

**MINUTES OF PUBLIC HEARING
HELD BY THE PLANNING AND ZONING COMMISSION
JULY 7, 2010**

ROLL CALL:

Members Present: Eugene Sierakowski, Chairman
Joseph Diminico, Vice Chairman
Andy Kidd, Acting Secretary
Eric Prause

Alternates: Anthony Petrone
Horace Brown
Susan Shanbaum (sitting)

Absent: Kevin Dougan, Secretary

Also Present: Mark Pellegrini, Director of Neighborhood
Services and Economic Development
Renata Bertotti, Senior Planner
Matthew Bordeaux, Environmental Planner
and Wetlands Agent
Ginger MacHattie, Recording Secretary

The Chairman opened the Public Hearing at 7:00 p.m. The Acting Secretary read the legal notice for the application when the call was made.

DIALYSIS CLINIC, INC. – 315-319 Main Street – special exception for a use requiring parking in excess of 60 spaces – Special Exception (D-134)

Attorney Stephen Penny represented Dialysis Clinic, Inc., which is seeking a special approval at 315-319 Main Street. This is a rectangular lot that is 1.852 acres in size. It is bordered on the north by commercial property and two residential properties on East Middle Turnpike; on the east by a family dwelling; on the south by American Legion Drive; and on the west by Main Street, where the Armory is across the street. The property has no wetlands or watercourses.

Dialysis Clinic, Inc. (DCI) is a non-profit formed in response to a scarcity of dialysis clinics. Any excess revenues received go toward research or education. DCI has donated over \$170 million to research, education, and non-profits. There are 28 other DCI clinics across the country.

The site review on the Manchester location has been accomplished. The site currently contains 60 parking spaces. The owner would like to lease the balance of space within the building. DCI occupies 16,500 square feet, leaving 9,533 square feet of building space available. DCI has 28 dialysis stations, and their patients spend 4-5 hours at a station during each visit. With full staff, 15 parking spaces would be needed for employees. A total of 90 spaces can be located at the property. While the need for it is not anticipated, additional parking is available on Elrose and American Legion Drive.

Mr. Dan O'Neill, L.P.E., explained that the dialysis clinic is different from a typical medical

office in that there are no waiting rooms. The clinic has 28 stations that serve two people per day. The first person is completely done with their dialysis before the second person arrives. If all patients drove themselves, 28 spaces would be needed for patients. Typically, 37% of patients drive themselves, which would translate into 11 spaces for patients, plus the additional 15 needed for DCI staff. That totals 26 spaces needed for the DCI portion of the building. The remainder of the building would need 52 spaces per regulations, for a total of 78 spaces needed for both occupants of the building. There are 90 spaces available on site. Traffic flow was constructed so the driveway from Main Street is entrance only; full access is available from American Legion Drive. DCI employees arrive at 4:45 a.m.; patients arrive at 5:45 a.m. The second patient of the day and staff leave prior to a typical PM peak. There will be no affect on traffic at the busiest times of the day. Based on trip generation data, a tenant space would have no adverse affect on traffic flow in the area.

In response to a question from Mr. Brown, Mr. Jim Reed, DCI Clinic Administrator, explained that dialysis patients arrive at the same time in the morning, but treatment lengths are staggered, which allows for a smoother transition. Turnover starts at 9:00 a.m. and continues to 12:00 p.m. There is 45 minutes to an hour between patients.

In response to a question from Mr. Diminico, Mr. Reed said he thinks the number of patients that drive themselves is even lower than the 37% estimate given. When a patient is done with dialysis, he or she feels very week and tired.

In response to a question from Mr. Prause, Mr. Reed explained that there is no desire for a third shift because it is hard on staff and patients. The clinic was designed with the idea that there would be no third shift. The Farmington location has 18 chairs and 3 shifts.

Jim Fielding, Landscape Architect, reviewed the existing landscaping for Commission members. Plantings include azaleas and ornamental grasses, planting beds with mulch, small areas of lawn as well as a good sized area of lawn near Elrose that can be used for snow storage. There is a heavy band of evergreen shrubs near the residences and as screening for the dumpster.

In response to a question from Ms. Shanbaum, Attorney Penny clarified that there are 90 spaces on site now, despite 88 being indicated in the supporting documents the Commission members received.

Attorney Penny reviewed the special exception requirements and stated that this application meets them. It is in a suitable location, is compatible with the neighborhood, is a permitted use, the streets are adequate for its use, there is adequate parking, adequate public utilities, and the structure is suitable for its use. There are no issues.

Ms. Bertotti said that Town staff has reviewed this application. The Dialysis Center has been open for some time. In a June 10, 2010 memorandum, the Traffic Engineer indicated he did not expect any adverse affect if this application is granted. The Zoning Enforcement Officer did not expect parking would be an issue on the property for proposed uses. There are no outstanding staff comments.

Chairman Sierakowski opened the floor for public comment at this time. No member of the public wished to speak in favor of or in opposition to this application and the public hearing on this application was closed.

SPEED OF SOUND, LLC – 90 Buckland Street – special exception under Article II Section 24.02.01(d) of the zoning regulations for Sonic drive-in restaurant serving customers from drive-through windows – Special Exception (S-220)

Attorney Dennis Ceneviva spoke on behalf of the applicants, Robert and Gina Mesite. This property is located in a GB zone and is the vacant 99 Restaurant. The building, parking and drainage are present. Current access to the site is along Buckland Street and the driveway to the Plaza at Burr Corners. The application is proposing the construction of a Sonic Restaurant with drive-in service. If approved, the restaurant would be one of over 3,600 in the United States and the second in Connecticut.

