

MINUTES OF THE CHESHIRE PLANNING AND ZONING COMMISSION PUBLIC HEARING HELD ON MONDAY, JULY 14, 2014, AT 7:30 P.M. IN COUNCIL CHAMBERS, TOWN HALL, 84 SOUTH MAIN STREET, CHESHIRE CT 06410

Present

Earl J. Kurtz, Chairman; Sean Stollo, Vice Chairman; Edward Gaudio, John Kardaras, Vincent Lentini, Gil Linder, Louis Todisco. Alternates: Jon Fischer & Diane Visconti. Absent: Lelah Campo, S. Woody Dawson; Alternate Leslie Marinaro. Staff: William Voelker, Town Planner

Mr. Fischer and Ms. Visconti were the alternates for the meeting.

I. CALL TO ORDER

Chairman Kurtz called the public hearing to order at 7:31 p.m.

Mr. Kurtz read the fire safety announcement.

II. ROLL CALL

The clerk called the roll.

III. DETERMINATION OF QUORUM

Following roll call a quorum was determined to be present.

IV. PLEDGE OF ALLEGIANCE

The group Pledged Allegiance to the Flag.

V. BUSINESS

Town Planner Voelker read the call of public hearing for each application.

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| 1. Zone Text Change Amendment | PH 2/24/14 |
| <u>Town of Cheshire</u> | PH 3/10/14 |
| To amend Section 23, Definitions | PH 3/24/14 |
| Add: Recreation Active and Recreation, | PH 4/14/14 |
| Passive | PH 4/28/14 |
| To amend Section 30 Schedule A, Permitted | PH 5/12/14 |
| Uses, Item 29A | PH 5/27/14 |
| | PH 6/9/14 |
| | PH 6/23/14 |
| | PH 7/14/14 |

Town Planner Voelker read a letter dated July 11, 2014 from PW Director George Noewatne regarding the height of the new pool enclosure. The letter is made part of the application file.

Mr. Voelker explained there was a public hearing a few months ago on this application, and copies of amendments were submitted to the Commissioners at that time. The

proposal is to enable a maximum 60 foot height and sufficient height for construction anomalies and design issues which might arise with the pool project. The Town wants to allow for flexibility in case of an error. The height is only allowable for recreational type facilities, and Town open space is excluded from this regulation.

Mr. Todisco asked about Section 32.9 Item #7 as the new language and what the Commission will vote on during the special meeting.

Mr. Voelker stated this is correct.

THE PUBLIC HEARING WAS CLOSED.

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| 2. Resubdivision Application | PH 5/12/14 |
| <u>Kathie A. Welch</u> | PH 5/27/14 |
| Reservoir Road | PH 6/9/14 |
| 3 (2 new) lots | PH 6/23/14 |
| | PH 7/14/14 |
| | MAD 9/10/14 |

Mr. Voelker read a letter from Darin Overton, Milone and MacBroom, requesting the public hearing be continued to July 28, 2014, pending resolution of Fire Department and Police Department comments and issues. The application will be presented at the 7/28/14 public hearing.

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| 3. Zone Map Change Petition | PH 6/23/14 |
| <u>Ball & Socket Arts Inc.</u> | PH 7/14/14 |
| 493 West Main Street | MAD 9/10/14 |
| I-1 to S.A.R.D.D. zone | |
| To allow existing vacant manufacturing facility | |
| To be used as an arts center with mixed uses | |
| To include restaurant and retail spaces. | |
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- | | |
|--|--------------------|
| 4. Special Permit Application | PH 6/23/14 |
| <u>Ball & Socket Arts Inc.</u> | PH 7/14/14 |
| 493 West Main Street | MAD 9/10/14 |
| Special Adaptive Reuse Development District | |
| And Special Adaptive Reuse Development | |

Attorney Anthony Fazzino represented the applicant and said the presentation will be limited to responses to comments from various Town departments (Fire, Police, Engineering) and questions raised at the prior public hearing.

Mr. Fazzino advised that Ryan McEvoy, P.E. will address changes to the site plan; David Aria, Architect, Maier Group will address comments on the architecture of the project; Kaweski Brown will address comments related to the traffic report and traffic issues.

