

Town of Watertown
Planning and Zoning Commission
Public Hearing
Wishbone Realty
October 1, 2008

Time: 7:10PM
Date: October 1, 2008
Place: **Watertown High School Technology Center**
324 French Street
Watertown, CT

Members Present: D. Minnich, R. Russ, M. Masayda, G. Martin, C. Mancini,
G. Dupliese, J. Blais, K. Demirs, R. Rondeau, D. George

Others Present: Ruth Mulcahy, Administrator of Land Use

Minnich: Next item on the agenda is the application Wishbone Realty, LLC for a proposed 8,500 sq. ft. building located at Lombard Plaza, 1128 & 1142-1156 Main Street in a B-G district. Mike would you please read the notice of public hearing.

Masayda: The Planning and Zoning Commission of the town of Watertown, Ct. will hold a public hearing Wednesday, October 1, 2008 at 7 pm in the Watertown High School, Technology, 324 French Street, Watertown, Ct on the following application. An application of Wishbone Realty, LLC for the proposed 8,500 sq. ft. building located at the Lombard Plaza, 1128 & 1142—1156 Main Street, Watertown, Ct in a B-G General Business Zoning District.

Minnich: Does the applicant have a presentation?

Milton Grew – Grew Design

Good evening Mr. Chairman and members of the Commission. My name is Milton Grew I am an architect my office is on Main Street in Woodbury. I am representing the owners of the Lombard Commons Retail Center and the adjacent property to the North that is under consideration tonight. I have with me as well Mark Resenhouser, Professional Engineer from Smith and Company of Woodbury who is the civil engineers of the site planners of this project. It was actually 363 days ago we came before you with our first swipe at a site plan for the expansion of this plaza. Since that time we have taken the encouragement of the informal conceptual approval that we received and we went forward with developing the plans and talking to town agencies and officials as well as the ones that have jurisdiction and the state DOT. And as of today I believe we are up to date with all the outside approvals outside of this body that we needed at this time. We have approvals from Sewer and Water pending anything that he wants

to change later on or just we have gone back and forth a bit with Mr. Berger on the engineering issues and I believe it is generally favorable report that he has for you tonight in that respect. We have made quite a few adjustments in the last couple of weeks to the plans to accommodate his concerns and those in Public Works. Over the course of the project we had 3 meetings with Ruth Mulcahy and other staff members. We have also submitted a traffic report that was prepared by Wilbur Smith Associates to the state DOT because of the lighted intersection there where the driveways to the plaza at the present we have received comments back of them. It has had an impact on the site plan that we bring before you tonight based on that they have no further comments. Of course the same was true with respect to drainage on the site that was proposed to tie into the Main Street system so again state DOT reviewed the drainage calculations and design they input on there going back to the spring. We had a site meeting with a couple of their engineers out there and Mark could go into the details if you would like but basically we are doing 100% retention on the site so we have zero impact on the storm system on the street and therefore they were satisfied with that. Essentially they wanted no jurisdiction over it because we were not sending any water that way. So tonight if I can I will give you sort of the broad rush and then we get into some finer details if you would like. Is this okay having the easel there?

Minnich: Is it possible if you could move it back so the public can see it?

Grew: I have extra sets of plans I would be willing to give to Commission members that were submitted to Public Works Department the other day.

Minnich: What you have submitted is this different from what you submitted to us.

Grew: Yes it is different.

Minnich: Then I should throw this away? Can you all see that in the audience? I have a document dated 9-29-08.

Grew: So that current site plan that you now have before you is the one we will be working from tonight, that is the one we propose to use. So we have the existing plaza that we all know about we are building top the left there is Blockbusters building, the building to the right has Starbucks and some other tenants in there and what we are proposing to do is take the property immediately to the north and essentially expand the parking in that direction and build a third building on that site. The third building would be 8,500 sq. ft. of various architectural designs so that it all blends to the existing plaza. I will go through some of the adjustments that we have made in the parking lot to accommodate the Fire Marshal and the state DOT. As you may recall from a year ago when we were here that's is when we first discussed having an outlet onto Belden Street and at that time in that informal discussion there seemed to be general acceptance to the idea that this would relieve some of the congestion in the plaza to have a exit only right turn

only exit onto Belden Street here. So that is exactly what we did their use to be three parking spaces that we dead end into the end of this parking lot so we have taken those and turned them so now there just doubled loaded just like the parking the rest of the parking lot and we have that single exit out there. With respects to the main entrance that we are going to make maintain onto Main Street where the traffic light is when the state DOT reviewed this they asked us if we could eliminate three parking spaces that were facing this outlet as you pulled in. The fear was the people backing out of these spaces would then be conflicting with folks trying to get into the site and that might create a hazard here or a problem. In the end they agreed to have us eliminate two spaces on this left hand lot in front of Blockbusters because they were the ones that were having the greatest impact. Upon further review with the Fire Marshal though and he talking about fire apparatus getting into the north parking lot and making the turn here he felt he would like to see the parking space that is directly in front of Starbucks the first one there eliminated and so we move the handicap accessible space over one so in effect we still have three spaces we have eliminated here. What that has brought us to as the calculations shows that the bottom of the sheet under parking requirements is that we are exactly the parking ratio that is required for retail space here in this plaza one per 250 sq. ft. We were trying to have three extra but we lost them with the Fire Marshal's review. With respect to the dumpsters the refuse containers that are now at the dead end of the parking lot to the north they would be relocated to be between the buildings and on the site plan details you will see that its detailed that there would be a fence with a vinyl slat enclosure to completely block view of the dumpsters that would be here between the buildings. We have also of course introduced the landscaped islands so that there is no more than 12 spaces continuous.

