

Town of Watertown
Planning and Zoning Commission
Public Hearing
Wishbone Realty

Time: 7:00 PM
Date: October 15, 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

Members Absent: D. George, K. Demirs, R. Rondeau

Others Present: Ruth Mulcahy, Administrator of Land Use
Attorney Warren Hess

Minnich: I would like to call this public hearing to order on October 15, 2008 at 7PM at the Watertown High School Technology Center. Carol would you please call the roll.

Next item on the agenda is continuation of public hearing for Wishbone Realty, LLC for a proposed 8,500 sq. ft. building located at the Lombard Plaza, on Main Street in Watertown in a B-G general business district. Good evening.

Milton Gregory Grew - Architect Woodbury

Just a little catching up to you before so we can get started. There was a question at the last session of the hearing regarding the light fixtures. So I brought a couple of copies of the catalogue they have the outside shields, cut off. I will pass that around. I just want to have that on the record. So you can see that is a basic shoebox fixture with the outside shield on it. Regarding, I don't know if you want to enter in and I know you received comments from Mr. Berger and Ms. Mulcahy. Since the last meeting did you want to read those first or how did you want to proceed? Because then I can respond to them.

Minnich: Why don't we just put them on the record. We typically don't read them unless wanted to read them. They are part of the record.

Grew: Alright. Regarding Ruth Mulcahy's memo to the Commission there were a couple of points that I would like to address. The first one loading space, if I may what I would also like to do is just put a sketch there are other issues we have to deal with tonight so we have a full blown revision. But I will demonstrate we provided a loading space on the end of the parking in front of the dumpsters which actually makes a good location because they use that for removal of the dumpsters. Regarding parking spaces the analysis that is done in this memo that Ruth brought on October 15th is a little confusing to me because what I don't see in here is referenced to something that we had gotten from the town files well over a year ago and that is the minutes from a P and Z Commission's special meeting on August 15th 2001. So if I might I know that you did receive some backup documents with respect to Ruth's memo. I would like to backup a little bit and just recount at least what I know the history from the stamped records. There is not much in the files anymore for whatever reason and we are trying to piece this together. Apparently after the original plan for the plaza was approved they were looking to bring in three five parking ratio uses. They had a Subway, a Chinese restaurant and Starbucks. So apparently to make up for the lack of parking on the original site there were going to buy a residence potential property, 20 Belden Street and added that to the mix put parking up there. As we know that is not part of the site plan today it is not part of the property, I am assuming it is directly adjacent on Belden Street where the little cut out is in the upper left corner of the property. That was not done and what is interesting is the August 15, 2001 special meeting there is pretty extensive notes from that meeting between the Commission and Mary Barton they discussed this whole situation. I am just going to the specifics points of this I think I am going to enter into the record so we kind of understand where we in our thinking when we embarked on this project. On page 13 of the special meeting from August 15th, 2001 and this is, the subject of this is an amendment to the site plan for the plaza. It was many on Belden Streets and an amendment to the plan had been brought forward that was now no longer going to have the 20 Belden Street property as part of the project with the additional part. There is reference made by Ms. Martin that something had happened because John Lombard had come in they were going to buy the house on 20 Belden Street and use that for parking. Ms. Barton answered that that is the other thing they amended site plan and that was part of the memo because they got a site plan approval for 20 Belden Street and they had a contract to purchase it so there site plan presently as approved by the Commission is amended to include the parking for the area up above and apparently now the sale is not going through. So they have to actually amend the site plan or require a new one or build it according to the way it is. Ms. Wick said that as she recalls was take care of some additional parking needed for employees. Ms. Barton said that was mostly not for employees but for restaurant use because they had a Subway, and a

