

**MINUTES OF PUBLIC HEARING
HELD BY THE PLANNING AND ZONING COMMISSION
JULY 7, 2014**

ROLL CALL:

Members Present: Eric Prause, Chair
Andy Kidd, Vice Chair
Michael Stebe
Susan Shanbaum

Alternates: Julian Stoppelman (sitting)
Teresa Ike

Absent: Horace Brown, Secretary
Donald Palmer

Also Present: Mark Pellegrini, Director of Planning
James Mayer, Traffic Engineer
Ginger MacHattie, Recording Secretary

The Chairman opened the Public Hearing at 7:03 p.m.

MOTION: Mr. Stoppelman made a motion to amend the agenda and address the application by the Odyssey Community School at this time. Ms. Shanbaum seconded the motion and all members voted in favor. The public hearing portion of the meeting was recessed at 7:03 p.m. and the Commission returned to the public hearing portion of the meeting at 7:18 p.m.

The Acting Secretary read the legal notice for the application when the call was made.

MCDONALD'S USA, LLC – Requesting a Special Exception under Article II Section 24.02.01 (d) for a restaurant with drive-through window at 184-188 Spencer Street, GB zone – Special Exception (2014-039)

Attorney Stephen Penny spoke on behalf of the applicant, which is requesting a special exception to permit a restaurant with a drive-through window. He explained that the site consists of two parcels, 184 and 188 Spencer Street, located at the corner of Spencer Street and Hillstown Road. The site at 184 Spencer Street previously contained a single family residence but that has since been demolished. The site at 188 Spencer Street is a field. Of these two parcels, 54,130 square feet will be developed; that is 1.24 acres. The leased area will have 185' of frontage on Spencer Street and 200' of frontage on Hillstown Road. Public water and sewer is available for the site. The property is zoned General Business and does not contain any wetlands or watercourses. The owner of the property has provided consent for this application and the applicant has a long term ground lease for the property.

Manchester's regulations provide for special exception permits for drive-through windows at a restaurant. The restaurant use is permitted at this site. This site is suitable for the general business classification and the use is compatible with the area. There are a number of properties zoned General Business in the area of this property. Manchester's Plan of Conservation and Development characterizes this area as a mixed use regional center. Spencer Street is addressed at length in the Plan of Conservation and Development and described as a heavily trafficked

commercial corridor surrounded by commercial development, several higher density subsidized housing developments and the Spencer Street park and ride lot.

The development of this property would include a 4,300 square foot restaurant with a drive-through service open 24 hours per day, seven days per week. At any given time there will be a maximum of 20 to 30 employees on the site. McDonald's has a policy of hiring local personnel.

Michelle Carlson, P.E., further explained that the applicant would like to construct a 4,300 square foot building on 1.24 acres. There will be 56 parking spaces on site. Two curb cuts will be made as far away from the intersection as possible. The applicant is willing to restrict left turns onto Spencer Street with full access on Hillstown Road. Side-by-side drive-through lanes have been proposed. McDonald's is not new to Manchester. This location will provide convenience to people in the area. There will be three handicap accessible parking spaces in the front of the building. Utility service is available and has the capacity to serve this use.

Stormwater management on the site will consist of a detention basin at the rear of the property along Hillstown Road. There will be 4' deep sump catch basins conveying storm water drainage. The above ground shallow detention system will be screened on the east side with pines and surrounded by chain link fence. Hardwood trees will be planted on the site to add color. Dumpster screening will be provided as well.

A 15' tall road sign is proposed at the corner of the property. Lighting on the site is LED cut off no spill. The building will be brick with tiling. Material samples were passed to Commission members. The building will appear very similar to the McDonald's located on Deming Street, but there will be no play area. The storm water system was designed to the 100 year storm event.

During construction, erosion and sedimentation control measures will include a materials stockpile, silt fence around the site and anti-tracking aprons.

In response to questions from Mr. Prause, Ms. Carlson said the detention basin is very shallow, about 2' to 3' deep. The sidewalk is on Spencer Street only. The lighting is LED lights in shoebox fixtures. The lighting on the site is LED also and the McDonald's sign will be lit at night.