Let me move onto the building itself. It's basically setup as a shell at this point we have no tenants that have yet signed any leases or letters of interest or any kind of commitments. What we are proposing is that there might be a maximum of 6 tenants here but considering the size of the stores in the plaza present such as Blockbuster's taking up one entire building that is probably unlikely. So we are just showing dash lines right now diving up the building but my gut tells me there probably be more that will take 2 or 3 of these spaces then just individual ones so I personally anticipate probably no more than 3 or 4 tenants in the building if that. With the respect to the building design one of the things that was a concern initially to the Fire Marshal was with the traffic congestion in there and what he felt was were limitations on access to the building that was somewhat problematic and so we offered to put in fire sprinklers throughout the new building as well as a fire alarm system which neither is required under the state fire code. With that you have a letter before you is positive in his review of the project. As far as the exterior of the building we are really trying to...

Minnich: You mentioned the letter.

Grew: I think Ruth has it in her files but I can give you a copy.

Minnich: You have a copy of the letter Ruth. We have it thank you.

Grew: I had a meeting with the Fire Chief and it was at that point that we discussed that option of putting in the sprinklers, I followed that up with a letter telling him we would commit to doing that and return he offered that positive letter review. The dimensions that are on the building present as far as the roof height we are using the same type of dormers, siding material, roof material, so that it really has the uniform look in the plaza. We are not introducing anything new which would seem out of place there. We also have submitted, I believe Ruth has a copy of the letter from Christopher Allen soil scientist from Landtek just verifying that there are no wetlands at all on the property.

Mulcahy: I received in my e-mail from Mr.

Grew: Would you like a hard copy.

Mulcahy: Yes thank you. That one is much better.

Grew: As part of our discussion with Ruth originally we were not going to apply for any changes to the pillion sign but after talking to her it seemed to make sense to address that with this application as well. So we have gone and ahead and I have 12 copies I can distribute to you as well of a sheet that shows the existing ground sign that is there which is basically two steel posts with an internally list sign. What we are proposing to do is to use those steel posts as the basic structure but then build around with our architectural trim put in a new sign with a new name for the plaza Watertown Commons and a brick base with a Bluestone cap on it. Calculations are done here to show this fits within the 48 sq. ft. that is allowed for signage as well as were just over 13 feet in height and 15 feet is allowed in that zone.

Rondeau: Can you show on the plans where that would be?

Grew: In the exact same place that it is on the plans now. It is right there where it says sign. So it would not move essentially we are just using those posts as basis for the structure. It is really the best location there is no reason to put it somewhere else just because the plaza is expanding. We also have updated the elevations to show just detailed calculations along the signage that is also allowed on the face of the building and I show you those as well. What we have for lineal store front the calculations done and we show exactly where the signage is and this all falls within the regulations for signage on the face of the building. Mark would you like to go over the drainage how that works.

Mark Resenhouse - Licensed Engineer – Smith and Company

Greg has pretty much described most of the site features. I just want to get a little bit into the drainage so the Commission understands what is going where the water comes from and where it is going and what is proposed there. Basically right now on the site there is a 72 inch corrugated metal retention system on the southern portion of the site in front of Blockbusters location. We are proposing to add three rows of 48 inch corrugated polyethylene pipe structure that sits in front of the new building to accommodate the water. It will be coming from the building from the slopes in the back area, parking lot serving along the proposed building. This retention system will into the state drainage system, this was reviewed by the state. Based on their input that is how we ended up proposing the connection. By doing that we were able to maintain our drainage developed flow in the quote developed condition by sizing the regulated outflows of each of these systems. The second thing I wanted to touch base with was one of the big topics that we had discussion with Mr. Berger and Mr. Cavanaugh in regards to the retentions basins to the west of the site/ There is great bit of a grade change from the western property line out to the main street frontage ranging anywhere from elevation 530 all the way down to elevation of 482. It is quite a substantial grade change. We ended up doing based on the discussion with the Mr. Berger we ended up creating a gravel access road which will be reinforced with the open concrete paver structure so that the vehicles can divert up into the hill to get into the retention system which would be much better than that currently exists which is really no access to the point due to lack of maintenance or whatever. That is pretty much summarizes the drainage of the advent to the retention areas were the two big issues.

The other thing I wanted to touch on was a little bit about the landscaping itself. We have these landscape diagrams in the front of the parking area where we are proposing to put in a minimum two inch diameter 5 to 6 foot high dogwood type trees or something similar if the Commission would prefer something else on each of these landscaped islands. Then along the frontage between the parking lot and Main Street were proposing to put in a boxwood tree anywhere from 2 to 3 feet high to help screen the parking area from Main Street from headlights from the vehicles so that were are getting stray lights out onto Main Street these are evergreen type plantings. I don't have anything else to offer at this time.

Minnich: Is there anything else for the presentation?

Grew: I think we covered it.

Minnich: Any questions or comments from members of the Commission?

Russ: Would there be lighting in the parking lot?

Resenhouer: Yes we do propose lighting and I apologize I am going to bring a cut sheet for that particular light that we are proposing. But we are proposing lighting that shall be L1 drawing we have a lamp, full mounted lighting into eastern island before the building. As well as wall mounted lights on the building itself. The light would be full cut off fixtures no up lights the full cut off fixtures that occur to the Watertown regulations.

