

**In The Matter Of:**

*Re: An Ordinance Amending certain Standards and  
Creating new Incentive-Based Zoning Standards*

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*TOWN COUNCIL PUBLIC HEARING*

*November 14, 2017*

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TOWN OF WEST HARTFORD

TOWN COUNCIL PUBLIC HEARING

November 14, 2017, 6:11 p.m.,

Legislative Chambers

Re: An Ordinance Amending certain Standards  
and Creating new Incentive-Based Zoning  
Standards Applicable in the Central Business  
(BC) Zone.

1    A p p e a r a n c e s :

2            T o w n   C o u n c i l   M e m b e r s   P r e s e n t :

3                    M A Y O R   S H A R I   C A N T O R

4                    J U D Y   C A S P E R S O N

5                    L E O N   D A V I D O F F

6                    D E N I S E   H A L L

7                    C H R I S   W I L L I A M S

8                    B E T H   K E R R I G A N

9                    B E N   W E N O G R A D

10                  D A L L A S   D O D G E

11

12                  M A T T H E W   H A R T

13                  T o w n   M a n a g e r

14

15                  P A T R I C K   A L A I R

16                  C o r p o r a t i o n   C o u n s e l

17

18                  K I M B E R L Y   J .   B O N E H A M

19                  D e p u t y   C o r p o r a t i o n   C o u n s e l

20

21                  E S S I E   L A B R O T

22                  T o w n   C l e r k

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1                   PRESIDENT CANTOR: All right.  
2 We will open the 6:15 public hearing. This  
3 is an ordinance amending certain standards  
4 and creating new incentive-based zoning  
5 standards applicable to the central business  
6 zone. That's the BC zone.

7                   So we'll start with a rollcall  
8 Ms. Labrot.

9                   MS. LABROT: Mr. Barnes.

10                  COUNCILOR BARNES: Present.

11                  MS. LABROT: Ms. Cantor.

12                  PRESIDENT CANTOR: Here.

13                  MS. LABROT: Ms. Casperson.

14                  COUNCILOR CASPERSON: Here.

15                  MS. LABROT: Mr. Davidoff.

16                  COUNCILOR DAVIDOFF: Here.

17                  MS. LABROT: Mr. Dodge.

18                  COUNCILOR DODGE: Present.

19                  MS. LABROT: Ms. Hall.

20                  COUNCILOR HALL: Here.

21                  MS. LABROT: Ms. Kerrigan.

22                  COUNCILOR KERRIGAN: Here.

23                  MS. LABROT: Mr. Wenograd.

24                  COUNCILOR WENOGRAD: Here.

25                  MS. LABROT: And Mr. Williams.

1 COUNCILOR WILLIAMS: Here.

2 PRESIDENT CANTOR: Thank you,  
3 Ms. Labrot.

4 Mr. Hart.

5 MR. HART: Thank you, Mayor.

6 So this ordinance is coming out of the  
7 community planning and fiscal services  
8 committee. We'd like to conduct a two-part  
9 presentation. Director of Community Services  
10 Mark McGovern will lead off followed by  
11 comments from our Corporation Counsel,  
12 Mr. Alair.

13 MR. McGOVERN: Good evening,  
14 Council. Mark McGovern, Community  
15 Development Director.

16 Before Pat takes us through  
17 the provisions of the ordinance, I just  
18 thought I'd take a few minutes to discuss how  
19 we got to where are today with the present  
20 proposed ordinance.

21 We're grappling with the issue  
22 of density for a couple years now. We've had  
23 interest in additional development, but there  
24 have been some obstacles, some based in our  
25 zoning ordinances, some based on site

1 considerations, parking requirements and the  
2 need for structured parking has been an  
3 economic one.

4           In 2015 the Council did make a  
5 minor tweak to the ordinances related to  
6 density in terms of how mixed-use  
7 developments are calculated, but then in 2016  
8 two different ordinances came before you.  
9 One, introduced through the committee and  
10 with staff that was withdrawn. Another that  
11 was introduced by a property owner and was  
12 not approved.

13           That occurred in October of  
14 2016 and it was at that point that the  
15 Council directed staff to initiate a public  
16 engagement process. Part of that process was  
17 establishing a working group of residents,  
18 and we did that with eight different  
19 residents who live either west or just north  
20 of the Center. We also had a commercial  
21 property owner and a member of our TPZ who's  
22 also a resident near at the Center.

23           Todd Dumais, our Town Planner  
24 who couldn't be with us tonight really led  
25 this with the working group. We also hired a

1 consultant to help us with the community  
2 engagement process that really started in  
3 earnest in the beginning of 2017. We  
4 conducted a survey that got more than 700  
5 responses, and we got valuable information  
6 from residents about what they liked or  
7 disliked about the Center, why they use the  
8 Center, how they travel to the Center and so  
9 forth.

10                   And then in February we had a  
11 public forum where we went through the  
12 results of the online surveys and then got  
13 more information and feedback from residents  
14 and visitors on things such as property uses,  
15 architecture, parking mobility and open space  
16 in the public realm.

17                   This all concluded in May with  
18 a report that was submitted to the Council  
19 that detailed all of the findings of our  
20 outreach. It also included a vision  
21 statement and guiding symbols for the Center,  
22 the BC zone in particular. That vision  
23 statement and principals were adopted by the  
24 Council in a resolution in June of 2016.

25                   So at that point in time with

1 all this in mind we were tasked to come back  
2 and look at crafting another ordinance to  
3 address the issue of density in the Center  
4 and how we might be able to spur  
5 appropriately scaled development in the  
6 Center.

7                   And the proposal before you is  
8 very different than the other ones you have  
9 seen in the past. It creates an opportunity  
10 for SDD applicants to ask for additional  
11 density if they provide for one of the public  
12 amenities that's defined in the ordinance.  
13 And these are the public amenities that we  
14 heard loudly and clearly from our residents  
15 in our outreach process, from our working  
16 group, through the surveys and also through  
17 our public forums.

18                   So I just end before turning  
19 it over to Pat to say that I feel like this  
20 proposal is consistent with that vision and  
21 those guidelines, and it's certainly  
22 consistent with much of the feedback that we  
23 got through the process of 2017.

24                   PRESIDENT CANTOR: Thank you,  
25 Mr. McGovern.



1                   Ms. Hall has a question for  
2 you.

3                   COUNCILOR HALL: Sure. I  
4 wanted to clarify. You mentioned the working  
5 group had a lot of residents, but also could  
6 you touch on the actual business owners? I  
7 know we have landlords, but I just want to  
8 make sure for the record we know whether our  
9 businesses were represented in that?

10                  MR. McGOVERN: Our businesses  
11 were not represented on the working group.  
12 We had one property owner, Robert Udolf who  
13 owns several properties in the Center. He  
14 was not on the working group.

15                  We didn't have businesses  
16 specifically, but throughout the process we  
17 have been doing everything we can to update  
18 the chamber, the local association about the  
19 status of this initiative, fielded a number  
20 of calls and inquiries in that manner, but we  
21 didn't have a business owner, per se, on the  
22 working group.

23                  COUNCILOR HALL: Thank you.

24                  MR. McGOVERN: Thank you.

25                  PRESIDENT CANTOR: Thank you,

1 Mrs. Hall. All right. Mr. McGovern, thank  
2 you.

3 Mr. Alair?

4 MR. ALAIR: Good evening.

5 So after all of the hard work  
6 done by Todd Dumais and Mr. McGovern and the  
7 working group, I was asked to take all of  
8 those ideas and incorporate them into an  
9 ordinance, which I did.

10 The ordinance that you have in  
11 front of you consists of three sections. The  
12 first section is several definitions, which  
13 we are adding. The second simply amends a  
14 table to add a footnote, and has no  
15 substantive provisions in it at all. And the  
16 third section really is where the substantive  
17 provisions are addressed.

18 Just to take a moment to  
19 explain, we added the text of the substantive  
20 provisions to an existing section. We had a  
21 section in the ordinances already which  
22 allowed for some relatively minor incentives  
23 in the CDBH zone, which is really where Blue  
24 Back is. That's that higher density zone.

25 Rather than create a whole new

1 section, which we would have to then shoehorn  
2 into our code of ordinances -- which is  
3 getting a bit patched numbers-wise -- we  
4 decided to incorporate it as subsection B.

5           And we also thought that going  
6 forward, if we like how this works and we  
7 want to do incentives for other zones we  
8 could add them to that same section and have  
9 all of the different incentives in one place,  
10 and organizationally it would make sense.  
11 That's why we have done it that way.

12           So when you look at the  
13 ordinance you'll see that section 3 amends  
14 section 177-16.6 to make what was there  
15 before subsection A -- that's the CDBH piece,  
16 and what the new stuff that applies to the BC  
17 zone is subsection B.

18           So getting to the substance,  
19 before we talk about the incentives and the  
20 definitions I want to take a minute to talk  
21 about the process piece that's built into the  
22 ordinance, because people who don't recognize  
23 the process may not understand when they're  
24 listening to the details of the incentives  
25 that there's coattails attached to this.

1 There's a process attached to this.

2           The incentives that  
3 Mr. McGovern alluded to are not as of right.  
4 They're only available by a special  
5 development district application process.  
6 Now you all are more than familiar with that  
7 process, but for the benefit of the record  
8 and the public, the process starts with  
9 developers coming to staff, meeting with  
10 staff, walking through what the ordinances  
11 require even before an application is filed.  
12 They're sometimes six months, a year, two  
13 years before the application is filed.

14           Once the application is filed  
15 it is filed with this Town Council. It is  
16 referred to the plan and zoning commission  
17 for review. It is referred to the design  
18 review advisory commission for review. At  
19 the same time it then undergoes a formal  
20 staff review process for strict compliance  
21 with all of the requirements of the  
22 ordinance.

