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JOINT HEARING BETWEEN
WEST HARTFORD TOWN COUNCIL
AND
WEST HARTFORD TOWN PLAN AND ZONING COMMISSION

VOLUME 2
FEBRUARY 16, 2006

West Hartford Town Hall
50 South Main Street
West Hartford, Connecticut

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Reporter: Sandra V. Semevolos, RMR, CRR, LSR #74

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1 A P P E A R A N C E S:

2

3 Present for Town Council:

4

Scott Slifka, Mayor
Joseph Verrengia

5

Barbara Carpenter
Shari Cantor

6

Charles T. Coursey
Maureen K. McClay

7

Art Spada
Timothy Brennan

8

Carolyn Thornberry
Mark C. Sinatro

9

10 Present for Town Plan and Zoning Commission:

11

Robert W. Roach, Chairman
Tanya Meck, Vice Chairperson

12

Booker T. DeVaughn
Theodore M. Doolittle

13

Jeffrey Daniels

14

Also Present:

15

Joseph O'Brien, Esq.
Corporation Counsel

16

17 Town Staff:

18

Patrick Alair

Barry Feldman

19 Mila Limson

James Francis

20 Ronald Van Winkle

Dave Kraus

21 Norma Cronin

22

23

24

25

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(Public Hearing Commenced at 6:25 p.m.)

MR. ROACH: If we could get started.

Good evening and welcome to the second night of the
Town Plan and Zoning Commission special meeting in
joint session with the Town Council. Sorry, we are
late. There were multiple traffic issues going on

7 tonight, so let's get rolling.

8 Will you call the roll, please?

9 MS. CRONIN: Mrs. Cantor.

10 MS. CANTOR: Here.

11 MS. CRONIN: Ms. Carpenter.

12 MS. CARPENTER: Here.

13 MS. CRONIN: Mr. Coursey.

14 MR. COURSEY: Here.

15 MS. CRONIN: Ms. McClay.

16 MS. McCLAY: Here.

17 MS. CRONIN: Mr. Sinatra.

18 MR. SINATRO: Here.

19 MS. CRONIN: Mr. Spada.

20 MR. SPADA: Here.

21 MS. CRONIN: Dr. Thornberry.

22 MS. THORNBERRY: Here.

23 MS. CRONIN: Mr. Verrengia.

24 MR. VERRENGIA: Here.

25 MS. CRONIN: Mr. Slifka.

0203

1 MR. SLIFKA: Here.

2 MS. CRONIN: Council alternate

3 Mr. Brennan.

4 MR. BRENNAN: Here.

5 MS. CRONIN: Thank you. Mr. Roach.

6 MR. ROACH: Here.

7 MS. CRONIN: Ms. Meck.

8 MS. MECK: Here.

9 MS. CRONIN: Dr. DeVaughn.

10 MR. DeVAUGHN: Here.

11 MS. CRONIN: Mr. Daniels.

12 MR. DANIELS: Here.

13 MS. CRONIN: Mr. Doolittle.

14 MR. DOOLITTLE: Here.

15 MR. ROACH: Good morning. My name is
16 Bob Roach. I'm the chairman of the Town Plan and
17 Zoning Commission. This evening we continue with
18 night two of our public hearings regarding a number of
19 related applications seeking amendments to the plans
20 for Blue Back Square. Hope that everyone will
21 recognize that we are all here to consider these
22 applications as fully and as carefully as possible
23 despite the time it may take for us to do so. We

24 expect that everyone remain courteous and respectful
25 of others throughout this process.

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1 As you may have witnessed last night
2 and as with the original applications relating to Blue
3 Back Square, the Town Council and the Town Plan and
4 Zoning Commission are conducting this hearing jointly.
5 We do so in the hope that it will get everyone, both
6 members of the public and members of these two bodies,
7 a better, clearer, more efficient forum for the
8 understanding of what appears to be a very complex
9 project.

10 Mayor Slifka and I are taking turns
11 sitting as the chair during this hearing. Both bodies
12 have jurisdiction over different aspects of this
13 project, each of us conducting its own separate
14 deliberation and voting process once the hearing has
15 been concluded. During the hearing, however, we will
16 proceed as if we are one single body for the purpose
17 of any motions regarding how to conduct business,
18 unless there is some unusual circumstance which
19 applies to only one of the bodies sitting.

20 Last night the applicants gave their
21 presentation on these proposed amendments and then the
22 floor was turned over to the Council and the Town Plan
23 and Zoning Commission members for their questions on
24 these proposed amendments. Towards the end of the
25 night we were able to begin the public comment portion

0205

1 of the hearing.

2 Shakespeare once wrote "Brevity is the
3 soul of wit." We ask that members of the public try
4 to be brief with their comments, in order to allow
5 everyone who wishes to address us the opportunity to
6 do so.

7 I'd like to encourage those speaking to
8 limit their comments to directly address the
9 application before us and not to digress into
10 peripheral matters.

11 From prior hearings, experience tells
12 us that many people will repeat much of the comment
13 which has come before them. While this is their
14 right, we ask that everyone try to be succinct and to

15 remain on point. In order to accomplish this, we will
16 ask that speakers adhere to a three-minute time frame
17 and that those representing a group will be giving
18 five minutes. We have a timer, Mr. Patrissi will be
19 monitoring this for you.

20 For those present tonight who wish to
21 speak, there is a sign-up sheet located at the podium.
22 And finally following public comment, we will give the
23 applicants an opportunity to respond to public
24 comments and to any additional questions from the
25 members of TP&Z and the Council. We may also take

0206

1 that opportunity to ask Town staff any follow-up
2 questions which we may have of them. We will then
3 close the hearing and adjourn to hold deliberations on
4 these applications separately.

5 We also ask that those of you here
6 tonight, if you have a cell phone or pager, please
7 turn it off or put it on vibrate. And unless Town
8 staff has anything to add or address, we will go right
9 back into public comment.

10 We have the first sign-up sheet here
11 for the evening, and I see Mr. Visconti is the first
12 one on the list.

13 MS. CRONIN: He crossed his name out
14 and put it down below.

15 MR. ROACH: I see. Excuse me. Is it
16 Mr. Cooke next?

17 MR. COOKE: Thank you. Tom Cooke, 61
18 Beverly Road. I'll try to be witty and brief. I urge
19 you to approve these modifications. They are
20 fundamentally not any different than what the Town and
21 the Council and the TP&Z approved several times
22 repeatedly over the last several years. The only
23 major addition that appears is the additional
24 condominiums, and those are nothing but positives.
25 This is exactly the type of outcome that the Town

0207

1 wanted and the board wanted -- I mean, the Council
2 wanted and the TP&Z wanted. So let's just go ahead
3 and approve this. This is completely consistent with
4 what the Town has already approved. Thank you.

5 MR. ROACH: Thank you, Mr. Cooke.

6 Next we have Ms. Kiefer.

7 MS. KIEFER: I'm Shirley Kiefer of 34
8 Fairview Street. As I listened to the proposals last
9 evening, I realized that our Town is at a place of
10 making some important choices between accommodating a
11 developer's ideal dream for a wealthy elite, and on
12 the other hand, in some cases, the welfare of the
13 entire community, in terms of traffic congestion,
14 density, our accessibility to our own Town Center.

15 I ask myself -- well, first of all, I
16 was very impressed by the thoughtfulness of the
17 questions that all of you and the comments that most
18 of you had to make. I have faith in the people
19 leading my Town from what I saw last night. But I ask
20 myself, do we really need six theaters in West
21 Hartford with availability of beer and alcohol? And
22 neon signage on Main Street? And I'm wondering down
23 the road what this means when, as inevitably happens
24 with all the complexes, it will get sold to another
25 company that may not be as discriminating as the

0208

1 present one. I think this is something we need to
2 consider in terms of the future as well as the
3 present.

4 I have real concerns about the traffic
5 congestion in terms of anyone going from the eastern
6 part of the Town to the western part of the Town,
7 whether they are stopping in the Center or not, being
8 affected by what will obviously be congestion, and I
9 also am concerned about the need, probably the
10 continuing need for more and more parking, perhaps not
11 just one extra story to a garage, but more than one.

12 Again, I do have faith in you. I
13 appreciated your questions, and I ask you to consider
14 seriously the welfare of all of the people of West
15 Hartford as you make serious choices. Thank you.

16 MR. ROACH: Thank you, Ms. Kiefer.

17 Next we have Mr. Armillei.

18 MR. ARMILLEI: Good evening,
19 Mr. Mayor, Town Council members and representatives.
20 I'll be brief. I live on 55 Wardwell Road. Wayne
21 Armillei is my name.

