

NEWINGTON TOWN PLAN AND ZONING COMMISSION

Regular Meeting

April 11, 2006

Chairman Vincent Camelli called the regular meeting of the Newington Town Plan and Zoning Commission to order at 7:00 p.m. in Conference Room 3 at the Newington Town Hall, 131 Cedar Street, Newington, Connecticut.

Commissioners Present

Chairman Camilli
Commissioner Cariseo
Commissioner Ganley
Commissioner Kornichuk
Commissioner Schatz

Commissioners Absent

Commissioner Fox
Commissioner Pruett
Commissioner Andersen
Commissioner Prestage

Staff Present

Ed Meehan, Town Planner

Commissioner Cariseo: Mr. Chairman, I wasn't here at the last meeting, but I've read the minutes and I feel comfortable voting on the agenda.

Commissioner Kornichuk: That goes for me too, Mr. Chairman.

Chairman Camilli: Okay.

II. PUBLIC HEARINGS

- A. PETITION 11-06 295 Stamm Road, Alex Lomaglio Trucking, LLC, owner and applicant, represented by Attorney Vincent F. Sabatini, One Market Square, Newington, CT 06111 request for Special Permit Section 6.3 Flood Hazard Zone Use, I Zone District. Note public hearing convened March 8, 2006. Hearing must be completed within 35 days unless extension granted by applicant. Time period expires April 12, 2006.**

Chairman Camilli: Petition 11-06 under Public Hearings and Petition 12-06 under New Business, the applicant has requested a continuance for those, again.

- B. PETITION 25-06 3311 Berlin Turnpike, R.W. Thompson Company, Inc., applicant, Bulley Company II, LLC owner represented by Jonathan Williams, 3311 Berlin Turnpike, Newington, CT 06111 request for Special Exception Section 6.2.4 Pylon Sign Modification, PD Zone District.**

Chairman Camilli: Is the applicant here?

Jon Williams: Good evening, my name is Jon Williams, R.W. Thompson. Basically what we would like to do is, we would like to, on an existing sign that has been on the Berlin Turnpike for probably over twenty years, we'd like to drop a three foot by six foot sign underneath the existing sign, it's going to be illuminated on both sides. The side that is actually going to encompass the pylon itself, it's going to be a piece of metal framework that is going to be wrapped around the existing pylon that is on the post, and that's it. I mean, it's not a big deal. You have, I've put in an application for the electrical wiring, which was just updated probably about a year ago, and that's about the size of it.

Chairman Camilli: Ed, do you have any comments?

Ed Meehan: The Commission members all have the drawing in front of them. Did you say it was three by six? I thought it was three by eight. Has that been changed?

Jon Williams: I beg your pardon, three by eight, that is correct.

Ed Meehan: The dimensions of the pylon and the wall sign work out to 176 square feet, and that is what the building will exactly carry. It's eighty-eight feet wide times two, is 176 so this maxis out their signage and it complies with all the standards.

Chairman Camilli: So they are just dropping in on an existing sign....

Ed Meehan: The lower sign face is what they are adding, the New Holland is already on the sign.

Chairman Camilli: So there is no question on sight line?

Ed Meehan: Right, and there is a little sketch showing where it is.

Chairman Camilli: Okay, any Commissioners have any questions? Anyone from the public wishing to speak in favor of this application? Against? Okay, thank you. We will close Petition 25-06.

- C. **PETITION 20-06 2355 and 2371 Berlin Turnpike, known as McDonald's, McDonald's Corporation/Franchise Realty Interstate Comp., owner, McDonald's Corporation applicant, represented by Attorney Susan Hays, Updike, Kelly & Spellacy, PC One State Street, Hartford, CT 06123-1277, request for Special Exception Section 3.15.3 Restaurant Use, B-BT Zone District.**
- D. **PETITION 21-06 2355 and 2371 Berlin Turnpike, known as McDonald's, McDonald's Corporation/Franchise Realty Interstate Comp., owner, McDonald's Corporation applicant, represented by Attorney Susan Hays, Updike, Kelly & Spellacy, PC One State Street, Hartford, CT 06123-1277, request for Special Exception Section 3.15.4 Restaurant Use Drive-In, B-BT Zone District.**
- E. **PETITION 22-06 2355 and 2371 Berlin Turnpike, known as McDonald's, McDonald's Corporation/Franchise Realty Interstate Comp., owner, McDonald's Corporation applicant, represented by Attorney Susan Hays, Updike, Kelly & Spellacy, PC One State Street, Hartford, CT 06123-1277, request for Special Exception Section 6.2.4 pylon sign, B-BT Zone District.**

Attorney Hays: Good evening. I haven't heard my name said that often in a really long time. I'm Susan Hays of Updike, Kelly & Spellacy of One State Street, Hartford, Connecticut and one of the things that I would also like to do, as we go through these three special applications is, also, we will talk about the site in general. The site plan is sort of part of the special permit applications, and it really makes sense, I think from our perspective to basically deal with everything all at the same time, instead of dealing with these few and then getting back up and discussing it further later on.

I have with me here tonight, John Cusak, who is our engineer, Scott Haskis, who is our traffic engineer and Mark Cavanaugh, who is from McDonalds. John and Scott will be making brief presentations, we'll limit ourselves to the twenty minutes and we are all available to answer questions. I guess one question for you, how would you like us to set up our boards? Up here?

Chairman Camilli: Yes.

Attorney Hays: I'm sure you are all familiar with the existing McDonald's at the intersection of the Berlin Turnpike and East Robbins Road, but what you may not be aware of though, is that this facility is about fifty years old and it is probably one of the oldest McDonald's facilities in the State of Connecticut. In fact, it is the oldest original remaining McDonald's facility in the State of Connecticut. There were two others that were built around the same time, they no longer exist. Obviously that is a testament to the location and the operations that, number one it's still around, it has been successful, but it is also an issue with the property which is that it is in fact, fifty years old, it's antiquated, it's reaching the end of its useful life. If you go in there it's got things that you don't normally see in other McDonald's, like tables that have the corners cut off, not four seated tables, three seated tables because there just isn't the room in there for the appropriate types of service.

What we are proposing to do basically is to demolish the existing McDonald's and build a new one. In order to do that, because of regulations that have been adopted, because of the design of the facility, the design of the site, and all sorts of other issues, we acquired the property next door, which is this parcel here, which is where the Dunkin Donuts, I think it was a Mister Donut first and then became a Dunkin Donuts, so we have acquired that property to enable us to do this modification and renovation. What we are proposing to do is something we are very excited about, and I think it's kind of cool, and it's in celebration of the historical nature of this site, and of this particular McDonald's, which is the McDonald's that we are proposing is what you would call the retro look. It harkens back to the original McDonald's with the arches as part of the building and so we are very excited about that. Somebody asked us is this was going to be the new prototype for McDonald's across the country, and the answer to that is no, there is going to be limited prototype ones and we're very excited about celebrating the fifty years of history at this site, with that building.

After we acquired the Dunkin Donuts property and started our site design process, we did come into the town and meet numerous times with Ed to go over with him our proposed site plan, and the plan that you have in front of you is not the one that we came in with originally, it's not the one that we designed with all of our hopes and dreams and wishes in mind, but rather a plan that evolved through several meetings, actually with Ed and Peter Arbor and other town staff, to one that met the requirements of the zoning regulations to the best that we could, given the property that we have. We addressed the issues that the town staff members had, and also allowed us to build a facility that would work, it would make sense. It doesn't make sense to build something if it's not going to be able to work, or if it is going to fail. As a result of that, we have this design that is in front of this Commission and as I know that this Commission is aware, in order to do that design, we had to go to the Zoning Board of Appeals to get variances. What this Commission should know is that the existing site, which John will get into in a little more detail, the existing site is non-conforming, and when we redesigned it and went to the Zoning Board of Appeals, we actually, every area where we were non-conforming we are closer to conforming. So the new site that we have will be more conforming to the zoning regulations than what is currently out there

today. Notwithstanding the fact that there are a few areas where we don't conform and in fact a couple of areas where we just physically could not conform ever, such as three hundred foot distance from a residential property, that would put us right out in the middle of the Berlin Turnpike. We have received some staff comments from Ed Meehan. I believe a response was sent in and I think might have been distributed to the Commission members.

Ed Meehan: The Commission members have it.

Attorney Hays: John will go over that, time willing, and have addressed I believe, most of those. We are still waiting for some comments from engineering, we haven't received any of those comments yet, and with that, keeping with the time from here, I'll have John come up and describe for you the site.

John Cusak: For the record, John Cusak with Bohler Engineering. As Susan mentioned, the existing site, I just want to briefly run through it with you so that you can see the improvements that we are making. McDonald's located here, Dunkin Donuts comprised approximately 4300 square feet, 1600 square feet, for a total of 5900 square feet retail. There are four curb cuts existing today on the Berlin Turnpike, McDonald's in and out, and the same thing over here, in and out. One curb cut on East Robbins for a total of four. There are forty six parking stalls located here, and twenty one located on the Dunkin Donuts for a total of sixty-seven. We are faced with some topographical challenges, if you are familiar with the site, elevation of about two hundred up here, drops down significantly so that the building is actually at an elevation of one eighty-six, back of the site, one eighty-four. So we are sitting a little bit in a hole. The site is currently served by public utilities, water, sewer, gas. All of our drainage is handled on site via underground detention, as we have some very nice soil on site which helps us to do that today. I briefly just want to touch on some of the non-conforming uses that we do have on this site, because they are numerous.

