

**MINUTES FOR TWO (2) PUBLIC HEARINGS  
OF THE PLANNING AND ZONING BOARD  
HELD TUESDAY, JUNE 18, 2013; AT 7:30 P.M.  
AT THE CITY HALL AUDITORIUM, 110 RIVER STREET**

Chairman Mark Bender called to order the June 18 the meeting of the Planning and Zoning Board at 7:30 p.m.

**A. PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE**

**B. ROLL CALL**

**Members Present:** Jeanne Cervin, Benjamin Gettinger, John Grant, Edward Mead (Vice Chair); Dan Rindos, Michael Casey, Joseph DellaMonica, Tom Nichol, Mark Bender (Chair)

**Not Present:** Ward Willis

**Staff:** David Sulkis, City Planner; Emmeline Harrigan, Assistant City Planner; Phyllis Leggett, Board Clerk

The Chair announced that 106 Merwin Avenue has been postponed to the July 2<sup>nd</sup> meeting.

**Mr. Sulkis:** Explained that an old set of plans had been duplicated and distributed, rather than the final set of plans that had been reviewed and approved for distribution.

**C. NEW BUSINESS**

1. **21 WILDEMERE AVENUE (ZONE R-7.5)** Petition of Elizabeth M. Simonetti for Site Plan Review approval to construct a chicken coop and raise chickens on Map 9, Block 126, Parcel 20, of which Elizabeth M. Simonetti is the owner.

**Elizabeth Simonetti, 21 Wildemere Avenue**, is petitioning the Board to approve her request to raise three hens for the purpose of obtaining organic eggs. The chicken coop is approximately 2 feet x 3 feet, to accommodate three hens. There is a small run area for the chickens to go outside. The food will be kept in a rodent and raccoon proof bucket. Photographs of the coop, run and food bucket were shown. The coop would be cleaned weekly. The chicken manure will be composted with other materials she presently recycles.

**Ms. Harrigan:** The Health Department approved the request even though the plot of land is small. She suggested the Board limit the number of hens allowed to the three that were requested by the applicant due to the small parcel of land.

**Chairman Bender:** Noted according to Section 3.1.3.4 (3) there is an annual review to be conducted of the property.

**Ms. Harrigan:** Stated the Zoning Enforcement Officer could do an inspection annually on behalf of the Board as a condition of approval.

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**Mr. Nichol:** Asked if any changes had been made to the site, based on the 1984 survey date that was presented.

**Ms. Simonetti:** No.

**Mr. Nichol:** Asked where the food bucket would be kept.

**Ms. Simonetti:** In the small shed located on the property.

**Ms. Cervin:** Asked if the neighbors had been notified and were there any objections?

**Ms. Simonetti:** The neighbors have been notified and they are excited about sharing in the organic eggs.

**Mr. Mead:** Made a motion to approve the petition of Elizabeth M. Simonetti for Site Plan Review approval to construct a chicken coop and raise chickens on Map 9, Block 126, Parcel 20, of which Elizabeth M. Simonetti is the owner, with the following conditions:

1. Limit of three hens on the property.
2. An annual inspection of the chicken coop area by the Zoning Enforcement Officer of the Planning and Zoning Office.

The Chair explained the annual inspection procedure that would be done by the Planning and Zoning office.

All members voted in favor of approval.

**Ms. Simonetti:** Thanked the staff members who were helpful to her throughout this process.

**D. PUBLIC HEARING – Close by 7/23/2013; expires on 9/26/2013**

2. **106 MERWIN AVENUE (ZONE R-7.5)** – Petition of Suzanne Lussier for Special Exception and Coastal Area Management Site Plan Review approval to raise a pre-existing three unit house out of the flood zone on Map 59, Block 737, Parcel 13A, of which Nash Street LLC is the owner. **POSTPONED TO THE 7/2/13 HEARING.**

**Paul Hartman, 150 Sandpiper Crescent**, spoke before the Board. He lives behind 106 Merwin Avenue, adjoining it. It has been empty since the flooding. The only notification that the neighbors had was a small sign on the front of the property that you could not see because it was blocked by a car. It is the last parking space before the bus stop and the first parking space after the driveway. He was notified about another house raising two blocks away. He has been there 21 years and has been notified when anything is going to happen with casual details.

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He thinks it is evident in that he is the only person who has shown up at the hearing. He called P & Z several times and they noted probably the sign was erroneous. He asked if the hearing was going to go on or do they have to do something? He was told the hearing was still scheduled. He came down. The notification did not seem to be appropriate. Asked if the neighbors would be getting any details in any future notification. He would like to be assured there will be adequate notification of the people who would be affected by this.