22 I'm concerned about the proposed

23 changes to the Blue Back Square project as presented
24 yesterday evening by the developers. I've had many
25 concerns about Blue Back Square, namely on the roads
0209

1 which I believe cannot handle large volumes of
2 traffic. Yesterday evening the developer proposed
3 several changes to the project, which I oppose because
4 I believe these changes will create an even larger and
5 more dense Blue Back Square. Thank you.

6 MR. ROACH: Thank you. Next we have
7 Ms. Mahoney.

8 MS. MAHONEY: Good evening. Thank
9 you for holding this hearing tonight and giving me an
10 opportunity to express my interest in seeing you
11 approve the proposed changes. I think this is a very
12 well thought out and planned project. I think adding
13 additional condominiums to the project will simply add
14 to the vibrancy of what we all have come to really
15 enjoy here in West Hartford and West Hartford Center.
16 And I think that with aging populations, we are all, I
17 think, we can all appreciate being within walking
18 distance of so many wonderful services, restaurants,
19 the theater.

20 So I think this is a very positive
21 change, and I encourage you all to please be very
22 thoughtful, and I certainly hope you'll pass it.
23 Thank you for your time.

24 MR. ROACH: Thank you. Next we have
25 Ms. Saunders.

0210

1 MS. SAUNDERS: Good evening. My name
2 is Judie Saunders, and I'm here representing the West
3 Hartford Chamber of Commerce. I'm the Chair of the
4 Board of Directors of that organization, and I have a
5 statement that I'd like to read.

6 The West Hartford Chamber of Commerce
7 supports the proposed modifications to Blue Back
8 Square. Since 1908 The Chamber has been West
9 Hartford's community and business connection, and as
10 such, it is carefully reviewing the progress of this
11 project which will have a profound impact on living
12 and working in Town.

13 The revised plan features improvements

14 that will enhance accessibility, green space around
15 Town Hall and the overall aesthetics of the project.
16 We are happy to see that indeed the market is
17 supporting what the vision for this project always
18 was, necessitating the addition of 60 condominium
19 units. We fully anticipate that this will result in
20 building an even more vibrant community and in
21 generating much greater support of local businesses.

22 After careful review of a presentation
23 of the modifications, the West Hartford Chamber of
24 Commerce's Board of Directors voted unanimously 19 to
25 zero to support them in total. By broadening the tax

0211

1 base, making Blue Back Square friendlier to
2 pedestrians and those with special needs and refining
3 the traffic flow around the movie theater, BBS
4 development improves upon its original proposal and
5 offers options that are good for business and good for
6 community life in West Hartford. Thank you.

7 MR. ROACH: Thank you. Now we have
8 Mr. Visconti.

9 MR. VISCONTI: Thank you all. My
10 name is Joseph Visconti, and I'm from 1 Clifton
11 Avenue, West Hartford.

12 I just want to mention something
13 quickly, it's a great country we live in when I can
14 stand outside with Bob Wiener and oppose him on a lot
15 of the things he's done in the development and shoot
16 the crap out there. Excuse my phrase. But it's a
17 great country to be able to do that and not fear
18 retribution and the things that are happening in the
19 world today, and I think that's what we are all here
20 for.

21 I don't know if I have more than three
22 minutes. If not I'd like to prefer to be the last
23 speaking.

24 Mr. Mayor, do I have more than 3
25 minutes or should I wait till the end of the meeting?

0212

1 MR. SLIFKA: I'm not the chair tonight
2 Mr. Visconti, so I have to defer to Mr. Roach.

3 MR. VISCONTI: Okay, Mr. Roach.

4 MR. ROACH: Please --

5 MR. VISCONTI: Thank you. This is --
6 my speech is going to be about the condos, but more
7 importantly about the process of the condos and the
8 few things that you are all aware of that I know.

9 First of all, I believe that this is
10 going to go to the Connecticut Supreme Court next
11 month or the month after, some of the abusive powers
12 for the \$48,000,000 in bonds, and I wanted to go on
13 the record tonight to speak about some of the abuses I
14 believe that are happening.

15 Number 1, this is a referendable issue.
16 Our Charter states, Chapter 11, Initiative and
17 Referendum, that the original Master Agreement could
18 have been a referendum automatically.

19 Mr. O'Brien, we talked about this a
20 long time ago. I worked hard to bring the referendum
21 the first time. And for me, it's always been about
22 the process, not necessarily the development. Now
23 this is only condos themselves. Many people in our
24 group did not like the condominiums being of that
25 density. I myself, personally, don't think that's a

0213

1 problem, but I do believe that the cost of the
2 condominiums are a problem. So some of the evidence
3 I'd like to give tonight are about the fact that this
4 is a referendable process, it is being masked as a
5 zoning censorship, that this is a zoning
6 transformation.

7 Mr. Heapes last night spoke about the
8 process of maybe not building any of the condos if he
9 couldn't build them all because of the financial
10 arrangement. He is referring right back, for all the
11 lawyers in the room, to the Master Agreement as a
12 genesis of his decision-making. The Master Agreement
13 supersedes the Special Development District, which was
14 ordained and made after the Council approved it. It
15 was something that went into effect after. It is
16 effective, you are right it is effective, but it is
17 not effective primarily. Primarily the Master
18 Agreement is being amended.

19 Mr. Heapes in The Hartford Courant's
20 quote today spoke about these are not changes. Well,
21 then, what are they, improvements? Tom Coello, here

22 from the Hartford Courant, calls them revisions.
23 Under Webster's Dictionary, revisions are changes and
24 amendments. These are amendments. And whether we are
25 for them or not, for me it's not as important as the
0214

1 fact that the process is skewed. And this process is
2 a referendable process, not that I would be involved
3 in that, but it is one. And to appear as a zoning
4 censorship to the public is actually taking the
5 public's rights and eliminating them.

6 The ethical process also is something.
7 There has been conflicts of interest in this Town.
8 Most of the people got the 15,000 copies of this
9 spotlight, which we spotlighted officious. Mr. Harris
10 is in the room here. And when he does speak, I wish
11 he would make clear tonight if he was working for
12 Kroll, MacNamara, Evans, Delhanty during 2002, if that
13 was a conflict of interest, and if Mr. Sinatra had not
14 been singled out last week about that.

15 So when we talk about making changes,
16 adding condominiums, the process is much more integral
17 than the condominiums. They are important.

18 MR. PATRISSI: Time.

19 MR. VISCONTI: Time? Time? Okay.
20 I'll speak, if I have a chance, after. Thank you very
21 much.

22 MR. ROACH: Thank you, Mr. Visconti.
23 Next we have Ms. Genser.

24 MS. GENSER: First of all, thank you
25 for your thoughtfulness, your thoroughness and your
0215

1 utter civility continually. And I would be remiss if
2 I did not single out our Town Manager, the visionary,
3 the most enlightened man I have ever had the privilege
4 to know for the extraordinary work he has done these
5 many, many years on all of our behalfs.

6 I'm a passionate person about what I
7 feel, which is no shock to most of you up here who
8 know me well. Beyond my family, my passion is my
9 Town, which I have validated, I hope, time and time
10 again. When I first moved here 28 years ago, there
11 was a flicker of that passion because I hadn't yet
12 grown to understand it. It only took a matter of

13 months between that -- before that flicker became a
14 flame, and every year it's grown and grown.

15 I am enormously proud of the
16 thoughtfulness with which we analyze things and with
17 which we consider the future, and this is what this
18 project is all about.

19 When I first learned of this project
20 and became vitally interested in it, I recognized it
21 as yet again a way of reinventing ourselves, an
22 opportunity for a Town, because every Town needs to
23 continually think of its future and its future
24 inhabitants.

25 I am absolutely delighted, as I see my

0216

1 children and their friends as they marry come back
2 here to settle and raise their families. There has
3 always been a special draw to West Hartford, and this
4 only enhances -- this project only enhances that draw
5 and promises generations to come a very healthy and
6 vibrant future.

7 When I was on the Board of Ed, our tax
8 base was not growing. Our grand list was always
9 stagnate. Look at what has happened now. We have an
10 additional 500 to \$600,000 in revenue already, and
11 that's just the tip of the iceberg.

12 I want to thank also Mr. Heapes and
13 Mr. Wiener for everything they have done and the ways
14 that they have been so enormously flexible,
15 gentlemen and continually giving of their time.

16 It's very easy to try to create villains in this
17 situation because people feel so strongly about it.
18 There are no villains. There are just many, many,
19 many constituents who have very strong feelings
20 because they care so much about their West Hartford.

