

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

Application by Downstream Properties
September 25, 2018

BCT Reporting LLC
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Plainville, CT 06062
860.302.1876

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TOWN OF WEST HARTFORD

TOWN COUNCIL PUBLIC HEARING

September 25, 2018, 7:00 p.m.,

Legislative Chambers

Re: Application by Downstream Properties,
LLC, Requesting Modifications to the Existing
Conditions of Approval for Special
Development District #46, Located At 643
Prospect Avenue.

1 A p p e a r a n c e s :

2 Town Council Members Present:

3 MAYOR SHARI CANTOR

4 LIAM SWEENEY

5 LEON DAVIDOFF

6 CHRIS BARNES

7 MARY FAY

8 BETH KERRIGAN

9 BEN WENOGRAD

10 DALLAS DODGE

11

12 Alternate:

13 BILL McCARTHY

14

15 PATRICK ALAIR

16 Corporation Counsel

17

18 ESSIE LABROT

19 Town Clerk

20

21

22

23

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25

1 **A p p e a r a n c e s:(cont'd)**

2 **BASCETTA, PAGANI, KEARNS & SMALL, LLC**

3 **1331 Silas Deane Hwy, Suite 206**

4 **Wethersfield, Connecticut 06109**

5 **By: ANDREW E. KEARNS, ESQ.**

6 **860.721.1777**

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1 PRESIDENT CANTOR: All right.
2 We're ready to start the 7 p.m. public
3 hearing on the Application by Downstream
4 Properties, LLC, requesting modifications to
5 the existing conditions of approval for
6 Special Development District Number 46,
7 located at 643 Prospect Avenue.

8 The requested amendments seek to
9 allow the existing third floor space to be
10 used for office to allow professional office
11 use within the SDD, and for minor
12 architectural amendments to the facade of the
13 building.

14 Rollcall, Ms. Labrot?

15 MS. LABROT: Mr. Barnes.

16 COUNCILOR BARNES: Present.

17 MS. LABROT: Ms. Cantor.

18 PRESIDENT CANTOR: Here.

19 MS. LABROT: Mr. Davidoff.

20 COUNCILOR DAVIDOFF: Here.

21 MS. LABROT: Mr. Dodge.

22 COUNCILOR DODGE: Here.

23 MS. LABROT: Ms. Fay.

24 COUNCILOR FAY: Here.

25 MS. LABROT: Ms. Kerrigan.

1 COUNCILOR KERRIGAN: Here.

2 MS. LABROT: Mr. Sweeney.

3 COUNCILOR SWEENEY: Here.

4 MS. LABROT: Mr. Wenograd.

5 COUNCILOR WENOGRAD: Here.

6 MS. LABROT: And Mr. McCarthy
7 sitting in for Mr. Williams.

8 MR. McCARTHY: Here.

9 PRESIDENT CANTOR: Thank you, Ms.
10 Labrot.

11 Do we have a presentation by the
12 applicant?

13 MR. KEARNS: We do.

14 Good evening, Mayor Cantor and
15 members of the Town Council. My name is
16 Andrew Kearns and I'm here to represent the
17 applicant Downstream Properties in connection
18 with the special development amendment that
19 we seek for the property at 643 Prospect
20 Avenue.

21 Here with me tonight is the
22 principal of Downstream Properties Mike
23 Herlihy, and Lori DiBattista who is the civil
24 engineer who designed the improvements that
25 are proposed.

1 If you'll notice, my application
2 letter is extremely lengthy. And I guess the
3 good news is that's by design because I'll
4 have less to say tonight and it might make an
5 earlier night for everybody here, but there's
6 really a two-pronged effect to this
7 application, and the first is that we're
8 asking for a change in use.

9 Over time since 1985 when the
10 property was first declared a special
11 development district the use has changed.
12 There was a medical office, and there was a
13 combined medical office and architect office.
14 Then it became a law office, but there was
15 never a change to the SDD.

