

**MINUTES OF BUSINESS MEETING  
HELD BY THE PLANNING AND ZONING COMMISSION  
NOVEMBER 5, 2018**

**ROLL CALL:**

Members Present: Eric Prause, Chairman  
Michael Stebe, Secretary  
Jessica Scorso

Alternate Members Sitting: Patrick Kennedy  
Teresa Ike

Absent: Andy Kidd  
Timothy Bergin  
Julian Stoppelman

Also Present: Gary Anderson, Director of Planning  
Matthew Bordeaux, Senior Planner  
Nancy Martel, Recording Secretary  
David Laiuppa, Environmental Planner/  
Wetlands Agent

**MOTION:** Mr. Kennedy moved to revise the agenda to delete the public hearing item and the first item of new business for the Association of Muslim Community and to start with Big Y Foods, Inc. as the first item of new business. Ms. Ike seconded the motion and all members voted in favor.

The Chairman opened the Business Meeting at 7:00 P.M.

**NEW BUSINESS:**

BIG Y FOODS, INC. – For construction of a convenience store with associated gas station and related improvements at 176 Tolland Turnpike. – Inland Wetlands Permit – Determination of Significance (2018-106); Inland Wetlands Permit (2018-106); Erosion and Sedimentation Control Plan (2018-107); Special Exception Modification (2018-108)

Mr. Ryan Scrittorale, Registered Professional Engineer with Benesch Company, 120 Hebron Avenue, Glastonbury, introduced himself. Mr. Scrittorale stated that Big Y proposes to redevelop an existing gas station at 176 Tolland Turnpike, the location and dimensions of which were depicted on his projection. He explained that a portion of the site is located within the 100 ft. upland review area of a small brook that flows on the adjacent parcel to the south of the property. According to Art. II, Sec. 24.02.01(h), stated Mr. Scrittorale, a gasoline station legally developed or approved prior to February 15, 1972, is a legal, conforming use, subject to the special exception approval from the Commission. As more than ½ acre of the site will be disturbed, the applicant is applying for an erosion and sedimentation permit, he noted.

The proposed project, according to Mr. Scrittorale, consists of a 2,128 sq. ft. convenience store with outdoor seating, five new gasoline dispensers, a new canopy and modifications to the existing site. He pointed to the rendering and described the location of the building, the dispensers and curb cuts. Mr. Scrittorale reported the site plan has been submitted to the Department of Transportation (DOT), and the applicant has received preliminary comments and is still undergoing discussion.

Mr. Scrittorale stated there will be 16 parking spaces per zoning requirements. Big Y has an agreement with Getty to provide a clean pad site after demolition. All the contaminants will be removed prior to building occupancy, he noted.

Mr. Steve Ulman, Registered Professional Engineer with the State of Connecticut, employed with Benesch Company in Glastonbury, Connecticut, introduced himself, stating he had completed the traffic impact study for the proposed revisions and renovations of the gasoline station. Mr. Ulman discussed the traffic studies and results for the proposal, using the Institute of Transportation Engineers (ITE) publication Trip Generation, 10<sup>th</sup> Edition for Land Use 945, Gasoline Service Station with Convenience Market. He explained the capacity analyses for the 2019 no-build traffic volumes, and the 2019 build volumes. The three-year crash data from the Connecticut State Repository was reviewed, Mr. Ulman reported.

Mr. Scrittorale then displayed and reported the storm water management, lack of wetland impacts, and erosion and sedimentation controls on the site. He explained that a portion of the work will be in the upland review area; i.e., a portion of the proposed building along with roughly eight of the parking stalls on the south end of the property. A storm water management system will be installed, Mr. Scrittorale detailed, to detain the peak runoffs that will be incurred because of the increase of impervious surface. Additionally, for erosion and sedimentation, silt sacks and silt fences along the perimeter of the site will be installed. Concrete washoff will be managed through a staging area, Mr. Scrittorale explained, and they will be managing and cleaning out all the catch basins through their operation and maintenance plan which is detailed in the storm water report.