23           It comes to this body for a  
24 full public hearing. At that public hearing  
25 the public is entitled to testify and the

1 Council acts in a legislative committee --  
2 excuse me, a legislative capacity in  
3 considering the application. In other words,  
4 you have the broadest possible discretion  
5 that any municipal body has when you vote to  
6 either approve, deny, or modify a plan.

7 All SDD plans require you to  
8 make certain findings, one, that they're in  
9 harmony with the overall objective of the  
10 comprehensive plan or the plan of  
11 conservation and development; two, that  
12 they're superior to a plan otherwise  
13 available under the traditional standards  
14 applicable to the zone; and, three, that  
15 they're in harmony with actual or permitted  
16 development of adjacent properties.

17 The ordinance before you  
18 tonight, in order to get the benefit of these  
19 incentives would also require you to make  
20 some additional findings. One, that the  
21 development is of a contextually sensitive  
22 design and appropriate scale -- and I'm not  
23 going to read them word for word. I just  
24 want to give you the flavor of what they are.

25 Two, that adequate parking

1 exists; three, that the development is in  
2 harmony with the open feeling and presence of  
3 natural light within the public realm; four,  
4 that adequate street capacity exists on  
5 adjacent streets to accommodate the traffic;  
6 and, five, that appropriate bicycle and  
7 pedestrian amenities have been provided.

8           So those are additional  
9 findings which you would be required to make  
10 in order to give a thumbs-up to a specific  
11 development proposal. And also because we  
12 tend to think of the BC zone as only existing  
13 in West Hartford Center, I need to remind you  
14 there is a piece of BC zone in Elmwood.

15           And in that zone there is --  
16 or in Elmwood the traditional neighborhood  
17 design overlay district also sits on top of  
18 that BC zone.

19           So we added a provision that  
20 says that in the case that somebody tries to  
21 apply these incentives and they somehow run  
22 into conflict with the B and C zone, that the  
23 B and C zone prevails. That sort of gives  
24 the order of priorities, if you will, for how  
25 to apply these provisions.

1           With the process background in  
2 mind, section one of the ordinance addresses  
3 and identifies the definitions of the kinds  
4 of projects we're looking at, and there are  
5 several different types of incentives we're  
6 dealing with in the same ordinance. So they  
7 kind of cover a bunch of different areas.  
8 The first is affordable housing developments.

9           An affordable housing  
10 development is defined as having 15 percent  
11 units which meet the statutory and regulatory  
12 definition of affordable housing. I will  
13 tell you that there are at least four  
14 definitions of affordable housing in state  
15 statutes and regulations, not all of which  
16 are consistent.

17           We finally settled on the one  
18 that we thought best fit what we're trying to  
19 do here, and that's the one in the  
20 regulations at section 8-30G-8 of the state  
21 regulations. We have a definition of  
22 historic preservation developments, which are  
23 exactly what you would imagine. They are the  
24 preservation of buildings that are either on  
25 or eligible for listing on the national or

1 state registers, and which are being  
2 adaptively reused.

3           Infill developments are --  
4 they're things which you know if you work in  
5 this business, but that may not be easily  
6 explained. The bottom line is if you -- we  
7 are trying to encourage people to move their  
8 buildings to the street to create an active  
9 streetscape, an active walkway along the  
10 sidewalk.

11           And buildings which are set  
12 back far away from the street and in many  
13 cases have parking fields between the street,  
14 or the sidewalk and the building don't  
15 achieve that purpose. So an infill  
16 development is in a development where you  
17 encourage the developer to build, take that  
18 building and pull it forward, develop in the  
19 area between the building where it is now and  
20 the street.

21           And so it has to be directly  
22 adjacent to a public right-of-way. It has to  
23 be at least ten feet from the building -- or  
24 within ten feet, excuse me, from the building  
25 line. And the first floor has to consist



1 primarily of retail or other commercial  
2 space.

3                   It doesn't include -- and this  
4 we thought was important, and it's a concept  
5 I may mention again if I remember -- it  
6 doesn't include buildings where somebody does  
7 a teardown of a building that already meets  
8 these requirements only to rebuild it and  
9 gain the benefit of the incentive. So any  
10 area that you tore down that met the  
11 requirement in the first place you wouldn't  
12 get credit for, or the incentive for.

13                   Public art, in an effort to  
14 encourage public art we're talking about  
15 visual works, fountain sculptures, paintings,  
16 murals. It does not include monuments or  
17 statues, and there's a reason for that. We  
18 have an ordinance that's been on the books  
19 for decades that deals with public monuments  
20 and public statues and those are in essence  
21 ours.

22                   We're talking about private  
23 investments in art which is visible to the  
24 public, but owned and maintained by that  
25 private property owner. And it does not

1 include features which are inherent in the  
2 building itself. A mural on the side of the  
3 building might constitute public art, but the  
4 construction of an Art Deco facade is a  
5 feature of the building and would not qualify  
6 as public art.

7                   And it does not include  
8 commercial advertising, now matter how pretty  
9 it might be. Red and white striped awnings  
10 on the roof of a building do not count.

11                   Public space, at the same time  
12 as we're talking about doing infill  
13 development and pulling buildings to the  
14 street, the almost countervailing way to go  
15 is to have public space next to the street  
16 between the building and the street. So it's  
17 the notion of what people sometimes refer to  
18 as a pocket park where it can either be in  
19 front of or perhaps to the side of the  
20 building.

21                   It has to be made available to  
22 the public. It has to be located streetside  
23 or in the areas of setbacks. It must be at  
24 ground level. It must have appropriate  
25 amenities such as benches, seating that sort

1 of thing.

2                   It has to have frontage of at  
3 least 15 feet on a public street or sidewalk,  
4 be at least 20 feet deep and contain at least  
5 a thousand square feet. So there's a  
6 dimensional aspect to it. You can't carve  
7 out some funky little thing that's a foot  
8 wide and a hundred feet long and call it  
9 public space.

10                   Any area that's required to  
11 meet setback requirements elsewhere in our  
12 ordinance, this doesn't count. So you don't  
13 get to double count it. If it's a setback or  
14 a required buffer between you and your  
15 property next to you already, you can't count  
16 it.

17                   It has to be maintained by the  
18 property owner. It doesn't become a town  
19 obligation, and it can't contain any signage  
20 that implies that it's in any way limited to  
21 occupants of the building or anything like  
22 that.

23                   Now those of you who are  
24 following along with your copies of your  
25 ordinance may notice that I skipped over one

1 definition, and that's the definition of  
2 grade, comma, finish.

3           We actually have a definition  
4 in our ordinance of finished grade which  
5 would seem to be a fairly obvious definition  
6 and it's worked for many years, but in the  
7 context of an application that came up at  
8 this point a couple years ago we had somebody  
9 challenge us on it. And as we were writing  
10 this ordinance we decided to take the  
11 opportunity to fix.

12           The idea that we're addressing  
13 here is the height of your building is  
14 measured from finished grade. And if you  
15 happen to be on a slope it's measured from  
16 the mean -- median point, the midpoint on  
17 finished grade.

18           What we don't want is for  
19 people to build a mound of dirt 40 feet high  
20 and put a little house on top of it and say,  
21 well it's only one story above finished  
22 grade. And that's the absurd example, of  
23 course, but we've had people who've come to  
24 us and said, well, I want to build this  
25 building, but I want to bury the parking

1 garage only partway. And then I want to  
2 mount the dirt up a couple of feet, and then  
3 I don't exceed your height limitation.

4           And we wanted to amend the  
5 ordinance to make it clear that your finished  
6 grade is only what is needed to -- it's  
7 either what's pre-existing or what's done at  
8 the end strictly as is necessary to build the  
9 building, that there's no alteration or  
10 additional grading done to beat the system.  
11 So those are the definitions.

12           Moving on quickly to the  
13 actual incentives, what do we do with those  
14 definitions? Affordable housing  
15 developments, you get -- it's the only  
16 section that actually has two different  
17 incentives. The first is to increase the  
18 permitted number of units per acre.

19           In our zoning ordinances in  
20 the BC zone if you develop a residential  
21 project the ordinances say that the standards  
22 applicable to the RM-1, the residential  
23 multifamily zone apply. Those, in that zone  
24 you have to have 1,000 square feet of land  
25 per unit of development. There's 43,000

1 square feet in an acre, so it's 43 units per  
2 acre -- is the cap.

3 This ordinance would allow a  
4 15 percent bump up. That magic 15 percent  
5 that you have to have that's affordable, you  
6 get a bump up by up to 15 percent of units.  
7 15 percent of 43 is another 6. You go from  
8 43 units per acre to 49 units per acre  
9 maximum. So you can have six more units.

10 It also allows that the floor  
11 area of those affordable units, whether it's  
12 six units or ten units, the floor area is not  
13 calculated in your limit on floor area ratio.  
14 Now again, you've dealt with floor area  
15 ratio. The public hasn't. Floor area ratio  
16 is another one of those terms that we use.  
17 It is the ratio of building to land.

18 So if you have a one-story  
19 building covering a hundred percent of the  
20 property, that's a one-to-one ratio or a 1.0  
21 FAR. If that building is covering 50 percent  
22 of the lot, but 2 stories tall, it's still a  
23 one-to-one FAR. In the BC zone currently the  
24 FAR, maximum FAR is 1.25.

25 What we will allow you to do,

1 and this applies to affordable housing and  
2 the other incentives as well, is we will  
3 allow you to take out of that calculation of  
4 FAR the affordable units, which gives you  
5 some increase.

6                   Now, what is the increase?  
7 It's going to be project by project, and the  
8 reason it's going to be project by project is  
9 you don't know the size of those units until  
10 a developer proposes them to you.

11                   Historically and traditionally  
12 I think we can count on developers not to  
13 make the biggest units the affordable units.  
14 So it's going to be somewhat self-regulating,  
15 but at the end of the day they are still  
16 capped at 49 units per acre. They still have  
17 to provide parking. They'll still be capped  
18 by the height limit on the ordinance. This  
19 ordinance does not change the height limit in  
20 the BC zone. So it is one of those  
21 requirements which is in a larger body of  
22 requirements and is self regulating.