16 So we seek to show -- and approval
17 of the change, because my client's plan is to
18 use it as a wealth management office. So
19 we're asking that the designation be changed
20 from its present to a nonmedical professional
21 office.

22 The second and most important phase
23 of this application is really we're here for
24 one reason and one reason only, and that is
25 my client is doing it right. They acquired

1 the property in July of 2017 and shortly
2 thereafter were pleasantly surprised to find
3 out that they were unable to occupy the third
4 floor of that property due to fire code
5 restrictions.

6 It was news to them, and they like
7 others might have just tried to wing it or
8 see what would happen, or slowly work their
9 way into the third floor, but Mike Herlihy
10 didn't want to do that. He's going to do it
11 right, and that's why we're here. Safety and
12 compliance are the keywords for this
13 application.

14 The main reason -- the main
15 improvements to this property that we're
16 going to address tonight are the fire codes
17 that would allow occupancy of the third
18 floor, and those fire codes demand that the
19 property would be fully sprinkled, and that
20 there be a second means of egress from the
21 third-floor in case there's a fire.

22 At this point it's appropriate to
23 pass this over to Lori so she can better
24 explain the improvements that are proposed.

25 Lori?

1 LORI DiBATTISTA: Good evening. My
2 name is Lori DiBattista. I'm a structural
3 engineer, not a civil engineer. I've
4 been representing Mike on his property.

5 Kind of a backup as to what Drew
6 has mentioned to you, there is a change of
7 use and that change of use is only for the
8 third floor. The third floor was categorized
9 as storage facility. It wasn't categorized
10 as office space. So that drove the fire
11 changes that we had to make.

12 So to rectify, to continue what
13 Drew had mentioned, we have added the
14 sprinkler system that allows them to use the
15 third floor as office space. And
16 additionally working with Mike Sinsigalli,
17 the Fire Marshal, we also needed a third way
18 out.

19 So as you can see from the design,
20 this is the old-fashioned way. This is a
21 drawing here. We are keeping the majority of
22 the design of the existing back of the
23 building and we're adding a third way out of
24 the -- excuse me, a second way out of the
25 third-floor, and we're matching all of the

1 original post design and railings that are
2 currently on the building today.

3 And as I have an outline here of
4 the escape route. So basically it takes the
5 third-floor. And the addition will also help
6 some of the second-floor, too. This is
7 another second way out from the second-floor.

8 Do you have any questions I can
9 help you with?

10 PRESIDENT CANTOR: Absolutely.

11 Mr. Barnes?

12 COUNCILOR BARNES: I just want to
13 clarify what we're looking at.

14 That is the back of the structure?

15 LORI DiBATTISTA: Yes, sir. That's
16 the back. That's the only architectural
17 change they're going to make.

18 COUNCILOR BARNES: All right.

19 Thank you.

20 PRESIDENT CANTOR: Any other
21 questions?

22

23 (No response.)

24

25 PRESIDENT CANTOR: Okay. Not

1 right. Now.

2 MR. KEARNS: For your benefit I did
3 bring some pictures here. It might bring
4 some recognition. I have ten sets of copies.
5 So Pat, if you wouldn't mind?

6 And the first picture is just
7 the front. And you might immediately
8 recognize the property. It was actually
9 built in, I believe, 1870. It's been around
10 a while. And the back is where -- the second
11 picture is where the second means of egress
12 will go.

13 When I said, my client is doing it
14 right, it's not just from a point of view of
15 coming here and getting/putting/investing six
16 figures into the proper safety with the
17 sprinkler systems. It's not just strapping
18 on a steel fire escape, too.

19 As Lori explained, we're going to
20 try to match the materials on the back of the
21 property. There's an existing deck you'll
22 see in the pictures so that from the third
23 floor there will be a deck of matching design
24 coming down to tie into the second floor
25 deck.

1 And then from the corner as you'll
2 see, it will then just come down and meet
3 grade level. If you just drive up and down
4 that street there's some pretty hideous
5 looking fire escapes that have been bolted to
6 buildings, and that's just not the way it was
7 designed to be, or that we would put our
8 names on.

