

**MINUTES FOR TWO (2) PUBLIC HEARINGS OF THE
PLANNING & ZONING BOARD
TO BE HELD TUESDAY, AUGUST 21, 2007; 7:30 P.M.
CITY HALL AUDITORIUM, 110 RIVER STREET, MILFORD**

Chairman Ludtke called to order the meeting of the Planning and Zoning Commission at 7:36 p.m.

A. ROLL CALL

Members Present: Scott Willey, Jeanne Cervin, Kevin Liddy, Frank Goodrich, Pat Champney, Nanci Seltzer, Chairman John Ludtke.

Not Present: Anthony Giannattasio, Mark Lofthouse, Jack Jansen

Staff: David Sulkis, City Planner; Peter Crabtree, Assistant City Planner; Phyllis Leggett, Board Clerk.

Chairman Ludtke: Entertained a motion to reorder the agenda to hear the 8-24 approvals before going into Executive Session.

Ms. Seltzer: Made the motion.

Mr. Goodrich: Second.

All members voted in favor of reordering the agenda.

- C. 3. 8-24 APPROVAL** - Petition of Mayor James Richetelli, Jr. for CGS-824 approval of a lease between the City of Milford and the United States Coast Guard at Eels Hill.

Mayor Richetelli: Request for approval of an extension of a lease that the City has with the US Coast Guard for a 100 SF piece of property on Eels Hill. The purpose of the lease is to allow the U.S. Coast Guard to continue their current use for a repeater antenna.

Mr. Goodrich: Motion to approve.

Ms. Seltzer: Second.

A vote was taken: All members voted in favor. The motion was approved unanimously.

- C. 2. 8-24 APPROVAL** – Petition of Mayor James Richetelli, Jr. for CGS 8-24 approval for Brian and Jo Doheny of 10 Wildwood Avenue to purchase a portion of City owned property at 235 Broadway.

Mayor Richetelli: There has been a request to purchase a portion of property located at 235 Broadway at the corner of Wildwood Avenue, Map 12, Block 123,

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Parcel 2. The property is a strip of property 2' x 8'. It runs along the border of the property, which the City acquired many years ago. Several years ago the decision was made not to sell it, but to keep it. The Wildemere Beach Association has converted the property, with the help of the City via the Community Development Block Grant Program, into a neighborhood park.

The applicants (Brian and Jo Doheny, 10 Wildwood Avenue) own the property next door. The previous owners of their property encroached upon the City property. When the park was developed a fence was put in and was about two feet over, so it allowed enough room in the driveway of the property to open up the car door. That has been the use of the property. The applicants have offered to purchase it and it is the recommendation of the City to honor that request by offering the 2' x 80' strip for sale so they can access their driveway and open their car doors. The Wildemere Beach Association and Community Development Department are in agreement with this action.

Ms. Cervin: Will the fence be moved in two feet?

Mayor Richetelli: No. The fence was placed two feet in and will stay there. That was always the supposed property line.

Ms. Seltzer: Made a motion to approve the purchase of the property by the applicants.

Mr. Goodrich: Second.

A vote was taken: All members voted in favor. The motion was unanimously approved.

Chairman Ludtke: Explained what was meant by Connecticut General Statutes 8-24 Approval to the audience and how it relates to the Planning and Zoning Board.

B. 1. EXECUTIVE SESSION – To discuss proposed settlement of 35-80 White Oak Terrace.

The Board adjourned to Executive Session at 7:44 p.m. Mr. Sulkis was invited to attend.

The Board came out of Executive Session at 7:59 p.m.

Mr. Goodrich: Made a motion to accept the proposed settlement of the White Oaks Terrace litigation and to accept the \$10,000 to install a cross-walk system at High Street for pedestrian safety.

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Ms. Seltzer: Second.

A vote was taken: All members voted in favor. Motion carried unanimously.