Mr. Prause requested information about the layout of the redeveloped site, noting the site flow will be different from the existing gas station.

Mr. Scrittorale noted the Getty station flows in a direction parallel with Tolland Turnpike. The plan is to reverse the flow, which he explained will prevent stacking back to Tolland Turnpike.

Mr. Prause asked for clarification of the driving pattern to exit the lot.

Mr. Scrittorale explained there will be a right turn only exit to Parker Street.

Mr. Prause asked for reiteration that there will be enough room to make a left turn out of the easterly exit, with which Mr. Scrittorale agreed.

Mr. Stebe noted Mr. Scrittorale only described traffic entering from Tolland Turnpike. Mr. Stebe assumed that traffic from Parker Street will be contrary to the proposed flow to the dispensers.

Mr. Scrittorale explained cars will be able to loop and enter the dispensers from the opposite direction.

Mr. Stebe referred to a prior discussion regarding Cumberland Farms off of Main Street, which was very similar. He questioned what will be in place to direct the flow of cars.

Mr. Scrittorale reported the distances between the dispensers and the building, as well as the dispensers and Tolland Turnpike, are roughly 35 to 37 ft., which would leave a 24 ft. aisle on each side. Typically, with sites that his firm has built, there is anywhere from 27 ft. to 45 ft. between the dispenser and the edge of pavement, which allows plenty of room for circulation.

Mr. Ulman stated that there will be no parking in front of the store. He assumed the applicant could use pavement arrows, but in his opinion, there will be sufficient area to maneuver.

Regarding the upland review area, Mr. Stebe observed, the existing tanks will be removed and replaced with a new system, which Mr. Scrittorale confirmed. He questioned whether there would be anything needed beyond silt fence or bale. Mr. Stebe sought confirmation on the proposed methods to secure and prevent accidental outflow.

Mr. Scrittorale explained that Big Y has an agreement with Getty for the site being handed over as a clean site. Therefore, when demolition commences, Getty will pull the tanks, all the soil will be tested, and if there is any contamination, it would be hauled off-site. He reported there would not be any stockpile of contamination. Currently, there are monitoring wells on-site and Mr. Scrittorale's assumption is that it is being well monitored from an environmental standpoint. He explained the procedure for the new tank installation and the equipment involved. In addition, he noted, the fill buckets will be outside the upland review area.

Mr. Prause sought clarification of whether the alarm systems Mr. Scrittorale described are for the underground tank going to the pumps or for spills that occur on the surface at the pump.

Mr. Scrittorale reported there will be no leak detection for any drippage; that would be monitored by staff on-site.

Mr. Prause assumed there will be passive barriers; i.e., channels cut around.

Mr. Scrittorale explained the passive barriers are the grooves at the edge of the pavement, which will collect any spillage from everyday use.

Mr. Prause referred to the statement that the runoff will be captured by the hydrodynamic separators to be discharged into the wetland area.

According to Mr. Scrittorale, the existing outfall is just upstream of the brook. He referred to the site plan, pointing out the proposed catch basins and the location of the hydrodynamic separators.

Mr. Prause questioned whether there will be a change in the capacity of the wetlands or if it will be merely more cleaned-up water.

Mr. Scrittorale concurred that there will more cleaned-up water and an area of recharging for the increased impervious surface.

Mr. Prause asked whether there would be any work done inside the wetlands boundary.

Mr. Scrittorale assured the Commission there will be no construction past the property line, and pointed to the work area.

Mr. Prause assumed there will be no impact to aquatic, plant or animal life, or flood capacity within the wetlands itself.