9 I don't know if anybody had any
10 questions for me. I'll wrap this up as quick
11 as possible. I won't rehash the support I
12 put in my application, but I will tell you
13 this -- that this property, this application
14 is a poster child for the SDD. And that is
15 mainly taking great stately buildings that
16 are in West Hartford that are no longer
17 suitable for single family, and maximizing
18 their use as professional offices and doing
19 it in a safe and compliant way -- and that's
20 what we're trying to do here today.

21 We worked very hard with -- as Lori
22 said, Mike Sinsigalli will be working with
23 the building department. And Todd and Kathy
24 Duro have been extremely helpful throughout
25 the whole process, too.

1 At that point, I'll just wrap it
2 up. And if anybody has any questions?

3 PRESIDENT CANTOR: Thank you,
4 Attorney Kearns. Could you just talk about
5 the parking and the change in how that will
6 be navigated?

7 MR. KEARNS: We're going to try to
8 keep the parking exactly the same way. We
9 comply with offstreet parking requirements.
10 The one material change we're going to make
11 was at Kathy Duro's suggestion, and that is
12 that van accessible handicap spot -- that
13 will be, I think, on the picture you have
14 right by the tramp.

15 So there is space for that without
16 losing any spaces, quite frankly. And so
17 that's the main change to that parking.

18 PRESIDENT CANTOR: Okay. Any other
19 questions? Oh, Mr. Alair.

20 MR. ALAIR: Not a question, Madam
21 Mayor, but I think a point of clarification.

22 Attorney Kearns started by talking
23 about there being a change of use here. I
24 think you mean for purposes of fire code, not
25 a change of use for purposes of zoning. It's

1 the change of the third-floor from storage to
2 office space for fire code purposes that
3 triggered this.

4 MR. KEARNS: Right, but it's also
5 for the special development district, because
6 when I pulled the file and looked at the
7 history the SDD was first granted in 1985,
8 but only for I believe it was a doctor who
9 resided there and had a medical office.

10 So when I read all the mayors
11 approving it throughout they'd say, for
12 medical offices. And then all the sudden the
13 doctor didn't reside there anymore. So an
14 architect's office went up. So they actually
15 came in and they changed it to a mixture of
16 medical and architectural offices.

17 And then when you look at the
18 parking scheme they have a different parking
19 requirement for medical versus nonmedical.
20 So as a second prong to this application I
21 was asking that this SDD reflect -- and it
22 really trickles throughout from the third
23 floor down and from a parking requirement
24 point of view, nonmedical professional.
25 So --

1 PRESIDENT CANTOR: Right. Because
2 we had information in it throughout that.
3 Okay. Thank you. All right. Anybody else?

4 Mr. Davidoff.

5 COUNCILOR DAVIDOFF: Thank you,
6 Madam Mayor. Attorney Kearns, how many
7 people will be employed at this location?

8 MR. KEARNS: It's anywhere from 12
9 to 14.

10 Mike? Yeah.

11 COUNCILOR DAVIDOFF: And how many
12 visitors would be on site at any one time?

13 MR. KEARNS: I think it's rare
14 occasionally. You'll probably get a handful
15 coming in on a daily basis.

16 Mike, if you'd like to --

17 MICHAEL HERLIHY: I would say on
18 average --

19 MR. KEARNS: Mike Herlihy, for the
20 record.

21 PRESIDENT CANTOR: You need to just
22 be on the mic -- and it's on, voice
23 activated.

24 MICHAEL HERLIHY: I would say on
25 average we would have -- our clients visit

1 two the three times a week. It's not a
2 retail. We're a money manager. We are not a
3 retail shop. So we do have client meetings.
4 It's two, three, four times a week perhaps.

5 COUNCILOR DAVIDOFF: So the reason
6 I ask is there's adequate on-site parking to
7 accommodate employees as well as visitors.
8 Correct?