D. PUBLIC HEARINGS

4. **1200 BOSTON POST ROAD (ZONE CDD-5 AND R-18)** Petition of John Zurlis, TPA Design Group, for a Special Permit to construct a 10,000 SF retail building and a Special Exception to expand the parking area within the R-18 zone, on Map 89 and portion of Map 87, Block 832, Parcel 10, of which 217 State Milford LLC is the owner.

John Zurlis, TPA Design Group, 85 Willow Street, New Haven, CT.

Engineers for the project at 1212 Boston Post Road, representing the Madden Group, the owners/developers of the property. Currently a single story building split into two different retail facilities known as Bed Bath and Beyond and Old Navy. Gave the boundaries of the property. Proposal is to put a 10,000 SF additional retail building. There is no tenant at this time. In order to further develop this property, the parking has to be extended northeast, which is partially in a residential zone. When the property was originally developed, it was not all inclusive with the zone line. Therefore, a portion of the property remains in a residential zone. The balance is in the commercial district. All the city departments have approved this application and all the comments have been addressed.

The building will be a single story designed to complement the adjacent retailers. Masonry block finish with glass. Photographs of the types of materials that would be used were submitted for the record.

Ms. Cervin: How have the recommendations by the Tree Commission been addressed?

Mr. Zurlis: Showed via a display how the landscaping would be made. There would be trees along the Boston Post Road in keeping with the Greening of the Post Road. There will also be trees planted in the parking islands.

Ms. Seltzer: Stated she noticed 20 spaces have been taken away.

Mr. Zurlis: In the original development of the property, parking was over and above what was required by zoning. The proposed construction will still meet the requirements of the zoning regulations.

Ms. Seltzer to Mr. Sulkis: How many parking spaces are required?

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Mr. Sulkis: 254 spaces.

Mr. Zurlis: Retail SF = 59,270 which requires 237 parking spaces. Warehouse portion of the property is 12,800 SF. Parking ratio is 1:750 or 17 spaces. Total number required 254. 271 parking spaces are being provided.

Mr. Willey: Due to the Boston Post Road being the only entrance/exit of the property and potential backup in parking, have any parking studies been made?

Mr. Zurlis: No.

Mr. Liddy: Parking area looks like it has been gouged out of the wooded area. Has another parking design been considered?

Mr. Zurlis: No. The area behind it is solid rock. He gave the history of the design of the Bed Bath and Beyond and Old Navy buildings when it was determined that that portion of the parking area is solid rock.

The reason a parking study has not been made is that parking has never reached its capacity.

Ms. Seltzer: Asked if a traffic study had been made due to the fact there is only one entrance and egress to the Post Road and its proximity to I-95. Due to this situation suggested a traffic study be made to see if another exit could be designated, because an additional business in that area might have a sizable effect on traffic.

Mr. Zurlis: A study had been made and a State Traffic Commission certificate of approval was given when Lechmere was being developed. At that time the City Engineer had required that a center island be put in at the Boston Post Road so that a left turn in or left turn out crossing the Boston Post Road. On the opposite side of the driveway is the property line of the State, which is a non-access line. There is no other location to put another drive. They are in the process of renewing the STC approval. Will incorporate any recommendations they make into the plan.

Ms. Seltzer: Said she would like to have a traffic study.

Mr. Liddy to Staff: Are there any concerns with this application?

Mr. Crabtree: Parking is more than adequate. Can't move the driveway because it would make it closer to the entrance to the Interstate.

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Chairman Ludtke: This is a public hearing. Asked if anyone like to take a recess to review the plans? (No response)

Public comments in favor of this project?

Public comments in opposition to this project?

Hearing none the public portion of the application was closed.

Ms. Seltzer: When will the traffic study be completed and will the Board receive a copy?

Mr. Zurlis: Expect to receive the study in the next couple of weeks. The Board will receive a copy. Construction cannot take place until the study is received.

Ms. Seltzer: Asked that no action or approval be made until the Board receives the traffic study.

Mr. Sulkis: Reminded that this is a Special Exception and the clock is ticking. The project is on a State road and falls under the jurisdiction of the State of Connecticut in terms of traffic and the project cannot begin construction until a certificate is issued by the State Traffic Commission. Based on the location and the improvements that have made on the Boston Post Road, the applicant would not be going to all this trouble if they were not fairly sure they would get STC approval.

