

**MINUTES OF PUBLIC HEARING
HELD BY THE PLANNING AND ZONING COMMISSION
JULY 18, 2011**

ROLL CALL:

Members Present: Joseph Diminico, Chairman
Kevin Dougan, Vice Chairman
Andy Kidd, Secretary
Eric Prause
Horace Brown

Alternates: John Chaput

Absent: Anthony Petrone
Susan Shanbaum

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

The Chairman opened the Public Hearing at 7:03 p.m. The Secretary read the legal notice for the application when the call was made.

INSITE REAL ESTATE INVESTMENTS – 112 Buckland Street – for construction of a restaurant which requires more than 60 parking spaces in a Business V, Design Overlay zone – Special Exception (I-17)

Lucien DiStefano, Bohler Engineering, spoke on behalf of the applicant, whose property is located at 112 Buckland Street. Currently, it is the vacant Mobil property and contains approximately 5,000 square feet in structures; a 924 square foot convenience store and 4,100 square feet of canopy. The underground tanks and pipes have been removed. The site has existing utilities and storm drainage features. Currently the site is developed in the southeast corner of the property and has two full service curb cuts. The applicant is proposing a 6,000 square foot restaurant with 250 indoor seats and 48 outdoor seats on a patio with a roof. There will be 95 parking spaces, with four handicap spaces and four take-out spaces. The access points will be consolidated and the site will be accessed at the center of the property. The property is serviced by standard utilities. The septic system will be removed and a sanitary sewer lateral will be installed. Storm drainage will be similar to existing conditions, with a small portion of stormwater draining onto Buckland Street and the rest collected in storm drains and discharged into the pond. The vast majority will be collected via deep sump hooded catch basins and conveyed, eventually discharging into the pond. There will be a minor increase to stormwater, resulting in a 0.3” increase in the pond in the most extreme storm event.

Mr. DiStefano said the site will contain five yard lights, three of which will be single mounted at a height of 28’ and two double mounted at a height of 28’. They will be angled down or fully cut off and will not extend onto adjoining rights of way or properties.

Mr. DiStefano said the landscaping plan proposes reduction in the overall green space but is an improvement over what currently exists. There will be buffers on all four sides; ten shade trees, six evergreens and over 140 shrubs. There will be a slight increase to impervious space and the enhancements to the landscaping will coordinate with the adjacent Sonic restaurant.

In response to a question from Mr. Diminico, Mr. DiStefano explained stormwater will be treated with a hydrodynamic separator coupled with the deep sump catch basins.

Mr. F. Giles Ham, Vanasse & Associates, said he has met with the Town's traffic engineer and is well aware of Sonic's traffic study. Expected customer counts during peak hours will be between 60 and 80. The applicant will be closing a curb cut to improve safety. There will be an easement and connection to the Sonic site with directional signage to direct traffic, he said.

In response to a question from Mr. Kidd, Mr. Ham said he understood an easement was in place as of the day of the meeting.

Tom Cervenka, Insite Real Estate, added that the easement has been negotiated with Sonic but is not yet recorded.

In response to a question from Mr. Diminico, Mr. Cervenka said Insite will purchase the property.

In response to a question from Mr. Brown, Mr. DiStefano said the easement will be two-way to the Burr Corners' driveway and will fit with the traffic flow at Sonic.

In response to a question from Mr. Brown, Mr. Ham said the traffic study was based on March 2010 traffic counts.

Joe Maggi, Buffalo Wild Wings, displayed renderings of buildings using prototypical colors and materials.

In response to a question from Mr. Brown, Mr. Maggi said the panels are for screening rooftop units. They are metal and hydrostatically painted.

In response to a question from Mr. Pellegrini, Mr. Maggi said the renderings did not come through with accurate colors. The picture that shows the Buffalo Wild Wings in a shopping center depicts the basic yellow color. He showed the Commission members his business card which had the accurate shade of yellow.

In response to questions from Mr. Prause, Mr. DiStefano explained parking calculations were based on one space for every three seats and one space for every two employees on the largest shift. The calculation does not include patio seats. He said the result was a requirement of 94 parking spaces.