Ryan McEvoy, P.E. reviewed the changes to the plans as a result of staff comments (Fire, Police, Engineering). He noted there have been many meetings with Fire Department staff at the site and their office on concerns about access, future state of the buildings and improvements required.

According to Mr. McEvoy all three Town departments had concerns about the pull-off area on Willow Street, and this area has been eliminated from the plans. There will be enhancement of what is now there, and the Fire Department will have enough area for emergency vehicle access.

Engineering Department – the Town Engineer had concerns about maintenance capability of the underground detention structure. There is a small increase in impervious surface, and detention structures are at the south end of the property. The department also had questions related to roof work and removal of environmentally sensitive materials on site. Mr. McEvoy reported the applicant is re-grading areas for more parking surface; 1000 cubic yards of material is needed on site to grade out the southern parking area; the site will have to be monitored by DEEP and the applicant's representative for materials leaving the site. Everything will be handled appropriately.

West Main Street Parking Area – the dedicated proposed driveway closest to the canal side is an entrance only, and Willow Street is an exit only. The distance between the parking stalls was upgraded to 25 feet; the Fire Department's largest vehicle can enter this parking area, go into the centralized parking area for emergency access.

Mr. McEvoy commented on the Fire Department's concerns about sharp curves in the internal parking areas, and the fact that the applicant has demonstrated that the largest truck can transverse the property. The revised plans have more curbing for trucks in the east and west areas.

Sidewalks – concrete sidewalks will run along the west side of the buildings towards the parking area on West Main Street; fire hydrants will be installed with locations to be determined by the Fire Chief.

The Commission was informed by Mr. Voelker that the Planning office received the revised plans at 3 p.m. today, July 14th, and they will be forwarded to Commissioners.

On the plans, Mr. McEvoy pointed out the area of the pick-up and drop-off between buildings 1.5 and 2. The revised plans show this area being eliminated; the gray area represents the existing driveway, and he said the Fire Department can enter the property adjacent to the east side of the building.

David Aria, Maier Design Group, has walked the site with the Deputy Fire Marshal and Fire Chief, and had a 2nd meeting with the Fire Marshal to review concerns of the Fire Department. One requirement is to have lock boxes at multiple locations, and the applicant will provide these boxes at the Fire Chief's recommended locations. Mr. Aria

stated all buildings on the site will have fire sprinklers, and noted a majority of the buildings are non-combustion construction, are mostly steel and concrete, with buildings 1.5 and 2 being wood frame. The applicant is adding a full sprinkler system and fire alarm system in all of the buildings, and a fire stamp plate system will be added. An extra room is marked on the plans, #1-144, for the Fire Center, an acceptable extension by the Fire Department. This center is where the sprinkler system and controls for fire alarm will be monitored and terminate. The applicant can get smoke evacuation fans into the building as part of the final design, and they would terminate in the fire center. Mr. Aria commented on building #1, 40,000 sq.ft. to be divided into discrete fire area, which will work with the Fire Department on the separate lines.

Kaweshi Brown, Traffic Engineer, Milone and MacBroom, stated that comments were received from the Police Department and Commission on the traffic report. Mr. Brown responded to the comment and questions. He said the "overall level of service" was removed from the traffic study; the level of service out of Willow Street is poor; and this will continue. There is a conservative analysis in the number of trips, with a 5 to 10 second delay on Willow Street added by the subject project, and a two car queue. Mr. Brown informed the Commission and the public that the State of Connecticut has looked at the intersection of Willow and West Main and determined the volume of traffic does not meet the threshold for a traffic signal. The application does not have to go to the State Traffic Administration but needs approval from the State Traffic Office.

Commissioner Linder asked about table #3 level of service (May 16th study) as "F" with a 5 second delay on Willow Street.

Mr. Brown referred to the revised traffic study (June) which shows table #3, 55.1 second delay.

Mr. Linder asked about a 56 second delay and level "F" being unreasonable. He also asked about level of service "A".

At the present time there is a 50 second delay, and Mr. Brown said the developed site will add 5 seconds. Regarding level of service "A" Mr. Brown said this is for a self controlled intersection, and the level of service should never have been referenced in the study for this intersection.

Looking at table #2, Mr. Linder noted mid-day Saturday, peak hour, 120 cars leaving the site, and with the 80% factor applied, this is about 100+ cars.