23                   For historic preservation  
24 developments each square foot of floor area  
25 which you preserve in the historic building

1 you get to remove from the FAR calculation,  
2 bearing in mind that that development is also  
3 limited by a requirement that it has to  
4 reflect the scale and design of the historic  
5 building that's being preserved. And the  
6 architectural quality, DRAC will weigh in on  
7 that or the design review advisory committee.

8           Infill developments, the floor  
9 area of the ground floor of the infill  
10 portion gets excluded. So if you build a two  
11 or three or four-story infill expansion only  
12 the FAR of the ground floor gets excluded.  
13 It gives you a little bit of a bump up, but  
14 not for the whole thing.

15           For public space, for each  
16 square foot of public space provided you get  
17 a credit of two square feet which get  
18 excluded from FAR. And for private parking  
19 garages, this is something which we already  
20 do for public parking garages. They aren't  
21 counted towards FAR.

22           If you think about it,  
23 somebody who wants to build a building and  
24 wants to provide additional parking in a  
25 structured parking garage below ground is



1 paying a tremendous amount of money to dig  
2 that hole and fill it with garage. And if  
3 you now turn around and tell him that that  
4 area is now part of your FAR calculation so  
5 that it comes off of what you have left over  
6 to build dwelling units, or offices, or  
7 commercial space, it becomes unfeasible.

8           So we cover that in FAR  
9 provided that it's fully enclosed, screened,  
10 surrounded by active commercial uses except  
11 for the driveway entrances, and it has to be  
12 either below grade or within one floor, the  
13 first story above finished grade. That's  
14 where that finished grade definition comes  
15 in.

16           And finally, public art. For  
17 every thousand dollars that you spend on  
18 installed public art you get a credit of 10  
19 square feet of floor area up to a cap of 15  
20 thou -- excuse me, 1500 square feet. So you  
21 spend \$150,000 on public art, as demonstrated  
22 to us by an appraiser, a letter from an  
23 appraiser, a qualified appraiser, you get a  
24 credit of 1500 square feet. And that's it.  
25 Thank you.

1                   PRESIDENT CANTOR: Thank you,  
2 Mr. Alair.

3                   I think Mr. Wenograd is going  
4 to go first. Do you want to talk about that,  
5 either your committee or --

6                   COUNCILOR WENOGRAD: No, I  
7 think we're on questions now?

8                   PRESIDENT CANTOR: Yes.

9                   COUNCILOR WENOGRAD: Not on  
10 that part.

11                  PRESIDENT CANTOR: Oh, I  
12 thought you raised your hand. I'm sorry.  
13 Mr. Davidoff.

14                  COUNCILOR DAVIDOFF: Thank  
15 you, Madam Mayor.

16                  One question I asked earlier.  
17 Currently the height limit in the BC zone is  
18 how many stories?

19                  MR. ALAIR: It's 4 stories,  
20 45 feet. I believe if it's a strictly  
21 residential building, if there's no  
22 commercial component -- because we follow the  
23 RM-1 requirements -- I believe in that case  
24 it's three stories, but for a building that  
25 incorporates commercial it's four stories.

1 COUNCILOR DAVIDOFF: So if  
2 this ordinance is adopted the max stories  
3 would be no greater than four stories.

4 MR. ALAIR: Correct. It's  
5 completely unchanged.

6 COUNCILOR DAVIDOFF: I just  
7 want to make certain, because it wasn't in  
8 your presentation. I just want to make sure  
9 it's on the record.

10 PRESIDENT CANTOR: Good point,  
11 Mr. Davidoff.

12 Any questions? Ms. Hall.

13 COUNCILOR HALL: So just to  
14 confirm anything in the BC zone that would be  
15 applying for this would go through the SDD  
16 process?

17 MR. ALAIR: Yes.

18 COUNCILOR HALL: And you  
19 consider the SDD process to give the Council  
20 total control over the project?

21 MR. ALAIR: Yes, and I should  
22 add that these are not -- I should have  
23 mentioned it earlier. These are not  
24 one-offs. You can combine them. It would be  
25 hard to combine some of them, but

1 theoretically a very clever designer could  
2 combine some or all of them to get maximum  
3 advantage of the credit.

4 COUNCILOR HALL: Okay.  
5 Because I was just thinking about if somebody  
6 wanted to buy the UConn property and do an  
7 SDD, that would really give us total control,  
8 too?

9 MR. ALAIR: Correct.

10 COUNCILOR HALL: That's what I  
11 thought. Thanks.

12 PRESIDENT CANTOR: Thank you,  
13 Mrs. Hall. Any others?

14 Oh, I'm sorry. Mrs. Kerrigan.

15 COUNCILOR KERRIGAN: Art can  
16 be controversial. One person's art is  
17 someone else's offense. So what do we have  
18 in place to control sort of controversial  
19 art?

20 MR. ALAIR: Mercifully,  
21 nothing. Government is very bad at doing  
22 art. We don't do that. We have this thing  
23 called the First Amendment and we stay very  
24 far away from that.

25 COUNCILOR KERRIGAN: Thank

1 you.

2 PRESIDENT CANTOR: Thank you,  
3 Mrs. Kerrigan.

4 Mr. Barnes?

5 COUNCILOR BARNES: Thank you.

6 Just following up on that  
7 point. I mean, we've had presentations  
8 before and stores where we tell them that we  
9 don't like their signage. Somebody would  
10 come before us and say, we have a thousand  
11 stores with this signage around the country.

12 And DRAC says, we don't like  
13 the color of it. And they change it, or  
14 don't develop here.

15 But you're saying with respect  
16 to artwork if somebody, if a developer, you  
17 know, satisfies this exception that they  
18 would have a hundred percent or full  
19 discretion to put up whatever artwork they  
20 wanted?

21 MR. ALAIR: I think we would  
22 have a very tough time turning down an  
23 application because we didn't like the  
24 artwork for certain reasons.

25 Honestly, I'm having a tough

1 time coming up with a good reason why you  
2 would turn it down based on the artwork. I  
3 don't like that style of pointillism. The  
4 chiaroscuro is all wrong. You know, I don't  
5 know how you would do that and have it be a  
6 legitimate basis for regulation, a  
7 governmental interest in regulation.

8 I would hope that somebody  
9 coming to this Council with an application  
10 that they were hoping to get approval for,  
11 when the Council has so much discretion on  
12 just about every aspect of it, would be wise  
13 enough not to come forward with something  
14 particularly inflammatory.

15 COUNCILOR BARNES: Fair  
16 enough. Just a follow-up question. With  
17 respect to the historic preservation  
18 development option, do we have historic  
19 property in this area that would qualify?

20 MR. ALAIR: I was asked that  
21 question yesterday and I said, I haven't got  
22 a clue. Almost certainly we do, but just by  
23 virtue of age. There are almost certainly  
24 buildings within the Center which qualify for  
25 national register.

1           I know when -- Doug, that was  
2 an issue during Blue Back. We have buildings  
3 that -- the First Church actually would be in  
4 the BC zone. That's a good point. The old  
5 town hall -- old library I guess is in the BC  
6 zone. So there are certainly buildings in  
7 there that would qualify.

8           More importantly, 20 years  
9 from now when this ordinance is still on the  
10 books, building being built today might  
11 qualify as historic buildings at that point  
12 in time. So you've got to think about the  
13 ordinance as that moves forward.

14           COUNCILOR BARNES: And would  
15 it be just by age, or does it require some  
16 type of preservation designation?

17           MR. ALAIR: The ordinance  
18 says, designated or eligible for, because a  
19 lot of buildings can be identified by the  
20 State or by the Department of the Interior as  
21 eligible without actually being on the  
22 national register or the state register.

23           In order to be designated, the  
24 process involves a fairly detailed  
25 application, but in order to be eligible for

1 designation it just means you have to be able  
2 to submit the paperwork. So that's a much  
3 lower threshold.

4 COUNCILOR BARNES: Okay.

5 One last question. On  
6 affordable housing on this component, I'm  
7 just wondering, you know, what the, you know,  
8 the likelihood or possibility of having that  
9 as one of the, you know, the features of a  
10 project using the statutory definition, which  
11 I believe is some percentage of whatever your  
12 market rate rentals are in the area, and  
13 knowing what the rents are, you know, in and  
14 around the Center imagining how expensive it  
15 would be.

16 And if you applied whatever  
17 the statutory rate was. You know, is your  
18 affordable housing component going to be the  
19 3,000-dollar a month two-bedroom, you know,  
20 that requires \$40,000 of after-tax  
21 out-of-pocket cost? And in light of that,  
22 you know, whether we would actually see  
23 affordable housing as part of a development.  
24 Am I thinking about that the right way?

25 MR. ALAIR: Yes, you are. I



1 think the land values, the development values  
2 in the Center are almost certainly the  
3 highest in town. And we had this  
4 conversation during the hearings.

5           Several of you were there for  
6 the Blue Back hearings and will recall the  
7 conversation about we just can't afford to do  
8 affordable housing here. The land is too  
9 expensive. The development cost is too  
10 expensive. You may well see that in some  
11 developments in the Center.

12           If we don't start someplace  
13 we'll never start encouraging it. And this  
14 ordinance applies to the BC zone. It's an  
15 incentive ordinance. We're trying here.  
16 This is something that we could translate to  
17 other zones as well.

18           And it may incent somebody to  
19 do something. It may be just enough credit  
20 to give somebody the incentive to add a  
21 couple, three, four units to a project, a  
22 small project because it just makes it that  
23 little bit better.