9 MR. KEARNS: It is. And what we
10 have right now are two extra spaces beyond
11 what the parking requirement is, the town
12 parking requirement.

13 COUNCILOR DAVIDOFF: And with
14 respect to the on-street parking that abuts
15 the property, it should be adequate parking
16 in that addition. Correct?

17 MR. KEARNS: Right. Both sides of
18 Prospect have adequate on-street parking.

19 COUNCILOR DAVIDOFF: Do you want to
20 talk at all about the landscaping that's
21 going to be done to try to shield the fire
22 escape from view of the abutters?

23 MR. KEARNS: You know, it's funny.
24 We did have community outreach and we sent
25 out 15 letters to anybody who might even see,

1 but the back is pretty much overgrown -- and
2 not overgrown, but higher shrubs. And Mike
3 and I became good friends without
4 interruption for an hour and a half because
5 not one person showed up.

6 This is where they have the
7 condominiums just to the north. There's an
8 insurance office just to the sound, which is
9 in a similar building, a similar design, but
10 nobody else showed up.

11 So there might be a few of the
12 condominiums to the north that will be able
13 to see this, but it will look like just an
14 exterior staircase or deck. Nothing will
15 rust.

16 There's nothing of steel, and
17 that's where I've got to give Mike credit,
18 because whenever you get an application in or
19 you're representing somebody you might get
20 clients that are trying to cut corners and
21 save costs. And he's certainly trying to
22 save costs, because he's spending six figures
23 he didn't expect he'd have to.

24 But when you look at the way he's
25 done things, and if you could ever have sat

1 in on the process that Lori went through with
2 Mike Sinsigalli, where can we save money?
3 What can we do?

4 Well, there are a lot of ways to
5 save money -- but if you did, if you ever
6 walked in this property, that foyer just
7 grabs you. Because there's this large
8 staircase that comes down from the upstairs,
9 and there's a landing that has stained-glass
10 windows. It's all oak with the paneled oak.
11 It even has an old-fashioned elevator that's
12 a cage that goes up and down.

13 And those would have been gone if
14 you went with another alternative other than
15 putting in the exterior staircase and fully
16 sprinkler-ing the property, because you would
17 have to enclose the staircase and doors at
18 the bottom and doors at the top, and that
19 would just take away from the character.

20 So every time I turn around, boom,
21 boom, you know, the cost was going up and up,
22 and up. So really we're limiting also what's
23 going on outside. There's not extra
24 screening because quite honestly the
25 screening is extremely adequate. And we're

1 just going to keep the exact same character.

2 The sign, for example, will go in
3 the existing sign frame. It will be a wood
4 carved sign that they're going to use. So
5 not much will change other than from when you
6 look in the back, you know, a keen eye might
7 notice that extra little, you know, riser
8 coming down and then here, because this is
9 existing.

10 COUNCILOR DAVIDOFF: Thank you for
11 adding the testimony about the neighborhood
12 outreach as well as the view from the
13 abutters. Thank you.

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

16 Mr. Wenograd? No? All set. All
17 right. With that I will -- we have a couple
18 of letters to read into the record.

19 Oh, is there a sign-up sheet, and
20 is there anybody signed up to speak to this
21 public hearing?

22 MR. ALAIR: It's blank.

23 PRESIDENT CANTOR: Is there anybody
24 in the audience that would like to speak to
25 this public hearing?

1 Okay. With that -- oh, sorry. Is
2 there somebody?

3
4 (No response.)

5
6 PRESIDENT CANTOR: Okay. We will
7 read into the record a letter dated September
8 10, 2018, from TPZ recommending approval; a
9 letter dated September 25, 2018, from DRAC
10 recommending approval; and a letter dated
11 September 7, 2018, from CROC finding no
12 apparent conflict.

13 And if there's nothing else for the
14 applicant, or from the applicant, I'll close
15 the public hearing.

16
17 (Whereupon, the above proceedings
18 were concluded at 7:20 p.m.)