Masayda: As the applicant indicated there was normal traffic congestion within the parking lot, anybody who frequents the site knows that there is a traffic congestion problem within site and the reason for the traffic congestion within the site is if you observed in there is the lack of cue at the driveway entrance that has a capacity of stacking 2 maybe 3 cars then when you get to the 3rd or 4th car they kind of denies access within the parking area so for example if there is a cue of cars of 3 or 4 trying to exit the facility and your are trying to get in and trying to say make a left visit the shops over here the intersection gets blocked and that results tripping out into Main Street which creates the situation that is currently occurring there now. It just backs up in both directions people are trying to get out, people are trying to get in because of that one person that blocks that entrance now my question is with added volume as result of the new development over here how does the traffic congestion get better as a result of the adding this, how do we make the situation better? It appears to me it would be made worse. That is one question and the second question is this a good idea to have the access out to Belden if people are going to take a right, if anybody has been on Belden that is a very low volume road very few people go up and down it. The normal person if they are getting stuck within this parking lot here they are going to come out here and because it is not going to be non enforceable there is not going to be anybody there they are going try to get back onto Main Street they are treating that same situation where they are going to want to cross Main Street here and typically drive through Main Street people let people in stop and let the guy in so that will also create a backup to the traffic control signal to controlled intersection. Which in my opinion you're not going to get a lot of people going up in here there are not going to follow that rules. So that is going to create more of a congestion onto Main Street where again you have a controlled intersection right here with the traffic signal it is an internal problem and should not be exsasterbated out onto Main Street by allowing this entrance onto Belden. I would like an answer to both of those questions.

Grew: I would say we all agree there is no hiding the fact there are internal traffic problems here as you said. We feel that there is substantial improvement in that we now have eliminated the three spaces that are facing that area so that you don't have the conflict if cars are stacked here they now can freely block this area here if they are leaving and no one is going to be backing out into them and you are not

going to have the congestion of cars backing out into cars that are approaching. So everybody now that leaves will be leaving in more orderly fashion and they will actually be facing headlight out when they go to leave the site.

Masayda: Wasn't the backing question it was the cueing of the cars first car coming in wanted to take a left how do you preventing that?

Grew: Basically what you have here now is you have a double loaded parking lot that is here x number of feet from Main Street and that is the depth we have. We have had a traffic report done by Wilbur Smith at requirements of safety DOT and which they analyzed that and decided from their perspective anyway that this continues to be doable as long as those parking spaces at the end of the drive were eliminated. If you look at the Wilbur Smith traffic report you will see that at the states requests they did not include the Belden turnoff. That is the worst case scenario. The Belden turnoff was savored by the Fire Marshal very specifically he liked having that additional access out of the site but to be honest with you we really don't care we are proposing it because it seemed to be the general consensus of the Commission last time when we were here I believe that the town engineer is in general agreement but I don't think anybody is emotional committed that this needs to stay if the Commission felt this was more of a problem than a help. This parking lot is here now these buildings are here now that we have fixed dimensions that we really we can't make any major changes there I don't know how that is possible. The other thing of course that we have looked at early on is what if were to put a separate driveway over here and DOT was very much not in favor of that because it is so close to this intersection and then so close to the Trumbull Street the next one up, one lot away that they felt that was more of a hazard than giving them the ability to develop their property and just make use of the existing drive.

Masayda: Again the DOT is not concerned about the internal circulation of the business they are more concerned about what is going to affect what is on Main Street. I still don't see how your answered the question as to how is the situation getting better or worse as a result of this added development, this expansion.

Grew: Well I would say to you on the south side it is certainly getting better because we know there are folks that frequent Blockbusters and live up in that neighborhood. There was a couple that came to the previous meeting it might have been when we were originally before this ZBA in September of 07 that came and spoke of the fact that they come down here and they complained about the congestion at Blockbusters where they frequent so this certainly takes a lot of the congestion out of this area here if people go up that way and go to other parts of Watertown. I use to live up near Taft I would certainly if I were frequenting Blockbusters head that way why bother with Main Street if I had a way not to.

Masayda: Do you have a number on percentage of people that are actually going to obey that exclusive right hand turn lane?

Grew: No

Martin: Do you have a count for number of employees presently in the existing stores that are there on a daily basis?

Grew: No I honestly don't.

Martin: Personally I believe that you have a problem with the stores that you have there and the amount of employees that are there utilizing the parking spaces that you have for the general public and that is part of the problem you got there. You just don't have enough parking spaces.

Grew: Even just to back up in good faith knowing that originally our strategy for eventually getting to you was to go to ZBA first and get variances on parking to actually lined up to get 5 or 6 more spaces by asking to waive the islands and add landscaping anywhere else that the town wanted to have landscaping on the site. Not so that we save any money that way but to actually get some more spaces in here because no matter what you do it would be great to have more spaces and the fact that we went that route was not looked with favor upon so as the request of the town we withdrew that application and came here.

Masayda: I thought Gary brought up something it is probably the type of business that you have in there being the coffee shop in there and the Blockbusters where maybe the type of businesses you have in there should be different to not generate as much traffic that creates the problem that you have there or have ever considered the property further to the north trying to, I know DOT would not allow the driveway so close to the signalized intersection but how about the next parcel over where if that is going to be developed in the future or could be combined at this time to bring the driveway further to the north maybe that would be acceptable where you could have a one way in and one way out or if it is far enough away where again you could be like a shared parking lot driveway.

Grew: It's not for sale.

Masayda: Was it looked at all?

Grew: It was absolutely looked at but inquires were made as well without getting responses. I don't know what to tell you it is a private home. Of course that would make things easier there and still would make things easier in the future if that ever became available and the plaza could take one more step and either makes use of an outlet on Main Street or Trumbull would be a lot easier.

