

FILED IN EAST LYME
Feb 12, 2008 AT 2:10 P M

**EAST LYME ZONING COMMISSION
PUBLIC HEARING II
Thursday, FEBRUARY 7th, 2008
MINUTES**

S. Blais, arc
EAST LYME TOWN CLERK

The East Lyme Zoning Commission held a Public Hearing on the Application of Flanders Donut & Bake Shop, Inc., for a Special Permit for a drive thru for an existing bakery located at 323-327 Flanders Road, East Lyme, CT on Thursday, February 7, 2008 at the East Lyme Town Hall, 108 Pennsylvania Avenue, Niantic, CT. Chairman Nickerson opened the Public Hearing and called it to order at 7:39 PM after the previously scheduled Public Hearing.

PRESENT: Mark Nickerson, Chairman, Rosanna Carabelas, Secretary,
Norm Peck, Steve Carpenteri, Ed Gada, Marc Salerno

ALSO PRESENT: Attorney Theodore Harris, Representing Flanders Donut & Bake Shop
Bill Vliet, P.E. Vliet & O'Neill Traffic Engineers
Bob Bulmer, Alternate
William Dwyer, Alternate
William Mulholland, Zoning Official

ABSENT: John Birmingham, Alternate

PANEL: Mark Nickerson, Chairman, Rosanna Carabelas, Secretary,
Norm Peck, Steve Carpenteri, Ed Gada, Marc Salerno

The Pledge was previously observed.

Public Hearing II

1. Application of Flanders Donut & Bake shop, Inc., for a Special Permit for a drive thru for an existing bakery located at 323-327 Flanders Road, East Lyme, CT.

Mr. Nickerson said that the Legal Ad for this application had run in The Day on 1/25/08 and 2/4/08. He then asked Ms. Carabelas, Secretary to read the correspondence into the record.

Ms. Carabelas, Secretary read the following correspondence into the record:

- ◆ Letter dated 2/7/08 to East Lyme Zoning Commission from Bill Mulholland, Zoning Official – Re: Special Permit Application Drive-thru Flanders Donut & Bake Shop – noting that the business is located in a CA Commercial Zoning District and is considered an as of right permitted use. Drive-thru facilities are allowed by Special Permit under section 8.2.12. Also, the application is subject to the requirements of Section 25 Special Permits and Section 24 Site Plan Review. The applicant will need exceptions to the buffer requirements along the North and East property lines and a partial exception on the South side.
- ◆ Letter dated 2/6/08 to East Lyme Zoning Commission from Mr. & Mrs. Zeimanow noting that they are in favor of this application and the 6' landscape area abutting their driveway.

Mr. Nickerson called upon the applicant's representative for their presentation.

Attorney Theodore Harris, place of business 351 Main Street submitted a revised site plan dated 2/6/08. This was entered into the record as **Exhibit 1**. He said that this is an application for a drive-thru to be added to an existing retail bakery to support the existing clientele. He then submitted a copy of the sign posted on the site which was entered into the record as **Exhibit 2**. He said that the definition of a 'retail bakery' is important in this context and submitted information on the requirements of a retail bakery and how Flanders Donut and Bake Shop meets those requirements. This was entered into the record as **Exhibit 3**. He noted that with

respect to a site review that this is a pre-existing site. He explained the current traffic areas. He said that Section 20.27 allows the Commission to accept the current conditions due to the fact that this is a pre-existing site. He noted that there is a berm effect around the property and that there would be plantings near the boundary line. He explained that they currently have in and out traffic movement on each side of the island and that Mr. Vliet of Vliet & O'Neill suggested changing it so that the south side would be for IN traffic only and the north for OUT traffic only. He said that each will have signs posted that will indicate the traffic flow along with arrows painted on the pavement. He submitted a letter dated 2/7/08 requesting exception to Section 24.6E3 – Buffers. This was entered into the record as **Exhibit 4**.

