

**In The Matter Of:**  
*TOWN OF WEST HARTFORD*  
*TOWN COUNCIL PUBLIC HEARING*

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*Legislative Chambers*  
*September 12, 2018*

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TOWN OF WEST HARTFORD

TOWN COUNCIL PUBLIC HEARING

September 12, 2018, 7:00 p.m.,

Legislative Chambers

Re: Application by 47 Pratt Street, LLC,  
Owner 1340 & 1344 New Britain Avenue and 8-16  
Berkshire Road, Requesting a Change of the  
Underlying Zone for 1.7 Acres at the  
Northeast Corner of the Intersection of New  
Britain Avenue and Berkshire Road From R-6 to  
RM-2 and Special Development District  
Designation for a Proposed 26 Unit  
Multifamily Development in 3 Buildings to be  
Known as Berkshire West.

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                    L I A M   S W E E N E Y

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

6                    C H R I S   B A R N E S

7                    M A R Y   F A Y

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

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

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

11                  D A L L A S   D O D G E

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

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

15

16                  C I N D Y   P O R R I N I

17                  A s s i s t a n t   T o w n   C l e r k

18

19                  M A R K   M C G O V E R N

20                  C o m m u n i t y   D e v e l o p m e n t   D i r e c t o r

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1    A p p e a r a n c e s :

2    F o r   t h e   A p p l i c a n t :

3            A L T E R   &   P E A R S O N ,   L L C

4            7 0 1   H e b r o n   A v e n u e

5            G l a s t o n b u r y ,   C o n n e c t i c u t    0 6 0 3 3

6                    B y :   R O B I N   M .   P E A R S O N ,   E S Q .

7                            8 6 0 . 6 5 2 . 4 0 2 0

8                            R P e a r s o n @ a l t e r p e a r s o n . c o m

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1           PRESIDENT CANTOR: We will call the  
2 7 p.m. public hearing to order. This is an  
3 application for 1340 and 1344 New Britain  
4 Avenue, and 8 to 16 Berkshire Road.

5           We will start -- oh, application by  
6 47 Pratt Street, LLC, 1340 and 1344 New  
7 Britain Avenue, and 8 to 16 Berkshire Road,  
8 requesting a change of the underlying zone  
9 for 1.7 acres at the northeast corner of the  
10 intersection of New Britain Avenue and  
11 Berkshire Road from R-6, one-family resident  
12 district, to RM-2, multifamily resident  
13 district, and special development district  
14 designation for a proposed 26-unit  
15 multifamily development with 3 buildings to  
16 be known as Berkshire West.

17           Rollcall --

18           A VOICE: Excuse me. We can't hear  
19 you.

20           PRESIDENT CANTOR: Okay. I just  
21 read the application. I'll make sure I speak  
22 into the mic.

23           Rollcall, Ms. Porrini.

24           MS. PORRINI: Mr. Barnes.

25           COUNCILOR BARNES: Present.

1 MS. PORRINI: Ms. Cantor.

2 PRESIDENT CANTOR: Here.

3 MS. PORRINI: Mr. Davidoff.

4 COUNCILOR DAVIDOFF: Here.

5 MS. PORRINI: Mr. Dodge.

6 COUNCILOR DODGE: Here.

7 MS. PORRINI: Ms. Fay.

8 COUNCILOR FAY: Here.

9 MS. PORRINI: Ms. Kerrigan.

10 COUNCILOR KERRIGAN: Here.

11 MS. PORRINI: Mr. Sweeney.

12 COUNCILOR SWEENEY: Here.

13 MS. PORRINI: Mr. Wenograd.

14 COUNCILOR WENOGRAD: Here.

15 MS. PORRINI: Mr. Williams.

16 COUNCILOR WILLIAMS: Here.

17 PRESIDENT CANTOR: Thank you.

18 We are going to ask Mr. Alair to  
19 summarize the hearing process to date because  
20 this is a bit unusual that we closed the  
21 public comment and we started this in July.

22 MR. ALAIR: Good evening.

23 As you will recall, on July 26th  
24 you began this hearing, and initially  
25 anticipating that it might go long you

1 proposed that you would suspend the hearing  
2 at 10 p.m. that night. In fact, you went  
3 until 10:45, but at the point at which you  
4 decided to suspend for the evening you had  
5 completed the sign-up sheet for public  
6 comment.

7           The Council had started to ask  
8 questions of the applicant, but it became  
9 apparent to everybody that you weren't going  
10 to be done anytime soon, and you had a  
11 regular agenda to reach just as you do  
12 tonight. So the hearing was continued for  
13 the purpose of allowing the Council to ask  
14 questions of the applicant, and for the  
15 applicant to provide its wrap-up rebuttal,  
16 closing comments, whatever you want to call  
17 them.

18           So the public comment portion of  
19 the hearing was closed, and I've reviewed the  
20 transcript. I've brought a copy with me this  
21 evening to confirm that, yes, indeed that was  
22 said at least twice during the course of that  
23 discussion.

24           I think some people tonight asked  
25 whether there was a sign-up sheet, and the

1 reason there isn't one is because of that.  
2 So that's point number one. That's where you  
3 are in the proceedings.

4 Point number two. At the time the  
5 hearing was continued back into June a  
6 petition had been submitted. My office had  
7 written a memo to the Town Clerk advising her  
8 that there were not enough signatures on the  
9 petition to trigger the super majority vote  
10 requirement in our charter. Since that time  
11 additional signatures have been submitted,  
12 and on August 16th we wrote a memo to the  
13 Town Clerk advising her that that 25 percent  
14 threshold had been met.

15 In response to that memo which had  
16 maps attached showing how we did the  
17 calculations -- but in response to that memo  
18 Ms. Mancini, one of the opponents to this  
19 application wrote a short note to the Town  
20 Clerk pointing out that I had missed three  
21 properties where one of the spouses who owned  
22 the property had signed on one petition, and  
23 one had signed on another.

24 Since we had already determined  
25 that the super majority vote requirement had



1 been met it doesn't affect the outcome. That  
2 requirement is still met, however in the  
3 interest of having a complete and accurate  
4 record I asked Mr. Dumais to recalculate how  
5 the petition is calculated.

6           And as you know from my prior  
7 memos, there are two different ways you can  
8 calculate the numbers. Giving credit to all  
9 the signatures by one method, it's  
10 37.37 percent. By the other method is  
11 27.85 percent. Either way it's over the  
12 25 percent threshold.

13           So I have updated copies just for  
14 the record for each of you so that we have a  
15 clear and accurate set of maps to go by, and  
16 that's where we are, unless you have any  
17 additional questions.

18           PRESIDENT CANTOR: Thank you,  
19 Mr. Alair.

20           I just also want to state for the  
21 record that we had been receiving while  
22 the -- we're not taking any more public  
23 comment here. We have been receiving e-mails  
24 that have been distributed to all councilors.

25           So whenever we got one, if it was

1 just sent to us. I'd send it back to the  
2 Town Clerk and it would go out to everybody.  
3 So everybody should have seen all of the  
4 e-mails that were sent.

5 Okay. So with that we will have  
6 the applicant come up, I guess, and -- if  
7 they're ready -- and we can start with  
8 questions from the Council.

9 MS. PEARSON: Good evening, Madam  
10 Mayor, members of the Council and also  
11 members of the audience. We thought it would  
12 be helpful again to provide a PowerPoint for  
13 you so that you can see exactly what the  
14 Council is looking at as we provide a  
15 rebuttal to the comments that were received  
16 at the public hearing from primarily those in  
17 opposition to the application, and also  
18 comments that we received in the questions  
19 from Town Council members.

20 And if I didn't do it, I should  
21 introduce myself so it's clearly on the  
22 record. Robin Pearson from the firm of Alter  
23 & Pearson, LLC.

24 Okay. You can sit over there.

25 I need him close because I'm not

1 good with the computer, but not so close that  
2 he's making me nervous.

3           So what we have to talk to you  
4 about tonight is our rebuttal comments and  
5 also any summation that we would like to  
6 leave with you as we consider this  
7 application, Berkshire West. I think I'd  
8 like to start with having Chuck Coursey come  
9 up. He has reviewed the transcript.

10           I actually spent some time going  
11 through -- I went through all the transcript  
12 materials and compiled all the comments into  
13 basic categories. Our intent is not to go  
14 through every single comment that was made,  
15 but to rather address overall what appeared  
16 to be the major concerns by people with  
17 regard to this application.

18           So that's what we hope to do so  
19 that you can be in a position to look  
20 favorably on this application.

21           Chuck, you want to come up and  
22 start?

23           CHUCK COURSEY: Thank you, Robin.  
24 Good evening, Mayor Cantor, Leader Barnes,  
25 members of the Council. My name is Chuck

1 Coursey. I reside at 21 Walbridge Road in  
2 West Hartford and I conducted the road and  
3 stakeholder outreach for this project.

4 I'm going to be brief. I'm going  
5 to allow Robin to go into some of the  
6 concerns that were raised from my outreach,  
7 but I did want to point out a couple of  
8 things.

9 As you remember, I conducted  
10 extensive neighborhood outreach prior to the  
11 June 26 application hearing, reaching out to  
12 each property owner within 400 feet via  
13 phone. Several times I visited the  
14 neighborhood and did lit drops, and you have  
15 my report from the 26th meeting that details  
16 that work.

17 Since then we wanted to reach out  
18 to some of our closest abutters to find if  
19 there was anything that we could do to  
20 address some of the concerns that they had.  
21 I know Mr. Baldi, Glen Baldi is here tonight  
22 and I appreciate the time that he graciously  
23 gave Joe and I to meet several weeks ago.

24 His concerns -- and actually you  
25 have my updated report that was submitted to

1 Mr. Dumais on Monday and you can see the  
2 detail in that. His concerns, you can see  
3 the dumpster location, buffer traffic,  
4 parking, smoking in proximity, you know, with  
5 the residents to be smoking in proximity of  
6 some of the abutting neighbors and other  
7 concerns that he had voiced back in June when  
8 we had spoken.

9           Again, and I'm reluctant to speak  
10 for anyone, but you know, he did  
11 reiterate that -- and we tried to come to  
12 resolution with some of those concerns that  
13 he had. And again, Ms. Pearson will talk  
14 about some of those.

15           He was very concerned about impact,  
16 what this proposal, if built, what impact it  
17 would have on his property values. And  
18 Mr. Califoiri even discussed the possibility  
19 that he would be open to discussing a  
20 property value guarantee of some sort if that  
21 was something that would alleviate his  
22 concern. Whereas, if Mr. Baldwin would sell  
23 his property at a certain -- after the  
24 project is built and he sold it for less than  
25 he bought it for, assuming that the property

1 was kept up, that Mr. Calafiore would make up  
2 the difference in that pricing.

3 Glen respectfully said that that  
4 really wasn't something that he wanted to  
5 pursue. Again, his concern, that he would be  
6 more comfortable -- and I know the public  
7 can't comment but -- and I don't see Glen.  
8 Where is he?

9 Oh, hey.

10 So far is this accurate, what I'm  
11 stating? That he would -- thank you. That  
12 he would be more comfortable if the project  
13 was owner-occupied instead of apartments.  
14 And that, that was a concern that he found  
15 expressed by many of the folks that I had met  
16 with.

17 I also tried -- I did reach out to  
18 the Tailors at both 1344 and 1333 New Britain  
19 Avenue. They're the immediate abutters on  
20 New Britain Avenue to the east of the  
21 property. I left phonecalls, but had not  
22 received any phonecalls back.

23 Finally, there's one issue that I'd  
24 like to clarify that was included in some of  
25 the communications that you received. And

1 Mr. Alair, if you could help me out? I'm  
2 going to ask you to take one of these and  
3 pass them down.

4 Do you have an extra one, Mr.  
5 Wenograd, for the Town Clerk?

6 COUNCILOR WENOGRAD: I know my job.

7 CHUCK COURSEY: There you go.

8 Mr. Alair had referred to a letter  
9 that you received from a neighbor at 15  
10 Shadow Lane, a lengthy letter and you've  
11 received other similar correspondence.