It was clarified by Mr. Brown that this is the total traffic in and out, 40 to 50 cars leaving and 70 cars coming in, and has nothing to do with the existing traffic at the site. This is not considered huge traffic generation, and is not enough volume for the State to install a traffic signal.

Mr. Linder asked if any other exits were considered other than the small Willow Street exit, and noted there is a gravel driveway near the coal building that could be a potential exit to Railroad Avenue.

Mr. McEvoy advised that the gravel driveway is too narrow to be used for traffic flow, and appropriate only for pedestrian traffic. This was not considered due to lack of safety issues and is not part of the application.

Mr. Linder asked about this driveway being an exit only.

At a meeting with the DOT, Mr. Aria stated DOT is opposed to exiting Railroad Avenue with the Linear Trail crossing, and is strongly opposed to the gravel driveway as an exit.

According to Mr. Linder large concrete trucks cross the walking path on the trail and canal in Southington, and questions why the DOT would not consider the alternate exit for the subject site.

Mr. Aria replied that DOT has concerns about combination of pedestrian and vehicular traffic in this area.

Mr. McEvoy advised there is also a property rights issue for Ball & Socket to use the railroad access.

With the trail light on West Main Street, Ms. Visconti asked if it will help with the Willow Street exiting.

Mr. Brown noted that coming out Willow, making a right turn, the light will be helpful. This light will be at the pedestrian cross walk.

Attorney Fazzone clarified that the applicant does not have access across the Linear Trail, Railroad Avenue, and this would require negotiations with property owners.

In response to a question about the overall traffic on West Main Street, Mr. Brown said it is 500 vehicles in each direction during Saturday peak hours, a total of about 1100 cars.

Part of the application process and Commission responsibility is tied up in Sections 45A and 40, and Attorney Fazzone presented information on the proposed findings based on the presentation to date. Mr. Fazzone noted that July 28th is the 35th day for conclusion of the public hearing, and the applicant is okay without a requirement for extension request.

PUBLIC

Elizabeth Fox, 135 Oak Avenue spoke in support of the Arts Center application. She said it will improve quality of life in Cheshire, preservation of historic buildings, improvements to the West Main Street area, and residents will have a place to go to enjoy arts in town. She requested the Commission approve the application.

Gary LeClerc, 43 Willow Street, business owner, commented on the level of "F" service for traffic in the area, and recommended using shuttle buses to and from the site with a 15 minute rotation. This is done at the Hearst Castle, and works well.

Michael Weed asked about the trail continuing on both Cornwall and West Main Streets.

Chairman Kurtz stated it will continue.

Breina Schain, 62 Hilltop Road, read an excerpt from her recent editorial in the Cheshire Herald. She said the Arts Center is a great opportunity for the town, and it will have musical concerts, retail, restaurants, and performances of talented citizens. The Arts Center will be a crowning jewel for Cheshire. Ms. Schain suggested there be annual memberships, lending library, and other amenities.

Anna Morse, 420 West Main Street, supports the Ball & Socket Arts Center in this upcoming and thriving area of town. The area is within walking distance to many services, and will youth looking to their performing passion.

THE PUBLIC HEARING WAS CONTINUED TO JULY 28, 2014.

5. Special Permit Application
BeMore Investments LLC
314 West Main Street
Family Dental Office

PH 7/14/14
MAD 9/10/14

Ryan McEvoy, P.E. Milone and MacBroom, represented the applicant. The property is located on the northwest corner of West Main and Waverly Streets, and is the former location of flower shops for many decades. The goal is to renovate the building, enhance the site, and convert it to a dental office. There will be a parking area in the rear of the building, 18 spaces; the grade increases 3 to 1 along Waverly Street; the building size will be reduced; the parking area in front of the building will be eliminated; a small strip will be made into a sidewalk for pedestrian traffic; the driveway will be improved; re-grading will make the site more acceptable with a gentle grade. There is no storm water detention proposed due to the decrease in impervious surface.

The plan has been reviewed by all Town departments including WPCA, and Mr. McEvoy reported there is approval for sewerage use.

Regarding the small strip of sidewalk in front of the building, Mr. McEvoy explained that the Town Engineer suggested a new concrete sidewalk. The PW Director found it acceptable to leave this sidewalk as bituminous with the Town improving it with concrete in the near future.

