redesign of this end, the mix of units within the building was moved around a little bit so this door actually slid down a couple of feet on the north elevation and, consequently, the canopy connection had the slide. Again, it was just a very slight adjustment. As part of the overall plan, we reduced the planting by 10%, which kind of is like 2 dozen trees and some shrubs to go with that, and I will go through that in greater detail. We reduced some walkways in terms of not reducing but in terms of possibles. We really want to build all of these things, but at the moment to make the budget work with the construction budget that is available for this project, there are certain things that had to be pulled out. So there are some duplicated walks. This walk...some of the walkways in the south lawn, the garden planting area here and one of these walkway connections, are a part of the possibles but all of the main walks from campus from St. Joe's through our project out to Steele and to the school are still to be retained.

President Slifka: Mr. Adler.

Councilor Adler: Excuse me. through you, Mr. Mayor, Mr. Richter, do we have a document that shows the original proposal and then the modification because I think we...I don't know about the rest of the team here but I think...I'm kind of struggling with where are the changes. I know you were visual on this, but I think it would be helpful if we kind of saw the original proposal and then kind of where those changes took place.

Mr. Richter: Alright. I'm going to flip through some slides but I will try to direct. This is the approved site plan. If you can remember that...just keep in mind that visually this wing at the northwest corner extends further to the west because in the proposed plan it's reduced by what 30 feet, Myles...yeah, something like that. That's the visual change. Now, bear with me a minute, and I'm going to flip through to the...this drawing. This drawing represents the possible site items and the 2 dozen trees and some associated planting areas are what is part of the...

President Slifka: Mr. Adler.

Councilor Adler: Yeah, I'm sorry. These pages aren't numbered.

Mr. Richter: No, but if you just flip about ½ dozen pages to the possible site issues within that booklet, that will be this drawing. That one right there. The top sheet.

Councilor Adler: Okay.

Mr. Richter: I guess if you overlaid the drawing there would be no difference, except this building is a little bit shorter in this wing, the dumpsters were located about here and they are now another 20 to 25 feet further to the west and the configuration of the west terrace in principle is the same but the detailing changed a little bit. On top of that physical change, these items that we are showing, the 2 dozen trees, the walkways and some shrub plantings are a part of the possibles that were added that were not previously approved. See in the upper right-hand corner, previously approved the pavilion, the greenhouse, the green roof, the garden planters and the south lawn pergolas were all part of the possibles, and what we've done is added the 10% planting reduction, the walkway reduction, the 2 dozen benches on the site actually represent over \$50,000 within the budget and those are just held as a possible and then the terrace patio which originally was concrete pavers is now all concrete but is designed in such a way the concrete pavers could be put back in. That is the extent of the site plan change. I hope that is being clear. No. Okay, seriously, if you overlaid between the projects from the previously approved plan, the only physical change would be the extent of the building here and the location of the dumpsters, but we do not have a direct overlay because it would probably even be more confusing to show it that way. Okay, there...here literally is the extent of the original approved building and the proposed building that is in front of you. The west terrace, which is here, was revised and designed, but in physical area and components, there is really no change.

President Slifka: Mr. Verrengia.

Councilor Verrengia: What is the change in the design of the west terrace...when you say the design is changed?

Mr. Richter: The west terrace...originally, this portion of the terrace we showed as all concrete pavers, it is now all concrete with a scoring grid that would allow us to put pavers back in. Because of where the building used to come out here, this circulation line comes through so we just move things a couple of feet just to adapt to the new parameters around that area, but the pergolas are in the exact same place they were before. The lawn panel is the same. It is just the amount of concrete pavers were taken out but put in as a possible. I mean there is some refinement to it, but it is effectively the same thing. Like I said, the dumpsters were a little closer because we had with the building extended...we had that as a separating element between the terrace without the building. We pushed it away so that we achieved that separation between those 2 activities. Is that carrying it clearly now?