21 Thanks again for your time. I look
22 forward to this just being hopefully just a bit of a
23 pebble in the path. Thank you.

24 MR. ROACH: Thank you. Next we have
25 Mr. La Perla. If he is not here, I have no others on

0217

1 this list. I don't know if there is anyone who has
2 signed up at the other list up at the podium.

3 But I will add for those of you who may

4 be watching at home tonight, there is -- we do have
5 some turn out, but not too many people signed up on
6 the list, so it's looking like we are -- we may be
7 able to close this hearing tonight. So if you are at
8 home and you do want to come and speak on the record,
9 I would urge you to come and do so.

10 MS. CRONIN: There is a gentleman here
11 that didn't sign up.

12 MR. ROACH: Please approach the podium.

13 MS. CRONIN: I would suggest perhaps I
14 take the sign-up sheet here so that if people come in,
15 I'll grab them.

16 MR. ROACH: If you do wish to sign up
17 to speak, please go to the table on the side.

18 MR. HORTON: Thank you. I'm the
19 mystery guest. My name is Bill Horton, I live at 571
20 Mountain Road.

21 I just wanted to voice one concern and
22 I had one question. I don't have a problem per se
23 with the condominiums or any of the changes that I
24 heard, but one of the things I've never been terribly
25 clear on is the amount of traffic study that has been

0218

1 done. And it would seem to me by adding 50 some-odd
2 condo units and roughly 100 people, depending on how
3 old they are and what they do, that would affect the
4 traffic pattern, so the one thing that I would ask is
5 that the traffic considerations for these changes be
6 considered.

7 The second one is, is I think, like a
8 lot of people, I read the Courant this morning, and I
9 was really confused, and I would like to know the
10 difference between a change and a modification.
11 They've always meant the same to me, and I was just a
12 little taken aback by that. That's it. Thank you.

13 MR. ROACH: Thank you.

14 MS. CRONIN: I suggest we just keep
15 asking.

16 MR. ROACH: Anyone else? We had
17 someone else who just signed up. If you would
18 approach the podium.

19 MS. ARON: Good evening. My name is
20 Judy Aron. I live at 40 North Quaker Lane. Now, as

21 Mr. O'Brien said last night, I was watching on TV, he
22 said, you know, we are not here to debate whether Blue
23 Back is going to be built or not built or whatever,
24 and I do accept the fact that, you know, this is going
25 on, and that's fine. I have no problem with that. We
0219

1 are discussing the changes. These changes that have
2 been proposed by the developer.

3 I have a real problem with the fact
4 that it seems like the way this has developed with the
5 type of people who are renting or who are buying the
6 condominiums, that we are actually with public funds,
7 with our bonding and all, that we are creating
8 de facto segregation here. I applaud Mr. Sinatro for
9 suggesting that we have some kind of lower income
10 housing or even average income housing available to
11 people, because the average person certainly can't
12 afford the kinds of prices that these condominiums are
13 going for. And so I find that by making such
14 exorbitant fees for these particular units that are
15 being sold, that this is somewhat of a discriminatory
16 practice, and I don't know that you can really do that
17 with the public money that's being involved. And yet
18 you basically testified last night that you are not
19 going to make any provisions for working families, so
20 the firemen or a teacher even would not be able to
21 afford the kinds of units that are being sold in this
22 particular project.

23 Was this project intended to be
24 designed for the wealthy only? And perhaps, you know,
25 that's something that we really need to examine.

0220

1 I understood last night pretty clearly
2 that the developer would rather pay into a fund to put
3 those other people who couldn't afford all this, you
4 know, \$500,000 condominiums, to be able to put them
5 somewhere else in Town. Now, I don't know if you see
6 the irony or not, but I see the irony in the fact that
7 Noah Webster himself couldn't afford to live in Blue
8 Back Square.

9 This is a disgrace to this Town. Since
10 when have we condoned de facto segregation housing
11 with public money? This has become super rich mixed

12 use, and I don't think that that's what West Hartford
13 was aiming for in the beginning.

14 In the meantime, I'm also dismayed that
15 some of the stores are being put out of business. We
16 are seeing Barnes & Noble being taken out of Bishops
17 Corner and now being put into Blue Back Square. We
18 have lost a number of stores in the Center because of
19 the rising rates in the per square footage.

20 MR. PATRISSI: Time.

21 MS. ARON: Okay, well, time is up.
22 I've said a little bit of what I wanted to say, and
23 the rest I will submit to you via e-mail. Thank you
24 very much.

25 MR. ROACH: Thank you.

0221

1 I just wanted to make an announcement
2 that we will not be holding up these public comments
3 indefinitely. We are not going to call from the
4 floor. Ms. Cronin has a list. If you wish to speak,
5 please sign up with Ms. Cronin. If you are coming in
6 late, Ms. Cronin is located at the door by the south
7 entrance. Once the list is done, we will be wrapping
8 up these proceedings.

9 (Pause.)

10 MR. ROACH: If you just signed up,
11 please approach the podium.

12 PATTI SANKO-LOWRY: Good evening. My
13 name is Patti Sanko-Lowry. I live at 24 Grove Street
14 in the Elmwood section of Town. I'm speaking on
15 behalf of Elmont Renaissance.

16 The very reason that Mr. Heapes gave
17 last night for not including affordable housing in
18 Blue Back Square is the reason government has had to
19 step in and offer financial incentives to get
20 developers to include affordable housing in their
21 developments.

22 Of course, as Mr. Heapes states, there
23 will be more tax revenue if we keep the property
24 values up and out of reach of the regular people in
25 Blue Back. But isn't it us regular folks who are

0222

1 subsidizing this development with our land, our
2 beautiful Board of Education building and \$48,000,000?

3 Why from the looks of things, not only will we not be
4 able to live there, we won't be able to shop or play
5 there either. I don't know about you, but I can't
6 afford Whole Foods prices and most of my friends,
7 other Town residents, can't either.

8 But maybe this is the point of all this
9 high-end stuff, high-end stores, high-end office
10 buildings, high-end condos, you know, keep the
11 undesirables out of the Center. But what bothers me
12 about this idea is that we regular folks have had to
13 risk our homes to subsidize this ever-changing risky
14 development. Why we have to pay for it, we have to
15 deal with all the negative consequences that will come
16 with it, but we benefit little. Is it not bad enough
17 that our state tax dollars are subsidizing luxury
18 condos in Hartford for the wealthy? The rationale
19 here being that for Hartford to be successful, we need
20 people to move back to the city. Well, the last I
21 checked here in West Hartford, there has not been a
22 problem with getting people to move to our Town.

23 Mr. Heapes agrees that affordable
24 housing is a noble goal, just not in his neighborhood.
25 What changed his mind? During the original Blue Back

0223

1 hearings he said he was open to affordable housing
2 provided financial incentives are offered. Now he
3 doesn't think that it's a good idea no matter what. I
4 wonder when he is recommending that the Town look to
5 build more affordable housing elsewhere in Town, is he
6 suggesting Elmwood where there is already an abundance
7 of affordable housing? You know, it's been proven
8 that once you tip the amount of affordable housing in
9 one direction, that a whole neighborhood suffers. One
10 only has to go below the overpass in Elmwood to see
11 this very fact proven.

12 Shame on the League of Women Voters if
13 they once again allow the issue of affordable housing
14 to not be addressed with housing added in Blue Back.
15 And shame on this democratic controlled Council, you
16 know, the party of the people, if you let this
17 opportunity to build a true community, a real
18 neighborhood in a town that cares slip away.

19 On another note, and I am speaking

20 directly to the good, honest people of West Hartford,
21 urging them to wake up before it's too late. We keep
22 being told just how frivolous the lawsuits surrounding
23 Blue Back Square are a waste of tax payers dollars.
24 Our contention and lawsuits against the Town of West
25 Hartford and Elmwood was that the Town officials

0224

1 deliberately fixed the numbers so that the Traditional
2 Neighborhood Design Ordinance would not kick in
3 thereby allowing the Elm Theater to be destroyed for a
4 Walgreen's Drug Store. For the TND to kick in, the
5 property would have had to have been worth
6 1-and-a-half times its fair market value after the
7 improvements. The Town officials determined this
8 number to be 2.1 million after the improvements. The
9 threshold needed was 3.75 million.

10 Our well-respected commercial appraiser
11 gave a conservative estimate of 5.3 million after the
12 improvements, easily kicking in the TND Ordinance. We
13 were ridiculed when we asked for an explanation of the
14 difference, and we were called names.