Comments from the Fire Marshal were minimal, and the applicant agrees to access to the building by the Fire Department.

Dean Berman, Architect, reviewed the building renderings. This building will be a one story building; greenhouse will be removed from the site; the footprint will be slightly reduced; the building will have enhancements, a new rear addition, cupola, new trim, bay windows, and will enhance the residential qualities of the property.

Mr. McEvoy stated that the nature of the proposal, reduction of the footprint, establishment of a new business, enhancement of the building and landscaping are all part of the project.

Regarding the front of the building with asphalt on West Main Street, Ms. Visconti asked if cars will still park in front.

At the present time there is an 85 foot wide parking area, and Mr. McEvoy said this will be eliminated. There will be landscaping and grass, with a 5 foot wide area as a temporary sidewalk connection, pending the Town's installation of sidewalks on West Main Street.

Town Planner Voelker informed the Commission that the Town has applied for a sidewalk grant, and these funds will be used to install concrete sidewalks on West Main Street, including the subject property.

PUBLIC

Jodie Bemis, 1000 Summit Road, thanked the Commission for considering the application for Dr. Bemis' dental office. She said they are looking forward to enhancing the property, hope to open by the end of the year, and also hope for a beneficial and productive relationship with the Town.

THE PUBLIC HEARING WAS CLOSED.

**6. Special Permit Application
Consulting and Design LLC
905 West Main Street
Renovate existing convenience store for
Dunkin Donuts and Drive Thru**

**PH 7/14/14
MAD 9/10/14**

(Commissioner Todisco was recused from this application)

Attorney Dwight Merriam represented the applicant Michael Batista, along with Bill Romell, Ron Fortune, Scott Hesketh, Kyle King, Hiram Peck. Mr. Merriam introduced the resumes of those representing the applicant, along with aerial photographs of the site, Cheshire zoning regulations, information on Warren Equities-Dunkin Donuts, and a document on conformance with the regulations.

Attorney Merriam commented on the prior application (October 2013) which was withdrawn, and the applicant reviewing and responding to comments and concerns of

the prior application. There have been meetings with the Town Planner and Town staff; comments and critiques were received; additional changes made to the application; and Town staff has been exceptional and helpful throughout the process.

Bill Rommel, Real Estate Consultant, Warren Equities, stated that the application is to enable a Dunkin Donut franchise to become part of the company operation, improve service and product to the public. Mr. Rommel gave a brief history of the property, purchased in 1997, the successful business, and wanting a Dunkin Donuts to join the operation. He said it took 7 months to develop a new application without the prior problems, and the right plan is presented, hopefully with Commission approval.

Michael Batista informed the Commission he has been operating Dunkin Donut sites for 35 years, with 33 years in Cheshire. He believes the proposed site will be an excellent one to operate, and customers coming for gas or the convenience store will take advantage of the Dunkin Donuts operation. Mr. Batista said customers expect quick service from Dunkin Donuts; all orders will be take out; there is no seating. He commented on the Notch Store, a large menu selection store, and believes there will be a beneficial relationship for the two stores, with some overload in the type of services provided. Mr. Batista would be pleased to have a Dunkin Donuts at the subject location, and hopes the Commission approves the application which meets the zoning regulations.

Ron Fortune, Consulting and Design, LLC, presented the site plans for the Dunkin Donuts. The building is 1600 sq. ft.; is 2 parcels with 2 acres; fronts on 3 streets; has regular and diesel gas fueling on the island; and there are 6 fueling places under the canopy. On the site plan Mr. Fortune pointed out the improvements and key points, repositioning of the diesel pumps, configuration of the drive through lane, and said the applicant is leasing 680 sq. ft. for the donut store operation. The dumpster location has been moved; parking changes are made including the handicapped accessible spaces; there is a closing gate system proposed for tank loading area; there is some expansion of paving in the dumpster area and loading zone; and the plans show an underground storm water system. The Engineering Department has concerns which will be addressed (sediment erosion control during construction, details on the dumpster pad, handicapped area and ramp, and signage). On the plans Mr. Fortune noted the pavement markings for the drive thru; removal of one parking space per staff comments; there are monitoring wells on the site for spillage; entry and exiting for tanker; internal traffic signage. A 3-D rendering of the site was displayed. The interior of the store is a C-store and 698 sq. ft. Dunkin Donut area with a drive thru. People can park, come in, order from Dunkin Donuts and leave.