President Slifka: Mr. Alder.

Councilor Adler: Through you, Mr. Mayor, we are getting there, Mr. Richter. This page is helpful, and then what I'm trying to also understand is there any other change to which you may direct us to on the proceeding pages which look fairly close in terms of design,

as well as language. So I would imagine you are going to probably walk us through those differences.

Mr. Richter: Seriously, the only difference between those physical things that I mentioned are the dumpsters, the building, and the west terrace. The only other change to the application was the inclusion of these 4 elements as possible elements in the project. So the walkways that are illustrated here and have been labeled all the way through the set are walks that we want to put in, but for budget reasons, we are holding those back because they are not necessary to the total quality of the site. They are great for the full quality when we get to that point and within the south lawn area. Like I said, there are 2 dozen trees that have been pulled out as part of that 10% reduction and some like ground cover areas that would be lawn. So basically we still achieve total open space on the site. It is just that we have to reduce some of those elements for cost but, physically, if you overlay the plants, everything is exactly the same as it was before, except now these things are possibles instead of included as part of the base project.

President Slifka: Mr. Coursey has a question.

Vice President Coursey: I think I have a question. I'm a pretty simple guy. Tell me if I'm right in characterizing this. The original application that this body approved included these previously approved possible improvements.

Mr. Richter: Yes.

Vice President Coursey: I guess the thing that is getting us in trouble here is the word possible but, in fact, that was already approved, possible improvements, not definite ones, were already approved.

Mr. Richter: Correct.

Vice President Coursey: The only difference with that application that this body approved and what we had before us is the physical, the small ones, the dumpster and the shaving of the units, and the addition of these 4 other possibles.

Mr. Richter: Exactly. Yes.

Vice President Coursey: Thank you.

Mr. Richter: With that, I will...

President Slifka: Mr. Visconti.

Councilor Visconti: I don't think I voted on this. I missed the Hearing in August, but I have a question on the word possible before we go further on what we approved

evidently and what you are asking for. Does this mean that some of these things may not happen?

Mr. Richter: Ultimately, they may not happen if all of the final estimating and contracts don't fulfill themselves. There are 2 things we wanted to do. One is we wanted to maintain a minimum level of quality of the project. The possibles are things that we want to do, and we wanted to have those as basically preapproved, so we didn't have to come back if we wanted to add a greenhouse or we wanted to add the pavilion.

Councilor Visconti: Oh, I see. The next question is are you marketing this project with possibles?

Mr. Richter: I'm going to have to say yes, right?

Mr. Fiocchetta: I'm Bill Fiocchetta, President and CEO of Mercy Community Health. Thank you for this opportunity and thank you for your time this evening. To that question about are we marketing the possibles, our marketing is not at that level of detail that talks about the number of plantings or the location of the dumpsters or the scoring of the concrete on the west terrace patio. These are just details that are not yet in a marketing plan.

Councilor Visconti: Do you have a model of this through marketing?

Mr. Fiocchetta: No.

Councilor Visconti: Not yet. You are not there yet.

Mr. Fiocchetta: No.

Councilor Visconti: Okay. Thank you.

President Slifka: Thank you. We have a question from Mr. Adler.

Councilor Adler: Through you, Mr. Mayor, with...and you had prefaced earlier that you've come back to us because of some of the financial pressures regarding the market and maybe some other balance sheet issues, could we potentially anticipate another visit back here to talk about possibles?

