

PUBLIC HEARING

June 24, 2013

Cumberland Farms Inc./First Hartford Realty Corp.
5 Pershing Drive, 19 Pershing Drive, 79 Division Street

Special Exception

Present: Bart Flaherty, Chairman
Michael Bettini
Jared Heon
Jeff Lawlor

Absent: Andrew Mark
James Martin
Ken Moffat

Others in attendance: Jim Tanner, Zoning Enforcement Officer
Oswald Inglese, P&Z Consultant
Thomas Welch, P&Z Attorney

The Public Hearing of the Ansonia Planning and Zoning Commission to hear the petition by Cumberland Farms Inc./First Hartford Realty Corp. to excavate and prepare the properties for the renovation of Cumberland Farms was called to order by Chairman Flaherty at 7:25 p.m.

There was a quorum present.

The Chairman read the call of the meeting as follows:

PUBLIC HEARING NOTICE

June 24, 2013

Special Exception
230 Beaver St. and 5 & 19 Pershing Dr. and 79 Division St.

The Planning and Zoning Commission of the City of Ansonia, Connecticut will hold a public hearing on Monday, June 24, 2013 beginning 6:30 p.m. in Ansonia City Hall, 253 Main Street, Ansonia to hear the following petitions for Special Exception site plan:

1. Quillinan Views LLC request for special exception site plan approval for 230 Beaver St for change in use to an office billing center.
2. Cumberland Farms Inc. request for special exception approval for excavation to prepare the properties 5 & 19 Pershing Dr. and 79 Division St. for expansion and renovations to existing building.

At said hearing all parties will be given an opportunity to be heard. A copy of the file is on file in the office of the Town & City Clerk, 253 Main Street, Ansonia, Ct. 06401.

Dated at Ansonia, Connecticut this 13th day of June, 2013.

ANSONIA PLANNING & ZONING COMMISSION
Bartholomew R. Flaherty III, Chairman

Publish 2 times:
Thursday, June 13, 2013
Thursday, June 20, 2013

Mr. Heon made a motion to accept the call of the meeting as read. Mr. Bettini seconded. All in favor, so carried.

Chairman Flaherty invited Attorney Dominic Thomas to give his presentation.

Attorney Thomas asked if he could include the site plan in his presentation because it would help everyone to understand what is happening on the site.

Those in attendance with Attorney Thomas:
Patrick O'Leary, Vanasse Hangen Brustlin
Mark Grocki, Vanasse Hangen Brustlin
Michael Lukaszewski, Cumberland Farms
Mark Bertucci
Chuck Neak, First Hartford Bank

Attorney Thomas said there was no notice requirement in the Zoning Regulations however it has been standard procedure to notice residences within 500 feet so they sent out notices via Certificate of Mailing. He said the City of Ansonia gave notice to the City of Derby and there was a question if the Traffic Authority of Derby had jurisdiction. He said on December 17, 2012 he attended the Derby Police Commission meeting, they were item 10 on the agenda. It was determined at that meeting that Derby Traffic Authority had no jurisdiction and therefore there would be no action on their part.

Attorney Thomas expressed his thanks to the P&Z Commission, their Chairman and the Staff in helping them proceed and address the issues and problems. He said he was before the Inland

Wetlands Commission and it was determined there was no regulated activity and no IWC permit was needed.

Attorney Thomas said that Cumberland Farms has been in that location and it is an entry way to Ansonia. They plan to build a signature store in that location. They purchased 79 Division Street and 19 Pershing Drive to expand the site. It will be a very attractive store and a good gateway into Ansonia.

Attorney Thomas reviewed the comments from Mr. Inglese's Memo (copy attached). He said Mr. Inglese noted this is the gateway to Ansonia and it is in the City Center overlay and will be appropriate for this entire area. It is a better look as you approach the traffic light – an attractive introduction to Ansonia.

Attorney Thomas said with regard to the parking – Cumberland Farms will comply. Seventeen (17) parking spaces are provided. He discussed the parking on the site stating there were six or seven parking spaces before and now there will be seventeen. He said there is more than enough parking spaces provided on the site.

Chairman Flaherty said that Mr. Inglese stated the parking met our Regulations.

Attorney Thomas discussed the 72" sign and which violates the Regulations and the other signage proposed for the site. He cited section 420.4.7. The sign will not have motion and will be LED lit.