With regard to signage, the canopy signage remains; there will be a Dunkin Donut menu board proposed; directional signs; drive-thru awning at the window; and Dunkin Donut signage on the free standing sign.

Chairman Kurtz asked about the travel path/raised paved area on the east side of the building, if this is new or there now.

This is new and Mr. Fortune said it deters anyone from making a left turn in between the store and gas pumps, and the stop bar is painted. The site has 18 cars parking/12 cars stacking; employee parking is on the Mountain Road side; designated edge area for box trucks; and a loading zone for delivery trucks.

Stating she was familiar with the site, Ms. Visconti has concerns about taking a right off West Main Street into the gas station, cars going around and out, and does not see room for all that is proposed and parking.

Mr. Fortune stated the applicant believes there is enough room for travel on the site. He reviewed the travel path for the Dunkin Donut drive-thru on the site plan.

A question was raised by Mr. Strollo about deliveries, and everything supplied from a master location. He also asked if there are other similar locations as the subject store.

Mr. Batista explained that the master location packs products for the stores, and trucks come to the stores between 2 a.m. and 5 a.m. The subject store would be open 5 a.m. to 11 p.m. Mr. Batista noted there are two other locations with gas and convenience, but no drive-thru. He has 12 drive-thru locations.

Mr. Strollo commented on this proposal being similar to an operation in North Haven which was very tight.

According to Mr. Batista a C-store, gas station and Dunkin Donut drive thru are very convenient for the consumer. He also noted that the Dunkin Donut store on West Main Street would be closed when the subject store opens.

The statistics for the South Main Street store, 357 customers daily, were cited by Mr. Gaudio, who said the new store will serve about 1/3rd of the number of customers at the South Main Street location. This is about 600 customers a day.

It is hoped the new store will increase customers by 20% and Mr. Batista said an increase to 40% would be 400 to 500 customers a day. This is 1/3 of the traffic of the store on East Main Street in Meriden.

Mr. Gaudio asked about the business at the C-store, without the Dunkin Donut drive thru, and questioned adding 600+ cars.

In response, Attorney Merriam said the traffic report will address this question. The new store is not adding 600+ cars, as people on the site will be potential Dunkin Donut customers. The customers are getting gas and convenience items, and will get coffee, and are not new customers. People passing by will get off the road, stop in and use the drive thru, and these are not new cars in the system. There is no change in the level of service with the Dunkin Donuts facility.

Kyle King, Operations Manager/Truck Driver, Island Transportation Corp. explained there is delivery to 400+locations in New England, and he oversees the safety issues of delivery. He explained how a delivery is made, going in and out of a site, tanks putting out cones, flashers are ongoing, and taking 25 to 30 minutes to make a delivery of 8700 gallons of gas, and driving out of the site. Mr. King commented on the subject property being much larger than other sites getting deliveries; deliveries being made during off hours when stores are closed; and pointed out on the plans where the trucks deliver gas (left side).

Attorney Merriam explained that the gate is remotely activated designed gate for the worst case scenario. Deliveries will, probably, be made when the store is closed. The gate would be activated by someone inside the store or the truck driver, and the drive thru lane is closed.

Mr. King stated that the trucks are GPS activated; the store is called; and cars are cleared out for delivery. The subject store sells about 3,000 gallons of gas a week.

Hiram Peck, Plan Three LLC, discussed the differences between the Notch Store and Dunkin Donuts store, and noted there is a difference between a destination store and convenience store. The proposed Dunkin Donuts store is a take out facility. The Notch Store is an organic neighborhood spot, sells newspapers, has tables, books, some table service, self service coffee and tea, is busy week days and weekends, advertises local events, and is a neighborhood place. Mr. Peck commented on the many differences between the Notch and Dunkin Donuts, and a new use leading to competition, future upgrades, and the new option for residents.

Mr. Lentini questioned the menu differences of the Notch and Dunkin Donuts.

In response, Mr. Peck said the Notch has various types of coffee, daily specials, made to order foods, which are not found at a Dunkin Donuts.