Ms. Pearson: You never know what is possible right now. The world is changing dramatically. Do we anticipate it? No. Is it possible? Yes, of course, it is possible but that's not why we are here. We are here because we've gone through...after the approval, we went through concerted efforts to begin the contractual elements necessary to build this. We went through comprehensive costing analysis, and it was realized that things are tight right now. Are there things that could be either eliminated or postponed from this plan without hurting the integrity of the design that would still allow this

development to go forward? Obviously, because one of you asked about marketing, this still...you know, there is a target market. This still has to be a beautiful, desirable place to stay or it's not going to be a successful proposal. So there is nothing in terms of what this team has done in their opinion that would lead this as a less desirable place to live and a less possible development to market. With that, that leads me to what I next want to do, which is to ask Bill to go through with this design what these changes really mean. What will you perceive as you look at this that's really different from what...if you were standing on Steele Road, you might see now or as a resident or what will be the impact of postponing, and maybe not ever happening, but postponing some of these sidewalk installations. Is that deleterious to the proposal or is it still a very nice development?

Mr. Richter: In terms of, and as Myles will show in a minute, the view from Steele Road or as you travel through the campus really is not going to change at all. The walkways that we put on in the possible area are actually walks that in one way given the lesser traffic on the south half of the project people can...the residents can walk in the road like they do now. We already have walks on the north side here so this walk is not necessary. There is actually an existing walk that is here that we were upgrading but that walk still can be left so it's really just a south lawn development, that will just be a lawn panel now rather than those walks. What it does is it really does not change the overall visual quality and functional qualities of the site at all. I guess there were a couple of comments that DRAC made. Can I introduce those? They say revisions will not adversely impact the quality of the outdoor space to be enjoyed by future residents. The minor site modifications are appropriate responses to difficult economic environment, and the proposed modifications continue to ensure success without compromising high standards. I mean that was the goal from which we started and, apparently, we achieved that at one body. So the things that we wanted to do is to ensure the quality of this project but try to bring it into a budget that was more acceptable to the client.

Ms. Pearson: Again, if I could just underscore, one of the things we wanted to be sure is that we would not have to submit a new application in order to do one of these things. For instance, if we eliminated now and then had to come back later to install the sidewalk up by the detention basin, the likelihood is or the possibility exists that it would necessitate at that time in the future an Inland Wetland Application by virtue of the other changes in the site. So these are things we would still have approval for and be able to build when they have the where with all to put them in.

President Slifka: Question from Mr. Patrissi.

Mr. Patrissi: Thank you, Mr. Mayor. Help me feel a little more comfortable about 2 little things. One, you mentioned 10 or 12 plants that were going to be eliminated or...you said trees. Were they trees?

Mr. Richter: It's a little bit short of 2 dozen trees, half of them shade and half of them ornamental.

Mr. Patrissi: Were those particular trees designed for a purpose?

Mr. Richter: Ultimately...

Mr. Patrissi: Let me interrupt for one second. I'm sorry. Were they designed for a purpose to make the people that live in McCauley as comfortable as the new people that were coming in...hopefully coming in to the new project. Were they there for that purpose?

Mr. Richter: We did not reduce any buffering, any screening or any critical vegetation at all. We took what we considered to be more of the aesthetic and so we reduced the aesthetic planting back to meet the 10%.

Mr. Patrissi: So any practical plantings, plantings for screening or things like that.

Mr. Richter: All of those were not even touched at all.

Mr. Patrissi: I'm just concerned about the neighbors next door.

Mr. Richter: No, that is an appropriate question.

Mr. Patrissi: The other thing is help me feel comfortable about this. If I'm in a little helicopter and I'm flying over the new development after the patio area has been completed, do I look down and see that concrete as a landing pad or do I look at it and I say, gee, that's a nice-looking patio?

Mr. Richter: No, it will not be a landing pad. It's actually broken up. While that looks to be a large area, there are actually 3 distinct activity areas out here. They are separated by standing plantar boxes that have ornamental trees within them. We have the pergolas here so that while this could be one activity space you could have outdoor dining here and outdoor gaming off of the game rooms here and then a private party over here at the same time. So it can be a very intimate space or it can be a very large space depending on how they want to use it.

Mr. Patrissi: And the physical presence of the concrete, you said that was scored.