In response to a question from Mr. Stebe, Ms. Carlson said there will be nothing between the detention basin and the road. Because of the way the road drops off, people will not see the detention basin. The basin will be surrounded by chain link fence.

In response to a question from Mr. Stoppelman, Ms. Carlson said there is currently no concept plan for the remainder of the property. There is no interest other than McDonald's.

Mr. Kidd commented that the entrance and exit seem to be taking future growth into consideration. Ms. Carlson's response was that it is wide enough for trucks. She confirmed that it is an entrance and exit for the rest of the parcel.

Attorney Penny said that the rest of the property has additional frontage on Spencer Street. The McDonald's site has intentionally been designed to provide access to the rear site in the future.

Nicholas Gordina, P.E., Traffic Engineer, explained that the site has two access drives that are unsignalized. One is on Hillstown Road about 325 feet south of the intersection and the other is 265 feet away from the intersection on Spencer Street. The existing level of service is rated an

“E.” The peak hours for traffic are weekday hours; McDonald’s peak is Saturday, midday. The level of service “C” on Saturdays would not change with the addition of McDonald’s traffic. Any work to the intersection done by the Town will greatly improve the driveways. The intersection site distances are good for a vehicle traveling 45 mph. There will be 1,500 to 2,000 cars going through the intersection during peak hours. McDonald’s will add about 59 vehicles to the intersection during that time.

Attorney Penny said McDonald’s is busier for breakfast than dinner. Their peak is Saturday at lunch time. Manchester Community College students are not on the road on Saturdays. McDonald’s peak periods do not match Manchester Community College peak periods.

In response to a question from Ms. Shanbaum, Attorney Penny said McDonald’s would like full access on Spencer Street.

Ms. Carlson explained that she originally proposed full access on Spencer Street and restricted access on Hillstown Road. As a result of a meeting with Town staff, that was changed to the opposite. It does not matter which way it is to her, but McDonald’s does require at least one full access driveway. Ultimately, the State of Connecticut needs to weigh in on this issue.

In response to a question from Mr. Kidd, Mr. Gordina said the traffic volume between a restaurant with or without a drive through window depends on a number of variables. He would be reluctant to guess at the difference in traffic volume.

Attorney Penny explained that the regulations trigger a special exception due to the drive-through. The applicant can develop a restaurant at this site. This application is consistent with the plan of Conservation and Development and this site is suitable for a restaurant. There are adequate streets for this use. The intersection is challenging because of the traffic departing from Manchester Community College Monday through Thursday, however it operates at an acceptable level of service. This intersection would have a reduced level of service “F” with the addition of the Wal-Mart traffic. The addition of a lane on Hillstown will improve the intersection’s functioning. The Town’s Traffic Engineer does not challenge the traffic reports. This will be the fourth McDonald’s in Manchester. McDonald’s is not a destination, but a convenience. The heaviest periods of use are breakfast and lunch; these do not match the peaks of overall traffic volumes. This use would provide minimal impact on the existing traffic conditions.

The applicant has responded to the Town’s Traffic Engineer’s concerns by making Spencer Street a right turn only exit and Hillstown Road full access. McDonald’s has an intimate knowledge of its business and most of its customers are repeat customers. Local people will quickly understand the easiest way to get in and out of the parking lot. The site has adequate public utilities. The stormwater drainage proposal is adequate. The structure is suitable and compatible with the neighborhood. No staff comments preclude a favorable approval, stated Attn. Penny.

Mr. Pellegrini said Town staff has reviewed the plans. Staff comments are technical in nature and can be adopted as modifications to the plans.

Jim Mayer, Traffic Engineer, explained that the originally proposed plan provided for restricted turning on Hillstown Road. About 60% of the morning traffic on Hillstown Road is related to Manchester Community College. The Department of Transportation (DOT) expressed reservations about traffic crossing three lanes on Spencer Street. The McDonald’s traffic will have interaction with the Dunkin Donuts traffic. Mr. Mayer agrees that there needs to be full access somewhere. The current restaurant configuration will have customers go through the drive-through and end up at the Spencer Street exit. There is the potential there to take a left

onto Spencer Street. There is no ideal solution. There is still the issue on Hillstown Road of people queuing while waiting at the light, shielding the site line. The widening of Hillstown Road is at least two years off.

