

**EAST LYME ZONING COMMISSION
PUBLIC HEARING I
Thursday, NOVEMBER 1st, 2007
MINUTES**

FILED IN EAST LYME TOWN
CLERK'S OFFICE
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PM
Esther B. Williams
EAST LYME TOWN CLERK

The East Lyme Zoning Commission held a Public Hearing on the Application of GPF Flanders LLC for a Special Permit for a Fast Food Restaurant at property identified as 15 and 19 Chesterfield Road, Niantic, CT on Thursday, November 1, 2007 at Town Hall, 108 Pennsylvania Avenue, Niantic, CT. Chairman Nickerson opened the Public Hearing and called it to order at 7:33 PM.

PRESENT: Mark Nickerson, Chairman, Rosanna Carabelas, Secretary,
Marc Salerno, Pamela Byrnes, Ed Gada, Norm Peck

ALSO PRESENT: Attorney Theodore Harris, Representing the Applicant
Ed Navarro, GPF Flanders Plaza LLC
Bob Laduca, Professional Engineer, CLA Engineers
Mary Villa, Landscape Designer, CLA Engineers
William Vliet, P.E. Traffic Engineer, Vliet & O'Neill, LLC
David Basilone, Architect, John A. Matthews, AIA
Steve Frederick, McDonald's Area Construction Manager
Bob Bulmer, Alternate
William Dwyer, Alternate
William Mulholland, Zoning Official

ABSENT: Joe Barry, Alternate

PANEL: Mark Nickerson, Chairman, Rosanna Carabelas, Secretary,
Marc Salerno, Pamela Byrnes, Ed Gada, Norm Peck

Pledge of Allegiance

The Pledge was observed.

Mr. Nickerson called for a moment of silence in honor of our Veterans and in observance of Veteran's Day.

Public Hearing I

1. Application of Application of GPF Flanders LLC for a Special Permit for a Fast Food Restaurant at property identified in the Application as 15 and 19 Chesterfield Road, Niantic, CT. The Property is further identified as Lots 55 and 54 on the East Lyme Assessor's Map 31.1.

Mr. Nickerson noted that the legal ad had run on October 19, 2007 and October 29, 2007.

Mr. Nickerson then called upon the applicant or their representative for their presentation.

Attorney Harris, representing the applicant submitted a picture of the sign that has been posted on the premises for at least 15 days noticing the public hearing. This was entered into the record as Exhibit 1. He recalled to everyone that the previous application was denied without prejudice and that since that time they have re-addressed the plans and the concerns that were mentioned. He presented and submitted photo representation boards of the: frontal view of the new McDonald's which was entered into the record as Exhibit 2; the rear side view which was entered into the record as Exhibit 3; the proposed new CVS as seen from Chesterfield Road which was entered as Exhibit 4; a view of the proposed new CVS as seen from Route 1 (Boston Post Road) which was entered as Exhibit 5 and a photo board of the existing McDonald's which was entered into the record as Exhibit 6. He noted that the CVS photos are not in any direct relation to this application and that they are being shown as an overview only. They are present this evening for the application to move the McDonald's to another site and for the overall revitalization of the plaza site as it

currently dates back to the 1970's and is in need of updating. He noted that they have also seen this type of revitalization taking place in downtown Niantic and that revitalization of this shopping center is important to the economic survival of the center to move it forward to today's time. McDonald's move will improve the overall center and the aim is to make it another attractive portion of the Flanders 'four corners'.

He then reviewed the issues that were previously raised and of concern –

- ◇ The location of the loading zone at the northern end of the grocery store – this now has redesigned access so that the traffic movements do not occur in the travel area. This is an important change in the plan.
- ◇ The design of the exit on Rte. 161; the bump – the bump has been removed for a slight indentation.
- ◇ The traffic (flow) on the site – this has been redesigned with the help of Mr. Mulholland and with crosswalks to show traffic as it moves thru the site.
- ◇ They have also tweaked some landscaping and lighting so that it will match with the type used across the street.
- ◇ They have revisited the layout of McDonald's itself and have come back with it as it was first presented as it best suits the site considering the limitations that they had with the existing buildings in that area and the drive-thru and which side would be the best to show. They are limited in how the traffic flows to get to the drive thru and they wanted to put the best side of the building towards the street. They have also met the standards of Section 20.28 of the regulations – not only to the letter but in the goals. The drive-thru movement is not an unsafe circulation and McDonald's has used it successfully at many other locations.
- ◇ Relative to the architecture he noted the old McDonald's building and the new and said that they have managed to blend harmony with the design.
- ◇ They have also tweaked the landscaping in the back of the building.

Attorney Harris said that they are also returning to the Conservation Commission this coming Monday evening and expect that their application there will be acted on. With this in mind, he said that they could close this public hearing this evening however they would not be able to make a decision until after Conservation acts. He then introduced Bob DeLuca, PE from CLA Engineers to discuss the site changes.