Mr. Richter: Yes, you can see the gridding that we have here and that's basically about a 7- to 8-foot grid and the hope that at a minimum that we inset concrete pavers to the gridlines or maybe take part of it and put concrete pavers within that grid pattern instead of all concrete but, again, that's a budget issue.

President Slifka: Thank you, Mr. Patrissi. Mr. Adler.

Councilor Adler: Thank you, Mr. Mayor. You are probably not going to like what I am going to have to say, but I would like to get copies of the transcripts from Town Planning

and Zoning to further understand their unanimous no. I don't think I remember a unanimous no in quite a while. Attorney Pearson has presented on many occasions and does a great job in her applications and the thoroughness. I just...there's just something here that I need to further understand, and with our thumbprint going to be on this project and we're going to have to make some decisions over the next 20 minutes or half hour, I really think we need some additional detail. So I'm recommending getting additional detail from the technical staff comments, as well as the transcripts from TP&Z, as well as DRAC to fully understand what happened here. I'm not saying there is anything that they are not being forthright about. I just don't have enough confidence even in my own decision-making capability to understand within a short period of time as to what these changes are.

President Slifka: I'm going to venture a guess that those materials would not available for this Hearing this evening, but I will have to defer to the Town Clerk to tell us that.

Ms. Labrot: I know I have the minutes, but as far as any further details, I'd have to get it from TP&Z directly.

President Slifka: Mr. Alair.

Mr. Alair: Mr. Mayor, through you, I believe that the TP&Z keeps regular minutes but not verbatim minutes of its debate, unlike the Council. While transcripts are normally done for Public Hearings, remember there was no Public Hearing in front of TP&Z here, so all we really have are the minutes, which the Town Clerk has indicated she has. I happen to have been present at that meeting, and I can tell you that the recommendation letter does pretty much clearly summarize exactly what the TP&Z defense of the body was. When you write something like this on behalf of a body of whether it is 5 or 9, you can't get the nuances that each individual member may have felt but pretty much the overarching sense was too many of the items that were to be built are now possibly to be built and it left them uncomfortable and that's what it boiled down to.

President Slifka: Mr. Coursey.

Vice President Coursey: Yeah, and Mr. Alair, if I could just followup on that. The TP&Z approved the application prior, correct?

Mr. Alair: Correct, they recommended approval. Correct.

Vice President Coursey: That recommendation...or that application that they approved included several possibles at that time.

Mr. Alair: Correct.

Vice President Coursey: I will just let that stand.

President Slifka: Mrs. Cantor.

Councilor Cantor: Thank you. My question is with TP&Z's rejection of this project we need a supermajority. If we don't vote in favor of this, what will this do to your project?

Ms. Pearson: It will make it more difficult to proceed with building the project. It is as simple as that. Again, I just want to say that these are not items that we are saying are not going to be there. These are items that we are asking be able to be postponed in order for and added in the future rather than coming back each time for these changes. I listened to the TP&Z tape several times of their proceeding to understand what it was...what their concern was. I think it was they did not have the benefit of this drawing that shows the exact changes and what they were. Unless you believe that postponing or perhaps ultimately not installing the 12 trees or in that island in the parking lot in the back the change there is to forego ground cover for grass...unless you consider those to be truly detrimental to the scope of this proposal, I just don't see why this...frankly, I don't understand why it was so difficult for TP&Z, other than the fact they didn't have an opportunity to really...to see this. We hadn't prepared this. They did not have that. We prepared that after listening to that tape because we could see they were troubled by not being able to understand exactly what these changes could mean if all of them, none of them were built. What they wanted was a plan that had none of them so they'd know exactly what could be approved. Is that a way we can come back in and go...we probably wouldn't do that. I don't know what would happen but, you know, it is not simple to pull all these people together and work for 2 months on preparing plans and doing a presentation. It all takes time, energy, and, of course, money. So part of the reason we had hoped to postpone these or have them as possibles...they may be built when it gets built, but they can be postponed if need be was to ensure that there wouldn't have to be repetitive applications. I hope we've convinced you that the sidewalks would be...additional sidewalks would be nice, but there's not one of these sidewalks that gets you to a location that you can't otherwise get to by an existing sidewalk on the site.