Distance to residential, don't meet that. Drive-way intersections, don't meet that. Front yard setback on East Robbins, the landscape buffer for residential, parking setback for East Robbins and Berlin Turnpike, impervious coverage, internal landscaping and signage. All of those are existing non-conformings that we have on site today and all of which we have either eliminated, or made better.

I would like to now show you what we are proposing to do. As you can see, we have a new restaurant which basically takes both properties now, trying to get as much room as we can to try to get rid of some these non-conforming uses. The restaurant is approximately 5265 square feet and what we have done is rotate it ninety degrees actually so it is parallel with the Berlin Turnpike as opposed to set back. The reason that we did that was to try to get out of being in the hole and also improve some of the external circulation that you see. Right off the bat, by turning the building, some of the things that we were able to do, was remove parking from the Berlin Turnpike, now outside of it, we have this large area here. Our initial plan, we wanted to park in that area but Ed made it perfectly clear that it is a very big priority for you folks to avoid parking in that area. So we have thirty-five feet, plus an additional twenty of green space there, so it will be a nice buffer for the building. The move of parking from the twenty-five foot residential set back in the rear came by moving it back. We were able to pull the parking back out, so now we can (inaudible) to the rear of the site. East Robbins, we didn't have the front yard setback required, we pulled that parking out, the building out, it was set thirty feet, it's now forty-one feet, which complies with zoning and again, distance to the residential area has to be three hundred feet, we were at 155, now we are at 166 but more importantly, the drive though lane was back here before and speaker posts and we have pulled that away from the residential area. As far as access, we now have three curb cuts. They are essentially in the same location as what is there before with some minor modifications. We have eliminated the curb cut in this location. Additionally, we have made some modifications here that are substantial. We pulled it a little further away, but one thing that you will notice if I can go back, we have parking over the property line, and you

have to come in, take a sharp jog, take another sharp jog, so you have a really bad traffic hazard here, with people trying to slow down and if somebody is pulling out of the parking space, they have to stop right in the driveway. What we wanted to do is to improve the safety of that location as much as we possibly could, so that it's more of a straight access coming in, so that way, if you wanted to, this could serve as a deceleration lane, you don't have to stop up here. Obviously you will if you take the turn, but we have that extra queuing availability in here. Pulled all of our parking away. Again, if somebody does pull out, you've got probably about a hundred feet or so, for people to make the decision to stop the car, let the person pull out without impacting traffic at the driveway or on the Berlin Turnpike. Access serving the site will be very similar to what it is today. Traveling on the turnpike, you will take this access in, find a parking spot, navigate around the building, come out and head on your way. If you are going up East Robbins, you come in, do exactly that, circulate around head back up East Robbins. Drive-through traffic would come straight in, hit the drive-through, and come out through that access there. That prevents people from re-circulating around the site so it is beneficial from the site plan standpoint to keep that access.

We have made every effort possible to reduce impervious area on the site. We have reduced it from seventy-five percent impervious coverage, down to 66.5. It's a reduction of 5600 square feet of pavement between the two sites. We took some comments that Ed had had, and did everything that we really could to maximize, one of which is our parking stalls. We have taken into consideration for the bumper overhang. We would have liked to have a little more paving in there, but the regulations allow, take a slightly smaller parking stall to allow for bumper overhang, and we have done that. So again, a substantial decrease in parking. Also, what we have done is add a double drive-through lane here. You probably haven't seen too many of these, but McDonald's has done a lot of studies relative to how to optimize efficiency of the drive-through. What they have now is actually two menu boards, so somebody entering the drive-through lane were to take this spot right in here, the next car would be directed to come to this spot. And that is really what takes the most time, people stopping and trying to figure out, well, what do I want, this, value meal, do I want that, actually it speeds up the ordering, so if one person has a large order and they are parked here, the second car comes along, it can order here.

Chairman Camilli: Where do they pick up?

John Cusak: It's hard to see, but these dashed lines right here, this is the cash window, where you pay, and then you come up and pickup your food there. So it really helps to work a lot more efficiently. We have additional queuing, which Scott can talk about a little bit more from the studies that we have done just to ensure that everything will work as we all have been saying it will. Utilities are the same as what is out there today and we will utilize the same connections. One thing that we are doing, the existing underground infiltration system, which was located in this area, we're putting the system back in that area, it's an older system and to be safe, we are digging it up, and putting a brand new system in. We don't want to have a situation where, you know, five years from now something goes wrong, could have some silt build up or what have you, we're taking the system out, putting a brand new system in, putting in some pre-treated units in accordance with your regulations, and giving it a real nice system with a little bit more water fall than they apparently have out there today, it does go directly to the ground.

Want to talk briefly about the pylon sign. We are proposing to take down, if you drive through here you see this huge pylon sign, four hundred some odd square feet, located right up at the front and again, when we were going through this process, realized what would be beneficial to make the area more in line with what your regulations say, and what you are looking for, we've agreed to take that sign down and put up a sign that is conforming. It is roughly in the same location. What I can do, I just have a color rendering that I can pass out to you folks, that might show a little bit better than the black and white that is in the package. Basically it is a very similar sign as to what is out there today. It's just scaled down significantly. Eighteen feet in height and that is what your regulations allow and it's just shy of 150 square feet for the sign, again, in

accordance with your regulations. And again, the existing sign was 460 square feet. So it is a huge, huge reduction in the signage for the site.

Chairman Camilli: This, is this going to be an active reader board or.....

John Cusak: No, you mean an illuminated.....

Attorney Hays: You mean where the letters move, no, not at all.

John Cusak: No, they will basically go and put up whatever they want it to say, and I imagine they will probably keep it for a while depending on when they need a change. Very standard board.

Again, enhanced landscaping on this site. We tried to fill it where we could fill in. We have a lot of trees along the back already here and that is why we didn't do anything additional there.

Chairman Camilli: Is the site irrigated?

John Cusak: The site will be irrigated. It's a, I don't know if it is today to be honest with you, probably not, I think that was one of the conditions, it will be irrigated. From here, due to the time, what I would like to do is turn it over to Scott to talk about the traffic and I would be more than happy to answer any questions.

Commissioner Cariseo: I have a question. Where is the front of the building?

John Cusak: The way that the building is set up, this is the front of the building. You have the main door here, and couple of customer doors over here. So this is the front of the building, and that is the rear, we have some service doors.

Chairman Camilli: One more question, on the, where you put the trash, where is that going to be, in that corner area?

John Cusak: That is right over here. It is actually today, it's located right in this location, you have the little jog here to orientate yourself, but it is located right by the residential area, what we have done is to move it further into the site down here, further away from the residential area.

Chairman Camilli: The Planner had some comments on this, are you going to.....

Attorney Hays: We can run through his comments and responses, if that works for you.

Chairman Camilli: Well, yeah, that would work.

Attorney Hays: We will need a little extension in time then, we'll go beyond the twenty minutes.

Chairman Camilli: Go ahead, unless someone objects? That would be great.

John Cusak: I'll do that right now. Actually the plan that I have before you is slightly different than the one that is in your package, in that this plan incorporates the comments. Just going through the list, number one, they wanted freight information, truck delivery and loading for the restaurant. Trucks will enter through here, come down, load in this area, these are the two loading doors for the freezer, located at this far door, and this is the entrance to the back storage of the kitchen. They will load in this area, and exit back out onto the turnpike. So that is how loading will occur. We will provide in your final set of truck turn plans to show how that works, but we have generated them and they work just fine.

Chairman Camilli: And the delivery, while you are doing that, we have never had a problem there, as far as I know, as far as.....

Ed Meehan: They have been able to schedule deliveries, particularly in that location so that it is not going to conflict with people trying to get through the drive through, or customers trying to get in from the parking.

John Cusak: Absolutely. From an operational standpoint, we don't want to do anything that is going to impact our business. We have added a note, just put it on the plan, proposed loading area, we show where they are going to do it, say, loading to occur in off peak hours, so again, there is something on the plan that says, hey, this is what they told us they were going to do. So you have something in your plans that actually shows that. That was loading. The second comment was relative to the five angled spaces, and again, if you look in your packet you can see it better, but these spaces here were actually inverted such that they were angled this way. People would come in here, they would pull out, and pull in. Ed was concerned about traffic conflicts in that area, thinking people would come in this way and avoid the conflict, so his suggestion, and a decent one, is to flip that island, which we agreed to do, same amount of parking spaces. We actually picked up a little bit of landscaping by doing that as well. Comment number three is relative to the seven parking spaces located along the southerly property island, property line, excuse me. That's these stalls in here. What we discussed with Ed again, he was concerned about potential conflicts with traffic and these were some of the least desirable parking spaces.....

Chairman Camilli: And the pedestrians, they would be crossing the drive through there, it seems. So you recommended that it be for employee parking?

John Cusak: Yep.

Chairman Camilli: How is that going to be enforced? In other words, it's one thing to say those spaces would be used by employees, then we wouldn't have a problem, again, it's just a safety thing.

John Cusak: Well, first of all, it would be somewhat self correcting because the operator is going to want to park there. That said, what we are going to do is to mark those out so it is clearly marked employee parking, and hopefully if for whatever reason an employee isn't in there, it would be an extra deterrent that somebody else wouldn't park in there, they would actually come around and utilize one of the.....

Attorney Hays: Right, and unfortunately, George Mashell, who is the owner of this facility could not be here tonight, but he would, if he were here, I'm sure he would emphatically tell you that he will police that, and make sure that all of his employees know that there is where they are to park. We will watch that, and if it turns out that there is an issue, if there any complaints here, we certainly will go and address that and make sure that it doesn't happen.