Chinese restaurant. Those people have been eliminated as tenants they are not going to have them. Mr. Adams said that they still have Starbucks, a very high volume. Ms. Barton added that based on parking requirements Starbucks and the other uses they actually have more parking than was needed. Ms. Wick said that is the other thing as long as they meet the regulations so in other words they have dealt with that by changing the tenants. Ms. Barton said that is correct but again the site plan is presently exists and it proves right now concludes 20 Belden Street. Ms. Wick said they now have to change it. But in 2001 they brought in the site plan with full knowledge that Starbucks was staying in the mix with rest being retail as we know it with the parking that is there now. There is CO's for the building apparently zoning enforcement must have given zoning compliance in order for there to be certificates of occupancy on record. I understand that you feel at this point and we acknowledge that is traffic generator in that plaza and that if you were to revisit that application today you would call that under your regulations restaurant use and require more spaces we are not here to argue that. What we are saying though is we have new owners of this property, buy the property with Starbucks in it with a given number of parking spaces and certificates of occupancy for the buildings and those uses. With the manner of application on file that somehow that would be in jeopardy by expanding the use to an adjacent separate piece of property. Now this to give you a little background and I understand that according to the regulations this is not determinative information but on January 8th 07 that when we first had our first meeting with Ruth Mulcahy and I believe Charles Berger was sat in on that meeting as well. One of the concerns that we have in going forward one of the reasons we made it to talk to them was because we knew looking at the plaza that there had been some issues with Starbucks we also knew that they had tried to intensify their use during I guess early in Ruth's tenure and so she written an opinion that it had previously had gotten zoning permit but it wasn't going to be able to intensify its use because it was under parked as it was. So one of the things we brought up was the issue of Starbucks and we concerned as any developer would be, that the next building on the next piece of property and the parking ratio for that building might get penalized because of the preexisting Starbucks. I understand that she is just a Land Use Administrator but we were informed that all known that has already been approved and it is water under the bridge so to speak so to speak we are not going to revisit that. That is really one of the prime reasons why we embarked on this whole development project to begin with because if we had known at the beginning that might have some impact especially on a drastic reduction say in the size of the new building economically we would have gone down this road. It was also at the first meeting that we discussed our desire none the less to increase the parking and beyond the minimum that was required under regulations the one for 250 sq. ft. for retail. We were considering a mechanism to perhaps reduce the

requirement on landscaped islands, the existing parking lot slightly encroaches into front setback to perhaps if use that to give us a little breathing room and get a variance to continue that line of encroachment two feet and to the front yard setback so that there would be a kink in the parking as there is now. At that pre-application meeting we very specifically went down the path that was to be followed in the first one that was recommended to us was go to ZBA see what you can get on parking relief and then whatever you get to amend your site plan and from there a route for site plan approval with Planning and Zoning Commission. So in August 2007 we did make an application with the Zoning Board of Appeals and for very reasons stated on the record it was very clear what our objective was there to get the additional parking spaces. In the course of the public hearings for those requests we were informed that this Commission really was in disfavor with the idea of us getting variances for this site. And would rather we come here first and see what could be worked out, so we withdrew the application and didn't go forward to have them vote on it. Then before coming back to the board to this Commission we met with Ruth and the Director of Public Works again and it is actually at that meeting that the Director of Public Works ran up the flag pole the idea of having Belden Street outlet. That was not my brain child, he felt that would be of some relieve to traffic congestion there to get another means out of the site and that seem agreeable to everybody, we certainly were if it was going to provide some relief we are not opposing it. Based on that discussion then we did amend our site plan to show the Belden Street outlet and pretty much the general parking layout that we see now. We came here over a year ago now on October 3rd of 2007 for informal discussion in regular meeting of that night with this here plan and there was quite a lively discussion about the impact of Starbucks and how busy and congested it is and we all know that. We showed the Belden Street outlet at that time the same parking ratio that we have now and there was again this is informal and I understand but with the feedback that we got that night was clearly majority members of the Commission were in favor of us proceeding with this plan and that was clearly the indication we were given. Now we are going through the details work it out in various departments and staff and they come on back. Now we have gone that route the first review you got from us with Mr. Berger showed that the well and Public Works were in favor of the Belden Street outlet. The letter of review you got from the Fire Marshal also indicated that he was in favor of it and off course we were required to do a traffic study. Because of the potential impact on Main Street of the additional parking and so we submitted a Wilbur Smith did the traffic study and not wanting to skew the results we asked them not to take into account the Belden Street outlet because we have no dog in that risk. If the Commission want to get rid of that, if they feel that is too much of an imposition to the neighborhood up off of Belden Street that is fine with us. If you feel that it does not contribute at all