Mr. Bordeaux reported that Staff has received revised plans from the applicant and a review is underway. A couple of members on the review team have stated they have reviewed the comments and are satisfied with the revised plans. The outstanding comments, which the applicant has responded to, but Staff has not forwarded a response for as yet, are from the Traffic Engineer and the Chief of Surveys, according to Mr. Bordeaux. The survey comments are very minor, requesting additional notes on the plans. The Traffic Engineer had some questions, many of which have already been answered by the applicant tonight, according to Mr. Bordeaux. Another outstanding comment, he noted, which was raised by Mr. Stebe, regards the traffic coming from Big Y. There is nothing else outstanding, Mr. Bordeaux noted, and overall, the Engineering staff has provided recommendation for approval with modifications.

Mr. Stebe asked whether the right turn only exit will have signage other than painting and marking.

Mr. Scrittorale explained there will be a right turn only sign and a stop sign. There is no center island to direct drivers to the right, he noted.

Mr. Stebe questioned the landscaping rendering.

Mr. Scrittorale reported there will be low-lying shrubbery, which will not interfere with the right turn only or stop sign. He explained that they prefer not to have any significant plantings along a DOT frontage so as not to impede sight lines.

Mr. Prause stated that, regarding the special exception modification, the proposal appears to be a suitable location for the use. He inquired whether there are any concerns regarding emergency personnel or any changes that may come in conflict with the special exception criteria.

Mr. Scrittorale replied there are none that they can foresee.

Mr. Prause inquired about elevations of the building.

Mr. Scrittorale stated he provided the elevations in the site plan application, and he displayed renderings for the Commission. He then described the plans in detail.

Mr. Prause questioned how the building is compatible with other structures in the area.

Mr. Scrittorale explained the design has a New England look, the colors are Big Y's color scheme, and they attempted to capitalize on the aesthetics in the surrounding area.

Mr. Prause asked how the scale of the building compares with area buildings.

Mr. Scrittorale noted the building will be 20-25 ft., roughly a story and a half, minor in scale compared to Big Y, and the canopy will be approximately 16 ft.

Mr. Prause noted there are many large car dealerships in the area. He speculated how the building will compare to the size of the Goodwill Store on the opposite corner.

Mr. Scrittorale could not speak to the size of the Goodwill Store. The site currently has a 500 sq. ft. convenience store, and Big Y is attempting to bring it up to scale. He explained the site is limited and there is not enough room for a larger building.

Mr. Stebe referred to the plans depicting outdoor seating on the Parker Street side and questioned whether there was anything separating that area from the parking.

Mr. Scrittorale explained there will be bollards placed around the outside perimeter for protection.

Mr. Stebe noted a handicapped van access and questioned whether there will be other handicapped parking spaces.

Mr. Scrittorale reported there will be one space, which meets ADA regulations. However, if the Commission prefers a second, that could be done. There will only be 16 parking spaces throughout the site, he explained.

#### Inland Wetlands Permit – Determination of Significance (2018-106)

**MOTION:** Mr. Kennedy moved to find the proposed activity at the above-referenced location as shown on the inland wetlands permit application 2018-106 will not have a significant impact on the wetlands and, therefore, will not require a public hearing. Mr. Stebe seconded the motion and all members voted in favor.

#### Inland Wetlands Permit (2018-106)

**MOTION:** Mr. Kennedy moved to approve the inland wetlands permit for construction of a convenience store with associated gas station and related improvements at 176 Tolland Turnpike. Mr. Stebe seconded the motion and all members voted in favor.

The reason for the approval is that the proposed activity does not disturb the natural or indigenous character of the wetland by significant impact or major effect.

The approval is valid for 5 years. The work in the regulated area must be completed within one year of commencement.

Erosion and Sedimentation Control Plan (2018-107)

**MOTION:** Mr. Kennedy moved to certify the Erosion and Sedimentation Control Plan with the modifications as specified in Staff memoranda from:

1. Douglas Sanborn, Chief of Surveys, dated October 17, 2018; and
2. James Mayer, Traffic Engineer, dated October 17, 2018.

Mr. Stebe seconded the motion and all members voted in favor.