24           So will it be a huge sell?  
25 Probably not.

1 COUNCILOR BARNES: Thank you.

2 PRESIDENT CANTOR: Thank you,  
3 Mr. Barnes.

4 Mrs. Caspersen.

5 COUNCILOR CASPERSON: Thank  
6 you, Madam Mayor.

7 Just a point of clarification  
8 again on the artwork. So that would not go  
9 to DRAC. It's not that I have any opposition  
10 to any artwork, but it wouldn't normally, you  
11 know, just as part of the design review it  
12 would not be part of that?

13 MR. ALAIR: DRAC sees the  
14 whole project. So they would see it and they  
15 are architects and design professionals from  
16 a variety of fields. So they would be  
17 certainly more qualified to weigh in on the  
18 quality of art than, say, yours truly, but  
19 I'm not sure that that would be their focus.

20 COUNCILOR CASPERSON: Thank  
21 you.

22 PRESIDENT CANTOR: Thank you,  
23 Mrs. Casperson.

24 Mr. Wenograd.

25 COUNCILOR WENOGRAD: Thank

1 you. I do have some questions about your art  
2 credentials.

3 MR. ALAIR: Don't ask me to  
4 spell chiaroscuro either.

5 COUNCILOR WENOGRAD: I'm  
6 usually pretty impressed. Just on the art  
7 piece again, there are some restrictions  
8 built in, though. So anything that would be  
9 arguably commercial is not going to be  
10 allowed?

11 MR. ALAIR: Correct.

12 COUNCILOR WENOGRAD: So to the  
13 extent that it's fake art and a commercial  
14 use, that would be grounds.

15 The other potential grounds I  
16 would think would be to the extent a  
17 sculpture, the bulk of it, not the value of  
18 the artistry, but I'm thinking a tilted arch,  
19 you know, in New York that was in front of  
20 the federal building, and there were  
21 questions of safety and also just the  
22 blocking of space.

23 So I would assume that in  
24 terms of, you know, open light and, I mean,  
25 we have other requirements in here that the

1 art project, whether it's great art or bad  
2 art, would be out of compliance with those  
3 pieces of it.

4 MR. ALAIR: Yes, if you had a  
5 public space that was filled with such a huge  
6 piece of art that it didn't function as  
7 public space, you might get the public art  
8 credit but you're not going to get the public  
9 space credit, and that may be more valuable.

10 COUNCILOR WENOGRAD: Or that  
11 wasn't in harmony with the open feeling?

12 MR. ALAIR: Yes, exactly.

13 COUNCILOR WENOGRAD: Something  
14 that was too big would also go against the  
15 other pieces of that.

16 MR. ALAIR: Right.

17 COUNCILOR WENOGRAD: So we do  
18 get to be, you know, a little bit of an art  
19 critic as long as we avoid quality.

20 PRESIDENT CANTOR: Thank you,  
21 Mr. Wenograd.

22 Mr. Davidoff.

23 COUNCILOR DAVIDOFF: Sorry for  
24 going twice. I just want to get an  
25 understanding on the alterations of the

1 standards.

2                   So you have enumerated A  
3 through E -- or A through F which started at  
4 affordable housing all the way through the  
5 public art. How were those six criteria  
6 determined to be part of this ordinance?

7                   Like, how did we determine  
8 that we were going to give incentives for  
9 those six and why were they included? And  
10 what would be so detrimental if any of them  
11 were cut out?

12                   MR. McGOVERN: Good evening  
13 again. Mark McGovern, Community Development  
14 Director.

15                   I think a lot of those issues  
16 are what we heard through our outreach,  
17 especially in the survey work in the public  
18 forums. We heard quite a lot about open  
19 space, and art in particular and ways in  
20 which the community in general can benefit  
21 from new development incentives.

22                   So it was really the findings,  
23 you know, from all the different various  
24 aspects of our outreach, it sort of brought  
25 together these sort of appropriate

1 incentives. And then Todd Dumais in  
2 particular did quite a lot of research with  
3 other communities to see what other aspects,  
4 what other sort of public amenities are  
5 utilized in other ordinances and other  
6 communities. And so it kind of came together  
7 naturally.

8 COUNCILOR DAVIDOFF: All  
9 right. So I just want to make certain I  
10 totally understand. So we looked at what  
11 other communities did and we listened to what  
12 our residents requested with respect to the  
13 survey responses.

14 And a large percentage of the  
15 people said that public art ought to be  
16 included as an alteration of the standard.  
17 Is that correct?

18 MR. McGOVERN: Yes.

19 COUNCILOR DAVIDOFF: I just  
20 want to make sure we're getting the record  
21 right and that's where the data is coming  
22 from.

23 MR. McGOVERN: Correct.

24 COUNCILOR DAVIDOFF: Okay.

25 Well, thank you.

1                   PRESIDENT CANTOR: Thank you,  
2 Mr. Davidoff.

3                   Ms. Hall.

4                   COUNCILOR HALL: Thank you,  
5 Mayor.

6                   Mark, maybe you could talk  
7 about what do you see the benefits to the  
8 community would be if we adopted this? Like,  
9 what could happen in the Center and what  
10 could that do for our community?

11                  MR. McGOVERN: Sure. Well, I  
12 think there's an opportunity to have some  
13 development on what are now unutilized  
14 properties. So I think with some of these  
15 incentives there's an opportunity to move  
16 forward on a couple properties that could  
17 result in enormous growth. It could result  
18 in job creation if there are retail aspects  
19 of it.

20                  If some of the incentives are  
21 utilized, the public space, in particular in  
22 the infill development, I think are  
23 critically important for our streetscapes, in  
24 particular. So I think this is a good next  
25 step to see if we can have some additional

1 appropriate development in the Center.

2 And what we also learned in  
3 our outreach and the survey work is that the  
4 majority of the survey respondents were in  
5 favor of incremental growth in the Center.  
6 So I think this is a push that can result in  
7 some incremental growth in the Center.

8 COUNCILOR HALL: So then you  
9 think we might have some mixed-use  
10 development that could create people shopping  
11 in our retail stores on LaSalle Road,  
12 Farmington Ave? Because I think that's, you  
13 know, one of the things that we've been  
14 grappling with, just the whole change in  
15 retail, and how do we keep our retail  
16 business alive?

17 MR. MCGOVERN: Absolutely. I  
18 think we're more likely to see project  
19 proposals for apartment buildings than we are  
20 office buildings, and that's mainly because  
21 of the parking requirement associated with it  
22 and the cost to structured parking.

23 So absolutely, I think there  
24 are opportunities for additional residential  
25 development which will almost certainly be



1 beneficial for restaurants and retail  
2 locations.

3 COUNCILOR HALL: Thank you.

4 PRESIDENT CANTOR: Thank you.  
5 That's exactly where I was sort of going. I  
6 wanted to ask also maybe in some neighboring  
7 communities what we see happening in their  
8 town centers, and how they are building them  
9 out and planning for the future.

10 And we've seen, you know, in  
11 Bloomfield, Farmington, Avon, Glastonbury,  
12 that there's been more of a focus on  
13 residential. So I know you did -- there was  
14 a lot of research with a consultant on one of  
15 the other communities we're doing as well.  
16 So I was wondering if you could share that?

17 MR. MCGOVERN: Well, clearly  
18 there's still an interest in this region and  
19 also in developing new multifamily housing  
20 with more amenities than what perhaps older  
21 multifamily developments offer.

22 I think one of the big  
23 differences between West Hartford and some of  
24 the communities you mentioned there is really  
25 the availability of land. In some of those

1 other locations they're not having to build  
2 structured parking to go along with a new  
3 apartment building that might have a hundred  
4 units. That can't be done in the Center.

5                   If we were to have any type of  
6 apartment building built, we've had a couple  
7 with only 24 units and 18 units. They had to  
8 build structured parking. So I think what we  
9 looked at are not so much some of the  
10 communities in greater Hartford, but some of  
11 the bigger cities that are having to have  
12 parking be instrumental in the development of  
13 blocks.

14                   PRESIDENT CANTOR: Thank you.

15                   And we had done some -- there  
16 was some feedback of some Fairfield County  
17 communities, I think too, about guided  
18 residential.

19                   MR. McGOVERN: Yeah, the  
20 report that was provided included a look at  
21 Greenwich, Darien and Westport. And they all  
22 take somewhat different approaches for  
23 different reasons, just a different built-out  
24 environment, but are all grappling with the  
25 very same issues. So I think we learned from

1 each of them.

2 PRESIDENT CANTOR: And  
3 residential, you know, doing reading about  
4 smart growth and town centers, residential is  
5 an added benefit to retail where -- and a  
6 variety of restaurant spaces where people --  
7 because, when they're living there, they will  
8 need coffee and breakfast, and potentially  
9 lunch more than they might if they're just  
10 driving in for dinner and then driving out.

11 What do you see -- and again,  
12 we're not approving a project. This is sort  
13 of thinking about what this might open up for  
14 opportunity. So do you think this is a  
15 critical move for West Hartford Center for  
16 going forward? Or for preservation? Or how  
17 would you word this kind of plan, as opposed  
18 to doing maybe nothing?

19 MR. McGOVERN: Well, I think  
20 it's the next step in order to grow the grand  
21 list in the Center. I think if this step  
22 wasn't taken I think it would be awful  
23 difficult to see any new development, you  
24 know, in the BC zone in the Center.

25 PRESIDENT CANTOR: Okay.

1 Thank you.

2 Mr. Davidoff.

3 COUNCILOR DAVIDOFF: All  
4 right. So you answered the Mayor's question  
5 with respect to the next step in terms of  
6 grand list growth. I think what the working  
7 group brought to the table and we all heard  
8 was the current situation in the Center with  
9 respect to quality of life issues. And I  
10 think they are co-mingled with this as well  
11 as they're able to be separated with this.

12 So we're still going to be  
13 able to address those, what I term, quality  
14 of life issues with respect to late-night  
15 noise, parking, intoxicated patrons and this  
16 mutual respect for the abutting neighbors.  
17 Right?