- Martin: You said you went to the DOT on an additional entry way from Main Street correct?
- Grew: Not in formal way but we were told that they really especially because there is the same owner here they did not want to see another outlet here.
- Martin: I wouldn't want to see another outlet either but another egress and then leaving the existing one as an outlet only so the traffic comes in flows through and comes back out so there no more of these in and out that is going on there now.
- Resenouser: I think I can answer your question it is something that we did consider but one of the problems is that the roadway at the northeast corner is at an elevation 44 the parking lot in that area in that northeast corner is roughly almost 48 and you have a four foot grade change going on. The DOT requirement for the driveway is 30 feet can exceed 3% we are currently going to be way over that 3% limitation more of the driveway if you were coming in by up by this corner.
- Rondeau: Along the lines of what Mr. Martin said why couldn't you lower the parking lot 3 feet? In other words you are making all kinds of you are taking out a bunch of ledge and rock a lot of construction on that site you are telling me that has to be a driveway that parking area has to be 4 feet above the road. From what you are saying makes perfect sense but if you lower the parking lot to level of the road which is very close thereof to the same grade that the parking is as the previous building where is obviously meets the requirements for the state because you already have an entrance over there. If you make the new parking lot the same level as the existing parking lot it shouldn't be an issue.
- Resenouser: It is certainly not undoable but it would just cause us more additional site work and there is a number of factors that is going on in that area.
- Rondeau: So it is not that it cannot be done.
- Grew: You lower the building 3 or 4 feet if you look at the building elevations you'll see how close right now the existing grades are with the back of the building essentially the back of the building like somewhere to the others is a retaining wall, but it is even more so on this site because the grades are steeper on this site than they are on the other one. You lower that building 4 feet the grades would be much over the top of the building. The other issue is as someone proposed you have that last lot at the corner and at some point if that ever were to become available it is in the commercial zone that is going to be very difficult for it to stand alone and if we were to lower our site by 3 feet and then you try to join up again somehow with Trumbull later on you made a real mess. And of course this is why we came to you a year ago to discuss these major traffic issues to get some feedback from you so we can have kind of an idea on how to proceed here from last year.

- George: Could that building be rearranged in a different manner in this direction?
- Dupliese: Or turn the building 90 degrees or make a slightly smaller building I am not sure if it would or wouldn't?
- George: It might be a little smaller but it would be better?
- Dupliese: Increase the parking?
- Grew: We actually looked at that and no is doesn't increase the parking because when you make a parking lot turn to 90 this is certainly not more efficient so this does not increase the parking but what that means then is that we'll have a huge ugly retaining wall here which I would try to avoid...
- George: Well make it so it is not ugly.
- Grew: It would be extremely tall and not very attractive and it is a retail building what you are allowing in this zone is...
- George: Dunkin Doughnuts did their...
- Grew: What you are allowing in this zone is retail, retail needs store front, retail needs visibility to the street and when you now have stores facing sideways along Main Street what good is that to the store owners.
- George: You would have some frontage you would have the end over there
- Grew: You would have the end of the building. If you were a retail owner or someone looking to locate in Watertown you would not want that space.
- Dupliese: I wouldn't want that space if it was that congested. You can't get in and out of that parking lot.
- Grew: There is another issue here too just doing this cut here gets very problematic as well because between the buildings a 30 foot easement to the town for sewer and water we've got pipes that are going through there, that are going up to the neighborhood behind. So that would be very hard to navigate the parking lot over that when those pipes are going to be coming through the ground.
- George: You mean those pipes cannot go under...

Grew: You would lose the easement you will have no access to your easement because we have that huge retaining wall and then you will have this huge drop. This town retaining wall has been here since I assume this subdivision up here was first approved and now it was a subdivision whenever that was.

Minnich: Would you review and help me to understand on the sides of where there are residential homes what you are doing if any to screen this facility from those homes?

Grew: The non conforming home in the commercial zone?

Minnich: I think also on the south side, in other words behind the building and to the right of the building. I am going to ask members of the Commission as you well know the secretary has asked us to ...

Grew: Behind the building we have the existing 50 setback to the building to a residential zone and at present as you see on the map there are actually encroachments from those neighbors into the plaza's property. Were not proposing to do anything from our side with respect to buffer one already has a fence up we of course we would like to get them to put it on their property line but they can maintain and the other there is an existing condition here that will remain.

Minnich: How about to the right as were looking at that?

Grew: And to the right on the northern side at this point we really other than just general landscaping and getting clear the brush and debris that is here and nothing.

Minnich: Could you help me to understand this issue of where you are going to be having the garbage between those two buildings, I understand what you had told us about the dumpsters, my understanding was that is now going to serve all three buildings is that correct or am I not

Grew: Well there is actually space in there for I think 2 or 3.

Minnich: Is that now supposed to service all three?

Grew: Yes

Minnich: That is large enough for all three buildings.

Grew: Yes, there are two dumpsters now and I believe we are putting in a third one.

Rondeau: The two that are there are frequently overflowing so.

Minnich: Our concern for the dumpsters is we had talked to you before we wanted them to be screened because of the issues are indeed there now and I don't think that looks good even for the folks that own those businesses. If you are telling me obviously you said it is already going to be screened and you are telling me it is large enough that...

Grew: There will be no more dumpsters on the site than what can fit in that fenced in area.

Minnich: And that is large enough.

Grew: Yes

Minnich: Is there any further questions from the Commission?

Rondeau: I just have a question about the sign; you are going to be putting up a new sign. Is that I am trying to remember from personal experience being at the site but how far back from the street is the sign? The point I will make while you are looking that up is that the sign that exists there now there is space underneath the actual sign between the ground and the first sign to be actually to be able see through, I don't know how close it is to the road where the new sign that you have is sold from top to bottom is that going to create any issues with...

Grew: It is about 29 to 30 feet from the edge of the road back and 14 feet back off the property line. Looking at where it is I can't see that sign is blocking any visibility when you are pulling in or out essentially because you are further away when you are coming out.

Martin: Is the developer of or the owner of this new portion same owner as the rest of the buildings?

Grew: Yes

Martin: I don't know if I am within my right to ask this, anyway if I am not stop me. Is there a possibility of moving existing stores around to better disperse the traffic so that the Blockbuster and Starbucks are not jammed into the same location. Maybe one go down on the end improve this thing you have so much in and out traffic between those two stores it is a disaster.

