

FILED IN EAST LYME TOWN
CLERK'S OFFICE

EAST LYME ZONING COMMISSION
PUBLIC HEARING
Thursday, October 5, 2006

Oct 10 20 06 at 2 (AM PM)
Esther B. Williams
EAST LYME TOWN CLERK

The East Lyme Zoning Commission held the Continuation of Application of Theodore A. Harris for a Special Permit for a fast food restaurant at property identified in the application as 267 Flanders Road, Niantic, Connecticut. The property is further identified as East Lyme Assessor's Map 31.3, Lot 24.

PRESENT: Mark Nickerson, Chairman; Dr. Edward Gada, Rosanna Carabelas, Dr. Pamela Byrnes, Marc Salerno, Norman Peck, Bill Dwyer, Alternate, Robert Bulmer, Alternate

ALSO PRESENT: William Mulholland, Zoning Official
Theodore Harris, of Stevens, Harris, Guernsey & Quilliam
William Vliet, of Vliet & O'Neil, LLC
Ed Wenky, 12 Lewis Street Groton, CT, site engineer

ABSENT: None.

PANEL: Mark Nickerson, Chairman; Dr. Edward Gada, Rosanna Carabelas, Dr. Pamela Byrnes, Marc Salerno, Norman Peck

Pledge of Allegiance

The Pledge was observed.

Public Delegations

Mr. Nickerson stated that they begin each Zoning Commission Meeting with a Public Delegation and asked if anyone would like to speak to the Commission on items that are not on tonight's agenda, nor on any pending application.

Bob Gadbois, 358 Boston Post Road, last Sunday I had an opportunity to pick up my mother in law at Bridebrook, I didn't know that when you accepted the application for Sea Spray that there would be a waterfall there. The water was coming down through the lot torrentially. Off the hill down onto the road down into the drain all this dirt and everything going into the roadway. I would advise somebody when there are rain storms that these things be looked at. There aren't any silt fences to catch the silt and it's a shame. And secondly when people present this tonight...

Mr. Nickerson (breaks in) says he doesn't want to talk about it at all.

Mr. Gadbois I'm talking about this..

Mr. Nickerson says come up and way in the back you may not see it. Anyone else want to address the commission? There will be time later. We will open or continue the application for Theodore A. Harris application of Theodore A. Harris for a Special

Permit for a fast food restaurant at property identified in the application as 267 Flanders Road, Niantic, Connecticut. The property is further identified as East Lyme Assessor's Map 31.3, Lot 24.

For the record we have all the regular members and have Mr. Bulmer and Mr. Dwyer as alternates sitting in the audience.

Moved to continue the item, ready for presentation.

Theodore Harris, of 351 Main St., Niantic, CT

Mr. Harris: Good evening continuation of the public hearing from two weeks ago to revise the drainage calculations to revise the drainage system and second for additional data from our traffic engineer which we have and will hear later this evening. The revised plans have been submitted to our engineering department and they are reviewed and generally satisfied. They may request a slight tweaking of the entrance way and shows minor change we acknowledge that the revised design shows something a little wider for the turning radius that meets the requirement and could be accomplished very easily. I just had the chance to speak to Mr. Mulholland. We took the opportunity to make plan changes you'll see shortly. These plan changes are to accommodate the comments from the commission. First one we changed the entrance on Flanders Rd to right turn only left hand turn prohibited. Moved the menu board 3 places from the pickup window leaving a total of 4 spots behind it, 5 if you count the menu board position itself. We got the okay from Starbucks.

We also did another change to promote better traffic flow. Widened the bypass lane. You will see the details shortly.

We had a spirited discussion last time about traffic.

The stacking is a study of human behavior. We look to professionals. And see how the factors are applicable to a certain site. Bill Vliet has testified in front of this commission. We have looked at this type of operations in East Lyme and similar Starbucks. We have a professional to determine ultimate queuing.

I met with Bill Vliet several months ago to test this study. He explained some of the parameters with particular the understanding the longer the transaction line the shorter the line. It didn't make sense to me. But that common sense falls apart when you understand the other factors into consideration. That other factor is transaction time. Overall time an individual may wait in line. It's the limiting factor. Looking at that factor, if people wait in line is 5 minutes, just as an example. If you have a transaction time of 30 seconds it would translate into 10 cars but you had 2 ½ minutes then you have a limiting factor of how long you would wait. It's a finite time of how long people will wait.