18 MR. McGOVERN: Absolutely.  
19 We've continued to work with the working  
20 group. We've had a meeting in late  
21 September, facilitating another one soon at  
22 the Police Department to look at some of the  
23 issues they've brought forward that aren't  
24 something specific.

25 So we've already done some

1 good staff work in looking at some of the  
2 different parking restrictions to see what  
3 potential changes could be considered to  
4 alleviate some of the congestion for parking  
5 and some of the nuisance issues that come  
6 with people parking in the neighborhood and  
7 coming back to the cars late at night. So  
8 that dialogue is continuing.

9 COUNCILOR DAVIDOFF: And I  
10 think that's important, because if one looked  
11 at the SDD process, as Mr. Alair so  
12 rightfully pointed out in terms of the review  
13 process and then the standards for approval  
14 of an SDD being in harmony with our plan of  
15 conservation and development, it's superior  
16 to any other plans that could be there.

17 And then the third component  
18 needs to be in harmony with our adjacent  
19 neighborhoods. And I think any person who  
20 would proceed under this, under this proposed  
21 ordinance, I think that's the biggest hurdle  
22 that they would have to jump, would be to  
23 demonstrate to the Council on an application  
24 that what they're proposing is in harmony  
25 with the neighborhood and would have to make

1 certain that what they're doing would not be  
2 detrimental to the quality of the life of  
3 those who were already existing.

4 Correct?

5 MR. MCGOVERN: Absolutely.

6 And I should also note that the vision  
7 statement and guiding principals that you  
8 adopted are for the Council to consider with  
9 the applications, but it's clear, too, it's  
10 for the staff to use with developers on  
11 prospective projects, and we will absolutely  
12 do that going forward.

13 COUNCILOR DAVIDOFF: All  
14 right. And I have one last thing. So the  
15 criteria that the Council would use to  
16 determine whether or not to make an approval  
17 with respect to the findings, and those were  
18 outlined in 2-A through E and -- I had a  
19 dialogue with Mr. Alair at a previous meeting  
20 here and we talked about whether or not those  
21 were objective or subjective.

22 And my reading of them this  
23 evening, and as the last, previous meeting,  
24 where I thought they were pretty subjective  
25 in terms of a determination, which I think is

1 favorable in terms of the Council being able  
2 to render a decision where it wasn't just  
3 checking a box saying, okay. Criteria met.  
4 Criteria met, criteria -- therefore we have  
5 to approve.

6 I think that gives the Council  
7 an out should the proposal not be to the  
8 liking of whether or not this body -- or to  
9 those abutters, or the general community at  
10 large.

11 Would that be a fair  
12 representation of how those criteria are  
13 established?

14 MR. McGOVERN: I would agree.

15 COUNCILOR DAVIDOFF: Okay.

16 Thank you.

17 I just want to get this on the  
18 record. So if anyone has any questions as to  
19 what the intent is this evening, I think  
20 that's very, very important. Because I think  
21 that if this does get approved I think it's  
22 very important that any person who wishes to  
23 proceed and bring an application in the BC  
24 zone under this incentive zoning application  
25 understand that we've had these discussions

1 and what our intent was with respect to this  
2 particular ordinance.

3           So that there's no mystery  
4 here and they can say they know going into it  
5 before they invest hundreds of thousands of  
6 dollars in their project with the  
7 professionals that this is what the Town is  
8 going to look at. And come the end of the  
9 day because these criteria are not an  
10 objective set of criteria, that the result  
11 may be a denial of their application.

12           So I think the biggest hurdle  
13 that anybody has to come through is the staff  
14 review, I think that that's key, and meeting  
15 the public hearing, and being able to win  
16 that war with our residents and making the  
17 findings for an SDD application.

18           But on top of that being able  
19 to check those boxes in a subjective way to  
20 show that this proposal is in the best  
21 interests of our community and it makes the  
22 quality of life here in West Hartford, not  
23 only for those who are going to reside in  
24 this particular housing type of unit, or  
25 other project, but it does not do it at the



1 detriment of those who currently reside in  
2 adjacent and abutting neighborhoods.

3                   Would that be a fair  
4 characterization?

5                   MR. McGOVERN: Yes.

6                   COUNCILOR DAVIDOFF: Thank  
7 you.

8                   PRESIDENT CANTOR: Thank you,  
9 Mr. Davidoff.

10                   Mr. Dodge.

11                   COUNCILOR DODGE: Thank you,  
12 Madam Mayor.

13                   I think one of the most  
14 positive aspects of this proposal is that  
15 it's not as of right, that this is basically  
16 just getting you in the door and you still  
17 need to get past a number of other hurdles.  
18 That this is just the floor.

19                   You know, I think obviously we  
20 all have in mind, you know, the proposal to  
21 come before us, and in particular the open  
22 space that exists in West Hartford Center.  
23 As we've said, this won't be as of right, but  
24 I want to think about if we don't proceed  
25 along these lines and create a process for

1 developing this in an appropriate way, then  
2 what is the alternative? What direction does  
3 that space go?

4                   And so what's as of right  
5 right now could go into some of the open  
6 space that's in the BC zone if, you know,  
7 developers get the sense that we're not going  
8 to approve, you know, something along these  
9 lines? I think it's unrealistic to think  
10 that it will simply remain undeveloped.

11                   And so what could go into  
12 those areas and what, you know, would that  
13 future look like?

14                   MR. McGOVERN: I think the  
15 particular challenge in underutilized  
16 properties with vacant areas that are parking  
17 lots. For instance, the biggest challenge is  
18 you still have to park it. Right?

19                   So the building on a  
20 particular lot would have to be small enough  
21 to use the balance of the lot for parking  
22 which isn't typically possible or feasible,  
23 or they would have to build structured  
24 parking. With structured parking currently  
25 being part of the calculation from FAR, that

1 becomes an economic obstacle to having things  
2 built.

3                   So as long as parking is still  
4 part of the equation related to the floor  
5 area ratio I don't think we'll see too many  
6 more buildings built in the near future given  
7 the cost of land and taxes, other fixed costs  
8 and just, you know, the cost of development  
9 in general.

10                   PRESIDENT CANTOR: Thank you.

11                   Mr. Dodge, do you have further  
12 questions?

13                   COUNCILOR DODGE: Well, one  
14 concern I had, you know, and again, like in  
15 West Hartford Center is, you know, if we  
16 don't proceed along this line, it may be  
17 something more like a residential  
18 development.

19                   Is it possible, you know,  
20 would it be more economically feasible for  
21 somebody to develop, for instance, more  
22 restaurant and a bar space in those areas?

23                   MR. McGOVERN: You would still  
24 have to park it. So the difference right now  
25 is, based on our zoning -- and I'll ask Pat

1 to Correct me if I'm wrong -- but if you go  
2 into existing space you don't have to find  
3 additional parking. You can swap different  
4 uses without meeting any additional parking  
5 requirement. But if you build a structure  
6 and put it, you know, into play you would  
7 have to provide parking. That's the main  
8 difference.

9           So even with restaurants being  
10 the most vibrant in terms of investment and  
11 growth in the Center and in other places, I  
12 think we'd still be hard pressed to see new  
13 buildings built specifically for restaurants.

14           MR. ALAIR: Just to give you a  
15 very concrete example of that, the building  
16 which is now Max Burger, I'm old enough to  
17 remember when it was Mechanics Savings Bank  
18 and the east end of that building was a  
19 drive-through teller.

20           And they wanted to fill in  
21 that drive-through teller area to put in a --  
22 I think it was the meat locker, the cold food  
23 storage area. And because they enclosed that  
24 space they increased the size of the building  
25 and had to provide parking spaces under our

1 ordinances for that.

2 Well, where do you provide  
3 parking spaces in the Center? They ended  
4 up -- if you know that parcel you know that  
5 there is a bank of double depth parking  
6 spaces which they added to make room for the  
7 meat locker. And that's the problem that we  
8 have right now. As long as you stay in  
9 existing space you can change uses from  
10 restaurant to retail back and forth without  
11 problem.

12 The second you try to add a  
13 floor or expand your building by even a small  
14 amount the requirement of providing  
15 additional parking creates a problem for you.  
16 And you either have to build structured  
17 parking -- I've forgotten what the number is.  
18 Is it 50,000 a space? A hundred thousand a  
19 space, a staggering amount.

20 MR. McGOVERN: It's roughly 20  
21 thousand aboveground, 40 to 50 thousand  
22 underground.

23 MR. ALAIR: So, I mean, that's  
24 a cost that you just can't justify if on top  
25 of it all you end up taking that parking,

1 that structured parking out of your FAR  
2 calculation. So hence the incentive.

3 PRESIDENT CANTOR: So as of  
4 right you could build structured parking?

5 MR. ALAIR: You can, but it  
6 comes out of FAR.

7 PRESIDENT CANTOR: Right. You  
8 could build a standalone structured parking.

9 MR. ALAIR: Yes.

10 PRESIDENT CANTOR: All right.  
11 Mr. Dodge.

12 COUNCILOR DODGE: Just one  
13 last question. One thing that I recall  
14 hearing is something that people -- I can't  
15 remember if it was part of this working group  
16 or maybe it just came up generally -- was the  
17 desire to encourage more retail in West  
18 Hartford Center.

19 I was just curious if you had  
20 looked at including retail as a potential  
21 incentive for this type of development?

22 MR. McGOVERN: Retail is part  
23 of the infill development incentive. For  
24 infill development the ground floor would  
25 have to be commercial or retail. So that was

1 the one aspect of retail we addressed in the  
2 incentives.

3 COUNCILOR DODGE: Thanks,  
4 Mark.

5 PRESIDENT CANTOR: Thank you,  
6 Mr. Dodge.

7 Anyone else? We'll go to the  
8 sign-up sheet unless there is anything  
9 further for the presentation?

10

11 (No response.)

12

13 PRESIDENT CANTOR: Okay. The  
14 first person that signed up, and I apologize  
15 if I pronounce your name wrong. David  
16 Meehan.