Mr. Kidd understands that the Commission agreed to making this location a General Business Zone. The drive-through leads to more traffic. He asked if there is a significant impact difference with drive-through vs. non-drive-through restaurants.

Mr. Mayer said a sit down restaurant produces less activity. A fast food restaurant without a drive-through will produce slightly less traffic than one with a drive-through window.

Mr. Prause asked if any member of the public wished to comment either in favor of or in opposition to this application.

Brian Bottaro, 158 Spencer Street, has seen tremendous changes in this area over the last 31 years. This intersection is one of the most hazardous traffic areas in the State and is a public safety hazard. There have been 70 motor vehicle accidents since 2004; an average of one every 51 days. The developer did not provide traffic counts for traffic turning into the Dunkin Donuts property; this data is crucial. The McDonald's entrance is 12 feet from Mr. Bottaro's entrance with a flat grass area between. This means there will now be three driveways within a very short distance and very close to the intersection. The entrance at Spencer Street was designed to be a main entrance to the rest of the commercial development at the back of the site. There were no traffic counts provided on the west side of the property during the peak of Manchester Community College traffic. It is commonplace for traffic to be backed up over the overpass on Hillstown Road. He thinks people will be tempted to take a right into McDonald's and use it to cut through to Spencer Street in order to bypass the traffic light. There have been no traffic counts provided going east approaching the traffic light on Spencer Street; this data is critical. Mr. Bottaro said this development will not be in harmony with the area. The entrance and exits need to be laid out for maximum safety; this has not been done. The entrance has been designed for future access to the parcel behind McDonald's, not for the safety of the public. The driveway on Spencer Street is 12 feet from his driveway entrance and diagonally from the Dunkin Donuts driveway. The addition of the McDonald's driveway will create considerable hazards. It is the Commission's responsibility to lead forward, not perpetuate a mistake.

Jeff Schwartz, 162 Spencer Street, said sole access to his property is through a shared driveway with Dr. Bottaro. There is nothing on the applicant's proposal that will provide a buffer between the two properties.

Martin Ritter, 58 Star Farms, commutes two times per day. This is an already extremely bad intersection. People are making a left from Spencer Street onto Hillstown Road and then an immediate right into the Shop Rite parking lot. He cannot imagine an additional left turn off of Hillstown Road right there without making things worse.

Jordan Coe, Waverly Markets, 214 Spencer Street, expressed concern with exacerbating an already unsafe condition. A fast food restaurant is busy at all times. She used Wendy's on Spencer Street as an example. She witnesses accidents at this corner all the time. People cut through the Shop Rite driveway daily. She is concerned with adequate emergency access and fears emergency vehicles would be delayed in getting to her location. She urged further consideration of the traffic conditions.

Ally Nugent-Carrier, 232 Ferguson Road, is a frequent Starbucks customer and spent considerable time in the area looking at what doesn't work. Dr. Bottaro summarized her points

already. The access road will be used as a bypass for the intersection. The other issue that concerns her is developing a piece of this parcel without dealing with the entire parcel. The land within the McDonald's lease lines will be maintained by McDonald's, the access road and drainage behind it will be maintained by someone else. How can you place a detention area on property without being the party responsible for that property?

Mr. Pellegrini received a letter from Mr. Schain of 245 Redwood Road. Mr. Schain is in opposition to this application. He would like the Commission to acknowledge that even the applicant's traffic engineer notices that if and when the Wal-Mart project is built, the intersection at Hillstown Road and Spencer Street will operate at level of service "F." The McDonald's will add a significant volume of traffic to an intersection which already fails. He knows the company is donating land to widen Hillstown Road but that will not fix the problem at the intersection. The driveway at Spencer Street will cause a conflict with the Dunkin Donuts driveway. Mr. Schain recommended that, if the Commission approves the application, it should pay attention to the aesthetics of the building, appropriate lighting, fixtures and tasteful landscaping.

Mr. Pellegrini reviewed items submitted by Dr. Bottaro. One is an accident report and one is ten years' worth of police dispatches in the area. He passed them around for Commission members to review.

