

**WEST HARTFORD TOWN COUNCIL MEETING
JULY 21, 2015
LEGISLATIVE CHAMBER**

ITEM #1: MEETING CALLED TO ORDER - 8:40 p.m.

President Slifka: Sorry for the delay. We'll now call the Council meeting to order and begin with the Pledge of Allegiance.

ITEM #2: PLEDGE OF ALLEGIANCE

President Slifka: Okay. Roll call, please, Ms. Labrot.

ITEM #3: ROLL CALL - COUNCILORS BARNES, CANTOR, CAPTAIN, CASPERSON, DAVIDOFF, HALL, KINDALL AND SLIFKA WERE PRESENT. COUNCILOR DOAR WAS ABSENT. MR. WILLIAMS SAT IN FOR COUNCILOR DOAR.

President Slifka: Okay. Welcome, Mr. Williams. Go to number 4, Mrs. Cantor.

ITEM #4: APPROVAL OF MINUTES - RECEIVED

Councilor Cantor: I move that we approve Town Council meeting minutes dated 6/23/15 and public hearing on 26 Caya Avenue, also dated 6/23/15.

Councilor Kindall: Second.

President Slifka: The motion's made and seconded. Any discussion? Seeing none, all those in favor?

All: Aye.

President Slifka: Those opposed? The motion carries.

ITEM #5: PUBLIC FORUM:

President Slifka: Go to Public Forum and we had a number of folks who had signed up to speak to item number 11. In light of the long public hearing and, perhaps, the rain, I think that number has dwindled so we apologize for that but for those who have stayed, I hope it gives you a dry ride home 'cause it looked like most of you had come here not in automobiles, (and appropriate), so we begin with one who is still here, Sandy Fry, and for everybody who speaks, if you could just please state your name and address for the record and remember to hit the red button at the bottom of the mic so we can hear you. I'm sorry, the button that turns on the red light.

Ms. Fry: Okay. Thank you. I am Sandy Fry. I live at 74 Westland Avenue and I am also a member of the Bike Advisory Committee and since our fearless leader had to leave earlier, I will be speaking on behalf of the Bike Advisory Committee. I'm speaking to the item on the agenda, the Complete Streets Policy, that is before you and I really wanna commend both Council and Staff for the development of the Policy. Our Committee put together a draft Policy many months ago when you first set out on this mission to come up with a Policy and we thought it was wonderful and submitted it to Staff and Staff did a lot of work with it but I hafta say the Policy that you have in front of you now is far and away much improved over what we had suggested as what we thought was an ideal Policy. And I think the reason it is so improved is because what you're looking at is a Policy that really will work for the Town of West Hartford, that has received the input of Staff, has been thought about in a lot of ways. Mr. Davidoff's committee took the Policy up in a couple different meetings and we really appreciated the attention of Mrs. Hall, Mrs. Cantor, Ms. Kindall, and Mr. Davidoff, and also Mr. Barnes in those meetings, to really take seriously the idea that we should improve our streets so that they are safe for all users but in particular so that they're safer for bicyclists and so that more bicyclists would be enticed to bicycle because of the safe infrastructure provided by the Town of West Hartford. In the early review of the Policy, we had some differences and I think what really turned out to be the basis of our differences is a concern on the part of Council, on the part of Staff, and on the part of bicycle advocates that if we don't have a plan in place that says these are the roads where we think we can put improvements and where we can effectively put a network that will serve bicyclists, if we don't have that in writing, we are going to argue with each other all the time and I've worked for a number of years in the transportation planning industry and particularly in bike and pedestrian planning and I can tell you that it's very difficult to get a group of bicyclists in a room together who all agree right off the bat on what the best solutions are, so I think the decision to include in the Complete Streets Policy the requirement that the Town will develop and adopt a Bicycle Facilities Plan really makes your Policy very effective and it's going to make a big difference for the community and, as I recall back to when you all spoke very eloquently when you adopted a Resolution to say we will adopt a Complete Streets Policy, one of the things I heard when you talked about it was you really wanted much more than just strictly a Policy that says whenever we have a transportation project we will try to improve it for all users. You really wanted something more concrete that would end up with results that we could see on the street more quickly and I think the work that the Bike Advisory Committee has done with Town Staff, the feedback we've gotten from Town Staff and our ability to share ideas with Town Staff makes us feel very certain that the Town can create a Bicycle Facilities Plan that will be endorsed by advocates that you will feel comfortable with and that's really going to move West Hartford to the forefront of bicycle-friendly communities in the State of Connecticut and in the nation because there are not that many towns, who are really pushing forward with the determination that I think we see in West Hartford so I would just like to say thank you very much and I hope that I'm not being premature to hope that you will be adopting this Policy. Thank you.

President Slifka: Thank you, Sandy. Edward Pollack? Nope. Joe Rockmore? Departed. Okay. Steve Dipioli? Gonna guess Darnell Dipioli also gone. Dan Firestone appears to be here, though. That's...he'll make up for all the others.

Mr. Firestone: Thank you. All right, my name is Dan Firestone. I live at 34 Sunset Farm Road here in West Hartford and I've been a resident of West Hartford for 49+ years, a long time, and I've been a bicycle rider for most of those years...and to this day I ride. I rode down here tonight. I'm gonna have a wet ride home. I come across people all the time who say, oh, you're riding. I'd love to go out and ride but I wouldn't go out on those roads. I had someone stop me the other day at a stop light. I was, it was during commuting time and they rolled down the window and said, aren't you afraid to be riding during hours on Fern Street, Fern and North Main, and aren't you afraid to be riding during commuting time? Well, I'm one of those guys that doesn't, it doesn't concern me. I just go out and ride but a lotta people don't and won't. I'm sure you've all read the plan by now, the Complete Streets Policy, so I'm not gonna take up your time in going over it. I'm confident you're all in agreement with the goals that are set out in Section 2. I am a member of the West Hartford Bicycle Advisory Committee and I wanna thank my fellow committee members and those members of the public, who have frequented our meetings and have contributed valuable input to the formation of the Policy. I wish to thank the Town Staff for the time and effort they have put into the development of this Complete Street Policy and I would especially like to thank and express my appreciation to Councilperson Clare Kindall, who although she admits it's been some time since she's been on a bicycle, sees the value of making the streets of West Hartford safe not only for bicyclists but for walkers, joggers, and other users of all ages and abilities. She put in hours and hours, drafting and refining this Policy and deserves the praise and thanks of all the residents of West Hartford. I urge that tonight you do the right thing and accept this Complete Street Policy. Thank you.

President Slifka: Thank you, Mr. Firestone. And that leaves Mr. Tulchinsky.

Mr. Tulchinsky: Thank you. Amir Tulchinsky, 28 Buckingham Lane, and I also wanted to thank the Town Council and Town Staff for their effort on this Complete Streets and my qualification is I'm a West Hartford resident that bikes everywhere. I bike to work and I biked to the meeting today and we do need this Complete Streets Policy because a lot of West Hartford streets are very difficult to bicycle on and this is contrast, I was in Washington, D.C. and Boston and right in the middle of their busiest streets they have a bike lane going down there and so I think the thinking is that streets should be able to accommodate bicyclists and cars at the same time and I think this Policy will help us get to that and...every year I see more and more people on bicycles and we hafta make our streets safer and accommodate that in ways that I think the Complete Streets will accomplish and so I thank everyone again for their efforts.

President Slifka: Thank you very much. That concluded the signup sheet. Was there anybody who did not sign up who wished to speak to an item on the agenda? Okay. Seeing none, then we are up to number 6, which is Report from the Town Manager. Mr. Van Winkle.

ITEM #6: REPORT OF TOWN MANAGER

Mr. Van Winkle: Well, the good news is I don't have a whole lot to report. West Hartford is in fine fettle and doing well. We just finished our FY15 fiscal year. We will end that year with a significant surplus in excess of 2 million dollars so we are in good financial shape and we are starting FY16 also in fast motion. Home sales are rising rapidly this spring and building permits are rolling into our Building Department. It seems like everybody's investing and I would like to

put an end to the rumor that we have torn up every street in West Hartford. I hear that from people all the time everywhere I go, the streets are in construction. We have an awful lot of construction going on in West Hartford right now. We're repairing a lotta streets. Right now, at Trout Brook Drive, here, right behind us in front of Kingswood Oxford, we're paving that street, which should be done. We rebuilt starting Sunday night from Boulevard to Farmington overnight, so we're doing what we can to make your drive easier but it's been a busy summer. Our school construction's also doing well. Charter Oak School is not having any significant issues and steel is going up and you can begin to see the shape of the school and all of our projects at our schools are ahead of schedule and we'll be in fine shape for the opening of school only maybe five weeks from today so things are, summer's going quickly, I know. I know. If you have any questions, I'd be happy to answer them. I really don't have anything else to say.

President Slifka: Thank you, Mr. Van Winkle. Any questions for the Manager right now? No? Okay. Thank you. Up to number 7, Mrs. Cantor.

ITEM #7: CONSIDERATION OF CONSENT CALENDAR - ITEMS 14, 17, 22-31 TO RECEIVE

Councilor Cantor: I move that we place items 14, 17, and 22-31 on the consent calendar.

Councilor Kindall: Second.

President Slifka: Motion's made and seconded. Any discussion? Seeing none, all those in favor?

All: Aye.

President Slifka: Those opposed? Motion carries. Number 8, under Unfinished Business.

UNFINISHED BUSINESS:

ITEM #8: APPLICATION ON BEHALF OF THE METROPOLITAN DISTRICT COMMISSION, THE CONTRACT PURCHASER UNDER AGREEMENT WITH TRIUMPH ENGINE CONTROL SYSTEMS, LLC OF AN APPROXIMATELY 67,977 SQ. FT. PARCEL FRONTING ON TALCOTT ROAD (1 CHARTER OAK BOULEVARD) REQUESTING DESIGNATION OF A NEW SPECIAL DEVELOPMENT DISTRICT, A CHANGE TO THE CURRENT UNDERLYING ZONING DISTRICT FROM MULTIFAMILY RESIDENTIAL DISTRICT (RM-3) TO A RESTRICTED INDUSTRIAL DISTRICT (IR), AND THE APPROVAL TO CONSTRUCT A TUNNEL ACCESS SHAFT AND PERMANENT AIR TREATMENT FACILITY IN CONJUNCTION WITH THE SOUTH HARTFORD CONVEYANCE AND STORAGE TUNNEL PROJECT

APPROVED WITH CONDITIONS, 9-0

Councilor Cantor: Application on behalf of the Metropolitan District Commission, the contract purchaser under agreement with Triumph Engine Control Systems, LLC of an approximately 67,977 square foot parcel fronting on Talcott Road (1 Charter Oak Boulevard) requesting designation of a new special development district, a change to the current underlying zoning district from Multifamily Residential District to a Restricted Industrial District, and the approval to construct a tunnel access shaft and permanent air treatment facility in conjunction with the South Hartford Conveyance and Storage Tunnel Project. I move that we approve.

Councilor Kindall: Second.

President Slifka: The motion's made and seconded. I think we had some things just to read in for the record. They're in there in the file but...where did that go? Too much paper this evening. Okay, we had a letter dated July 13, 2015 from TPZ regarding the application recommending approval, a letter dated June 9, 2015 from TPZ regarding the resolution recommending approval, and a letter dated July 19, 2015 from DRAC regarding the application and recommending approval. Okay. Any discussion on this? Okay. I guess I'll, somebody has to go. So I intend to support this. I do it with some reservation. I understand that, as we do take this under consideration, Mr. Alair is supposed to have some draft Conditions of Approval for us to consider. I say intend to support because it may, in large part, depend on whatever language Mr. Alair has crafted. There's not a lot to be gained from any member of the Council for supporting this. It's a giant tunnel project and it has associated messy construction and other things. It's not something that adds to our grand list. It's not welcoming a new business, it's not a new residence, so it doesn't have all those benefits you usually have when you're weighing a zoning application. It is part of a major project that will make sure our water's clean and it's not a small goal but it's, as an individual item, there's not a lot of joy for any of us up here to review this and, potentially, to approve it. I, however, do think there's a responsibility for us to make sure that if things like this are gonna hafta go forward that we do it in a way that balances the impact to our residents as well as the other practical considerations to the project as a whole. I think based on this application, I don't think that the MDC could move it to a different location, so there are alternatives that were considered, it doesn't appear that there are any that're more feasible or that would have necessarily less of an impact on the neighborhood. I know impact might be determined differently by different people, either impact could be construction or impact could be whether we accurately address the overflow issues that're happening there. This is dealing with an extraordinarily ugly problem that no one really wants to talk about, which is raw sewage bubbling up into people's yards, ultimately going into our Trout Brook and other watercourses. So, we're talking about this spot. To conclude, I don't know that they can have a better spot to put it in. A factor in that is the cost. We don't have a lotta numbers associated with it but it does seem like that would, that would significantly be a factor in precluding it from being in a different spot, so I think this is the most practical location for it. Now, what're they doing with the site and can we agree with that? I, though, I agree with the residents who said that the building's not particularly pretty. It's not, right, but I do think they've done about as well as they can with the, with what they're working with. It's an industrial use and that being most of the surrounding area and having worked with our DRAC Committee, which finally got comfortable enough with the project to give their go-ahead. They didn't do that in, I think, rounds 1, 2, and 3. I think it took 'til round 4 'til something was agreed upon. That impacts my decision. So I think at the end of us, when we finally get to 2022 or thereabouts. Hopefully, this

stays on schedule, that it'll be something that's not a terrible intrusion into the neighborhood and, hopefully, with all the engineering that's gone into it, that the fear is that blasting will damage the area, that there will be odors released, etc., etc. Those will all be properly addressed. So my concern's now about whether to approve or not go to the middle, the how do we get there from here and I do think we all expressed some concerns during the hearing regarding what would go on during the construction period and I am now getting for the first time as all of you, are the draft Conditions of Approval and during the hearing, I had requested that Mr. Alair put something together regarding the possibility of fencing or other barriers, visual and sound, to protect the surrounding neighborhood as much as possible from the construction and the general activity 'cause it is gonna be very, very intense, certainly for at least a one-year period. So I guess the proper thing to do at this point is to entertain a motion to amend the application with the Condition of Approval that was distributed by Mr. Alair.