Chairman Camilli: Unfortunately, the complaint would be if someone got hurt. It wouldn't be a complaint.....

Attorney Hays: Or I suppose, if somebody happened, if Ed happened to drive through there at lunch at there were absolutely no cars there, but there were employees in there working, he might say, wait a minute, where are your employees parking?

Chairman Camilli: So it will be designated employee parking?

Attorney Hays: Yes, and are you indicating that it will be painted on the pavement?

John Cusak: Painted right on the front of the stall there, so people, when they pull in can see it clearly.

Chairman Camilli: So, if they are parking, they are parking at their own risk. Okay.

John Cusak: Question number four, expand on the impervious cover calculations. I just have a note below the zoning table, just to further expand upon that, the existing impervious coverage is 49,452 square feet. Proposed is 43,847 for a total reduction of 5,605 square feet. Again, we are proposing a significant reduction in impervious coverage.

Number five, proposed trash enclosure, explain height and wall enclosure material; again, here is the location for the trash corral, it will be fully enclosed. It's a twenty by thirty structure, so all recycleables and trash are in there, fully enclosed. The height will be an eight foot high wall, so you won't be able to see anything from the outside, it's fully screened, and for maintenance, you know, we don't just want to put up a stockade kind of fence, that really wouldn't hold up to the type of use that this would get, so we proposed a TREX material, or approved equal, which TREX is what you put on decks nowadays and it last a good long time. We are proposing it in that location.

Number six, we identified on the plan, all curbing will be concrete.

Signage table, basically there were questions as to the arches that were shown on the directional signs. We will comply with the variance that we have received for signage and not request any more relief, so the arches constitute a sign, those arches are coming off. It will just be a directional sign, pursuant to your zoning ordinance. Additionally, the clearance bar, had a "M" on it as well, that would be removed to comply with your zoning ordinance.

Ed Meehan: So in addition to, you also had the emblem, McDonald's, on there. I think you had the arches plus McDonald's on there. McDonald's is going to come off too? Is there going to be an arrow, drive through with an arrow or something?

John Cusak: Yeah, well, what they would say, have a welcome, thank you, or enter or exit, some text with an arrow, so people know directions, this is where you turn to enter, this is where you turn to leave.

Drainage utility plan, as I mentioned, we are pretty much putting in a brand new system in the same location. We haven't received any comments, although we did review our approach with the town engineer, so I wouldn't anticipate any comments.

Relative to the utilities, gas, again, they are all there. No comments needed.

Number three, will the building have a fire sprinkler system. It will not. It will comply with the state code but there will not be a separate fire sprinkler. It's not required by code.

Landscape plans, we have added a note, that all landscape beds will be irrigated.

Explain what is planned for the proposed stone landscaped area at the northeast corner of the building. Basically, that is this location here, since we are coming down from grade quite a bit, in order to make the grades work, we're actually elevated, and by elevated I mean the driveway here is about a foot and a half higher than the building at this corner. To do that, we needed to construct a small wall there, and behind that wall, so that it doesn't grow with weeds or anything else, we are basically going to put the liner in, and put in some stones, so that it will look attractive, and we still won't have to get a lawn mower through there. That is what is proposed in that location there.

Additionally, we spoke with Ed about the guard rail. We had a metal guard rail there, he was concerned about that. What we are going to do is replace it with it, it needs to be a real guard rail that can handle traffic, so we will use a steel post, but we can put a wood facing on it, so it would look more attractive than a steel guard rail.

And number three, add a second red oak tree, we had a tree here, and we will add another tree over there to make it look a little more symmetric.

Verify that the existing trees along East Robbins Avenue and adjacent to the residences will be protected and maintained, absolutely. If it doesn't show that well on this plan, but on the landscape plan, there is a row of trees there today, I think six or seven of them, evenly spaced, probably when this was built originally provided a buffer, those will be protected and maintained. They are actually behind the existing curb and we are pulling the curb further away, so it is clearly identified on our plans to protect them from construction, and we do want to keep them there. Also, there is an existing fence, located along here, it's in a state of disrepair, we are proposing to repair that fence, put a new fence into place, same location.

Pylon sign, we provided the pylon sign detail, basically what we need to do is come up with a sign that complies with the zoning, with the 150 square feet. This sign complies with everything, that we presented to the Zoning Board, also it is in compliance with your town regulations, so that is what we need to build. We have the rough dimensions on there, or fairly exact dimensions on there, the height of the sign, the width, and where the bottom of the McDonald's portion starts, where the top of the arches, we have all the critical dimensions in there. When we go to pull a building permit, I'm sure we will need to provide the building inspector with maybe a catalogue, detailed catalogue cut, which we can do. If you need for your files something more detailed than what you have there, I can certainly get that off to you as well.

Chairman Camilli: Excuse me, did you want those calculations, so you know?

Ed Meehan: Well, that's a good question. Your calculations are, you didn't box out the sign, you are just counting the arches....

John Cusak: That's correct.

Ed Meehan: And that's what the variance was based on from the ZBA, that was the 146 or so?

John Cusak: Correct.

Ed Meehan: Is that per side, or times two.

John Cusak: That's times two, we went over that very exhaustively to try to get the exact areas. Basically the sign has to be 150 square feet, total, so seventy-five per side, and during our discussions, it was the area of the sign itself, not a boxed out area around the sign.

Ed Meehan: Okay, I got this faxed to me this afternoon, so I'm just going to take some more time to look at it.

Attorney Hays: We can actually get you the math, if you want it. I'm not sure any of that would mean anything to me, it's been a long time since I have taken calculus and trigonometry and geometry.

Ed Meehan: Well, the Commission is going to be asked to approve the Special Exception for it, so I want to make sure that it is compatible. The scale is one inch equals thirty-two feet. That's the architects scale. Usually it's three to thirty-two.

John Cusak: Yeah, it didn't come from our office, it came from the architects, the sign company. We can get you additional information, but bottom line, we have to build something, and submit it to the building department first and show compliance. We can certainly get you that information, but it will not be more than 146 square feet.

Ed Meehan: I think we would need that, and then, going back to your directional sign is exactly what you are going to put at those four locations, and then the detail sheets would be changed to reflect that.

John Cusak: Yep, that will be on the final set of plans. We will change that detail, the clearance bar detail to get rid of the emblem. Certainly something that we can accommodate. On the building elevations, looking for more elevation on that, what I would like to do is actually hand out some drawings to you, or I can put them up here if you can see them all right, otherwise I will pass them around.

Attorney Hays: We figured the best way to do this would be to actually take a picture of one that exists, so you can see what it would actually look like. I do want to point out to you that this is so that you can see what it would look like, this is not what we are doing, exactly what we are doing, so we would look to the drawings to see that. By way of example, we are not proposing the McDonald's sign here, we are not, at least at this point in time, we are not proposing the outdoor dining area here, and this little guy, who is up here, we are not proposing him either. I was, when I first saw him, I was wondering who he was, and I guess he was Sir Speedy, or Mister Speedy, or something like that, way back when, when, way before Ronald, I guess. It was the original icon, before Ronald. What we are proposing here is just the simple "M" up on the circle, but the building will look, this gives you, you know an idea of how the arches will look, how the roofing goes, the tiling with the colors on the side, this would be the side facing the Berlin Turnpike, this would be the side facing down toward the residential. One of the things, and I don't know if it is in a comment that you will get to in a little bit, one of the items that you had asked about was the rooftop units and screening, and what you can see here, in the back of the building, is screening for the rooftop units and you can barely see it here, but it's on both sides to screen the rooftop units, and it's back a bit from the edge of the building, so it's not the building coming up, and it comes back in and goes up, so it works there from a screening perspective.

Ed Meehan: What is the lighting? Is that, the wings that go up, or anything, is there any lighting strip lighting that outlines this building ,or soffit lighting

John Cusak: Are you referring to under here?

Ed Meehan: Yes, like, this looks like it has got, in that red border, looks like raceway lighting.

John Cusak: That red trim there, I believe that is illuminated. We don't have a soffit light per se that casts out any kind of parking lot lighting, the strip is illuminated.

Ed Meehan: So, you know if it is like neon, or is it a raceway, is it exposed neon I guess is the question.

Mark Cavanaugh: Yes, it is, they call it neon, it's in a channel, so it is exposed, yes. Just on the front angled slope.

Ed Meehan: There, outlined in red, it must be.

Mark Cavanaugh: Correct.

Ed Meehan: We have that like on Outback and I think Ruby Tuesday, but they are in a raceway so they are not real loud.

Mark Cavanaugh: Right, it is in a channel, there is an aluminum channel, and the neon is in it, mainly to protect the neon, mainly because you don't want to just run a tube of neon out like that.

Ed Meehan: So it doesn't glow. You can read it, but it doesn't glow. It can be pretty bright if you don't do that.

Chairman Camilli: Okay, so it is in a channel, or raceway or whatever it is. What about the other lighting, one of the things it said was no additional.....

John Cusak: It's more soffit lighting, the comment was referring to, I don't believe that there are any additional soffit lights under there. I think that the only thing that is illuminated there is that portion of that area, there really isn't any downward illuminating lights, that would cast.....

Chairman Camilli: Are there existing lights there now? I mean, you would have to have something.

Ed Meehan: Well, the site plan would have your pole lights in the parking lot. Those would all be brand new, but I was wondering, the question about the lighting in the channel, the raceway was answered, but you probably have your typical safety wall pack lighting over the doors.