**Chairman Bender:** This property is in his district. He takes a picture of the sign. There have been situations where signs have not been posted properly. When this got pulled he did not take a picture. He will do so the next time and make sure it is posted appropriately for the next meeting.

**Mr. Hartman:** The sign is erroneous because it says "raise an existing three-story building". It is a one-story building.

**Chairman Bender:** Will check into it and make sure it is within the regulations and what it is supposed to be.

**Mr. Hartman:** Asked if there were notifications by mail.

**Chairman Bender:** Mailing is not required by code or regulation. The sign posting is the only requirement. The next meeting will be in two weeks on Tuesday, July 2<sup>nd</sup>.

3. **1365 BOSTON POST ROAD (ZONE SCD)** Petition of Sonic of Milford LLC for an Amendment to a Special Permit and Site Plan Review approval to retrofit the existing Arby's Restaurant to a Sonic Drive-In Restaurant with canopies on Map 89, Block 812, Parcel 42, of which Milford Crossings Investors, LLC is the owner.

Robert Mesite, 64 Charing Road, South Windsor, CT. He is the operating partner for Sonic Drive-Ins in the State of Connecticut. Sonic is taking an existing use QSR restaurant and change it from an Arby's to a Sonic Drive-In. Keeping the footprint, structure and traffic flow almost identical to what it is now. Besides the name there are only two things that will make Sonic different from Arby's. Sonic is a drive-in restaurant. There will be 12 canopies on the south side of the building. Those canopies are parking spaces as well and are a use from which people can order. There are also car hops to bring out food to those 12 individual spaces. There is also a small bump out on the drive-thru. It helps expedite service. There is a car-hop door for the car-hops to use as well. Aside from those changes the drive-thru lane, parking spaces, handicapped spaces, will remain the same. Landscaping will be added and the colors will be changed to the Sonic colors. Eric Labatte, the project engineer from Freeman Companies was also present. There are two existing drive-in Sonics in the State; one is in Wallingford and one in Manchester. Milford will be the third and there will be two more coming up.

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**Mr. Sulkis:** The application is very much as Mr. Mesite stated. Minor issues came from the City departments which were conditional to approval. The Police Department asked for handicapped signage. The Tree Commission wanted two extra trees. There is a slight decrease in the buffer because of the widening of the area where the drive-in stalls are located. Otherwise the application is very straightforward.

**Chairman Bender:** Asked if a study had been done as to the business Sonic will do compared to Arby's.

**Mr. Mesite:** This Arby's was a good one in Connecticut. Would hope Sonic will do better. On Sonic's best day or year they will not do better than the local Wendy's or McDonald's. They will always have more traffic than Sonic. He did not have the exact traffic that Arby's does although they have monitoring the peak points on Saturdays. The traffic and volume flow in that plaza is very good. It is overparked by several hundred cars. Sonic has been in the state for three years and the fad has wound down.

**Mr. DellaMonica:** Due to the location of the drive thru and where the car hops come out, he believes this could be a safety issue. In California he noted a similar layout and they had signs directly in front of the operators so when they were backing up their vehicles they saw the signs. Backing out of those spots appeared to be very tight to the drive-thru.

**Mr. Mesite:** The Wallingford store has the same setup. They have never had an incident. The car hops are trained to go down the car hop path. They do not skate freely between traffic. With regard to the distance, the little bump that they have gives them more distance to back out of those twelve stalls as opposed to the 14 stalls in Wallingford. Signs can be put up for backing up safety purposes. None of the 3800 Sonics have such signage. This will be a 12 stall canopy system. This is an existing restaurant and they have to use the space that is there. This is an indoor facility. Most of Sonics across the country and not indoors; they are patio based. It will be used like any other Wendy's McDonald's, etc. It is a new concept for Sonic and there are about 40 of them in the country right now. If the Board would like he will speak to the zoning enforcement officer to determine how to put the signage up.

**Mr. DellaMonica:** Most of the Sonics are stand alone buildings, not in plazas with many businesses that use the same parking area. It is not just Sonic's traffic that concerns him, it's the other areas as well.

**Mr. Mesite:** They can come up with something appropriate.

**Mr. Mead:** Asked if there was a drive-thru window as well as the drive-thrus.

**Mr. Mesite:** There are three forms of delivery: A drive-thru which represents 40-50% of the QSR. Wallingford has a drive-thru, stalls and a patio. This restaurant will have stalls, interior seating and a drive-thru.