Bob DeLuca, PE with CLA Engineers presented a revised site plan with landscaping which was entered into the record as **Exhibit 7** and a revised site plan without the landscaping which was entered as **Exhibit 8**. He noted what the original design was and the loading area and compared it to what they were now presenting. He said that their concern was with the entrance and exit areas close to it and they have redesigned this for loading off the rear of the building. The trucks would come in from Rte. 161 and traverse across the front of the building. Next, the original entrance showed a constricted exit from the site with arduous turns and they have changed this by softening the turns and adding width. With respect to the drive-thru, the loop was necessary for the drive-thru and they considered four (4) other ways and ultimately came back to this plan as it is the safest and the best alternative for this site. Lastly, they tried to stay focused on the McDonald's site as that is what the application is for. However, concerns were expressed with the overall site so they have presented the plan with the landscaping and other features showing such as the matching lighting and fencing to those that are used across the street. He said that they have their landscaper designer present and she will go over that with them.

Mr. Mulholland asked that Mr. DeLuca go over the signage; particularly the 'Do Not Enter' and flow of traffic on the site. He asked if they would have double 'Do Not Enter' signs so that people don't enter where they are not allowed.

Mr. DeLuca said that the 'Do Not Enter' signs are shown on the plan.

Mr. Nickerson asked if they would have a free-standing McDonald's sign.

Mr. Mulholland said that they have not made an application yet and that they are allowed (2) free-standing signs in shopping centers. He noted they are typically the backlit type such as is seen on the Brooks building. Mr. Nickerson asked what the make up of the order board would be and what it would look like. He said that he was recently in the Warwick McDonald's and that he is concerned that it does not look like that one which has an overhang to it.

Steve Frederick, McDonald's Area Construction Manager said that it would be similar.

Mr. Mulholland said that might be a site plan issue and that they allow one internally lit sign per property.

Ms. Byrnes asked Mr. Mulholland about the signage and the two (2) free-standing signs per property and if those would be the shopping center signs.

Mr. Mulholland said yes, the building signs would be what they would have and the wall mounted would have to meet the formula for signage.

Attorney Harris said that the applicant would not be asking for the overhang on the order board.

Ms. Carabelas asked about the landscaping – and how tall and of what age the trees would be that they would plant.

Mary villa, Landscape Designer with CLA Engineers said that they would be of a 2" caliper and at least 6' in height for the shade trees and that there would also be some small flowering trees.

Mr. Mulholland said that he has asked for taller trees along the streetscape as he had with the Stop & Shop.

Ms. Carabelas asked how long it would take them to grow and if they are all the same type of tree.

Ms. Villa said that there are three (3) different types of trees and that they are good, fast growing and disease resistant varieties including red maples and lindens.

Ms. Carabelas and Ms. Byrnes asked if there would be any evergreens as it would look quite bare when the trees dropped their leaves.

Ms. Villa said that they have not been prescribed for the front as they tend to block views and make driving rather difficult.

Mr. Mulholland asked if there would be anything that would be green in the winter time.

Ms. Villa said that there would be needle leaf green bushes along the car area.

Mr. Mulholland noted that there would be a berm along the CVS to break up the longer view of the building.

Mr. DeLuca said that as far as the size of the trees is concerned that they would be at least 8' tall.

Mr. Mulholland said that they should go as big as they can – even 10' – 12' in height as it would give the mall the instant look of being finished. He then asked if the grassed area would be sod or seeded.

Ed Navarro, GPF Flanders principal said that the grassed areas would be hydro-seeded as they have a chance to establish and grow better. He added that he would be agreeable to putting in 10' high shade trees.

Ms. Villa said that a 2" caliper tree is generally 8' in height or higher.

Mr. Salerno asked what the width of the drive-thru lane was eastbound.

Mr. DeLuca said that it was 12'.

Mr. Salerno said that it is a pet peeve of his that cars in line would not be able to get out if they have to.

Mr. DeLuca and Mr. Vliet said that it is only for one car length that it is 12' wide and that otherwise cars can get out if necessary.

Bill Vliet, PE, Traffic Engineer with Vliet & O'Neill said that he would like it on the record that they cannot take a short-cut where the 'Do Not Enter' signs are. He also submitted for the record a copy of a 1/11/07 letter to Mr. Mulholland on the traffic impact statement which was entered into the record as **Exhibit 9**. He explained that the plaza is certified by the State Traffic Commission (STC) and that they went before them for the McDonald's and the CVS and that they resubmitted information to them on 2/26/07 to include Darrow Pond. Then in April of 2007, the STC asked for more information on the 'No Left turn' and some hard geometry. They also asked about land for road projects. He said that the STC will not give their final approval until all of the local approvals are in place. He said that the Rte. 161 and Rte. 1 data is still being looked at.

Ms. Byrnes said that they currently have a sign that has a time frame of 3 PM to 6 PM for no turns and that people generally ignore it.

Mr. Vliet said that was true.

Mr. Mulholland asked if speed was an issue.

Mr. Vliet said that generally it is not as they have a signalized intersection.

Ms. Carabelas said that considering how it is now – would it be safer is there were no left hand turns out or to just leave it as it stands now.