Councilor Cantor: So moved.

Councilor Kindall: Second.

President Slifka: Okay. The motion's been made and seconded so we go to discussion. We should probably read it into the record. First, I'll do that. Conditions of Approval: Number (1) Prior to construction, the applicant shall install fencing at least eight feet in height around the perimeter of the construction area, which shall be maintained until all construction operations are complete. The fencing shall provide complete visual screening; (2) In order to determine whether construction activity can be kept any further from nearby residential properties, the MDC is requested to discuss with Triumph Engine Control Systems, LLC whether any additional area is available on Triumph's remaining property for temporary use by the MDC during construction; and (3) In conjunction with the preceding conditions, the MDC shall evaluate whether any additional mitigation efforts can be employed to minimize the impacts of construction upon neighboring properties, including noise control measures. So that is the Amendment that is before us. I don't know if there are other Conditions of Approval that need to be incorporated? I know, Mr. Davidoff, you had maybe mentioned one during the hearing, potential one, I think?

Councilor Davidoff: Yes, Mr. Mayor. I had one that talked about...the condition of the traffic pattern, to more formalize that in our Conditions of Approval, that they were only gonna use New Park to Talcott because that's gonna be in their contract but that wouldn't be that something that the Town could enforce. That would be between the MDC and their contractors. There wouldn't be anything that would run with the Town and I think it's important that the residents, if they see traffic with these big trucks coming down their street, they'd have some place to call and we could actually enforce some type of zoning infraction should that occur.

President Slifka: Mr. O'Brien?

Mr. O'Brien: Well, I believe the truck, construction traffic is already required as part of the application to travel to the east. I think that is already in there in the application so we...

President Slifka: So, would this be redundant or?

Mr. O'Brien: I believe it would be redundant, yes, 'cause that is already required in the initial application.

President Slifka: Mr. Davidoff?

Councilor Davidoff: If Corporation Counsel believes that it's there then I don't wanna be redundant but...

Mr. O'Brien: I mean, you can certainly add it as a special condition. I just think it is already in the application, though.

President Slifka: So would the remedy be the same? I mean, it's in the application and we adopt it. If we put in a special condition, if it had not been in there, we put it as a Condition of Approval, our remedy is the same?

Mr. O'Brien: It's the same, yes.

President Slifka: Okay. Okay. Where would you like to go with this, Mr. Davidoff?

Councilor Davidoff: If Corporation Counsel's fine with it then it need not go any further then.

President Slifka: Okay. So then we return to continued discussion on the amendment. Are there further comments on the amendment?

Councilor Hall: Yes.

President Slifka: Go ahead, Mrs. Hall.

Councilor Hall: Just...as during the break I was looking up construction barrier sites and it does seem like there is a product out there that looks like fencing that also has the noise controlling feature to it, so I'm just wondering whether it's feasible to actually say, "the fencing shall provide complete visual screening and be a..." have the noise control as well 'cause I know in (3) we talk about it but it's more of, just investigating or evaluating whether any noise control features can happen. So just kinda throwing it out there since we know that there are and maybe the applicant has more information from a construction side as their construction background whether it's feasible but...

President Slifka: Mr. Alair, I know you may not be an expert on the subject but you're the person who raised it during the hearing regarding the...it seems to me the issue might be, first I agree with the sentiment that Mrs. Hall just expressed and I like the suggestion. I guess, though, we, I, since I'm just learning about this fencing during the break, meanwhile I was googling pizza while Denise was googling this, that we not impose it as a condition, that we then find out that it bleeds into the wetland area that was adjacent and you had raised that during the hearing as a complication.

Mr. Alair: My only concern aside from doubting how well fencing can actually control sound, which is not ringing right with me, though I'm not doubting Councilor Hall at all...

Councilor Hall: It's on the internet.

Mr. Alair: Oh, it must be right then...is making it mandatory if it proves to be unfeasible, so a condition that said something like the fencing shall provide complete visual screening and, if possible, noise control.

Councilor Hall: I would like that.

Mr. Alair: Okay.

President Slifka: I like that, thank you. So I think we'll consider that as amended.

Mr. Alair: Actually, I'd say if reasonably possible. You don't want it to be possible but prohibitively expensive.

Councilor Hall: Okay.

President Slifka: Okay. Is there any further discussion on the amendment? Okay. Then could we have a roll call on the amendment to the application, the amendment being the Conditions of Approval.

**Conditions of Approval
Metropolitan District Commission
Special Development District
(Talcott Road)**

1. Prior to construction, the applicant shall install fencing at least eight (8') feet in height around the perimeter of the construction area which shall be maintained until all construction operations are complete. The fencing shall provide complete visual screening and, if reasonably possible, noise control.
2. In order to determine whether construction activity can be kept any further from nearby residential properties, the MDC is requested to discuss with Triumph Engine Control Systems, LLC whether any additional area is available on Triumph's remaining property for temporary use by the MDC during construction.
3. In conjunction with the preceding conditions, the MDC shall evaluate whether any additional mitigation efforts can be employed to minimize the impacts of construction upon neighboring properties including noise control measures.

Councilors Barnes, Cantor, Captain, Casperson, Davidoff, Hall, Kindall and Slifka voted YES.
Alternate Mr. Williams voted YES

President Slifka: Yes. Okay. So now we return to discussion on this as a, the item as a whole so given...I've already spoken enough on it but I guess, given that we now have the Conditions of Approval, I'm pretty sure Mrs. Hall's in addition to that, that does make me comfortable with supporting the application itself. Is there further discussion? Mrs. Hall?

Councilor Hall: You know what, I think Mayor Slifka really kind of summed it up with this is not the type of application that gives us joy. It's not like someone's coming to us with a new development that's going to add all sorts of wonderful features to the Town so I think while it's not an exciting thing to approve, I think it's the right thing to do. At the end of the day, this is a project that is underway and I, it's going to happen one way or the other and I think our role is to make sure we do it as efficiently as possible to mitigate the cost to the Town. And I think the delays and the added legal expenses that would go into their having to go to Plan B will ultimately end up being born by the rate payer so, with that, especially if we wanna do whatever borrowing we can in this low interest rate environment, which would have better effects for us as well so delays could also be costly so, with that, I will be supporting this as well.

President Slifka: Okay. Thank you. Further discussion? Mrs. Cantor?

Councilor Cantor: Thank you. I thought Mr. Sullivan and Mr. Fox did a very good job of answering questions, a very thorough understanding and we learned a lotta new words and acronyms so that was interesting, a little engineering lesson. Some of the things that I think are important to talk about and, again, I think you get the idea that this is something we hafta do. This is not something we really want to do necessarily but we hafta do it and I think, ultimately, it will be an improved, a much improved situation. The pain is going through the process and it's a long process as does any major construction, really, infrastructure project entails, so there was an assurity and I do believe, watching the other MDC properties, that there will be rigorous controls and a real concern for the appearance of those properties and Mr. Fox, being a West Hartford resident, has assured us that that will be very much the case, so I think that's important. There was very serious discussion about things like dust control, additional screening, noise ordinances, limiting traffic to work hours, all of those things are so important to us and to our residents and I am concerned about, obviously, the disruptions that will happen to people around, the people living in those houses now may not be the people living in them when they are, when the construction happens in year three, so these are really important things that we expect and we will challenge you on and you know we will. And if it's not us, the next council will so, as well our town management. We know you've worked hard with DRAC. It was a long process to get to the point that you are, the design that you came up with, which, I think, is overall a good design. Although it's not a palace, it's a very important structure that will provide the necessary function. We, this has gone, this is a project that's long overdue and we, I think, ultimately have a fiduciary responsibility to not only our residents but to all of the MDC rate payers to do it in the most efficient and cost-effective way and this seems to be that, so I will be supporting the project.

President Slifka: Thank you. Anyone further? Mrs. Kindall?

Councilor Kindall: As much as I'm not really keen on an eighteen-foot wide hole, 200 feet down for four miles under, from Hartford to West Hartford, I am also even more opposed to...and I

didn't realize it had happened in April, raw storm overflow flowing into the Trout Brook. I think that the Trout Brook really can be one of our treasures and I think that we have no choice as to what's going to be done and the question is where and how and so I also think that MDC, I completely agree with Deputy Mayor Cantor, that the MDC does a pretty good job maintaining its properties. I don't think that once it's built we really need to worry about the maintenance. It's the construction. I am impressed that 128 Talcott is not here. I mean, this is a woman or a family who's gonna be right next door to all that construction and they're not here pounding the table and I didn't get the sense from the applicant that they had reached any financial accommodation with them but that, rather, they had spoken with them and they had felt that MDC is going to treat them properly through this construction process and I think that with our Conditions of Approval that that really has, I think that we've done what we need to do to help with that and I have full faith in both our, in our Town Staff and in the neighborhood to call the MDC on it if they, if the construction isn't being done properly or if those trucks are going west on Talcott and trying to hit South Quaker as opposed to going east and so I will be supporting this and I think that what, at the end of the day, it's going to certainly look a lot better than it looks right now. Thank you.

President Slifka: Thank you, Mrs. Kindall. Mr. Barnes?

Councilor Barnes: Thank you. The current water tunnels are not sufficient to handle the transfer of sewage from West Hartford to Hartford, so it's a problem and we need to address it and, as the water flow increases, the risk of this sewage coming up to ground level increases as well and so I think the sense of all of us, really, from the comments that I've heard is this project's gonna happen anyway. We can try and oppose it and, ultimately, increase the cost of it overall but it's gonna happen and at the end of the day, MDC customers like all of us in this room and at this table are gonna pay for it. So, while the location is not ideal for the abutting residential landowners there, this area is primarily a commercial area and hopefully with the Conditions that we've put in place and all of the thoughtful discussion we've had tonight that, to the extent that there is inconvenience and disruption for the residents in that neighborhood, hopefully we can make it less so and at the end of the day have what appears to be from the pictures an improved site from just an empty parking lot when you take into consideration all of the landscaping that'll be done, kind of just the general improvement of that property. So, thank you to Mr. Fox and his colleague for the presentation tonight. I'll support the application.

President Slifka: Thank you, Mr. Barnes. Mr. Davidoff and Mrs. Casperson?

Councilor Davidoff: Thank you, Mr. Mayor. First, I'd like to begin by thanking Mr. Sullivan for a very thorough presentation on something that is quite technical in nature and he broke it down into layman's terms so that the average person watching or people sitting around this table could really understand what's happening here, which I think was much better than some of the previous discussions we've had around the Council table with respect to the problem and the equipment that's going to be used, so I thank you for doing that. The second comment I'd like to make is I believe our esteemed Town Manager made an excellent point during the presentation, when he pointed out the difference between this project as just one that could be done by site review or by our special development district and by doing this special development district route, the Town has some abilities to make certain that certain things happen in a certain way and

we can enforce things if they're not happening in the proper way and I think that's key. It gives us a lot more internal controls over this project as we do with other special development districts, so I think the residents of West Hartford should feel a little bit more confident that those people who work for the Town on a daily basis, being our engineering staff, our Town Planner, and people in the zoning office, would be able to discuss their concerns and possibly assist them should anything materialize. Another point that I thought was key during the discussion was that MDC is going to be proactive in terms of monitoring the conditions of the abutting properties prior to construction as well as on completion, which doesn't preclude anyone from getting their own independent assessment of their parcel for comparison on the record should they find that their property suffer any type of physical damage. And I think that that's important to note because there could be things that could occur but the MDC is aware that that is a potential problem. Residents would have the ability to have these measures in place and would be, hopefully, wholly compensated for any type of harm or damage that they would sustain. With respect to the concerns as to whether or not there are alternative sites, we'll have to just remember that the parcel in question, for the most part, is in an industrial district. It used to be the property that was owned by the owner prior to Triumph and Colt Industries and I would say when one looks at the other side of the street, there's also other types of industrial uses on the other side so one would characterize that end of Talcott Road to fall within the Industrial Zone, not withstand the fact that there are residential homes to the west of this development. But, for the most part, the applicant has looked and has determined that the least, probably the least costly site for the problem that exists is the one they have chosen and I think the fact that one of the places where we see a lot of sewage overflow is located in very close proximity to the site that they have chosen makes it more relevant. Had that not been there, I think they woulda had a harder case arguing that point this evening. So, and I've got two other points and the point is we're in year 2015. This has a completion date of 2022 and technology will change and we may be the benefactor of industry changes, which will make air quality improvements or make ventilation improvements because, as was noted earlier in the presentation, the Town of West Hartford is not the only place in the country to undergo tunneling for the purpose of moving sanitary sewage discharges, so there's obviously experts in the field who work on these types of things and there's industries that will try to find solutions and engineers who do this so I'm optimistic as the technology improves, possibly the solutions to any potential problems will evolve. And, lastly, the MDC has a duty to provide clean water for future generations and as we sit here today, it's our generation that's currently here but our children's children are the ones that will be the greatest benefactor of having clean water and I think that if anyone listened to the presentation and heard about the discharge that happens on a routine basis into our rivers and our brooks, one would be absolutely disgusted. And as we're in summertime, people get quite disappointed when they learn that their favorite place to go swimming or beaches are closed because of the non-sanitary conditions because of what's been discharged into our waterways and anything that will improve that and allow us to have enjoyment of these type of recreational activities is greatly appreciated. So, for all those reasons, I think if you added up on some, I think Mrs. Hall and Mr. Slifka pointed out that this isn't our typical zoning thing where we're rah-rah, this is great for West Hartford and we're getting this great economic benefit. Sometimes some of the things that benefit aren't economic and in this case I probably call it ecological benefit and I think that's important. I think that's one of our roles, too, as the zoning authority for the Town of West Hartford, so on that note and for the reasons I stated, I'll be supporting the application this evening.