**Mr. Mead:** Asked how many cars could be accommodated between the bank and where Sonic will be?

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**Mr. Mesite:** Ten before it starts blocking the first handicapped stall. There is a “hop-out” door that is a door on the tower that is shown on the display rendering. He explained how the orders are processed to make delivery faster and the line goes quickly.

**Mr. Rindos:** Went to the Wallingford store over the weekend and noted constant traffic. He was impressed with how well the traffic flow. He could attest to everything Mr. Mesite was saying as to how traffic was controlled.

**Mr. Mesite:** Received two awards in the State of Connecticut for being the fastest times for restaurants in the country.

**Chairman Bender:** What is the warning for car hops crossing on skates?

**Mr. Mesite:** There is a car hop sign that is put on the side of the building. Also a car hop door that says that as well. Can put “car hop ahead” on the pavement, but he does not have approval for Sonic on this as yet. This is done 3800 times across the country. There is a course on how the car hops work, especially safety training.

**Mr. DellaMonica:** Car shows have used the Arby’s parking lot in the past and have used it to show off. Having something painted or another means for safety purposes is a good idea.

**Mr. Mesite:** Many towns do not want so much signage believing less signage is more. He will do whatever the Board requests.

**Mr. Nichol:** Asked the operating hours.

**Mr. Mesite:** Seven o’clock AM to Twelve O’clock Midnight, 362 days a year. Closed Thanksgiving, Christmas and Easter.

**Mr. Nichol:** Asked if lighting will be changed.

**Mr. Mesite:** Using as much existing as possible. Canopies will throw off light. Adding more lights to the area.

**Mr. Nichol:** Concerned about car hops late at night.

**Chairman Bender:** Asked if there were incidents of accidents involving car hops.

**Mr. Mesite:** Not in Connecticut. There have been accidents. All car hops are trained and have to pass the training course. Very necessary for workman’s comp.

**Mr. Nichol:** What happens in the winter?

**Mr. Mesite:** Described the chemical that is put on the blacktop. They never skate if it is not safe. They use rubberized wheels for the northeast. They can skate in the rain. When skating cannot be done, they walk out.

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**Mr. Mead:** Asked if other lots in the plaza would be used for parking, especially in the beginning with high traffic volume.

**Mr. Mesite:** Yes. Mr. Ceruzzi was consulted. It is an open lot and anybody can use whatever section they want to park in. The plaza can handle a lot of traffic.

The Chair opened the hearing to the public and explained the procedure. Asked if anyone wished to speak in favor of the application. (No response) Asked if there was anyone who wished to speak in opposition to the application.

**David Hirx, 7 Long Island View Road.** He worked in Meriden and Rocky Hill at the time the Wallingford store opened. At that time the advertising and push to bring Sonic to the state had been ongoing for many years and had been very heavy and successful. He knows it was successful because during his daily commute in both directions the line into the three acre parcel that was used as a staging area was constant. There were one and a half to two hour waits for vehicles to get into stalls. Although it is three years that Sonic has been in the State he is hesitant given the location that the restaurant is moving into and the existing use of that parking lot. He does not believe the parking lot can handle it, especially with one point of access from the Post Road. For this reason he is opposed to the plan.

**Rebuttal:**

**Mr. Mesite:** He respects the speaker's comments. All the push for sonic died down a month and a half later. It did not happen in Manchester and that was a busy section such as Milford's. The Wal-Mart Plaza can handle more traffic than they could have imagined. He compared the business to Wendy and McDonald's which have no problem with traffic. It depends on the operation of the place. Taking an existing use and putting it back to an existing use. The Board is welcome to speak to the people who run Manchester and Wallingford. There were zero incidents and zero backups.

**Rebuttal in Opposition:**

**Mr. Hirx:** He was in the Wallingford area. They did a fantastic job controlling the traffic. A majority of that can be credited to having a three acre empty lot directly next to it that was not in use. The Wallingford location is not in a location nearly as busy as Milford. The three acre lot serviced only Sonic. There was no other business that Sonic or the adjacent lot had to share at any time during the year. Thinks the statements about safety and backups are just. The comparison is apples to oranges.

**Final Rebuttal:**

**Mr. Mesite:** Wishes he had the room in Wallingford that he has in Milford. The parking area of the lot is 26-28 acres of land and there are 14 or 15 acres of parking, which he knows they will never use.

**Chairman Bender:** Asked Staff if he knew what the required parking spaces were for Milford Crossing.

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**Mr. Sulkis:** Did not know but it was a requirement of Wal-Mart to have a minimum number of parking spaces that went beyond what Planning and Zoning's requirements were.