Attorney Merriam talked about the conformance with the regulations document, and the information in italics which states how the application conforms with the zoning regulations. Mr. Merriam cited each of the sections of the regulations. Pages 6 and 7 cite the conditions which can be placed on the special permit.

Scott Hesketh, P.E. reviewed the traffic report dated April 9, 2013. He spoke about the traffic signals on RT 68/RT70/Mountain Road. RT 70 has average daily traffic volume of 19,200 vehicles, and traffic volume has reduced in the last few years. The existing site has 6 fuel dispensers, services 70 customers from 8 a.m. to 9 a.m. and 55 customers on Saturday, 11 a.m. to 12 noon. Table #5 in the report presents traffic volume data and data from transportation engineers.

Mr. Hesketh visited a similar site in Plainville CT and did traffic counts (Tables #7 and #8); 34% of cars used the Dunkin Donuts solely. Comparing Cheshire to Plainville, he said Cheshire has 2.23% on the main road, and Plainville 4+%; Dunkin Donuts

generates 5% of new traffic, 70-+ trips per hour. Traffic volume is summarized in table #5. Tables #6 and #7 show site generation traffic; tables #8 and #9 show combined traffic volumes. For Mountain Road/RT 70 the level of service is B/C; there is less than one second delay; the drive thru line can accommodate the number of vehicles projected, and the capacity is 36% using the drive thru window. There will be no more than 5 vehicles in the queue at one time with 45 second service time. The applicant has submitted a sketch of figures #8 and #9 of internal movement moving count on the site at the intersection. During peak hours it is expected there will be 150 to 160 vehicles moving through the location, and this would be level service A with a 4 to 5 second delay. Visual observations were made of the site, and with movement of the diesel location there will be more room for larger trucks without blocking access of the drive thru window. There is an appropriate pattern turning radius. During his visit to the site, Mr. Hesketh saw a tractor trailer truck and school bus on the site without affecting traffic flow.

Mr. Kardaras asked if this proposal is a safe operation for the site.

Stating "yes", Mr. Hesketh said the driveways are adequate for the volume of traffic in and out of the facility and for the drive thru window. He said things will operate efficiently and effectively.

Mr. Linder asked about exiting onto Mountain Road when all pumps are in use, and said with Dunkin Donuts more cars will be left at the pumps.

At peak hours on the site, Mr. Hesketh said 70 vehicles will go in and out, and the Plainville site was on a street with higher volumes, 216 vehicles in and out. The subject location is 70 vehicles in and out, and 10% of the customers will enter the store.

At the Plainville site, Mr. Kurtz said there are two driveways in and out, and he asked if two driveways were looked at for the Cheshire site.

Mr. Hesketh said there is an in only and out only at Plainville, with full service driveway to Cook Street. The subject property does not have an island, and has an operating right in and right out of the driveway. He does not expect people to take a left turn in and out, and traffic at the site will be repeat customers.

Mr. Linder enters the site from RT 70, gets gas, and asked about a choice to get out of the site, not being able to make a u-turn because there are parking spots blocking and cars coming out of the drive thru. He asked if this will be permitted...making a left turn. He questioned whether there will be chaos and confusion of people making a right and left hand turn, and people leaving cars at the pump to get donuts.

In reply, Mr. Hesketh said some cars go left and right to use the pumps, and he saw people go to Dunkin Donuts and then pump gas.

PUBLIC

Breina Schain, 62 Hilltop Road, is opposed to the Dunkin Donut proposal, and noted no one from the Notch Store is present for the application. She said the Notch Store is a landmark in Cheshire, and she does not want it closed or business taken away from this store. The Notch food is similar to Dunkin Donuts, and there are many other Dunkin Donuts in Town, and lots of traffic on RT 70 and 68. Ms. Schain said more cars will be dangerous, and there will be tight maneuvering of cars.

Mr. Voelker read comments from the Fire Department dated 7/11/14 and Town Engineer dated 7/9/14 into the record.

THE PUBLIC HEARING WAS CONTINUED TO JULY 28, 2014.

VI. ADJOURNMENT

MOTION by Mr. Strollo; seconded by Mr. Kardaras.

MOVED to adjourn the public hearing at 10:35 p.m.

VOTE The motion passed unanimously by those present.

Attest:

Marilyn W. Milton, Clerk