I have an example of supermarkets. I want to be in and out as quickly as possible. I grab 4 or 5 items and go up front and want to check out. There are 2 checkout lines where

people have down their weekly shopping in one and the other one is a speedy checkout where the line is longer but know the transaction time is less.

The limiting factor of how long I want to stay in line may get out and go inside or not stop at all. Time is the limiting factor. Transaction time is longer the cars in line will be shorter.

It helped me conceptually to understand. I am not a traffic engineer and giving you that explanation.

Ed Wenke, Site Construction LLC, Site Engineer on record for this project.

Mr. Wenke states he has Revision E of the Plan site and that there are many revisions and updates. To address the comments we have heard before and comments from received from the engineering department subsequent to the last meeting.

A couple of the items was drainage storm drainage was conceptualized, since then the final routing has been done. Storm drainage system is an underground retention system. 48" pipes, 2 sets of 48" pipes underground retaining system. Designed to detain the flow 50 year 12 hour duration event. Looked at the site of the pre-developed assumed conditions before the gas station was on it. Historical conditions were looked at come out to 2.39 cfs under certain conditions and under developed conditions it is 2.9 cfs so we are detaining the difference between the 2 and have a next zero runoff.

Mr. Nickerson puts this plan Site Plan for Starbucks as Exhibit 2A first exhibit. Plans as updated and revised.

Mr. Wenke says the other issue regarding issue was the runoff slope and seepage in the back. It was a valid point. You know we are grading the back piece and the runoff seepage across the curve and icing up in the winter. We will put a curtain drain, an underground drain and put a stone trench behind the curb and perforated pipe. All the water will be intercepted. The plans have been reviewed and there aren't any issues with that at this time.

The geometric conditions on Revision E revising the driveway coming out on Flanders Rd. Originally it was a right turn in left turn in and right turn out only. We heard from the commission on the last meeting about the stacking. We widened the throat of the driveway and included an actual island.

Mr. Nickerson wants to know if it could be sharper it's a swing around.

Mr. Wenke says that's the best geometry and propose put no left turn sign as far as signage on the opposite side of Flanders Rd. We can't put it any further back because of the property line. We feel its an effective way to eliminate the left hand turn. Proposed right turn in, right turn out. King Arthur Drive has always been full access in and full access out. Original design met proper standards for layout we moved it further up the

hill on King Arthur Drive up 5 ft and created a 10 ft radius. It made a gentler radius coming into the driveway.

Mr. Nickerson asked if this was the revised but we're not looking at the final plans.

Mr. Mulholland states he talked to Mr. Wenke before the meeting and we went over and he does want to make additional modifications to correct the problem further and that has been agreed to.

Mr. Wenke minor comments about sidewalk on Flanders Rd. , it originally hugged the sidewalk and under the guide wire and now goes around the guide wire and across the driveway off of Flanders Rd. has been changed to accommodate the traffic island. We also widened the bypass and drive thru lane. Made it 18 ft or two 9 ft lanes more than enough room for 2 cars. The driveway then moves 3 foot closer to the property line and you can see what that does to the grading in the area. We don't have grading rights so we will need to build a retaining wall. 68 foot long and 2 ½ ft to 6 ½ ft tall. If we receive grading rights from the property next door then the retaining wall will go away.

Dr. Byrnes asks about vegetation and landscaping.

Mr. Wenke the landscaping hasn't changed and taken all into account.

Ms. Carabellas are you getting any resistance about getting the right of way for the retaining wall?

Mr. Nickerson it hasn't been pursued yet.

Mr. Wenke it isn't a right of way it's just a request for temporary grading rights. An agreement that we can grade across the property line.

Ms. Carabellas and if you don't then?

Mr. Wenke then what is on the plan is the what we're building. This is worst case scenario.

Mr. Mulholland less expensive to get the grading rights.

Dr. Byrnes about the barrier to turning about Flanders Rd. What will make them stop from taking the turn.

Mr. Mulholland there will be a Do Not Enter sign.

Mr. Wenke Signage directing people to the King Arthur Drive. Orient the sign.

Mr. Mulholland we talked today about modifying the signage to direct people that way.

Dr. Byrnes people would be nuts to want to cross that traffic.