Grew: You have leases as with any store owner you have signed leases of course it will interrupt your business I can't ask someone unless they really wanted to be in the new space and they say hey when you get a building we want to move. And this is a possibility.

Rondeau: It is a possibility and the problem is you never know what is going to end up going in where the others are. It may be worse.

Philip:
Gussack: We would be happy to offer it, if would satisfy. If we sent a letter to every tenant offering them to opportunity to then move over at their cost.

Minnich: And what you were saying?

Gussack In response to what this gentlemen said is if would please everybody we would be happy to submit a letter to all of the tenants offering them the opportunity to move should they want to. I know that Starbucks at one time wanted to go to a larger space to put seating but that then in effect changes are parking requirement there. So I don't think the town would be happy in doing that.

Minnich: Well let me ask staff if they could they could give us you want to start first Ruth?

Mulcahy: I just have a couple of comments, this is the first time I don't know if you sent me this sign before but I just want to mention in reference to one of the Commission members question it does say in the regulation a non residential district the bottom edge of free standing sign shall be at least 7 feet above ground level when located in a area where public walks or where impair visibility. So there may be a requirement depending on as you said you said it would not impair any visibility but that is in the regulations and it is something that we would be looking at. There was a couple of other questions I had one I wanted to address the Commission on what you keep talking about how they are in compliance with the parking regulations well they are in compliance with the parking regulations only because a former Commission or whoever issued the permit for Starbucks under our regulations Starbucks is a restaurant use the calculations that they have submitted even for Starbucks still a retail use. So in actuality if this had not been approved by the former Commission these are not the parking requirements because restaurant use and this clearly one by the definition in your requirements is clearly a restaurant use. It would require one per 75 square feet. The fact someone issued for it and is there as a retail use I was not sure how to treat it or whether just approved from a former Commission or (inaudible) and as you know from reviewing the last applications from Frankies and Carvel we consider those restaurant use and so it Starbucks and that is a big difference 1 per 75 feet vs. 1 per 250 square feet. I am not sure I never had done the calculations I don't know how much sq. footage Starbucks has but it certainly requires more parking than is shown on these plans but as I said that was something that was done in the past and not really sure if this Commission can rectify that.

Rondeau: I would ask to add to that is are the outdoor seats those little tables that are there...

- Mulcahy: Those were never the outdoor seating like we went over the outdoor seating for Carvel and calculated what he would have there. These were never included the outdoor seating at Starbucks. It is clearly a restaurant use again as I said I don't know if you, because it was approved in the past as retail I don't know with this project where you stand in terms of how you go back.
- Martin: I would be interest in knowing the square footage of that restaurant just for information sake we should know that I would also like to know is the amount of employees I think that is important for this development area. How many employees are in this building on a Saturday, on a Friday on a Sunday, I really would like to know that?
- Rondeau: Unfortunately there is nothing in our regulations about that so even if we know, I don't know if there is anything we can do.
- Mulcahy: The only thing you could do in terms of the parking requirements is find out whether or not you still have to still count that as retail space or restaurant.
- Grew: Just to be clear about Starbucks use there. Starbucks being that plaza based on the current owners who bought the plaza bought the plaza just a couple of years ago and so none of the current team had any involvement with that we don't know the details behind it.
- Dupliese: But at this point though were being asked to approve another building couldn't we take that into consideration at this point that it is a restaurant and we should make the parking requirements for the restaurant and the additional space. If another restaurant moves in then they would have to add extra space so we should take the parking requirements for what is existing in the buildings plus the existing square footage that they are looking for add those up and make a total number. So if we are coming up with 60 and they are only giving us 50 then they are short by 10.
- Rondeau: Just like we do for lighting...
- Mulcahy: In this particular case I would really like to refer this question the Town Land Use (inaudible) which way we can legally go on this because obviously this big issue for the land owner, it is a big issue for the Commission because it is a suggestion on the site and it is an important aspect I treated it as a preexisting type of condition because it had been here since I have been here and whoever in the office must have treated it as retail because there is not certainly enough space in there in the existing plaza to put a restaurant with the number of parking spaces that they had. I rather refer it to the Town Attorney if he agrees with these parking calculations or if they should be revised to reflect the retail use. There was one other question I had this only question that I had in terms of the maps is there am I missing it or is there a loading spaces that I am not seeing?

Grew: No there are no loading spaces.

George: Does any of the Commission members that are on the board now on the board at that time?

Minnich: Before we go to that she asked a question is what is her right she asking about loading spaces let's make sure we understand that issue first.

Mulcahy: Is there an area where you are going to be proposing or you may have already thought of this for the loading spaces. There is two required. I am not sure where they would come in to unload is there an area that you can provide a space on that?

Grew: I suppose, if they are of course required then we will have to provide them. Basically what serves these stores are simple small box truck and van deliveries and we would require that same be the case with the future tenants and they be delivered off hours so they don't interrupt our normal which is typically is going on now in retail centers.

Minnich: Okay I recognize Duane and you cut him off.

George: I wanted to get an account of any Commission member that was on the board then, and if they recollect what was the intent for that space?

Blais: I was one when it was a true when the gentlemen owned the plaza across the street sued the owners of this plaza and it was in litigation for think a couple of years before it cleared with the courts. There was a water issue, environmental...

George: In regards to what was going to go into that spot where Starbuck's...

Blais: I don't remember any pre rental agreement.

George: Mike was on board at that time?

Masayda: I don't recall what happened Duane.

Russ: At the time all the stores in there were all considered for retail nothing for a restaurant and they met the requirements the parking requirements and there was nothing else they could do but to accept.

George: Well than how did that get in there?

Russ: Well that was after everything was approved.

George: But even then...