12 As public records, obviously we  
13 keep an eye on these to see if there are any  
14 concerns that are raised in these  
15 correspondence back to the Council that,  
16 again that we can address. But one thing  
17 that did jump out at me was under the heading  
18 there on the first page was ethical questions  
19 raised from the June meeting where the letter  
20 writer writes that the developer's team said  
21 they made a presentation to the Elmwood  
22 Business Association.

23 They used Dr. Rick Liftig's name as  
24 president of the association and implied he  
25 and the members of the association supported

1 the project.

2 I wanted to clarify -- well, first  
3 of all, when I read that I was very --  
4 obviously very concerned. I have never and  
5 would never falsely represent anybody before  
6 this body. That doesn't help any application  
7 and it's not right, and it's not productive.

8 So what I did first was to go back  
9 and look at the record to make sure that I  
10 hadn't inadvertently misrepresented myself.

11 On the second page you can find the  
12 written correspondence, a copy of the written  
13 correspondence and there were several updates  
14 to it. The first page of my outreach  
15 report does talk about third-party groups  
16 that I had reached out to, and one was the  
17 Elmwood Business Association where Mr.  
18 Calafiore and I made a presentation on the  
19 6th of April.

20 That bullet point is in every  
21 outreach report that I did for you. I think  
22 there were four different reports that were  
23 updated during the course of the process. At  
24 no time did I say that that group was  
25 supportive.



1           And just to make sure, I went  
2 through the minutes of the public hearing and  
3 did an extensive search. The minutes do  
4 reflect that the conversation did come up.

5           I believe, Ms. Fay, you had asked  
6 me a question about other third-party groups  
7 that I had reached out to that were beyond  
8 the neighborhood. And I have that  
9 highlighted. My comments in the minutes  
10 where I stated, we talked to the Elmwood  
11 business district -- I'm sorry, rick Liftig  
12 and the Elmwood Business Association. We  
13 made a presentation to them. That is the end  
14 to any reference that I had to the Elmwood  
15 Business Association.

16           I'm sorry to take up time on this,  
17 but again I wanted to make sure that the  
18 record was clarified and I appreciate you  
19 allowing me to do so. With that I would be  
20 more than happy to answer any questions you  
21 might have.

22           PRESIDENT CANTOR: Thank you,  
23 Mr. Coursey.

24           Any questions for Mr. Coursey?

25

1 (No response.)

2

3 PRESIDENT CANTOR: Okay.

4 CHUCK COURSEY: Thank you.

5 MS. PEARSON: I think the first  
6 thing I want to do is work off of the  
7 materials we provided to you with a  
8 transmittal to the Town last night, which  
9 just had rebuttal comments. And frankly,  
10 those are probably the ones we're going to  
11 concentrate on in our rebuttal presentation,  
12 except that we do have some additional  
13 information on traffic.

14 And the first thing that was in  
15 that transmittal dated 9/11 is an analysis  
16 of -- one of the claims that has been made  
17 throughout this proceeding, or concerns, or  
18 demands, if you will, on the Town Council and  
19 that is that the people in this audience, the  
20 neighborhood who are concerned about this  
21 development deserve to be treated in exactly  
22 the same way and equally as those have been  
23 treated in other neighborhoods, particularly  
24 along Farmington Avenue.

25 And there were a number of times

1 that opponents have quoted -- I believe it  
2 was the Town Manager and Mayor Slovak in  
3 comments that were -- I think they were just  
4 taken from newspaper articles without going  
5 back to the actual proceedings, but the gist  
6 of it was taking down a single-family house  
7 is not a good idea for a multifamily  
8 development. And our neighborhoods need to  
9 be protected against encroachment and that's  
10 why the Council took the action that it took  
11 back in 2014.

12 But what is clear when you go  
13 back -- and I do remember when this happened.  
14 When you go back and read the transcript and  
15 understand exactly what the proceeding was,  
16 that was a zone change application put forth  
17 by the Town of West Hartford in response to a  
18 situation where a developer had taken down a  
19 house as of right to put up a multifamily  
20 development which involved developing  
21 properties that go in from Farmington Avenue  
22 on Bishop Road.

23 And the neighborhood was extremely  
24 upset with that, understandably, and they,  
25 you know, called their councilmembers and the

1 Town and said, you've got to stop this.

2 You've got to do something about it.

3           And when the Town actually analyzed  
4 the situation it realized that these  
5 properties that were now proposed for the  
6 multifamily development may have had -- there  
7 were two single-family houses. One was on  
8 Bishop, and that was the one that was of  
9 particular concern. The other one fronted on  
10 Farmington Avenue, and didn't seem to elicit  
11 the same ire as was generated with regard to  
12 the one on Bishop Road.

13           But because even though it was  
14 zoned single-family, those lots -- I'm sorry.  
15 Even though those lots had single-family  
16 homes on them, they were zoned for  
17 multifamily. And the Town realized that  
18 indeed the developer -- while the Town might  
19 not have liked what was being proposed -- was  
20 doing everything right, abiding by zoning.

21           And the developer only had to go to  
22 the Town Planner and file a site plan  
23 application, and all the boards and  
24 commissions in Town could do nothing to stop  
25 it if it met the zoning regulations, which it

1 did.

2           So the Town took a step which was  
3 to rezone the remaining properties in from  
4 Farmington Avenue, not those that fronted on  
5 Farmington Avenue, but in from Farmington  
6 Avenue to straight single-family. In some  
7 instances it was R-6, which is what we have  
8 here, and in some instances R-10 to make sure  
9 that any time this is going to happen in the  
10 future an applicant has to come in, file an  
11 application with this body, get a zone change  
12 and typically a special development district  
13 approval before being allowed to go forward.

14           There was a lot of discussion about  
15 the fact that that's a protection that has to  
16 be in place to protect our neighborhoods, but  
17 it wasn't a prohibition against multifamily  
18 development. And when you read through the  
19 transcript, indeed some members of the  
20 Council said, it's definitely not that.

21           Mr. Door, for instance, who lived  
22 almost across the street, he was one in -- he  
23 owned a house, one in on Walbridge. And he  
24 said, for instance, I was very upset -- he,  
25 Councilman Door, when the multifamily

1 development came in along Farmington Avenue  
2 in front of and adjacent to his property.

3           You recall there was a church there  
4 that was converted to a multifamily  
5 development. And he said, you know, I didn't  
6 like that, didn't want that, but you know  
7 what? It's worked out just fine.

8           So I'm just going on the record to  
9 say that it's not all bad, and single-family  
10 including neighborhoods on Walbridge -- and a  
11 lot of those neighborhoods along Farmington  
12 Avenue can certainly coexist with multifamily  
13 next to it. And he expressed satisfaction  
14 with the way it all turned out.

15           So I just want to clarify that.  
16 The bottom line being when they've asked for  
17 equality and to be treated equal, they are  
18 being treated equal because we have to come  
19 before you with this application. So that  
20 Farmington Avenue properties in from  
21 Farmington Avenue now have to do exactly what  
22 this neighborhood has already experienced as  
23 being a requirement for anybody who wants to  
24 come in and develop multifamily.

25           It has to come to you, has to make

1 a case, has to be able to have factual  
2 information to support that it's a good idea.  
3 And if it's not a good idea, the Town Council  
4 will deny it.

5           So that's the treatment in effect  
6 that they are asking for with regard to their  
7 position papers with you when they say, we  
8 want equal treatment. They already have it.  
9 We already have to go through this process  
10 and that's why we're here. So I just want to  
11 put that on the record.

12           There was a lot of concern that a  
13 rental complex will be bad for the  
14 neighborhood. I think the outreach report  
15 that has been submitted and updated as we've  
16 gone through this process has elicited  
17 comments from people saying rental is not  
18 good. Ownership might be better as a  
19 multifamily, and certainly the last report  
20 that Mr. Coursey filed with you dated  
21 September 10th indicates that the real  
22 concern is that maybe condos would be okay,  
23 but certainly not rental development.

24           I have included in that transmittal  
25 to you -- and would like to go to the next

1 slide now, and if I just click on this --  
2 see, I knew I couldn't do it. Okay. So this  
3 is what I sent in to the Town Council. These  
4 are and for the audience, these are comments  
5 that we took out of the transcript that  
6 talked about these concerns.

7           Neighbors said we need to  
8 preserve single family neighborhoods against  
9 erosion by new multifamily development which  
10 will undermine the community precisely as the  
11 above POCD warns happens without ownership.  
12 And that was a reference to one of the  
13 opening comments by the neighbors who were  
14 opposed to this siting from the plan of  
15 conservation and development, which talks  
16 about single-family ownership or  
17 single-family neighborhoods being the  
18 cornerstone of our communities in West  
19 Hartford.

20           And we don't disagree with that.  
21 That is clearly what is -- what gives West  
22 Hartford, makes West Hartford West Hartford  
23 and should be protected, but the question is  
24 whether or not this development in any way is  
25 going to be the demise of this neighborhood,



1 or even have any real negative impacts on  
2 this neighborhood if it's approved.

3 So they went on to say, our  
4 neighborhood already has a lot of multifamily  
5 residences starting at east end of Shadow  
6 Lane to New Britain Avenue. We are doing  
7 more than our share. This will alter our  
8 quality of life so a developer can make a  
9 profit.

10 And I point that one out also  
11 because obviously one of their arguments is  
12 multifamily doesn't belong in our  
13 neighborhood. It's out of character with our  
14 neighborhood. It would disrupt the  
15 single-family neighborhood, but at the same  
16 time they're actually saying, well, okay. We  
17 already have a lot of single-family in our  
18 neighborhood.

19 So they've asked for housing, build  
20 housing for families who will use Walcott  
21 Park and School, not housing for  
22 empty-nesters and professors who might like  
23 Shake Shack which may go out of business at  
24 anytime. So again, an argument that  
25 single-family is what we need at this

1 location, not multifamily.

2 We have absorbed our share of  
3 apartments and townhomes as part of our  
4 neighborhood. We understand that they are  
5 important, and that's a positive comment to  
6 the extent that they understand that  
7 diversity in housing options is important.

8 Rental properties will not be  
9 maintained the way even a condo would.  
10 Someone who does not own just doesn't care  
11 about their property the way an  
12 owner-occupier does. I worked in eviction  
13 court for 40 years -- and no, renters are not  
14 the same as owners. We have way too many of  
15 these projects already in town.

16 And finally, while we do have  
17 multifamily housing on the other end of  
18 Shadow Lane, it is owner-occupied, not  
19 apartments. This is not in the best  
20 interests of our neighborhood.

21 So some did not distinguish between  
22 rental versus ownership multifamily saying  
23 that anything other than single-family would  
24 be inappropriate but -- and a lot of people  
25 said that. I didn't put that up there, but a

1 lot of people said, I don't care what kind of  
2 multifamily it is. We don't want it.

3 But we wanted to look at this idea  
4 of rental being bad, both to reiterate for  
5 town councilor reasons why rental is good for  
6 West Hartford, but also hopefully to calm  
7 some of the concerns that people may have who  
8 haven't gone through and listened to some of  
9 the information that you have on other  
10 multifamily applications, and understand what  
11 multifamily can actually be as a positive for  
12 West Hartford, and maybe that would make them  
13 feel better -- rental multifamily.

14 So I think it's fair to say that  
15 many of the ideas about renters being not  
16 desirable or bad people to have in a  
17 community, or a rental development to be a  
18 negative on property values, and all kinds of  
19 issues that get raised. I think it's fair to  
20 say that those really are outdated concerns.

21 I've certainly heard them for years  
22 in many communities who are now encouraging  
23 multifamily development because they  
24 understand times have changed. The new  
25 multifamily rental units are extremely

1 attractive to retaining people in a  
2 community, and to enticing new people to the  
3 community.

4           Today's renters -- well, you've  
5 approved a number of developments in West  
6 Hartford for multifamily abutting stong  
7 single-family neighborhoods on much quieter  
8 streets than New Britain Avenue, including  
9 243 Steele Road which is fresh in the  
10 minds of many of you, and you did that  
11 against the opposition of over 400  
12 petitioners and many nights of public hearing  
13 and, you know, a very difficult application  
14 process.