Ms. Carabellos people are nuts closer to cut across and go up King Arthur.

Mr. Salerno, couple of questions what's going to prevent tractor trailers from going up there?

Mr. Wenke tractor trailer deliveries will be requested to use King Arthur Dr.

Mr. Salerno like truck stops.

Discussion among members.

Mr. Salerno whenever I go to Dunkin Donuts in Waterford 185 there are always trucks parked on the side. Can there be do not park signs there?

Mr. Nickerson there was a truck in Dunkin Donuts today.

Mr. Salerno like work trucks etc.

Mr. Wenke speaking of delivery trucks I spoke to Starbucks are there one trucks.

Mr. Mulholland are they box trucks or tractor trailers

Mr. Wenke they vary are both, They get in deliver and leave.

Mr. Salerno about the retaining wall material.

Mr. Harris will be cement wall unistone.

Mr. Mulholland matching posts like Wendy's match the granite posts the same color so they don't conflict.

Mr. Salerno I don't want it concrete painted white.

Mr. Nickerson what will be planted on the hill, hay, attractive lawn, pitched 50%. Wood chips.

Dr. Gada Mr. Harris the truck deliveries will be in the wee hours of the morning?

Mr. Harris I spoke to Starbucks today and the coffee delivery can happen during the day. It is their own in house people.

Dr. Gada That's the 18 wheeler.

Mr. Harris during the dark in the late hours when their open. Truck drivers have keys to the store and can load it themselves. Not during the day. 8 or 9 at night.

Mr. Nickerson They would park on King Arthur Drive or back into the drive thru lane?

Mr. Salerno How are they going to get in? Are they coming in off 161?

Mr. Harris I'm not telling it won't happen once or twice but they will have a couple of tractor trailers.

Mr. Mulholland Excuse me Mr. Chairman I would like to put a couple of things on the record for Mr. Harris.

Today we discussed the internal sidewalks about stamped concrete with some type of red dye in it so it would look like brick walks instead of painted surfaces and the enclosed dumpster, are we having a report on that tonight?

Mr. Harris We didn't have enough time to put it together but the dumpster enclosure is 6 ft high vinyl fencing

Mr. Mulholland and probably white?

Mr. Harris White.

Mr. Mulholland we also talked about the lighting mounted on the building was that going to be soffit down lighting.

Mr. Harris I haven't checked the architectural plans but I don't think that will be a problem. The current plans are showing a few wall packs for security.

Mr. Mulholland I thought I saw 5 wall packs on the plans that's why I'd like clarification.

Dr. Byrnes There's 10.

Mr. Mulholland on the building.

Mr. Harris there's only 2 wall packs on the building for security. Sheet S10. This is the lighting plan. Both for security in the back. The additional lighting that Bill is talking about is indirect lighting as accent lighting.

Mr. Mulholland in the front I'm showing the same symbol as in the back for the wall packs. Same symbol.

Mr. Harris they are bushes.

Mr. Nickerson I have some thoughts after the meeting it's the 3 items of less coffee shop not feed your family of 10 coffee shop. Is this a special permit?

Mr. Mulholland special permit, variance.

Mr. Nickerson the land got the variance not the applicant, it could be a Taco Bell someday.

Mr. Harris I have a suggestion for that one. That special permit, for the drive thru is there by variance can be conditioned on this fast food restaurant. All traffic issues are based on this type of restaurant.

Mr. Mulholland Excuse me you believe we could condition the application because fast food is fast food by our statute and tie it to this particular fast food restaurant. So the motion would have to be for Starbucks.

Mr. Harris I think you could Or similar type. I wouldn't have an issue with that?

Mr. Nickerson I guess it's a mute point but I'm beating a dead horse

Mr. Salerno it's not a mute point. Can you give us a definition for Starbucks.

Mr. Harris It's a fast food restaurant by your definition.

Mr. Salerno but if he's willing to give to condition it for a specific type of use. A coffee shop that doesn't serve food as it's main..

What if somebody buys Starbucks out and the name changes.

Mr. Nickerson I don't think any national chain would want a line down the street.

Ms. Carabelas I don't know if this is about traffic related it is to a degree as much as ATM on the outside of the building. I don't understand the main purpose. If it was for your customers it would be inside the building. Having it on the outside of the building just brings people in to use the ATM machine.