- Mulcahy: I think the zoning enforcement officer considered it retail.
- Grew: If you look at the file which I reviewed the file for Starbucks just looking back to see what had happened there . It was clearly when they made an application to go in specifically Starbucks they were considered retail and they were given the 1 to 250 ratio for parking and therefore they met it. The record is very clear on the file there that it was brought in as a know retail outlet. If that was incorrect I don't know but I think in all fairness to the current owners of the property one might consider that if you know that was done in error has you already done they tried to expand their operation you did not let them and if they were to move out there would not be a similar use that would move back in.
- Mancini: You can understand our frustration tonight is parking. How could you alleviate some of the parking spots you mentioned you have six different store fronts and you said that you do not see it being more than 3 or 4 can you reduce the amount of stores...
- Grew: If you look at the building you don't really have a way to, you cannot tell a tenanat who maybe occupies a 2,000 sq feet in your place they can only occupy 1,500. Basically we have continuous store fronts on the front of the building divided up into six segments so that's is the worst case you could have there. If you go through any of the neighborhood plaza's that generally you are going to have somebody is going to occupy 2 or 3 of those space we already have that in the current plaza but you give the developer some flexibility on where they are going to be located you cannot lock those in right now.
- Mancini: But we are having problems with the traffic congestion that is in that area already. My wife goes there all the time and she always complaining about it too.
- Dupliese: It is an accident waiting to happen, I have been on Main Street where I want to take a right to go into that plaza and I am stuck there because the people are trying to get out they cannot get out. If you are trying to make a turn or you're going in the people out and their stacked 5, 6 deep like Mike was saying they are cued up both ways so you can't even turn in so you end with a traffic jam on Main Street it has happened many times. To put in another 20 parking spaces over there and make this even worse just doesn't make any sense we want to alleviate to allow anything to go into that space now. We have to alleviate some of that parking congestion and not make it any worse. I just don't see putting that much space in there and putting that much parking to make that much worse. Because right now all I see is worse, worse, worse not anything getting any better.
- Grew: Well I don't know what you consider the turnoff to Belden or the removal of the parking spaces directly from that driveway to me that is an alleviation of some of the problems.

Mancini: Until you have access of people trying to get in and trying to go out the same time.

Grew: By removing those parking spaces some of that simultaneous movement we have eliminated.

Minnich: Let me continue with as I started we kind of got off a little bit. I wanted to ask staff to make their comments we kind of took up the conversation. Are there any further comments you have at this point Ruth?

Mulcahy: No that was it the loading spaces, as I said I assumed on the parking requirements you have their calculations for easement.

Minnich: Mr. Berger welcome back. Do you have any comments?

Berger: I do. I believe in your packet you received a September 26th memorandum from me that was written in response to a meeting on the 22nd in the office and site walk on the 24th. Following that review memo the applicant's engineer has delivered revised plans and a letter and tonight you were handed a memorandum dated September 30th with the engineering response attached to that.

If we could quickly go back to the one item left over from the September 26th memorandum that have not talked about tonight that should be talked about by the Commission is the potential for having sidewalks on Belden Street along that part of the frontage of this piece of property. We have not talked about that. The remaining issues in that September 26th memo has been substantially addressed with the exception of the two items that I brought up in the September 30th memo. And basically there they are not really issues they are more observations the access road to the previously constructed detention basin is about the best we can get on the site. It is far from being a great access in fact it may present challenges to us in the future we met with the engineer on site and believe that is the best we can get but recognizing that will be steeper than 25 percent for those of you who may in all new subdivisions I try to get no more than 15% grade which is a maximum allowed by a driveway on access to detention ponds were are not going to get that here, I don't think we can get that here and between Mr. Cavanaugh and myself we feel this was the best solution we can get given what we were left with that 30 foot easement from before.

The second item in the September 30th memo takes us down the road a little bit and raises some things we ought to think about should this application get approved and the constructability of the site and again we discussed that with the applicant's engineer they have made some pretty substantial modifications to the sequence of construction they are going to be using some sheet piling to minimize the disruption to the site but given the congestion on the site getting construction

equipment, trucks and materials in and out to the existing parking lot is going to represent a challenge to the occupants to that shopping center. They have indicated that might want to be removing material at times when the businesses are closed and we probably want to talk if they get to that point about hours of operation. So that we are not disrupting the neighborhood if that is a concern of the Commission.

Minnich: Thank you. Item number 10 of your September 26th memo. You say that the traffic study concludes the following the planning expansion, the project will not have significant impact on adjacent roadway systems and the planned expansion will not result deterioration of all levels of services to Main Street in the Lombard Plaza intersection. My question is if I am reading this literally that is referring to what the traffic study says. Do you have any opinion as to that in their statements?

Berger: I found no particular discrepancies for problems with the traffic study except that it does not address congestion within the parking lot. That is the real issue here and is not so much the intersection it is the congestion outside of the intersection. And that is not addressed in the traffic study. I am not sure how you do that.

Martin: I am not sure how they can say there is no significant impact there is significant impact to what exists today let alone adding any more to it. I don't understand how a traffic engineer can say that the development has no significant impact. We know there is significant impact today we know that. And now we are adding 8 more, 6 more stores there would be 40 more parking spaces or whatever it is how could that not happen?

Grew: The traffic study does not look at congestion within the parking lot.

Martin: We know there is congestion at that intersection too. We know it and we have seen it you have cars trying to get in we know that whole thing exists.

Grew: They will continue to exist in the future.

Martin: How they don't take that into consideration.

Grew: They do take it into consideration with the level of service, the level of service is based on the amount of time the people wait to get out onto a particular street and they are saying that the level of service is not diminished.

Minnich: Chuck do you have any further comments?

Berger: No

Minnich: Before I turn it over to the public for comments is there any further questions at this stage from members of the Commission?