to what's going on in that site that is fine with us. So we had them analyze all of the traffic coming and going on the existing driveway onto Main Street. And the result of those findings was that notwithstanding the congestion within the owners own property on a private parking lot that there would be no diminution or change to the level of service on Main Street. So that is where are with the parking situation today, so in all honesty we feel that after all this time and the feedback that we have gotten and we believe we have been acting, we believe in good faith all of this and very openly that at the last meeting it seemed that the tone of the meeting was that were discuss the parking, the Belden Street outlet and the congestion as if nobody has ever seen this or know about this before. We have been down this route before with these very same people on this Commission. I find that that highly irregular that one would just forget we were encourage upon this course by town staff and the informal discussion with members of the Commission. If I might because it kind of has to do with the same issue I will address at this point also Mr. Berger's latest memo, which was dated October 8th addressed to Ruth Mulcahy regarding this application and it is written as a follow up to this previous review. He is writing regarding the traffic congestion and in this memo he is asking that the traffic study be expanded in the middle of the second paragraph expanded to address the existing congestion issues at the site. For the impact of the proposed additional development in the additional parking spaces measure to mitigate the congestion and the impact with proposed access way to Belden Street. The discussion shall also be provided regarding the impact the parking lot congestion has on the level of service analysis contained in the May 2008 traffic study. Now looking at your regulations on items that are well within your discretion to request in analyzing a site plan for a special permit, there is mention of a traffic study, traffic impacts. It is in section 55, you may know it off the top of your head?

Minnich: 51.?

Grew: It is actually under the heading environmental impacts and basically what it does site it that the traffic analysis should at the impact on the surrounding streets and it says nothing about doing a study of the internals of private property parking area. I think there is good reason for that because you have design standards and regulations regarding what are suppose to happen on private property, you have with driveway, size of parking spaces, ratio parking spaces, and this is what follows the rules that the Commission has in its own regulations internally that that works and you wouldn't just additional study of that. The other problem of course we have is expanding the study to even look at Belden Street because this was not our suggestion and from the feedback that we have got the neighbors and even from the Commission at the last meeting there was discussion not many

people are going to it who is out there that uses a Blockbusters or Starbucks anyway and you feel maybe people are going to be mortified into trying to force a left hand turn, people raised the objection of the steep grade of that road and that there is parking that is legally allowed on that street at the base of the street. And so maybe makes the situation worse out on the street. But we feel that is really for you to evaluate that if you don't want it after telling the majority of you that you thought it might be a good idea a year ago and you have staff that initially said they think it is a good idea. If you do not want it we are willing to agree that it not be put in but we don't really understand what that is going to do because for one thing level of service has to do with the time it takes you to pull out onto the street. What it is going to do even if they have one or two trips going out onto Belden Street it is going to reduce the amount going out onto Main Street, any traffic study is going to show some percentage heading out onto Belden Street there and frankly if there is people living on Belden Street why are they not taking a right hand turn out at the light and just taking a quick right onto Belden Street so really is the difference. If they are going to head up that way they are going to head up that way and they are going to have those trips anyway on that street. So it partly seems investing in thousands of dollars to determine that the level of service there is going to change. The people are heading up to Belden Street are going to head there whether they are going to be taking two rights or one right. But I don't believe that your regulations address doing traffic studies internal to a parking lot because you have design standards for that the parking ratios. We really don't know what that is going to yield for you. Mr. Berger seems in the wording of his memo to be indicating that there somehow a level of service with a parking lot. And probably like you I listen to many a traffic engineer giving testimony and they tell you level of service has to do with the time it takes to pull out onto a street, it doesn't have to do with how long it takes you to back out of a parking space or to access a parking space. And that level of service on Main Street is not going to (inaudible) so I would like you to consider seriously somewhat the jeopardy that the owners have been put into by going down this whole line of events and reasoning and records seems pretty clear here that whoever was on the Commission at the time and the staff at that time back in 2001 fully understood that Starbucks was going to be there, was going to be tenant, one of the members called it a very high volume. And you went forward with the planned review and obviously approved it with parking spaces that are there, I don't mean you individually, but you as a body. So we would like you to give serious consideration to that and whether or not that really in good faith is something to sort hang over the head of the fate of the expansion of the project. At some point everything changes, think of all the stores over time that have changed on Main Street and retail centers and at some point Starbucks will move on and somebody else will go in there, but I am sure that you will make sure that

it is a retail use under regulations when that happens. So I just wanted to give you that background and there if any way at all to get some feedback from the Commission on where you folks are. Now actually the reason from what I recall from the last meeting the reason that the public hearing was actually extended was so you could get some feedback from your attorney as to the legal standing of Starbucks or that parking situation we would be very interested to know what that is?