17 Just come up to the podium.  
18 The microphone goes on, the speaker goes on  
19 automatically, and state your name and  
20 address for the record. And you have three  
21 minutes to speak.

22 DAVID MEEHAN: Thank you. You  
23 wanted to say my handwriting was illegible,  
24 but you didn't. I get that often. So Hi.  
25 My name is Dave Meehan. I live on 24 Woodrow

1 Street here in West Hartford.

2 And I guess I want to, you  
3 know, one of the things -- I want to do this  
4 kind of concisely because I think it was  
5 important. A couple things that folks  
6 mentioned. You know, Mark mentioned a quick  
7 synopsis of how we got here and I think I --  
8 if I could do a quick perspective on that?

9 You know, I was also part of  
10 the working group that was put together, and  
11 I thought thoughtfully put together over the  
12 past year. We've probably met, you know,  
13 seven or eight times at least, you know,  
14 after work and all of us, you know,  
15 dedicating time.

16 And I'd say one thing that was  
17 pretty clear is that working with Todd and  
18 Mark, you know, we have some really smart,  
19 thoughtful people working here. And it was  
20 nice to learn that in this process, and I met  
21 a couple of new neighbors, too, that I didn't  
22 know. But it was a good, good dialogue  
23 throughout, and that's the key. It was a  
24 dialogue and it was collaborative.

25 And I think the vision



1 statement that came out from it, this  
2 one-pager, it's pretty crisp. It's pretty  
3 simple. I think it really hit it perfectly  
4 and I'm, you know, really proud of what came  
5 from that. And I do ask that when people are  
6 thinking about different proposals that come  
7 up to have that, just that discipline and  
8 just do one more read over because I think it  
9 really encompasses -- what I think -- the  
10 feedback that was part of this process.

11 I think, you know, one of the  
12 things -- and the other interesting part  
13 about this whole process was I got to learn  
14 about, you know, acronyms. And there's, you  
15 know, you've got your FAR, your BC, your RP  
16 and your, you know, BGs, and heebie-jeebies  
17 or whatever. And so that was interesting,  
18 but it's all important and it all kind of  
19 ties together as I learned in this process.  
20 It was like going to school.

21 So I think one of the things I  
22 just wanted to walk through a little bit is,  
23 you know, what's happened since then, meaning  
24 a year ago or so when there was a couple of  
25 different proposals that came up. I think

1 the last one was just a .25 FAR increase,  
2 from 1.25 to 1.5. We filled up the room and  
3 we learned that people cared about FAR, and  
4 people cared about density it turned out, and  
5 were concerned about density.

6           And so that was just a .25 FAR  
7 increase that was being requested at that  
8 time. So then we moved forward and, you  
9 know, since then we have this consultant who  
10 did this great job. This 40-page document  
11 here that Francisco Gomes put together that  
12 encompassed the feedback. And the  
13 feedback was -- I think there was 7 -- I  
14 think mark mentioned, like, 700 survey  
15 responders. A hundred people showed up to a  
16 presentation done and held here.

17           And I think a couple fun facts  
18 I just wanted to run by everybody, because I  
19 heard people ask about, well, what do other  
20 towns do. Does it make it right? I never  
21 believe just because someone else does  
22 something it makes it right.

23           But Francisco pointed out to  
24 us. He said -- in the first meeting he said,  
25 Darien, Westport, Greenwich -- let me just

1 fill you in on what -- he said right now the  
2 BC zone for West Hartford is 4 stories, 1.25  
3 FAR. He's said, I'm going to give you the --  
4 the answer to the quiz is you already allow  
5 the most density out of these three similar  
6 towns.

7                   So he walked through it with  
8 us. He said, Darien, their zoning says, two  
9 or three stories, no FAR. Right? So they  
10 say, you know, density, you know, schmensity.  
11 Just keep it under two or three stories.  
12 Okay. Now what's interesting there -- and  
13 then Westport they said two stories and one  
14 FAR is their regulation. And then Greenwich  
15 has 3 stories allowed and Max FAR of .9.

16                   So you see different, you  
17 know, combinations, but -- however the way  
18 you looked at it, pretty much it seemed like  
19 before we even introduce any amendment, which  
20 I think there's some positives and maybe some  
21 not so positives, of my understanding of the  
22 amendment, we already have a pretty good  
23 flexibility. Now that doesn't mean, you  
24 know, it's perfect, but I just thought that  
25 was noteworthy.

1           The other part Francisco said  
2 was he talked about the density, and he said  
3 that Darien, Westport and Greenwich don't  
4 have as much residential density as actually  
5 West Hartford already has.

6           You know, he noted how Darien  
7 is next to a highway. There's not much  
8 residential already there. Westport is next  
9 to a river, so that's blocked off. And then  
10 Greenwich has some density comparable to West  
11 Hartford, but you said you've already got  
12 three areas to the north and especially to  
13 the west as well, and to the east where you  
14 have a lot residents already there, feet on  
15 the ground.

16           You've already got it, and he  
17 said you can put more feet on the ground.  
18 That's just what the consultant said.

19           PRESIDENT CANTOR: Mr. Meehan,  
20 you're past the three minutes. So if you  
21 could wrap up soon?

22           DAVID MEEHAN: Okay. Sure.  
23 I'll tie this -- all right. So when we get  
24 to this actual document here --

25           PRESIDENT CANTOR: Let me just

1 interrupt you. Are you speaking on behalf of  
2 the working group? Because if you do then  
3 you have five minutes.

4 Sure. Go for it.

5 DAVID MEEHAN: I mean, I did  
6 spend a lot of time over the past year, so if  
7 I could? But I'll wrap it up, though.

8 So to tie it to this document,  
9 I mean, what the vision statement said was --  
10 and I guess the couple parts to this that I  
11 think are pretty key of the vision statement,  
12 it says, okay. Ensure West Hartford Center  
13 remains a great place for visitors, residents  
14 and business investment, and fosters a strong  
15 sense of community. All right. That's  
16 pretty key.

17 Now there's many bullet  
18 points, but here's the one bullet point that  
19 I want to make sure we have in our minds as  
20 we're reviewing this document here, this  
21 amendment.

22 To encourage appropriate  
23 development and redevelopment of the Center  
24 to be consistent with its character and  
25 current commercial boundaries, specific

1 consideration should be paid to traditional  
2 buffer areas where commercial uses are  
3 adjacent to residential to ensure a  
4 contextually sensitive design and appropriate  
5 scale, height and setback that  
6 enhances/complements the quality of the  
7 neighborhoods.

8                   When we look at this document  
9 here, this amendment -- I want to make sure  
10 this is clear because this could be  
11 confusing. The working group didn't sign off  
12 on this document. That doesn't make it right  
13 or wrong. And some of you may have thought,  
14 oh, well, this is the working group, you  
15 know, blessed this. And we don't have to  
16 bless it, of course, but what we're concerned  
17 about is some of the questions you all  
18 raised.

19                   This seems, first of all,  
20 complicated. Right? When you look at Darien  
21 they just say three stories, no FAR. Have a  
22 nice day. Art? I mean, the feedback from  
23 the survey was about open space. There  
24 wasn't as much about art that I had  
25 remembered, and when I think about the growth

1 and health of -- I mean, I like art, but I  
2 don't know how that's a key ingredient to the  
3 success necessarily. And it seems kind of  
4 open.

5                   The stacking provisions. Can  
6 you stack some of this together with what's  
7 historical and then do they raise some art  
8 over here? Now you've got an FAR, a density  
9 that could be a lot more than that .25 that  
10 the public had some challenges with a year  
11 ago.

12                   When you stack this together  
13 you could have a lot more FAR than I  
14 think maybe -- we're concerned about  
15 unintended consequences, I guess with this  
16 document. I don't think it all should be all  
17 or nothing. I think there should be a  
18 document. We should continue the dialogue,  
19 but I don't think this document necessarily  
20 hit everything we were hoping it would.

21                   And last but not least, I  
22 would say -- and the why in all this, and  
23 others are going to speak about -- is that in  
24 the past year we've had a car drive into her  
25 house. We've had a drunk driver drive into a

1 telephone pole, back in, hit it again, and  
2 another drunk driver drive over a car in  
3 front of our house and almost got over the  
4 car. We've had people having sex in front of  
5 our houses late at night, drunk.

6 All these things are happening  
7 and so again, when we talk about expanding  
8 the grand list, and we have to expand the  
9 grand list because that's the economics of  
10 it, but we need to do it thoughtfully and  
11 longterm. It's tempting to just short term  
12 expand the grand list, but there could be  
13 some unintended consequences.

14 PRESIDENT CANTOR: Thank you,  
15 Mr. Meehan.

16 The next person up his Anna  
17 Boelitz, and after that is Christine Fichera.

18 ANNA BOELITZ: My name is Anna  
19 Boelitz, and no one can pronounce it. So I  
20 live at 25 Arapahoe Road. Was also part of  
21 the working group, would echo all of the  
22 compliments that Dave said about Mark  
23 McGovern, Todd Dumais, fantastic people we're  
24 just very lucky in this town to have. It was  
25 a very interesting and educational process,



1 really great.

2                   So I just want to talk about  
3 the proposed amendment. The current  
4 incentive-based proposal potentially permits  
5 really a lot more density than even the two  
6 proposals that were rejected previously and  
7 more, like Dave said, than the other towns  
8 that are comparables.

9                   So you know, the issue that I  
10 have isn't with incentives. Incentives are a  
11 good idea. In fact, the working group  
12 actually suggested incentive-based zoning as  
13 a terrific thing for the Town to think about.  
14 It's that they are sort of infinitely  
15 stackable. We could end up with multiples of  
16 the density that we have today. It's not  
17 this or nothing, in other words.

18                   We can have development, but  
19 we should know what it means. This is the  
20 black box and we don't know which buildings  
21 are historical. We don't know what art  
22 means. We don't know what anyone would do  
23 with any particular lot, and that's dangerous  
24 because the Center is actually a highly  
25 successful area.