Mr. Harris We have it on the outside because Starbucks doesn't allow it inside. But the bottom line is we don't believe it's an issue traffic wise but if this commission feels it's a problem then we accept the conditions. We don't want it to be a major issue.

Dr. Byrnes I'm not comfortable with it.

Mr. Nickerson You'll need extra signage over there.

Ms. Carabelas Most of the ATM's are on the other side and it might bring high school kids.

Mr. Nickerson It's not like you're overflowing with parking.

Bill Vliet of Vliet and O'Neil 263 Main St. Manchester

Mr. Vliet 10/3 traffic packet being handed out I saw some traffic weights lifted from your shoulders.

At the end of last meeting we did change the plan I do believe the left turn was possible we took half the inbound vehicles that could stack up and put them on King Arthur Dr. Someone could still take a left hand turn but they would know they shouldn't take that turn.

3 sections #1 Traffic and Accident Data, Volume on 161, #2 Stop and Shop Information and #3 Traffic from State Route 502 in Manchester. I picked a corridor close to 161. We have created a better plan since last time.

Mr. Nickerson I took a left into that parking lot and I noticed some things. The weight has been lifted but not all the way. There is an advance arrow going left, which put me parallel to all these cars still stacked. There was 10 cars in each lane and I'm just one guy trying to get into a boarded up gas station. We are doing everything we can. With stacked cars will anyone see a 4 foot high sign. There must be some balance.

Mr. Vliet I can allieve a little concern there the post must be 7 feet high for the bottom of the post. Any regulatory sign.

Mr. Peck When will peak time be? Effect of the drive thru versus no drive thru. What will help the traffic flow? More parking spots needed then.

Mr. Vliet We got counts in June of '06. It wasn't in a vacuum that we got the data. If it doesn't have a drive thru it would have the same traffic. The drive thru alleviates the need for parking spaces.

Mr. Nickerson exhibit 2B entered into record. Traffic Impact Statement.

Mr. Nickerson questions for the commission? Provisions provided for extra traffic and grand opening week? Crispy Crème opened there were police on duty for the first month. I'm sure we don't have that in our provision how do we protect out town? The first week everyone will need their Starbucks and then realize how long the line is.

Mr. Harris the permittee will pay to hire security, traffic control people. You don't know there is a risk.

Mr. Nickerson there is a potential risk. Like a hurricane.

Ms. Carabelas there is a little bake shop Village Bake House sells Starbucks.

Mr. Harris conditions for the Fast food restaurant queue. Stacking along the line and transaction time. 7 cars in the line and then people will start parking in the parking lot.

Mr. Salerno what is the main food you are selling.

Mr. Harris limitations of the site won't support a regular fast food restaurant to accommodate the space to cook the food.

Dr. Byrnes with the size of the site there isn't any room for cooking.

Mr. Salerno Architchtural design needed. I would like to see white scalloping and the top part cedar of something to break it up? 2nd color with different material.

Mr. Mulholland I have many suggestions. Vinyl siding versus hardy planks will be used. Vinyl you can get the different textures.

Mr. Harris Bill and I have talked about this.

Mr. Salerno The back needs windows.

Mr. Harris the dormers will hide the air conditioning and vents per the drawing. No one will see the back of the building.

Mr. Mulholland otherwise you would see the a/c units and why people make flat roofs.

Mr. Nickerson this is a public hearing and would anyone like to make comments on the record. Any one in favor of the application or would anyone like to speak opposing the application?

Mr. Gadbois not really opposing the application I'm very concerned about the traffic. I have been coming for 15 years to the zoning meeting and talking about the traffic on 161 and it hasn't gotten any better but has gotten worse. Someone was killed not long after Stop and Shop went up. Keep building on the road. More cars on the road, people call it Death Valley because you take your life in your own hands. I don't drive on it anymore during the day. There's an exit road and a stoplight I think you will come up with a lot of car accidents.

Mr. Nickerson show that Mr. Gadbois is on record opposing the application. Anyone taking a neutral position if you're undecided. Any comments at all?

Mr. Harris we don't want it to look the same way it has the past 15 years. It fits in well to its surrounding uses. This fits in and gives service to the hotels. It gives sidewalks to the hotels. People will be metered in and out of site.

Dr. Byrnes motions to close public hearing.

Mr. Salerno seconds.

Mr. Nickerson 5 minute recess(at 8:41pm).