Mr. Prause requested clarification of the modifications.

Mr. Bordeaux reported that Mr. Sanborn asked for notes adding coordinates and elevations, a note regarding the North American Datum, and for boundary markers to be set. He noted Mr. Mayer had a number of questions; i.e., whether the dispenser hoses will be long enough for vehicles parked in the opposite direction, and what the purpose of the loading zone was. The applicant responded to the questions. In addition, Mr. Mayer had a question regarding the traffic flow from Big Y grocery store to the convenience store, and there were no recommendations, according to Mr. Bordeaux.

Special Exception Modification (2018-108)

**MOTION:** Mr. Kennedy moved to approve the special exception modification under Art. II, Sec. 24.02.01(h) for construction of a convenience store with associated gas station and related improvements at 176 Tolland Turnpike with the modifications as specified in staff memoranda from:

1. Douglas Sanborn, Chief of Surveys, dated October 17, 2018; and
2. James Mayer, Traffic Engineer, dated October 17, 2018.

Mr. Stebe seconded the motion and all members voted in favor.

The reasons for the approval are that the proposed activity meets the special exception criteria and that it is an existing use that fits and conforms with the neighborhood.

SANRICO ASSOCIATES, LLC – For construction of 46 small business rental units in 4 separate buildings at 58 Sanrico Drive. – Inland Wetlands Permit – Determination of Significance (2018-092) – Request for 65-Day Extension; Special Exception (2018-093) - Request for 65-Day Extension; Erosion and Sedimentation Control Plan (2018-094) - Request for 65-Day Extension

**MOTION:** Mr. Kennedy moved to approve the requests for extensions. Mr. Stebe seconded the motion and all members voted in favor.

KRISTINE CARLSON – Request for extension of time under CGS 8-25 for filing approved subdivision plans. – Resubdivision (2018-057) – Request for extension of time under CGS 8-25 for filing approved subdivision plans.

**MOTION:** Mr. Kennedy moved to approve the request for extension of time under CGS 8-25 for filing an approved subdivision. Mr. Stebe seconded the motion and all members voted in favor.

The extension is for 90 days, until March 24, 2019.

Mr. Prause noted there was a letter to the Commission and questioned what that was in reference to.

Mr. Bordeaux stated it was from the applicant's attorney requesting the extension. He did not recollect any information regarding the delay.

Mr. Kennedy stated that in the letter there was mention that there would be a tax savings to the estate. In his opinion, if there would be an unnecessary tax burden, he would have no objection to granting the extension.

Mr. Prause stated there was a note that the subdivision must be recorded by December 24<sup>th</sup>, and he was unsure if there was any impact on that.

Mr. Bordeaux noted that if a map is not filed, the subdivision would not exist. He stated he is not sure what the need for the 90-day filing period is, but the statutes state that extensions are allowed when requested.

**ADMINISTRATIVE REPORTS:**

Mr. Anderson updated the Commission about the Downtown Design Guidelines update. He explained there were three applications from consultants responding to the RFP. The group interviewed each of the three and made the determination that they would award a contract to Goman and York from East Hartford. He explained they are working on the details of the contract currently and have scheduled a kickoff meeting for the end of November. Mr. Anderson reported the consultant will begin looking at previous documents and other information.

Mr. Bordeaux reported that at the next meeting, Staff will most likely be asking the Commission to act to declare a subdivision null and void. There was a subdivision at Arch and Pine Street approved in 2007 by the Commission. A map was filed, though no improvements were ever made. When there are public improvements associated with a subdivision that are not executed and completed, and the subdivision expires with no action, the statutes state that the Planning and Zoning Commission should declare it null and void, he said. Mr. Bordeaux stated he had consulted with the Town Attorney's office. If it were not for the provision of public improvements, then the subdivision could just remain until there was a development. However, because public improvements were required as part of the subdivision, in their absence, it is recommended by Staff that the Commission declare the subdivision null and void.