President Slifka: Thank you, Mr. Davidoff. Mrs. Casperson?

Councilor Casperson: Thank you, Mr. Mayor. While I am, very much appreciate the applicant's answering all of our questions and the thoroughness of the presentation, thank you for that. I feel that you addressed all the concerns, whether they were from the sound or the impact on housing structure. I think, also, focusing on the business owners, I'm going to choose to think that the business owners on New Park Avenue will have maybe forty new customers as they're driving through and maybe being exposed to an area of West Hartford and business owners that they may not have previously known. I think that the fact that you did not get more pushback from the neighborhood is... a great thing or that I feel that they've had an opportunity to come and speak and I hope that they did. Knowing that, we do try to control the things we can and the fact that you worked with Triumph to have a solution that would allow both of the, the business and the construction for the tunnels to be, to move forward, is also appreciated as we want to preserve their business as well. And the fact that eminent domain could have been an opportunity for you and you worked really hard and with the expense to look at other options was appreciated by them and by us. So, with everything that's been said and the hope that at this time that we will be able to move forward in the most economical manner, I will be supporting that this evening.

President Slifka: Thank you, Mrs. Casperson. Mr. Williams?

Mr. Williams: I'd just like to thank MDC for the presentation. I thought it was very thorough. They answered all questions. Look at this issue from the perspective of the abutting land owners but understanding there's an inevitability to the project and so I was heartened by the discussion about the blasting levels and how they'll be half of what could potentially cause damage, the before and after surveys that you'll be doing of the adjacent properties, and the fact that there will be no odor ultimately emanating and I do think, at the end of the day, once the project is complete, we'll have an improvement as far as the look of the parcel than it is today. But I would also say that I would encourage people who live in the area to call MDC if they do have an issue with respect to maintenance because, from personal experience, I live on Fern Street so this last spring the road caved in and part of my driveway did as well and so I called MDC to fix it and they were very responsive, so I would encourage the people living in the area to take up the presenters' offer in that regard. So I will be voting in favor of it as well.

President Slifka: Thank you, Mr. Williams. No? Okay. With that, I think I, not to prolong things, I neglected to compliment the applicants, Mr. Sullivan and Mr. Fox. It was very thorough, particularly, as Mrs. Cantor said, I appreciate you responding to every, single question. We occasionally have an application that tries to dodge one or two of those and you guys addressed 'em head on. I did appreciate you giving me a new term to use, Mr. Sullivan, of "traditional vandal." I hadn't heard that one before. And I want to say with respect to Mr. Fox, we get, we have a lot of interaction with MDC folks so for the folks in that neighborhood, this may be the first time that they're dealing with them and from our perspective when you see people a lot and work with them on these types of issues all the time, they build up a certain credibility with us and so, to the extent there are some things here that are, we're taking a little bit on faith, I feel very confident that given Mr. Fox's credibility that he is gonna do right by the

neighborhood and by us so we thank him for that. With that, I will ask for a roll call, please, Ms. Labrot.

Councilors Barnes, Cantor, Captain, Casperson, Davidoff, Hall, Kindall and Slifka voted YES. Alternate Mr. Williams voted YES.

Ms. Labrot: It's unanimously approved.

President Slifka: Thank you. Thanks. Number 9, Mrs. Cantor.

ITEM #9: RESOLUTION AUTHORIZING CONVEYANCE OF LAND AT NEW BRITAIN AVENUE AND HILLCREST AVENUE AND EASEMENTS THROUGH TOWN-OWNED PROPERTY AT 17 BRIXTON STREET, 774 OAKWOOD AVENUE AND 784 OAKWOOD AVENUE TO THE METROPOLITAN DISTRICT COMMISSION

APPROVED, 9-0

Councilor Cantor: Number 9, Resolution authorizing conveyance of land at New Britain Avenue and Hillcrest Avenue and easements through town-owned property at 17 Brixton Street, 774 Oakwood Avenue, and 784 Oakwood Avenue to the Metropolitan District Commission. I move that we approve.

Councilor Kindall: Second.

President Slifka: Motion's made and seconded. I would ask if we could have a quick summary from someone in the administration just because this was a bit technical and I think my summary will probably take too long and have to be partially corrected.

Mr. Alair: Good evening.

President Slifka: There were five people saying the same thing when Mr. Van Winkle got up.

Mr. Alair: So the, during the presentation, you saw the MDC's explanation of the project. The piece of land we are talking about here is at the corner of Hillcrest and New Britain Avenue and is required by the MDC to build one of the vertical shafts down to the tunnel, the main tunnel. It's town-owned property. It's in a wetland or in a flood plain rather, so it's relatively limited value. We have a Resolution before you that would allow the Town Manager to execute a deed conveying it to the MDC for \$150,000. While that Resolution was being put together to come before you, we found out that the MDC also needs easements to drill under three pieces of property owned by the Town of West Hartford down at Brixton Street so we tacked those on to the Resolution and that's the second piece.

President Slifka: Thank you very much.

Mr. Alair: It was short.

President Slifka: Yes, it was. It can be done. Any further discussion on this? Mrs. Hall?

Councilor Hall: Thank you. I just, I'd like to point out the nature of the relationship between West Hartford and MDC and so we negotiated a sale price and someone might look at that say, oh, we could've gotten more for that but at the end of the day, it just comes back to West Hartford and the other towns that are member towns of the MDC to pay for that, so I just wanted to point that out in case someone looks and says, jeez, that's all we sold it for, so there is a kind of a unique relationship there.

President Slifka: Thank you. Mr. Barnes?

Councilor Barnes: On that point, I'd like to just add my understanding is that the parcel of land cannot be developed and so the only use that we have for it is the fact that we have to maintain it and mow it and care for that property during the year and that's something we won't have to do if we sell it so another point is it's \$150,000 and we couldn't put it to better use anyway.

Mr. O'Brien: And also the MDC got an appraisal and we had our assessor give us a valuation so and then we negotiated this final price with the MDC based on those two factors.

President Slifka: Thank you. Anything further? Mrs. Kindall?

Councilor Kindall: Just a real quick question – we're only approving the sale and the easement. When they actually build a structure on that property, does that come back to us or is that just a site approval?

President Slifka: Mr. Alair?

Mr. Alair: It's a site plan approval 'cause it's in a business zone.

Councilor Kindall: Okay, so we don't have to worry about whether, what the brick looks like and now what it's gonna look like and all that stuff?

Mr. Alair: No. Actually, just so you know, that building also went to DRAC along with the building on Talcott. It's a different design. It's got more of the red sandstone, I think I've got this right, more of the red sandstone feel of some of the buildings over at the reservoir but, much like the building on Talcott, it's an enclosure that's designed not to have windows and a whole lot of openings so it does look pretty monolithic but it's as attractive as it could be given those criteria.

Councilor Kindall: Thank you.

President Slifka: Thank you, Mrs. Kindall. Anyone else? Okay. This will, this could be a voice vote. All those in favor?

All: Aye.

President Slifka: Those opposed? It's a Resolution, right? Okay. Those opposed? Motion carries. We're up to number 10, Mrs. Cantor.

ITEM #10: ORDINANCE REVISING THE UNIT DENSITY CALCULATION FOR MIXED-USE DEVELOPMENTS

ADOPTED

Councilor Cantor: Ordinance revising the unit density calculation for mixed-use developments. I move that we approve.

Councilor Kindall: Second.

President Slifka: The motion is made and seconded. Before we get to discussion, just two things to put in the record: A letter dated June 9, 2015 from TPZ recommending approval, a letter dated June 18, 2015 from CRCOG finding no apparent conflict with regional plans and policies or the concerns of neighboring towns. I would just ask for the record, again, if maybe Mr. Dumais could give a quick summary like you did in the public hearing for those in the public that might be watching and did not watch the public hearing.

Mr. Dumais: Sure. Thank you, Mr. Mayor. Todd Dumais, Town Planner. And essentially what you have before you is an Ordinance Amendment to remove what's considered, we consider, an anti-mixed-use standard that makes residential units in business or industrial zones go through two separate calculations. At the end of the day, it doesn't affect the total size of a structure that can be built on any one parcel but it promotes smart growth by limiting how uses are allocated within a building to what you can build there under the existing zoning, so we're just trying to promote mixed-use, consistent with our Plan of Development.

President Slifka: Thank you very much. I am strongly in support of this. I want to thank Mr. Dumais for bringing this forward. I know since he's joined us, there've been a number of these things, which from the public standpoint might seem very technical but from our standpoint they've been incredibly forward-looking and I think like, say, the outdoor dining ordinance done years ago, at the time it's a small, little thing and maybe the public didn't pay attention to it, that may lead to some very robust results for us, so I appreciate that. And I particularly appreciate the visual that we have. I can only show the picture but everybody in Town will know what building we're talking about. As Mr. Dumais pointed out that, forgetting parking requirements for the moment, that what may be the most iconic building in West Hartford Center, which is the building on the corner of South Main and Farmington where Bruegger's Bagels in the corner and years ago it was Sam's Army and Navy in that spot. That building would not be allowed to be built today. It was built before we had zoning regulations more or less. What we're doing here today is eliminating something that was added in the 40s and is now, really, kind of an outdated way of thinking. It's been that way for a while but, Mr. Dumais, I appreciate you catching it and I look forward to what results might come from this. Any further discussion? Okay. This being an Ordinance, we do need a roll call, please.

Councilors Barnes, Cantor, Captain, Casperson, Davidoff, Hall, Kindall and Slifka voted YES.
Alternate Mr. Williams voted YES.

President Slifka: Yes. Thank you. Mr. Williams, I think you're relieved if you'd like to...you're welcome to stay. Thank you for joining us. So with that, we go to number 11, Mrs. Cantor.

ITEM #11: SUBSTITUTE RESOLUTION ADOPTING A COMPLETE STREETS POLICY FOR THE TOWN OF WEST HARTFORD

ADOPTED

Councilor Cantor: Number 11, Substitute Resolution adopting a Complete Streets Policy for the Town of West Hartford, I move that we adopt.

Councilor Kindall: Second.

President Slifka: The motion is made and seconded and, Mrs. Kindall, was gonna speak first.

Councilor Kindall: I am. Late last summer, under the leadership of Deputy Mayor Cantor, this Council unanimously adopted a Resolution directing Town Staff to develop a Complete Streets Policy. I will say that Staff did an outstanding job under the leadership of Ron Van Winkle and, in particular, Mark McGovern did a tremendous amount of work and study and a lot of dissemination and they met with a lot of people. They met with various groups and it was a little bit like herding cats. Nobody agreed with, about anything but everybody agreed we needed some reason to have a, come up with a better way to comprehensively address our streets. It came back to the committee under Leon Davidoff's Committee for Community Planning and we did even some more hashing through it but, basically, this draft we have in front of us, that I ask for you to approve is 90-95% Mark McGovern's work, that what was added was basically a little bit on the first page with respect to some principles and goals. And so why do we need a complete, so why should have this, why is this Policy such a good thing? And I think that the minutes from the community planning put it best, that we want to ensure that our transportation network is safe for all users and that I think we have heard, all of us individually, and I haven't been cycling a lot in West Hartford but I did a lot of cycling when I lived in D.C. because cycling there was easy but, certainly, Shari's a great bicyclist, that people don't feel safe cycling on our streets and, or as safe as they should, and they don't feel, there's other towns that we seem to think they're doing a better job of it. And I think this, I think we've done a, taken tremendous strides in the past couple years towards being more bicycle-friendly and I think that this Policy brings us even more so. And so I wanted to talk for a couple of moments about why we do this and what the elements of this Policy are and I'm gonna be quick. I think it does, having a bicycle-friendly town, it does improve the quality of living. I think it does, it makes our roads safer. I think it preserves the environment and I think it enhances our neighborhoods. And so the structure of this proposed Policy would be that this Policy would apply to all transportation projects. There'd be limited exceptions and that if those are exceptions, they have to be publicized. People have a chance to comment. And, for the most part, exceptions will have the final determination made by the Town Manager. There are certain circumstances that they'll be

made by the Town Council but those will probably be pretty rare. As part of the Policy, the Town Staff in consultation with the Bicycle Advisory Committee will develop a Bicycle Facilities Plan. That's another word for a bike map. That's basically a map with some bicycle routes through town about what is the best way to go from one place to another and sort of recommended ways. Some of it will be bike, dedicated bike lanes. Some of it will simply be neighborhoods streets, that's saying this is a way that is probably gonna be the safest way for you to get from A to B. And that's something that the Town Staff is being asked to develop in consultation with the Town Council's Bicycle Advisory Committee. And then, annually, this also requires that the Town Manager annually give us a report. How are we doing? Give us a report card, both on with, how is working and any exceptions to it. Now, we, I think, are very fortunate. We have great communication from our Town Staff and, but this is something that I think is just a way for all of us to kind of keep track of it and also for the Town Staff to keep track of it. So, and with that, I will open it up for comments and questions but I would recommend, I think it's an excellent Policy, I think it's a workable Policy, and I think it is the result of a lot of hard work from Town Staff and public comment.

