



WEST HARTFORD

**West Hartford Town Council Meeting Minutes
50 South Main Street Legislative Chambers - Room 314
Wednesday, December 21, 2022 at 6:30 PM**

1. Call to Order

The meeting was called to order at 6:51 PM

Present: Councilors Blanks (by phone), Mayor Cantor, Cortes, Davidoff, Fay (by phone), Polun, Deputy Mayor Sweeney, Wenograd (by phone), and Zydanowicz

2. Unfinished Business

A. Ordinance Permitting Certain Indoor Venues in the CBDH District to Stay Open until 1:00 AM and Operate under a Café Liquor Permit with an Age Restriction

MOTION TO ADOPT AN AMENDMENT RESTRICTING EXTENDED HOURS OF OPERATION TO CERTAIN DAYS (SWEENEY)

SECOND (DAVIDOFF)

MOTION CARRIES (9 YEA, 0 NAY)

MOTION TO SET AMENDED ORDINANCE FOR PUBLIC HEARING ON JANUARY 10, 2023 AT 6:45 PM

SECOND (DAVIDOFF)

MOTION CARRIES (9 YEA, 0 NAY)

B. 27-43 & 53-65 LaSalle Road, 8 & 12 Arapahoe Road and 1001 Farmington

Avenue - Application of The Arapahoe Group, LLC for Change of Zone from RP, RO & RM-O to BC with Special Development District Designation for a mixed use redevelopment along Arapahoe Road, LaSalle Road and Farmington Avenue

Corporation Counsel Dallas Dodge addressed the petition in protest to the Application of the Arapahoe Group, LLC., stating that the petition was insufficient to trigger a supermajority approval requirement established in Section 5(f), Charter XII of the West Hartford Charter.

MOTION TO APPROVE, SUBJECT TO CONDITIONS (SWEENEY)

SECOND (DAVIDOFF)

MOTION CARRIES (8 YEA, 1 NAY)

YEA: COUNCILORS BLANKS, MAYOR CANTOR, CORTES, DAVIDOFF, POLUN,

**DEPUTY MAYOR SWEENEY, WENOGRAAD AND ZYDANOWICZ
NAY: COUNCILOR FAY**

3. Adjournment

**WITHOUT OBJECTION, MOTION TO ADJOURN (CANTOR)
MOTION CARRIES (9 YEA, 0 NAY)**

The meeting adjourned at 8:44 PM.

TO: Essie S. Labrot, Town Clerk

FROM: Dallas C. Dodge, Corporation Counsel 

DATE: December 21, 2022

RE: Petition in Opposition to the Application of The Arapahoe Group, LLC for Change of Zone from RP, RO & RM-O to BC with Special Development District Designation for a mixed use redevelopment along Arapahoe Road, LaSalle Road and Farmington Avenue (the "Application")

I. INTRODUCTION

As you know, a petition protesting the pending Application was received by the Town Clerk at the public hearing on December 13, 2022. Town staff have undertaken an analysis to determine the sufficiency of the petition on your behalf. We have determined that it is insufficient to require a supermajority vote of the Town Council to approve the pending Application. This memorandum summarizes our findings and conclusions for the record.

II. LEGAL EFFECT OF PETITION

The legal question presented by the petition is whether the petition submitted triggers the application of Section 5(f), Chapter XII of the West Hartford Charter which provides that:

The council may amend the zoning ordinance by a vote of not less than a majority of its members, except that, if action is other than as recommended by the town plan and zoning commission, or, if a protest is filed at such hearing with the council against such change, *signed by the owners of twenty percent or more of the area of the lots included in such proposed change or of the lots within five hundred feet in all directions of the property included in the proposed change*, by a vote of not less than a two-thirds majority vote of its members....

(Emphasis added) This provision means that verified signatures of lot owners comprising at least twenty percent of the lots within five hundred feet of the property subject to the zoning application is required to trigger the supermajority vote of the Town Council to approve the application.