Chairman Flaherty asked Attorney Thomas if he could discuss the 3000 cubic yards of fill that will be moved on the site and the entire overall cut and fill proposal which is the reason for the public hearing.

Attorney Thomas introduced Patrick O'Leary and Mark Grocki to give their presentation on the cut and fill for the proposed building and site.

Mark Grocki discussed the existing conditions on the site (sheet 2). There 8 pumps and underground tanks. There will be curb cuts on Division Street and Pershing Drive. Everything on the site will be demolished – the existing Cumberland Farms building, the house on Division St. and the building on Pershing Drive. The underground tanks will be removed. There will be two new 20,000 gallon tanks installed. The two curb cuts on Pershing Drive will be removed and replaced by one curb cut. There will be a 14' cut on the site to the rear of the property and a retaining wall built (the blue line on the drawing is the wall). There will be a 3 ½ ' high retaining wall and a 7' high retaining wall built. There will be 5000 cubic yards of material moved off site. There will be a cut for the excavation of the tanks and some additional cuts. The site complies will all of the Zoning Regulations. The pumps comply, everything complies.

Mr. Bettini asked what the elevation will be on Pershing Drive.

Mr. Grocki said the 3 ½ foot wall. There will some elevation entering the property and then it will become flat.

Mr. Inglese asked the condition of the existing tanks and soil.

Mr. Grocki said there is contaminated soil. He estimates 700 cubic yards that will be removed and mitigated from the site.

Mr. Grocki said the site lights will be 20 feet maximum with the lights shining down. The poles are total 16 feet – 2 feet for the cement base and 14 feet for the pole. The utilities exist and will be removed. They have contacted WPCA and Regional Water Authority so they are aware. There is 3000 sq.ft. of impervious surface area and an underground detention system that will be a closed system. There is high ground water. It will be a closed system and water tight.

Mr. Inglese asked how they plan to keep it clean.

Mr. Grocki said 30” of rcp and manholes on all ends of the property. Any sediment will be caught. There will be two water quality units on either end that will handle the sediment and clean the water. Some water runs off to Pershing Drive and there will be two catch basins there that are connected to the existing pipe to the State drainage system in the road. The State’s process is approval with the Town first.

Mr. Grocki said there will be landscaping on the site because it is the gateway to Ansonia. They are planning two large red maple trees and five crabapple trees.

Mr. Bettini said the proposed tanks are two (2) 20,000 gallon tanks. He asked what is in there now.

Mr. Lukaszewski said there are two (2) 8,000 gallon tanks and one (1) 6,000 gallon tank currently in the ground.

Mr. Bettini said if they were cutting the right hand corner.

Mr. Grocki said the drainage swale will be pitched around the retaining wall to the yard drain. It will flow through the site and discharge to the existing drainage system.

Mr. Bettini asked if there were sidewalks.

Mr. Grocki said the sidewalk will be under the jurisdiction of the State DOT. The sidewalk ends at the corner where there is a cross walk to cross the road.

Mr. Heon asked the distance from the proposed building to the retaining wall.

Mr. Grocki said six (6) feet.

Mr. Heon asked about the water that collects behind the wall.

Mr. Grocki said there will be a conveyance swale four (4) feet wide around the wall and site and it will discharge to the yard drain.

Mr. Heon asked if there are any catch basins behind the wall.

Mr. Grocki said there is one (1) in the corner (Division St.) to take the north half to the yard drain.

Mr. Heon said if the six feet behind the building was adequate for deliveries and repairs.

Mr. Grocki said yes.

Mr. Bettini asked about the lights and if they were below the top of the retaining wall.

Mr. Grocki said they are below the wall and there is nothing going off site.

The commissioners discussed the walking access for the site and the length of the wall.

Mr. Grocki said the accessway is six (6') feet.

Chairman Flaherty asked about the fence located on top of the wall.

Mr. Grocki said the fence is six (6) feet high and will be on the Division Street driveway side. The fence will return to the yard drain preventing walking between. The remaining area will be grass and maintained and mowed twice a year.

Chairman Flaherty asked if they plan to plant some trees up in that area.

Mr. Grocki said no, just grass. Right now it is overgrown grass and brush.