John Cusak: Yeah, I apologize, yeah you have over the doors it's the typical lighting that you have to have. But we don't have traditional soffit lights under the whole portion of the building to light up the building.

Ed Meehan: The current McDonald's at one time, used to have like strip lighting, like florescent tubes on the roof, that went up on the mansard. At one time they were changed, I think that was McDonald's.

Chairman Camilli: My only question is as far as the neighborhood, in terms of lighting. I mean, with the trees there, if it isn't any worse than what it is right now, then it's okay as far as I'm concerned.

Ed Meehan: They did, they provided a lighting sheet with their lumens, and all the lights have cut-offs, so as you get to the next residential zone, it's basically one or two candle power.

Chairman Camilli: From the residential?

Ed Meehan: From the residential, yeah.

Chairman Camilli: Okay, that's fine.

Commissioner Cariseo: Is this a new design?

Attorney Hays: It's been around, it's not....

John Cusak: It's really a special prototype, you know a throwback prototype and they only want to use it in particular areas where they have, it would be a nice touch from a significant stand point. Again, this is the third oldest McDonald's in Connecticut....

Mark Cavanaugh: Newington is the third oldest McDonald's in Connecticut, the first two were on Main Street in Bridgeport, which has been changed, and Dixwell Avenue in Hamden that was changed out. There are three other locations in New England like this. This one happens to be in Rockland Mass, outside of Brockton, there is one in Maine, and one is on the Massachusetts Turnpike, if you have been on the turnpike, there is one comparable to this, much larger, but comparable to this, and this will be the only one in Connecticut and it is not likely that they are going to propose a lot of these.

Commissioner Cariseo: I would hope not, this has got to be the worst design I have ever seen. I can't believe that McDonald's thinks that this is great. I mean, we are in New England, you go up to Vermont, you see it all done in brick, they look magnificent, low signs, the whole bit. This one looks like a throwback to the fifties.

Chairman Camilli: Well, that's what they want. I think that was the intent.

Commissioner Cariseo: Well, they certainly did it.

Commissioner Kornichuk: The hot rods are going to be pulling in any minute.

Attorney Hays: Well, we are across the street from the drive-in too, so, which is a very fifties....

Ed Meehan: Not for long.

Attorney Hays: I know.

Commissioner Cariseo: Well, to each his own, I guess.

John Cusak: At this point, I think that was everything on the letter. We can answer questions, we can have Scott go through what we did relative to our traffic.

Scott Heskes: Good evening. For the record, Scott Heskes, licensed engineer in the State of Connecticut, firm of F. Heskes and Associates. We were asked by McDonald's and John to prepare a traffic statement for the proposed redevelopment of the site. In summary, we have two existing restaurants, we're tearing one down and reconstructing the second, so we are going to end up with a reduction in the site generated traffic on the site. Based on that fact, we didn't do a very detailed analysis because there are going to be less traffic movements into and out of the sites when we are done, than when we started, so traffic conditions should improve even though the McDonald's is getting slightly larger.

One thing that we did take a look at in a little bit more detail is the queuing analysis. We did a study, a distribution analysis to determine what the likelihood would be of (inaudible) vehicles being in the drive through window at a particular time. We have assumed fifty-five percent of the peak hour traffic would be going through the drive through window, McDonald's tells us that they have an average service time of about thirty seconds per vehicle, that would mean, based on the Poisson distribution ratios that a queue of fourteen vehicles would be exceeded one percent of the time. Our observations from going to many facilities is that generally you tend not to see more than ten vehicles in line at a time because people perceive, with ten vehicles in line, well, it's probably faster for me to go into the restaurant and do what I have to do there, so fourteen vehicles would be exceeded about one percent of the time, based on the numbers. They are providing about 450 feet of storage from the drive through the window before you get to the property line at the Berlin Turnpike, that is capable of accommodating about twenty-two vehicles in the queue, so if we anticipate a maximum of about fourteen vehicles, they can accommodate twenty-two vehicles, so there shouldn't be any disruption of the drive through traffic, obviously the Berlin Turnpike. In addition, they are providing the two order positions. I don't know how to analyze that because there is no mathematical way to do that, that I am aware of. The one order board, you only have fourteen queues, and if the two order boards are more efficient and can move traffic through faster then there should be less. Maybe they will be able to get more vehicles though but the queue should not get any longer. In terms of the trip generation numbers, we believe that this site, the redeveloped site will represent a decrease in traffic of about 315 trips on a daily basis, reduction of 33 trips in the morning peak and 22 trips during the p.m. peak. Similar numbers on a Saturday, 459 fewer trips on a Saturday and a peak hour reduction of 38 trips on a Sunday. That was assuming that the Dunkin Donuts restaurant was just a general fast

food restaurant. Anyone who has been to Dunkin Donuts in the past, and if that thing had been reused as a Dunkin Donuts, they tend to get significantly more traffic than a general fast food restaurant, especially during the morning peak, so I think our reduction numbers are very conservative.

They are reducing the number of curb cuts on the Berlin Turnpike. The driveway configurations that they are showing will be safer than the driveway configurations that currently exist so, all in all, from a traffic standpoint, this project should be a home run, at least in our opinion. We hope that the Commission would concur with that. If there are any questions related to traffic, I'll be happy to answer them. Thank you.

Chairman Camilli: Ed, do you have anything?

Ed Meehan: No, I went through the traffic report and we did have time to talk about it at a staff meeting and I think it's adequate.

Chairman Camilli: I want to get back to the position of the building for a second. Is this the part of the building that is going to be facing the Berlin Turnpike?

John Cusak: What you are looking at here, here is the front of the building, that is located right here, that is the wall that you are looking at. This here is where the drive through windows are located on the side of the building. Those are right in here, so that is the side of the building that is facing the Berlin Turnpike.

Chairman Camilli: Well, I'm just, how much screening does this provide, the green space in the front there? I mean, are we going to see this, in other words what I am getting at is, we are going to see a side of the building from the turnpike basically, as you are driving south, you will get that front.

Ed Meehan: It is going to be back a little further and down slightly lower, you are going to see the drive through windows.

John Cusak: One thing to point out, again, we are at elevation 200, the finished floor of the building elevation, 185, 186 somewhere in that range. Right off the bat, you are down from the intersection fourteen feet. The building is fifteen feet in height, to the top of the building here. So it is not sitting curb level, that is part of the reason that the sign is so important to us, and why we really want to think twice about getting rid of that large sign because we are, and from a retailers stand point at a disadvantage because we are sitting in a hole. We are not right up on the property line, right flat out, we are definitely down below the ground level. We really aren't all that visible.

Attorney Hays: I think if you drive by there now, about the only way that you know it's there as you are coming down the turnpike is that pylon sign.....

Chairman Camilli: I don't think anyone within a fifty mile radius doesn't know where that McDonald's is.

Attorney Hays: Not because you can see it, because you can see the sign. It really is amazing, plus, we're look at, I think as John as showed you on the previous plan, the current parking goes all the way out over onto the Berlin Turnpike. We are in fact adding thirty-five feet of landscaping, in addition to the landscaping that already exists on the turnpike.

Chairman Camilli: But my concern is that we are going to be looking at the side of it. Regardless, I know that we had other, I know that you had a drive through there.

Ed Meehan: The other thing that you may be looking at because of the lower floor level here and the fifteen foot building, there may have to be some extra ordinary attention to the screening of the roof top units. You could be looking into that well, unless the rooftop screening is extended a little bit. That is where your HVAC's are, and your vents and everything else.

John Cusak: Part of the reason additionally why we rotated the building, again, we drop off, in order to put the building over here, we would have to fill up this huge area, come back around and bring this up higher. Obviously with the building with doors outside of it, you have to keep it level, you don't have the ability to grade down, provide exposed foundations or build up on the wall, we put in doors and public access throughout the whole building. So that is another reason that we are not set up this way, as well.

Chairman Camilli: And I'm not trying to give you a hard time, but anytime we've had buildings, for instance, we have had other applications, I could name a couple, where buildings faced like, not on the Berlin Turnpike for the front entrance, we actually made the applicant make part of the building that faced the turnpike, look like a front entrance. We did that not too long ago with Target, made the back of Target look like a side, just because of the visibility and that is why I'm concerned about it, because what we are seeing here is a side of a building, and I just want to alert the Commissioners that when you are driving down, you are just going to see the side of a building here, with a drive through. From an aesthetic point of view, that is why I asked how much of that, the green space, we have two trees there, one on either side there....

Ed Meehan: Some shrubs in the middle.

Chairman Camilli: Yeah, but I don't know if you can do anything with this prototype to make it look more like a front in this case. As I said, we had them put on a false front, something like this, over here, so even though it wasn't functional or anything, it looked like a front rather than a side.

Attorney Hays: I think, and I understand what you are talking about, and I've seen also, if you go to Meriden, there is the Stop and Shop as you come down, when you are coming off East Main Street there, they've got a Stop and Shop there, but I think you also have to remember that the Target building is probably 140,000 square feet, and it's probably at least 300 feet long, and we're talking about 5,000 square feet.

Chairman Camilli: I understand, but as I said, we had other buildings as well, they wanted the building facing south, so they were willing to do that to get the building orientated that way, rather than facing the Berlin Turnpike.