Rondeau: I have had a problem on a couple of occasions, with traffic backing up onto Route 63 and what sometimes happens is people that are trying to leave the parking lot area that is over by Radio Shack and SuperCuts and so on and so forth when they are trying to leave that parking lot and to go left out onto Main Street if they are not all the way over to the right it makes it difficult for cars that are coming in to be able to get to come and get around it seems that that area of entering the parking lot. There is like a little island there you take a right around the island, it seems like that area is relatively narrow in terms of cars actually trying to make the turn do you understand what I am saying.

Grew: Leaving or coming into the site?

Rondeau:: I have tried to come in off of Route 63 there has been a traffic backup...

Grew: And turn right into Starbucks.

Rondeau: Even getting into the driveway getting off of Route 63 there have been backups just trying to get into parking facility in general because the cars are backed up because they cannot make a right because there is a car that is in front of Starbucks it is not necessarily all the over to the right and someone does not want to take that chance of trying to get between the isle and the car.

Grew: I think I understand what you are saying.

Rondeau: I was wondering if you could come up with some kind of remedy for that, I don't if making the island a little shorter so it is a little wider ...

Grew: We discussed that actually with the Fire Marshal because he was talking about making the swept and we looked at it there he said the best solution was to take out that first spot in front of Starbucks which we did because we immediately as you are turning you don't have someone either trying to get in the space there or leave a space there. And I think that will help somewhat what you are talking about.

Rondeau: I think it may help to some degree but the fact that a car is usually longer than the width of the car you're only taking off one parking spot so that car may or may not get over any further I don't know. I would think at the very least you should put in some type of line. Someone is literally stopped in front of Starbucks they would want to go to the exit out and make a left out onto Main Street so you got 3 or 4 cars stacked up at the light backing up and around in front of Starbucks heading towards the haircut place whatever and then you have someone coming in off of Route 63 that is trying to take a right get into the drive and then take another right and get into the parking towards there. But you got probably the bare minimum of space necessary.

Resenhouer: As I was looking on the plan of cue I was addressing the comment from the Fire Marshal I was trying to provide a space landscape island there then the width of the drive area has to have a certain width and can't recall what it is right off on the top of my head. To make that wider it would mean reducing the parking space depth we would have to have a parking space of 18 feet I believe that you would have to have a 25 foot wide driving isle and then the 18 foot because we have double row parking all that width in there by trying to shrink and make it wider then we start losing more spaces trying to get into that area there. I don't know if that answers your question. One item that Mr. Berger had brought up was the sidewalk along Belden Street we have a letter from Mr. Berger referring that decision whether a sidewalk would be necessary on Belden we wanted to get a consensus from the Commission if they felt they would prefer to have a sidewalk on Belden the only thing I wanted to point out just west of the proposed outlet street exit right exceed 28% we were concerned and aware of the grade that having a sidewalk at this point

Martin: I know they discussed the issue of the four foot draw tying in the sidewalk on Main Street to the new portion of the sidewalk that is going to be in this new building to the north end of it. I know you got a retaining wall there and you got the height maybe a set of stairs and a sidewalk so that people have an access from the sidewalk on Main Street into the sidewalk up to the development. A set of stairs and tie that in all together.

Grew: I don't think we would have an objection to that if you felt that was advisable to have there. The other place we could, it is very possible we would have to have a set of stairs there to do it. It is possible. We actually discussed that as a possibility with the Fire Marshal we were kind of talking about this plan of action for fighting fire here if you wanted to park vehicles on the street and he said he did not want to do that but we were discussing the possibility of putting some stairs here to give him easier access if they did not want to park on Main Street.

Rondeau: I would just like clarification on the question I asked have you considered marking that area with a line so people have a general idea that there is a yellow line in the road I am suppose to stay.

Grew: Like lane wise. Yes sure we can do that.

Minnich: I will now turn this over to the public? Are there any comments from members of the public yes.

Sandra Greenwood – 156 Belden Street

I have a very serious question to ask you about that outlet on Belden Street. On any given day or night you have cars parked if you have someone coming up this way there are cars parked on the wrong side here up here, down here we have seen people because I live on this street, I live right up here we see people parked on the wrong side walking off the grass going to Blockbusters we see people after coming from here walking across to go over to Dunkin Doughnuts. And if you are talking about an exit out here a car that is not four wheel drive will never, never make this street in winter time. Stopping to try to go up there never without a four wheel drive I live in this neighborhood almost 40 years and let me tell you the snow is something awful up here. There is no way that anyone can exit out here to go up there. Its is very, very bad, it is very bad for Dunkin Doughnuts the parking at Dunkin Doughnuts is atrocious. When you get a lot of people who park on both sides and on Saturday morning since Sunday is absolutely ridiculous. Now I do have another question to ask you the stores that you are planning on getting over here is there going to be a restaurant there?

Grew: There can't be because of the parking is based on a ratio of retail only.

Minnich: Is there any other members of the public who would like to comment?

Judy Wick – Northhill Road

I don't live in the area but I do know that Belden Street is very steep in the winter time it would be very difficult. I also think it is maybe a bad president to send traffic from a commercial area to direct it through a residential area that whole area back there is specifically is very steep. The roads are narrow and really not suitable to use as a bypass. Also I would just want to remind the Commission and perhaps the developers we have two retail developments Crestwood Plaza, which is just up the street which is perpendicular to Main Street and the new building at Candee Hill Junction which is also maybe not perpendicular but it is probably 60 degrees or something towards Main Street and doesn't seem to be a problem.

Minnich: Is there any other comments from the public? Yes .

Michele Signore

I own the restaurant across the street. About the parking the employees across come to our parking lot to park and we have kicked them out a lot of times. They said the managers told them to park at our parking lot because there is no parking there so that is one reason. People with big trucks park in front of the restaurant run across the street to Starbucks and get their coffee and block the whole entrance ways anyway possible we have oil trucks that pull in. There is just a lot of, on holidays there is a lot of traffic in front of the building that they cannot get

in and out. My main problem is the parking its good for me to have another plaza across the street for the value of the property but as far they need to fix the problem with the parking and enough employees to park even for the customers to come in. But other than that it is not a problem.