Mr. Richter: Or road.

Ms. Pearson: ...or road, which is currently used now, but there are sidewalks on the other side of the driveway itself that are in place. They are amenities, they are lovely. Is it still lovely without them? I hope that is what we've been able to show you. We haven't even gotten to the building changes so I would like to ask Myles to go through, unless you have something else.

Mr. Richter: I think it's also an issue of scale. I think if you understand that we had originally proposed over 240 trees in one form or another on this site and we are taking 20 of them into possibles. I mean that is the scale of what we are doing. If those 20 trees weren't here, you probably would have approved it in the first place the first time around. I mean we are not talking about taking 50% of something away, and it is important that the possibles were part of the original package. The other thing is this is a system that we worked out with town staff because they wanted and we wanted one set of drawings

when we had finished this proposal. If we had come and just showed the changes, we would have had 2 sets of drawings on file within the town for the 2 approvals and there would not be one set of drawings that reflected what you did approve in one image and for town staff and ourselves to have one set of drawings. This was discussed upfront with staff when we approached this because we knew it was going to be a complicated matter and this is the way that they preferred us to approach the project. So I just wanted to make that clear.

Ms. Pearson: If I may respond also to Mr. Adler's comment, in re-listening to that tape of the Town Plan and Zoning Commission discussion, they did I believe misconstrue the Design Review Advisory Committee's review of the application because some of them felt that the transmittal from DRAC indicated a dissatisfaction with the proposal. That was simply not the case. DRAC was adamant that we not use EIFS. There was a lot of discussion about that at DRAC. Frankly, there was very little of it, discussion, at TP&Z about the EIFS, except that they said if DRAC said it shouldn't be there, it shouldn't be there. The Town Planner indicated reason not to include EIFS is this is a significant building that is going to last for generations. You shouldn't have something that is problematic perhaps in its stability or its permanence. We agree. We have removed that possible from the application, but DRAC was positive about this. They considered all of the changes that we are talking about here, getting to the possibles and they still felt that it was a very viable and handsome development. TP&Z didn't have the chance to question us about that also because it wasn't a public process.

President Slifka: Mr. Visconti was waiting, Mr. Adler.

Councilor Visconti: Yeah, Ms. Pearson, question, why were not these prints available for the DRAC or for TP&Z, just wondering?

Ms. Pearson: A lot of the ones that you've seen in your package were. The specific ones that were not were this one, which isolates the changes. So you can really see the site changes that we didn't anticipate would be as necessary as it has turned out to be. It is the exhibit for the presentation, and once we realized the confusion the application created for TP&Z, we prepared this. DRAC had no problems with the site plan changes. They understood them because they are professionals. You know that is what they deal with all of the time, and they were able to communicate between our experts and them and thoroughly understand what those changes were. It's a little bit more difficult for lay people that are sitting on Board to be able to appreciate them and that's why you have DRAC because they serve that function for you. Could I ask Myles to come up with the building...

President Slifka: Mr. Adler had another question before we...you are set. I think she is calling up another person so...

Councilor Adler: Through you, Mr. Mayor, and Attorney Pearson hopefully you will kind of understand my comments and the position that I'm taking.

Ms. Pearson: Absolutely.

Councilor Adler: I think particularly knowing the experience and having the experience with you with previous applications, which they've always been very thorough and well understood, you know, my tenure on Town Planning and Zoning and my experience with them I can tell you that when an SDD comes to us for review we really rely on their expertise and their rationale as to how they made that decision. So that's kind of where the rub is here. I just want to...

Ms. Pearson: Absolutely and that is why I began the presentation by explaining to you that they did not have the benefit of this give and take, this exhibit and some other information that we are able to pull together for you. So if I may, could I ask Myles Brown to come up and go through the architectural change?