He continued that Section 20.28 regarding Drive-thru facilities states that the drive-thru shall be accessory and subordinate to the basic use and that in this case it satisfies this regulation as it is for beverages and baked goods and is similar to other businesses in the area. He also noted where the stacking lane for cars was in reference to the rules and stated that it conforms. He noted that five (5) parking spaces are required and that they have provided ten (10) spaces – five (5) on one side of the menu board and five (5) on the other. They also have the required number of stacking spaces and they can stack 17 cars without going out into the road. He said that the drive thru will be shielded from the streetscape and that it will match the existing building. He explained that as the traffic flow is of concern for the drive-thru that Mr. Vliet of Vliet & O'Neill has reviewed it and will make a presentation along with his report.

William Vliet, P.E. Vliet & O'Neill Traffic Engineers submitted a Traffic Impact Statement dated 2/6/08 which was entered into the record as **Exhibit 5**. He noted that this is an existing location and that the current driveways are separated by 80'. The southern drive will become an ENTER ONLY and this would get the cars in line for the drive-thru. He said that the busiest time for the drive-thru is during the AM hours. The northern drive will be an EXIT ONLY and it is in line with the drive-thru for people to leave the site. He noted that this facility has traffic movement that has previously worked out for them and that this site is not highly visible like the Starbucks or Dunkin Donuts. However, it has a loyal, local base and this drive-thru and traffic pattern will enhance everything.

Mr. Nickerson suggested that angled parking might force patrons to 'drive right'.

Mr. Mulholland said that angled parking is good in certain circumstances however he did not see that it would be appropriate for this location.

Mr. Vliet explained that angled parking would still allow people to cheat the system and that for what they have here; it would not fundamentally change things.

Mr. Mulholland asked Mr. Vliet what the time frame would be for people to get used to the new signage and changes.

Mr. Vliet said that he has checked Starbucks to see how that traffic pattern is going there and that in the few weeks since it has opened it seems to be moving okay. There is always going to be the occasional person who is not familiar with the pattern and goes the wrong way once but then learns the flow. Here there will also be arrows on the pavement and the entire flow lends itself to easy travel.

Ms. Carabelas said that in terms of the Starbucks that they brought out the curb cut to aid in traffic flow.

Mr. Vliet said that was not necessary here as these are distinct in and out areas with enough space between them and an island.

Mr. Salerno noted that it says 're-locate freezer' on the site plan and asked what that is.

Attorney Harris explained that they are putting in a freezer that is positioned differently and that does not protrude out as much.

Mr. Carpenteri asked about deliveries and if there is room for the trucks.

Attorney Harris said that they do not expect deliveries will be made during the peak AM hours which are from 6 AM to 9 AM.

Mr. Carpenteri said that they would probably ask the purveyors not to deliver at that time.

Attorney Harris and Mr. Vliet said that was correct.

Mr. Salerno asked if the hours of operation would change.

Greg Terracciano, owner and applicant said that he did not expect that they would be extended much beyond the 1 PM closing that they currently have. The latest would be 5 PM and that would not happen until some time in the future.

Mr. Nickerson asked Mr. Terracciano about delivery trucks just showing up and what type of agreement they have with the neighboring businesses.

Mr. Terracciano said that for truck sizes that he has one 18-wheeler that comes every two (2) weeks and the pizza place has one that comes once per week. The other trucks that come are much smaller and can back up into the area and have room so that they will not have to go out into the road. The convenience store gets deliveries through the front door.

Attorney Harris added that where the trucks traverse is the very tail end of the stacking area and it would be extremely rare to have 17 cars stacked up there.

Mr. Nickerson asked if there were any other questions for the traffic engineer.

Hearing none, he asked if Attorney Harris had anything that he wanted to add.

Attorney Harris said that the site work is not complicated and that this application meets all of the standards and that he would urge that it warrants their approval.

Mr. Mulholland asked about the sign package and how the signs would be labeled.

Attorney Harris said that they are labeled on the plan and that there would be a non-illuminated drive thru sign on the corner of the building so that people will see it.