In response to a question from Mr. Prause, Mr. Maggi said he has had discussions with Mr. Robert Mesite of Sonic and has a good relationship with him. Both realize there will be times that parking will be shared. The peak hours are different for each restaurant, so people may park on the other's lot.

Mr. Prause expressed concern over parking, pointing out that calculations call for 94 spaces and do not take the patio seating into consideration. Only one additional space has been provided.

Mr. DiStefano said the sites usually have excess parking. Parking calculations are very conservative, and there will be plenty of parking even with the patio seating.

In response to a question from Mr. Chaput, Mr. DiStefano said the landscape plan was designed for this location. He has a landscape individual on staff that customizes the landscape plan keeping in mind the customer's desires and costs.

Chairman Diminico opened the floor for public comment either in favor of or in opposition to this application. No member of the public wished to comment on this application.

Ms. Bertotti said she has some outstanding items from Town staff. The Water and Sewer Department has minor and technical comments, which can be included as modifications if the plan is approved. The Civil Engineer also has minor and technical comments, which can be included as modifications, and the Traffic Engineer has comments concerning the length of the driveway and the curb cut and can be included as modifications. In addition, two conditions are recommended. One is similar to the condition the Commission imposed on Sonic regarding traffic going off site and attempting to reach the southbound left turn lane. The other condition is that Buffalo Wild Wings install directional signage on their property directing existing traffic onto the alternate exit through the Sonic site and onto Burr Corners' driveway.

In response to a question from Mr. Brown, Mr. Ham said people will become familiar with the movie theater and this site and thinks people will go straight from the movie theater to Burr Corners' driveway and through Sonic.

In response to a question from Mr. Diminico, Mr. DiStefano said his client's situation is different than Sonic's. If his client loses the curb cut for exiting purpose, it puts the applicant in a situation where its hands are tied. They do not own the property onto which its customers will be exiting and he would like to see the language modified.

After some discussion about this issue, Mr. Diminico suggested keeping the public hearing open to allow for input from the Traffic Engineer. He thought the Commission needs the input of the Town Attorney and Traffic Engineer.

Mr. Kidd agreed with Mr. Diminico's sentiments. He would like to see all three properties, proposed site for Buffalo Wild Wings restaurant, Sonic's site and the Burr Corners Plaza, their easements, and how it all relates to Red Stone Road. He suggested the applicant provide modified language and have the Town Attorney review it before the next meeting.

Mr. Brown agreed. It is important that Buffalo Wild Wings and Sonic understand the potential traffic flow.

Mr. Prause said he would also like to keep the hearing open. He asked the applicant to provide samples of the building colors as well.

Mr. Diminico directed the applicant to make sure Sonic is comfortable with the easement situation. Mr. DiStefano said the agreement has already been executed.

Mr. Pellegrini said he understands the Commission's concerns and will touch base with everyone involved.

The Commission agreed to hold an additional meeting in August to accommodate this applicant. The meeting was tentatively scheduled for August 1, 2011 at 7:00 p.m., pending room availability.

MCKEE BROTHERS, LLC – 435 West Center Street – for outside storage of materials in an Industrial zone – Special Exception (M-395)

Attorney Joel Janenda, 249 East Center Street, spoke on behalf of the applicant. He explained the applicant appeared in January to ask for a special exception to approve outside storage at 435 West Center Street, which is located in an Industrial zone. The applicant received wetlands and flood plain approvals, as well as approval for three storage containers. At that time, the plan showed two other concrete storage structures used to store landscaping materials. Although they were shown on the plan, they were not part of the application. One of those concrete storage units was encroaching on the sanitary sewer easement adjacent to the applicants' site. That piece has been removed from the easement and the applicant is seeking approval for the block structure shown on the plan. Any others on the property will be removed within the month.

Chairman Diminico opened the floor for public comment either in favor of or in opposition to this application. No member of the public wished to comment on this application.

Ms. Bertotti said Town staff has no outstanding comments.

The Chairman closed the Public Hearing portion of the meeting at 8:23 p.m.

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

OFFICIAL TAPE NO. 1120