III. THE FORM OF THE PETITION

The first question is whether the petition clearly sets forth a position such that it can be deemed to be a "protest". The form of the statement in the petition reads as follows:

We ask the Council to reject the Petition of the Arapahoe Group LLC for a Zoning Change for a Mixed-Use Development on Arapahoe Rd, LaSalle Rd and Farmington Ave.

The opinion of the Office of Corporation Counsel is that this statement sufficiently indicates to any potential signatory and, ultimately to the Town Council, that a signature constitutes opposition to the Application.

IV. CERTIFICATION OF THE PETITION

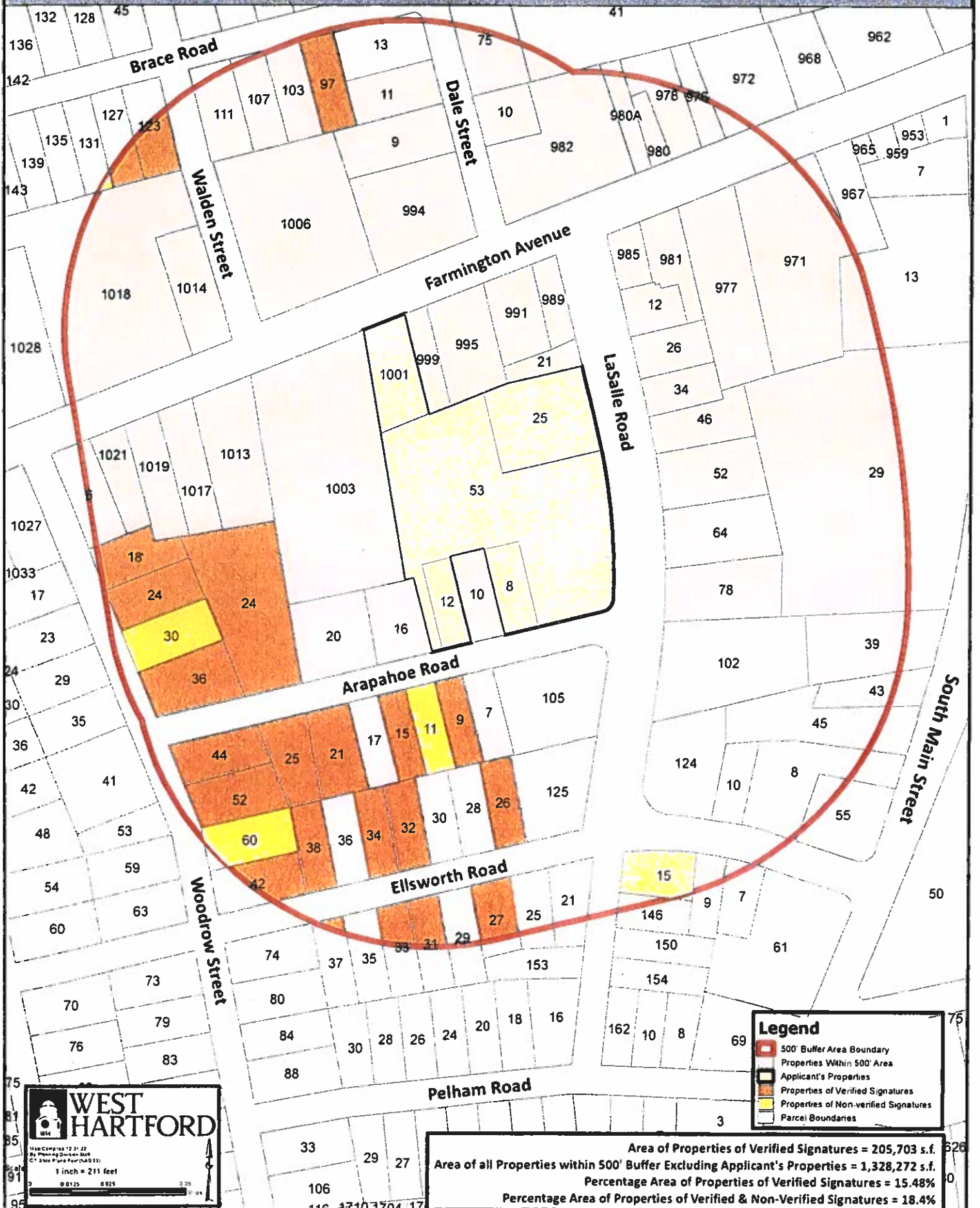
A preliminary map of the 500 foot buffer area was prepared by the Town Planner. Every lot (or portion thereof) within the 500 foot buffer area for which a signature was found on the petition was then plotted on that map. See attached map. A total of 27 lots within the 500 foot buffer area were represented signatories to the petition. Calculations revealed that *if* all of the signatures on the petition were valid, only 18.4% of the lot area within 500 feet of the subject properties would be represented on the petition. Since the initial evaluation of the petition indicated that the 20% threshold had not been met, it was not necessary to verify the signatures or compare the signatures with the ownership of the lots to which the signatures were attributed.