Minnich: Ruth do you have to share with she has learned in the past week. But I just want to comment to the issue of the traffic study I just want to put on the record 3 sections of our regulations that deal with traffic study. First have been contingent of the Commission and those that are listening that these is the section 51.6.5 which says that is required information as an estimate of the amount and type of vehicular traffic will be generated on a daily basis and at peak hours the Commission may require a traffic study guide way the impact of proposal wants 3 straight serving and or affected by the development prepared by a qualified traffic engineer or transportation planner.

The second section is 51.10.3 which is under the issue of standards for sign plan approval and it says the adequacy of design of the interior vehicular circuit lane system provides a safe and convenient access to all structures uses, parking spaces and loading spaces.

Lastly the section that you have eluded to is under section of technical assistance is section 51.2ad which says the traffic impact study the Commission may require a traffic impact study if it finds that this type of study is necessary to determine amount and type of vehicular traffic that would be generated by the proposal and evaluate the impact the traffic generated by the proposal when both the streets run into post development. I put all that on the record just to make it clear that the comment regarding internal circulation I think has not dealt with regulations and that is all part of this.

My concern or listening carefully last time and perhaps you can help me and others through this is that you had a discussion with us in your visual presentation which you talked about reducing or comments from others was the DOT if I remember correctly about reducing parking spaces. Further you talked about the impact of reducing parking spaces if Belden Street was open. The biggest concern here as we all know is the combination of the parking and the combination of the circulation. Having had those two comments made I am not sure at this point what this will result in terms of the existing buildings. What is being proposed here or suggested here as to what the parking and circulation will be now. I got those two

comments as to disjointed comments and I don't know how to put them together. I guess I will try to help by asking this question if I may, What is in the current parking arrangement? I know there is 39 spaces for regular parking, two for handicap it is only 41 spaces. What is to be the parking spaces if in that same area now if this proposal is approved?

Grew: In the current parking arrangement there is one additional space over what would be required under a 1 per 250 retail ratio that is the situation. Under the current application proposal before you I believe the box on the bottom of the site plan shows that the ratio is at 1 per 250 the one additional. I guess you can say was one of the ones lost in the review by the state DOT and the Fire Marshal. At the last meeting I had brought up that we have 3 spaces over what had been required when we submitted the plans for the departments and the state DOT review and the state DOT along with the traffic study. The state DOT came back and wanted two of the spaces that are in line with the driveway off of Main Street taken out so that people would not be backing out into oncoming traffic. Then to make the sweep for fire vehicles onto the right hand parking lot, the northern section of the parking lot the Fire Marshal asked that a third space, the net result was removed so that would ease him being able to pull in to the northern approach to the parking lot there and also not have a car on the right coming from Starbucks perhaps backing out when they are trying to pull into the right. So with the loss of those three additional spaces that we have over our ratio the plan you have before you now is exactly the 1 for 250.

Minnich: So in other words the amount of parking spaces in the existing parking now as presented is 3 parking less than exists right now?

Grew: No

Minnich: Then I do not understand.

Grew: Right now there is one in the parking lot that is there now there is one more than required.

Minnich: I am not asking you that, that is where I am getting lost if you could just bear with me. There is 41 totals now I counted them, 39 regular and 2 handicap. How many less parking will there be in this proposal from that 41?

Grew: You mean just isolating that area? Because I mean we show where we are taking and where we are adding to keep maintaining the ratio.

Minnich: I think you are answering this in a different way, I know that this Commission has authority to using an existing parking lot and because you are now adding to that parking lot we have the authority and your actually here now with a proposal for this issue that we now have the right to take a look at the entire parking lot even if that is approved. So we counted the spaces, I am counting 41 which you are saying on the record there is no disagreement with current 41 and what you just told me other words in terms to the square footage I understand that, in terms of actual parking spaces.

Grew: Losing 1 because the 40 would have the original building, the two buildings that are there at their ratio and the additional parking that we have and serves the new building so it would one less.

Minnich: In the current parking arrangement there would be one less, just for the record.

Martin: I am not sure I agree with that. Are you not losing the island that you are installing you are losing two spaces there, the one near Starbucks. You are losing two spaces and then if you do the Belden Street you lose 3 spaces from the question that Dave asked?

Grew: If there are 41 there now and that is one over the ratio at the end of the day we at the ratio even if we lost one off of what is there now.