15           But in the end that development has  
16 proven to be very desirable. It filled up  
17 quickly. It supports business. It has  
18 enticed young professionals to West Hartford  
19 rather than to the affluent ring suburbs of  
20 Farmington, Avon, Glastonbury and Simsbury.  
21 These are all communities, by the way, that  
22 are working to approve apartments to capture  
23 those individuals.

24           And you heard from in that  
25 presentation Geoff Sager who back in May of

1 this year came before you to expand 243  
2 Steele Road. Even though there had been  
3 significant opposition in the past there was  
4 minimal -- I don't even recall if there was  
5 any opposition. There might have been a few  
6 people who wrote in to say they didn't want  
7 it. But those 400 people disappeared and  
8 they disappeared for a reason, because all of  
9 the concerns that were raised never came into  
10 effect.

11 In particular with regard to the  
12 desirability of rentals I would just like to  
13 note for you -- this came out of the public  
14 record. This is who rents in West Hartford  
15 in a new rental complex. And this is what he  
16 was able to submit back in May because he had  
17 information from his renters.

18 And he found that as he had  
19 anticipated, median income was very high.  
20 Median income for one-bedroom, 118,000. For  
21 a two-bedroom, 172,714. Attractive median  
22 age was 32. He broke it down. It averaged  
23 to be about one person per bedroom.  
24 Twenty-three percent of the people looking at  
25 these rental units and occupying them are

1 empty-nesters, people who don't have children  
2 anymore.

3           He talked about the benefit for  
4 West Hartford because many of these were  
5 relocated from outside the community in  
6 Hartford County and some -- many came, you  
7 know, from other states. All of that is  
8 positive when you talk about wanting to have  
9 a development in a community that has a  
10 diversity of housing so that it will attract  
11 young people and keep empty-nesters in the  
12 area and in West Hartford here in the  
13 community.

14           He talked about where they worked,  
15 and I've got those listed there. But there  
16 were some of the top employers. They're  
17 engineers, they're educators, they're in  
18 healthcare. And what you have not seen  
19 before until we provided this to you in our  
20 submittal is -- this is not unusual.

21           This is a development by Marty  
22 Kenny who is looking to build at the time of  
23 this -- this was in May of this year. He  
24 made a presentation in Wethersfield where  
25 he's looking to build new rental housing.

1 And he is just in the process -- I think he  
2 had just begun to finish at that point the  
3 Tannery.

4           The Tannery is 250 units of new  
5 multifamily housing Glastonbury. It was a  
6 process to get it approved. You know, there  
7 is a neighborhood on one side of it, a  
8 residential neighborhood on one side of it,  
9 but he has exactly -- he reports the exact  
10 same kind of demographics for his new rental  
11 building. He has occupancy -- and it is  
12 occupied now. He was in the process of still  
13 building out. He had only had 230 units at  
14 that time occupied. He was still finishing  
15 up construction.

16           But mean income, \$122,000 per unit.  
17 The occupations, medical 15 percent;  
18 professional, 19 percent; technology 66  
19 occupants. He talked about the age. His  
20 average age was 38. Mr. Sager reported 32,  
21 but I think he said that was after he took  
22 out the empty-nesters, I'm not positive --  
23 but my point is these are people that you  
24 want to have in your community.

25           They're going to potentially stay.

1 They're going to be introduced to a  
2 community. They're potentially going to buy  
3 homes when people leave their homes in the  
4 community, and they're going to get to know  
5 that community and like it.

6 I expect these people are more  
7 likely -- they'll settle down in Glastonbury  
8 as opposed to West Hartford, but if there are  
9 more opportunities to reside in West Hartford  
10 the chances are you're going to have more  
11 people who can buy these homes when people  
12 who are in older neighborhoods finally leave.

13 And frankly, you heard a lot  
14 people who are committed to this neighborhood  
15 who have been there for -- we heard 30, 40,  
16 50 years. They raised their families.  
17 They're now in these single-family homes.  
18 You know, for them I think it's important to  
19 just make the point that having good rental  
20 housing is a positive for their potential  
21 sale of their units in the future.

22 I think it's obvious when you look  
23 at that and when you talk to these  
24 developers. These are the developers -- they  
25 know what's going on. Developers don't



1 propose these if they think they're not going  
2 to be able to have them occupied quickly and  
3 with, you know, as long as they provide a  
4 good development proposal.

5           It's clear that people don't want  
6 to maintain homes anymore, maintenance costs.  
7 And they just -- many of them don't want to  
8 do it. It's a trend. It's a change. I  
9 shouldn't say it's a trend. I think it's a  
10 serious demographic change that's going on.

11           When people finally decide to have  
12 children -- and that leads me to my next  
13 slide. Because this is not going to be  
14 filled with people who have children, and  
15 that was a concern people raised. Well,  
16 what's it going to do to our school system?

17           We're going to need more teachers.  
18 We're going to need more classrooms. It's  
19 going to be a financial drain as opposed to a  
20 financial positive from tax revenues. That's  
21 simply not the case. People moving into  
22 these units don't have children.

23           The slide on 243 told you, out of  
24 160 units there were 5 children in the school  
25 system.

1           For the Tannery in Glastonbury, out  
2 of -- at that point there were 233 units  
3 occupied. There were six children. So  
4 that's not going to be an issue -- and I  
5 should go to that slide. That's this slide.  
6 I'll tell you one thing that is interesting.

7           People who live in these rental  
8 places have pets, and if you look at that  
9 there's 78 pets there for the Tannery.  
10 That's what they do instead of children at  
11 the moment. Now when they have children they  
12 may move out, but as you can see here that  
13 again he's got a split of mostly millennials  
14 and empty nesters. Now that's what  
15 developers tell you is their market. That's  
16 what this applicant has said is its market,  
17 and that's who's going to be there.

18           I point out the pets because I  
19 think one of the things that's going to make  
20 this development if it's approved attractive  
21 is that you have a park across the street.  
22 And for young millennials, or millennials who  
23 have those pets that's a great asset.

24           So school impacts I've talked  
25 about. I think right now I'd like to have --

1 the other big category was traffic. This is  
2 a dangerous intersection. Bus traffic is a  
3 problem. I can't get out. It's unsafe for  
4 pedestrians crossing the street. It's  
5 just -- it's a real impediment and even one  
6 more car is not going to be acceptable on  
7 this particular street.

8           So you raised some questions and we  
9 did a little more analysis to be able to  
10 respond to you. Recall as -- and I'm going  
11 to ask Kevin Solli to come up and do that,  
12 but recall our presentation to you initially  
13 so showed there's going to be no reduction in  
14 the level of service at the intersection of  
15 Berkshire and New Britain Avenue with the 26  
16 units that are proposed.

17           It's currently at A and B. That's  
18 a high functioning level for an intersection,  
19 and even with this there's not going to be a  
20 change. So that, that is just not a valid  
21 argument against this application, but let me  
22 have Kevin come on up.

23           KEVIN SOLLI: Thank you, Robin.

24           Again for the record my name is  
25 Kevin Solli. I'm a licensed professional

1 engineer in the state of Connecticut with  
2 Solli Engineering. And we conducted the  
3 traffic analysis for this project, and as we  
4 went back over the transcripts and we went  
5 through all of our notes we heard the  
6 comments and the concerns from, not only the  
7 Council, but also the public as well.

8           So we wanted to make sure we could  
9 actually take a closer look at that and just  
10 to rehash again what we're proposing, 26  
11 multifamily units. And as we identified in  
12 our previous submission, from a trip  
13 generation standpoint this is a very minor  
14 traffic generator.

15           And just to summarize that, in the  
16 morning -- p.m. peak period we anticipate a  
17 total of 12 trips. That would be three  
18 coming into the facility, nine leaving the  
19 facility it -- during the a.m. peak period.  
20 And then during the afternoon peak period  
21 there would be 10 trips entering, 5 trips  
22 leaving for a total of 15 trips.

23           So when you look at from a traffic  
24 impact, from a potential traffic analysis  
25 standpoint this development does not generate

1 a significant amount of trips. And our  
2 analysis, as Robin summarized, does indicate  
3 that this will maintain acceptable levels of  
4 service from an operating condition  
5 standpoint both during the a.m. and p.m. peak  
6 periods. Those are the peak commuter periods  
7 that we went out and did analysis for. A lot  
8 of the concerns and the comments that we  
9 heard was, well, our study didn't anticipate  
10 what happens during school dismissal.

11 So what we did is we had to wait  
12 for school to start up again, but we actually  
13 went out there and we counted from 2 to  
14 3 p.m. when Canard dismissed from school. So  
15 I do have some additional analysis, which  
16 I'll submit to the Council. And we did send  
17 this to the Town Engineer.

18 And I'm just going to kind of run  
19 through those findings, but we went out and  
20 we counted this intersection, New Britain  
21 Avenue and Berkshire Road to understand how  
22 it operates during that school dismissal  
23 period. We sat there from two to three. We  
24 saw the school buses come in. We saw the  
25 school buses leave the site, come down

1 Berkshire and go onto New Britain Avenue.  
2 And what we found actually reinforced our  
3 initial conclusions, that even during school  
4 dismissal period the operations at this  
5 intersection are still at acceptable levels  
6 of service.

7           During those peak periods, or  
8 during that peak period, excuse me, what we  
9 did is we did counts. We observed how many  
10 trips were coming in and out. We then even  
11 applied our p.m. trip generation to that same  
12 period, which would be extremely conservative  
13 because those are the trips that would be  
14 realized during that rush-hour commute,  
15 afternoon commute when trips are coming in on  
16 the roadway network.

17           And just to summarize, so this was  
18 what we analyzed. This was our traffic  
19 operating conditions during our initial  
20 study, the a.m. and peak period. Again, you  
21 can see in the background condition it  
22 operates at a B and an A during the a.m. peak  
23 period, and that it maintains a B and an A  
24 during the build period.

25           And as I stated, we went out and we

1 looked at it during that school dismissal.  
2 So we added that last column -- is how that  
3 intersection operates during that school  
4 dismissal period. And again, you can see in  
5 the background condition that operates at a  
6 level of service B. And even if you were to  
7 apply all of our trips to that intersection  
8 during that school dismissal period, which is  
9 a conservative analysis, it would still  
10 maintain that level of service B.

11           The other thing we heard was a lot  
12 of concerns about extensive queues, vehicles  
13 waiting for buses to stop at that light  
14 extending the church driveway for --  
15 continuously right up the road and it  
16 prevented everything from happening.

17           We observed that traffic come out  
18 of Conard. We saw those buses. What  
19 happened is those buses, they came in kind of  
20 two shifts. They would come to a cycle of a  
21 light. All those buses would leave, would go  
22 right through that cycle, through one cycle.  
23 Then there would be another five or six buses  
24 and those would also pass through.

25           So we didn't observe any extensive

1 queues, and our analysis reinforces that.

2 And you can see here -- so what we -- here we  
3 go. Hang on.

4 So what we did is we provided a  
5 summary of the actual queues experienced by  
6 approach for those lanes. And you can see  
7 here southbound on Berkshire Road our  
8 proposed driveway is 250 feet from the  
9 intersection with New Britain Avenue.

10 During the a.m., p.m. and school  
11 dismissal periods, even in our build  
12 condition we're only 142 at our peak, which  
13 is well and before that driveway for our  
14 project. So even during these operations  
15 those queues were only somewhere in here, and  
16 that's kind of an existing condition which  
17 we're not exacerbating in any way.

18 And even during that school  
19 dismissal period we've been able to  
20 demonstrate and provide additional analysis  
21 with additional count data that supports that  
22 even during that peak period where there was  
23 a fundamental concern we still believe that  
24 this will maintain acceptable levels of  
25 service. It will maintain -- it will not



1 have an adverse impact on traffic, and even  
2 during that school dismissal period it can  
3 still accommodate the traffic coming in and  
4 out of this intersection.

5           One of the other concerns that we  
6 talked about was accidents, and that this  
7 area of New Britain Avenue is very congested.  
8 There were a lot of accidents. There were  
9 claims that there were accidents, you know,  
10 multiple times a day. What we did is we  
11 included -- and we testified at the last  
12 hearing we did do an accident analysis for  
13 this intersection and we observed a total of  
14 15 accidents over the past three-year period.