Attorney Ceneviva explained that the 1,728 square foot building operates as a large kitchen. Meals are served at the drive-through or by car hops; there is no inside seating. The customer drives into a car stall where they will order their meal from the menu board. Designated crossing areas exist for car hops. The drive-through has the ability to stack fourteen cars. Customer usage statistics indicate that 62% of the customer base uses the drive-through. There are 59 parking spaces on site, including the car stalls.

Mr. John Mancini, Engineer with B.L. Companies, showed a diagram of the existing site. A portion of the site is within the 100' upland review area. When he tried to plan how to take a larger restaurant and twist the development to run parallel to the road, the first goal was to maintain the development edge. The existing retaining wall is the physical barrier. The Town requires 50 parking spaces and the plan provides for 59. Currently, the site is accessed from Buckland Street as a right-in only; a right-out egress will be added. Trucks are able to maneuver the site. At the edge of the site, part of the sidewalk will be redone.

Mr. Mancini reviewed the grading and drainage plan. There is an existing building on the site. The entire area below the building has been paved and has drainage systems in place. Drainage will flow in the southwest direction. Stormwater will be conveyed through the current catch basin system. The applicant is proposing the addition of a hydrodynamic separator located in the southwest corner of the lot. There will be a net decrease of 3,100 square feet (5.5%) of impervious area. The site is serviced by water, sewer, and electric. The discharge for drainage in the corner of the property will be utilizing the existing utility main.

The erosion control plan meets and exceeds standard guidelines. During construction, there will be an entrance off the internal main drive. A temporary sediment basin with temporary outlet will be placed as far off the wetlands as possible. The applicant is aware of the few remaining comments and they are completely acceptable; they will be addressed when the final mylars are submitted.

No work will be conducted in the wetlands; all will be done within the upland review area. A soil scientist has flagged the wetland edge and environmental studies have shown that no mitigation is needed.

There is a four-way traffic light located at this parcel. A car going southbound on Buckland Street can make a right into the site and go into the drive-through or pull into a canopy parking space. A car can exit southbound only onto Buckland Street. If a car is coming from the north,

it would make a left onto the internal access drive and enter into a one-way circulating point. In response to a question from Mr. Diminico, Mr. Mancini explained that the 0.45 acres of disturbance would not go beyond the existing retaining wall or edge of pavement. The work will be within the paved area to remove the building and build the canopy. Even though the changes are minimal, the work is technically within the upland review and, therefore, is considered to be disturbing the area.

In response to a question from Ms. Shanbaum, Mr. Mancini showed a picture of the outdoor seating, which is not enclosed. Customers will only enter the building to use the restroom facilities.

Mr. Mesite added that the patio is covered and has a matchless gas fired heater. This is added to extend the outdoor season.

In response to a question from Mr. Brown, Mr. Mancini explained that the trip generation manual uses data from restaurants with indoor seating; there is no data available for this type of restaurant. The best thing to do was use data at an existing Sonic restaurant in the area. The counts represent traffic at established and open locations. The site has limited access from Buckland Street and full access at the traffic light.

In response to a question from Mr. Kidd, Mr. Mesite explained that the Manchester Sonic will be the second in the State. Many people will have already visited the Wallingford store. He will have DOT flaggers on staff for the opening.

In response to a question from Mr. Prause, Mr. Mancini thought a pedestrian should enter the site at the right in/right out area. There is a bike path/walking area along the front. The applicant has not proposed a walking system for the site because it would require a grade change. By the nature of the restaurant, people typically drive.

In response to a question from Mr. Sierakowski, Mr. Pellegrini explained the applicant could hire off-duty officers for traffic control. The main concern of the Police/Town will be how traffic is affecting Buckland Street; nobody wants gridlock. As part of the traffic plan, a honeymoon traffic plan is recommended.

Attorney Ceneviva added that a recommendation for condition of approval is that if any problems develop on Buckland Street as a result of traffic from this restaurant, the Town of Manchester could require changing to right out egress to right in only. The plan is to have flaggers or police present during the honeymoon period.

Ms. Bertotti explained that Town staff has reviewed this application and has some outstanding comments that are minor and technical in nature. Town staff is recommending one condition. The Traffic Engineer does not have any data, but believes there may be a problem during a few hours within the week when there is heavy build up for the theater. He is concerned that vehicles leaving Sonic from the right out onto Buckland Street will try to cross all lanes to go left to the movie theater. The Traffic Engineer would like a condition that would allow him the authority to modify the plan to have a right turn in only rather than right-in and right-out from Buckland Street.

Attorney Ceneviva said his client is comfortable with the condition, but has one concern. He asked if there is an ability to appeal the determination if Sonic does not think it is accurate. It

was decided that the applicant can request a hearing in front of the Planning and Zoning Commission; the applicant is comfortable with that remedy.

Chairman Sierakowski opened the floor for public comment at this time. There were no members of the public who wished to speak in favor of or in opposition to this applicant. The Chairman closed the public hearing portion of the meeting at 9:18 p.m.

NOTICE: THE CASSETTE TAPE RECORDING OF THIS PUBLIC HEARING CAN BE HEARD IN THE PLANNING DEPARTMENT.

OFFICIAL TAPE NO. 1084, 1085