5. **22 HOLLYWOOD AVENUE (ZONE R-10)** Petition of Gregory and Theresa Pallo for a Special Permit to construct an accessory apartment on Map 25, Block 222, Parcel 1D, of which Gregory and Theresa Pallo are the owners.

Gregory and Theresa Pallo, 22 Hollywood Avenue, Milford. Asked for approval for an accessory apartment to enable Mrs. Pallo's parents to live with them.

Ms. Seltzer: Asked for clarification of the measurements of the apartment and where the entrances to the apartment would be.

Ms. Pallo: Stated the measurements were 22' long x 32' wide and approximately 600 SF.

Mr. Pallo: Explained the small "jag" into the house was the way the house was made and it comprises approximately one foot. The entrance would be a doorway from the dining room into their apartment.

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Ms. Pallo: This is shown on Drawing A-01.

Mr. Goodrich: The apartment size of 700 SF and the entrance according to the drawings meet the zoning regulations. A variance is required for the rear yard setback.

Mrs. Pallo: A variance has been received.

Ms. Cervin: There is to be a substantial deck. In the past the Board has dealt with decks that could potentially be enclosed to become a room. The applicants may not put in a roof over the deck.

Ms. Pallo: Stated there would be no intention to enclose the deck.

Ms. Seltzer: Asked that a condition of approval be that an awning would be allowed but a roof over the deck would not be allowed.

Mr. Goodrich to Staff: Asked if the applicants signed the statement stating they understand the rules of an accessory apartment.

Mr. Sulkis: Yes.

Chairman Ludtke: Asked if there was anyone to speak in favor of the application. Asked if there was anyone to speak in opposition to this application.

The Public Hearing was closed.

E. NEW BUSINESS

6. **188 CLARK STREET (ZONE CDD-1)** Petition of D'Andrea Corporation for a Site Plan Review to construct a Dunkin' Donuts on Map 53, Block 305, Parcel 4, of which Mimi and Margaret Faustini are the owners.

Stephen Studer, Esq. Asked if the Board would reorder his appearance pending the arrival of Mr. Gordon, engineer of the project.

Mr. Goodrich: Motion to reorder.

Ms. Seltzer: Second.

All members voted in favor of reordering Item E 6, 188 Clark Street, on the agenda.

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F. PUBLIC HEARING HELD 8/7/07; EXP. 10/11/07

7. **1755 BOSTON POST ROAD (ZONE CDD-5)** Petition of David Rubin for a Special Permit and Site Plan Review for the retail re-use of an existing building located on Map 109, Block 805, Parcel 10, of which Kurt E. Volk Jr. and Dean S. Volk are trustees.

Mr. Goodrich: Made a motion to approve as written by Staff.

Ms. Cervin: Second.

Chairman Ludtke: Discussion?

Mr. Goodrich: Impressed and cannot find any issues with this application.

Ms. Cervin: Concerned about energy use in large buildings such as this. Will be asking about this in the future. Have there been any accommodations made for energy efficiency in this building, as buildings are the biggest source of global warming.

David Rubin, 185 Canfield Drive, Stamford. The applicant. Expect to put on a 206,000 kw photoelectric production facility. They have a proposal that will be the largest retail solar production of any existing building.

Mr. Rubin explained under the DPUC and the Connecticut Clean Energy Fund, they are only allowed to produce 95% of their peak demand amount, which is approximately 205,000 kw.

Ms. Cervin: Was very happy to learn this. Asked if he was involved in the LEEDS building.

Mr. Rubin: Explained because they are working with an existing building, they are not eligible for LEEDS certification.

A vote was taken: All members voted in favor. The motion carried unanimously.

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G. OLD BUSINESS

8. **27 and 33 BROADWAY (ZONE CDD-2)** Petition of Vincent Bagdasarian for a Special Exception and Coastal Area Management Site Plan Review to allow a fourth residential unit to remain at 27 Broadway; with combined parking for adjoining building at 33 Broadway on Map 16, Block 147, Parcels 4 and 3, of which Vincent Bagdasarian is the owner.