Attorney Hays: I think from our site plan perspective, we would rather have the building perpendicular to the Berlin Turnpike also, but unfortunately because of the way that the site slopes, the other impacts that would have, and then applying the zoning regulations and the requirements and you know, we had to throw a lot into the mix here, to try to minimize the necessity for variances, and maximize our compliance with the requirements, and minimize having to do like five foot high retaining walls, and that type of stuff.

Chairman Camilli: Have you tried putting, I know what you just said, but, was there any attempt to try to do it facing the front?

John Cusak: Oh yeah, we definitely looked at doing it that way, but right off the bat, it becomes clearly apparent to us because you would be going back to where you were. This additional property that you have over here, due to the jog, it becomes almost, I don't want to say useless, but certainly not functional. You come back to something that you have here. You can't slide the building over any further, because once you have your drive through coming around, you start

having more impacts on the residential back in this area. Again, you see all these grades coming down, those are all the contour lines. You start dropping down very sharply. You are coming down at an eight to ten slope in here, and again, you had to have all of the parking up in the front because the drive through was to the back and the sides, so, keeping that same orientation, you really lose all of the additional benefits that we talked about earlier relative to open space and traffic flow and separation distances from the turnpike, and all of that.

Chairman Camilli: What can be do to mitigate some of the side look?

Ed Meehan: Change the building design. That's simple, I mean, it's simple from our perspective.

Chairman Camilli: I know, and as I said....

Ed Meehan: That building is longer than the old building, right? That's 5220 square feet and the old building is 4200, 4300. It's 106 feet long, I don't know what the old building was. I think maybe half of that is going to be, I'll call it the wing going up, and maybe the other fifty percent is the flat roof view that you are going to see.

Attorney Hays: I think maybe what we can do is, and I'm assuming that we can do it, is come up with a just sort of dropping it down in and showing a picture of what you would see from the turnpike. Could we do something like that?

Ed Meehan: A perspective of that?

Attorney Hays: A perspective, is that something we can do?

John Cusak: We can provide a perspective, but as far as alternatives, there is not really much you can do, unfortunately. Again, Target, you have a large building, you can have all the design elements that break up the mass of it, unfortunately a building like this, you've got the functionality of it, and we have our windows in here, so obviously you can't make any type of a door. The door we do have is over in that location. There's not much we can do. I mean, I can provide a section to show that we would be further down on the ground, but I think....

Ed Meehan: One of our earlier staff meetings, I asked a similar question, was to raise the site but I think that you got into some retaining walls and fill in the corner where you have your dumpster now.

John Cusak: On yeah, absolutely. Again, I think raising the site, it probably contradicts what you are telling us, because if you raise the site, then it becomes more visible.

Commissioner Kornichuk: You're going to see more of this.

John Cusak: So I think that would be what you really didn't want us to do. But if we raised it, you are absolutely right, from a site plan standpoint, we would have to bring in a lot more fill, a lot more expense, then we would have walls along this side, and on the residential side, which we really wanted to get away from, or you would have to have five to ten slopes parking area, which you don't want to do. What we tried to do is minimize the (inaudible) as best we can. All of the parking areas are three percent slopes, or less, which you really want. You don't have the doors swinging out, or any issues that you obviously do have in the existing condition now.

Chairman Camilli: Any Commissioners have any, I'm just one on this Commission,

Commissioner Kornichuk: Right, by my thing is, did you get an answer to your question. Can they show us how much of this building we are going to see driving down the highway.

Attorney Hays: Yes, we can do a perspective.

Commissioner Kornichuk: Okay, and then like you said, you know, now that this building is down, how much, are they going to have to raise that.....

Ed Meehan: Maybe they can do something a little bit more to raise that, instead of one of your sketches, your line sketches in the package, maybe the fence up there, or whatever you have, maybe has to be a little higher.

John Cusak: Again, absolutely. I can give you a perspective to show you what we are going to see, and maybe make some minor tweaks but there is not a whole heck of a lot....

Attorney Hays: Yeah, we can do that, and then if there are issues, like if I'm driving by I'm going to be looking down into all of the HVAC, we can, we have plenty of room to play with from the building height perspective so we can look at those, I mean, I'm not the engineer, you put something else up there and all of a sudden it changes something else, because of the loading and all that type of stuff, but.....

Chairman Camilli: I don't know what the architect can do, but anything to mitigate that it is a side, whatever that might be. I don't know what that is. Can you just look at it, and perhaps maybe make it look somewhat so that when, first of all when you see the picture of it, you will be able to tell how much we can see, and then if something can be done, I'm not an architect so I don't know, but.....

Ed Meehan: Well, this is the line drawing that you gave the Commission, it's exactly as the picture, it gives you, it looks more stretched out than the picture does because the picture is on an angle, but it seems to me, when you do a perspective, you will have a better viewpoint of the lowness of this building, it's only fifteen feet high, and this is the screening that is up on top. I think that is going to be more evident to you, because I don't know how high the, do these sit in a well? Does your HVAC units sit in a well?

Mark Cavanaugh: They sit on the roof deck and the screening actually goes above them. The roof is actually where you just had your finger, the bottom of the dark area.

John Cusak: The roof is about fifteen feet up and then the parapet goes beyond that.

Ed Meehan: So this is the roof line? If you had a HVAC or had vents up here, that is what I think you are going to see from the higher elevation unless you raise this.

Mark Cavanaugh: One other point, just a suggestion here. This almost operates as a one way street, because you know, it's a long distance to the other side. So as you are heading south right now, if you look, the former Mr. Donut, Dunkin Donut building is pretty much facing this way, it's really not facing the Berlin Turnpike, but for everybody driving down the street everyday, they see the front of the building, because they are looking at the front of the building this way. When they get to here, nobody is necessarily looking directly to the right. To some extent, McDonald's can operate the same way where if you are driving down the Berlin Turnpike, for the most part, the majority of the people are going to see it as they are driving south, you will be seeing effectively, the front corner as shown here. This is the view you are going to see. So as much as yes, the long elevation of the building is the one that is facing the street, that's going to be as you are driving by and look to your hard right as you are going by. You have already seen the front of

the building to some extent, as you are coming down the Berlin Turnpike, and that's not a cure, but that is kind of how it is probably going to play out.

Attorney Hays: I think we can look into doing some perspectives, is that a possibility?

Chairman Camilli: I think Tom had a question.

Commissioner Ganley: Mine goes toward East Robbins, the driveway on East Robbins. I have some concerns about that which have accumulated over time, and that is, number one, as people travel westerly on Robbins, they make a left turn into the driveway, okay, and when they leave, they have a tendency to make a left turn so as to then travel westerly when they exit. My suggestion would be to narrow the driveway so that you can only exit, and you can make a right turn only, and post two do not enter signs, you can't enter from Robbins, okay, you can only exit, and I used a, I have seven sixteenth on my ruler here, you will pick up four more parking spaces.

John Cusak: I think, what is prohibited at that location is left turns in.

Commissioner Ganley: I'm telling you, they make left turns.

John Cusak: Oh no, I'm not saying they don't.

Attorney Hays: Well you know, interestingly enough, I was going through some of the history on this site, and when they widened East Robbins, which wasn't us, that was done, I'm thinking in conjunction with the shopping center across the street.

Ed Meehan: Shaws.

Attorney Hays: Shaws, yes. It was interesting, in the memo and the notes in the file, that was not part of our application, but it was noted that with the widening that they were doing on East Robbins, they would then be able to make a left turn in from East Robbins, which is not anything that, I believe if you go back and look at our approvals from way back when, there was not supposed to be any left turns, and it is signed there, and then when they did the roadway widening, that's when people started taking the left turns in....

Commissioner Ganley: And a left turn out.

Attorney Hays: Well, I guess our concern I think would be with people taking, limiting people taking a left out from there. You may have people who are coming up Robbins, coming from this neighborhood, coming in to eat, and for them to get back out there, if they can't go left, they have to come here.....

John Cusak: You would have to go all the way across, take a U-turn, come back up to the light and go that way.

Ed Meehan: No, you just go down to Brockett. You go down one street, take a right and a right, and you are back to Kitts Lane and East Robbins. A left out of there is tough, because you have to go across almost two lanes of traffic, and you go out, if someone gives you a, they say, come on out, the guy is coming off of the Berlin Turnpike at thirty-five miles an hour, so...

Attorney Hays: Well, we can look at that. We are always looking for parking spaces, but I'm not....

Commissioner Ganley: I used seven-sixteenth, on it and got four more parking spaces, and the driveway would be, one, two, three, four spaces, so the driveway would be here, and more than enough for a car to get out there and make a right turn only.

Ed Meehan: What if you eliminated the driveway completely? Then the only way into the site is going to be, from East Robbins you go up to the corner and do a hard right in.

Commissioner Ganley: The other thing you would eliminate the crossing of the traffic. If you enter from there, people coming off of Robbins are now jockeying to get into the drive-in line with people who just came off the turnpike. See the way your arrows are, so you eliminate that.

John Cusak: Again, with that, I mean, for whatever reason if there was a long queue, back along this area here, to come around and get into the queue, again, as Scott has mentioned, we don't anticipate any kind of an issue with that based on what we have. So as far as the jockeying for position, we're really not concerned, the reason for the arrows is so people can get right into the lines, as opposed to having to circulate around the site which brings up, you basically want to get them in, and get them out as quickly and safely as possible. Again, if this was backed up, people would do one of two things, they would either park and go in, or circulate back around to get into the queue. As far as limiting access, we can take a look at it, but we have full access on East Robbins, short of, you know, it's signed No Left, again, I think it might be an old sign that is still up, to eliminate that access would be a, it's part of our business that would be kind of hard to give up. We can take a look at it, but it's something that's, it would be difficult to overcome, I believe.