President Slifka: Thank you, Mrs. Kindall. Mrs. Hall?

Councilor Hall: So I am happy to support the adoption of a Complete Streets Policy. In many ways, our Community Planning Department has already been acting as if this Policy were in place but having the formal Policy creates a framework so that we can always keep track of our objectives. One of our challenges is the fact that West Hartford is a mature town and it's just not feasible to redesign all of our streets but, every time we do consider infrastructure improvements, we can strive to incorporate the needs of all of our constituencies. So, while we talk a lot about a Bike Policy, this is more than just bicyclists that we're trying to accommodate. We need to look at pedestrians, public transportation, riders, motorists, the elderly, children walking to school, all of those things and when we do those projects, we wanna look at the Complete Streets Policy at the very beginning of a project. This way, we can minimize costs that could be associated with the projects by scoping everything out early on, hopefully we'll avoid any delays and added expense that happens when we have to go back and do things over again. So, I think this Policy will ensure that the Complete Streets design objectives will be considered at the very start of projects as we do our long-range planning. Um...I think this has just been another example of the tremendous community that we have in West Hartford. The people from the Advisory Commission for Persons with Disabilities, the Bicycle Committee, everybody meeting with Town Staff. I think I actually saw Sandy Fry leaving Hartford on her bike as I was driving here and she probably beat me here. But it's just, everybody gets involved and they come together and I think what we have at the end of the day is a much better result than we had earlier on, so I wanna thank those committees that helped. I wanna thank Mark and all of his staff and, Clare, you did a wonderful job going through and doing the tedious job of reworking everything so and I know, Chris, you're not on the committee but you are, you were my bicycle expert since I don't actually ride myself but I know you do a lot, so thank you for all of your work on this project, too. So, with that, I'm happy to support this.

President Slifka: Thank you, Mrs. Hall. Mr. Davidoff?

Councilor Davidoff: Thank you, Mr. Mayor. I first wanna start by thanking Deputy Mayor, Shari Cantor, who brought the idea of a Complete Streets Policy to the Council table quite a while ago. And Shari basically said I think this is a good idea. I think it is something that we probably already do in West Hartford but let's make it a formal policy and kick it off and I think we were sitting around the Council table and we said, okay, let's get this Complete Streets thing and get it out and I think we argued over how many days it's gonna take us or months to get it here and, well, it's here and we're here tonight and that's where it is. But, to get it here, it was a long ride and as Chairperson of the Community Planning Committee, it was at times frustrating, at times satisfying, at times it gave a new meaning to serving on the Town Council and I would say that, in all my hours of serving on the Council, that this Policy and the various additions and revisions to it was almost as taxing as some of the zoning hearings I sat on in the early 2000s, so that's personal but... Town Staff, Mark McGovern, Duane Martin, Todd Dumais, Ron Van Winkle, and the people who work in those departments were essential to drafting this Policy and making it a reality and I have the utmost respect for anybody who works for the Town of West Hartford that will be responsible for implementing the nuances of this Policy. And a lot of the Policy would not have been possible without the rewrite of Councilor Kindall, who took it upon herself to narrow an exception, which a lot of people found to be quite objectionable in the Bike Advisory Committee, and worked tirelessly to garner enough support for this Policy to get the bipartisan support that we're going to see this evening. My Council colleagues, Mrs. Hall and Mr. Barnes, worked just as diligently on this, contributing many hours and positive commentary to the Policy as we were going through it through Committee. And I think if you really wanna see what really happens at a Council meeting, come to one of these committee meetings and see how there is the free dialogue, how we disagree respectfully but, in the end, we're trying to find some type of common ground to make things better here in West Hartford. What I thought through the whole thing and I think I said many times was that this Policy was crucial and critical for all stakeholders who utilize our streets, from pedestrians, to bikes, to elderly, runners, cars, public transportation, the disabled. They all have different interests which may be in conflict. Sometimes they may be in harmony with what happens but when we undertake projects in the future, we're going to make certain that the concern of each of these groups is raised and considered and there was early in the debate a lot of discussion as to the traffic calming measures that one sees along Farmington Avenue, along Steele Road and I think what was helpful was to understand the history of why these streets were narrowed and an unfortunate incident happened on Farmington Avenue, where a young child was struck by an automobile trying to cross the street on Farmington Avenue, which caused the Council to undertake ways to narrow our streets to make it safer for pedestrians to cross. Yes, as an effect of that decision, bicyclists in some of those areas find themselves in very close proximity to automobiles and maybe it's not a very safe thing but we don't have the financial resources to rip out all these traffic calming measures and I don't know if the Council really would be interested in doing that because we get a lotta calls from people and we've stated a lot of times when development proposals come in, that people drive way too quickly in town, that the speed, people need to slow down, we need more police enforcement. So, yes, we have to find this balance and we need to rely upon the good citizens of West Hartford to help us get there and there was a lotta emphasis on bicycling and I think that's because bicycling is something that has become more commonplace here in the Town of West Hartford and throughout the nation, so we're going to identify bike routes that people can use to go north and south, east and west, and it may not be every street in West Hartford may not be the best alternative but it may, we may have to just find safe ways to get people from point A to

point B. And you'll see bike lanes and we've already taken steps in our commercial districts to put in bike racks throughout the Center. There's an entire parking space with a bike corral to encourage people to bike to these economic, vibrant centers. So it's commendable that our residents are engaged. I appreciate the amount of people who attended the committee meeting, who took, had patience to wait until the committee members were able to express their viewpoints to express their viewpoints and we listened and we heard what they had to say and I wholeheartedly believe that everybody who attended the meeting had the opportunity to be heard and their concerns were taken seriously and I think that's what we're charged with doing when we adopt policies, so it's not something that's gonna make my life better. It's what makes the residents of West Hartford's lives better and I think this evening, if one was to read the entire Policy, I think in a bipartisan manner we accomplished that goal. And I think when you look at the different policies this Council has adopted over the years, I think people will come back and say the Complete Streets Policy is probably one of the most significant policies that we may have adopted. I know we talk about the Energy Policy quite often whenever we do energy reviews and I remember sitting on that and voting an affirmative for that so, possibly, this could fall in that same category but, once again, I'd like to commend my colleagues for their bipartisan work throughout the entire development of this Policy and to Town Staff, our kudos for sticking with the various variations of, the revisions I mean, of the Policy so, with that said, Mr. Mayor, I will be supporting it and may the next issues that come before the Community Planning Committee be a little bit easier to tackle but I highly doubt that. Thank you.

President Slifka: Thank you, Mr. Davidoff. Mrs. Casperson?

Councilor Casperson: Thank you, Mr. Mayor. As always when it's following Councilor Davidoff, you have to concur and then move on to a lot of other things. But, really, just wanted to take the time to thank the Town Staff and leaders for bringing this fruit to bear. Deputy Mayor Cantor, this was something that we, you talked about, the Town wanted, and as we do with so many things, everybody gets together and we make new policies that will take us into the future and, really, in the way that we want our community to be growing and the kinds of initiatives that all the constituents want. It's a healthier way of life for us in West Hartford and that's what we're all working for, safer and healthier. And I just appreciate all of my colleagues, Councilor Barnes, Deputy Mayor, excuse me, Minority Leader Hall, and also Councilor Kindall. Thank you so much for your rewriting and the support. And, Mr. Davidoff, always for all of your wisdom and kind words but just excited for what it's gonna do for us, having a map and a day that you can go out and explore West Hartford in a new way is gonna open up some more activities for families and people who really just wanna explore the different things that we have going on in West Hartford. And so for that and everything else that was stated this evening, I thank you all and I will be supporting it this evening.

President Slifka: Thank you, Mrs. Casperson. Mrs. Cantor?

Councilor Cantor: I'm gonna just be very brief. First, I wanna thank Town Staff from the Town Manager to Mark McGovern, Todd Dumais, and Duane Martin. I sat in meetings when they actually went to groups and did outreach and it was very empowering for the Senior Citizen Advisory Commission to have a voice to understand how hard it is to cross the street with a limited walk sign and things that are really important and it, I think it just broadened and raised

awareness for all of us, a more comprehensive look. Many of these practices are already in place like has been said before. I just also wanna thank Councilor Kindall for her working up a, reworking...I'm an accountant, I can't write like she does so that was pretty remarkable. Thank you for doing that. And I will just say, it was a difficult process and Councilor Davidoff's leadership was very important throughout the process and Councilor Barnes' and Councilor Hall's input was critical. Passion is powerful and when you get people in a room that have passion, it can make things difficult sometimes to see the end product, so I just wanna thank everyone for their patience and their time on this and I'm really, every day I get more impressed with our Town Staff. They're so professional and hardworking and care very much so thank you all.

President Slifka: Thank you, Mrs. Cantor. Mr. Barnes?

Councilor Barnes: In the interest of time, I'm not thanking anybody. Everyone's been thanked. I'm not doing it. Thank you.

A Voice: Thank you.

Councilor Barnes: You're welcome. The concept is a good one. The Complete Streets Policy talks about a lot of different things but, primarily, our conversation has been around bike policy. The bike community has really taken the lead on this and so my comments'll be, my brief comments will be focused to that. We need to make the roads safer for bike riders and cars alike. There're situations in town where we've either striped bike lanes or sharrows, which was a new term that I learned during this process, where there just simply, the road is not wide enough to have two-way traffic and a bike lane when state law requires that there be three feet of clearance between the bike rider and the cars on the road and it creates a dangerous situation for everybody involved so, hopefully, this Policy is focused on making the roads safer for everybody that's on the road and we could cure some of those problems and come up with routes that get us around Town east to west, north/south, to where we wanna go and do it in the safest possible way. At the same time, we cannot tie the hands of our Town Staff and our Town Manager to make decisions about what's in the best interest for the Town from a planning perspective and from a financial perspective and by that I mean every time we consider a project, we can't just decide that we wanna invest millions of dollars in reconfiguring our streets and so I think this Policy focuses on improvements where they're feasible and the Policy itself is a guide to do that, so it gives the Town the amount of flexibility it needs to address these issues and do in a smart way. And, as Mrs. Hall mentioned, I frequently commute to work in the Center and, as I said, I want the roads to be safe for all bike users and people should feel like they can get on their bike and bike around town. And my final comment a number of weeks ago there was a Bike Walk Connecticut bike event on a Saturday and the Mayor and the Deputy Mayor, I think, were there biking and, yes, I did the shortest ride, Mrs. Cantor, but it was an opportunity to bike around town and be on streets and see things that I've, haven't seen before and so it was nice being out biking around the community and at the same time getting yelled at twice by cars that drove by for their perceived lack of following the bike laws. So, with that, I will support the Policy and, again, not to be dismissive but thanks to all, including our Majority Whip, Mrs. Kindall. Thank you.

President Slifka: Thank you, Mr. Barnes. Mr. Captain?

Councilor Captain: Thank you, Mr. Mayor. I, too, would like to thank everyone who had something to do with this. And at the same time, I'd like to key in on a couple things Mr. Barnes said as well as Mrs. Cantor, starting with Mrs. Cantor, actually both of them, the bicycle community really was, I think we can all probably agree, was the driver behind...

Councilor Cantor: Pun intended.