15           There were some questions by the  
16 Council of, well, how does that compare to  
17 other intersections so we could have a  
18 comparison? Is that a lot? Is that a  
19 little?

20           So what we did is we looked at a  
21 couple other intersections in close  
22 proximity. So we looked at South Main Street  
23 and New Britain Avenue. There were 21  
24 accidents at that intersection over the same  
25 three-year period. We also looked further

1 south at the 84 ramps. There were 16  
2 accidents at that location over that same  
3 three-year period. And again, our  
4 intersection with New Britain Avenue and  
5 Berkshire is about 15.

6           So just to kind of see some  
7 comparative numbers on what type of accident  
8 analysis we have, this is -- the 15 at this  
9 intersection is not a big number. It's not a  
10 highly susceptible intersection for  
11 accidents. And just to offer a comparison  
12 again, you can see 21 up at South Main Street  
13 and New Britain Avenue. And there's a little  
14 bit more congestion up there, but the fact  
15 that our accidents -- is comparable to that,  
16 or actually less, it just kind of goes to  
17 show that this is -- from a safety  
18 standpoint, we don't see any impact from this  
19 from a safety standpoint. It's generally a  
20 safe intersection from a safety operations  
21 standpoint.

22           When you look at how other  
23 intersections operate, and a lot of these  
24 again, the trends for the accidents here were  
25 rear-ends, a lot of wet conditions. It's

1 driver awareness. It wasn't a safety concern  
2 from a safety standpoint that we observed.

3 And so that essentially summarizes  
4 our additional efforts to try to offer the  
5 Council some additional analysis to help you  
6 with your decision-making process, but again,  
7 we wanted to make sure we looked at that  
8 period during school dismissal. There's a  
9 lot of concern about that.

10 So we went out, we did that  
11 analysis and then also comparing a comparison  
12 for the accident analysis, which again we  
13 feel that from a safety standpoint this  
14 intersection is adequately designed and can  
15 accommodate the additional traffic without  
16 any adverse impact to the roadway network.

17 So with that I'm going to ask Robin  
18 to come back up and finish the rest of her  
19 rebuttal presentation.

20 MS. PEARSON: Thank you.

21 All right. One of the other big  
22 concerns expressed by many people in the room  
23 at our last session was, it's zoned  
24 single-family. We want it to be zoned  
25 single-family. Don't let it be developed for

1 anything else. It was approved for seven  
2 lots. We didn't oppose that, and we didn't  
3 oppose it for a reason. This only benefits  
4 the developer and not us.

5 One of the councilmembers also  
6 asked why the seven-lot subdivision cannot  
7 instead be built out. It's approved. And I  
8 understand that this is an argument that  
9 could sway you, because there is an approval  
10 that was fairly recently granted for that  
11 subdivision for seven lots.

12 I think we've been able to put into  
13 the record a lot of reasons as to why that is  
14 not the best use for this piece of property,  
15 but more importantly it has become clear as  
16 we've done a little more analysis and looked  
17 into it in response to your comments that it  
18 can't be developed, or it is unrealistic to  
19 think it will ever be developed in accord  
20 with that seven-lot subdivision plan, and the  
21 reason is that it's not economically  
22 feasible.

23 Both infrastructure costs and the  
24 fact that the lots are along New Britain  
25 Avenue bring into question its marketability

1 and make it unreasonable to develop as  
2 single-family homes. Now people may say,  
3 well, that's nonsense and somebody wanted to  
4 do it -- and somebody can do it. But you  
5 know what? We're not developers. We aren't  
6 the ones that penciled these things out. I  
7 think many of you would be surprised at how  
8 expensive it is to develop in West Hartford.

9 I followed up with Reinhard Von  
10 Hollander who was the individual who pursued  
11 that subdivision approval and got the  
12 subdivision approved for this location, and  
13 chatted with him about why he didn't go  
14 forward with it, because he didn't. And I  
15 had just assumed he couldn't get financing.

16 Maybe ultimately it would have  
17 gotten to that, but more specifically he gave  
18 me some more information about it. He said  
19 he got the subdivision approval. He invested  
20 over 60,000 in costs for engineering and  
21 permitting, but he had to walk away.

22 He said, I could not make the  
23 numbers work as single-family. By the time  
24 we got done with the final design for MDC  
25 sewer extension we had to get out. Now that

1 was something that, you know, those costs got  
2 penciled in afterwards -- and maybe we should  
3 turn to the subdivision.

4           This is the subdivision plan, and I  
5 think it shows you that -- no, I guess it  
6 doesn't. But he would have to bring that  
7 sewer line all the way up Berkshire Avenue  
8 through those -- Berkshire Road against those  
9 lots to be able to provide sewer service for  
10 those lots.

11           So he said he couldn't make them  
12 work as single-family. By the time we got  
13 done with the final design for MDC sewer  
14 extension we had to get out. And it wasn't  
15 because he said MDC was being unreasonable.  
16 It was not. It just turned out that the  
17 infrastructure costs are too much to develop  
18 single-family there given the installation  
19 requirements.

20           He said, I would not even have been  
21 able to get close to getting \$500,000 a  
22 house, which is what I would have needed to  
23 make it work once all the engineering, design  
24 and permitting was in. There's too much  
25 traffic on New Britain Avenue and too many

1 small homes butting up against this site and  
2 behind it to be able to make it marketable  
3 for homes at that price.

4           So again, this is not me speaking.  
5 This is a developer who looked at it, who put  
6 a lot of time and energy and money trying to  
7 develop it for single-family, and he walked.  
8 And there's a reason that he walked, and  
9 there was a reason that it hadn't been  
10 developed before -- well, that's not true.  
11 Eleanor had the house for a long time, so  
12 it's not fair to say that other people looked  
13 at it and walked away.

14           But it has to work. I mean, people  
15 aren't going to do it if it doesn't work. So  
16 he said, once we got through with the MDC we  
17 thought about going back in for multifamily,  
18 but knew we would need to go through the SDD  
19 permitting process which requires way too  
20 much upfront money. We were already in the  
21 hole for 60,000 for subdivision permitting  
22 and engineering, and we walked.

23           I did have a right of first refusal  
24 to keep going after. 47 Pratt Street put its  
25 offer in, but we declined to take the

1 property at that point even after there was  
2 another offer in because we knew we couldn't  
3 make it work.

4           So I'm just putting that out there.  
5 Take it or leave it. You know, he's not here  
6 to testify in front of you. I can just tell  
7 you that that's what he told me. I know my  
8 client doesn't believe he could have made it  
9 work under those circumstances either, and  
10 that's why he's here for multifamily, looking  
11 to do multifamily there.

12           But that aside, we think  
13 multifamily makes sense for this site, that  
14 this is a good development, that it's  
15 attractive and it's appropriate for this  
16 application. And indeed other boards -- and  
17 I'll get to that momentarily -- who have  
18 looked at this feel the same way.

19           So you heard from my client Joe  
20 Calafiore who said he is a West Hartford  
21 resident. He's raised his children in West  
22 Hartford, and indeed his family is here  
23 tonight. And he would like the opportunity  
24 to invest in this community at this location,  
25 and he feels it's the right development for



1 this location.

2           He will be a good neighbor. He's  
3 committed to being a good neighbor. He lives  
4 in the community and he will always be  
5 available if anybody has any issues. As  
6 Mr. Coursey alluded, he has committed to Mr.  
7 Baldi, should he wish to be sure that Mr.  
8 Baldi will not lose money because Berkshire  
9 West is located next to him and he would pay  
10 the difference in, you know, a subsequent  
11 sale of his property if for any reason, which  
12 he does not in anyway think would happen, the  
13 property values would go down as a result of  
14 this new development at this particular  
15 location.

16           I'd like to just remind you -- I  
17 think we spoke about it before, but we did do  
18 other things to address the concerns of that  
19 abutter on Berkshire.

20           So Mr. Baldi's property, of course,  
21 is at the far end right next to those trees  
22 along the boundary there of the property.  
23 The applicant did meet with Mr. Baldi. He  
24 expressed his concern about property values.  
25 I explained the commitment that Mr. Calafiore

1 has made to Mr. Baldi.

2           When Mr. Baldi told us he was  
3 concerned about residents smoking in the  
4 parking area, Mr. Calafiore stated that he  
5 would be sure to include a prohibition  
6 against that in the lease, either smoking  
7 inside or outside on the premises so that  
8 it's not going to be a problem for anybody  
9 next door having to deal with that.

10           And of course, that's sort of a  
11 self policing situation anyway, because most  
12 people moving into complexes like this don't  
13 like to have someone next door smoking  
14 either. So it's just -- I don't think that's  
15 something we need worry about.

16           He didn't like the dumpster  
17 location near his home. In response we've  
18 moved the location of the dumpster away from  
19 his home. And he was concerned about  
20 residents looking into his backyard, and in  
21 response we increased the density of the  
22 buffer and included a solid fence along his  
23 property line in the parking areas.

24           He has expressed concern about  
25 traffic, and I hope that the additional

1 traffic information we have given you would  
2 be helpful for him. With this analysis of  
3 buses it would appear based on what we  
4 observed that his driveway is not blocked,  
5 and there should be no reason to think that  
6 this development would cause those buses,  
7 even though they do get through one cycle, to  
8 cause those buses to block his driveway  
9 either. So no reduction in level of service  
10 so he really shouldn't experience any change  
11 as a result of this on Berkshire.

12 So to get to a summation of our  
13 arguments, I mentioned to you before the POCD  
14 rightly talks about single-family  
15 neighborhoods being the cornerstone of, you  
16 know, the health and vitality -- the health  
17 anyway, that what's great about West  
18 Hartford. Certainly we feel that this at  
19 this location will not be a deterrent to  
20 that.

21 So when you look at this  
22 application you're going to have to decide  
23 whether it's appropriate by looking at all of  
24 the characteristics of this development and  
25 what impact they might have on single-family

1 development. I think that the qualitative  
2 review standards you will be applying and  
3 deciding on this application support it.

4 First of all, the POCD says that  
5 you want to provide diversity of housing  
6 options for everyone in the community. Two  
7 people, by the way, did testify in favor of  
8 this application much to our surprise. One  
9 was an older woman who lived in the Chatfield  
10 neighborhood across the street who said she  
11 might like to reside there when she sold her  
12 home. And the other I believe also was  
13 across in that neighborhood, a millennial who  
14 lived there, said he lived there for eight  
15 years and he thought this was a good idea for  
16 West Hartford.

17 So you know that multifamily  
18 rental housing is in great demand in West  
19 Hartford. I've talked to you about 243  
20 Steele. You know 24 North Main is full.  
21 There's a waiting list for apartments in Blue  
22 Back. You're going to be considering a  
23 development potentially in the near future  
24 for a tech park incubator business type  
25 environment on the UConn site, and it's fair

1 to say that if that's approved -- don't know  
2 if it will be or not, but there will be a  
3 real need for housing for employees of such  
4 an enterprise if approved -- and that those  
5 millennials working in town, the very  
6 millennials that you would want to have also  
7 living in town so they have to have a place  
8 to live. So it's actually forward thinking  
9 in light of something is going to happen on  
10 that campus. And maybe it's a good idea to  
11 have some more high-quality rental housing in  
12 the neighborhood.

13           We think the location for this is  
14 good. It's easy on and off the highway.  
15 There's a park across the street, as I  
16 mentioned, that's going to be attractive to  
17 renters for their pets. It's close to all of  
18 the commercial attractions that are Corbins  
19 Corner and the mall. It's a good  
20 neighborhood for this type of use.

21           So as far as the characteristics,  
22 we think it's not too big. It's not too  
23 dense. It's not unattractive. In fact, when  
24 I read through that whole transcript I looked  
25 to see, you know, did we need the architect

1 here? Were there issues with what it looks  
2 like, or the landscaping? The answer is no.  
3 Even -- there were two people who said  
4 specifically that it's quite attractive, but  
5 not at this particular location.