Mr. Gada asked what the 'detector' is that is listed on the site plan.

Mr. Vliet said that the detector is in the pavement and it is a sensor that alerts the people inside when someone is out at the drive thru menu board.

Mr. Salerno asked what the window area would look like and if it would have a roof over it.

Attorney Harris said that it would jut out 3' in rectangular fashion and that it would have a brick façade to match the building. There would not be a roof over it. It would be out 3' so that there is passage room for someone on foot.

Mr. Carpenteri asked about lighting of the menu board.

Attorney Harris said that they have not anticipated lighting the menu board.

Mr. Nickerson called for anyone from the public who wished to speak in favor of this application --

Bob Gadbois, 358 Boston Post Road said that this place is like a landmark in this Town as it has been here for some 40 years. It is a good business and has been good to the Town. He said that he thinks that they should grant this.

Jack Rice, Dean Road said that he has been in this Town for 35 years now and that he normally does not get involved with these things. However; he personally thinks that this place is a national treasure and that it is well known in and beyond southeastern Connecticut. He said that he wishes them well and urges them to grant this request.

Mike Schulz, Lovers Lane said that he has a business -- Homecraft Country Store -- that is kiddy-comer to this business and that he does not see this as a traffic issue. During the hours that they are busy, there is not a lot of traffic there and this traffic design will make sure that there is no problem. He urged them to approve this request.

Bob Firman, 309 Flanders Road said that he thinks that the Flanders Donut & Bake Shop has been in business long enough and that they have a good business and they are good for the community. This application meets the regulations and they should give this to them.

Dave Murphy, 490 Boston Post Road said that he echoes what everyone else has already said. This business has been in Town for years and he recalled that they have always been there for everyone, for the

school children and their fundraisers and other events, and they have never said no to these requests. He said that they are not looking to get big; they are just trying to keep up with what is going on today and what other newer businesses to the Town already have. He urged them to grant this application.

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

Hearing no one –

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

Hearing none –

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

****MOTION (1)**

Ms. Carabelas 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 8:32 PM.

(Note: A brief break was taken here)

Respectfully submitted,

Karen Zmitruk,
Recording Secretary

**FLANDERS DONUT AND BAKE SHOP
RETAIL BAKERY**

Required: Various baked goods made and sold on premises.

Provided: Flanders Donut and Bake Shop mixes ingredients and bakes a variety of pastries, breads and muffins on premises and sells them at retail, for off premises consumption.

Required: Public floor area shall not exceed 20% of floor space.

*at Handus is at
11%
(well below -)*

Provided: Public floor area = 11% of total area.

Required: Sale of beverage shall be incidental.

Provided: Beverage sale represents approximately 20% of total sales; beverages are typically sold in conjunction with a sale with baked goods.

Required: Premises shall not exceed 2,000 ft²

Provided: Total premises area is 1,600 ft²

EXHIBIT 3

2/7/08

*Zoning
QHII*

VLIET & O'NEILL, LLC
CRASH RECONSTRUCTION
TRAFFIC ENGINEERING

41 PROSPECT STREET
MANCHESTER, CT 06040-5801
TELEPHONE 860.533.1210
FACSIMILE 860.533.1374

February 6, 2008

Town of East Lyme
Zoning Commission
108 Pennsylvania Avenue
Niantic, CT 06357

RE: Traffic Impact Statement
Application for Flanders Donut & Bake Shop, Inc.
323-327 Flanders Road (Route 161)

Dear Commissioners:

This letter has been prepared to document the traffic impacts associated with the proposed re-development plan for the existing Flanders Donut, Bagel & Bake Shop located at 323-327 Flanders Road (Route 161). The current development uses on site also include Flanders Pizza and Flanders Food Farm.