Mario Deloretto, principal in the development company, said he is very familiar with this intersection. He lives in Glastonbury and drives through this intersection to take his children to school every day. There have been legitimate concerns raised. The notion that this is one large site that can be developed in the future is an unfair characterization. These are separate and distinct tax parcels. The subject parcel is a smaller parcel that had a residence on it. Then there is a larger parcel out back. The owners of the parcel have been marketing the property for a larger scale development. Mr. Deloretto approached them on behalf of McDonald's to develop the smaller piece on the corner. Out of negotiation for the development plan of the McDonald's came the concept of the proper access road. He views the access for the McDonald's site, but also potential access for the future development of that property. Any future development will have to come before the Planning and Zoning Commission for approval. While developing the McDonald's site, it was recognized that this is a very busy intersection and the driveways were placed as far away from it as possible. The access road is not located on the McDonald's lease parcel. Until further development occurs, McDonald's will be responsible for the maintenance of that access road. The purpose of putting the drainage basin off site was because the size of the site did not allow for service detention on site. McDonald's is responsible for maintaining that drainage easement area. There will be a drainage easement established that gives the right to McDonald's to utilize that for drainage purposes. Any concern about the upkeep of the ring road and the drainage easement should be minimized. McDonald's is a very responsible operator.

Mr. Deloretto explained that he has been having conversations with Town staff from day one. They have expressed concern about the tremendous amount of traffic on Hillstown Road. Knowing that, he agreed to provide a restricted, right in/right out only on Hillstown Road. He noted that McDonald's peak traffic times do not coincide with those of the college. It wasn't until last Thursday that comments came back saying there is concern about left turn movement onto Spencer Street. At that time, the plan was changed to limit Spencer Street to full access in, and right out only. Then there needs to be full access on Hillstown Road. McDonald's will deed a portion of their land to the Town to accommodate a road widening already planned by the Town. Because of the timing of the two projects, there will be a gap between the time McDonald's is built and the rebuilt intersection. There is a limited amount of information available about the traffic with a full access driveway off of Hillstown Road. He offered to study that traffic and come back to the Commission with the information to allow for an intelligent

decision.

Mr. Prause explained that the Commission made the change to General Business for this property in 2011. It matches the zoning in the area and allows for a lot of uses that seem compatible there. At that time, the entire 14-acre parcel was being discussed. When only a certain corner is being developed, in the area with the highest traffic volume, it puts limitations on access. When talking about the entire 14 acres, it was envisioned that the access would be further east.

Attorney Penny said we live in a country with a free market system and the market makes decisions, ultimately, as to how land use happens. Necessity paints with a broad brush. Virtually all of the properties along this stretch of Spencer Street are already zoned General Business. It was not inappropriate to zone this property General Business. The market has not shown an interest in a development of the size that would occupy the 14 acres.

Attorney Penny understands that the Commission would like to take time to look at the information submitted by Dr. Bottaro. He asked that Commission members go back to look at the traffic study. Despite the anecdotal testimony, the overall capacity of the intersection is operating at an acceptable level of service. If it truly were the worst intersection, it would have been incumbent on the Town of Manchester and the State of Connecticut to address the performance of the intersection. The intersection is functioning at an acceptable level of service and will continue to do so. The addition of the land the applicant has proposed to donate will allow for the introduction of a turning lane. The applicant will conduct a comprehensive review of a full access driveway on Hillstown Road within the next two-week period.

In response to a question from Mr. Stoppelman, Attorney Penny said the applicant will look at landscape buffering between McDonald's and Dr. Bottaro's property. He asked if Dr. Bottaro would be interested in access to the new driveway to avoid having two driveways side by side.

Dr. Bottaro said he has no interest whatsoever in permanently sealing off his own property. He has the only entrance that makes sense, directly across from Dunkin Donuts. Closing his entrance permanently would devalue his property.

In response to a question from Ms. Shanbaum, Ms. Carlson said that she would look at screening for the detention pond.

The public hearing on this application was continued.

The Chairman closed the Public Hearing portion of the meeting at 9:44 p.m.

NOTICE: A DIGITAL RECORDING OF THIS PUBLIC HEARING CAN BE HEARD IN THE PLANNING DEPARTMENT.