6           So I'd like to direct you now to  
7 something that you might otherwise not have  
8 been aware of, which is that the other board  
9 that looked at this is the Town Planning and  
10 Zoning Commission.

11           And I submitted to you my own  
12 e-mail notes on what I had observed when I  
13 sat through the last meeting of the Town Plan  
14 and Zoning Commission that looked at this  
15 proposal before making its recommendation to  
16 you, which was unanimously positive. You  
17 have a letter from them that says it's a  
18 positive recommendation, but you don't know  
19 anything more about what they looked at when  
20 they made that decision.

21           And it was very interesting. I was  
22 frankly somewhat surprised that they were as  
23 effusive as they were about this application.  
24 I provide my notes only because I couldn't  
25 give you a transcript because the recordings

1 for that meeting and the prior meeting are  
2 not available. They've disappeared. There  
3 was a computer glitch and they're not  
4 available, but I hope you will accept the  
5 fact, and it was corroborated by Kathy Duro  
6 at town staff that my notes accurately  
7 reflect that meeting and what people said.  
8 As you'll note, it's dated the day after. My  
9 e-mail transmittal is dated the day after the  
10 meeting. So what I put in there was what I  
11 wanted our team to know about what TP and Z  
12 had to say about it.

13           And that application -- and members  
14 of the audience, many of them were there at  
15 that meeting. There were a lot of them. No,  
16 they couldn't speak. They did speak in a way  
17 because there were signs that they held up  
18 that said, vote no. They did shout out  
19 information to the TP and Z from the  
20 audience.

21           They couldn't speak and we couldn't  
22 speak, because the Town Plan and Zoning  
23 Commission does not take testimony from  
24 either the applicant nor the public when it  
25 considers its recommendation to you. So they

1 weren't treated any differently than we were.  
2 In fact, I was the only one at that meeting.  
3 The rest of my team wasn't there, because we  
4 can't do anything.

5           What happens at those meetings, the  
6 town staff makes a report about the merits or  
7 demerits of a particular application. And at  
8 this particular meeting it was the second one  
9 TP and Z had on it, and that in and of itself  
10 is unusual because they don't usually  
11 deliberate over two nights of meeting. But  
12 at the first meeting the month before they  
13 had asked town staff to really do an analysis  
14 as to whether -- how this proposed  
15 development compared in density to that  
16 single-family development plan that you saw.

17           And frankly, I think they  
18 thought it would be not a favorable analysis.  
19 It was requested by Ms. Gillette, and that's  
20 why in my notes I happen to say I was  
21 surprised that even Ms. Gillette was in favor  
22 of the application.

23           So you're seeing raw notes. I  
24 mean, this is not something I would normally  
25 share with anybody, but I don't have any



1 other recourse, because we don't have the  
2 tapes I could have transcribed for you.

3           But staff presented an analysis and  
4 in it the bottom line is -- and I'm quoting  
5 from the analysis submitted by staff, not by  
6 the applicant. As you can see, the proposed  
7 RM-2 SDD development is nearly identical to  
8 or less intense in terms of building size and  
9 coverage than the R-6 subdivision scheme.

10           The main difference again is that  
11 under an R-6 subdivision scheme only 7  
12 dwelling units would be permitted, versus the  
13 26 proposed under the special development  
14 district.

15           And so for them and for you the  
16 question is, okay. What difference between  
17 that unit count -- what is the difference in  
18 terms of its impact on the community? And we  
19 think we've shown you that it won't be  
20 different in terms of what it looks like, and  
21 in terms of the traffic generation, and  
22 frankly in terms of who's going to be living  
23 there.

24           So when you look at what they had  
25 to say I think it's important just to

1 underline just some of the comments.

2 Ms. Gillette said, another way to look at  
3 this is whether the proposal is better, not  
4 just whether it fits. And she said, consider  
5 that there is a large church across the  
6 street. The highway runs through the back of  
7 this neighborhood. Shadow Lane has  
8 multifamily development.

9           Just down the park is Walcott  
10 Village, Chatfield an institutional use  
11 nearby. Would I like the existing house to  
12 stay and everything else to stay as it is?  
13 Yes. I would love to be able to say no, but  
14 I cannot. These three buildings are an  
15 improvement over the seven-home scenario.

16           It's helpful to have seen this  
17 analysis. The space between the seven homes  
18 is visually and sensually -- I like that  
19 term -- less. And a lot of the neighbors  
20 were then saying things like, well, you  
21 wouldn't want it in your neighborhood -- and  
22 that's the bottom line. They feel that they  
23 don't want it in their neighborhood.

24           But I want to leave you with the  
25 idea that you have to look at whether it will

1 be okay in their neighborhood, because other  
2 developments that have had that kind of  
3 opposition have ultimately turned out to be  
4 okay in the neighborhood and good for West  
5 Hartford.

6 So the Chair, Mr. Ahern said, so  
7 are you saying the rear yard setback actually  
8 has to be much greater in RM-2?

9 And Ms. Duro said, yes.

10 And then he went on to say, I  
11 looked at overall site context, and that  
12 means going all the way down the corridor. I  
13 looked at the POCD for guidance. This  
14 proposal is responsible and reasonable when  
15 you consider both. If fits with the  
16 surrounding area. This is what we would want  
17 per the POCD.

18 This type of housing is needed.  
19 The demand is high. Indeed an associate in  
20 my firm would like this and she is having  
21 difficulty finding an apartment.

22 So that was TP and Z, and you look  
23 to the Town Plan and Zoning Commission for  
24 guidance on whether or not it makes sense  
25 from a planning perspective. So you only had

1 a letter before that said, unanimously we  
2 recommend approval. That's why they  
3 recommended approval, because they think it  
4 is the right thing for this location.

5           Then this is DRAC, the Design  
6 Review Advisory Committee. It too looked at  
7 it, and it spent three meetings going through  
8 it making changes requiring the developer to  
9 do upgrades, to fix this, do that,  
10 particularly with regard to landscaping and  
11 exterior materials and the quality of the  
12 development itself.

13           And they made a strong finding  
14 after three review sessions with the  
15 applicant that the relationship with the  
16 proposed buildings to the site and adjoining  
17 neighborhoods is appropriate, sensitive,  
18 well-buffered, of high-quality and  
19 appropriately screened and transitions the  
20 site into the adjacent neighborhood.

21           And specifically their comments are  
22 up there. The relationship with the proposed  
23 buildings to the site and adjoining  
24 neighborhood is appropriate. The site design  
25 utilizes landscape elements and significant

1 setbacks, and the architecture's residential  
2 scale and use of colors and materials creates  
3 a contextually sensitive response to this  
4 prominent corner. And that's something for  
5 you to keep in mind.

6           The architect mentioned it to me  
7 the other day, just having single-family  
8 homes there doesn't do as much for the  
9 corner, and DRAC also thought it was a  
10 prominent corner. And so this is more of a  
11 statement piece and a real contribution to  
12 the streetscape than would be just  
13 single-family homes.

14           The proposed landscaping is of high  
15 quality and quantity, a good mixture of  
16 plantings ranging from street flowering and  
17 evergreen trees, to shrubs, perennials and  
18 grasses, and has been effectively utilized to  
19 create a well-designed streetscape and  
20 appropriately planted and screened parking  
21 areas.

22           Of particular note is the choice  
23 to preserve several existing trees along New  
24 Britain Avenue and the willingness to expand  
25 the size of the buffered open space areas

1 along the parking lot. These elements help  
2 to appropriately transition the site into the  
3 adjacent residential neighborhood. And I  
4 would just note that those trees are not  
5 going to be saved with a single-family  
6 subdivision. That just won't work. So  
7 that's a big change in the streetscape itself  
8 between what's possible with the subdivision  
9 and this.

10           So let's just keep moving here.  
11 This is the zoning map. One of the other big  
12 concerns with regard to whether this is  
13 appropriate for this neighborhood and has to  
14 do with the character of the neighborhood,  
15 and some people said, it's just being  
16 "plopped" -- that was a term right from the  
17 transcript -- in the middle of a single  
18 neighborhood -- single-family neighborhood.

19           Well, I think it's fair to say if  
20 you look up and down New Britain Avenue  
21 that's not the case. Even some opponents  
22 said this is a single-family neighborhood  
23 with multifamily. They conceded that there  
24 is multifamily in the neighborhood already,  
25 but they just don't want any more.

1           Some opponents said this a  
2 single-family altogether, this neighborhood,  
3 but that's just not true. You can look at  
4 this plan and see that the zoning doesn't say  
5 that, and you can look at and remember, or  
6 understand what the developments are that are  
7 in these areas.

8           So I don't think it's fair to say,  
9 or appropriate or accurate to say that this  
10 would be out of character or would be the  
11 ruin of the single-family neighborhoods on  
12 Berkshire or Shadow, or the three lots in New  
13 Britain Avenue. This will be a new  
14 development, well designed and be appropriate  
15 for that corner location.

16           Again, I point out -- can I point  
17 out, Kevin?

18           KEVIN SOLLI: Yes.

19           MS. PEARSON: Why don't you point  
20 out as I do it.

21           KEVIN SOLLI: I'm happy to point it  
22 out.

23           MS. PEARSON: So you have the park  
24 right across the street. That's not  
25 single-family. You have to the left of that

1 park, you have a special development district  
2 in an RN-2 which is a multifamily zone.  
3 That's the Chatfield -- now Brookdale,  
4 Chatfield/Brookdale development, and I'm  
5 going to speak to that a little bit later.

6           You have directly across the street  
7 that, the Methodist church which is a very  
8 large church structure which runs down along.  
9 You can see it goes almost the whole length  
10 of the site that we are proposing.

11           So there is residential,  
12 single-family residential right behind us and  
13 there is single-family residential right next  
14 to us. And one of the concerns that people  
15 raised was, well, that single-family  
16 development right next to us and behind us is  
17 low. It's one-story ranches, and this would  
18 be out of context with that.

19           I just remind you that any  
20 single-family development that's going on in  
21 those lots would also be -- would not be a  
22 single-story ranch. It's going to be --  
23 you're allowed to go up to 30 feet and two  
24 and half stories with any development, and  
25 that would be I'm sure what Mr. Reinhard



1 envisioned in doing this. He was planning on  
2 building houses that were sized low enough to  
3 be that height.

4           So there are definite benefits to  
5 this development and I'd like to quickly go  
6 through those for you, and for the members of  
7 the public.

8           Driveways. So with this  
9 development, with this seven-lot subdivision  
10 you're going to have one driveway on New  
11 Britain Avenue and you're going to have five  
12 individual driveways onto Berkshire Road.  
13 And the southerly most driveway onto  
14 Berkshire will be only 120 feet from the  
15 intersection.

16           Kevin, why don't you come up and  
17 maybe we should switch to that one, too?

18           Any vehicle headed east on New  
19 Britain Avenue --

20           KEVIN SOLLI: This one?

21           MS. PEARSON: Whatever shows us  
22 that -- yeah, I guess that's fine. Any  
23 vehicle headed east on New Britain Avenue  
24 wanting to make a left turn into the combined  
25 driveway on New Britain Avenue will have to

1 wait for a break in the westbound traffic.

2 This would be a traffic safety  
3 concern for a possible rear-end accident for  
4 possible eastbound traffic.

5 On Berkshire itself the driveways  
6 are going to be briefly blocked by those  
7 buses because they are much closer than our  
8 driveway will be to that intersection. So  
9 the 26-unit development eliminates all of  
10 those issues. So you have one driveway set  
11 far enough back from the intersection so that  
12 going in and out can be accommodated safely.  
13 So that's a safety benefit with this over the  
14 existing subdivision approval.

15 It's also -- Kevin, I think you  
16 mentioned the high point of Berkshire which  
17 gives it excellent visibility also.

18 Building coverage, we provided you  
19 with a chart in our PowerPoint in the initial  
20 application, and that report that went into  
21 TP and Z also underscored that the seven-lot  
22 subdivision, a typical house, a 2-story  
23 colonial including a two-car garage is going  
24 to end up potentially with building lot  
25 coverage of 26.3 percent of which could be

1 increased to 30 percent over time as people  
2 add to it.