The proposed re-development plan will provide a drive-thru for the Flanders Donut, Bagel & Bake Shop. Also, the two existing full movement driveways for the site will be revised to provide directional operations. The following is a summary listing of the findings of our traffic engineering analysis to date:

- In accordance with State Statute 14-311, application to the Connecticut Department of Transportation/State Traffic Commission (ConnDOT/STC) for Certification as a Major Traffic Generator (MTG) will not be required as the proposed re-development does not exceed 100,000 SF or 200 parking spaces.
- The proposed re-development plan for the parcel results in peak hour site generated traffic primarily in the form of passenger vehicles.
- The proposed re-development plan, including the drive-thru, will generate the highest site generated traffic volumes during the AM Peak Hour. Data obtained for the existing Flanders Donut, Bagel & Bake Shop revealed that 7:00 to 8:00 AM on weekdays is the busiest time period for the shop and the adjacent Route 161. Traffic counts were conducted at the site driveway intersections with Route 161. The 2008 AM Peak Hour Traffic data is shown on Figure No. 1 attached.

-1-

Exhibit 5

2/7/08

Zoning
RH II

- Figure No. 2 (attached) shows the existing 2008 AM Peak Hour Traffic with the proposed directional driveway configurations. The revised driveways will provide one way entering traffic operations at the south driveway while the north driveway will provide one exiting operations. The revised operations for these two driveways, which are eight feet (80') apart, will provide for more efficient operations on Route 161. The driveways will eliminatc duplicate turning movements along the site frontage which will provide better through movement operations for Route 161 NB & SB through traffic.
- The vast majority of existing vehicles entering and exiting the site parcel are diverted from the adjacent Route 161 traffic flow and are considered pass-by vehicle trips as compared to new vehicle trips to the Route 161 area in the vicinity of the site.
- During the AM Peak Hour, the site traffic currently consists of 50 entering vehicles and 50 exiting vehicles. Upon completion of the re-development/drive-thru, it is estimated that the AM Peak Hour site traffic will increase at most by 50%. Therefore, an additional 25 entering and 25 exiting site vehicles have been analyzed. Based on the extensive traffic engineering experience of VLIET & O'NEILL, LLC, the current Level of Service A operations for the two site driveway intersections will remain at LOS A upon completion of the drive-thru window and reconfigured driveway operations. Figure No. 3 (attached) shows 2008 AM Peak Hour Traffic including the drive-thru and reconfigured driveways.
- The recently approved Darrow's Pond development will require that the NB approach of Route 161 at the intersection with Route 1 be revised to provide a left turn lane, through lane and a combination through/right turn lane. This minor improvement will result in a shorter queue on this approach to the intersection as there will now be two lanes for NB through traffic.
- Significantly less weekday PM Peak Hour site traffic is expected to be generated as the proposed drive-thru use experiences the highest traffic during the AM Peak Hour.
- The site layout provides for maximum storage of vehicles using the drive-thru. The provided length of storage will result in no queuing of vehicles out onto Route 161 or result in operational difficulties at the driveway intersection. The distance from the south driveway (enter only) to the drive-thru menu board is 240 feet which will allow for queuing of 12 vehicles. The distance between the menu board and the drive-thru pick-up window is 100 feet which will allow for 5 queued vehicles. Therefore, total available distance for queued vehicles is 340 feet which will accommodate 17 vehicles.

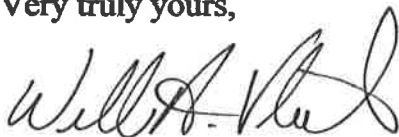
- The on-site circulation and parking layout has been re-designed to safely and efficiently separate and regulate the drive through operations from patrons wishing to park.
- A major benefit of the drive-thru design is that vehicles leaving the drive through pick-up window will be in line for the re-designed exit only driveway intersection with Route 161.

SUMMARY

In summary, it is the professional opinion of VLIET & O'NEILL, LLC that the expected additional traffic generated from the proposed re-development use on the site parcel can be safely and efficiently accommodated by the adjacent roadway system. The proposed revised driveway traffic operations will result in better ingress and egress operations for the development parcel uses. The on-site circulation re-design provides safe and separate flow patterns for drive-thru and parking patrons, respectively.