Mr. Brown: Thank you, Robin. Good evening, my name is Myles Brown. I'm an architect and project manager with the firm of Amenta/Emma Architects in Hartford. As Robin mentioned, I would just like to go through the modifications to the building, which I believe you will find are pretty straightforward and again do not diminish the character or quality of the application. The plan before you here is a ground floor plan of the building, which indicates the 5 major changes to the application, numbered here in black.

The first major change is the production of the footprint of the building, which is to accommodate the production in units from 95 to 92 units. It equates to roughly 1,320 square feet of footprint and a total square footage of 520 square foot.

The next change here indicated by number 2 is a reduce in the parking from 98 to 96. We still have minimal of 1 parking spot per unit plus handicapped spaces and an extra space or 2.

The third modification to the building is just a simple, you will see this more in the elevations but a shift of an architectural element of the exterior to more be in tune with the changes to the building and the walkway as Bill mentioned earlier.

The fourth change is simply what we call a value engineering, a cost reduction item, which is a change in the structural system of the garage. It's actually possibly a more durable structural system than we had before which was steel reinforced...this is now a post-tension concrete system. Again, it is a significant reduction in cost, but it doesn't devalue the project quality.

The fifth change was actually an increase in the amount of amenity space in the building indicated by number 5, and the only reason for that is we were able to capture a little bit more space in the parking garage over here. We increased it by 645 square feet.

The next plan is the first floor of the building, which is where you enter from the onsite area. I still listed the 5 changes, but there are really only 2 that affect this floor, again the reduction in the building footprint and the shift of this 1 architectural feature or bump if you will in the building to align with the walkway. The second and third floor plans again are very similar to the first floor plan and again have the same changes that you saw before.

The next set of slides are the building elevations, and again I want to reiterate that the quality and materials used on the exterior of the building have not changed one bit. There are only some minor modifications to a couple of the elevations where we have reduced the size of the building. This is the original east elevation which faces Steele Road, the existing portion of the chapel that remains here on the left.

The next slide is the proposed elevation and this is not a trick. The elevation has not changed facing Steele Road. The only thing that has changed is the word original and proposed. Another elevation that faces at an oblique angle to Steele Road but still visible and we wanted to show you that that elevation again has not changed. This is the original and the proposed. This is the north elevation of the building. The top view here is the proposed and the bottom is the original. The only change to the elevation other than the physical size, the length of the building which is reduced by approximately 20 feet is this area indicated in red, which is again that item #3 in the changes, which is the architectural feature here that is shifted over to the left to center on this main entry. It is the only feature that really is a material change to that elevation.

The next slide is the west elevation facing The Terrace if you will and the only change to that elevation is...again the proposed is at the top and the original is at the bottom, and the only change is this portion of the building which was where the building had cut back. Actually I think we've again taken the opportunity to actually improve the architectural feature on the building. We have sort of a tower element if you will in the corner, just a slight change in the building. We think it is actually an improvement. Sometimes you get to look at something twice and it looks better the second time. I believe that is it. That's all we have. Thank you.

Ms. Pearson: Thank you, Myles.

President Slifka: Another question from Mr. Adler.

Councilor Adler: Mr. Brown, with those windows, that was the exterior of I guess there was a common area...

Mr. Brown: Speaking of the lower level, down here, it reflects the common area.

Councilor Adler: Internally, are you...were there any changes to that...I guess there was like a reading room or kind of a, for a lack of a better way of saying it, kind of a relaxation room was there any changes to that from an interior standpoint.

Mr. Brown: No, we call it the signature space of a building. No, that has not...I can go back to the floor plan if you'd like.

Councilor Adler: No, I believe you.

Ms. Pearson. Any other question for Mr. Brown. In that case, I'd just like to conclude by mentioning to you that you have in your materials a November 25th report on our outreach effort with regard to the modification to the original approved plan. Mr.