3           Maybe a, you know, a playhouse,  
4 maybe a storage shed, maybe a second garage,  
5 maybe a studio. All of those things can add  
6 to the building coverage in a single-family  
7 zone.

8           This development, if you approve  
9 it, has less coverage proposed. It's at  
10 25.4 percent lot coverage and it can't be  
11 changed unless somebody comes back to you for  
12 a full application to change it. So it's  
13 protected. It doesn't change. That will be  
14 maintained as a very green site.

15           Building height, this happened to be  
16 at 27 feet. On single-family it is allowed  
17 to go three feet higher. Is it a big  
18 difference? I don't know, but it certainly  
19 makes this a little more acceptable perhaps  
20 to those who are concerned about the height  
21 of people in the structures looking into  
22 their yards.

23           Side and rear yard setbacks with  
24 the single-family development, they are able  
25 to be within four feet of their neighboring

1 property. So you can have a garage  
2 setback -- well, actually that's the side  
3 yard setback between the houses -- can be  
4 four feet. That would leave only eight feet  
5 between houses, and I think it's fair to say  
6 that could feel very tight.

7           You don't have that with the  
8 multifamily development. It fits well on  
9 this site. There's a lot of air, a lot of  
10 space, a lot of green. The 26-unit  
11 development is 5.3 times greater setbacks  
12 from Berkshire Road than the R-6 zone  
13 requires, and 3.7 times greater than the R-6  
14 zone requires along New Britain Avenue.

15           I would also note that with this  
16 development there is a fence that runs along  
17 the back and side of this development, which  
18 is not required at all for the subdivision  
19 involvement. So you have more control in  
20 terms of protecting neighbors by -- some  
21 people talked about the fact that they didn't  
22 want -- this shouldn't be approved because  
23 renters would just wander over into the yard  
24 that's behind the development.

25           Well, frankly without, you know,

1 this is a hodgepodge. People can do whatever  
2 they want. They don't have to have a fence.  
3 They can wander over to the neighbor's  
4 properties. So this is a benefit. It has  
5 more control for the abutting neighbors than  
6 does a single-family.

7           Landscaping, the subdivision plans  
8 for the approved seven-lot subdivision show  
9 approximately one tree to either be planted  
10 or maintained per lot. The approved plans  
11 show all other vegetation on the lots to be  
12 removed, period.

13           The 26-unit development proposes a  
14 very robust landscaping plan consisting of  
15 preserving three significant trees along New  
16 Britain Avenue, preserving several existing  
17 trees along the easterly and northerly  
18 property line and planting 9 new street  
19 trees, 20 evergreens ranging in height from  
20 8 feet to 12 feet, 18 understory trees and  
21 408 shrubs.

22           If approved all of this landscaping  
23 is required to be maintained and replaced if  
24 damaged. Annual inspections by the Town will  
25 ensure required upkeep. Because it's a

1 special development district the Town has  
2 control over this.

3           Drainage, I won't go into the  
4 specifics of it. It's in our benefits  
5 analysis, but the drainage that's proposed  
6 will reduce the amount of runoff to the  
7 abutter to the east. The subdivision does  
8 not do that. It holds existing standards,  
9 but doesn't do that.

10           And the subdivision, while it does  
11 not increase any runoff, if there are  
12 additions and more impervious surface that's  
13 imposed on the subdivision plan over the  
14 years, that could potentially exacerbate the  
15 runoff onto other properties. With this plan  
16 you can't change it unless you come back and  
17 go through this whole process again.

18           So the drainage controls that are  
19 in place, they're significant, they're  
20 expensive, and they benefit the direct  
21 neighbor to the east. And they've been  
22 approved by the Town -- will remain active  
23 and able to accommodate all the drainage. So  
24 that's a benefit.

25           Site lighting. There's no lighting

1 proposed as part of the proposed seven-lot  
2 subdivision as exterior lighting choices are  
3 left to individual homeowners. Accordingly,  
4 nothing would prevent, as an example,  
5 installation of a flood light on the rear of  
6 a house to light up the backyard. These  
7 lights could be visible from the abutting  
8 properties, you know, they might be sensitive  
9 to their neighbor and not do it -- but it  
10 could be.

11           The 26-unit development lighting  
12 plan consists of lighting fixtures  
13 positioned to prevent light trespass onto  
14 abutting properties. In addition, the site  
15 lighting fixtures adjacent to the abutting  
16 property lines will have shields to prevent  
17 the lighting source from even being seen.

18           So you're not even -- not that the  
19 light is not going to spillover. They're not  
20 even going to see the light source, because  
21 it's going to have a shield on it on the side  
22 that's facing the neighbors.

23           Taxes and school impact we've  
24 talked about. I don't think we have to get  
25 into it again, but there will be a tax

1 benefit and there won't be children impacting  
2 the school system with multifamily. There  
3 could be more children in the school system,  
4 but I don't think seven houses are going to  
5 tax the school system. So I really don't  
6 think that's a problem, but there will be a  
7 tax benefit with this particular development.

8           There's another thing. Repaving of  
9 Berkshire Road. When that sewer line is  
10 extended, and when those utilities are put  
11 in, whether it's for the subdivision or for  
12 this development, that road is going to get  
13 all torn up for the length of Berkshire Road.  
14 Under the subdivision plan the only thing  
15 that's required is that that road be patched.

16           Under this plan the Town asked and  
17 the developer agreed to re-mill and repave  
18 all that portion of Berkshire, something the  
19 Town might have done in the future but the  
20 developer is picking up the cost of doing  
21 that.

22           So that's another benefit for  
23 Berkshire. It's going to look nice and neat  
24 and clean when it's finished. It wouldn't if  
25 the single-family -- it would be patched



1 until the Town could repave it in the future.

2 So property uptake -- property

3 upkeep, I've already talked about that.

4 Again, people are concerned that this is not

5 owner-occupied, but it's owned -- it's going

6 to be owned by Mr. Calafiore, and it's going

7 to be kept up. First of all, it's going to

8 be kept up because it has to be kept up.

9 Second of all, because it's a special

10 development district. You have more control

11 over this than you do over single-family.

12 And second of all, he's going to be

13 renting it out. He's go to keep it

14 marketable and keep it something that people

15 want to move into, or he suffers as a result.

16 So there's more control with this special

17 development district application than there

18 is with single-family.

19 I'm getting close to the end here.

20 PRESIDENT CANTOR: Some of the

21 Council has questions, too.

22 MS. PEARSON: Okay. Why don't I go

23 through it and then we get to the questions.

24 Okay?

25 Difficult to make a decision with

1 opposition. Obviously that's tough for you.  
2 You've got to sit here and you've got to look  
3 a lot people in the eye, and you've got to  
4 say if you approve that we don't necessarily  
5 agree with your concerns.

6           And we think ultimately you're  
7 going to like this better than you would have  
8 liked a single-family, even though it doesn't  
9 seem that way right now. And that takes  
10 courage, but you've done it before. You've  
11 done a hard analysis of difficult  
12 applications in the past. Clearly you've had  
13 to make a difficult choice with regard to the  
14 most recent one -- is 2483 Steele Road, and  
15 people said there's too much traffic. It's  
16 not right for the area. Renters are not  
17 good. We heard a lot of very negative stuff  
18 in that proceeding about renters.

19           The Pond House is one I remember  
20 well. Not all of you were sitting on the  
21 pond house application. There was  
22 testimony -- there were a lot people and many  
23 nights of hearing and litigation over that.  
24 There were comments that children will be  
25 killed by traffic, events will be bad for the

1 neighborhood. There's going to be too much  
2 noise. Using a public park for private gain  
3 is a bad thing to do. We want a quiet park  
4 with not event space.

5           And I'll bet there's no one now who  
6 thinks that was the wrong decision for that  
7 particular location. Maybe there's some, but  
8 that's a great benefit to the park and to  
9 West Hartford. It's well used. Community  
10 events, all kinds of things. It almost  
11 didn't happen. In fact, it was denied once  
12 and then only through litigation was there a  
13 second vote with a few changes that it got  
14 approved.

15           I remember one. This dates me, but  
16 back in 1980 over 30 years ago when Mr. Ed  
17 Kate came in at 43 North Main Street. He  
18 lived at 43 Main Street which is sort of the  
19 first block in from the Center on North  
20 Maine, on the west side of North Main. And  
21 he wanted to convert the first floor of the  
22 house for his landscaping business so he  
23 could reside upstairs. And the neighborhood  
24 went ballistic, and they came out against  
25 that application.

1           It was the first zoning hearing I'd  
2 ever been to. We were in the town Hall  
3 auditorium. We had to pack everything up --  
4 do you remember this, Pat.

5           MR. ALAIR: No, I wasn't here.

6           MS. PEARSON: You weren't here  
7 either? I really dated myself.

8           We had to pack everything up and  
9 move it to the school auditorium next door.  
10 The three TV trucks, Channel 8, Channel 30  
11 and something else -- had to go with us.  
12 They moved all their equipment over right  
13 then and there, and we had the public  
14 hearing.

15           So that had so many neighbors come  
16 out in opposition to it on the basis of  
17 encroachment into a residential neighborhood.  
18 And that approval led to the preservation and  
19 use of many of those homes along North Main  
20 Street, which were at the time becoming not  
21 that desirable.

22           That's the argument we made back  
23 then, that it was not desirable. They  
24 weren't being purchased and used for  
25 single-family. They had a better and higher

1 use. And now many of those -- they all  
2 remain. They haven't been destroyed because  
3 the Town was able to adapt in the face of  
4 much opposition and come up with a solution  
5 that made sense and has been very positive  
6 for the town.

7           Of course, there were other  
8 applications. Blue Back, you've all sat  
9 through that. West Farms Mall was hotly  
10 contested. The Hebrew Home and Hospital I  
11 remember was strongly opposed by the  
12 surrounding neighborhood, but what I want to  
13 remind you of is one --

14           If I can go to that zoning map  
15 again, Kevin?

16           Basically the kitty-corner across  
17 the street. Someone said that, you know,  
18 reference to that as a multifamily  
19 development was incorrect and I think -- but  
20 that property right there. That is where  
21 Chatfield was originally approved, and that  
22 happened back in 1985, but the neighborhood  
23 came out in opposition to that.

24           It was 130 rental units. The  
25 comments that were received back then are so

1 similar to the ones you're hearing now. They  
2 had to do with the developer. Why can't this  
3 be developed for the way that it's zoned?  
4 Are you telling me it's so expensive somebody  
5 can't develop it for single-family homes the  
6 way it is currently zoned?

7           That had been the Girth Farm and  
8 the estate -- well, actually the bank had  
9 held it for the estate for over ten years.  
10 Nobody wanted to develop it for  
11 single-family, which it was zoned for. The  
12 bank said nobody has ever come to us for  
13 single-family. They've come to us for a car  
14 dealership, corporate offices, other kinds of  
15 resident -- I don't know about residential,  
16 but there were a lot development for  
17 commercial, but not for single-family.

18           They could have gotten between, I  
19 think, 40 and 50 single-family homes over  
20 there, and it just -- nobody was doing it.  
21 There were other applications that had been  
22 applied for, for other uses other than the  
23 multifamily use that was ultimately approved  
24 at that location, and the Council had denied  
25 it.

1           I think by the time of this  
2 particular application there had been four  
3 denials for that, and it's always interesting  
4 to go back and see who was sitting on the  
5 Council back then. It was a very interesting  
6 council, but what people said -- let me just  
7 take some of these comments.

8           And again, it was rental units back  
9 then, elderly rental units, one-bedroom, and  
10 one-bedroom with dens, some singles. And  
11 they talked about Mr. Kern led the opposition  
12 to that. He was president of the Burnham  
13 Drive Homeowners Association founded in 1980.

14           And he said, all of the abutting  
15 neighbors here tonight, we're joined by the  
16 residents of Astronaut Village, Ridgewood  
17 Road in opposition of this proposal. He went  
18 through a lengthy reason why it shouldn't go  
19 forward. Some of the same comments that were  
20 raised at this hearing, it's spot zoning.  
21 Spot zoning has to stop in this area.