We trust the information contained in this letter is sufficient for your needs at this time. We look forward to presenting this information to the Town of East Lyme as required. Of course, please call with any questions.

Very truly yours,



William A. Vliet, P.E.
MANAGER FOR VLIET & O'NEILL, LLC



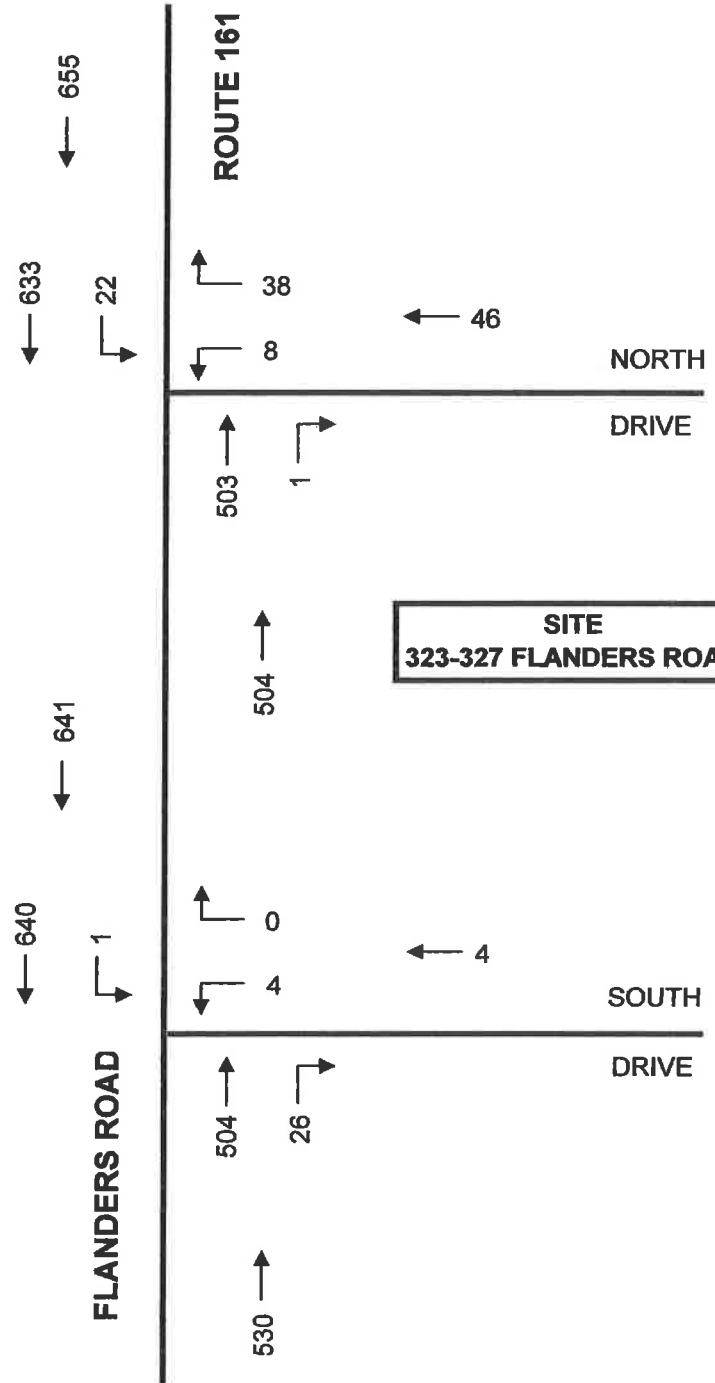


Figure No. 1

VLIET & O'NEILL, LLC Traffic Engineering/Crash Reconstruction

41 Prospect Street, Manchester, CT 06040 (860)533-1210

2008 A.M. PEAK HOUR TRAFFIC VOLUMES

EXISTING DRIVEWAY CONFIGURATION

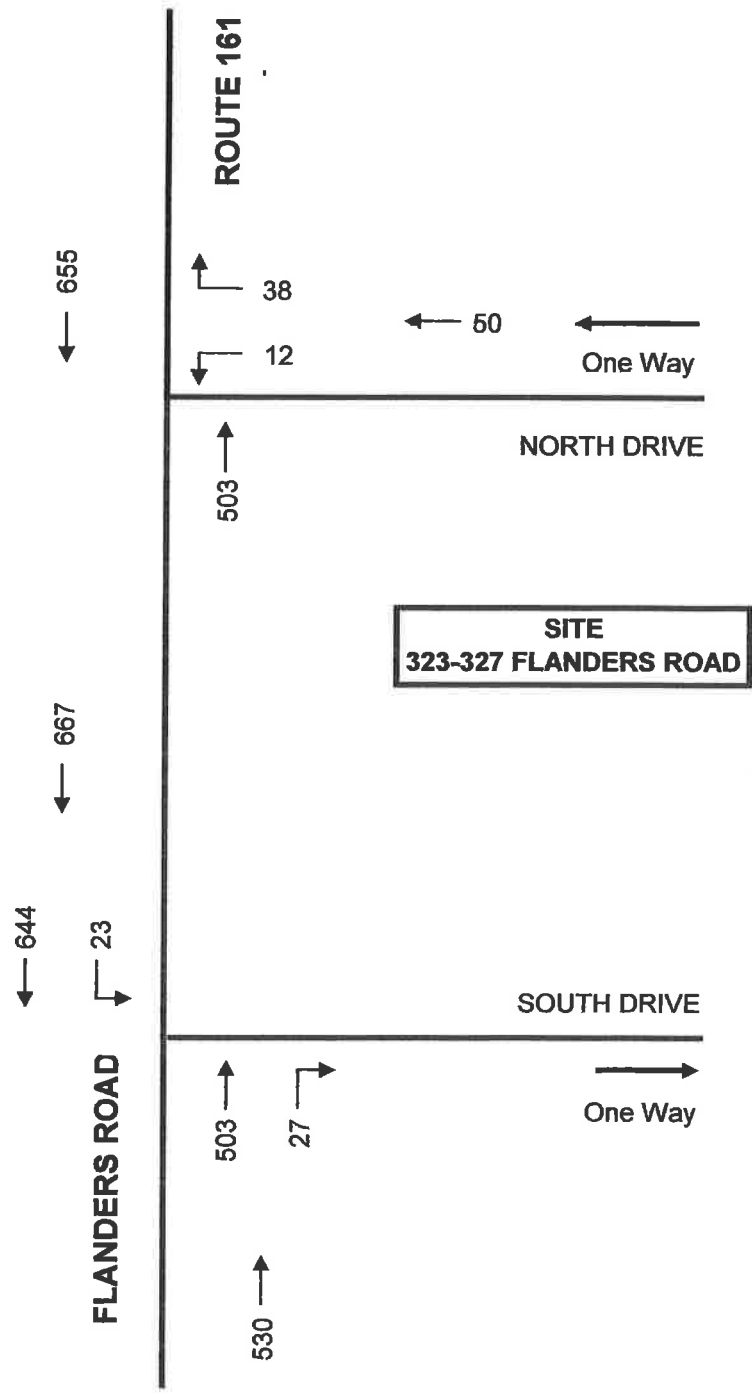
FLANDERS DONUT & BAKE SHOP, INC.