Ms. Cervin: The Board was promised additional information, which has not been received.

Mr. Sulkis: Confirmed this.

Mr. Goodrich: Noted it was specifically noted in the 8/7/07 Minutes.

Mr. Liddy: Not at the last meeting. Questioned the number of buildings.

Mr. Crabtree: Explained how the number of bedrooms would be reduced from the previous application made by Mr. Detar and combining the two properties in the current application.

Ms. Cervin: Don't recall any talk about the garage. Is the garage going to remain?

Vincent Bagdasarian, 27 Thompson St., Milford. The garage is staying. It is considered as a single parking space. Understand that something has to be written up and submitted.

Ms. Cervin: Asked what the conclusion was from the President of the Walnut Beach Association as to what they thought of this project.

Mr. Bagdasarian. There was no formal conclusion at the end of the presentation at the meeting.

Ms. Cervin: Based on what was said at the previous board meeting, the neighbors and those in attendance at the meeting were generally in favor of this proposal.

Ms. Seltzer: It would be in Mr. Bagdasarian's best interest to have letters stating people in the area are in favor of his project.

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9. **23 MELBA STREET (ZONE R-5)** Petition of Anthony Giaimo for Coastal Area Management Site Plan Review and Site Plan Review approval for substantial improvement to construct an addition to a single family residence on Map 29, Block 587, Parcel 8, of which Anthony Giaimo is the owner.

Anthony Giaimo, 23 Melba Street (owner): Stated the change on the survey that the Board had requested was made and had been included in their packet.

Mr. Crabtree: Mr. Giaimo did what he was asked to do.

Ms. Seltzer: Made a motion to grant approval of the Coastal Area Management Site Plan Review for 23 Melba Street.

Mr. Willey: Second.

A vote was taken: All members voted in favor. The motion passed unanimously.

F. NEW BUSINESS

6. **188 CLARK STREET (ZONE CDD-1)** Petition of D'Andrea Corporation for a Site Plan Review to construct a Dunkin' Donuts on Map 53, Block 305, Parcel 4, of which Mimi and Margaret Faustini are the owners.

Stephen Studer, Esq., Bercham, Moses & Devlin, 75 Broad Street. Here on behalf of the D'Andrea Corporation's application to construct a Dunkin' Donuts on a vacant piece of property located at 188 Clark Street.

Gave a description of the location of the property located partially on the Boston Post Road and on Clark Street. It has the shape of a parallelogram. Described the parking and drive-thru. Favorable reports from city departments have been received. The Tree Commission's comments would be discussed by Mr. Gordon. The Milford Police Department responded negatively to the project. Stated the Board is not bound by the Police Department's report. It is a recommendation and will be discussed in detail by Mr. Ditman, the traffic engineer from Barkan & Mess. He noted the requirements made by the Connecticut DOT for Route One were met.

Mr. Studer discussed the police report: Made several changes to the site plan based upon the Police Department's earlier review; Sgt. Sharoh is new to the Traffic Division and did not have the opportunity to speak to Mr. Ditman, the traffic consultant; read the comments made by Sgt. Sharoh and countered them.

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Mr. Studer stated Mr. Ditman's credentials as the applicant's traffic expert.

Mimi Faustini, co-owner of 188 Clark Street. The Faustini family has been a part of Milford with their restaurants since the 1940's and the property in question since 1950's. Carefully looked for the proper tenant for this property. Found this in Mr. D'Andrea and the proposed Dunkin' Donuts franchise. Believes this use will improve the esthetics and the tax base of this area and will act as a gateway to downtown Milford.

Jeffrey Gordon, President of Codespoti & Associates, 504 Boston Post Road, Orange, CT. Hired by D'Andrea Corporation to develop a site plan for this property. Site has frontage on three streets with different topography. Have worked with many Dunkin' Donuts and other fast-food restaurants in Connecticut as well as New York and believe this will work favorably.