15 So let the record show that a portion
16 of the property just sold last week for 6.7 million
17 dollars, a far cry from the 2.1 million that the Town
18 said it would be worth.

19 MR. ROACH: That is time, if you could
20 wrap it up.

21 MS. SANKO-LOWRY: How could the Town be
22 so far off? I've listened over the past several years
23 about the professionalism, the top officials that we
24 have in this well-managed municipality.

25 MR. ROACH: That is time, if you could

0225

1 wrap up, please.

2 MS. SANKO-LOWRY: I just need a couple
3 of more minutes, please. There is not a lot of people
4 here. The time was scheduled for the hearing.

5 I've listened over the past several
6 years about the professionalism, the top officials
7 that we have in this well-managed municipality. But
8 the evidence here proves that either our tax officials
9 are totally incompetent, or something very fishy is
10 going on. But then again, maybe what happened in

11 Elmwood, you know, the real plan was to get the
12 theater out of the picture. After all, will the Town
13 really need a theater in Elmwood Center and in West
14 Hartford Center.

15 So, residents, beware when they tell
16 you that they are innocent of wrongdoing. Ask
17 yourself why they are so insistent that Councilor
18 Sinatro sit out of the Blue Back executive sessions if
19 they have nothing to hide. Now I know why the
20 Walgreen's developer offered me 6 figures to drop our
21 lawsuit in Elmwood. Even he knew how absurd the
22 Town's figures were and knew that if we were to able
23 to show our evidence in court, that we would prevail.
24 This is the very same tactic that this Town is now
25 using in court to try and stop the Blue Back evidence

0226

1 from being shown.

2 MR. ROACH: If you could wrap up.
3 Again, you'll have a chance to speak again.

4 MS. SANKO-LOWRY: Reject these changes,
5 please.

6 MR. ROACH: Thank you.

7 Mr. La Perla.

8 ROBERT La PERLA: Good evening. My
9 name is Bob La Perla. I am co-president of the West
10 Hartford Center Business Association and owner of
11 La Perla Jewelers in West Hartford Center.

12 I rushed over here this evening from my
13 business because I wanted you to know that the Center
14 does support the changes in what is happening down at
15 Blue Back Square. We believe that success of this
16 project was pretty obvious, but critical of the -- the
17 critical success of this project is something that the
18 Town deserves and has earned.

19 The sale of the condominiums, the
20 leasing of the space, the growth that this Town will
21 experience is inevitable. Growth sometimes comes with
22 a little bit of pain. Nobody likes to see change. We
23 recognize that in the Center. However, business goes
24 in one direction. You either improve your business
25 and grow your business or you go out of business.

0227

1 That same theory can be applied to the Town. You are

2 either growing and expanding and doing what's right
3 for the community, or you are allowing other
4 communities to pass you by.

5 I applaud this Council, the
6 administration in the Town for making the moves and
7 doing the things that they have done to permit this
8 project to go forward, and the West Hartford Center
9 Business Association believes much the same.

10 So I thank you for your time. I'm
11 going back to work, you guys are going to go back to
12 work, and please approve this project's additions
13 because it adds to what is the critical success of a
14 project. It's that little bit more that the Town
15 benefits from, yes, the developers benefit from. But
16 frankly, they put the project together, it's a great
17 project, you guys recognized it, I think we go from
18 there. Thank you.

19 MR. ROACH: Thank you, Mr. La Perla.

20 Do we have anyone else signed up

21 Ms. Cronin? Mr. Visconti.

22 MR. VISCONTI: Thank you for allowing
23 me for the time. And, Mr. La Perla, check those
24 references before you take a check from someone. It
25 would do you good for the West Hartford Business

0228

1 Association.

2 MR. ROACH: Please, that's out of
3 order, sir. Stay to the matter at hand.

4 MR. VISCONTI: Yeah, that's fine, I'll
5 stay to the matter.

6 Mr. Doolittle, I think we heard last
7 night that people were looking for horses or water
8 horses, maybe I got the person wrong who talked about
9 it. I'm all for a place to water my horse or,
10 Richard, if you'd like to bring your horse to West
11 Hartford Center.

12 But anyway, I want to get back to
13 something pretty important and, Mr. O'Brien, I'd
14 really like you at one point to answer this question
15 about the automatic referendum for the Master
16 Agreement changes. Although the Town is saying these
17 are zoning problems, and they are nothing to do with
18 the Master Agreement, I'm going to stand really firm

19 on the fact that these are amendments to the Master
20 Agreement. We are not changing the use, the zoning
21 use of the condominiums. We are changing the amount
22 of them.

23 And in the real estate transaction that
24 Mr. Pat Alair spoke to in the original hearing on Blue
25 Back Square, he called it a real estate transaction at
0229

1 its core. It was Mr. Feldman who spoke and called it
2 a zoning matter at its core. It is a real estate and
3 it is a zoning matter. We made a deal with Blue Back
4 Square. They had some options to make some changes,
5 if they put it in writing. They put it in writing to
6 you all and requested these changes. They have
7 requested the changes, and those are amendments to the
8 original Master Agreement. Whether this ever went to
9 a referendum or not is going to come out in the
10 Connecticut Supreme Court and the U.S. Supreme Court
11 at one particular point. And I'm really glad we have
12 West Farms Mall behind, the millions of dollars they
13 are going to invest to prove all of us, and we are all
14 characters in this show here right now, for the last
15 couple of years, that the process has been skewed, the
16 law has been broken, and people on the Council are
17 inadequate to understand these changes. Thank you
18 very much.

19 MR. ROACH: Thank you.

20 And with that, I believe it's time to
21 turn it back over to Mr. Heapes with any rebuttal or
22 comments that he may have.

23 Just to be clear, we have officially
24 closed the public hearing, and this is the time for
25 the applicant -- I'm sorry, the public comment portion
0230

1 and now it's the applicant's term to address any of
2 those comments.

3 MR. HEAPES: Thank you, Mr. Chairman.

4 And as you recall last night, you were gracious enough
5 to give me some homework, and so I'd like to very
6 quickly just summarize four things. It was clear
7 during the hearing that there were questions or
8 confusion about the issue of heights of buildings.
9 What were they before they were approved, what are we

10 proposing, and what might the difference be. And I
11 would like to, if you don't mind, I'm sorry, turning
12 around, review that with you.

13 As you know, the ordinance really
14 refers to buildings by stories or levels. But we do
15 use number of feet as a reference point. Where it
16 gets confusing, particularly on this site, is that we
17 refer to buildings almost as a whole block, Block A,
18 Block B. And as you know, the topography there is
19 pretty wild, as much as 20 feet around the perimeter
20 of a block. So the question is, you know, where do
21 you measure from? And we use average grades, et
22 cetera. What I wanted to do is just give it a very
23 simple analysis that's apples to apples, so you can
24 understand the impact that we are speaking about.

25 I will start with Building C, although

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1 it's not part of this application, it was actually
2 part of the administrative amendments that you
3 approved, but we might as well go through the whole
4 project. That building was a little over 70 feet, 71
5 feet tall in the initial approval to the top of its
6 parapet. And as I mentioned, most of these changes
7 have been driven by now doing construction documents,
8 working with the tenant. And with the surgery center,
9 they required some higher ceilings and floor-to-floor
10 heights in their building. We were able to manipulate
11 the various floors in that building and reduce the
12 parapet, which is on the roof, so that from the
13 street, it was the same height, 184.4, and that was
14 what we presented and you approved in those
15 administrative changes, just as a starting point.

16 Building D, which we were speaking
17 about in this application, as I said last night, in
18 the original approval, it was 64 feet tall. I don't
19 have a good reason, but we are now proposing that it
20 is 63 feet tall to the top of its roof, roof
21 structure. So it's essentially no change.

22 Block B, and there was some confusion
23 in the numbers we gave you, because Block B, as you
24 know, involves the office building shown here. The
25 office building, retail building and Block B

0232

1 residential.

2 In the initial or the original
3 approval, the residential shown here was actually an
4 optional plan and the approval actually had one-story
5 retail on that site, two and one-story retail. So the
6 original number we gave you was for the office
7 building. It was originally in the plans as 60 feet.
8 It has increased to 62 feet, which was largely a
9 function of increasing the height of the retail for
10 one of our tenants, so it's essentially 2 feet.

11 Building A, which I can't remember if
12 it was Mr. Daniels talked about the change in heights
13 there. Originally it was 47 feet from Isham Road, and
14 the new proposed height for this part of Building A is
15 49 feet, purely a reflection of working with the
16 cinema operator to get the right proportions for the
17 screens, the right slopes for the floors, et cetera.