Chairman Camilli: Any other questions?

Commissioner Schatz: I think what Commissioner Ganley said is true, if you went down one more street, and I've done this by going to Boston Market and trying to get out onto Robbins Avenue from Kitts Lane, that's a bear, for me to take a left to go home. This is a tough spot, you have a lot of traffic coming off the highway. The other question I have is on the drive through, if my quarter pounder without cheese is not ready, where do I park?

John Cusak: Well, hopefully, now that we are really trying to speed up the operations with the double drive through, hopefully you won't have that situation. If you did, most likely you would just end up waiting here, because again, the process is streamlined now. For whatever reason you had to pull into one of those spaces there.

Commissioner Schatz: Sometimes now, you have to slide over to the right hand side, and someone will run it out.

Attorney Hays: Really, that's never happened to me, and I always order quarter pounders with cheese, with no pickles, so they make them fresh for me.

Commissioner Schatz: I think it's a great idea, number one, I'm glad you are deciding to really do something with the property, make it this way, because my hobby, basically I collect McDonald's memorabilia. That's my thing. I probably have forty or fifty thousand pieces.

Attorney Hays: That's probably more than McDonald's has.

Commissioner Schatz: So when you said you were going to go with a different style building, I said, wow, okay, that's pretty good. So that was the only question, where would you park if your quarter pounder wasn't ready.

Attorney Hays: I think normally you would have the spaces in here, but we've got the town's thirty-five foot requirement....

Commissioner Schatz: The only other comment I have is that there was irrigation on that Robbins Avenue side at one time, until the State decided to plow it up. I couldn't understand why McDonald's didn't jump on them for that.

John Cusak: It will be irrigated now. Now we do have control over that landscaping, we pulled it all back, so it will irrigated and protected.

Attorney Hays: This will be now on the property owned by McDonald's, not anybody else.

Chairman Camilli: Any other comments by the Commissioners? Ed?

Ed Meehan: No, I just want to make my reports, and remarks responding as part of the record, and you also have Dave Griffith's report on the, Dave Griffith is the Town Attorney, and we asked him, does the Commission have to honor the four variances, or five variances, whatever it was, and the answer was yes, the variances are what they are. You are welcome to have a copy of that. I would think, this question that Commissioner Ganley raised about that driveway, maybe Scott Heskes could look at from a traffic point of view, because that has been a problem there forever. The illegal left turns, and then people try to take a left out, it's always a problem. I just throw out closing it, I know forcing people out onto the turnpike, people coming from town, the town center out to the turnpike, is a risky thing, because that is not a great intersection. Someone blows that light, and you are trying to take a right turn on red, to get in there, we've had some fatals there. And that's not good either, but I'm not sure what the solution is for that driveway. You can post it for Do Not Exit, but people don't follow signs. We know that.

Attorney Hays: So we have some things that we need to work on.

Chairman Camilli: Right. Whatever you can work on to mitigate the side, and show us some pictures of the elevation, what we are going to see, the mechanicals on the roof, whatever and we can have our memorabilia guy come in and, with all his stuff.

Commissioner Schatz: Someone said to me, is there going to be a playground, and I didn't think they would put a playground on a building like this, and number two, were they going to have a history room of McDonald's, and I said, I don't know, I have no idea.

Attorney Hays: Actually the owner, the owner who is not here tonight, does have some really neat ideas after it opens having anniversary types of events, and bringing back people, I guess people used to come and get married at the original one, it's a very interesting history lesson.

Commissioner Schatz: The Happy Meals are what I concentrate on.

Attorney Hays: Okay, so we will look at that entrance, and we will look at the side, and sort of illustrate for you from a persons eye view what the building will look like, and maybe by the next meeting Peter may be done, and hopefully have some comments, or hopefully have no comments from Peter with respect to that, and we will come back to the next meeting.

Chairman Camilli: Okay, we will leave all of these open for now. Unless someone has a question, we'll just continue everything until the next meeting.

Attorney Hays: That sounds wonderful. Thank you very much.

III. **PUBLIC PARTICIPATION** (relative to items not listed on the Agenda-each speaker limited to two minutes.)

None.

IV. **MINUTES**

March 22, 2006

Commissioner Cariseo moved to accept the minutes of the regular March 22, 2006 meeting. The motion was seconded by Commissioner Kornichuk. The vote was unanimously in favor of the motion, with five voting YES.

V. **COMMUNICATIONS AND REPORTS**

- A. 8-24 Referral Proposed FY 2006-2007 Comprehensive Road Capital Improvement Plan.
- B. 8-24 Referral Proposed Acceptance of Harman Court subdivision street extension.

Ed Meehan: That's the roads.

Chairman Camilli: We have to refer this back to the Council?

Ed Meehan: Tonight they are actually adopting a budget, but it's the annual five year capital improvement list of road to improve, and then the second one is the Harmon Court subdivision street.

Chairman Camilli: Any problem with those. Okay.

VI. **NEW BUSINESS**

- A. **PETITION 12-06** 295 Stamm Road, Alex Lomaglio Trucking, LLC owner and applicant, represented by Attorney Vincent F. Sabatini, One Market Square, Newington, CT 06111 request for Site Plan approval, 6000 sq. ft. building, I Zone District. Inland Wetlands Report Required.
- B. **PETITION 23-06** 2355 and 2371 Berlin Turnpike, known as McDonald's, McDonald's Corporation/Franchise Realty Interstate Comp., owner, McDonald's Corporation applicant, represented by Attorney Susan Hays, Updike, Kelly & Spellacy, PC One State Street, Hartford, CT 06123-1277, request for Site Plan development Section 5.3, 5,265 sq. ft. restaurant use, B-BT Zone District.

Chairman Camilli: Both items have been taken care of, 12-06 and the site plan, we took care of that.

VI. OLD BUSINESS

- A. PETITION 14-06 436 Hartford Avenue, Smith Commercial, LLC, 820 North Mountain Road, Newington, CT 06111 owner, Theresa Riccio, 4 Eastview Terrace, Rocky Hill, CT 06067 applicant, request for Special Exception Section 6.4.2 pylon sign, PD Zone District. Hearing closed March 22, 2006. Sixty five day decision period ends May 27, 2006.**

Commissioner Cariseo moved that PETITION 14-06 436 Hartford Avenue, Smith Commercial, LLC, 820 North Mountain Road, Newington, CT 06111 owner, Theresa Riccio, 4 Eastview Terrace, Rocky Hill, CT 06067 applicant, request for Special Exception Section 6.4.2 pylon sign, PD Zone District be approved as follows:

1. Internally illuminated 38" wide by 50" high sign, 13 sq. ft. per side, total pylon area, 26 sq. ft. presented to the Commission as Model 34V, March 22, 2006.
2. The maximum height of the sign shall not exceed 15'.
3. Total sign area permitted for this property (pylon and wall) shall not exceed 30 sq. ft.
4. Prior to the issuance of the zoning and building permits for this sign the applicant shall submit a plot map accurately showing its location.

The motion was seconded by Commissioner Ganley. The vote was unanimously in favor of the motion with five voting YES.

Chairman Camilli: Motion passes unanimously.

- B. PETITION 17-06 121 Styles Avenue, Lenco Realty owner, Michael Lenares (Lenares Landscaping applicant, represented by A-N Consulting Engineers, Alan Nafis, 124 White Oak Drive, Berlin, CT 06037 request for site plan modification and reduction of buffer Section 6.10.5 (C) I Zone District Inland Wetland Report received. Decision period ends May 27, 2006.**

Commissioner Kornichuk moved that PETITION 17-06 121 Styles Avenue, Lenco Realty owner, Michael Lenares (Lenares Landscaping) applicant, represented by A-N Consulting Engineers, Alan Nafis, 124 White Oak Drive, Berlin, CT 06037 request for site plan modification and reduction of buffer Section 6.10.5 (C) I Zone District be approved based on the following findings and modifications to the plans entitled "Site Plan Modification, Lenares Landscaping, 121 Styles Avenue, Sheet No. 1 dated February 8, 2006, prepared by A-N Consulting Engineers."

Findings:

1. On December 1, 2005 the ZBA granted a variance to permit the location of the accessory storage uses in front of the principle building which is located at the rear of the property.
2. On February 21, 2006 the Conservation Commission approved inland wetland permit and waived 15' watercourse buffer by zero to 4'.
3. The applicant has demonstrated the modification of the 25' buffer adjacent to the residential zone is justified and can be implemented without detriment to the nearby homes.

Modifications Prior to Signing by Chairman

1. Revise location of parking to comply with Section 6.1.1 (H), 5' off property line.
2. Provide a 20' drainage easement to the Town and show location of easement on site plan as directed by Town Engineer.

The site plan mylar shall be signed and filed prior to the issuance of Zoning permits for storage containers.

The motion was seconded by Commissioner Ganley. The vote was unanimously in favor of the motion, with five voting YES.

Chairman Camilli: Motion passes unanimously.

C. PETITION 18-06 1120 Main Street, Webster Bank owner, Darcie Roy, 7 Burning Tree Lane, Wallingford, CT 06492 applicant request for Special Exception Section 6.2.4 free standing sign, B-TC Zone District. Hearing closed March 22, 2006. Sixty five day decision period ends May 27, 2006.