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CERTIFICATE

I hereby certify that the foregoing
19 pages are a complete and accurate
computer-aided transcription of my original
verbatim notes taken of the Public Hearing in
RE: APPLICATION BY DOWNSTREAM PROPERTIES,
LLC, REQUESTING MODIFICATIONS TO THE EXISTING
CONDITIONS OF APPROVAL FOR SPECIAL
DEVELOPMENT DISTRICT #46, LOCATED AT 643
PROSPECT AVENUE, held before the West
Hartford Town Council, at Town Hall, 50 South
Main Street, Room 314, West Hartford,
Connecticut, on September 25, 2018.



Robert G. Dixon, CVR-M 857
Notary Public
BCT Reporting, LLC
55 Whiting Street, Suite 1A
Plainville, CT 06062
My Commission Expires: 6/30/2020

	<p>13:11 architect (1) 6:13 architect's (1) 13:14 architectural (3) 4:12;9:16;13:16 around (2) 10:9;17:20 Attorney (3) 12:4,22;14:6 audience (1) 18:24 Avenue (2) 4:7;5:20 average (2) 14:18,25 away (1) 17:19</p>	<p>cage (1) 17:12 came (1) 13:15 can (5) 7:23;8:19;9:8;17:2,3 CANTOR (15) 4:1,17,18;5:9,14; 9:10,20,25;12:3,18; 14:1,21;18:14,23; 19:6 carved (1) 18:4 case (1) 7:21 categorized (2) 8:8,9 certainly (1) 16:21 change (13) 6:8,15,17;8:6,7; 9:17;12:5,10,17,23, 25;13:1;18:5 changed (3) 6:11,19;13:15 changes (1) 8:11 character (2) 17:19;18:1 child (1) 11:14 civil (2) 5:23;8:3 clarification (1) 12:21 clarify (1) 9:13 client (3) 6:25;10:13;15:3 clients (2) 14:25;16:20 client's (1) 6:17 close (1) 19:14 code (3) 7:4;12:24;13:2 codes (2) 7:16,18 combined (1) 6:13 coming (4) 10:15,24;14:15; 18:8 community (1) 15:24 compliance (1) 7:12 compliant (1) 11:19 comply (1) 12:9</p>	<p>concluded (1) 19:18 conditions (1) 4:5 condominiums (2) 16:7,12 conflict (1) 19:12 connection (1) 5:17 continue (1) 8:12 copies (1) 10:4 corner (1) 11:1 corners (1) 16:20 cost (1) 17:21 costs (2) 16:21,22 Council (1) 5:15 COUNCILOR (15) 4:16,20,22,24;5:1,3, 5:9;12,18;14:5,11; 15:5,13,19;18:10 couple (1) 18:17 credit (1) 16:17 CROC (1) 19:11 currently (1) 9:2 cut (1) 16:20</p>	<p>Development (4) 4:6;5:18;6:11;13:5 DiBattista (4) 5:23;8:1,2;9:15 different (1) 13:18 District (3) 4:6;6:11;13:5 doctor (2) 13:8,13 Dodge (2) 4:21,22 done (2) 15:21;16:25 doors (2) 17:17,18 down (7) 10:24;11:2,3;13:23; 17:8,12;18:8 Downstream (3) 4:3;5:17,22 DRAC (1) 19:9 drawing (1) 8:21 Drew (2) 8:5,13 drive (1) 11:3 drove (1) 8:10 due (1) 7:4 Duro (1) 11:24 Duro's (1) 12:11</p>
<p>A</p> <p>able (1) 16:12 above (1) 19:17 Absolutely (1) 9:10 abuts (1) 15:14 abutters (2) 15:22;18:13 accessible (1) 12:12 accommodate (1) 15:7 acquired (1) 6:25 activated (1) 14:23 actually (2) 10:8;13:14 added (1) 8:13 adding (2) 8:23;18:11 addition (2) 9:5;15:16 additionally (1) 8:16 address (1) 7:16 adequate (4) 15:6,15,18;17:25 Alair (3) 12:19,20;18:22 allow (3) 4:9,10;7:17 allows (1) 8:14 alternative (1) 17:14 amendment (1) 5:18 amendments (2) 4:8,12 Andrew (1) 5:16 anymore (1) 13:13 apparent (1) 19:12 applicant (4) 5:12,17;19:14,14 Application (9) 4:3;6:1,7,23;7:13; 11:12,13;13:20;16:18 appropriate (1) 7:22 approval (4) 4:5;6:16;19:8,10 approving (1)</p>	<p>B</p>	<p>back (7) 8:22;9:14,16;10:10, 20;16:1;18:6 backup (1) 8:5 Barnes (5) 4:15,16;9:11,12,18 basically (1) 9:4 basis (1) 14:15 became (2) 6:14;16:3 benefit (1) 10:2 better (1) 7:23 beyond (1) 15:10 blank (1) 18:22 bolted (1) 11:5 boom (2) 17:20,21 Both (1) 15:17 bottom (1) 17:18 bring (2) 10:3,3 building (5) 4:13;8:23;9:2; 11:23;16:9 buildings (2) 11:6,15 built (1) 10:9</p>	<p>D</p>	<p>E</p>
<p>C</p>	<p>earlier (1) 6:5 effect (1) 6:6 egress (2) 7:20;10:11 elevator (1) 17:11 else (3) 14:3;16:10;19:13 employed (1) 14:7 employees (1) 15:7 enclose (1) 17:17 engineer (3) 5:24;8:3,3 escape (3) 9:4;10:18;15:22 escapes (1) 11:5 even (2)</p>			