18 There was a number, Mr. Daniels, I
19 think, of 40.5 feet in the chart. To understand that,
20 that was really a number using the average grade.
21 Grade up here, by the way, is 131 feet. The grade on
22 Isham is 113. That number was taken from halfway, and
23 the grade, the 49 feet was really our mistake, that
24 was taken from Isham. So they didn't have the same
25 ratio. Halfway up the site, it's about 7 feet. That

0233

1 was the difference between 47 and 49. So it was
2 really an error of not being apples to apples. The
3 apples to apples measurements are a 2-foot difference
4 no matter where on the site you want to measure them.

5 The two interesting discussions were
6 the Building B residential, which, as we've been
7 working on it in the application, the original height
8 of that building to its top was 70 feet. The new
9 building as proposed is 77 feet. So there is a 7-foot
10 difference that's being proposed. And then I believe
11 Mr. Doolittle pointed out that the Crate & Barrel
12 piece of the structure here on A was 29 feet in the
13 original application and is now down to 17 feet along
14 South Main Street, which is, you know, almost 40
15 percent reduction in height, and I think a significant
16 kind of advantage.

17 So those are, to the best of my

18 ability, just to get all the math out of it, apples to
19 apples, roof to roof, comparison of heights.

20 Ms. Carpenter also brought up her
21 experience in Bethesda with the Bethesda blade sign,
22 and it was apparent to me that I did a pretty poor job
23 of illustrating our intentions with the sign on Blue
24 Back or on the Criterion Cinemas on Isham. The
25 examples I showed, particularly the Bethesda road sign

0234

1 that we did, were really more to illustrate that we
2 wanted this sign to be permanent and lit. It wasn't
3 canvass, it wasn't a banner, and would have -- I
4 believe I mentioned it should be lit at night. It in
5 no way represents the scale of the sign that's in the
6 application.

7 The sign that's in the application is
8 60 square feet, which is 3 feet by 20 or 5 by 12, et
9 cetera. And to give you some -- that's about the size
10 of the sign we are talking about in the application
11 there shown in yellow.

12 To give you some sense of scale, with
13 the Town Planner's help, and since I go to Dunkin'
14 Donuts a lot, I asked her if she could tell me how big
15 the Dunkin' Donuts sign was across the street, which
16 she told me it was 36 square feet. And so I estimated
17 that the size of sign we are talking about would be
18 about 1-and-a-half times the size of Dunkin' Donuts or
19 about 1-and-a-half times the size of the blade sign
20 that is there.

21 I also realized I didn't really give
22 you a very good description of our design intent.
23 Although we did talk about the Center theater as
24 really the inspiration for the organization of design
25 elements on the marquise, I found this sign today,

0235

1 which I think is more applicable of what we would be
2 proposing to do in terms of a design for the theater.
3 Hopefully that will help, at least put in perspective
4 the exhibit that I showed last night.

5 There are two other things. One is I
6 received today the Town staff's memo on all of the
7 signage applications, which I believe you have. They
8 had asked me to respond in writing, and I refused to

9 do it. Because the memo is so good, I just accept
10 everything in it. So I want to put that on the
11 record.

12 And secondly, there was, in testimony
13 last night, conversation about beer and wine relative
14 to the theaters. That was not in our application.
15 It's not intended to be in our application. We
16 haven't discussed that with staff or anything else. I
17 think Charley had too many doughnuts before he came
18 here, but I would like you to remove that testimony in
19 your conversation, and we will deal with that issue in
20 another time and place, because we are not prepared to
21 talk about it, and we will leave it at that.

22 So I thank you for your attention, and
23 of course will answer any further questions when the
24 time is appropriate. Thank you.

25 MR. ROACH: With that, if we have

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1 anything else from commissioners and Council members,
2 I'll start down to my left.

3 Anyone at this end of the table?

4 Ms. Meck.

5 MS. MECK: Mr. Heapes, just to follow
6 up on that last comment you made about withdrawing the
7 requests or the part of the presentation last night
8 that dealt with beer and wine service, just so that I
9 am -- in the theater. Just so that I'm clear, I
10 actually think if it can be worked out, it would be a
11 nice amenity, maybe don't share some of the other
12 concerns that we heard here last night.

13 But just for the record to be clear,
14 you are scrapping it entirely, or are you trying to
15 figure out a way to take these concerns into
16 consideration and would come back with a proposal at a
17 later date for service?

18 MR. HEAPES: I think it was a surprise
19 to the applicant. I know it was a surprise to the
20 staff. Its purpose was to create the ambiance, et
21 cetera. I've been informed that the ordinance doesn't
22 actually allow that. And so we really need time for
23 the applicant to study it, propose something, work
24 with staff to make sense out of the whole thing. So I
25 think the intention would be to continue the

0237

1 conversation.

2 MS. MECK: I just want to be clear
3 about that because as you know one of the criticisms
4 that we faced throughout this process is that what
5 happens as you come, you, the applicant, or any other
6 applicant as a matter of fact who is coming before the
7 Council or the Commission, comes forward with an
8 application and then comes back for changes once that
9 initial hurdle is passed.

10 MR. HEAPES: Right.

11 MS. MECK: So part of this comment is
12 just for the record to reflect that that's actually
13 the way we do business in general, just not in
14 relation to Blue Back Square, and that I wanted to be
15 clear as to whether or not those conversations were
16 going to continue, or you were taking it off the
17 table.

18 MR. HEAPES: And to be perfectly clear,
19 the applicant didn't bring it, our tenant did. And he
20 was there to give you information to help you
21 understand the SUP. So it was not part of our
22 application, that's really our opinion.

23 MS. MECK: Thank you, Mr. Heapes.
24 Thank you, Mr. Chairman.

25 MR. ROACH: Thank you, Ms. Meck.

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1 Anyone else on this end of the table.

2 Mr. Verrengia.

3 MR. VERRENGIA: I guess I would follow
4 up that conversation with our corporation counsel to
5 get a response.

6 With respect to this application, so in
7 going forward with this being withdrawn, is there any
8 way, if this were to get voted in, that we would be
9 compromising anything? I mean, my biggest thing is if
10 this issue does come back in the future, I want to
11 have it come back to a Council and not be caught by
12 something in --

13 MR. O'BRIEN: Well, if you approve the
14 application as it stands right now, there will be no
15 provision for beer and wine in the theater. I
16 believe, given our ordinances, it would be necessary

17 for the Council to actually amend the ordinance to
18 allow a cafe license to or to allow someone to operate
19 with a cafe license in Town, and then it would go to
20 TP&Z for amendment to the Special Use Permit. So I
21 believe it would have to come to both Council to amend
22 the ordinance and then to TP&Z for the Special Use
23 Permit. So your approval, if you do approve the
24 application, will not allow for beer and wine in the
25 movie theater.

0239

1 MR. VERRENGIA: Thank you for that
2 clarification.

3 And I just have one question for
4 Mr. Heapes. I believe last night we were talking
5 about the condos, there was some conversation respect
6 to the total square footage. But my question is: Is
7 there any way that you can tell us, to the extent that
8 you can, how many or how this new condo, these
9 additional units are going to be broken up? Whether
10 they are going to be one-bedroom units, two-bedroom
11 units.

12 I know a lot of that is driven by the
13 market, as we've seen already, but really the purpose
14 for the question, some people have spoken to it this
15 evening, is when we originally talked about these
16 condos, as you indicated last night, there were really
17 no comparables, no comps, so we didn't know what the
18 market was.

19 MR. HEAPES: Correct.

20 MR. VERRENGIA: And there is part of me
21 that says, you know, people who, your opponents, had
22 we not had this market, this terrific market, they may
23 have pointed to you and said, hey, you know, we told
24 you so, that there wasn't a market for these condos.
25 But there is another part to me that says, because of

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1 the market and the great community and the attractive
2 place that Blue Back is, I think that's terrific. But
3 at the same time, because this is a public and private
4 partnership, I am sensitive, to a certain extent, that
5 this isn't an exclusive place to live, and to the
6 extent that we can make it inclusive and then open it
7 up to more people, I think that would be great.

8 So I guess getting back to my question
9 is, can you tell us how these new condos are going to
10 be broken down? Are there going to be additional
11 one-bedroom units at the lower end? And I hesitate to
12 say "lower end," because I know what those are going
13 for but --

14 MR. HEAPES: Everything is relative.
15 The mix of units is similar to the mix of units that
16 we are doing in Building D. There is, I believe --
17 six or seven, Bob? Six projected -- six projected
18 one-bedrooms, which is 10 percent of it. Most of the
19 units, like in Building D, are two-bedroom units, two
20 bedroom plus with another 10 percent or so in
21 three-bedroom units. One of the, I'm told, amazing
22 facts or interesting facts from the people helping us
23 sell these, who do it all up and down the East Coast,
24 is this is the first product that they've seen that
25 the mix or types of units from one-bedrooms on the

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1 second floor to three-bedrooms on the top floor have
2 had equal amounts of interest.