22           Others said, our first topic of  
23 concern is traffic. At past meetings we've  
24 often joked that New Britain Avenue will soon  
25 become the Berlin Turnpike of the west. I'm

1 here to tell you that as far as traffic goes  
2 we've made it, and he talked about the  
3 traffic counts at that point -- some of the  
4 same pleas in that proceeding as made to you  
5 here.

6           We ask you to imagine what it's  
7 like to be living nearby on a street that has  
8 that many cars. One more car is just too  
9 much for our neighborhood. Look at it  
10 through our eyes.

11           One of the things that's  
12 interesting back then is -- one of the  
13 biggest arguments against this was pollution,  
14 and in 30 years that's not as much of an  
15 issue because cars have changed. So things  
16 change is my point I want to make with regard  
17 to that.

18           But tonight we place this  
19 presentation in the record. They've  
20 presented a major petition. I believe this  
21 required a two thirds majority. They said  
22 that we consider it a commercial enterprise  
23 with absentee ownership. Let us state  
24 tonight that by making a statement to the  
25 residents -- let us start tonight by making a



1 statement to the residents and voters of the  
2 southwest section of the town, that this  
3 Council is putting the quality of life in  
4 this area ahead of expanding its tax base.

5 We urge you to deny this  
6 application based on the fact that one  
7 additional car or one additional gallon of  
8 sewage, or one additional milligram of carbon  
9 monoxide is too much for this area at this  
10 time. Let us work together to restore the  
11 confidence to the residents and voters of  
12 this area and their elected officials -- that  
13 their elected officials are looking out for  
14 them and for the quality-of-life of  
15 residents.

16 It goes on and on and on, and many  
17 people are speaking out against it again.  
18 Many of the arguments, why do they need it?  
19 Elderly people are not going to live there.  
20 Why would they want to live there? Would you  
21 want to have your elderly family member  
22 there? Just it's too dense.

23 We are also aware of the possible  
24 problems frequently associated with an  
25 absentee landlord, problems which may not

1 occur, but in hindsight, you know, you're  
2 going to look back and think that they might.

3 Traffic, traffic, traffic, going on  
4 a lot about traffic. My concern with traffic  
5 here is Chatfield Drive, very narrow winding.  
6 It's dangerous. People crossing into the  
7 park are going to get hit. So it goes on and  
8 on and on, but the point is they are the same  
9 concerns as you know it because you've sat  
10 through zoning hearings that many of those  
11 concerns gets raised with applications that  
12 come before this body.

13 In hindsight, or in retrospect I  
14 think you can look back and say that was a  
15 positive approval, it was a six-three vote.  
16 It was a difficult vote for the Town Council  
17 to make. That has proven to be a very  
18 positive development for the area. It is  
19 multifamily. It's been added to over the  
20 years. No one -- just like 243 Steele --  
21 that's not true. Mr. Knight came out in  
22 opposition.

23 And I should say this application  
24 was appealed by the neighbors. They cared  
25 enough to take it to the courts, and the

1 court upheld your decision.

2 But very little opposition in the  
3 future as that was expanded, as Brookdale  
4 bought it, as Brookdale added the Alzheimer's  
5 unit and added additional housing there to  
6 expand that whole development. But they  
7 certainly couldn't have done that when they  
8 came in initially.

9 My point is, yes, this is a  
10 difficult decision for you, but ultimately  
11 you have to look at the hard, cold facts and  
12 decide, not emotionally decide whether this  
13 really does make sense.

14 And in the end, five years from now  
15 someone else is going to be before you and  
16 using Berkshire West as an example of a  
17 positive change along a roadway to benefit a  
18 neighborhood, and we feel very strongly that  
19 that is the case that you will be able to do  
20 that if you approve it. So we hope will.

21 PRESIDENT CANTOR: Thank you,  
22 Attorney Pearson. I just want to make sure  
23 that my colleagues have an opportunity to ask  
24 the questions that they have. So  
25 Mr. Wenograd, do you have a question?

1                   COUNCILOR WENOGRAD: Thank you,  
2                   Madam Mayor.

3                   One question -- I'll ask it of  
4                   Attorney Pearson, but Attorney Alair, maybe  
5                   jump in if he disagrees.

6                   There has been a lot of talk of  
7                   this renter versus owner issue and condos  
8                   versus apartments. Am I -- well, I may --  
9                   I'll ask the question.

10                  In terms of our decision making, is  
11                  there any distinction between a multi -- we  
12                  don't use that term of renter or owner. The  
13                  issue is multifamily. Would there be any  
14                  difference in terms of what you're bringing  
15                  to us if these were organized as condos?

16                  And beyond that, if they were  
17                  organized as condos or apartments is there  
18                  anything within these restrictions that would  
19                  prevent it from going, sort of, either way  
20                  from condo to apartment, or vice versa?

21                  MS. PEARSON: The answer is no,  
22                  because your zoning is based on multifamily,  
23                  a number of units, density, building  
24                  setbacks from side yards, height, all of  
25                  that.

1           So you can't say -- and just like  
2 you can't tell a homeowner they can't rent  
3 out their house. You know, it could go  
4 either way between multifamily -- I'm sorry,  
5 between rental or condominium, but zoning  
6 doesn't address whether its ownership or not.

7           We would welcome anything that  
8 Mr. Alair might have with regard to that.

9           COUNCILOR WENOGRAD: I see him jump  
10 up. He disagrees?

11           MR. ALAIR: No, I think that's  
12 exactly correct. The dusty old phrase that  
13 we use is that zoning regulates use, not  
14 user. And whether it's multifamily rental or  
15 multifamily owner-occupied, it's the same  
16 use. It's residential units being used.

17           COUNCILOR WENOGRAD: Thank you.

18           And along those, I guess, similar  
19 lines there's been certainly some letters,  
20 and certainly in your presentation and your  
21 written correspondence the issue of children.

22           And I mean, certainly there is no  
23 rule against children. You're not telling us  
24 that the owner plans to discriminate against  
25 families with children, I assume?

1 MS. PEARSON: The owner would not  
2 plan on discriminating against families with  
3 children, but the reality is they're not  
4 going to want to move there.

5 COUNCILOR WENOGRAD: And I guess  
6 I'll make comments perhaps later more  
7 appropriately --

8 MS. PEARSON: And I should clarify  
9 that. It's probably school aged children.  
10 You may very well have somebody who goes in  
11 with a young child, but usually what  
12 happens -- and you still have that evidence  
13 from those two developments that you can look  
14 to, and one of them is West Hartford. That  
15 is the case.

16 People who rent in multifamily  
17 developments don't typically want to raise  
18 their families there. That's when they go  
19 into the neighborhood and buy those homes and  
20 settle into West Hartford, and raise a family  
21 with a backyard.

22 COUNCILOR WENOGRAD: I think  
23 that -- while I think it is important for us  
24 to talk about who would be attracted by  
25 development and hope that we have a mix that

1 welcomes, you know, a broad demographic, I  
2 hope that the desire for a broader group  
3 coming in does not lead to any conclusion  
4 that we're discouraging children.

5           And it concerns me when a developer  
6 comes and talks about the tax benefit versus  
7 the burden of children. I don't consider  
8 children to be a burden. To the extent that  
9 that was raised either by the neighbors in  
10 opposition or by you in support, I find that,  
11 you know, distasteful.

12           I think that having more children  
13 in West Hartford is a benefit.

14           MS. PEARSON: Agreed.

15           COUNCILOR WENOGRAD: And our  
16 schools are in fact what makes our community  
17 great, and any effort to create development  
18 that would discourage children would in fact  
19 be putting us down a really bad road.

20           So I appreciate, again that there  
21 is nothing in a zoning application that  
22 relies upon, in either way, whether or not  
23 people choose to live here with children. As  
24 you know, things change over time and whether  
25 these become more desirable for school-aged

1 children, you know, could happen and I  
2 certainly -- and again, I just want to be on  
3 the record from my point of view and also  
4 from yours that --

5 MS. PEARSON: I agree.

6 COUNCILOR WENOGRAD: -- this is not  
7 conditioned on not having children.

8 MS. PEARSON: Not at all.

9 COUNCILOR WENOGRAD: Thank you.

10 PRESIDENT CANTOR: Thank you,  
11 Mr. Wenograd.

12 Anybody else? Ms. Kerrigan?

13 COUNCILOR KERRIGAN: Thank you,  
14 Madam Mayor. I assume Mr. Baldi's fears of  
15 his real estate value going down have been  
16 alleviated by the commitment by the potential  
17 developer to cover the gap if that's the  
18 case. Is it?

19 MS. PEARSON: I can't speak for  
20 Mr. Baldi, but clearly my client is committed  
21 to doing it. I think Mr. Baldi is still a  
22 sign-on, as a signer of the petition. Joe?  
23 Mr. Calafiore would like to address that.

24 JOSEPH A. CALAFIORE: Joe  
25 Calafiore. I live at 82 Sycamore Road in



1 West Hartford. We offered that and Mr. Baldi  
2 rejected it. He just doesn't want the  
3 project, and he wanted nothing to do with  
4 that. And I just wanted to be clear on the  
5 record for that, that that was rejected as an  
6 option.

7 Thank you.

8 COUNCILOR KERRIGAN: Is that  
9 something that is typical in that a developer  
10 would make that type of promise or a  
11 commitment to a homeowner?

12 MS. PEARSON: Nothing is really  
13 typically in any one of these applications.  
14 I think what it evidences is real confidence  
15 on the part of the applicant that this will  
16 not be an issue for Mr. Baldi. He may feel  
17 like it will be in the future, but property  
18 value impacts, you know, have just not -- it  
19 hasn't been shown that a development like  
20 this will negatively impact property value  
21 impacts.

22 I know there was a letter Mr. Daker  
23 submitted to you with regard to 243 Steele in  
24 response to the concerns neighbors had with  
25 rentals at that location would devalue

1 property values. And he said there's nothing  
2 that would -- I could leave a copy of that  
3 letter, but it's not germane to this  
4 particular site.

5 But the same principles hold that  
6 there's nothing about a multifamily going in  
7 at that location, even if it's rental, that  
8 would lead them to devalue properties.

9 COUNCILOR KERRIGAN: Thank you.

10 I have another question, but I  
11 think it might be best directed at Mark. Is  
12 it possible to do something like that? Is  
13 that not fitting? Mr. McGovern?

14 MS. PEARSON: Oh, Mr. McGovern? I  
15 have no objection.

16 COUNCILOR WENOGRAD: I'm just  
17 curious if we're aware of the mix of rental  
18 versus owner-occupied in our town and  
19 whatever our mix is, in terms of percentage.  
20 Is that where a town of 63,000 residents  
21 should be, rental versus owner-occupied for  
22 the record?

23 MR. MCGOVERN: For the record, Mark  
24 McGovern, Community Development Director.  
25 That would have to be some research that we

1 would have to look into. I can't trust that  
2 specifically for the built environment. I  
3 will say that the vast majority of the new  
4 units built over the last five or so years  
5 have been rentals as opposed to condominiums.

6 COUNCILOR KERRIGAN: All right. So  
7 now to be clear, that's the trend. That's  
8 what individuals want?

9 MR. McGOVERN: That's what  
10 individuals want and that's what developers  
11 see as the most viable, quite frankly.

12 We've had a few condominium  
13 developments, but they've been very small,  
14 under 15 units. Any application we've had  
15 for more than 25 units have been for rentals.  
16 It's a different development model and a  
17 developer choice to pursue one or the other.

18 COUNCILOR KERRIGAN: Thank you. I  
19 appreciate it.

20 PRESIDENT CANTOR: Thank you, Mr.  
21 McGovern. Thank you, Ms. Kerrigan.

22 MS. PEARSON: Could I just add  
23 something to that?

24 PRESIDENT CANTOR: Absolutely.

25 MS. PEARSON: Chuck reminded me

1 that that was something that in the Metro,  
2 the 243 Steele application that we looked at  
3 and one of the points that was made in that  
4 presentation was that West Hartford had fewer  
5 multifamily rental units than any of the  
6 Farmington, Avon -- Simsbury?