Mr. Gordon described the parking spaces and drive-thru queue. Explained how the drive-thru was thought out and designed. Described the Dunkin' Donuts at Route 34 in West Haven. Photos of other Dunkin' Donuts parking and drive-thrus in the area were distributed and stamped into the record.

A site plan showing the drive thru area, the queues and parking spaces of the Dunkin' Donuts located at Route 10 (Dixwell Ave.) in Hamden, which was stamped into the record.

Dunkin' Donuts establishments, old and new, have been studied. A handout was distributed and stamped into the record, which depicts the rebuilt Dunkin' Donuts at 1338 Boston Post Road. Mr. Gordon discussed its parking and drive-thru. Believe they can implement a very good parking solution with their design.

A proposed site development plan depicting the landscaping was distributed to the Board, which was stamped into the record. It shows an aerial view of the subject property. Mr. Gordon described the proposed landscaping and the trees that will surround the property. There will be trees along the Post Road. There will be an escape lane onto West Main Street. A sidewalk, white vinyl fence and trees will be placed along Clark Street. He stated the light spillage would be minimal due to the landscaping. Can make adjustments after the landscaping is planted, if necessary.

Mr. Gordon described the design of the building that would be made of brick and high grade cedar shingle. It will be in keeping with the colonial style and other buildings in the surrounding area. This is the smallest standard design Dunkin' Donuts being built at approximately 1840 SF, seating for 16.

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Mr. Sulkis: Stated that #2 in the memo he submitted for this project was inaccurate and should not be considered.

Ms. Cervin: Took offense at the criticism of the new sergeant in charge of the traffic review and the report he gave. Would not be in favor of overriding this report without further information from the Police Commission.

Asked if a State Department of Transportation report was required.

Mr. Gordon: Met with the State DOT and the design presented is the result of the meetings they had.

Ms. Cervin: Suggested Mr. Gordon speak with the tree warden before removing any trees in that area.

Mr. Liddy: Asked how lighting could be tweaked to be compliant with the regulations once they were installed.

Mr. Gordon: Described what measures could be taken to accomplish this, i.e., shielding of the light can be adjusted, changes in elevation, small modifications in the light fixture.

Mr. Liddy: Who would use the three spaces in front of the dumpster?

Mr. Gordon: Described how this would be done. Also stated if the Commission did not want those three spaces to be placed there, there would still be adequate parking if those spaces were to be removed.

Mr. Liddy: Noted the similarity between the positioning of this property and that of the former Gathering Restaurant site and suggested there be a right turn only sign onto the Boston Post Road at the exit.

Mr. Gordon: Suggested Mr. Ditman address this issue.

Chairman Ludtke: Asked that the photometric survey be redone to show how the proposed lighting would meet the zoning requirements before the Board takes any action on this application. He stated that a description as to how this would be accomplished would suffice in lieu of readjusting the software.

Mr. Gordon: Stated this was a reasonable request.

Mr. Studer: Submitted Mr. Ditman's CV to the Board, which was stamped into the record. He further stated that in response to Mr. Liddy's comments, the matter has been thoroughly reviewed and researched.

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Chairman Ludtke: Suggested that the matter of the police report be re-reviewed with the Police Department. It would be in the applicant's best interest if the Board had an update prior to their vote.

Mr. Studer: Stated he would approach the Police Department, however, everything goes through the Commission which meets once a month and this might prove difficult, but the attempt will be made.

Henry Ditman, P.E., Barkan & Mess Associates, Branford, CT. His Curriculum Vitae had been distributed and stamped into the record. He stated his credentials. He has worked with numerous Dunkin' Donuts throughout the state and well acquainted with their operations and daily activities.

Sets of handouts showing various traffic patterns were distributed and stamped into the record. Each report was discussed by Mr. Ditman.

US Route 1 – 24 hour count – 3 distinct peaks – 8:00 a.m. Noon, 5:00 p.m.
Dunkin' Donuts busiest time is in the morning.