Councilor Captain: ...putting something together in regards to safe bicycling around town and as we've been working on this for what seems like years, I've thought about my own family and my own household and the ability that I had as a child to ride my bike to school from 3rd grade to 6th grade and I started feeling bad that I didn't have those same riding experiences with my children or my children didn't have the same experiences I did, whether perceived or not, that there are more cars here. It's a little harder to get around neighborhoods or, where I live, out onto North Main Street, so it really meant something to me that when the bicycle people did, was the driver or the passion behind this, that at the same time when it was addressed, it was addressed for everybody. It was addressed for pedestrians and bicyclists and transit riders and Americans with Disabilities and thinking about access and ramps onto sidewalks and so that, I thought that the passion was great from the bicycle community to bring this forward but the fact that we linked it all together with everything else was really important and, at the same time, circling back to the bicycles, that we insisted on developing a plan for, a Bicycle Facility Plan and actually routing out the town because, basically, that's what we need. We need the map. For the bicycle folks, we need the map to see where we're gonna be going, north, south, east, and west, and so every time a bump out is made, we're not getting screamed at because every, single incident isn't addressed, that bikes aren't addressed with every action. So if we can meld these two by putting that Plan together and people can see where the bikes are gonna go over the course of time, I think we make the grade for everyone and I will be supporting this also. Thanks.

President Slifka: Thank you, Mr. Captain. That leaves me, so of course I have to say something. I will do my best to not be repetitive and to follow Mr. Barnes' lead on this. It would be, I will point out something nobody has said yet, which is the three sponsors on this are acknowledged non-bike riders. I think this is very ironic, so thank you for leading us, the rest of us who are riding to an actual solution on this when you otherwise aren't really invested in it.

Councilor Kindall: I used to be. Maybe I'll get back to it.

President Slifka: Maybe you'll get back. I just thought that was funny. Um...I have to thank the Staff. The town residents wouldn't know how much time they have spent on this and how they've done so much outreach on it, not just within the town but on a regional basis to try to get us in line with the statewide push on bike policies. I have to thank, obviously, the Bike Advisory Committee. They are tenacious, if nothing else, but I appreciate in large part the comments that Sandy Fry made tonight, that were not just supportive but, I think, also acknowledged a couple of the, like the kind of the points of conflict that were not a conflict in reality. They're natural conflicts from two groups trying to do the right thing. Everybody's been supportive of the bike

policies from the very beginning. I go back to the original policy that was adopted. I'm enthusiastic and I am a rider myself, not nearly as much as some, but I do get out there and to Mr. Captain's point, in recent months I've also had that little change of perspective as I've been taking my daughter out and she's on training wheels, but she's out on our streets and sidewalks and that does make it hit home a little bit even more at that point, perhaps far more than my concern of my own safety. But, so you say, well, if everybody had all the right intentions and everybody supports this, why was it taking so long? Well, one reason was, as I think Mrs. Cantor said, it's hard to do things sometimes when everybody really cares that you get the right result and you have so much passion in this. You can always pass something quickly if nobody cares and there's no difference of opinion and there's no passion behind it. That certainly wasn't the case here. I also think that Sandy acknowledged and I appreciated that, that we, our Staff wanted something real. They certainly, the Bike Advisory folks, of course they wanted something real, but our Staff didn't, they refused to just say we're gonna rubber stamp something that we think is just, it checks the box that we have passed a Complete Streets Policy. It's gotta have teeth to it. There's gotta be a point to this. That doesn't happen everywhere and that is a real credit to our team here and that they wouldn't let us just do that. You look, we had a lotta pressure that would come from other, from outside forces that said, well, this, here's the list of towns that have and cities that have passed these. Why are you so far along? You really dig into it a little bit and find, well, some of them probably did a real good job but a lot of 'em, they probably just put a piece of paper in front of their City Council, they vote on it quickly and nobody really knew what was in it and nobody really analyzed the impact to the actual streetscape and the residents. That's not the case here. I also appreciated that Sandy acknowledged the inherent challenge of this, as Mr. Davidoff was going through, where you have these competing interests. Everybody's pro-bike. We're also all pro-pedestrian and pro-traffic calming and all these other things that we've done and there's been natural points of conflict on that, where you wanna achieve all those goals and, as Mr. McGovern has reminded me many times, that we are a place where the streetscape is built for the population that we have roughly, maybe it has a little bit more capacity, whereas some of the places like Hartford where they've been a little bit more proactive on the actual physical differences to the streetscape or places where there's been a significant population decline and, essentially, there's room to put these things in where in West Hartford it's a lot harder to do. So I really, as we get here today, I'm thrilled that we have a Policy, I'm thrilled that it's got teeth, but I also appreciate that we've got acknowledgement from all sides from where everybody was coming from and all the inherent challenges. To my, and also the acknowledgement that there's a lot more than bikes that're just in this. We've talked mostly about the bikes and I'm thrilled to see the map coming out of this but, remember, this is about the disabled, this is about pedestrians, and many other interest groups, senior citizens, etc. To my colleagues, I have to say thank you to, in particular to, the folks who sponsored this, which was the Community Planning Committee that did spend a lot of time on it recently so Mrs. Hall, Mrs. Kindall, and Mr. Davidoff. To Mrs. Kindall for kind of bringing the fine point here at the end and showing, I think, that lawyers do occasionally add value to this. That was great. And also a big thank you to somebody whose name wasn't on it but I'm glad a few people did acknowledge her, which is my colleague, Deputy Mayor Cantor, who has been with this from the beginning, introduced us to it originally, has been the liaison to I'm starting to call them the bike community in a way for a long time and really deserves a lot of credit for getting to this point but this is one of those nice things where I think we all feel good about your service because, while there was some time of tension, we worked great with ideas

from our residents. We worked collaboratively across party lines. We had great Town Staff, professional input and, at the end, a really nice result for the Town. You can't ask for much more than that so, with that, I am enthusiastically going to support this and thank everybody for their involvement. Is there any further comment or have we said everything ten times? Okay. Then with that, a, all those in favor?

All: Aye.

President Slifka: Those opposed? Motion carries. We're up to New Business, number 12.

NEW BUSINESS:

ITEM #12: ORDINANCE CLARIFYING THE APPLICABILITY OF PEDAL CAB REQUIREMENTS

SET FOR PUBLIC HEARING ON AUGUST 18, 2015 AT 5:50 P.M.; REFERRED TO CRCOG

WHEREAS the Town of West Hartford adopted ordinances in 2008 which require operators of pedal cabs to be registered and to have their vehicles inspected and licensed; and

WHEREAS the scope of the Town's ordinances was deliberately broad to capture a number of possible business models; and

WHEREAS Cycling Without Age is a volunteer program which makes free rides available to the elderly in our community on pedal-powered vehicles which are similar to commercial pedal cabs; and

WHEREAS Cycling Without Age is not the type of activity which the Town intended to regulate through its pedal cab ordinance

NOW THEREFORE BE IT ORDAINED BY THE TOWN COUNCIL OF WEST HARTFORD THAT section 53-5 of the West Hartford Code of Ordinances is hereby repealed and the following is substituted in lieu thereof:

For purposes of this article, a "pedal cab" is defined as a multiwheeled vehicle propelled by human power, capable of transporting passengers other than the operator thereof and which is made available to the public for hire as a mode of transportation, whether at set, negotiable or voluntary rates. A pedal cab shall be deemed to be a type of bicycle for purposes of this chapter and for purposes of the application of Connecticut laws applicable to the use of bicycles on public highways.

Councilor Cantor: Number 12, Ordinance clarifying the applicability of pedal cab requirements. I move that we set for public hearing on August 18th at 5:50 p.m. and refer to CRCOG.

Councilor Kindall: Second.

President Slifka: Motion's made and seconded. Any discussion? Okay. All those in favor?

All: Aye.

President Slifka: Those opposed? Motion carries. Number 13.

**ITEM #13: ORDINANCE PERMITTING MANUFACTURERS OF ALCOHOL
INCLUDING RETAIL SALES WHERE PERMITTED BY LAW**

**SET FOR PUBLIC HEARING ON SEPTEMBER 8, 2015 AT 6:55 P.M.; REFERRED TO
TPZ AND CRCOG**

(See Attachment A for Schedules)

WHEREAS Connecticut law establishes several different classes of liquor permits; and

WHEREAS West Hartford has not permitted the location of facilities which fall under the category of "manufacturer" permits; and

WHEREAS over the years changes have been made which allow manufacturers of alcoholic beverages to provide samples to patrons who take tours of their facilities, to serve alcohol to patrons for consumption on the premises and to sell alcohol to patrons at retail for consumption off the premises; and

WHEREAS the craft brewing industry has undergone dramatic changes in recent years which has prompted the Town to consider whether local ordinances should be revised to permit and regulate such manufacturers' operations within West Hartford; and

WHEREAS the residents of West Hartford should not be deprived of access to fresh, tasty locally-brewed beers

NOW THEREFORE BE IT ORDAINED BY THE TOWN COUNCIL OF WEST HARTFORD THAT:

Section One: Section 177-6 of the West Hartford Code of Ordinances is hereby repealed and the following is substituted in lieu thereof:

- A. No structure shall be used, erected or expanded, and no land use shall be established or expanded, except in accordance with this chapter. The schedules contained in this article list permitted uses of land and buildings and the maximum height of buildings, the required yards, open space, area of lots and other requirements for the various districts in this chapter.
- B. Schedule of Permitted Main Uses.
- C. Schedule of Permitted Accessory Uses.

- D. Standards for the One-Family Residence Districts.
- E. Standards for Multifamily Residence Districts.
- F. Standards for Business Districts.
- G. Standards for Industrial Districts.

Section Two: Section 177-36 of the West Hartford Code of Ordinances is hereby repealed and the following is substituted in lieu thereof:

A. The portion of any structure in which the sale of alcoholic liquor is proposed under a package store permit or a package store beer permit shall be at least 1,500 feet distant from the portion of any other structure in which alcoholic liquor is sold under either of said permits. Said distance requirement shall be measured as follows: beginning at the center of the main entrance of the portion of the structure in which said sale is proposed, thence to the center of the address street by the shortest distance without intersecting a structure, thence along the center line of said street or streets to a point in the address street of the nearest portion of any other structure in which alcoholic liquor is sold under either of said permits, thence by the shortest distance without intersecting a structure to the center of the main entrance of the portion of the structure in which alcoholic liquor is sold under either of said permits. In no case shall the portion of any two structures in which alcoholic liquor is sold or proposed to be sold under a package store permit or a package store beer permit be located within a radius of 700 feet as measured from the centers of the main entrances of said portions of said structures.

B. The sale of alcoholic liquor under any class of permit listed in Chapter 545 of the Connecticut General Statutes, as the same may be amended or recodified from time to time, with the exception of the university permit, shall not be permitted within 200 feet of a public or private school, a public park, place of worship, charitable institution, a hospital or library. Said distance requirement shall be measured as follows: beginning at the center of the main entrance to the portion of the building where said alcoholic liquor is proposed to be sold, thence to the center of the address street by the shortest distance without intersecting a structure, thence along the center line of said street or streets to the address street of any of the above cited uses, and thence to a point opposite the nearest portion of a lot used for any of the above-cited uses on the address street thereof, thence to the nearest portion of the lot.

C. The sale of alcoholic liquor under a wholesaler permit or a wholesaler permit for beer only is permitted as a main use in those districts specified under § 177-6B, Item 35 of the Schedule, and is subject to the restrictions set forth under Subsection B above.

D. The sale of alcoholic liquor under a manufacturer permit, including each of the subclasses of manufacturing permittees listed in C.G.S. §30-16 is permitted as a main use in those districts specified under § 177-6B, Item 58 of the Schedule, and is subject to the following:

- (1) All such uses shall be subject to the restrictions set forth under Subsection B above.

(2) Where any portion of the unit of occupancy is used for the retail sale or consumption of alcoholic liquor for consumption on or off of the premises, including outdoor patron areas, parking spaces shall be provided for said retail area at the rate required in this chapter for retail and personal service establishments.

(3) Outdoor Patron Areas:

- a. Outdoor patron areas shall be identified by a barrier, such as fencing or planters, in order to define their boundaries. Barriers that preserve an open appearance should be used whenever possible. The use of permanent structural walls or any vertical screening device of more than four feet in height is discouraged but may be approved where necessary to attenuate noise reaching residential neighborhoods or in other unique circumstances. Notwithstanding the foregoing, when an outdoor patron area is located on property adjoining a residential district, it shall be subject to a minimum setback of 200 feet from that district and, at a minimum, to Type C screening and/or a screening fence which separates it from that district.
- b. Where outdoor patron areas directly abut the public street, no permanent structure shall be erected between the building that houses the manufacturer and the abutting street except a retractable awning located at least seven feet above the ground. In all other locations, permanent structures may be used to provide shade or shelter from inclement weather. In such cases, structures that preserve an open appearance shall be used but temporary screening walls may be lowered during times of ongoing precipitation.
- c. Fire hydrants and fire hose couplings and/or connections on buildings shall not be obstructed. Underground utility facilities such as cabinets or vaults shall be identified on all plans, and arrangements shall be made to ensure continued access to utility providers for maintenance of any such facilities.
- d. The outdoor patron area must also meet the requirements (if any) of any state agency having jurisdiction over the service of alcoholic beverages.
- e. When an outdoor patron area is located adjacent to a public pedestrian walkway, access to the patron area shall be maintained flush with said walkway. In all cases, the outdoor patron area shall be capable of accommodating disabled patrons.
- f. Any applicant seeking approval of an outdoor patron area shall provide the Town Planner with written assurance from the Bloomfield-West Hartford Health District that:
 - i. The kitchen facilities (if any) are adequate to service the entire unit of occupancy, including the outdoor patron area.