Mulcahy: 41 is not one over the ratio if do the math because one requires 16 and building for retail would require 25. So that would be 41 if divide 255 into total 18,696 it comes to 74.78 which you round out so you are required 75 at the minimum under the parking regulations for retail.

Grew: We have the actual square footages of the building under the parking requirements here.

Mulcahy: And you divide it by 250 it comes to 74.78 you have to round up so that would be your total minimum for retail uses is 75.

Grew: So then in effect you are saying we are short one.

Mulcahy: Yes because 41 would be the exact number for retail for the first two buildings.

Dupliese: I was lost here because I do not see that it is down one it is down at least two. It is down at least two. These three are washed at the end of the parking lot now you are creating and three. And over here you are removing 2 and you are moving this over. So this was a move.

Grew: You are essentially taking it out, we are just moving the handicap sign and there is a parking space there.

Dupliese: So are we taking one out then.

Grew: There is a net loss of three here in the existing at the end of the driveway approach, one by Starbucks, two by Blockbusters. The Belden Street outlet doesn't seem to have any effect on the parking that is there. But I am not quite sure if I even understand your reasoning. Because if you want to split here is where the property line is we do still have some parking on the property I am not quite sure where that goes.

Minnich: Well I think that is a very fair question, I broke it apart by first in my mind wanting to understand what is the impact on the (inaudible) now I do. I am now understanding now the number is minus 3. Now the question does not stop there obviously how now putting together the adding to the square footage which you have in your proposal of the new building what then is the total amount of parking spaces that you are proposing in this site minus the three that you apparently have there.

Grew: What we were proposing was the three lost the total parking of the site was 74. Ruth is correct that the engineer did the map wrong here it is suppose to be 75 and we are one short we will be two short with the loading space added so that means we would be taking 500 square feet off the new building to make 8,000 square feet and have 1 for 250 ratio plus the loading space.

Minnich: So you would be two short from the whole facility is that what you are saying?

Grew: As this plan stands at the moment yes.

Minnich: I understand, does everybody have that. You asked a question about where we are with Ruth's analysis and whatever she received in terms of the town attorney. Do you want to present whatever you have for us? You prepared a memo or something?

Mulcahy: Well the Town Attorney called and today because he is out sick and he was very ill do he did not have a chance to address the issue at this time. Basically you do the calculations for retail it comes to 75 parking spots and then if you take the Starbucks use it would require 11 more parking spaces for restaurant use. The other part of this is and the presentation was correct it is very difficult to understand one of the reasons it is very difficult to understand is this whole site plan is that none of the original approvals were filed and signed by a Chairman and so both the new owners as well the town staff is at lost to know is actually what they were talking about. No reference to site plan, there is nothing on the land records as it is suppose to be and is required back then as well. We have been piecing it together it is very, very difficult to figure what was approved and when and where. Because without his final site plan was it approved in 1997 no file on site plan was approved again as he mentioned 2001 it was amended not of that information is on the land records. That is what makes it very difficult for everyone for them for us because they are coming into it and for me I was not here during that time period. It does not refer to how many places were approved and why all of a sudden as you said, all of a sudden is was okay for Starbucks and the number of parking places but they don't mention how many and they don't say what site plan they approved.

Minnich: If I am understanding the memo correctly if everything went correctly and that is part of the problem here which would include the restaurant use that is there, our zoning regulations would require a total of 86 parking spaces and that is being provided at the moment 74 spaces.

Martin: 74 plus one loss

Minnich: 73 spaces

Grew: The site plan as it stands right now is 74. We are saying the engineer rounded in the wrong direction, we lost one there and the loading space loses one. So we have 73.

Minnich: 73 and they require would have been 86. The vast majority of the mitigating circumstances the restaurant.

Grew: If we have all strictly retail we might not be having this discussion at this length I would hope and as I said we are perfectly willing to reduce by those two spaces of what we are talking about to we would have 8,000 square feet. You can well imagine the impact if one were to say well we are going to revisit the history of this thing and we want the 11 spaces that we did not get the first time out at Starbucks the first project that in the effect will get the building down to slightly over 5,000 square feet, that is not a viable project. Essentially to provide parking for a preexisting tenant who is not pay for that. As you know legally there are those issues between landlord and tenant rights. As we know the records I don't if it was specifically Starbucks themselves that came in for their permit or if it was the landlord at the time but I am sure is all we know is there certificates of occupancy for those buildings. Everybody is legally there now. There is not like an open permit or open receipt.