3 So to say that there is one type of
4 unit, that it's all three-bedrooms, penthouse units
5 that are going and the one-bedrooms are straggling
6 behind is actually not true. And it's rather -- it's
7 an indication of the depth of the market, but it's
8 also an indication that there are people of all types
9 and sizes wanting to move into this. It's not just
10 all the big three-bedroom units going. It's across
11 the board. So we agree. And so we are not doing
12 studios. It's really not anything we've seen a market
13 for. But the one-bedrooms are 10 percent of the
14 units, as they are in the first phase.

15 MR. VERRENGIA: Okay. Thank you.

16 MR. ROACH: Thank you, Mr. Verrengia.

17 Anyone else on this end of the table?

18 With that, I'll move to my right.

19 Mr. Slifka.

20 MR. SLIFKA: Thank you, Mr. Roach.

21 Mr. Heapes, I actually have -- the
22 question I have is actually directly from a resident
23 who watched last night and asked me to follow up on
24 this, so I will read it so I don't get it wrong.

25 It says "I was hoping you could clarify

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1 a statistic frequently mentioned in the discussion,
2 namely the definition of a residential unit being
3 sold. When the developer says that half the units are
4 sold, what does that mean? If buyers have put down
5 money, how much? Are they indeed obligated to
6 purchase the units, or are they simply reserving the
7 right to buy later?"

8 MR. HEAPES: Technically when we say
9 "sold," we mean that buyers have put a contract on a
10 specific unit with a deposit, and the time that they
11 are legally allowed to rescind to that contract,
12 meaning back out of it, buyers remorse, has passed.
13 So it is actual money has been deposited on a specific
14 unit past the rescission period.

15 MR. SLIFKA: Thank you. I hope the
16 resident was watching. If she has a follow-up, she
17 better e-mail it quick, so thank you.

18 MR. ROACH: Anyone else down at this
19 end of the table.

20 Ms. Carpenter or Mr. Daniels.

21 MR. DANIELS: I have two question
22 areas. One follow-up question on traffic and one on,
23 unfortunately, on the heights question again.

24 MR. HEAPES: It's not unfortunate.

25 MR. DANIELS: The sheet that was

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1 provided us supplementally for today, it looks like
2 carried on the same inconsistency because the sheet
3 that was given out, I assume it's from -- yeah, it is
4 from you, right. It doesn't have a title or page
5 number. It's a comparison of projects statistics
6 approved versus proposed, and it characterizes the
7 changes in Building A is again 40 feet-and-a-half to
8 49, which is a 20 percent increase. Maybe I should
9 wait.

10 MR. HEAPES: Okay.

11 MR. DANIELS: And the sheet --

12 MR. HEAPES: This is relative to the
13 height.

14 MR. DANIELS: Right. And on Building B
15 it shows a differential of 58-and-a-half and five

16 stories on the approved and 77 feet or six stories on
17 the proposed, which is a 30 percent increase. So I
18 understand the issue of averaging, I'm trying to
19 figure it out.

20 MR. HEAPES: On Building A, what was on
21 the approved documents was 40.5 done with the average
22 height.

23 MR. DANIELS: Done with the average
24 height?

25 MR. HEAPES: Yes. Its equivalent, if

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1 you measure 1 on 1 with Isham, 1 on 1 with South Main
2 or 1 on 1 on Memorial, it had 7 feet to that, a
3 14-foot difference. On the proposed plan, it was
4 measured from Isham, hence the 49 feet.

5 So what is on there is what's on the
6 two documents. They were not measured the same, which
7 is why I was trying to give you apples to apples. So
8 if you were to measure Building A using the average
9 height method, you would be 49 feet minus 7 feet. I'm
10 just putting what's on the two documents. We didn't
11 change the documents.

12 So let me explain that really simply.
13 Building A, South Main Street is at 131 feet. Isham
14 Road is at 113 feet. When you schmooze all that
15 around to come up to your average height -- are you
16 with me -- you get 14 feet, half of 14 feet is 7, so
17 you can add 7 feet to Isham and be at an average
18 elevation of 120. Measured from that, 120, the
19 building is 40 feet taller.

20 In our proposed regulation, don't ask
21 me why, there is no good why we didn't do that. We
22 measured it from Isham. And it's 49 feet from Isham,
23 which is 113-foot data points. So I have two
24 different numbers that don't make any sense. They are
25 not apples to apples. One is apples, one is oranges.

0245

1 That's the explanation of why those two numbers are in
2 the proposal.

3 MR. DANIELS: I'm not confused over the
4 numbers, and I understand the averaging.

5 MR. HEAPES: There is a two-foot
6 difference.

7 MR. DANIELS: I'm trying to figure how
8 much taller the building will appear to the naked eye.

9 MR. HEAPES: Can I ask you to turn
10 around again. If you see the building, see where the
11 number 7 is? That building is 2-feet taller between
12 what was approved before and what is approved now.

13 This building where the 4 is, Crate &
14 Barrel, is 12-feet lower.

15 MR. DANIELS: Just say that one more
16 time. Number 7 is plus 2?

17 MR. HEAPES: Number 7 is 2-feet higher.
18 Number 4, which is that, is 12-feet lower.

19 MR. DANIELS: Okay. Now could you do
20 the same exercise for Building B, which appears to
21 have a significantly larger change being proposed.

22 MR. HEAPES: Building B is actually
23 easier to understand. Well, we'll see. I don't want
24 to insult any six-year-olds here.

25 Building B is that block. It's better

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1 to call it block B. In the original approval, the
2 residential part of that block, which is this
3 building, was not in the base proposal. What was
4 there -- because we were not committing to build it.
5 What was on that residential site was one-story retail
6 with two options. One option was to do grass, if we
7 decided not to build anything. The other option was
8 to do a residential building. Unfortunately, in the
9 chart, when we put a single height, the height of
10 Building B in the original approval, that 58 feet was
11 for the office building because it wasn't part of the
12 base scheme. That is not the tallest building on that
13 block. So in our proposal now, the tallest building
14 in that block is actually the residential, which is 77
15 feet. That truly is not apples and oranges. That's
16 office and residential. It's purely a factor that
17 what was in the previous approval had one-story
18 buildings for where the residential is.

19 Does that remotely come close to
20 answering your question?

21 MR. DANIELS: Remotely.

22 MR. HEAPES: So what was approved
23 before was a height for the office building, which

24 has, to the naked eye, even spectacted eye, increased
25 2 feet in this proposal. And the residential, which
0247

1 is in the base scheme now.

2 MR. DANIELS: So from a person standing
3 on the street, from the old proposal to the new
4 proposal --

5 MR. HEAPES: I would say there are two
6 measurements in the project that you could even
7 remotely say you could tell. I believe you'll be able
8 to tell that Crate & Barrel is a little more than half
9 its size. You may or may not -- that's a 40 percent
10 change. You could probably even tell that at night.

11 The residential is about a 10 percent
12 change from what was before to what it is now. It
13 would be a question of whether you can tell that or
14 not, but 7 feet is more significant than 2 feet.

15 MR. DANIELS: Okay.

16 MR. HEAPES: I don't know if that
17 helps, that's the best I've got.

18 MR. DANIELS: It helps.

19 MR. HEAPES: You had a second question.

20 MR. DANIELS: Yes. The second question
21 was about the most recent traffic report. I think it
22 was dated February 14. Here it is. I've got it.

23 There was a question last night by one
24 of the gentlemen, arguing that with the changes and
25 the increased demands from the condos that there was a
0248

1 net -- there was a significant deficit in the parking.
2 And I really had a hard time following that, and I
3 wondered if you would describe whether or not on the
4 weekday peak and the Saturday peak whether, in fact,
5 that's true. And in addition to that, on the February
6 14th revision, it states that there is a shortfall of
7 nine spaces on a weekday, which is really de minimis,
8 and then it doesn't say anything about the weekend.
9 And I just want to understand if there is a deficit
10 weekday and weekend, and if so, what is it?