<p>15:25;17:11 evening (2) 5:14;8:1 everybody (1) 6:5 exact (1) 18:1 exactly (1) 12:8 example (1) 18:2 excuse (1) 8:24 existing (6) 4:5,9;8:22;10:21; 18:3,9 expect (1) 16:23 explain (1) 7:24 explained (1) 10:19 exterior (2) 16:14;17:15 extra (3) 15:10;17:23;18:7 extremely (3) 6:2;11:24;17:25 eye (1) 18:6</p>	<p>17:6 frame (1) 18:3 frankly (1) 12:16 friends (1) 16:3 front (1) 10:7 fully (2) 7:19;17:15 funny (1) 15:23</p>	<p>17:24 hour (1) 16:4</p>	<p>less (1) 6:4 letter (4) 6:2;19:7,9,10 letters (2) 15:25;18:18 level (1) 11:3 limiting (1) 17:22 little (1) 18:7 LLC (1) 4:4 located (1) 4:7 location (1) 14:7 longer (1) 11:16 look (4) 13:17;16:13,24; 18:6 looked (1) 13:6 looking (2) 9:13;11:5 Lori (9) 5:23;7:23,25;8:1,2; 9:15;10:19;11:21; 17:1 losing (1) 12:16 lot (1) 17:4</p>	<p>11:17 Mayor (3) 5:14;12:21;14:6 mayors (1) 13:10 McCarthy (2) 5:6,8 mean (1) 12:24 means (2) 7:20;10:11 medical (6) 6:12,13;13:9,12,16, 19 meet (1) 11:2 meetings (1) 15:3 members (1) 5:15 mentioned (2) 8:6,13 mic (1) 14:22 MICHAEL (2) 14:17,24 might (8) 6:4;7:7;10:3,7; 15:25;16:11,19;18:6 Mike (11) 5:22;7:9;8:4,16; 11:22;14:10,16,19; 16:2,17;17:2 mind (1) 10:5 minor (1) 4:11 mixture (1) 13:15 modifications (1) 4:4 money (3) 15:2;17:2,5 most (1) 6:22 much (2) 16:1;18:5</p>
<p>F</p>	<p>G</p>	<p>I</p>	<p>J</p>	<p>M</p>
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