Mr. Ditman discussed the Police Department Memo dated 8/5/07. Page 2 states traffic is heavier in the morning. Traffic study showed traffic is heavier in the later afternoon. A queuing and gap analysis was done. Police were concerned how the traffic in the intersection would affect this. Made a survey of traffic from the light at West Main Street would back up so as to block the driveway. Concerned about the left turn out. For a two hour period (7 to 9 am) made a survey of the blockage based on light cycles. Discussed the statistics of this survey.

Distributed the Queuing observations analysis 8/17/07, which was stamped into the record. Seven pages described various time periods making observations on queuing, left turns out of the site. Discussed the statistics of this survey.

Discussed the graphs that showed left turns out of the site and the gap required for safe egress out of the site and safe ingress into the site. He stated these results would not happen every day, but was typical of what happens in traffic flow.

Mr. Goodrich: Asked for an explanation of the charts "Left turns out of the site" and "Left turns into the site". Both taking place at the same date and time. Questioned why the results would not be identical.

Mr. Ditman: Stated no. He explained how the gap process works when making a left turn into the site and making a left out of the site.

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Mr. Liddy: Questioned the gap analysis because a car wanting to get in will do so before a car waiting to go out.

Mr. Ditman: Stated the car waiting to make a left will not block a car exiting and he explained via the display, how it would work. He stated this is not an exact science and you cannot always count on a driver doing what they should do. However, conservatively, there is enough of a cushion to go with what the majority of drivers do.

Mr. Ditman stated the DOT engineers were satisfied with the layout of the driveway and the sight lines and the safety aspects. When the applicant applies for an encroachment permit the DOT will grant the approval based on the approval of the Planning and Zoning Board.

Mr. Liddy questioned why not have the exit right turn only?

Chairman Ludtke: Stated he did not think it was the Board's place to be discussing the subtleties of engineering. The professional is giving the Board information. The Board does not need to know and comment on all the intricacies that went into the thought processes of the plan.

Mr. Sulkis to Mr. Ditman: Stated he wanted to ask the applicant's expert witness some technical questions regarding the data he is providing.

Mr. Sulkis referred to a handout on anticipated site traffic. Listed 200 trips in and 200 trips out. Source: CT DOT 5/2000. Asked if the DOT was providing the information of traffic generation for the Dunkin' Donuts.

Mr. Ditman: Yes. The DOT published their report and compiled data at 20-30 Dunkin' Donuts in municipalities throughout the State. He described the study and its outcome.

Mr. Sulkis: Asked if they were recommending the queue size be 14' from the order board or from the window?

Mr. Ditman: That is what the State would like to see.

Mr. Sulkis: Asked what criteria was used. Was it the ITE manual?

Mr. Ditman: The ITE manual has not been looked at recently relative to Dunkin' Donuts. When the State indicates what numbers should be used, those are the numbers used.

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Mr. Sulkis: Asked if an analysis could be provided using the same standards in the ITE manual.

Mr. Ditman: Stated he could give the numbers, but did not think they would be relevant.

Mr. Sulkis: The Gap Interval Chart places emphasis on the 8 second or more gap that is available for motorists to exit. What about the number of gaps where they could not exit? That number appears to be significantly greater than the opportunities to exit. Can the types of backups be predicted? Went into detail using the "Left Turns Out of the Site" graph as an example.

Mr. Ditman: In general, drivers have to use their judgment, but 8 seconds is the guideline recommended by the American Association of State Highway Officials. Gaps can be less than 8 seconds. That is true and typical of any driving situation whether it be in a driveway or a side street. This situation is not isolated to this one site. This is part of driving along the entire Post Road. If people could not get in or get out of a site they would not go there any more.

Mr. Sulkis: From the queue to the traffic light going down the driveway, was the survey made on different kinds of vehicles, i.e. commercial and passenger mix?

Mr. Ditman: It was based on a time period when traffic was probably at its worst for the site, 7-9 a.m.