V. CONCLUSION

The petition is insufficient to trigger the supermajority approval requirement established in Section 5(f), Chapter XII of the West Hartford Charter.

c: Town Council
Richard C. Ledwith, Town Manager
Todd Dumais, Town Planner
File: Application by Arapahoe Group LLC (Arapahoe, LaSalle, Farmington Ave)

Protest Petition Signatures 500' Buffer Area Without Streets



**8 & 12 ARAPAHOE RD, 1001 FARMINGTON AVE,
AND 24-43 & 53-65 LASALLE RD
SPECIAL DEVELOPMENT DISTRICT #156**

1. APPROVAL OF APPLICATION

The Town Council hereby finds that the proposed plan, as approved, will be:

- a. In harmony with the overall objective of the Comprehensive Plan, as defined in Article I of this chapter.
- b. Superior to a plan possible under the regular standards of the Town's zoning ordinances.
- c. In harmony with the actual or permitted development of adjacent properties.

Furthermore, the Council hereby finds that the proposed plan meets the standards for request for alterations of standards, more specifically the following:

- d. That development is of a contextually sensitive design and appropriate scale, taking into account the height and setback requirements of adjoining properties in more restrictive zones.
- e. That adequate parking exists to meet the demand of the existing and proposed development.
- f. That the development is in harmony with the open feeling and presence of natural light within the public realm of the district.
- g. That adequate street capacity exists on adjacent streets to accommodate the traffic projected to result from any increased intensity of use above that allowed as of right.
- h. That appropriate bicycle and pedestrian amenities, such as but not limited to bicycle storage and/or parking, park benches and pedestrian walkways, are provided.

The application is hereby approved, subject, however, to the "Conditions of Approval" set forth below.

2. CONDITIONS OF APPROVAL

A. Official Plans

Implicit in the approval of the Special Development District is the condition that the premises shall be used only in accordance with the official application materials, plans and associated exhibits related to the application as supplemented or modified by any amended plans and documents or representations submitted during the public hearing process. Any other use shall require the express approval of the Town Council in accordance with the Zoning Ordinances of the Town of West Hartford.

B. Premises Contact

The Applicant shall provide the Town Planner, from time to time, as necessary, with the name (or title) of a person and a telephone number where that person can be reached or where messages for that person may be left, to act as a liaison between the Town and the Applicant. The identity of the party and the telephone number may be changed from time to time by notice to the Town Planner. If different individuals should be contacted regarding different aspects of operations within the area of the Special Development District multiple contact people should be designated as necessary. This information shall also be provided to any adjoining property owner requesting same.

C. Solid Waste-Operational Condition

1. Solid waste collection shall be the responsibility of the property owner.
2. Solid waste collection within the Special Development District shall be permitted between 8:00 a.m. and 6:00 p.m. on weekdays and between 9:00 a.m. and 5:00 p.m. on Saturdays. Waste collection shall not be permitted on Sundays, except in emergency situations.
3. No storage of waste materials, shall be permitted outside of the approved refuse enclosures locations identified on the plans.