Mark Bertucci, Fuss & O'Neil

Mr. Bertucci discussed the traffic study with the commission members. He explained the traffic pattern and the flow of traffic through the intersection. He said there is a State Project 173-412 that is planned to improve the traffic to Pershing Drive. There will be a new traffic signal and restriping to improve safety. They will add a north bound on ramp to Route 8.

Chairman Flaherty asked if they included the north bound Route 8 entrance in their calculations.

Mr. Bertucci said no, they don't think it will impact the site.

Chairman Flaherty said they must get all State Permits before City Permits will be issued.

Mr. Bertucci said they don't anticipate any increase or impact. It will improve access and egress to the expressway. The turning point is in the afternoon traffic SE of Division St. in Derby.

Derby is planning on a new Bank and a Walgreens Store on the corner of Pershing and Division St. He said by 2014 there will be a .5% growth rate (DOT) in that area.

Mr. Bertucci said the proposed conditions will improve circulation on the site. The improvements are with the removal of the curb cut on Pershing Drive and moving it as far away from the intersection as they can (250 feet) away. The other driveway is 130 feet north up Division Street away from the intersection increasing efficiency. The tanker trucks will turn in from Pershing Drive off to the east side of the site and exit out of the site on Division Street.

Mr. Bettini asked the distance from the pumps to the driveway.

Mr. Bertucci said the pickup with the trailer will there be enough space?

Mr. Bettini said that is the question.

Mr. Bertucci said there is 20 feet. The site lines were reviewed for this.

Mr. Inglese said on the plan each gas station has a shadow surrounding the pumps.

Mr. Grocki said that is five (5) grooves cut in for gas spills and it is vacuumed out.

Mr. Inglese asked about the bollards.

Mr. Grocki said there are bollards.

Mr. Heon asked if the pumps are on raised concrete.

Mr. Grocki said yes.

Mr. Inglese said he recommends bumpers on parking spaces 1 through 11.

Mr. Grocki said there are protective bollards in front of all the parking spaces.

Mr. Inglese said to consider adding wheel stops to the parking spaces.

Mr. Heon said with the size of the tankers how often will you come to deliver gasoline and when will you deliver? Where will the end of the tanker trailer be when it is on the site?

Mr. Grocki showed the commission on the map where the end of the truck will be.

Mr. Bettini said this is the same situation as Stop & Shop with the off hours of delivery. We have to be mindful of the children in the area.

Mr. Heon said and the people parking in the parking spots.

Mr. Grocki said it will be better than what is here now.

Chairman Flaherty said you have 1900 s.f. and you are going to 4500 s.f. There is four (4) pumps and you are going to eight (8) pumps.

Mr. Bertucci said the pumps will be the same.

Chairman Flaherty said there will be an increase in traffic with the new site construction.

Mr. Bertucci said the sight lines from the driveway exceeds DOT safety. The ITE manual discusses convenience store expansion i.e. it adds 53 trips in the morning and 66 in the afternoon. He said they looked at these in a similar store in Milford. They don't generate new traffic they rely on the existing traffic and intermediate stops at the convenience store. The store will generate 66 pass by trips. They took 66% pass by credit and the new trips come out to only 18 additional in the morning and 22 in the afternoon. He discussed level of service – A being low, D being acceptable and F being significant delay. The Driveway will operate at a level C. Division Street will operate at a level D in the morning and Pershing Drive will be a level D in the afternoon. There is not a change in the level of service. He said they acknowledge the queue blockages exist and will continue and may go down because they moved the curb cut. The delayed vehicles are stored on the site – now there is room to queue on the site. There is improvement on the site.

Mr. Bertucci said he spoke with Tom Land, DOT and he reviewed the Traffic Study Improvement Report. He said they haven't submitted the Report for approval yet. He will submit it formally. He said there is no detrimental impact on the roads. There is a significant impact on the site. He said there was a minimum number of parking spaces on the site.

Mr. Inglese said there are 15 on the site.

Mr. Bettini said when the delivery truck is there you will lose four spots.

Chairman Flaherty said number of deliveries should be less because they have two 20,000 gallon tanks in the ground.

There was discussion on the parking on the site when there is a delivery truck there to deliver the gasoline. There was a concern that the car would be blocked in until the deliver was completed.

