

Continuation of Public Hearing for application #SP22-163 opened at 7:08 PM.

**MEMBERS PRESENT:** Chair Doug Dubitsky, Vice-Chair Ken Fortier, Eric Beer, Helen Weingart, Randy Godaire, Dave Garceau, Alternate Peter Haines.

**MEMBERS ABSENT:** Pete Fiasconaro, Alternate Dan Pearce, Alternate Bill Ireland.

**ALTERNATES SEATED:** None

**ALSO PRESENT:** Zoning Enforcement Officer (ZEO) Jay Gigliotti and Recording Clerk Kathleen Scott.

**SUBJECT OF HEARING:**

**A. SP22-163-64-66 Willimantic Road- Mehak Realty, LLC- Special Permit Application for Gasoline filling station and convenience store per section 5.3.B.m:**

D. Dubitsky intends to close the Public Hearing this evening based on statutory deadlines. New materials presented by a member of the public at the last Public Hearing have been reviewed.

- Attorney Dori Famiglietti (representing the applicant) spoke about plan revisions (minor with no change to overall design scheme) that will be presented by Engineer Tristan Wallace as a result of the BSG Group report presented at the last Public Hearing.
- Engineer Tristan Wallace presented key items from the revisions: Buffer Zone – added more plantings into two thirds of the interior of the buffer to increase screening (regulations require in outer one third), will keep the fence (5-6ft. elevation) that is allowed as a means of screening; Grading – regulations allow in the buffer to lift grade up to bring stone water in; Circulation- reached out to DOT regarding signs for parking in the shoulder (can be on applicant’s property – town would need to submit request for sign to be in the right-of-way), circulation around the dispenser to the parking in the interior front of the convenience store is 29 ft. (minimum requirement for two-way traffic is 24 ft.) and 43.5 ft. to the rear (designed for typical vehicles), drive-thru designed for passenger vehicles (standard is 7ft wide x 19ft. long - will have signs to halt larger vehicles); convenience stores are not considered traffic generators - mostly for bypassing traffic (people will move on if congested); Stone Water Drainage Plan – added 2 catch basins in front of island for stone water to flow into and around to oil/water separator prior to infiltration system, received all well and septic approvals; Dispenser Spills - regulated by DEP that requires Contingency Plans in place (newer fueling stations typically have no major spills and are safer); Signage in front – Pylon low level lighting will be lit internally and shouldn’t bleed off site or impact the public in front of the site (plenty of screening around the site).
- Attorney Dori Famiglietti commented about response letter and revised plan that was sent to Towne Engineering last week (ZEO received response today with no changes from previous review and conditions for approval). The applicant disagrees with the interpretation of the buffer (regulations tie it to the side yard when abutting residential property - not all the way to the street, activities in the buffer are at the discretion of the Commission per opinion last year from the Town Attorney) and the parking requirements that are up to the Commission to determine (used general retail that gives the PZC the discretion based on anticipated needs, ample parking meets the number of required spaces subject to interpretation – 36 spaces including 12 pumps).

The hearing was opened for public comment.

Public comment in support of the proposed gas station: None

Public comment in opposition to the proposed gas station in-person:

- Mike Healy of Lynch Road with the BSC Group presented a 12-page summary letter (difficult for the Commission to digest when submitted at the last minute).

The Commission took a brief recess to review the summary.

- Mike Healy expressed concerns about changes to the survey plan with no topography (was in previous plan), undersize culvert in abutter's property (hard to understand flooding conditions), very small topsoil stockpile, elevations and contours need more detail, no catch basin for diesel island and impact to ground water, could reduce traffic with removal of 1 dispenser, building size could be reduced and basement added for storage.
- Attorney Dori Famiglietti asked who BSC Group is representing (hired by a competitor).
- Paul Zlotnick of Zlotnick Realty expressed concerns about sight lines with trucks parking on Route 6, diesel island that invites big trucks to come in, employee parking, pollution and environmental issues with releases mostly from driver error with deliveries (ground water still being monitored).
- Pete Fiasconaro of 68 Willimantic Road expressed concerns about sight, sounds, dust, debris (some can be controlled with 6ft. earth berm topped by 6ft. plantings as a barrier between the residential and commercial property that was approved by the Commission for a grocery store in 1997), lighting that will broadcast off to adjacent properties, 5 dispensers plus 1 diesel is too much for the site (looked at sites recommended by the applicant - Marlboro canopy is 18.6ft. tall with 4 dispensers, Ledyard site has 4 dispensers in front - 1 diesel), smaller building would reduce congestion.
- Jeff Woodward of 63 Willimantic Road expressed concerns about the potential increase to the number of accidents with 4 fatalities on the stretch of road from his driveway to the powerlines.
- Karen Woodward of 63 Willimantic Road (across the street) expressed concerns about what is being done to negate lighting from hitting her home and greenhouse.

Public comment in support of the proposed gas station in-person:

- Ryan Perry of 256 Singleton Road who drives tractor trailer commented about the difficulty in enforcing trucks not to park on Route 6 (will park there whether there is a sign or not). He understands why everyone doesn't want the gas station (not good for the people that live next door) but believes the gas station would be good for the community as a whole (would open up a few job opportunities and bring in more tax base that could help offset the 2-mill increase).

Public comment in opposition to the proposed gas station online:

- Brian is appalled with the location and the number of accidents on that stretch of the road.

Attorney Dori Famiglietti addressed the following: location - in an existing Business Zone parcel for committed use; BSC Group letter - redundant to a lot of what was previously submitted (Town Engineering spent hours reviewing the plan and reports with no concerns or issues of non-compliance; need for a berm – not needed with the addition of significant screening and buffering (plan meets the intent of the regulations); lighting affecting neighbors across street – LED onsite lighting is downlit and doesn't spill over the property (shouldn't impact the property across the street), do not expect any nuisance lighting. Briefly touched on criteria for approval presented at the last public hearing (plan complies with the regulations).

The Commission was encouraged to approve this application.

- Pete Fiasconaro (an abutting landowner) asked what the height would be if the property is raised 2-6ft. when talking about the buffer compared to abutting properties – reason he spoke about the berm (installed height will be 8-10ft. tall with smaller vegetation filling in).
- D. Garceau asked if there was any reason berm couldn't be used (creating berms would increase grading and is not necessary – good variation of height in planting plan (mostly evergreens) and height of the vinyl fence - 6ft. high from grade).

**Motion to close Public Hearing (8:30 PM) by E. Beer, seconded by K. Fortier. All in favor, motion carried.**

Respectfully submitted by,  
Recording Clerk Kathleen Scott