Commissioner Ganley moved that PETITION 18-06 1120 Main Street Webster Bank owner, Darcie Roy, 7 Burning Tree Lane, Wallingford, CT 06492 applicant request for Special Exception Section 6.2.4 free standing sign, B-TC Zone District be approved as follows:

1. Sign design drawing No. 22122-04, dated 2/7/06 prepared by National Sign Corporation.
2. Sign height shall be reduced to conform to Zoning Regulations standard, Section 6.2.4 (A) total height not to exceed 18 feet.
3. Prior to the issuance of Zoning and Building permits the applicant shall submit a revised drawing showing the total sign height at 15 feet as presented by the applicant.

The motion was seconded by Commissioner Kornichuk. The vote was unanimously in favor of the motion, with five voting YES.

Chairman Camilli: Motion passes unanimously.

Commissioner Cariseo: I just have a question for Ed. When people apply, and it says the owner, Darcie Roy, which I know is incorrect, how does that come about?

Ed Meehan: No, it says owner, Webster Bank, owner, Darcie Roy is the applicant.

Commissioner Cariseo: It's not the bank.

Ed Meehan: No, she is on behalf of the bank, but the bank gave her a letter authorizing her to represent them.

Commissioner Cariseo: Oh, okay. Thank you.

- D. PETITION 19-06 37 Ann Street, corner of Ann and Kitts Lane, J.B.W. Lustig Brothers Inc., 350 Dewitt Avenue, Brooklyn, NY 11207 applicant, 37 Ann Street LLC, owner, represented by James P. Cassidy, Hallisey, Pearson & Cassidy, 35 Cold Spring Road, Rocky Hill, CT 06067 request for Site Plan Modification to convert warehouse space to retail floor area, add parking and storm drainage system. PD Zone District. Sixty five day decision period ends May 27, 2006.**

Commissioner Schatz moved that PETITION 19-06 37 Ann Street, corner of Ann and Kitts Lane, J.B.W. Lustig Brothers Inc., 350 Dewitt Avenue, Brooklyn, NY 11207 applicant, 37 Ann Street LLC, owner, represented by James P. Cassidy, Hallisey, Pearson & Cassidy, 35 Cold Spring Road, Rocky Hill, CT 06067 request for Site Plan Modification to convert warehouse space to retail floor area, add parking and storm drainage system be approved based on the following:

1. Site plan drawing prepared by Hallisey, Pearson & Cassidy, Sheets 1 to 6, dated November 20, 2005, scale 1"=20'; and building front elevations and floor plan, sheet A-1 prepared by Bostwick Architects.
2. Retail floor space for 37 Ann Street shall not exceed 7,900 sq. ft. as shown on sheet A-1.
3. The 20 parking spaces shown along the south side of the property are deferred for this specific furniture retail use, the Commission finding that these spaces can be constructed at a later date if required.
4. The storm water management system design shall be approved by the Town Engineer and incorporated into the final site plan mylar prior to signing by the chairman.
5. Prior to the issuance of a Certificate of Use for the retail floor space a bond shall be posted with the Town Manager to insure that approved modifications to the site layout and building elevations are completed.

The motion was seconded by Commissioner Kornichuk. The vote was unanimously in favor of the motion, with five voting YES.

Chairman Camilli: Motion passes unanimously.

VII. PETITIONS FOR SCHEDULING (TPZ Meeting – April 26th and May 10, 2006)

- A. PETITION 24-06 330 Alumni Road, Chris Chiuilli, 45 Evans Road, P.O. Box 485 Rocky Hill CT 06067 applicant, Newington Business Park owner, represented by A-N Consulting Engineers, 124 White Oak Drive, Berlin, CT 06037 attention Alan Nafis, request for Special Permit earth processing equipment for rock crushing and storage, I Zone District. Schedule for public hearing April 26, 2006.
- B. TPZ Plan of Conservation and Development 2006-2016 Workshop, April 19, 2006 @5:00 p.m.
- C. TPZ Plan of Conservation and Development 2006-2016 Workshop, April 26, 2006 @7:00 p.m.

Chairman Camilli: Petition 24-06 back before us.

Ed Meehan: There is also, it came in after the agenda went out, Toll Brothers have applied for their ground signs over at the Hartford Drive-In. They have two signs, one on Back Lane which is just a regular ground sign, no lighting, and their sign on Prospect Street. Then we have an application for an interior lot for Beckley Street, which was before the Commission about two years ago, was withdrawn over the issue of ownership and title to Beckley Street. This is the area of Beckley, Maple Glen Condos, Judd. There was a title search done, it's been determined that the town has easement rights over Beckley Street, but the title can be claimed by Anna Weber, who has passed away and it went to her estate, to her son or grandson John who has the title, so he can bring an application back in.

Now that you also continued McDonald's, what do you want to do for a work load. Do you just want to do McDonald's and Chiulli and Toll and hold off on Beckley Street?

Commissioner Ganley: I have a question. How far along is this, we are talking about behind the Town Line Pizza?

Ed Meehan: Yes.

Commissioner Ganley: I recall that.

Ed Meehan: They got a variance for a duplex, rear lot, you are only supposed to get a single family home rear lot.

Commissioner Ganley: How far along are they in preparation of that, engineering, drainage....

Ed Meehan: They have all their plans. They had them two years ago, and at public hearing the issue of who owned it was raised by an abutting property owner, Mr. Brescia. I questioned it, Peter Boorman looked into it, and there was actually action by the Newington Town Council in 1984, not to discontinue that section of Beckley Street, which raised legal questions as to ownership. It just sat on the back burner for a while until Mr. Weber decided that he was going to pay for a title search.

Commissioner Ganley: The reason I raised that, we've done a lot with McDonald's already, I don't know how much more we are going to have to do with them, if this issue is essentially disposed of, pursuant to our approval, I would just deal with it and get it off the table. That's my suggestion.

Ed Meehan: It's up to you.

Chairman Camilli: I sort of agree, because I don't know how much more we are going to get out of McDonald's.

Ed Meehan: I think you are going to get a rendering, and some traffic.....

Chairman Camilli: In terms of how much more time. I agree with that, unless something else crops up that is going to bog us down. I don't know how much more we are going to get except these renderings.

Commissioner Cariseo: A new design.

Chairman Camilli: A new design, well.....

Commissioner Kornichuk: I don't think you are going to see a new design.

Chairman Camilli: I don't know if that is in the cards, but....

Ed Meehan: I'd like to get a new design, but I don't think we can force them to a new design.

Chairman Camilli: We can, as far as expressing your wants and desires about design, you said it once, and if other people feel the same way, or don't agree, whatever, we can go over that again, but that won't take that long, unless Ed, what is your take on how long that might take.

Ed Meehan: Twenty minutes to a half hour.

Chairman Camilli: And then the Chiuilli thing will probably take a little while, but the Toll Brothers is just a couple of signs, right? That's not going to be.....

Commissioner Kornichuk: What about the guy that we keep carrying over. Is he going to be ready?

Ed Meehan: That's a good question. We are running out of time with him, he's got to be ready, or withdraw.

Commissioner Kornichuk: Okay, well I mean, I don't know.....

Ed Meehan: We have an extension on him, and the other thing, one item down, I talked to the Chairman about trying to do a workshop on the Plan of Development, before, like at 7:00 for forty-five minutes or an hour, and then start your public hearing at 8:00. That may not be practical, given the work load that you have shaping up.

Chairman Camilli: That's it, see, if you look at the bottom, item (C), see we have two special meetings, one is five on the 19th, and then on the 26th, which would be the night of the TPZ meeting, we would start the Conservation at 7:00, and that would go for approximately.....

Ed Meehan: Forty minutes at the most.

Chairman Camilli: Forty minutes, whatever, and then we would go into our regular meeting, so that is going to put a lot.....

Ed Meehan: That may not work. You may need a special, a separate night for the Plan of Conservation.

Commissioner Ganley: Of the ones before us, what is the most difficult one to deal with? That might be the one that gets delayed. If you have an opinion about that.

Ed Meehan: Well, you can't delay Stamm Road, because that is already on your agenda. McDonald's is already on your agenda.

Commissioner Kornichuk: Well, between the new ones, Chiulli or this rear lot....

Ed Meehan: Chiulli has been on here for a while, probably the rear lot.

Chairman Camilli: The only two that would probably be would be Toll Brothers and Beckley, that you could possibly.

Ed Meehan: They are not even close to putting a sign up there, they haven't even broken ground yet, maybe put Toll Brothers out to May, and then deal with this rear lot at your next meeting. There is no pressing time requirements on these two ground signs. That is the last thing that you do when you build a site, and they are twelve to eighteen months away from having anything up there.

Chairman Camilli: Yeah, so that one is probably easier. Anything else you see there?

Ed Meehan: Beckley is going to be basically the attorneys explaining the legal issues of ownership and it's a rear lot with a duplex. They got a variance for it, it meets that requirement, so once the issue of the road is put to bed, they are all set to go. They had the variance almost three years ago. I would push Toll Brothers out, and then go with Beckley, Chiuilli, and then McDonald's and hopefully the gentleman on Stamm Road is going to be ready or, his time is running out. Take it off the agenda.

Chairman Camilli: How does that sound, sound okay? See what happens.

Commissioner Kornichuk: Are we starting this at eight o'clock? Are we bouncing this (C) out?

Chairman Camilli: The (C) is going to start at 7:00 and hopefully the McDonald's thing won't take as long, and also, hopefully that this workshop on the 26th, won't take as long.

Ed Meehan: Well, we were trying to get the public to come to these, that's why we did it on a night when the Commission was meeting, as well as having as many members of the Commission participate in it. But, that may be wishful thinking.