- ii. Any outdoor service areas, including storage areas for both clean and dirty plates and utensils, condiments, drinking water and similar supplies, are appropriately protected.
- iii. Refuse receptacles appropriate to the use shall be provided for patrons and/or staff.
- g. If an applicant proposes to provide any source of heat for the benefit of patrons using an outdoor patron area, it shall provide the Town Planner with a plan, approved by the Fire Marshal, for the placement and operation of said heaters as well as for the storage of fuel used by said heaters.
- h. Public address systems or other systems intended to convey verbal messages through the use of amplified sound shall be prohibited. If an applicant seeks to provide any form of music for the benefit of patrons, it shall so state in its application and shall provide the Town Planner with specific details regarding the manner in which music is to be provided.
- i. Management shall ensure that the patrons do not disturb persons beyond the premises through loud, boisterous or unreasonable noise, offensive words or disruptive behavior.
- j. Animals shall not be permitted within outdoor patron areas, except for service animals.
- k. Lighting shall be limited to that level which is necessary to illuminate the outdoor patron area for patrons and staff. Flashing/blinking lights shall be prohibited.
- l. During the season when the outdoor patron area is in operation, it shall be kept clear of litter, food scraps or soiled dishes and utensils at all times. The entire floor/sidewalk surface in and around the outdoor patron area shall be swept as necessary, but not less frequently than daily, and cleaned to remove greases, oils and stains by steam cleaning or a similar process on a monthly basis. Spilled materials shall be cleaned promptly. Sweeping debris or spilled materials into the gutters of public streets shall be prohibited. This requirement shall also apply to any areas beyond the outdoor patron area which are traversed by restaurant staff and/or patrons.
- m. Trash receptacles shall be emptied whenever full and shall be emptied at the end of each business day.
- n. Umbrellas may be used to shade tables, provided that the drip edge thereof is located at least seven feet above the ground and further provided that if they advertise the manufacturer or any product or service, the full surface area of each such umbrella shall be treated as signage.

- o. Tables, chairs and umbrellas shall be of durable commercial-grade materials, sufficiently weighted to avoid displacement by wind.

- p. Where the outdoor patron area abuts the public street, all furniture, fencing, shrubbery and other fixtures shall be removed and stored indoors during months when the outdoor patron area is not in use. No permanent structures shall be permitted to remain between the building that houses the manufacturer and the abutting street except retractable awnings located at least seven feet above the ground. In all other locations, a storage plan for all furniture, fencing, shrubbery and other fixtures associated with the outdoor dining area shall be submitted for review and approval by the Town Planner.

[D.]E. The sale of alcoholic liquor under a grocery store beer permit, a druggist permit or a druggist permit for beer only is permitted as part of a permitted main use under § 177-6B, Item 22 of the Schedule, and is subject to the restrictions set forth under Subsection B above.

[E.]F. The sale of alcoholic liquor is permitted under a hotel permit, a hotel permit for beer, a restaurant permit, a restaurant permit for beer only or a restaurant permit for wine and beer only as part of a main use under § 177-6B, Items 8, 24 or 25 of the Schedule as applicable, or as part of an accessory use under § 177-6C, and subject to the following:

- (1) The location of such use is subject to the restrictions set forth under Subsection B above; and

- (2) The sale or serving of alcoholic liquor is permitted only in a restaurant as defined in C.G.S. § 30-22, as that section may be amended or recodified from time to time.

[F.]G. A university shall be allowed to engage in the retail sale of beer at one facility per campus under a university permit, as defined in C.G.S. § 30-20(a), as amended or recodified from time to time. The sale of beer under a university permit shall not be subject to the restriction set forth under Subsection B above. For the purposes of this section, the term "university" shall mean an institution offering a program of higher learning, as defined by C.G.S. § 10a-34 as that section may be amended or recodified from time to time, which has been accredited by the Board of Higher Education and which has a campus in West Hartford which is not less than 50 acres and which provides residential housing for its matriculated students.

[G.]H. For purposes of this section, the terms "package store permit," "package store beer permit," "wholesaler permit," "wholesaler permit for beer only," "hotel permit", "hotel permit for beer", "grocery store permit," "druggist permit," "druggist permit for beer only," "restaurant permit," "restaurant permit for beer only," "restaurant permit for wine and beer only," "university permit", "manufacturer permit" and "alcoholic liquor" shall be deemed to have the same meanings as those terms have under Chapter 545 of the Connecticut General Statutes as that chapter may be amended or recodified from time to time.

Councilor Cantor: Ordinance permitting manufacturers of alcohol including retail sales where permitted by law. I move that we set for public hearing on September 8th at 6:55 p.m. and refer to TPZ and CRCOG.

Councilor Kindall: Second.

President Slifka: Motion's made and seconded. Any discussion? Seeing none, all those in favor?

All: Aye.

President Slifka: Those opposed? Motion carries. Number 15.

ITEM #15: RESOLUTION AUTHORIZING THE TOWN MANAGER TO QUITCLAIM THE TOWN'S INTEREST IN AN UNIMPROVED PORTION OF CRAIG PLACE

SET FOR PUBLIC HEARING ON SEPTEMBER 8, 2015 AT 7:25 P.M.; REFERRED TO TPZ

WHEREAS the roadway known as Craig Place has been improved as a cul de sac; and

WHEREAS the original plans for the construction of Craig Place showed it as a street which was to extend to Federal Street; and

WHEREAS the Town of West Hartford has no desire or intention to develop that portion of Craig Place which remains unimproved between its westernmost point and Federal Street; and

WHEREAS the Town abandoned its public street right of way in the unimproved portion of Craig Place by two separate actions on May 26, 1992 and December 11, 2001; and

WHEREAS the Town actually held the fee simple title to the parcel of property located between 14 Federal Street and 18 Federal Street across which Craig Place had been proposed to be laid

NOW THEREFORE BE IT RESOLVED BY THE TOWN COUNCIL OF WEST HARTFORD THAT the Town Manager is hereby authorized to execute such documents as may be necessary to convey to the owners of 14 and 18 Federal Street such interest as the Town of West Hartford may have in the land lying between those two homes and formerly identified as Craig Place.

Councilor Cantor: Resolution authorizing the Town Manager to quitclaim the Town's interest in an unimproved portion of Craig Place. I move that we set for public hearing on September 8th at 7:25 p.m. and refer to TPZ.

Councilor Kindall: Second.

President Slifka: Motion's made and seconded. Any discussion? Seeing none, all those in favor?

All: Aye.

President Slifka: Those opposed? Motion carries. 16.

**ITEM #16: RESOLUTION AUTHORIZING EXECUTION OF PARKING LOT LEASE
REFERRED TO TPZ**

WHEREAS Hunt & Hall, LLC is the owner of property at 707 Oakwood Avenue; and

WHEREAS a portion of 707 Oakwood Avenue is located adjacent to the Town's Public Works facility at Brixton Street; and

WHEREAS the Town has leased a portion of 707 Oakwood Avenue for the past nine years to provide for employee and patron parking in connection with its Public Works facility; and

WHEREAS the Town continues to be in need of this employee and patron parking area and wishes to renew its lease

NOW THEREFORE BE IT RESOLVED BY THE TOWN COUNCIL OF WEST HARTFORD THAT the Town Manager is hereby authorized to execute a lease with Hunt & Hall, LLC or their successors in interest in substantially the form attached hereto.

SUCCESSOR PARKING LOT LEASE

WHEREAS Norma C. Hunt and Alice L. Hall as lessors and the Town of West Hartford as lessee entered into a lease dated March 20, 2006 ("Existing Lease"); and

WHEREAS the lessors have conveyed their property to a limited liability company known as Hunt & Hall, LLC and wish to reflect this change in ownership in their lease agreement with the Town; and

WHEREAS the Existing Lease will expire according to its terms on March 19, 2016 but both Hunt & Hall, LLC and the Town of West Hartford wish to renew said lease for a further ten-year term and to have said term expire at the end of the calendar month; and

WHEREAS all of these changes are most easily accomplished through the execution of a successor lease which will replace, in full, the Existing Lease

NOW THEREFORE THIS INDENTURE, made this _____ day of _____, 2015, is entered between HUNT & HALL, LLC, hereinafter referred to as "Lessor," and the TOWN OF WEST HARTFORD, hereinafter referred to as "Lessee," a municipal corporation existing under the laws of the State of Connecticut and located in Hartford County, acting herein by Ronald Van Winkle, its Town Manager, duly authorized,
WITNESSETH:

That in consideration of the mutual covenants herein contained, the parties hereto agree as follows:

1. The Lessor does hereby lease to the Lessee, to have and to hold, until March 31, 2026, the following described premises:

PROPERTY DESCRIPTION

An area along the southerly boundary of the Lessor's property at 707 Oakwood Avenue, West Hartford approximately 36' x 120' (4,320 sq. ft.) in area, as more particularly described in the sketch attached hereto as Exhibit A.

Reserving unto the Lessor, its successors, assigns and tenants free pedestrian and vehicular access to lands and buildings of the Lessor adjoining the demised premises for loading, unloading, service, delivery, maintenance, and all other normal activity incidental to the usage of said lands and buildings, including, but not limited to, the removal of any and all kinds of material and equipment. Except as may be specifically provided herein to the contrary, this reservation does not include any license to or for free parking of vehicles, either long term or short term, other than that accorded and offered to all prospective users of the demised premises under a program or programs of various adopted and published rates as promulgated by the Lessee from time to time.

2. Said above-described premises shall be used for the public parking of motor vehicles, and for vehicular and pedestrian entrance and exit in connection therewith.

3. Lessee shall pay as rent for any lease year an amount equal to the amount of real estate taxes in respect to the demised premises which became due and payable during such lease year. The lease year shall be the period from January 1 to the following December 31.

4. Said annual rent shall be paid in advance in semi-annual installments, one-half to be paid on the first day of January of each year, and the second half to be paid on the first day of July next following.

5. The Lessee shall have the right to assign or underlet the herein demised premises or any part thereof during the term of this lease to any public or municipal agency, but not to a private individual or firm in business for profit. The Lessee agrees that said premises shall not be used for any other purpose than the parking of motor vehicles and for vehicular and pedestrian traffic in connection with parking facilities. The Lessor agrees that the Lessee may landscape and beautify the demised premises as Lessee may decide in connection with the usage herein specified. The Lessee shall have no duty to remove any trees, shrubs or flowers planted by the Lessee in the demised premises.

6. The Lessee shall have the right to charge parking fees and to install parking meters, parking gates or any other devices it shall deem appropriate for the collection of parking fees or for the regulation of parking or traffic. The Lessee shall also have the right to erect signs, barriers and other devices which it may deem necessary for the operation of said premises as a

parking lot. Upon the expiration or termination of this lease or any renewal therefor, it shall be the duty of the Lessee to remove, within thirty (30) days after receipt of written notice from the Lessor to do so, any parking meters, poles, posts, signs, barriers, gates and other devices or any parts thereof installed by the Lessee during the period of this lease, any previous lease or any renewal of this lease. Any holes caused by such removal shall to the extent possible be filled in with materials comparable to that removed in connection with the installation of said meters, poles, posts, signs, barriers, gates and other devices.

7. The Lessee agrees during the term of this lease to maintain and keep in good repair at its own expense, including snow removal, the demised premises. The Lessee also agrees to supervise and police the demised area for the purpose of maintaining the orderly public parking of vehicles. The Lessee reserves the right to improve said premises at its own expense, by reconstruction, regrading or resurfacing. The Lessee shall be under no obligation at the conclusion of the lease to restore the demised premises to their original condition prior to said reconstruction, regrading or resurfacing.

8. The Lessee agrees to comply with and conform to all state and municipal laws, rules and regulations relating to or concerning the demised premises, and agrees to indemnify and save the Lessor harmless from all claims and liabilities for losses of or damage to property or injuries to persons occurring on the demised premises.

9. The Lessor shall notify the Lessee in writing, at the time of execution of this lease, of any contractual obligation on the part of the Lessor, existing on the date of said execution, to provide a parking space or spaces in the demised premises for the exclusive use of any tenant, and the Lessee agrees if so notified, to assume said obligation for the remainder of its term. The Lessor agrees that such obligation will terminate in the event of a change in the tenancy to which the obligation applies and that he will enter into no similar obligation with any new tenant.

10. It is mutually agreed by and between the parties that the terms "Lessor" and "Lessee" shall be deemed to include, and this lease shall be binding on, the respective heirs, successors, legal representatives and assigns of the parties hereto.

11. This lease shall be subject to cancellation by either party upon ninety (90) days' written notice to the other. Notice of termination in such case shall be sent by registered or certified mail, return receipt requested. The Lessor shall send such notice of termination to Town Manager, Town of West Hartford, 50 South Main Street, West Hartford, CT 06107. The Lessee shall send such notice of termination to Hunt & Hall, LLC c/o Gary A. Hunt, 59 Glen Eagles Drive, Southington, CT 06489.

In the event of a termination of the lease pursuant to this section, the rent due subsequent to the issuance of the termination notice shall be prorated for the period of time remaining until the termination of the lease.