Fiocchetta did send out a letter to over 83 immediate neighbors with copies of the site plan and the building plan explaining what was proposed and what the changes were. He also had direct communications with 3 of the residents in the Steele Road area who had been most involved in the first application process and were particularly concerned about any changes to the driveway entrance for instance, and they were all quite satisfied and appreciated the personal call. Those that received the letters were encouraged to call Mr. Fiocchetta if they had any questions, and he has received no responses from which we assume that everybody in the area is quite satisfied that this will not affect their perception of the building. I think we've shown you that in our presentation. The Design Review Advisory Committee did spend a lot of time with us going through the application. I won't reread their letter of November 24th, except for the bottom last couple of lines in item #4, where the Design Review Advisory Committee said that overall the proposed modifications continue to ensure that success of the project without compromising the high standards of architectural design and site improvements. So your experts in this area carefully looked at it and felt quite comfortable with it. There are very minor staff comments because indeed the changes are minor. There is an October 22nd memo from David Krauss as acting Town Engineer, in which he says the plans indicated a minor reduction to the number of units and some site amenities which have no impact on the engineering consideration of traffic, grading or storm water contained in the original proposal and the acting fire chief said...I'm sorry, the assistant fire chief said in his December 1st transmittal that the plan showed that there is indeed still continued sufficient access for fire personnel.

I would just like...I began with it and I would just like to end with it, going back to the comments from Town Plan and Zoning Commission to point out something else to you. Bill Richter reminded me of this. In their recommendation of denial, they never said that there was a problem, except for the EIFS, there was a particular problem with the application as far as the impact on the building design or the site design. What they said was these items that are identified as possible may collectively impact the quality of the project. In listening to that tape again, they never said that these would...these changes in and of themselves were necessarily detrimental to the project. They were concerned more with the process of proposing some possibles to you. They said they were upset with...I believe they used the word strategy with the...it was the process of the way we positioned this application, as opposed to actually real concerns with the individual aspects of the application. Again, I hope by showing you what we have shown you that you can agree with staff and with Design Review Advisory Committee and now that you have the benefit of seeing things that the Town Plan and Zoning Commission did not have before them that these changes are indeed minor, the possibles very well may be included at the time the project is initially built, but we certainly want to make sure that they can be provided later on. None of these are items that would be precluded from being added later by virtue of how the building is initially constructed now.

So we would like to have your approval to make those changes, an approval to build those things in the future when we have the where with all to do it. With that, we will close our presentation. I believe we set forth in the application documents all of the information that satisfies your standards of review that you need to consider in deciding this application, and we certainly hope that you can approve it. Thank you.

President Slifka: We do have one other question. I think you addressed this at the beginning in your opening comments and I just don't know if it came up again, regarding DRAC's concerns about the EIFS system. Did you state that you had already addressed that? In other words, you agreed with them, you were going to take care of that, so it is off the table.

Ms. Pearson.: That is correct. TP&Z certainly didn't have the benefit of that either.

President Slifka: Okay.

Ms. Pearson: That is a new item for your consideration.

President Slifka: Thank you. Mr. Coursey, just has some things to read into the record, Ms. Pearson.

Vice President Coursey: Yes, a couple of things we need to read into the record. Letter dated November 24, 2008 from Mila Limson, DRAC Secretary, recommending approval for the amendment of Special Development District 33 at 243, 253 Steele Road and 2021 Albany Avenue and also a letter dated December 3, 2008 from Jeffrey Daniels, Chairman for the Town Plan and zoning Commission, recommending denial for the amendment of Special Development District 33 at 243, 253 Steele Road and 2021 Albany Avenue.

President Slifka: Thank you, Mr. Coursey. We will move to the public comment. Okay, and the first is Keith Robertson.