Mr. Anderson interjected the subdivision would be only two lots.

Mr. Bordeaux explained that, following the Commission's direction, he reached out to those that have worked with him on the agritourism regulations. He noted he had received productive feedback from them, as well as feedback from the new Environmental Planner. Mr. Bordeaux reported he had shared the information with the Conservation Commission, who seemed to be satisfied. He sought confirmation from the Commission that he should submit a formal application.

Mr. David Laiuppa, Environmental Planner/Wetlands Agent, reported he had reviewed the wetlands regulations for the Town and noted no language for compensatory mitigation for mitigation ratios.

He noted most towns do not have it in their regulations, though some do. The Army Corps have a set of guidelines as well. There is an opportunity, Mr. Laiuppa explained, to adopt ratios for the regulations.

He stated he would gather more information to present for further discussion.

Mr. Prause inquired how the compensation scale works.

Mr. Laiuppa explained there is a chart which discusses the impact to the wetlands, whether it is emergent, scrub, shrub or forested. The proposed compensatory mitigation would be either creation, enhancement or preservation. He noted if there is an impact to an emergent wetland, there is a lower ratio than a forested wetland. For example, the impact may be a 2:1 ratio so if one acre is impacted, two acres must be mitigated. If creating wetland as your compensatory mitigation, more credit is received than if preserving land; i.e., a 2:1 vs. 5:1. Mr. Laiuppa stated that several towns that have such regulations have language with one ratio set as a minimum. He reported he is not sure what other towns do as a default if there is nothing in the regulations; it seems to be case-by-case. The wording is not required to be in the regulations, but if the Commission deemed it beneficial to the wetland regulations, it may make sense, according to Mr. Laiuppa.

Mr. Prause inquired if there was case law in terms of the Commission not having anything documented; i.e., what is enforceable or what could be interpreted as a reach by the Commission.

Mr. Laiuppa responded that he was unsure if there was any precedent in the matter.

Mr. Anderson interjected that the topic is something the Planning Department could look into. He noted that when Mr. Laiuppa began, he reviewed the Wetlands Regulations and this was one idea that he had. If the Commission is open to it, it would make sense and it is good to provide some guidance. This type of application, where wetlands are actually impacted, does not occur regularly, he noted, but if there were one, it would make sense for an applicant to seek guidance from the Town.

Mr. Prause suggested Mr. Laiuppa e-mail the Commission an example of a chart.

**APPROVAL OF MINUTES:**

October 15, 2018 – Public Hearing/Business Meeting

**MOTION:** Mr. Stebe moved to approve the minutes as written. Ms. Scorso seconded the motion and all members voted in favor.

**RECEIPT OF NEW APPLICATIONS:**

1. **CONNECTICUT CVS PHARMACY, LLC – Erosion and Sedimentation Control Plan (2018-118); Special Exception Modification (2018-119)** – To modify the curb for the access drives between Phase I and Phase II and to modify the grading on Phase II at 1221 Main Street.
2. **JOSH LAFRANCE – Special Exception (2018-120)** – Request a special exception per Art. II, Sec. 4.02.01 for conversion to a two-family home at 180 Porter Street.
3. **HIGHLAND MEETING ROOM, INC. – Erosion and Sedimentation Control Plan (2018-121); Special Exception Modification (2018)-122)** – To relocate the existing parking, create a one-way internal traffic flow, and expand a portion of the existing building at 127 and 133 Highland Street.

**MOTION:** Mr. Kennedy moved to adjourn the meeting. Mr. Stebe seconded the motion and all members voted in favor.

The Chairman closed the business meeting at 8:10 P.M.

I certify these minutes were adopted on the following date:

November 19, 2018  
Date

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Eric Prause, Chairman

**NOTICE: A DIGITAL RECORDING OF THIS BUSINESS MEETING CAN BE HEARD IN THE PLANNING DEPARTMENT.**