1                   It's good. It's not broken.  
2    It doesn't have as much retail as some people  
3    want, but retail is challenged everywhere and  
4    a lot of the reason for that is because  
5    restaurants that serve alcohol late into the  
6    night can attract a lot of revenue, and it's  
7    tough for retail to compete. So there's a  
8    lot of factors that are involved in that.

9                   What the Center needs in order  
10   to support retail is the feet on the street  
11   that we have from having a lot of  
12   residential, and we need to attract people  
13   from other towns to come. People get in  
14   their cars. They go. You know, they pass by  
15   perfectly nice shopping malls with surface  
16   parking and restaurants to come to the  
17   Center, because the Center is awesome. They  
18   should come and we want them to continue to  
19   come.

20                  But if we, you know, line the  
21   Center with buildings that look like the  
22   Webster Bank in bulk they aren't going to  
23   come anymore. It won't be cute, it won't be  
24   charming and it won't be attractive. So we  
25   have to be very careful.

1                   That's why the survey  
2 results were, you know, overwhelmingly  
3 incremental development is the most that we  
4 want. We want prudent development. We want,  
5 you know, light. We want air. We want the  
6 atmosphere that we have to continue, and  
7 that's important. And the vision statement  
8 again has a lot of those things in it.

9                   And an ordinance could  
10 preserve more of those things explicitly.  
11 You could have incentives that say you can't,  
12 you know, you need to limit the bulk. You  
13 need to do it more like Westport where you  
14 kind of know what you're getting into and you  
15 don't have infinitely stackable huge  
16 buildings up and down the street.

17                   The other issue is that the  
18 Center, as Dave said, is already past the  
19 reasonable capacity to accommodate more  
20 density. There the traffic is dangerously  
21 bad. It doesn't have to be somebody  
22 negligent or drunk to cause an accident.  
23 There's just a lot of cars and they all go up  
24 through the residential neighborhoods. The  
25 things that Dave talked about have been

1 happening and they're a problem. We know  
2 there's an effort to deal with the parking  
3 issues and we appreciate that. That's just  
4 one piece of it. It's just very dense today  
5 and that's a significant problem. If we  
6 can't handle the current density then how can  
7 we add more right now? We really need to  
8 deal with it.

9                   The other thing is that we  
10 know from experience that development, no  
11 matter how drastic, is it really going to  
12 reduce taxes? Grand list and building our  
13 town economically, very important, but again,  
14 the economic base especially in the Center  
15 depends on people being willing to come from  
16 other places, and we really need to be  
17 mindful of maintaining that.

18                   It adds to our quality of  
19 life. It's a terrific place. We're very  
20 proud of it and want to keep it that way.

21                   And thank you.

22                   PRESIDENT CANTOR: Thank you,  
23 Anna.

24                   Christine Fichera.

25                   CHRISTINE FICHERA: Hi. I'm

1 Christine Fichera. I'm from 21 Arapahoe  
2 Road. I was also in the working group.

3                   And to echo Dave and Anna,  
4 thank you, Mark and Todd and also to all of  
5 the amazing citizens in West Hartford who  
6 took the time to take surveys and come out  
7 and give us their extremely knowledgeable and  
8 passionate input about how to keep West  
9 Hartford an amazing place to be, to live, to  
10 work and to shop and eat, et cetera.

11                   I want to just add on a quick  
12 comment to what Anna -- a direction Anna was  
13 going in, which is we don't know what we  
14 don't know, and that could lead us down a  
15 path that would be hard to back away from.

16                   And beyond that, even though  
17 these incentives are meant for the current BC  
18 zone, the current West Hartford Center to  
19 fill in the broken teeth, these incentives if  
20 somebody rezoned any property that they  
21 owned, they could also take part in those  
22 incentives.

23                   So you would have areas of  
24 town that were meant to be a bumper between  
25 residents and commercial zones, able to be

1 more dense than was intended historically.

2 And that's all I wanted to say.

3 Thank you.

4 PRESIDENT CANTOR: Thank you  
5 Christine.

6 The next person is Chris  
7 Vargas.

8 CHRIS VARGAS: Hello. I'm  
9 Chris Vargas, 131 Robin Road. I think as we  
10 progress with more density -- and do we stay  
11 small to get dense? I don't think anyone is  
12 looking for New York City style home density.  
13 We don't want glass skyscrapers. Right?

14 What we do want is a nice  
15 density that brings people, that we have a  
16 sustainable population that can support the  
17 local retail. I have also heard tonight  
18 people's concerns with traffic, and I will  
19 say that our traffic in this town is probably  
20 the number one health concern we have, and  
21 public safety concern we have.

22 Now we have to use our  
23 ordinances to help minimize that traffic  
24 congestion. How do we do that? We need to  
25 design our town so that we can minimize the

1 amount of traffic by building denser,  
2 allowing denser areas where we have more  
3 people that can walk to the stores that are  
4 nearby and support the local businesses by  
5 walking and bicycling.

6                   It's a tough sell. I don't  
7 think we want to go above that four stories.  
8 I like that this ordinance doesn't have --  
9 doesn't increase that. But you know,  
10 underground parking garages, maybe we need to  
11 look at the parking requirements that we  
12 have. Those are kind of outdated, last  
13 century things when we look at parking.  
14 Right?

15                   A lot of towns and a lot of  
16 places are getting away from minimum amounts  
17 of parking that you must have for building  
18 sizes and I think that's -- those are things  
19 you want to look at, too.

20                   Overall I think it's --  
21 increasing the density of the Center is  
22 probably a good thing, and we need to get  
23 there. Is this the perfect ordinance?  
24 Probably not, but it may be a step in the  
25 right direction.

1 Thank you.

2 PRESIDENT CANTOR: Thank you,  
3 Chris.

4 Harold Hawkins is the next  
5 person signed up.

6 HAROLD HAWKINS: Thank you.  
7 My name is Harold Hawkins. I live at 69 Four  
8 Mile Road. I would take the other side of  
9 the argument and say we should be maybe  
10 reducing density, or at least staying at  
11 where we currently are.

12 I have three relatively young  
13 children, as a lot of people in the  
14 neighborhood do and we've seen cars go  
15 increasingly fast over the years through the  
16 neighborhood when we're stopping at the stop  
17 signs, and it has gone sort of with the  
18 direction of how busy the Center has gotten.

19 Do I have a study to show that  
20 the safety of my children is going down as  
21 business increases in the Center, and people  
22 increase their alcohol intake at all hours of  
23 the day? I don't exactly, but I would guess  
24 that that's the case and I don't think that  
25 adding, you know, while I wouldn't



1 disincentivize business in the Center, I  
2 certainly wouldn't be in favor of increasing  
3 the amount of folks that live there. Because  
4 I just, frankly, I don't really think it's  
5 all that safe anymore. And I don't think it  
6 keeps neighborhoods safe that are abutting  
7 the Center.

8 I think parking needs to be  
9 addressed on Ellsworth Road while we're at  
10 it. If you have both parking on both sides  
11 of the street, that's just bananas at night.  
12 I'm surprised people haven't gotten killed  
13 there. You should address that, too.

14 PRESIDENT CANTOR: Thank you,  
15 Harold.

16 That is all I had on the  
17 sign-up sheet. Are there people that would  
18 like to speak to this public hearing that  
19 have not signed up?

20 Again, state your name and  
21 address, and you have three minutes, unless  
22 you represent a group. Then you have five.

23 Boyd?

24 BOYD SULLIVAN: Good evening  
25 my name is Boyd Sullivan and I live over on

1 Farmington Avenue right near Trout Brook  
2 Drive. I think everyone's definitely helped  
3 the conversation with some exceptional  
4 notes -- and I think some of it is soliloquy,  
5 to be quite candid.

6           And an area that is minimized  
7 by the square footage of land use that you  
8 can really build upon without any wetland  
9 considerations or anything of that nature, or  
10 implying basically that you were going to  
11 maximize dangerous conduct by changing the  
12 speed limits through, you know, thoroughfares  
13 and this kind of thing -- you're going to  
14 have to build up, not out and the three towns  
15 that were used as illustrations all have far  
16 more land that is used in a dispersed way  
17 with regard to their commercial and their  
18 offerings by terms of acreage that's used up.  
19 Greenwich is probably 35 times the amount of  
20 land use for the amount of building square  
21 feet that you're talking about.

22           When you are building a  
23 residential it's fantastic, although you've  
24 got the parking problems that everyone is  
25 talking about. And one of the things that as

1 rates have gone up to \$1.50 an hour out here,  
2 which I applaud, we've got over \$2 million a  
3 year that is being siphoned from this town by  
4 people unlawfully being on properties like  
5 Webster Bank, Bank of America, Whole Foods,  
6 et cetera, et cetera.

7           And those things in and of  
8 themselves have cause problems because  
9 there's been a lot of drunken behavior on  
10 these properties late at night, and the  
11 police have a bit less jurisdiction over  
12 there because it's not actually a town lot.  
13 So you can't enforce it. You can't site  
14 someone for being on property if someone is  
15 allowing you to be on it.

16           And I think these are some of  
17 the things that when you're really developing  
18 this you're going to have to corral where the  
19 leaks are like the Titanic before you wind up  
20 with a problem that all taxpayers are going  
21 to bear an inordinate burden for.

22           PRESIDENT CANTOR: Thank you,  
23 Boyd.

24           Anybody else that would like  
25 to speak to this public hearing that has not

1 signed up?

2

3 (No response.)

4

5 PRESIDENT CANTOR: No. Okay.

6 After hearing public comment, any questions  
7 from the Council?

8 Mr. Davidoff.

9 COUNCILOR DAVIDOFF: Thank  
10 you, Madam Mayor.

11 In the ordinance there was, in  
12 section B-1 it talked about the alteration of  
13 the standards that are available, A through  
14 F, I believe. And it says that they are  
15 cumulative and they may be combined in any  
16 qualifying development.