12. It is the intention of the parties that upon execution hereof this Lease shall replace, in full, the Existing Lease between Norma C. Hunt and Alice L. Hall as lessors and the Town of West Hartford as lessee dated March 20, 2006 and that upon the execution of this Lease: (1) the

Councilor Kindall: Second.

President Slifka: Motion's made and seconded. Any discussion? Seeing none, all those in favor?

All: Aye.

President Slifka: Those opposed? Motion carries. We have two suspense items under New Business.

**SUSPENSE ITEM: RESOLUTION AUTHORIZING EXECUTION OF
INFRASTRUCTURE IMPROVEMENT EASEMENT**

REFERRED TO TPZ

(See Attachment B for Easement)

WHEREAS the Town of West Hartford is working with the State of Connecticut to reconstruct the Park Road onramp and offramp; and

WHEREAS that project requires certain easements to increase or alter the location of the Town's street rights of way or other infrastructure easements

NOW THEREFORE BE IT RESOLVED BY THE TOWN COUNCIL OF WEST HARTFORD THAT the attached easement is accepted on behalf of the Town of West Hartford; and

BE IT FURTHER RESOLVED THAT the Town Manager is hereby authorized to execute said easement and any other ancillary documents which may be necessary to effectuate the same.

President Slifka: I would like to first find my list...entertain a motion to adopt a Resolution executing, a Resolution authorizing execution of infrastructure improvement easements.

Councilor Cantor: So moved.

Councilor Kindall: Second.

President Slifka: I'm sorry, not to adopt. I apologize. A motion to refer to TPZ a Resolution authorizing execution of infrastructure improvement easements.

Councilor Cantor: So moved.

Councilor Kindall: Second.

President Slifka: Thank you. Any discussion? Okay. All those in favor?

All: Aye.

President Slifka: Those opposed? Motion carries.

SUSPENSE ITEM: RESOLUTION AUTHORIZING EXECUTION OF ELECTRIC UTILITY EASEMENT

REFERRED TO TPZ

(See Attachment C for Easement)

WHEREAS the Delamar Hotel is currently under construction on land which is owned by the Town of West Hartford; and

WHEREAS Eversource Energy requires an underground utility easement across the Town's property to provide electrical service to the Delamar Hotel

NOW THEREFORE BE IT RESOLVED BY THE TOWN COUNCIL OF WEST HARTFORD THAT the Town Manager is hereby authorized to execute an easement in favor of Eversource Energy in substantially the form attached hereto and any other ancillary documents which may be necessary to effectuate the same.

President Slifka: Second, I'd like to entertain a motion to refer to TPZ a Resolution authorizing execution of electric utility easements.

Councilor Cantor: So moved.

Councilor Kindall: Second.

President Slifka: Any discussion? Seeing none, all those in favor?

All: Aye.

President Slifka: Those opposed? Motion carries. I have no Announcements. I don't know if anyone else does tonight? Okay. Report from Corporation Counsel. Mr. O'Brien?

ITEM #19 - REPORT OF CORPORATION COUNSEL:

Mr. O'Brien: Yes. We, I don't have a report but I know the last time we had a meeting, the Council did want to have another Executive Session to discuss pending litigation, so we do have our outside counsel here and available to go into Executive Session with us.

President Slifka: Okay. Thank you. Any questions at this point for the Corporation Counsel? Seeing none. Okay. Appointments. Mrs. Cantor?

ITEM #20 - APPOINTMENTS:

Councilor Cantor: Okay. I move that we reappoint Maureen Magnan to the MDC for a term ending 12/31/20 and appoint Barry Walters to the Human Rights Commission for a term ending 12/31/17 and appoint Leon Davidoff, Clare Kindall, and Denise Hall to West Hartford Fellowship Housing.

Councilor Kindall: Second.

President Slifka: Motion's made and seconded. All those in favor? It's a reappointment. It's the same...it's the same thing we've done. It was a reappointment. Yeah, not a new appointment. No, reappointment. We had a second? Okay. All those in favor?

All: Aye.

President Slifka: Those opposed? Motion carries. So we now, I'd like to entertain a motion to go into Executive Session for discussion of pending litigation.

Councilor Kindall: Do we wanna do the consent?

President Slifka: Not a bad point. Thank you guys. Okay. We'll move back to number 21 and jump to 32. Mrs. Cantor?

ITEM #32: CONSENT CALENDAR - ADOPTED

ITEM #14: RESOLUTION TO APPROPRIATE \$21,000 IN THE FISCAL YEAR 2015-2016 BUDGET OF THE DRUG ENFORCEMENT FUND

WHEREAS, the Special Investigations Division of the Police Department conducts sensitive investigations related to vice and narcotics in West Hartford; and

WHEREAS, the Town of West Hartford has a Drug Enforcement Fund to account for the drug enforcement activities of the West Hartford Police Department; and

WHEREAS, the fund receives the proceeds of drug asset forfeitures from the State and Federal governments and earns interest income on the fund's available cash; and

WHEREAS, at the end of each fiscal year the unappropriated revenues and the unexpended appropriations in this fund are available for re-appropriation in the following fiscal year; and

WHEREAS, the Police Department is in need of an appropriation for necessary services related to police overtime for drug enforcement activities; and

WHEREAS, the Police Department is in need of an appropriation for miscellaneous eligible operating expenditures under the guidelines established by the Drug Enforcement Administration of the United States Department of Justice to be used in the course of investigations;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF WEST HARTFORD that the Fiscal Year 2015-2016 Drug Enforcement Fund budget is hereby amended as follows:

<u>ESTIMATED REVENUES:</u>		
20-220304-20406-9399	Fund Balance	\$21,000
<u>APPROPRIATIONS:</u>		
20-220304-20406-1010	Overtime	\$20,000
20-220304-20406-2004	Miscellaneous Administrative Expense	\$ 1,000

ITEM #17: RESOLUTION TO APPROPRIATE \$12,500 IN THE DRUG ENFORCEMENT FUND FOR THE PURCHASE OF FITNESS EQUIPMENT FOR THE POLICE DEPARTMENT

WHEREAS, it is the mission of West Hartford’s Police Department to enforce all laws and work to improve the quality of life, a mission that is accomplished by providing professional, high quality services to residents and visitors to West Hartford, and

WHEREAS, policing is a stressful and physically demanding job, and

WHEREAS, fitness has a direct impact on the job performance and mental health of officers and increases the safety of officers and the public they serve, and

WHEREAS, the Police Department recognizes the importance of having police officers who maintain physical fitness and has a fitness room that is always open and available to officers, and

WHEREAS, the current fitness room equipment is in need of replacement as it is in poor condition and at or beyond its useful life, and

WHEREAS, the department would like to utilize \$12,500 from the Drug Enforcement Fund to purchase new equipment for the Police Department fitness room, a permissible expenditure under the guidelines regulating these funds,

NOW, THEREFORE, BE IT RESOLVED THAT THE TOWN COUNCIL OF THE TOWN OF WEST HARTFORD authorizes the purchase of fitness equipment for the Police Department and hereby amends the fiscal year 2015-2016 budget of the Drug Enforcement Fund as follows:

<u>Estimated Revenues</u>		
20-220304-20406-9399	Drug Enforcement Fund Balance	\$12,500
<u>Appropriations</u>		
20-220304-20406-2103	Minor Equipment	\$12,500

ITEM #22: FROM TOWN PLAN AND ZONING – RE: MDC – 1 CHARTER OAK BOULEVARD – RECOMMENDING APPROVAL

ITEM #23: FROM TOWN PLAN AND ZONING – RE: RESOLUTION AUTHORIZING CONVEYANCE OF LAND AT NEW BRITAIN AVENUE AND HILLCREST AVENUE – RECOMMENDING APPROVAL

ITEM #24: FROM TOWN PLAN AND ZONING – RE: ORDINANCE REVISING THE UNIT DENSITY CALCULATION FOR MIXED-USE DEVELOPMENTS – RECOMMENDING APPROVAL

ITEM #25: FROM DESIGN REVIEW ADVISORY COMMITTEE – RE: MDC – 1 CHARTER OAK BOULEVARD – RECOMMENDING APPROVAL

ITEM #26: FROM CAPITOL REGION COUNCIL OF GOVERNMENTS – RE: 26 CAYA AVENUE – FINDING NO APPARENT CONFLICT

ITEM #27: FROM CAPITOL REGION COUNCIL OF GOVERNMENTS – RE: ORDINANCE REVISING UNIT DENSITY CALCULATIONS FOR MIXED-USE DEVELOPMENTS – FINDING NO APPARENT CONFLICT

ITEM #28: FROM TOWN PLAN AND ZONING RECENT PLANNING ACTIONS – RE: 2626 ALBANY AVENUE, 91 PARK ROAD, 1855 ALBANY AVENUE, 567 FERN STREET, 847 SOUTH QUAKER LANE

ITEM #29: FROM INLAND WETLAND AND WATERCOURSES AGENCY RECENT PLANNING ACTIONS – RE: 171 STILL ROAD, 957 NEW BRITAIN AVENUE, 1 CHARTER OAK BOULEVARD, 612-620 NEW PARK AVENUE

ITEM #30: MINUTES FROM COMMUNITY PLANNING AND PHYSICAL SERVICES COMMITTEE

ITEM #31: MINUTES FROM HUMAN SERVICES COMMITTEE

Councilor Cantor: I move that we adopt.

Councilor Kindall: Second.

President Slifka: That's the consent calendar we're adopting.

Councilor Cantor: Correct.

President Slifka: Any discussion? Okay. All those in favor?

All: Aye.

President Slifka: Those opposed? Motion carries.

ITEM #21: EXECUTIVE SESSION - 10:06 p.m. – 10:54 p.m.

President Slifka: So I'd like to entertain a motion to enter into Executive Session for the purpose of discussing pending litigation.

Councilor Cantor: So moved.

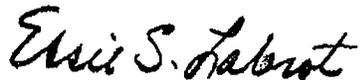
Councilor Kindall: Second.

President Slifka: All those in favor?

All: Aye.

President Slifka: Those opposed? Motion carries. We will go into Executive Session.

Meeting adjourned at 10:54 p.m.



Essie S. Labrot
Town Clerk/Council Clerk

ESL/dd

APPROVED AT AUGUST 18, 2015, TOWN COUNCIL MEETING

Schedule of Permitted Main Uses

Permitted Main Uses	One-Family Residence Districts							Multi-Family Residence Districts									Business Districts								Industrial Districts				
	R-80	R-40	R-20	R-13	R-10	R-6	EP	RM-4	RM-3	RM-3R	RM-2	RM-1	RO	RM-MS	RCO and RM/O	RP	BOL ¹	BO	RI	BN	BND ²	BS	BC & CBDH	BG	IP	IE	IR	IG	
1. One-family house, 1 per lot	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	P	P	P								
2. Places of worship	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
3. Public, parochial, or private school or college	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A		A	A	A	A	A	A	A					
4. Nursery school, child day-care center, group day-care home	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A		A	A	A	A	A	A	A	A	A	A	A	A
5. Library, museum	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A		A	A	A	A	A	A	A					
6. Religious institution	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A		A	A	A	A	A	A	A					
7. Charitable institutions for the care of the aged, homeless and handicapped, convalescent homes operated by a charitable institution (except group-care facilities)	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A		A	A	A	A								
8. Public park, reservation golf course, golf course restaurant or recreation facility	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A		A	A	A	A	A	A	A			A	A	
9. Private, nonprofit membership club	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A		A		A		A	A	A			A	A	
10. Water supply and sewage disposal system and facility	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A		A	A	A	A	A	A	B	B	B	B	B	B
11. Utility transmission lines and substations. (See also §§ 177-7 and 177-17.)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	P	P	P	P	P	P	P	P	P	P	P

KEY:

- A = Permitted use subject to issuance of a building and/or zoning permit and subject to § 177-42A.
- B = Permitted use subject to issuance of a building and/or zoning permit and subject to § 177-42B.
- C = Permitted use subject to approval of Town Council pursuant to § 177-42B and subject to § 177-42B.
- P = Permitted use subject to issuance of a building and/or zoning permit.
- Not marked = Not a permitted use in the particular zoning district.

NOTES:

- ¹For detailed use regulations in the BOL District, see § 177-7.
- ²Certain BND uses are subject to additional requirements of § 177-16.4 of this chapter.