EAST LYME

CONNECTICUT

Date: February 2008

Scale: NTS



SITE
323-327 FLANDERS ROAD

Figure No. 2

VLIET & O'NEILL, LLC Traffic Engineering/Crash Reconstruction
41 Prospect Street, Manchester, CT 06040 (860)533-1210

2008 A.M. PEAK HOUR TRAFFIC VOLUMES
REVISED DRIVEWAY CONFIGURATION
FLANDERS DONUT & BAKE SHOP, INC.

EAST LYME CONNECTICUT
Date: February 2008 Scale: NTS

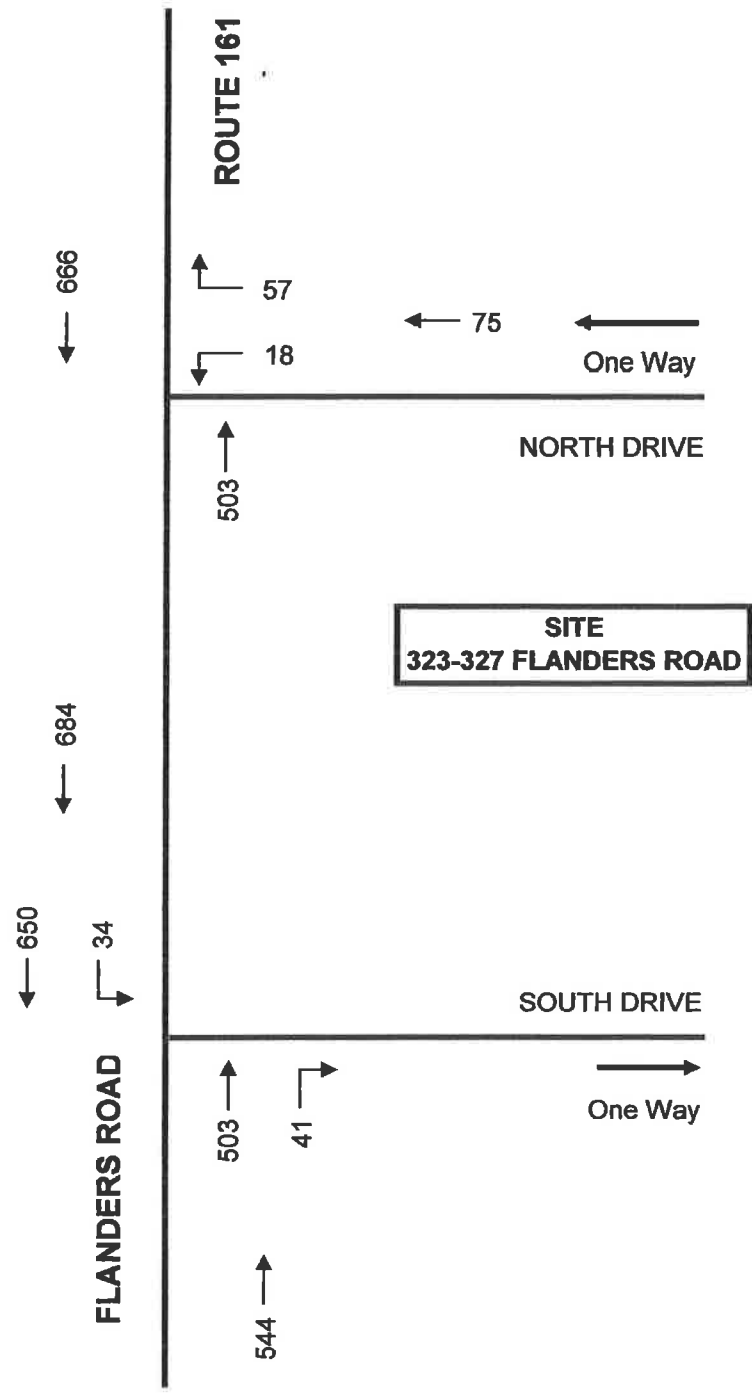


Figure No. 3

VLIET & O'NEILL, LLC Traffic Engineering/Crash Reconstruction	
41 Prospect Street, Manchester, CT 06040 (860)533-1210	
2008 A.M. PEAK HOUR TRAFFIC VOLUMES	
REVISED DRIVEWAY CONFIGURATION & DRIVE-THRU	
FLANDERS DONUT & BAKE SHOP, INC.	
EAST LYME	CONNECTICUT
Date: February 2008	Scale: NTS