17 And I just want to understand  
18 for the record as to why they are cumulative  
19 and why they can -- why they may be -- "may"  
20 was the word, not shall be. So there's a  
21 distinction between may and shall, and I  
22 think for the record it may be important to  
23 illustrate.

24 MR. ALAIR: Sure. And may is  
25 the permissive. Shall is the mandatory.

1 They may be combined, yes.

2           It is entirely possible that a  
3 developer could design an exceptional project  
4 that takes advantage in varying amounts of  
5 more than one of these. We did not see that  
6 there was any reason why we should limit you  
7 to having to pick one versus another and put  
8 all of your eggs in that basket.

9           At the end of the day, whether  
10 it's -- it being permissive, if a developer  
11 could find a way to take advantage of every  
12 one of these and present it in the form of an  
13 SDD plan to the Council, you would still have  
14 the discretion to say that's too much.  
15 That's just -- yes, you have maximized every  
16 one of these that you can possibly do, but  
17 it's too dense.

18           It's too much for the site.  
19 You haven't provided adequate parking. You  
20 haven't met those findings, and so we're  
21 going to say no. That's the throttle that  
22 really controls this.

23           COUNCILOR DAVIDOFF: All  
24 right. So to make certain I understand what  
25 you just said, was that the Council would be

1 the final decision maker as to whether or not  
2 an applicant could combine any of these  
3 alternatives? Or who would make that  
4 determination as to whether or not they can  
5 be combined?

6 MR. ALAIR: An applicant could  
7 submit an application combining all five.  
8 Your decision is whether or not to approve  
9 it.

10 So you could look at it and  
11 say, you know, as a body we've looked at this  
12 and we feel that it's too dense and you could  
13 condition an approval that took out a piece.  
14 Or you could tell the applicant, no, we're  
15 denying this application but without  
16 prejudice. Come back with the -- and I'm  
17 just going to pick on it because it seems to  
18 be picked on tonight -- with the public art  
19 removed and we'll consider a new application  
20 that takes that piece out. These are all  
21 options that you would have.

22 COUNCILOR DAVIDOFF: All  
23 right. So we, as the siting body, would  
24 determine whether or not we like the  
25 combination, the cumulative effect of a

1 project.

2 MR. ALAIR: Correct.

3 COUNCILOR DAVIDOFF: And  
4 should we determine that we don't like it,  
5 part of our decision making process would be  
6 to say to the applicant, okay, we like one  
7 and two, but we don't like three and four.  
8 And if you want to get Council approval then  
9 three and four ought to be eliminated.

10 But that wouldn't be  
11 something that would be eliminated the night  
12 of the meeting. You would probably just get  
13 a denial without prejudice, probably, because  
14 you would probably have to get a review back  
15 by staff?

16 MR. ALAIR: I don't want to  
17 exclude the possibility. I've seen  
18 variations on that happen where it was  
19 something that was so minor, or where the  
20 applicant during the hearing said, I'm  
21 getting the sense that you really don't like  
22 that piece and I'd be happy to accept a  
23 condition where you eliminate it. So I've  
24 seen that possibility.

25 It is perhaps more common,

1 slightly more common to see the Council say,  
2 we think this is too much? You may have nine  
3 different comments on why you think it's too  
4 much and it's up to the applicant to then get  
5 that denial, go back to the drawing board and  
6 come up with something that meets the  
7 Council's desires.

8                   And if it's close, if it's a  
9 close call but just doesn't quite make it,  
10 the Council will often say, we're denying  
11 without prejudice, which allows the applicant  
12 to come back in a shortened timeframe with a  
13 new application and hopefully cure whatever  
14 it was that the Council wasn't comfortable  
15 with.

16                   COUNCILOR DAVIDOFF: All  
17 right. So just to summarize, so in addition  
18 to all the points I made earlier with respect  
19 to the SDD and then finding the factors the  
20 Council has to have, the applicant is going  
21 to know at the beginning that it may be  
22 allowed to have cumulative factors to raise  
23 the density, or have the incentive granted to  
24 them?

25                   MR. ALAIR: Yes.



1 COUNCILOR DAVIDOFF: So  
2 they're going to know from the onset that  
3 there's a possibility that what they're  
4 proposing is too dense and they may not get  
5 what they want. So --

6 MR. ALAIR: Yes. We always  
7 say it's every applicant's right to submit a  
8 bad application.

9 COUNCILOR DAVIDOFF: Very  
10 true.

11 PRESIDENT CANTOR: Thank you,  
12 Mr. Davidoff. Thank you, Mr. Alair.

13 Mr. Hart.

14 MR. HART: Thank you, Mayor.

15 I'd like to add to some of  
16 staff comments from this evening. So looking  
17 at this ordinance -- and I join the process  
18 relatively rate, but I've always been  
19 impressed with the work that we've done and  
20 the community engagement as well.

21 And like any other town in the  
22 state, you know, West Hartford is extremely  
23 reliant on property taxes. So growing our  
24 grand list is an important issue for us, but  
25 we're not just seeking any development.

1 Correct? To the extent to which we wish to  
2 grow the grand list we want to do that in an  
3 intelligent way that's compatible with the  
4 character of our community.

5           Looking at West Hartford, you  
6 know, we're largely built out. You know,  
7 there are very few areas. Right? Where new  
8 development would be possible. In most cases  
9 we're looking at redevelopment alternatives,  
10 and I think Blue Back is a good example of  
11 that as is the ongoing work right now at  
12 Corbins Corner.

13           The Center presents another  
14 area of possibility. Many of those  
15 buildings, as Mr. Alair said earlier are  
16 older. Some are historic and there are real  
17 challenges to redevelopment there. So this  
18 ordinance, by providing incentives for those  
19 owners, for developers so that they can work  
20 with the FAR can allow that type of  
21 redevelopment in a manner that's consistent  
22 with the character in our community.

23           And as Mr. Alair just stated,  
24 the Council will largely retain maximum  
25 control of any application that were to come

1 in. If you're concerned about traffic  
2 associated with a particular application  
3 you'll have the ability to address that. If  
4 you're concerned about quality of life and  
5 nuisance calls for a police department, you  
6 know, you'll have the ability to address  
7 those issues as well.

8                   So you know, at a staff level,  
9 you know, that's why we think this ordinance  
10 would be beneficial for us, creating those  
11 redevelopment opportunities for the Center  
12 which is one of the few areas in town where  
13 we have that opportunity and it would allow  
14 us to do that in an intelligent manner.

15                   PRESIDENT CANTOR: Thank you,  
16 Mr. Hart.

17                   Any other questions from the  
18 Council? Mrs. Hall.

19                   COUNCILOR HALL: Thank you.

20                   I just wanted to point out one  
21 of the comments may imply that Webster Bank  
22 was doing something illegal. And it wasn't  
23 Webster Bank that's doing something illegal.  
24 It's people might be parking there illegally.  
25 So I just wanted to clarify that.

1                   Thanks.

2                   PRESIDENT CANTOR: Thank you,  
3 Mrs. Hall. She got a little panicked.

4                   I also wanted to clarify  
5 something. Somebody talked about rezoning  
6 and that the incentives could be applied to  
7 rezoning.

8                   Can you address that  
9 Mr. Alair?

10                  MR. ALAIR: Sure. I'm glad  
11 you mentioned that because I was going to  
12 comment on it earlier, and I forgot.

13                  In order to become BC zoned  
14 property which would then be eligible for the  
15 incentive the Town Council would have to  
16 first rezone the property from some other  
17 zone to BC, which would be a full-blown  
18 hearing process, require recommendation from  
19 the TP and Z and -- well, depending on where  
20 the property was it might also require review  
21 from CROG, the county -- or the regional  
22 group. So that would be a whole process  
23 independent of then applying for these  
24 incentives.

25                  Now what this Council has seen

1 most commonly when somebody applies for any  
2 change of zone is a change of zone coupled  
3 with an SDD application. You do both steps  
4 at the same time. It's not usually done  
5 incrementally for the simple reason that the  
6 Council historically wants to know what you  
7 have in mind when you apply for that zone  
8 change, and the SDD plan is what shows us  
9 that. So it's done at the same time.

10                   And so you would have the same  
11 degree of control, the same process over the  
12 application on any such piece of property as  
13 well as having to convince people why you  
14 want to expand the BC zone into another  
15 location.

16                   PRESIDENT CANTOR: Thank you,  
17 Mr. Alair. I just wanted to clarify that.  
18 It's not an easy process, nor something we  
19 don't ever do lightly. And it's very, very  
20 rare. Okay. I think that is it for now.

21                   I'm going to read into the  
22 record a letter dated October 4, 2017, from  
23 TPZ recommending approval.

24                   And before I close the public  
25 hearing I just want to thank the working

1 group on all of the effort that the residents  
2 have put into this. I don't know if you're  
3 going to stay. We have a couple more public  
4 hearings that could also be a little  
5 time-consuming and a little -- but if you  
6 don't end up staying, just know that we  
7 really, really appreciate your input and all  
8 the time and effort that you have put in.  
9 And we value that very, very much.

10                   With that, I will close the  
11 public hearing.

12  
13                   (Whereupon, the above  
14 proceedings were concluded at 7:38 p.m.)

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CERTIFICATE

I hereby certify that the foregoing 85 pages are a complete and accurate computer-aided transcription of my original verbatim notes taken of the Public Hearing in RE: AN ORDINANCE AMENDING CERTAIN STANDARDS AND CREATING NEW INCENTIVE-BASED ZONING STANDARDS APPLICABLE IN THE CENTRAL BUSINESS (BC) ZONE, Held before the West Hartford Town Council, at Town Hall, 50 South Main Street, Room 314, West Hartford, Connecticut, on November 14, 2017.



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My Commission Expires: 6/30/2020