Permitted Main Uses	One-Family Residence Districts							Multi-Family Residence Districts									Business Districts							Industrial Districts					
	R-80	R-40	R-20	R-13	R-10	R-6	EP	RM-4	RM-3	RM-3R	RM-2	RM-1	RO	RM-MS	RCO and RM/O	RP	BOL ¹	BO	RI	BN	BND ²	BS	BC & CBDH	BG	IP	IE	IR	IG	
12. Hospital, nursing and convalescent home, intermediate-care facility, rest home with nursing supervision and home for the aged (except group-care facilities)								A	A	A	A	A	A	A	A	A		A	A	A									
13. Governmental and municipal use	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A		A	A	A	A	A	A	B				B	B
14. Farm use, provided that storage of manure and other dust- or odor-producing substance is so located and confined that odor and dust will not reach beyond the limits of the property	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P													
15. Nurseries and greenhouses, including sales area- goods pertinent thereto	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A		B		B	B			B			B	B	
16. Multifamily dwellings, except that a lot with 3 or fewer dwelling units shall not require site plan approval								B	B		B	B	B	B	B	B		B		B	B		B	B			B	B	
16A. Multifamily dwellings restricted to 2 dwelling units per lot shall not require site plan approval.								P	P	P	P	P	P	P	P			P		P	P		P						
17. Parking of motor vehicles on the ground or within or on a structure																B		B		B	B	B	B	B	B	B	B	B	B
18. Office building for professional use													B				B	B		B	B	B	B	B	B	B	B	B	B
19. Office building for general business and professional use																	B	B		B	B	B	B	B	B	B	B	B	B

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Permitted Main Uses	One-Family Residence Districts							Multi-Family Residence Districts									Business Districts							Industrial Districts					
	R-80	R-40	R-20	R-13	R-10	R-6	EP	RM-4	RM-3	RM-3R	RM-2	RM-1	RO	RM-MS	RCO and RM/O	RP	BOL ¹	BO	RI	BN	BND ²	BS	BC & CBDH	BG	IP	IE	IR	IG	
20. Research laboratories																	B	B		B	B	B	B	B	B	B	B	B	B
21. Bank, including drive-in facilities																		B		B	B	B	B	B	B	B	B	B	B
22. Retail business dealing with the consumer on the premises, except retail firearms stores																				B	B	B	B	B	B	B	B	B	B
23. Establishment performing personal services																				B	B	B	B	B	B	B	B	B	B
24. Restaurants with or without alcoholic drink and other establishments serving food and nonalcoholic drink																				B	B	B	B	B	B	B	B	B	B
25. Hotel, motel																						B	B	B				B	B
26. Funeral home																				B	B	B	B	B				B	B
27. Cemetery	A	A	A	A	A	A	A	A	A	A	A	A	A	A															A
28. Crematorium	A	A	A	A	A	A	A																	A				A	A
29. Outdoor recreation area operated for profit																								A				A	A
30. Theater and other indoor recreation or amusement facility, excluding amusement arcades																						A	A	A				A	A
31. Telephone exchange, electric substation and other public utility use																		B			B	B	B	B				B	B
32. Radio and television studio																						B	B	B				B	B

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³See § 177-3D(6).

Permitted Main Uses	One-Family Residence Districts							Multi-Family Residence Districts									Business Districts							Industrial Districts				
	R-80	R-40	R-20	R-13	R-10	R-6	EP	RM-4	RM-3	RM-3R	RM-2	RM-1	RO	RM-MS	RCO and RM/o	RP	BOL ¹	BO	RI	BN	BND ²	BS	BC & CBDH	BG	IP	IE	IR	IG
33. Radio and television broadcasting	A	A	A	A	A	A	A	A	A	A	A	A		A	A	A	A	A	A	A	A	A	A	B	B	B	B	B
34. Motor vehicle sales, service and repair and gasoline service stations, excluding car wash facilities																								B			B	B
35. Wholesale business and storage warehouse use																								B	B	B	B	B
36. Printing																								B			B	B
37. Any industrial or manufacturing use, including fabrication, converting, processing, altering, assembly or other handling of products, provided that such use does not emit dust, odor, gas, fumes, noise, glare or vibration beyond the boundaries of the district in which it is located																								B	B	B	B	B
38. Outdoor storage of material and equipment other than junkyards, provided that such use does not emit dust, odor, gas, fumes, noise, glare or vibration beyond the boundaries of the district in which it is located																									B	B	B	B
39. Contractor's yard																											B	B
40. Junkyard																											A	A
41. Railroad terminal and yard																									B	B	B	B

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- Not marked = Not a permitted use in the particular zoning district.

NOTES:

- ¹For detailed use regulations in the BOL District, see § 177-7.
- ²Certain BND uses are subject to additional requirements of § 177-16.4 of this chapter.

Permitted Main Uses	One-Family Residence Districts							Multi-Family Residence Districts								Business Districts							Industrial Districts					
	R-80	R-40	R-20	R-13	R-10	R-6	EP	RM-4	RM-3	RM-3R	RM-2	RM-1	RO	RM-MS	RCO and RM/O	RP	BOL ¹	BO	RI	BN	BND ²	BS	BC & CBDH	BC	IP	IE	IR	IG
42. Veterinary Facility	A	A	A	A	A	A		A	A	A	A	A	A	A	A		A	A	A	A	A	A	B	B	B	B	B	B
43. Kennel																		A		A		A	A	B			B	B
44. Group-care facility	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A		A	A	A	A							
45. Monuments or statutes on public land	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
46. Retail firearms stores																											B	B
47. Vehicle-intensive business																									A	A	A	A
48. Passenger automobile rental agency																								B	B	B	B	B
49. One-family house, 1 per lot on rear lot	A	A	A	A	A	A	A																					
50. Certain professional offices, defined pursuant to §177-16.3 (first floor only)															A													
51. Adult-oriented establishments																								A			A	A
52. Car Wash Facilities																								A	B	B	B	B
53. Adult Day-Care Center																								A				
54. Adult Group Day-care Facility																				A	A	A	A	A				
55. Medical Marijuana Production Facility																												A
56. Medical Marijuana Dispensary Facility																												A
57. Alternative Energy Systems permitted as main uses pursuant to § 177-37.3																									B	B	B	B
58. Manufacturing of Alcoholic Liquor, including retail sales where permitted by Connecticut law ³																									B	B	B	B

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NOTES:
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²Certain BND uses are subject to additional requirements of § 177-16.4 of this chapter.
³For detailed use regulations, see 177-36D.

PUBLIC HIGHWAY EASEMENT

Know all men by these presents that Frederick J Wohlgeomuth (hereinafter "Grantor"), who is the owner of property known as 557 Park Road in West Hartford, Connecticut, for good and valuable consideration received to his full satisfaction of the Town of West Hartford (hereinafter referenced as "Grantee"), does hereby grant unto the said Grantee, its successors and assigns forever an easement, for such purposes as a public highway may be ordinarily used, in, over, under, upon and across the property of the Grantor. Said easement area and its particular permitted uses being more particularly described as follows:

Beginning at a point on the southerly street line of Park Road, said point being the northwest corner of the property known as 557 Park Road,

Thence running in a easterly direction along the southerly street line of Park Road a distance of eighty four and ninety two-hundredths (84.92') feet to a point,

Thence running in a southeasterly direction along a curve on the southerly Park Road street line, said curve having a radius of twenty (20.00') feet and a length of thirteen and forty three-hundredths (13.43') feet to a point,

Thence running in a westerly direction along a line a distance of ninety seven and forty six-hundredths (97.46') feet to a point and place of beginning.

Said easement containing an area of 194.11 square feet, more or less, and being more particularly shown on map entitled, Town of West Hartford, Division of Engineering, 557 Park Road Proposed Public Highway Easement, Dated: Jul. 17, 2015, Scale: 1"=40', Said map to be filled with the West Hartford Town Clerk.

To have and to hold above granted rights, privilege and authority unto the said Grantee, its successors and assigns forever, to its own proper use and behoof.

It being further understood and agreed by and between the parties hereto that:

1. It is a condition of the granting of this easement that the Grantee shall maintain the improvements installed within the easement area pursuant hereto in good repair and shall repair or replace any damage caused to the Grantor's property by the installation, operation, maintenance or repair of said improvements so long as this easement shall remain in existence but that routine snow clearing, sweeping and other similar cleaning activities on the sidewalk within the easement area shall be undertaken by the Grantor at his sole cost and expense.

STATE OF CONNECTICUT)

) ss. West Hartford, CT,

, 2015

COUNTY OF HARTFORD)

Personally appeared Ronald F. Van Winkle, Town Manager of the Town of West Hartford, signer and sealer of the foregoing instrument, who, being duly authorized, acknowledged the same to be his free act and deed and the free act and deed of said Town of West Hartford, before me

Notary Public

My Commission expires _____

(Seal)

ELECTRIC DISTRIBUTION EASEMENT

For a valuable consideration, receipt of which is hereby acknowledged, _____ hereinafter called Grantor, hereby grants to The Connecticut Light and Power Company dba Eversource Energy, a specially chartered Connecticut corporation with offices in Berlin, Connecticut, its successors and assigns, hereinafter called Grantee, with WARRANTY COVENANTS (except for the matters described in Schedule A if such schedule is attached), the perpetual right to construct, maintain, replace, relocate, remove and rebuild on, across, over and under the land hereinafter described (Easement Area), an underground electric distribution system consisting wires, cables, conduits, transformers, transformer pads, pedestals, meters, fixtures and other appurtenances useful for providing electric and communication service (including wires, cables and conduits running from the poles, transformers and pedestals to any structures erected on the Grantor's lands); the right to provide electric and communication service by means of the same; and the right to enter the Grantor's lands for the purpose of inspecting, maintaining or removing same and the right, after consultation with the Grantor when practicable, to trim and keep trim, cut and remove such trees or shrubbery as in the judgment of the Grantee are necessary to maintain its services.

Said Easement Area is located on the Grantor's lands on the southerly side of **Memorial Road** in the Town of **West Hartford**, Connecticut, as more particularly described on a map entitled "**Easement Plan Map Showing Easement Area to be Granted to The Connecticut Light and Power Company d/b/a Eversource Energy Across the Property of The Town of West Hartford 1 Memorial Road West Hartford, CT Scale: 1"=30' Date: 7/1/2015 File No. E5062**" which map has been on or will be filed in the office of the Town Clerk of said Town of **West Hartford**, Connecticut.

The Grantor agrees, except with the written permission of the Grantee, and except for those improvements shown on the above-referenced plan; provided, however, that said improvements do not interfere with Grantee's access to or operation and maintenance of Grantee's facilities ("Permitted Improvements"), that: (i) no building, structure, or other improvement or obstruction shall be located upon, there shall be no excavation, filling, flooding or grading of, and there shall be no parking of vehicles or planting of trees or shrubbery upon the Easement Area or outside the Easement Area within five (5) feet from any facilities or appurtenance installed to provide services to any structures erected on the Grantor's premises; and (ii) nothing shall be attached, temporarily or permanently, to any property of the Grantee installed by virtue of this easement. The Grantee may, without liability to the Grantor and at the expense of the Grantor, remove and dispose of any of the aforesaid made or installed in violation of the above and restore said land to its prior condition. In the event of damage to or destruction of any of said facilities of the Grantee by the Grantor or agents or employees thereof, all costs of repair or replacement shall be borne by the Grantor. Grantor, its heirs, successors, assigns and agents, shall contact Call Before You Dig prior to commencing installation or maintenance of said Permitted Improvements.

The Grantee further agrees, by the acceptance of this easement, that as long as and to the extent that the electric distribution system together with all appurtenances, located on said land pursuant to this easement are used to provide electric and communication service, the Grantee will repair, replace and maintain such facilities at its own expense (except as otherwise provided herein) and in connection with any repair, replacement or maintenance of said system the Grantee shall promptly restore the premises to substantially the same condition as existed prior to such repair, replacement or maintenance, provided, however, that such restoration shall not include the following: (a) any structures, other improvements or plantings made by the Grantor contrary to the provisions of this easement and (b) any damage to any Permitted Improvements resulting from the Grantee's exercise of its rights hereunder to access the Easement Area and/or to construct, maintain, replace, relocate, remove and rebuild Grantee's facilities.

If any portion of the above described land upon or under which said facilities or appurtenances thereto shall be located, is now or hereafter becomes a public street or highway or a part thereof, permission, as set forth in Section 16-234 of the General Statutes of Connecticut relating to adjoining landowners, is hereby given to the Grantee and to its successors and assigns, to use that portion of the land for the purposes and in the manner above described.

Any right herein described or granted, or any interest therein or part thereof, may be assigned to any communication company by the Grantee, and the Grantor hereby agrees to and ratifies any such assignment and agrees that the interest so assigned may be used for the purposes described therein for communication or signal purposes.

The words "Grantor" and "Grantee" shall include lessees, heirs, executors, administrators, successors and assigns where the context so requires or permits.

TO HAVE AND TO HOLD the premises unto it, the said Grantee, its successors and assigns, forever.

IN WITNESS WHEREOF, the Grantor has hereunto set its hand and seal this ____ day of _____, 20__.

Signed, sealed and delivered in the presence of:

Witness

Witness

(L.S.)

Witness

Witness

(L.S.)

ACKNOWLEDGMENT

STATE OF CONNECTICUT

S.S.

COUNTY OF _____

On this ____ day of _____, 20__ before me, the undersigned officer, personally appeared _____ who acknowledged him/herself to be the person whose name is subscribed to the within instrument and acknowledged that they, being duly authorized to do so, executed the same for the purposes therein contained said Grantor's free act and deed.

IN WITNESS WHEREOF, I hereunto set my hand and the official seal.

Notary Public - Seal Required
My Commission Expires _____

STATE OF _____

S.S.

COUNTY OF _____

On this ____ day of _____, 20__ before me, the undersigned officer, personally appeared _____ who acknowledged him/herself to be the person whose name is subscribed to the within instrument and acknowledged that they, being duly authorized to do so, executed the same for the purposes therein contained as said Grantor's free act and deed.

IN WITNESS WHEREOF, I hereunto set my hand and the official seal.

Notary Public - Seal Required
My Commission Expires _____