Mr. Sulkis: The key data is the time of day based on the type of business, which Dunkin' Donuts conducts now, namely, peak hours in the morning. What happens if Dunkin' Donuts expands its menu, (which has been discussed in the media), and lunchtime becomes its busiest time of day? How is this increase in traffic envisioned?

Mr. Ditman: The traffic on the Post Road is heavier at lunchtime than it is in the morning, and again in the late afternoon during the commuter peak. The characteristics of the land use is what is used for the projections. Can only go by past history, the operating characteristics of what it is like today. The market will dictate what will happen at the site. Most of the business takes place before noontime.

Ms. Seltzer: Asked that the Clark Street access be made an entrance and exit. Asked to reconsider widening the apron and making the exit onto the Post Road (a right and left exit), as well as an entrance in. This would make the traffic flow better.

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Mr. Gordon: The topography would not allow this type of elevation change at the driveway at Clark Street.

Mr. Ditman: Making the exit drive two lanes, one right and one left, could be an option or made a condition of approval.

Mr. Ditman continued stating that the Police Department's memo indicated some of the spaces are not located in the right place and some of them may not be usable, namely 17, 18 and the handicapped space. Diagrams were distributed (stamped into the record) showing that the spaces are accessible and appropriate.

Mr. Ditman explained the large rectangular box with an "X" in the middle of it on the various diagrams, could be painted on the pavement, so as not to "block the box". Vehicles would not stop in that area. However, if they did stop there, vehicles could still have enough room to back out of the area. Stated if the Board wanted that area closed off with an island, so that there would not be access from the parking lot into the lane, that could be done as well.

Ms. Seltzer: On sheet SP-2, with the right turn exit onto Main Street, is it feasible to make a right and a left, so people can go out onto West Main and then make the right or left onto the Boston Post Road, as an alternate exit option?

Mr. Gordon: Sgt. Walewski did not want that option to make a left and right turn. So it was changed to right only.

Mr. Ditman: Stated he thought Sgt. Walewski's reasoning for this was the location was close to the stop bar on West Main Street. The queue of cars from the stop bar up West Main Street would hinder the left turn out. Further stated they would adhere to the Board's request if they want right and left turns.

Chairman Ludtke: Stated from his personal experience the hill is always backed up and making a left turn is very difficult due to the cars lined up waiting for the light to change.

Mr. Liddy: Has the CT DOT report been updated since 2000?

Mr. Ditman: It has not been updated. They have taken numerous counts at operating facilities after the CT DOT study was made and the results are comparable.

Mr. Willey: Why would people be more inclined to take a right than a left turn?

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Mr. Ditman: Traffic patterns shown on second handout, which has the graph showing the turning movement count (peak hour 8-9 am). Traffic volumes today show the traffic would be 35% and 65% based on traffic going eastbound and westbound on Route 1. Projected based on the existing operating road conditions.

Mr. Willey: As a commuter, experience has been that the lightest traffic all year is a Friday morning in the middle of the summer. Why was an August Friday morning used for the survey?

Mr. Ditman: Do not have the option to go out at all times of the year to do a traffic study. First started the counts in April and most recently did the gap analysis because they knew the question would come up and wanted to have it prepared. It is representative of what is out there. Traffic can vary all the time from 10-20%.

Mr. Studer: Summarized the application: Requesting three site waivers, otherwise the proposal complies fully with the zoning regulations.

The site waivers meet the standards of Section 7.1.3.15 for granting a waiver.

- 1) Waiver of one foot from 3' solid to 4' solid fence proposed along Clark Street. A 4' solid fence with a significant grade change and landscaping will act as a buffer to the homes across Clark Street. Will act as a buffer to the homes along Clark Street. Would prefer a higher fence if the Board allows.
- 2) Not sure if this is a waiver. It depends on how the requirement is analyzed. The size of the building requires the 21 spaces designated. If the cooler is added into the square footage of the building, 23 spaces are required. Based on the parking calculation of the rebuilt Dunkin' Donuts at 1338 Boston Post Road, the parking calculation did not consider the cooler. Taking all things into consideration, there should be more than enough parking to make the site function safely and efficiently.
- 3) Front yard landscaping: Proposing 10' of landscaping on the Post Road and West Main Street and 5' of landscaping on Clark Street. Standard is 20' in this zone. Noted that the Milford MarketPlace (1650 Boston Post Road) and La-Z-Boy (1750 Boston Post Road), being examples of high quality site design, have 10' landscaping buffers between their property line and parking. Requesting the same thing.