Chairman Camilli: We don't know, but I'll tell you, my experience, what Ed is alluding to nicely, we get for attendance for something like this, it could be negligible, it could be just the Commissioners. The only other people, unless somebody has, if it's a NIMBY kind of thing, we are doing something that might affect someone in terms of whatever, someone like that may come, but in general....

Ed Meehan: Until you have something drafted, between covers, you are not going to, in my experience, you are not going to get a lot of feedback.

Chairman Camilli: So that seven to eight could be, we don't know, it could be shorter.

Ed Meehan: You may not want to do it. Maybe you want to push it off.

Chairman Camilli: I'd like to move it, just to move it along.

Ed Meehan: Keep going, okay.

Commissioner Kornichuk: That's why I asked the question, because we had said about bouncing it, or keeping it, and I just wanted to know in which direction we were going.

Chairman Camilli: Okay, we'll keep it on, and we'll do what we said, take Toll Brothers and push that out, and hopefully the others won't be.....If you have any ideas on, the only thing I can say on the McDonald's, you can study whatever they presented, if you have ideas at the next meeting, fine. We'll see how it goes.

IX. PUBLIC PARTICIPATION
(For items not listed on agenda)

None.

X. REMARKS BY COMMISSIONERS

None.

XI. ZONING ADMINISTRATOR COMMENTS

None.

XII. STAFF REPORT

Ed Meehan: I have a request from the restaurant over at Shaws, the Green Tea, and they submitted a sketch and a letter asking for seasonal outside seating at the north side of the building. It's an area of about eight feet, by fifty feet, five tables for the period of May to October. I guess he wants to try something over there.

Commissioner Cariseo: The door is already there to go out.

Ed Meehan: The doorway is right in the alcove, there.

Commissioner Cariseo: Wasn't it approved originally for outdoor?

Ed Meehan: No. He has quite a wide sidewalk in there, but he has, up against the building, he's got some foundation plantings. He would remove those and put in some brick pavers.

Chairman Camilli: What would you want, just consensus from the....

Ed Meehan: Consensus so we can put something in writing back to him, that he is allowed to do it. I want to make sure that there is no outside entertainment.

Chairman Camilli: I would certainly agree, everyone, okay we would concur.

Ed Meehan: The only thing I want to say quickly is that Stew Leonards has got themselves scheduled for the State Traffic Commission next week, it looks like they will get their certificate. According to staff at STC they are not going to ask them for any significant changes at all on the Berlin Turnpike. They have been in meeting with the Building Department and myself, talking about taking out demo permits to get an early start on the building. Looks good. Toll Brothers did get their STC certificate and they have been in talking about starting the arrangement for the demolition of the pavilion and the screen.

Commissioner Cariseo: It will be nice to see that go.

Ed Meehan: They want to protect the pylon sign, they want to put a banner over that, Toll Brothers, so they can advertise, and that is the only thing they want for that. Some people have wanted that sign, I guess at one time there was some sort of lighting on it. It's in such bad shape, it's so rusted out, it's not worth it.

The other thing I wanted to pass out, we will mail you this anyway, on the table is the agenda for the 19th for the Plan of Development workshop. That night we will talk about the vision statement, the strategies, I will go through the existing plan with you and sort of check off what has been

done and what hasn't been done, a quick summary of the State Plan of Conservation and Development, and the Regional Plan of Conservation and Development, and then go through our inventory maps that we have completed for land use, zoning, open space, and so forth.

Chairman Camilli: And that meeting is at five.

Ed Meehan: We should be able to do that in an hour. Five to six.

Chairman Camilli: On the 19th, if you can make it. I didn't assign anybody, I assigned everybody.

Commissioner Cariseo: Is there any way to get design onto that turnpike, in the new book?

Ed Meehan: The two legal places where we have some footing to do design review would be the town center, based on the Connecticut Village District Act, and if we had a historic district. There you can really tell, in those two situations, you can really tell somebody, go to an architectural review board, or you guys sit as an architectural review board in town center. Change your design based on the town center design guide lines. For an area like the Berlin Turnpike, you really don't have the statutory basis to say, particularly with a commercial strip that is three miles long, that you don't meet our design guidelines.

Commissioner Cariseo: I mean, how does Glastonbury get away with it?

Ed Meehan: Well they, I think, I don't know exactly, but Somerset Mall, when you go in there, they set that up like a design development district, where their design guidelines must be right in the regulations. So, from the get-go, that was a vacant piece of property, whether it was the recent Stop and Shop or the office buildings, they had to follow the design guidelines which were built into the regulations.

Chairman Camilli: Even Home Depot had to follow them.

Commissioner Cariseo: But how about when you get out onto Main Street? Where there is a McDonald's, you know the signs are lower, all that kind of business.

Ed Meehan: That is part of their village district, I believe. That section.

Chairman Camilli: So there is no way, from what Bill was saying, just to follow up, there is no way that we can put some teeth somewhere to have some review of what happens on the Berlin Turnpike.

Ed Meehan: Straight architectural review, no. Let me back up, you could change the sign standards, you could say you don't want eighteen foot signs any more....You're talking about the buildings.

Chairman Camilli: The buildings, you know, brick, whatever, if you don't like something.

Commissioner Cariseo: Something that we didn't envision. Or if some ugly thing comes in, you say, Oh My God, what is this?

Ed Meehan: I don't know how you would do it. You would have to set up a whole new zone, a whole new design development zone, which the standards would be right in the regulations, you would, very similar to what you did in the town center, you would say, here's generally what you want, and I think, you would have a hard time finding a commonality on the Berlin Turnpike as to what design you want.

Chairman Camilli: See I think one of the things that you have, you know, if they want waivers, in this particular case they went to ZBA so you know, so if you have a hammer over an applicant, you might be able to negotiate, if you will, almost a quid pro quo type of thing, you know, if you want to put the building this way, then you are going to have to do this kind of thing, so in this particular case, I don't know, but in general the only time you have some juice, if you will, if they are asking for waivers for a Special Exception or something that we could, like waiver of parking spaces, if you will, say, if you want to waive the parking spaces, then we would like the building to face this way.

Ed Meehan: You also need a design theme, or an architectural theme to say, you know, this is, let me go back to the town center, this is the village district. The town center has gone through, from the current Plan of Development to hiring an architect to design guidelines, this is the theme that we have decided for the town center and the zone there, and you have the statutory basis to say that. But I'm not sure, I don't know where you could do that on the Berlin Turnpike. It's just a mixed bag.

Commissioner Cariseo: Well, I'm just thinking about the town, you come driving down, we are talking about the entrance to the town, you can see that thing a long ways away, I don't care what they tell you. You are back two lights and you can see exactly what is there. And then to put it in sideways....

Ed Meehan: The generic question about design guidelines I think is a fair one to talk about in the planned development process. That is where the town center design guidelines came out of. I can look into it. I know that there have been articles in the business pages the last couple of weeks about a couple of communities from Nantucket to Essex, trying to do something about regulating, not so much the design, but a use. Dunkin Donuts.

Commissioner Cariseo: They don't want fast food in there.

Ed Meehan: Well, that's, I'm not sure you can do that. That's not the purpose of zoning. The purpose of zoning is health, safety and welfare.

Commissioner Cariseo: But there was quite a few, wasn't there like five of them?

Ed Meehan: Yes. Several communities. Carmel, California obviously, and Nantucket and there were even a town down state that was regulating the size. They didn't want box stores, they regulated the size.

Chairman Camilli: Well, Pat Genova used to say, you know, why not. People always said, well you're not Simsbury, or Avon or Glastonbury you know, so there is a little bit of dumping that has been pervasive over the years that people end up getting their way, if you will, more so than many other communities. And the applicants would come in and say, well, you're not Avon, so, and Pat used to be very taken back by that.

Ed Meehan: Moving anything over 40,000 square feet in area up to the Special Exception threshold, requiring a traffic report, and other criteria for box stores, gave the Commission teeth. You mentioned Target before. When, even when Wal-Mart came in, I mean, the first plans for Wal-Mart didn't have any of the embellishments. Stop and Shop over on Fenn Road.

Chairman Camilli: Laz-E-Boy, too we made them, whatever.

Ed Meehan: You have to have some leverage.

Chairman Camilli: You have to have leverage, right. But it's a fair question and a good one. I mean, we would like to have more say, but then again, it's in the eyes of the beholder. I bet you there are several Commission members here that like the design, so there you go. At least one that I know of for sure. So it is in the eyes of the beholder, but

Commissioner Kornichuk: And PODS, I would like to see something done with those, because they are popping up all over the town. How long can they keep them?

Ed Meehan: That you can rent them for, I don't know.

Commissioner Kornichuk: The storage containers, you could put a door on them and use them as a condo. They are sitting in people's yards that long.

Commissioner Schatz: On Lewis, they cleared that corner lot. There is a prospective, a local chiropractor who bought the lot, and wants to establish his business there, who wants to build a little professional office complex for his use and a couple of other professionals. I tried to talk his contractor out of cutting all the trees down, but he said, we have to cut them down because we have to survey it. I said, you know, I don't think so, you could do a line of sight. They went in, there was nothing significant in there, but they had an opening for the tree trimmer that day.

XIII. ADJOURNMENT

Commissioner Ganley moved to adjourn the meeting. The motion was seconded by Commissioner Schatz. The meeting was adjourned at 8:50 p.m.

Respectfully submitted,

Norine Addis,
Recording Secretary