11 MR. HEAPES: Let me speak to those
12 comments last night because I don't know what project
13 was being discussed last night. The description of
14 the parking that you drove through the residential to

15 get to the retail, as I recall, couldn't be further
16 from the truth. The residential actually is at the
17 end, and it is gated off. That person commented that
18 the residents were sharing the retail parking and vice
19 versa. And if you paid \$8,000,000 for a unit, why
20 would you ever share a space? The residential is not
21 shared. It is stand alone, behind gates, privately
22 controlled, it is not part of the parking mix. So the
23 questions brought about by those comments were about
24 some other project.

25 What is important here is that the

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1 traffic analysis, which is both numbers and operation,
2 which I think is your point, it's not just, well, the
3 numbers say how it really works. We are driven by two
4 things, first and foremost the addition of some units.
5 What's most important about that is we have added
6 additional parking to accommodate those units, so
7 nothing has changed as to whether you are sharing
8 residential or not.

9 There was additional parking spaces
10 added. And the dynamics of the shared parking and the
11 traffic analysis were essentially the same as before,
12 but there was an operational issue that did change
13 some of the traffic movement within the site having to
14 do with how you enter and exit the North Garage, which
15 we talked about, going from ingress, egress in two
16 exits to all the egress coming out on Isham. That
17 resulted in a traffic change of adding a full signal
18 intersection at Isham and Raymond, which also combines
19 operationally with how Whole Foods is working.

20 So that was operationally driven as
21 much as numbers driven, so the additional 50 spaces
22 or, excuse me, 50 units, has been accommodated in its
23 own parking. So nothing changed at all relative to
24 parking. Traffic changes largely because of the
25 operation of the entrances to the north deck.

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1 Does that answer your question? I
2 would invite Mr. Kraus to speak, if he so desires,
3 unless I -- am I okay?

4 MR. DANIELS: I understood the answer,
5 it didn't answer the question.

6 My question was the report indicated
7 there was a 9-space shortfall on weekday demand and
8 did not articulate a number for the weekend. And I
9 wondered what the weekend number is.

10 MR. HEAPES: You know, I don't know
11 what that exact number is. The peak is during the
12 week because of the office use. What is driving the
13 demand on the parking system is the fact that Town
14 Hall is fully operational during the day, the hospital
15 is fully operational during the day, the office
16 building is officially operational during the day, and
17 the retail is cranked up. It's the office use that
18 drives that peak time period which is 1:00, I believe,
19 during the week day.

20 The weekend, like at night, we have
21 spectacular parking. We have like 8 to 1 parking
22 ratio.

23 MR. DANIELS: So there is no shortfall
24 on the weekend?

25 MR. HEAPES: No, no.

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1 MR. DANIELS: Thank you.

2 MR. ROACH: Thank you, Mr. Daniels.

3 Ms. Carpenter.

4 MS. CARPENTER: Thank you. My question
5 is again about the condominiums. You are proposing 54
6 additional condominiums.

7 MR. HEAPES: Up to.

8 MS. CARPENTER: Or -- Up to, okay. Or
9 50,000 square feet, so actually there could be less
10 than 54 in the end.

11 MR. HEAPES: Yes.

12 MS. CARPENTER: Okay. I guess my
13 question has to do with density because that's a
14 question we discussed last night. We discussed it as
15 a Council, and I think today some of the speakers
16 brought up density again. So you figure probably
17 averaging, in terms of, you know, there is people
18 density, and there is traffic density, and there is
19 space density.

20 By adding 100 additional people, just
21 to get a real sense of how much more dense are we
22 making this project just in kind of the final

23 arguments or statements that we really understand, how
24 much more dense is Blue Back Square going to be based
25 upon these changes by adding 100 additional people?

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1 You have the history of these mix-used developments
2 and what the impact truly is going to be by adding 100
3 additional people to Blue Back Square, what that
4 impact is going to be just on Town services, it's
5 going to be on traffic, the impact to parking, just so
6 we get a sense on really, in proportion, how much more
7 dense are we creating this project.

8 MR. HEAPES: I would answer that this
9 way: If you want the true definition of smart growth,
10 it's the ability to add revenues and taxes without any
11 impact on existing infrastructure. So the number of
12 cops, the amount of sidewalk and trees, electricity,
13 the number of parking, the number of traffic impacts
14 is almost, to the infrastructure cost, almost free
15 relative to impacts. Why? Because parking demand
16 being satisfied at 1:00 in the afternoon, I bet most
17 of those 100 people aren't sitting in their units at
18 1:00 in the afternoon. They went to work or they are
19 out doing things. We are not having to add lanes or
20 policemen or trash pick-up or utilities or anything.
21 The Town is with us spending almost \$50,000,000 on
22 infrastructure, and we are now making a much more
23 efficient use of that infrastructure.

24 Yes, there is 100 more people. If you
25 just take all the residences that face the Center on

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1 Burr, on Brace, et cetera, there are, I counted 70
2 something houses, just the one ring around the Center,
3 which would give you, at the size of the issue, at 2
4 people, 150 people per unit, so we are adding the
5 equivalent of the houses on Burr, the few houses on
6 Brace, and up to two-thirds of those houses.

7 It is not a huge impact, it is, in my
8 mind, and people made fun of me today when I said I
9 really, really, really, really, really, really, really
10 want housing there. It's really important, I believe,
11 to have residences on that side of Memorial. As much
12 as I think it's great to have them over here, that is
13 in the heart of the Center. Not a lot of prospect for

14 anything but commercial. When you really get down to
15 the nut of it, it's those units that are going to make
16 that place seem more like a neighborhood within,
17 frankly, the D units which sit a bit by themselves
18 over here. That's why I think they are critical.

19 The density, in terms of height and
20 bulk of the building, is put in the place where it has
21 its least impact, meaning in the middle of the site,
22 adjacent to the library and the church. We didn't add
23 it to this side of the road. We didn't add it to the
24 edge of Raymond. We didn't add it above the Board of
25 Ed. We put it where its impact to the surrounding

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1 nonBlue Black neighborhood would be at its least.

2 So I don't believe from a physical form
3 the density is noticeable. Having that extra 100
4 people on the sidewalk, with their eyes down on the
5 street, in a neighborhood that has no residences at
6 all, is really a key device to make that seem like a
7 neighborhood, instead of the heart of the retail
8 commercial area.

9 So I don't know if that answers your
10 question, but it makes the project smarter in terms of
11 smart growth, with the public's investment in
12 infrastructure, and it makes the project more
13 successful.

14 MS. CARPENTER: Thank you. The other
15 question I have is referring to the community outreach
16 meetings that you held. You had seven meetings in
17 December 2005, and what you asked, was discussed is
18 there, but not what the discussion was or what the
19 feelings of the different groups were, and I was
20 wondering if you could provide -- you've met with
21 community groups and all sorts of different people,
22 and I was just wondering what was the outcome of some
23 of those meetings and the feelings so far with some of
24 the community groups and the neighbors right now who
25 are, you know, who are living in that area, that

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1 participated in these meetings.

2 MR. HEAPES: As you may or may not
3 know, we as part of our outreach have regularly
4 scheduled meetings with the adjoining neighbors to

5 talk about dirt on the roads and hours of operation
6 and dump trucks starting their engines before we
7 can -- you name it, any kind of impact that's
8 happening with those adjacent neighbors, I believe
9 we've had two of those now. And we had one and then
10 the community meeting, which we also discussed those
11 things. We are having those on a regular basis to
12 just go through the logistics of the construction over
13 there.

14 And then of course we had targeted
15 meetings with League of Women Voters, et cetera. I
16 would say the prime conversation was, does this mean
17 another referendum? With all due respect to the
18 previous speaker, we don't believe it does. And then
19 some issues about the design of things, that was
20 obviously a big conversation with the likes of DRAC
21 and the people worried about physical form.

22 I'll be really, really, really honest
23 with you -- that seems to be my phrase recently --
24 really, really, really honest, we didn't get a lot of
25 negative feedback. When we gave our neighborhood

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1 meeting, less than 10 people showed up. So I haven't
2 heard a lot of negative feedback that drove us to
3 change the plan in ways that involved it. Clearly the
4 most impact came from the accessibility commission.
5 And we worked very, very hard to really fine-tune, not
6 just have enough spaces. Mr. Van Winkle spoke about
7 that the other night. And that changed the plan
8 significantly in terms of where handicapped spaces are
9 or are not.

10 But I will tell you we didn't get the
11 kind of feedback that we did in the first round to
12 change this change that, for better, for worse.

13 MS. CARPENTER: The last question was
14 brought to me last night, and it was about the safety
15 in the elevator, that, you know, just for women or for
16 others, that it will be a safe -- it will be safe.