7 CHUCK COURSEY: Glastonbury.

8 MS. PEARSON: And Glastonbury. And  
9 that indeed, you know, it was one of the  
10 arguments that was made, was if you fall  
11 behind it could have repercussions in terms  
12 of who is going to move into your community,  
13 your ability to attract young millennials.  
14 So we have not updated that, but that was  
15 recent history that that was information that  
16 was provided to the Town Council.

17 COUNCILOR KERRIGAN: Thank you. It  
18 is helpful. Appreciate it.

19 PRESIDENT CANTOR: Thank you.

20 Ms. Fay?

21 COUNCILOR FAY: Thank you. A  
22 follow-up question to that. So when you're  
23 counting multifamily are you referring to  
24 specifically apartments like these? Or do  
25 the multifamily homes that we have in town,

1 are you counting those as well?

2 MS. PEARSON: In looking at  
3 multifamily, multifamily again in the way  
4 that zoning doesn't distinguish between  
5 multifamily. Multifamily includes both  
6 owner-occupied like a condominium and rental,  
7 but I think the issue we were addressing was  
8 whether West Hartford has a good number of  
9 rental, new rental units available, or rental  
10 units available for people looking to come  
11 into the community on a rental basis.

12 COUNCILOR FAY: Okay. To clarify,  
13 would a two-family home be considered a  
14 rental, or a three family?

15 MS. PEARSON: Well, it depends. A  
16 duplex could be owned. Each person on each  
17 side of the duplex could be owned. It could  
18 be owned individually, or one person could  
19 own one side and rent it to somebody else.  
20 Somebody could own the bottom floor and rent  
21 out the top two floors. So it all depends.  
22 Everything is different, yeah.

23 PRESIDENT CANTOR: Okay.

24 MS. PEARSON: Or somebody might not  
25 even live in that and rent the whole thing

1 out, and be owned by somebody else.

2 MR. ALAIR: Is your question  
3 whether we treat a two-family home as a  
4 multifamily for zoning purposes?

5 COUNCILOR FAY: No, more for the --  
6 yeah, housing stock.

7 MS. PEARSON: Would you want to  
8 clarify, because -- Chuck is going to --

9 CHUCK COURSEY: And again, I  
10 apologize. We don't have that number at our  
11 fingertips, obviously. But I think the point  
12 that the study that Metro Realty did was a  
13 comparison of the larger projects. Not the  
14 two-family homes or three-family homes, but  
15 larger, like --

16 MS. PEARSON: Pure rental  
17 developments.

18 CHUCK COURSEY: Exactly, like that  
19 we have around that, that you're familiar  
20 with. I hope that clarifies it.

21 COUNCILOR FAY: Yeah, it does, but  
22 I was trying to draw a distinction between --  
23 sorry about that -- apartment buildings per  
24 se, like these kinds of developments versus  
25 total available rental stock, which would

1 include the two families, the three families,  
2 the four families, and so on.

3 CHUCK COURSEY: And that would bear  
4 the same with the other communities as well.  
5 Thank you.

6 COUNCILOR FAY: Okay. Thank you.

7 PRESIDENT CANTOR: Mr. Davidoff?

8 COUNCILOR DAVIDOFF: Thank you,  
9 Madam Mayor.

10 Attorney Pearson, do you think that  
11 economic feasibility of the project is  
12 relevant to our consideration of a zone  
13 change? And if so, why?

14 Do you want me to repeat?

15 MS. PEARSON: No. I'm pondering.

16 You always test me, Councilor Davidoff.

17 What is relevant to you is whether  
18 the use of a particular parcel is going to be  
19 achievable and, yes, I do think that's  
20 relevant. So what we are positing with you  
21 is the information that would support the  
22 fact that single-family development of this  
23 parcel doesn't make sense because of  
24 infrastructure costs.

25 Now those are things that affect

1 the planning of the community. To some  
2 extent it's already come into play with, you  
3 know, many kinds of development. This Town  
4 Council looked at it with regard to Chatfield  
5 across -- just across the way many years ago.

6 If it's zoned single-family and  
7 nobody is building single-family, there's a  
8 reason. So that sort of challenges you to  
9 think about whether or not it's the right  
10 zone for that particular area and I think  
11 certainly that's something you can look at.

12 COUNCILOR DAVIDOFF: So as a  
13 followup, do you think that pertaining to  
14 your testimony this evening that a  
15 single-family seven-lot subdivision is  
16 economically not feasible during these  
17 current market conditions?

18 MS. PEARSON: I'm not qualified to  
19 say that. I'm just a lowly attorney. So I'm  
20 not qualified to say if it isn't.

21 What I've given you is information  
22 that you can use or not use at your  
23 discretion which would indicate that it  
24 hasn't been developed. Someone else walked  
25 away from it. Maybe somebody else can work



1 magic and make it happen, but we don't have  
2 information that we would give you that would  
3 make us think it is a reasonable use given  
4 the infrastructure cost.

5           And the biggest issue that's come  
6 to light, which maybe wasn't appreciated  
7 initially is the extension of that sewer line  
8 to serve those houses. Now could you develop  
9 it into two lots and have them all served  
10 from New Britain and just from New Britain  
11 Avenue? Yes, you could do that.

12           And would somebody want to buy the  
13 property and develop it for two single-family  
14 homes off of New Britain Avenue where you  
15 wouldn't have to extend the sewer off of  
16 Berkshire? That's certainly possible. No  
17 one has come forward to do it.

18           And that's all I can say is that  
19 there's no evidence that somebody really  
20 wants to do that, and I would think you could  
21 reasonably look at the situation and assume  
22 that that is not where people are going to  
23 build single-family in West Hartford, not new  
24 single-family.

25           COUNCILOR DAVIDOFF: Are you

1 familiar with the site at the corner of  
2 Albany Avenue and Steele were an older home  
3 was torn down?

4 MS. PEARSON: Yes. Yes, I just  
5 heard that.

6 COUNCILOR DAVIDOFF: And one newer  
7 home has already been constructed, and the  
8 other is under contract to be constructed?

9 MS. PEARSON: Uh-huh.

10 COUNCILOR DAVIDOFF: Do you see any  
11 similarities to that parcel of land to this  
12 kind of project?

13 MS. PEARSON: No. I mean, I don't  
14 think it's a relevant consideration. Did  
15 somebody propose multifamily there?

16 COUNCILOR DAVIDOFF: The reason I  
17 ask is I think that sort of epitomizes the  
18 economic feasibility of getting a rate of  
19 return on the lot, and on the sale of the  
20 home.

21 MS. PEARSON: May I suggest that  
22 there might be a little bit different market  
23 at that location that there would be on New  
24 Britain Avenue?

25 COUNCILOR DAVIDOFF: I beg to

1 differ, because if one looked at the close  
2 proximity of those two homes one could argue  
3 you couldn't live any closer to somebody than  
4 where stood one house now stands two. And  
5 there is a value to having open space and  
6 space between an abutter.

7           So with that we'll just leave it.  
8 We didn't see a connection there.

9           MS. PEARSON: What I do know is  
10 that I think there's another development  
11 that's been recently approved that would have  
12 involved taking down a home that was a  
13 single-family home, and I think that is under  
14 construction on the corner of Farmington and  
15 Arlington, and there's a multifamily  
16 development as of right that goes down  
17 Arlington Road into that neighborhood.

18           That's a much more similar  
19 situation than this is. So that's what I  
20 would say -- and I don't know how many units  
21 there are, but that's a more similar  
22 situation than the one you were raising.

23           COUNCILOR DAVIDOFF: All right.  
24 Well, thank you.

25           MS. PEARSON: Oh, eight -- I was

1 just told, because Mr. Solli probably worked  
2 on it.

3 KEVIN SOLLI: Yes.

4 MS. PEARSON: He did eight units in  
5 that multifamily development.

6 COUNCILOR DAVIDOFF: I do think  
7 that it abuts other apartment buildings that  
8 are right next to it. All right. Thank you.

9 PRESIDENT CANTOR: Thank you,  
10 Mr. Davidoff. Anybody else?

11

12 (No response.)

13

14 PRESIDENT CANTOR: Okay. With  
15 that, I think if you want to -- oh,  
16 Mr. Alair?

17 MR. ALAIR: I just wanted to note  
18 during her presentation Attorney Pearson  
19 mentioned the subdivision application on this  
20 site. Just for purposes of the record, as  
21 you know -- but members of the public may  
22 not -- the Plan and Zoning Commission  
23 approves subdivisions, not the Town Council.

24 That was approved, I believe, on  
25 August 1st of 2016 and I checked with

1 Mr. Dumais, and the vote was four-one -- or,  
2 four-zero, excuse me, in favor.

3 But the thing to remember is that  
4 subdivision applications essentially must be  
5 approved if they meet the regs. So an  
6 application that is submitted and meets the  
7 regs, there is little discretion there as  
8 opposed to your action tonight. So it's a  
9 very different standard of review.

10 The other thing is that Mr. Solli  
11 presented his updated report this evening.  
12 Mr. Dumais provided a copy of it to Duane  
13 Martin, our Town Engineer who has e-mailed  
14 his response to that report -- because we're  
15 nothing, if not agile in this organization.

16 And I'm passing out copies to you.  
17 It's one paragraph, so maybe I should just  
18 read it into the record.

19 It says, Todd, I reviewed the  
20 supplemental traffic analysis and do not have  
21 any concerns with the additional traffic  
22 during the school dismissal time of day.

23 There will be minimal traffic  
24 generated by the proposed development during  
25 all times, but very little during the school

1 dismissal. The existing traffic queue during  
2 the school dismissal time creates backups for  
3 a short period of time during weekdays. If  
4 anything, existing motorists from the  
5 proposed development may need to turn right  
6 out of the site to avoid the queue if it  
7 reaches the site driveway, which may happen  
8 from time to time.

9 PRESIDENT CANTOR: Thank you,  
10 Mr. Alair.

11 MS. PEARSON: Can I just say one  
12 other thing?

13 PRESIDENT CANTOR: Yes.

14 MS. PEARSON: Or two things. I  
15 didn't have a chance to thank you for your  
16 consideration on this matter, and for all the  
17 audience members for being patient.

18 I know this is, you know, matters a  
19 lot to them, but I also -- I told you that  
20 Counselor Davidoff always throws me something  
21 I'm not quite ready for. I'm not sure  
22 whether what you were asking -- and if you  
23 were indeed asking this, I may to make sure  
24 I've answered it appropriately.

25 If your question is, is it a

1 consideration for the Council or for anybody  
2 else whether or not or how much a developer  
3 might make on an application, the financial  
4 benefits to a developer, I would say that is  
5 definitely not something that's on the table.

6           So I'd like to put that on the  
7 record -- if that's what you were asking.  
8 I'm not sure. Thank you. So again, thank  
9 you very much. Appreciate all your time on  
10 this.

11           PRESIDENT CANTOR: Thank you, Ms.  
12 Pearson. And with that we will close the  
13 public hearing. We'll take a probably  
14 ten-minute break from reality and then come  
15 back to resume our Council meeting.

16           Thank you.

17  
18           (Whereupon, the above proceedings  
19 were concluded at 8:50 p.m.)  
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CERTIFICATE

I hereby certify that the foregoing 102 pages are a complete and accurate computer-aided transcription of my original verbatim notes taken of the Public Hearing in RE: APPLICATION BY 47 PRATT STREET, LLC, OWNER 1340 & 1344 NEW BRITAIN AVENUE AND 8-16 BERKSHIRE ROAD, REQUESTING A CHANGE OF THE UNDERLYING ZONE FOR 1.7 ACRES AT THE NORTHEAST CORNER OF THE INTERSECTION OF NEW BRITAIN AVENUE AND BERKSHIRE ROAD FROM R-6 TO RM-2 AND SPECIAL DEVELOPMENT DISTRICT DESIGNATION FOR A PROPOSED 26 UNIT MULTIFAMILY DEVELOPMENT IN 3 BUILDINGS TO BE KNOWN AS BERKSHIRE WEST, held before the West Hartford Town Council, at Town Hall, 50 South Main Street, Room 314, West Hartford, Connecticut, on September 12, 2018.



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My Commission Expires: 6/30/2020