Martin: You said you were given the directive to go out and do this...

Grew: Well the Chairman did polls, specifically poll every person that was there that night and the majority and I think two might have descended but the majority said they liked where we were headed.

Minnich: That is a fair statement

Martin: I don't think what Chuck was referencing was to do a study of the parking I think he was talking about the egress and ingress all of lot we know that is the problem with that site. People trying to get out and it gets jammed up because there is just no place to move. They are trying to get out you have that light and it is a short stacking before the light and around the corner and it just boggs right up. And I am not seeing anything here that really gone to, even you little island takeover is not going to remedy that.

Grew: And I think part of the problem if I might just respectfully suggest this again it has to do with were all talking about this congestion and we wouldn't be talking about if Starbucks had gotten there approval to be there and...

Martin: I was not here

Grew: And neither was the current owner of the property. And you know they probably paid a price for that property and there is a value attached to that property based on the fact that Starbucks is (inaudible) it may have been less if there were not.

Blais: I think what happened though during this process Ruth brought to our attention is the parking for the computed as Starbucks being a retail store as opposed to a restaurant.

Grew: That maybe I don't know that we can get it or has. That is the reality, the end result...

Mulcahy: It looks like they did, then we tried to research the files to find out what they did but they obviously knew at one point in one of the memos referred to the Starbucks as a restaurant use and would require more parking and then went on to say that they were going to purchase that other property that he mentioned on Belden Street and then it was very confusing because as I say the bottom you usually go the land records find the signed site plans see what was approved and then you got it and I am not sure whether the building you keep saying there was a certificate of occupancy but I found Carol gave this to me today they said partial certificate of occupancy no handicap sign do not release. This is dated 2001 for Starbucks it is only a partial so I don't know maybe they also gave you the final but this just happened to be on our desk. This is just a partial one and I don't know whether they released you a final one they left this on our counter. The building department left this for us that there is only a partial on Starbucks.

Grew: But the outstanding item is they mentioned is a handicap sign. They are not saying those ...

Mulcahy: That was their note I don't know why sometimes they issue partial zoning...

Minnich: We are going to listen to the public and see what their comments they have to say. If you are done with your presentation? Certainly comments we make and we will come to some discussion as to where we are head but if you don't have any more at the moment I will turn it over to the public. Are there any comments from members of the public on this application?

Tom St. Onge – 1110 Main Street

I have adjacent property to the north. Last meeting there was a reference of purchasing that property and the property owner not responding to letters or anything and that is untrue. We had called your office last year I have a registered letter no problem on that. I did respond and she does not want to sell the property. So we just wanted to clear that up so everybody understands and it's not in the paper again and people questioning. Belden Street I see the problem with that the winter, the ice, and the snow making not for good weather but again traffic safety people could get hurt there. That is pretty much my biggest thing there is definitely a traffic problem. I am not sure when they did the traffic study if it is nights, weekends or holidays when all of the businesses are really busy major congestion in that inflow area and exit. That is pretty much what I wanted to say and repeat pretty much what you said. I was here last year for all of the meetings and I did hear and see the same thing that the board has spoken about tonight because I am confused with misrepresenting what they are saying by traffic problems and congestion I that has been the same that is it thanks.

Minnich: Is there any other comments from members of the public? Are there comments from members of the Commission? You want to respond to that?

Grew: The details who wrote what letter and who called who that is fine. As far as misrepresenting on what is going on there, I don't think we are but don't get me wrong we all understand that there is congestion out there we are trying to mitigate it. There have been words thrown out and I understand it is loose language but by fixing the problem or curing it or somehow alleviating it and in all fairness what would alleviate it might be what Ruth suggested in her memo regarding that many additional parking spaces. But that is what I considered to be a highly avenue to go down at this point regarding to fix the past history on this parcel.