D. Special Site Use or Operational Requirements

1. Snow Removal

The maintenance plan referred to in Condition D(3) shall contain provisions dealing with snow removal. Specifically, the snow removal plan shall call for the removal from pedestrian walkways, required off-street parking areas, and fire lanes of all snow deposits greater than four (4) inches in depth. Accumulated snow shall be stored on-site in a designated snow storage areas, as identified on the plan, where such storage will not encroach into or damage required landscaped areas or parking spaces and excess snow shall be removed from the site as needed.

2. Property Maintenance-Sweeping

Motorized sweeping equipment may be used only between 8:00 a.m. and 6:00 p.m. on Mondays through Fridays and between 9:00 a.m. and 5:00 p.m. on Saturdays. Motorized sweeping equipment shall not be permitted on Sundays.

3. Maintenance Plan

The Applicant shall, prior to the filing of the Special Development District on the Land Records, submit for review and approval by the Town Planner, a yearly maintenance plan for the Special Development District. Said plan shall designate the individuals responsible for establishing maintenance objectives and an ongoing schedule of maintenance activities to ensure the aesthetic quality and cleanliness of the site. The maintenance plan shall include, but not be limited to, a timetable for all required installation and maintenance activities with respect to plantings, landscaping and screening; access driveways, parking area; curbing, and sidewalks; lighting; signage, storage, refuse and litter control; building exteriors and other site amenities proposed in the plans and a pest management plan.

4. Landscaping and Fencing

Applicant will maintain all landscaped areas including mowing, weeding and brush removal and be responsible for replacement of plantings where necessary.

5. Site Lighting

All outdoor lighting shall be down-shielded and consistent with the locations and specifications outlined on the plans.

6. Stormwater Maintenance Plan

The Applicant shall, prior to the filing of the Special Development District on the Land Records, submit for review and approval by the Town Engineer and Town Planner, a yearly maintenance plan for the storm water infrastructure on-site. Said plan shall be consistent with the inspection and maintenance notes outlined on the plans.

7 Off-Site Parking

The Applicant may satisfy the requirements of section 177-32 G of the zoning ordinances by entering into an off-site parking agreement for not less than twenty (20) years which documents the utilization of up to forty (40) off-site parking spaces within the Town Center Garage, located at 29 South Main Street. The details of this agreement shall be reviewed and approved by the Office of the Corporation Counsel and filed on the land records.

8. Construction

- a. During construction, all personal vehicles of the contractors, subcontractors and material suppliers serving the site shall be either parked on the site or in the Town Center Garage located at 29 South Main Street. Construction related parking on

Arapahoe Road or LaSalle Road is strictly prohibited, unless such parking is necessary for construction work activities.

- b. The developer shall ensure that construction activities comply with the noise ordinances of the Town of West Hartford (West Hartford Code of Ordinances) in all respects. It is specifically noted that West Hartford Code of Ordinances §123-2M only exempts construction activity from the provisions of the Town's noise limits "between the hours of 7:00 a.m. to one hour after sundown, Monday through Saturday."
- c. Prior to the issuance of a demolition permit, the developer shall conduct a pest assessment to be performed by a licensed pest control company and shall submit the findings to the West Hartford Bloomfield Health District for review and approval.
- d. All construction related vehicles including any tractor trailers servicing the site shall use designated routes to be established by the Director of Community Development. Use of the following streets shall be prohibited: Arapahoe Road west of the subject property; Ellsworth Road west of LaSalle Road and LaSalle Road south of Ellsworth Road.
- e. No final certificate of occupancy shall be issued for Building A unless the Applicant has applied for a building permit for the construction of Building B.