Minnich: Is there anyone else?

Tom St. Onge – 1110 Main Street

I own north property to that building. Parking is terrible last year when we talked about this everyone on the board talked about maybe a smaller building. A smaller building with more parking it would alleviate a lot of traffic and opening up the entrance and exit as we discussed a little bit tonight would be a great help and I do agree on the Belden street problem. I am not again any development in town just making it safer for everybody to come and go. Because it is a major concern for everyone here now and a year ago were really discussing the same exact things we did a year ago because the size of the building is as big as it was last year it hasn't change that much. We had seven variances you guys were looking for last time when you were building. We haven't gotten to that point yet that is another meeting if it goes further there will not be any variances whatsoever on this property at all. I still think it is too big with the traffic problems. That is the biggest concern I do go in and out but that is the biggest problem safety of the public.

Minnich: Is there anyone else who has comments or questions?

Dupliese: I have a suggestion we have been looking at this print and if they the new addition if they took sixty feet off of the building on the south side just so they could put a 20 foot access way through the middle and you would lose two parking spaces in the front to drive into that area. But you could put 12 extra parking spaces in there which they could designate employee parking or whatever they wanted to. So it would cut down the amount of parking spaces they would need for the building it might cut the down the building down to 5,000 square feet which would only necessitate 20 parking spaces. They would only need 20 for the new addition and they would pick up 12 extra to take employee parking from rest of the plaza and put them on that side which would stop them from going across the street or Dunkin Doughnuts.

Grew: Mr. Chairman would you like me to respond to it.

Minnich: You will certainly have an opportunity but let me see if there is anybody else on the Commission. My thought on this because is obviously the core issue here is parking and I can't imagine that any developer who going to have these buildings occupied also recognizes and no doubt one of them to come to some conclusion that what I am doing people forgetting us for a moment and we are going to make

a decision and then it's going to be the people that are going to using and going on these facilities and then were their happiness with being able to get there and being able to park as we all know there really is no other place to park but right there at the building in terms of using those facilities. I am really appreciative of economics of building a building and able to get what you need to get for the leases in there with respect to your thoughts. I do think this issue of the parking does need some comment and review from our legal advisor here on this matter. (inaudible) and whatever we are going to do on it we need to get some advice on this. But I do think we heard the comments I do want to come you can certainly have reduced the size of this facility in terms of the variances and you have obviously taken a significant amount of time in presenting what you have in getting all of this together and you done your best to short of the size of the building to get this in there as best you can and address any of the issues we have. I think it comes down to the is the size of the building really the right size of the building not necessarily from our perspective but from the perspective of those that are going to be using that facility later on in terms of its use and where they are. I am suggesting we finish our comments here this evening and not close this public hearing and get some comments in two weeks for our meeting in this matter. But please that is my comments.

Grew: Thank you for your compliments on the work that was put into this. As you know this is a somewhat unusual situation and the parking congestion that is there and the reality is we are not seeking any variances at this point so everything complies with the zoning regulations the parking ratio, the building setbacks, all of those bulk issues with site and to just say well because of decisions that were made really out of our control and by previous people that now we have to enlarge a parking area to alleviate that past dealt with problem a building won't get built there because it will become economically infeasible for building parking spaces and someone suggested 5 or 6 thousand sq ft building well with the site work that has to go on a steep site like that's is just a none starter and it will probably stay a vacant lot. What we also interested in is balancing the right of property owner to develop this land under the regulations that are in place. So with respect as you know the reason that you assigned parking ratios in zoning regulations is to give you allowance for not only patrons but employees and some breathing room and that generally works. It is very unusual that you go into a shopping plaza and find no spaces left for this kind of congestion. I guess they are just lucky enough to have gotten extreme stores there but at the same time but at the same time that will probably not be the case with the next ones you will probably be back to we say make it larger makes it worse. But that is not necessarily the case because there is a rational for rules that you apply the one for 250. So that as you make the plaza somewhat bigger and have parking to accommodate that you should actually have users in that mix now that will have a little withdraw. And they won't take up as many parking spaces as they are quote unquote allocated. That actually making the parking lot larger and making the plaza bigger may finally reach the goal that your regulations have created by having that parking ratio in

there. To have the breathing room we don't have right now because essentially Blockbusters and Starbucks being so popular I doubt that they are going to have that homerun on the next one.

Rondeau: Do you know the square footage of Starbucks?

Phil Gussak: No not off hand it is approximately 1200 plus or minus a couple hundred square feet. It is in the record of that application.

Martin: I agree with your statement that you had done something that if you could and I understand you are under constraints here that the original plaza maybe should not have laid out the way it was but it is what it is. You are not doing anything significant unfortunately that I can see that is going knowing the plaza, knowing the problems that exist there they are going to eliminate or alleviate these problems you add more cars you increase the problem that exists. It just mathematics it is going to happen.

Grew: I think the only you can hope for that is reality is time changes everything and Starbucks will something will happen to it they may want to relocate in the future, they may want to go where there is drive throughs, all those things start to happen, and so by nutrition you may get back to where you want to be.

Minnich: My suggestion is that we keep this public hearing open and will do it again in two weeks is there a motion then to not close the public hearing? All those in favor please say I, all those opposed no. Motion carries.

Grew: Does that mean Mr. Chairman that won't be discussion later on in your regular course of business?

Minnich: That is correct.

Text of Motion to Table public hearing
Motion made by C. Mancini and seconded by R. Russ
All in favor and none opposed.

Michael Masayda _____
Secretary