Masayda: Relative to adding more parking spots to alleviate the problem and I don't think that would answer either. The restaurant use does not really help the situation however I feel the whole situation here is the design the way it is today which is the lack of vehicle storage at the development driveway at the driveway where you only have a few cars to stack where it creates a conflict. If someone coming in if you have 3 or 4 more cars entering and exiting out and say a person wants to take right into towards the Blockbuster. He creates a backup which then translates onto Main Street. That is what I have seen out there and I think the biggest problem is that lack of storage of those vehicles. I feel that adding more traffic volume to this development expansion it would increase those conflicts because

you have more vehicles going in more vehicles trying to get out and again that translates going back onto Main Street affecting potential the street flow onto Main Street within the parking lot and that intersection. Trying to mitigate that by trading a Belden exclusive right turn out only I feel that I said in the last meeting that would is not enforceable situation. I could estimate that probably half the vehicles would end up getting to that intersection and taking a left down towards Main Street again creating potential more conflicts because that vehicle took a left and is headed down towards Main Street and wanted to take a right out of there again would typically happens on Main Street we have all seen it. Someone is trying to get out the cars stop wave the guy on the guy pulls half way out into the road and that in turn would block the free flow from that traffic light to create that level of service to free flow past that intersection. So that is a potential of creating more conflicts if that is not obeyed. The other problem I have with the Belden Street was again it was not enforceable and you are also directing commercial traffic through a to a residential street which I don't think we want to do that because again most commercials should be off the main road not a residential road. Options I don't think adding more parking spots is going to fix the problem because again the amount of cue that you have approaching that intersection from the parking lot. The only suggestion I could think of is moving at some future time, or working something out with the property owners to the north another driveway could be provided further to the north beyond the turn lanes and the cueing potentials from vehicles going from north to south it conflict with that. Or creating some type which I am not sure legally this Commission could but limiting to the type of businesses that could go in there that are low volume that won't create a problem. I don't think we could do that but the main situation is the core design not providing enough cue at the intersection that is creating all these problems. A light is a controlled intersection the level of service is controlled by that light and how the timing of it is and what affects all that is the conflicts within the short distance from that light within the parking lot.

Minnich: To support your comment I asked Ruth regarding the right hand turn, do you have the memo from the Chief of Police.

Mulcahy: He did say the same thing as Mike is saying that it is not enforceable on a...

Minnich: Do you want to read it into the record.

Mulcahy: This is to me from the Chief John Cabalis, I was asked by the Zoning Board Chairman David Minnich for opinion on the enforcement of the turn sign which would be erected at proposed exit from Lombard Plaza onto Belden Street. My understanding the sign posted on the plaza property prior property. After researching the Connecticut General Statutes I have been clear that the police will not be able to take any enforcement action since the sign is on private property. There is no regulation prohibiting placement of the sign however it would be advisory only.

Grew: The letter brings up that the sign would be on private property actually the site plan shows it within the street right of way. Does that make it enforceable? The site plan shows it forward within the street right of way. The installed stop sign and left turn do not enter signs.

Minnich: My understanding I am being not being the authoritative person on this but if unless it is at controlled traffic signal then the signs whether on public or private property exiting a private establishment is advisory only not enforce by the police, that is my understanding.

Grew: It just seems to know there the point that it is on private property and I think that eliminates his right to enforce it.

Minnich: My understanding in this it was not a factor where the sign was located it was the fact that it was private property going onto a road that is not enforceable unless it a traffic signal controlled intersection. I don't want to be authoritative on that.

Martin: Do you know what the distance is would be from that Belden Street entrance to Main Street? The passageway on Main Street you are talking maybe 3 feet into it?

Grew: I could tell you in just a second it looks to be 65.

Minnich: Is there any other comments from the members of the Commission? Hearing none is there any final comments from the applicant?

Grew: The gentlemen over here...

Minnich: Mike Masayda

Grew: He discussed with me the existing layout and perhaps the layout there the only thing I could tell is both buildings are there they are up against their setback lines the parking up against this setback line then we have nowhere to go it is not like we can change the geometry there at this point other than eliminating those 3 spaces that we talked about. There is really anything to do in there and Ruth did also bring up to expand landscape plan to include the existing plaza because that was something she wanted to make a condition of an approval that we submit to the staff department or to current landscaping departments we expand the landscaping plan and we would be happy to do that. In the short amount of time in which we received that memo from Ruth's office there would be no way at the time to do such a thing. She also made a note in her memo about the existing dumpster and apparently in the original approval it was shown to be screened and at present it is not. We are proposing of course where the dumpster will be located between the buildings that that will be screened.

Minnich: Is there a motion to close this public hearing? Is there a second? All those in favor please say I, all those opposed no. The motion carries unanimously.

Text of motion to close the public hearing
Motion made by R. Russ and seconded by M. Masayda
All in favor and none opposed.

Michael Masayda _____
Secretary