E. Off-Site Improvements

Applicant shall submit to the Town a lump sum payment of one hundred and fifty thousand dollars (\$150,000) dollars for off-site traffic calming improvements to be implemented on Arapahoe Road and Woodrow Street. The payment shall be submitted prior to the issuance of any building permit for any new building within the district.

The traffic-calming improvements shall address traffic related concerns raised during the public hearing and shall be considered the Applicant's contribution towards addressing those conditions as was offered during the public hearing.

The design and installation of the traffic calming improvements shall be completed by the Town and shall be subject to the approval of the Town Engineer acting in consultation with the Town Manager and other Town Staff as necessary. Town shall complete the traffic calming improvements within 2 years of the date of the issuance of the first building permit, subject to such additional time as may be reasonably required. Any funds remaining after the Town has completed the traffic calming improvements shall be returned to the Applicant.

No final certificate of occupancy shall be issued for any of the new buildings within the district until the traffic calming improvements are substantially completed.

F. Affordability Plan

Applicant shall provide four residential rental units, all to be leased for forty years as affordable at 80% of the area median income for the Town of West Hartford as determined by Department of Housing and Urban Development. The unit designation, construction, affordability term, administrator, income eligibility requirements, maximum rental prices, enforcement and other management elements shall outlined in a Housing Affordability Plan to be submitted by the Applicant and reviewed and approved by the Office of Corporation Counsel. The Plan Administrator shall submit an annual report to the Town Manager or its designee documenting compliance with the Plan and this condition. An affordability restriction shall be filed on the land records prior to the issuance of any certificate of occupancy in accordance with this condition.

G. Public Space Plan

The Applicant shall provide a “Public Space Plan” for review and approval by the Town Planner in consultation with the Office of Corporation Counsel which permanently dedicates and reserves for use by the general public for its reasonable use, movement or relaxation, each public space area. The Public Space Plan shall include reasonable rules of general applicability governing use of the public space. The Public Space Plan shall be appropriately filed on the land records.

The public space shall not display signage which states or implies that use of the area is limited to a particular group or class of persons.

The plan shall include:

1. Updated survey that identifies the meets and bounds of each public space area.
2. A detailed plan that documents and identifies all amenities such as, but not limited to, paving, seating, landscaping, ornamental fountains, art, and lighting.
3. A maintenance plan which designates the entity who will be responsible for establishing maintenance objectives and an ongoing schedule of maintenance activities to ensure the aesthetic quality and cleanliness of the public space areas. The maintenance plan shall include, but not be limited to, those items identified in Condition D 3.

H. Utilities to be underground

New electrical, telephone, cable television and other utilities shall be placed underground. Applicant shall install street light conduit under the driveway as indicated on the approved plans to accommodate anticipated future street light projects by the Town.

I. Engineering Inspections, Certification and Final Approval of Improvements

The Applicant shall submit to the Town Planner, for review and approval by the Town Engineer, construction plans certifying that all improvements have been completed to the approved Special Development District plans. Such certification shall be made by a registered professional engineer.

J. Computer Media Information

All mapping and construction plans shall be prepared in electronic format using the Connecticut Geodetic System for inclusion into the Town's Geographical Information System.

K. Final Plan Review

Implicit in the Special Development District approval is the requirement that the record plans and exhibits establish the minimum standard of design and improvement for this project. As specific drawings for the project are prepared, refined and detailed, the filed Special Development District plans and exhibits shall serve to identify the major standards for the quality of design and improvements. It is expected that detailed site grading and development plans, architectural plans, landscape plans, erosion and sedimentation control plans and other project development details and plans may be prepared and approved under applicable Town ordinances and standards.

The Town Planner in cooperation with Town staff, including but not limited to the Fire Department and the Department of Community Development, shall coordinate the final review and approval of the project design to insure compatibility and consistency with the Special Development District Plans approved by the Town Council. No building permit shall be issued and construction shall not begin until all appropriate Town Departments have reviewed and approved the plans as submitted to the Town.

L. Final Plans

Final plan submissions and supporting documents shall address the Town Council conditions of approval.