Mr. Vliet said that they are willing to discuss this with the State and see what they would like them to do.

Mr. Nickerson said that regarding a lot of these discussions that involve the State that they do have a taxpayer who has the right to develop his property and the State will decide its' own issues.

Mr. Vliet said that many things may not translate into safety issues and that they may just be an inconvenience.

Mr. Nickerson said that the STC will review the issues and asked if they brought in the Latimer Brook Commons across Rte. 1 from this plaza.

Mr. Vliet said that he would note to the STC regarding the Latimer Brook shopping center when they get back to him.

Ms. Carabelas asked if most of the IGA parking has to be on the side of the building.

Mr. DeLuca said that it is currently on the side and in the front.

Ms. Carabelas asked why they would need another drug store kitty corner to an existing one.

Mr. Navarro said that there are certain benefits to the community to have this competition and that none of the renovations to this shopping center would happen without the CVS. Those finances make this renovation possible and it brings business to the center.

Attorney Harris noted that while this does not have anything to do with the application as they are not there for the CVS – that he heard on the news that CVS profits have doubled over the previous year so they must know what they are doing.

Mr. Mulholland noted that they cannot pick the business that goes into a commercial area.

David Basilone, Architect with John A. Matthews AIA explained the building changes and the landscaping and how they tied it into the Tri-Town and the rest of the plaza so that it would all work together. He also showed them the back of the McDonald's building noting that they have a blank wall as the cooler is located in that area and that they have brick and a window.

Mr. Mulholland asked if the crown molding on the top of the building is high enough to hide the AC and other mechanical assemblies on the roof.

Mr. Basilone said that it is as they are well aware of the regulations.

Mr. Fredericks noted that inside of this McDonald's will have the new concept of a cozy area to enjoy a cappuccino.

Mr. Nickerson called for anyone from the public who wished to speak in favor of this application –
Hearing no one –

Mr. Nickerson called for anyone from the public who wished to speak in opposition to this application –

Luanne Lang, 160 Pennsylvania Ave. said that she is concerned with the architectural design of the McDonald's and understands that McDonald's has other options for buildings that they use in other areas but due to financial issues here, they are not using them. She said that they did not sacrifice standards when the old McDonald's in downtown Niantic was re-invented to a Credit Union and now they have a nice building there. She requested that they give the same scrutiny to this as the Gateway and others will be given.

Mr. Nickerson called for anyone from the public who wished to speak neutrally on this application –

Bob Jones, 5 Applewood Common asked about the parking lot and turning out onto Rte. 161 and if there was going to be another lane put there.

Mr. Nickerson said that he had thought that there might be however they have not heard anything for sure on that.

Allyn Taylor, 10 Lakeview Circle said that his comments were more favorable than neutral as they have only 3% of the Town that is designated as commercial and this is a great deal of their tax base and the only way to expand upon it is to re-develop older areas. He said that he likes what they are doing with this.

Vera Solomon, 45 Mayfield Terrace said that she had a question and asked if there is a buffer between the existing parking lot and the drive-thru.

Mr. Nickerson asked if the Commission members had any other questions.

Ms. Byrnes said that when she was in Avon on Rte. 44 that they had a New England style McDonald's building there and wondered why not here.

Mr. Fredericks said that they have covered that before and explained that there is a difference between what McDonald's does with a re-build versus a brand new area and that the only time that they deviate is in a brand new location and this is not a brand new location. He added that the McDonald's building that Mr. Nickerson referred to earlier as an older building that is located in Warwick does a huge volume in sales. In an average location, they have formulas that they go by with respect to the building.

Mr. DeLuca said, in answer to Ms. Solomon's question that the buffer between the existing parking lot and the drive-thru is a requirement and that it is an 8' buffer and that there is also a 6' retaining wall there.

Mr. Nickerson noted the detail in matching the fencing and lighting to those found across the street and added that they could go to Sturbridge Village and find period buildings with flat roofs.

Ms. Carabelas asked if the Avon type building was proposed.

Mr. Navarro said that they do not feel that what they ended up with is a bad design and that they have been working on this for the past 14 months now. McDonald's is very ambivalent about moving and this has been discussed before.

Attorney Harris noted that the eastern portion frontage on Rte. 1 has no sidewalks shown and that they are requesting a sidewalk waiver for that area due to the lack of room for them. He added that what they are seeing is an application for a fast food restaurant and that they have presented a whole lot more so that they will have an idea and understanding of the greatly updated and improved shopping center.

Mr. Nickerson asked if the Commission had any other comments or questions –
Hearing none –

Mr. Nickerson called for a motion to close this Public Hearing.

****MOTION (1)**

Ms. Byrnes moved that this Public Hearing be closed.

Mr. Salerno seconded the motion.

Vote: 6 – 0 – 0. Motion passed.

Mr. Nickerson closed this Public Hearing at 9:20 PM and a brief break was taken prior to the commencement of the Regular Meeting.

Respectfully submitted,

Karen Zmitruk,
Recording Secretary