**Mr. DellaMonica:** Commented there are two egress areas; one to the Boston Post Road and one to Roses Mill Road.

**Mr. Mead:** Asked the applicant if there was a plan if traffic backed up during the initial opening period of Sonic.

**Mr. Mesite:** Yes there is.

Further discussion on parking. Mr. Mesite was told by his engineer that the Milford Crossing Plaza is overparked for approximately 400 cars which is more parking spaces than is required.

The Chair closed the public hearing.

**Mr. Rindos:** Made a motion to approve the petition of Sonic of Milford LLC for an Amendment to a Special Permit and Site Plan Review approval to retrofit the existing Arby's Restaurant to a Sonic Drive-In Restaurant with canopies on Map 89, Block 812, Parcel 42, of which Milford Crossings Investors, LLC is the owner.

**Chairman Bender:** Asked if there was a condition for the buffer.

**Mr. Sulkis:** They are decreasing the buffer as part of their plan. However, it can be noted the Board is approving the decrease in the buffer.

**Mr. Rindos:** Amended his motion to include the approval of the decrease in the existing buffer and appropriate signage for public safety be coordinated with Staff.

**Mr. Nichol:** Second.

**Chairman Bender:** Stated he hoped there will not be any more issues on the Post Road and that it is busy enough to be successful, but not cause issues.

All members voted in favor.

**E. REGULATION CHANGES – Update - Rear Lots**

**Chairman Bender:** The proposed regulation changes are ready to move forward. The Board members received the wording change for the "Interconnecting Driveway Access regulation. It is the only item that required a change in wording so as not to be specific as to locations. Staff provided the wording: *"In instances where the Board deems the interconnecting driveway access appropriate, any parking and landscape computation requirements that would have been required in the location of the easement need not apply"*.

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**Mr. Sulkis:** Will go forward on this.

**Chairman Bender:** The next North Haven regional meeting is July 11<sup>th</sup>. Rear lots is still outstanding.

**Mr. Sulkis:** Has not heard anything from the City Attorney's office. He will further inquiry.

**Chairman Bender:** The Board cannot wait on this. Obviously the City Attorney's office has a list and this is not a priority.

The subcommittee will reconvene in a few weeks and start another list, which will require more discussion and interpretation.

**Ms. Cervin:** Asked if the interconnecting accessway regulation would impact the number of trees that would be in those areas. It seems vague.

**Mr. Sulkis:** It would impact whatever could have been located in the area where the interconnecting driveway would go. It could be trees, low plantings, a section of fence. It's unknown. It is whatever would have been in that area. According to the regulations there would be landscaping adjacent to any parking area, so there would be a small section that the Board would have to feel is less important in having that than having the interconnecting driveway.

**Chairman Bender:** This was done between Chase Bank and Smiles Recreation. Just grass was left.

**Mr. Sulkis:** Two projects where this was done was Chase Bank and the last CVS that was approved at the corner of Schoolhouse Road. Both those properties have easements in place. If the adjacent properties ever get redeveloped they will be able to be interconnected.

**Chairman Bender:** If the Board sees any regulations they would propose for change, please email staff or the subcommittee members: Jeanne Cervin, John Grant, Ed Mead and himself.

**F. LIAISON REPORTS**

**Mr. Mead:** Police Commission approved the renovations at the Post Mall bus stop.

**Mr. Sulkis:** That is an application that will be coming before the Board.

**Mr. Mead:** Also the traffic report for the Cumberland Farms convenience store at 258-266 Boston Post Road.



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**G      APPROVAL OF MINUTES – (6/4/2013)**

**Mr. Casey:** Motion to approve.

**Mr. DellaMonica:** Second.

All members voted in favor.

**H.      CHAIR'S REPORT**

Asked that an email be sent to the Board if an application gets pulled as soon as it is known.

**Chairman Bender:** Asked if the POCD books had been received.

**Mr. Sulkis:** Yes. There is one page that is out of order. He is trying to determine whether to send them all back or let it go. It does not affect the context of the book.

**I.      STAFF REPORT**

**Mr. Sulkis:** Introduced Mr. Joseph Griffith, the new Director of Permitting and Land Use.

Mr. Griffith was welcomed by the Board members.

**Ms. Cervin:** Made a motion to adjourn the meeting.

**Mr. Grant:** Second.

All members voted in favor of adjourning the meeting at 8:30 p.m. The next meeting will be held on Tuesday, July 2, 2013.

*Phyllis Leggett*

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Phyllis Leggett, Board Clerk