17 MR. HEAPES: It will be safe. It will
18 be well lit. It's visible from the public area. You
19 are not going around a corner and a separate lobby.
20 We are going to work to make it as visible as
21 possible. It's a very, very important point.

22 MS. CARPENTER: Thank you.

23 MR. HEAPES: Thank you.

24 MS. CARPENTER: Thank you.

25 MR. ROACH: Mr. Brennan.

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1 MR. BRENNAN: Thank you, Mr. chairman.

2 I have some questions for the Town actually on
3 traffic, if I could. Mr. Kraus, I suppose.

4 MR. KRAUS: Dave Kraus, Town Engineer.

5 MR. BRENNAN: Thank you, Mr. Kraus. We
6 have before us, I think, a 23-page study, a traffic
7 study from Urbitran Associates.

8 MR. KRAUS: Yes.

9 MR. BRENNAN: Is that the most current
10 sort of full description of the traffic analysis?

11 MR. KRAUS: Yes, it is.

12 MR. BRENNAN: Okay. Could you, and I
13 realize it's very long and detailed and technical, and
14 it is in the record for everybody, but could you sort
15 of bullet point it for us very generally, the
16 findings, if possible?

17 MR. KRAUS: Certainly. The biggest
18 impact of it is that the changes in this application
19 are really very minimal as an increase in traffic.
20 This gets to your other question about the density of
21 the traffic. Residential development, as one of the
22 types of development, actually produces the least
23 amount of traffic. Retail space, hospital space,
24 other uses create significantly more traffic in those
25 peak hours, so this residential development really

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1 has, out of all of the uses that could have been
2 proposed here, from a traffic impact point of view,
3 really the least impact available. And you can -- if
4 you just go through those numbers, you can see how
5 small they are. And because those are taken for those
6 uses and broken down for in hour at that peak time, so
7 it really has a minimal, minimal impact on the whole
8 traffic pattern and the whole traffic that comes about
9 that we discussed in the last hearing of this whole
10 project.

11 What was brought out was the new
12 traffic signal at Isham and Raymond, which was

13 identified, and that really is a result of the
14 redistribution of traffic coming out of the parking
15 garage. That was to eliminate internal conflict
16 movements of the vehicles inside the garage to make it
17 simpler to use. And when that happens -- and the
18 intersection of Isham and Raymond was a borderline
19 condition before. Now, though, with that change, it
20 clearly made it necessary to have a signal there. So
21 those are the major points of the Urbitran study.

22 MR. BRENNAN: Could you refresh my
23 memory? I recall from I think two summers ago that
24 there is some methodology by which Urbitran and other
25 companies like them get their analysis, and it's from,

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1 perhaps is it a federal or some sort of other agency
2 and sort of discuss for us the process on that.

3 MR. KRAUS: There is an institute --
4 well, for the whole study from what they did a year
5 and a half ago, they actually start with the
6 demographics. They actually start with the use of the
7 project. They do a very detailed study of
8 distributing the traffic that is generated from the
9 uses that are proposed and where those people will
10 live, where they will work, what the major routes of
11 travel existing are, and make certain assumptions on
12 the distribution of traffic, both coming and going
13 into this development.

14 It is a very laborious study, and if
15 you take the book that was published before and try to
16 go through it, it is a very logical program. It is a
17 standard through the Institute of Traffic Engineers.
18 These are nationally published procedures that are
19 gone through. This was reviewed by the State Traffic
20 Commission, both their numbers for generation of
21 traffic, their distribution of traffic, and then
22 actually what the remedies to those changes in traffic
23 patterns are.

24 So this -- the traffic issue in this
25 project has been, and continues to be, reviewed

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1 significantly. It's taken very seriously, and it
2 has -- because we realize that there are serious
3 repercussions from the traffic generation from this.

4 So it is still one of the issues that we are
5 continuing to develop with the developer. I know a
6 project like this is so large, it's not something that
7 is just built automatically. The staff and community
8 services spends a significant amount of time working
9 with still the designers and the construction people
10 at Blue Back Square.

11 MR. BRENNAN: Great. One more
12 question.

13 As Town Engineer, do you, using your
14 own independent analysis, accept Urbitran's analysis?

15 MR. KRAUS: Yes, we do.

16 MR. BRENNAN: Okay thank you.

17 Thank you, Mr. Roach.

18 MR. ROACH: Thank you, Mr. Brennan. Do
19 we have other comments from this end of the table?

20 Mr. Spada.

21 MR. SPADA: Thank you, Mr. Roach. I
22 may have the easiest question of the night, I hope,
23 but back in June of '04, when we heard this, we asked
24 to the best of your ability for you folks to lay out a
25 timeline. And I think, although it seems awfully

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1 ambitious at the time, you guys said from first shovel
2 in, two years. And I guess if these are adopted, does
3 that impact, A, that two years? Does that two years
4 become three years? And based upon where we are now,
5 I'd be interested to kind of get your best guess on
6 when you think we would be at a completion point.

7 MR. HEAPES: We essentially said we
8 needed and/or wanted to open fall of '07 with a few
9 caveats. The hospital may be able to move in earlier,
10 assuming that the road conditions are there, we have a
11 permit. None of these conditions affect the time. We
12 still -- it's no longer we want to be, we need to be
13 open that fall for the retail and the streets and the
14 parking. How the office gets built out past that
15 point or maybe the condominium units get finished
16 beyond that point, we can absorb some different
17 schedule. But the whole project has to open at once
18 which we committed to. The changes to Building B will
19 let us escalate and include that in the initial phase.
20 So that there isn't any dangling future phases that

21 may or may not happen, we are pursuing that.

22 So secondly, we are on schedule, as we
23 proposed. As you can see in two days, there is quite
24 a lot of steel that goes up, so we are pushing forward
25 on our schedule. It's still aggressive, and we must

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1 open for the holidays or the fall of 07. Maybe it's
2 not Noah's birthday on October 16, but it will be
3 awfully close to that.

4 MR. SPADA: Thank you, Mr. Heapes, and
5 thank you, Mr. Roach.

6 MR. ROACH: Thank you. Anything else
7 from Councilors and Commissioners.

8 If there is nothing else, at this time
9 I'll ask if there is anything that Town staff needs or
10 wants to add at this point? And if there is nothing
11 else --

12 MR. FELDMAN: Mr. Roach, if I could,
13 maybe Mr. Alair has one minor item that he would like
14 to add for your information and for the record.

15 MR. ROACH: Thank you. Mr. Alair.

16 MR. ALAIR: Mr. Chair just for the
17 benefit of everybody, in the application, as part of
18 the application and related to the public elevator on
19 Blue Back Square, the developer provided the Town with
20 an easement in favor of the public for access across
21 its property to get to the elevator along the walkway,
22 where the entrance to the movie theater is. It's
23 technically their private property. They have
24 provided an easement for access to the public, that's
25 the elevator across that strip.

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1 In the last couple of days, we've had
2 some brief conversations about an alternative form to
3 that easement, which is not in the package, it has not
4 been hammered out yet. It may not be. But it's an
5 alternative form. I wanted to bring it to your
6 attention. If we go that route, it does not change
7 the physical layout of the elevator, the look of the
8 elevator, anything about the elevator, just the, if
9 you will, the relationship regarding how it operates.

10 That would be an item that would come to the Council
11 as a resolution to authorize the execution of the

12 easement. We didn't want it to be a surprise, we
13 wanted to put it on the record. We don't know that
14 it's going to happen. It may happen in fact as early
15 as being received at your next Council meeting, so we
16 did want to share it with you as a possibility just so
17 that it's not a surprise.

18 MR. ROACH: Thank you, Mr. Alair.

19 And with that, it looks like we are
20 wrapping up this public hearing. I will remind people
21 that as we stated at the beginning of these hearings,
22 at the beginning of this evening, that both bodies,
23 both the Town Plan and Zoning Commission and the Town
24 Council have jurisdiction over different aspects of
25 the applications we've heard here tonight. Each will

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1 be conducting its own separate deliberation and voting
2 process at our regular meetings. The TP&Z's next
3 regular meeting is Monday, March 6. And with that,
4 I'll declare this public hearing closed.

5 (Public Hearing concluded at 7:47 p.m.)

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1 CERTIFICATE

2 I hereby certify that the foregoing pages, 199

3 through 264, are a complete and accurate
4 computer-aided transcription of my original stenotype
5 notes taken of the Joint Hearing between West Hartford
6 Town Council and West Hartford Town Plan and Zoning
7 Commission, which was held at West Hartford Town Hall
8 Auditorium, 50 South Main Street, West Hartford,
9 Connecticut, on February 16, 2006.

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Certified Court Reporter