Mr. Robertson: Hi, I'm Keith Robertson and I live at 127 Four Mile Road here in West Hartford. I'm here as a resident speaking in favor of the project. Although I'm here as a resident, as a professional, I'm an investment banker who provides financing for non-for-profit retirement communities throughout the country. Obviously, the economic times that we are in right now are very challenging, and it is causing projects like this across the country to go back to the drawing board and we look at their plan and look at ways of enhancing the project to make it more economical and more affordable. Mercy Community Health has obviously gone back to the drawing board looking at ways to make this project a better project. From my professional experience, the changes that they have made are minor in nature, and I would urge the Town Council to support these changes to not burden this project with any other burdens that they are already facing with the economic environment that we are in. Thank you.

President Slifka: Thank you, Mr. Robertson. The next speaker is Thomas George. Mr. George, I believe you had signed up to speak...you sent us a communication for the council meeting regarding refuse pickup. Is that correct?

Mr. George: That is correct.

President Slifka: You will be on a little bit later. We already have you on our Agenda. That concludes the sign-up sheet for the Public Hearing. Is there anybody who did not sign up who wishes to speak to the subject matter of this Public Hearing and not the meeting later. Okay, with that, Ms. Pearson, your presentation is complete at this point.

Ms. Pearson. Thank you very much. Yes, it is complete, unless, of course, there are any last minute questions because I would hate to have the hearing close if there are still unanswered issues.

President Slifka: Certainly, Mr. Visconti.

Councilor Visconti: Ms. Pearson, one last question. With the possibles, have you considered phasing in the possibles over a period of time? Would your group be willing to commit to let's say 5 to 7 years to phase all of these in to be completed or is it something you are not interested in?

Ms. Pearson: I think it is fair to say that they looked really hard at this and came to a decision saying it is conceivable that some of these may not be done. So to put a specific timetable on it or to say they have to be done for a particular time, I think undermines what it is they are trying to do with this application.

President Slifka: But conversely, if they were to take them out of the application right now and you wanted to put them in later if conditions improve, you would have to come back and ask for permission to put in what we've already approved once.

Ms. Pearson: That's correct.

President Slifka: I think that is their concern. Are there any other questions right now? Mr. Patrissi.

Mr. Patrissi: In looking at the project, I really don't see any big problems here. The explanations have been very clear but, obviously, you wouldn't be coming here unless it was a substantial savings to Mercy Community Health that you are looking for. I was just curious, and it has really nothing to do with our decision here at all, but what percentage of the total project would you be saving by going in this direction?

Ms. Pearson: Well, that is clearly something I am not capable of answering and I'm not sure with anybody on the team...is someone able to answer that? Myles Brown.

Mr. Brown: A rough estimate...Myles Brown with Amenta/Emma again, a rough estimate of say 8% to 10%, most of that coming with a reduction of the units.

President Slifka: Thank you, Mr. Patrissi, any other questions right now? Okay, in fairness to Mr. Adler's request, he had asked for some additional information which we would not be able to have this evening, I would just like to get from my colleagues a

show of hands who thinks they need to have additional information and would want a delay in the Hearing versus continuing. Is there anybody? Okay, I'm not seeing any, so I think we'll....

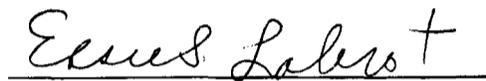
Councilor Adler: What, additional information?

President Slifka: No, here are our choices. You've asked for additional information, so in fairness, I'd pose that to the group but that would be of some substantial hardship to the applicant if we were to continue the Hearing and there doesn't seem to be a consensus that everybody needs that information so I thought I would just get a show of hands. I will assume you want that. Is there anybody else who would like to continue the Hearing? Alright, it appears for the record only Mr. Alder, so I guess that concludes things, Ms. Pearson.

Ms. Pearson: Thank you very much.

President Slifka: With that, we will close the Public Hearing.

Hearing adjourned at 7:50 p.m.



Essie S. Labrot
Town Clerk/Council Clerk

/bam