This application meets the requirements of Section 17.1 for Site Plan Review. It is of high quality design and will be the best looking Dunkin' Donuts in the state. It will set a good tone for the area and all the businesses that are yet to come to that part of Route 1.

Mr. Sulkis: What kind of delivery trucks will be coming to the site and what size

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will they be?

Mr. Gordon: Mr. D'Andrea is one of the owners and in charge of the kitchen. SU 30, a small box truck. He can determine what time of day he wants the deliveries to be made. This is a 30-foot box truck, not a tractor trailer of 55 feet.

The presentation concluded at 10:31 p.m.

H. LIAISON REPORTS

Ms. Seltzer: Devon Revitalization Meeting: Going out to bid in the fall for Phase III.

I. APPROVAL OF MINUTES – 8/7/07

Mr. Goodrich: Motion to approve.

Ms. Seltzer: Second.

All members voted in favor. The minutes were unanimously approved.

J. CHAIRMAN'S REPORTS

Chairman Ludtke: Had nothing to report. Deferred to Ms. Seltzer as follows:

Ms. Seltzer: There have been issues with some downtown businesses who cannot have music outside because of complaints by a resident. This is related to Section 5.5.8 of the zoning regulations. Would like to tweak this regulation to allow amplified music, however, setting up specific parameters.

Mr. Goodrich: Couple of years ago there was a church that wanted outdoor speakers that referred to the same section of the regulations. Have to make sure that if a change is made it is legal and is what the board really wants

Mr. Sulkis: That will probably be self-correcting. Someone is in discussions with staff to rework this regulation.

Chairman Ludtke: In the past, otherwise sedate restaurants put on decks, which created noise that abutted residences and caused a problem. This is how this regulation came to be. The Board has to be careful about how this is done, so that it is even handed and protects the rights of individuals who do not want the noise.

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Ms. Seltzer: The noise ordinance in the City is such that it follows the purview of State regulations.

Mr. Crabtree: Topography can enter into conditions of noise level, i.e. proximity to the water can create a different noise level than one surrounded by buildings. The conditions around each site vary and it will be hard to come up with a specific number.

Ms. Seltzer: Using time frames would be more definitive. Would like to be creative enough to make the regulation work throughout the City.

Chairman Ludtke: A lot has to be considered and there must be a viable solution.

Mr. Liddy: Suggested restaurants in the area give input, as they are primarily affected.

Mr. Sulkis: The person who wants to make this application has indicated they would like to do so before next summer.

Ms. Cervin: Why can't the Board work on this without waiting for an applicant?

Chairman Ludtke: Asked if Ms. Seltzer and Mr. Lofthouse would like to work as a subcommittee to try to work out a draft of the proposed regulation change.

K. STAFF REPORT

Mr. Sulkis: Macy's and Westfield would like to have a tent sale for rugs. 40 x 120 tent size. Requires 14 parking spaces. In the lot between the Macy's/Panera/Blue Turtle buildings. October 2-10, 2007. No electricity or use of other equipment. Payment will be made inside the building.

The Board gave its approval.

Two proposed zone change maps for Twin Oaks Terrace. Slightly different because not sure if one of the properties wants to be included in the zone change. Would be made an RO zone, which is a good transition between the R-10 zone behind it and CDD-3 in front of it. (Located behind the Knights of Columbus building.)

The other pending regulation changes should be ready for a public hearing in October.

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Gave the Board an update on Linda Stock's health condition.

Mr. Goodrich: Made a motion to adjourn.

Mr. Liddy: Second.

The meeting adjourned at 10:50 p.m.

Phyllis Leggett, Board Clerk

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