Attorney Thomas said the delivery tanker truck will not come in and block the cars. We are cutting the delivery in half and will be four spaces down for 20 minutes. He said they can't guarantee the time of delivery. He said they will be in and out for 20 minutes to half an hour.

Mr. Heon said the Division Street sidewalk will that come down to the crosswalk.

Mr. O'Leary said on page 3 it shows where the sidewalk ties in and the entire length of Division Street will have a sidewalk. The driveway will not be bituminous. It will be concrete in line with the sidewalk. He said there will not be a sidewalk in front of the site because it would go to

an unprotected area. This would be unsafe for pedestrians. The snow shelf is there also and they need an area for the snow so there will not be a sidewalk there.

Chairman Flaherty said he would like to see a sidewalk there because there is a lot of people who walk on that road.

Mr. Heon said if there is a sidewalk there it may encourage people to sit on the wall and walk down the street and cross the street where there is no crosswalk.

Mr. Bettini said there is a lot of foot traffic on Pershing Drive – it is a safety issue.

Chairman Flaherty said sidewalks create a safe area for pedestrians. With planning the sidewalk could be continued in that area when anything else is done there. We have to begin.

Attorney Thomas said there is enough room for a sidewalk. You may want one to go all the way. He said Cumberland Farms will be happy to put funds into an “In lieu of a Sidewalk” account. He said he would work with Attorney Welch to put something on the land records for the sidewalks that Cumberland Farms would put in sidewalks at the request of Planning & Zoning.

Mr. Heon asked if the view would be obstructed by the fence on the retaining wall.

Mr. Bertucci said the driver will be past that area.

Mr. Heon asked if there could be a right turn only out up Division Street. Someone tries to get across the road and he will hold up the traffic. You can see a difference if people are trying to make a left hand turn – the traffic is typically backed up. He asked if they considered making it a right hand turn.

Mr. Bertucci said for a right hand turn out restricted you would need a “pork chop” island. If you put a sign they will ignore it. You need an island.

Mr. Heon said this will be a busy lot. He asked if there will be stripping with arrows throughout to show how the traffic will flow or will the area be open.

Mr. Bertucci said he doesn't see stripping. Vehicles can come in from either side. Coming in from one direction will cause problems.

Chairman Flaherty said did you do a layout on a car from Pershing Drive and a car from Division Street. Is there adequate space to pass through. There are two lanes between the pumps.

Mr. Bertucci said there is twenty (20) feet there will be enough room to pass.

Mr. Heon said it is worse now. The store will generate more vehicular traffic.

Chairman Flaherty said getting back to the cut and fill and construction, what is the time line from the beginning to the end for this process.

Mr. O'Leary said six (6) months. For example we will use 4/1/13 as the begin date. The phases of construction are:

1. March 2013: Notices are sent out to everyone that they will be closed beginning 4/1/13.
2. 4/1/13 the site will be fenced off – no patron traffic.
3. One month of demolition (2 residential houses, existing Cumberland Farms building, existing buildings on the next side and the removal of the tanks. He said there are no environmental problems with the tanks – the life of a tank is 30 years and they have to be replaced.
4. Residual soils 700 cubic yards will be removed. All residuals of soil contaminants will be removed. DEEP tested the tanks and the soils need to be removed to meet current standards.
5. 4/1/13 begin to dig out the 5000 cubic yards of material and construct the retaining walls.
6. End of May 2013 the retaining walls are built and all excavation is done.
7. This is a 6 to 8 week duration.

Chairman Flaherty said it will be about 3 months of digging, building the walls and removing the tanks, removal of the 700 cubic yards of contaminated soil and installation of the new tanks. He said the drainage will be installed during this construction also. So by the end of June the tanks are in and the building is being constructed and by the end of August the Cumberland Farms will be in operation again.

There was discussion on the beginning of the excavation on the site and the building of the 14 foot retaining wall. Mr. O'Leary said that most of the excavation will be in that area. Chairman Flaherty asked what measures will be taken for the upper property during this excavation.

Mr. O'Leary said he could not do a 14 foot excavation and protect it. They will work from Pershing Drive and have a one to one slope and work up to one to one to slope to the property line and stabilize. Then excavate into the building slab. There will be temporary excavation slope support and bank support. This will have to be designed by a Certified Engineer and will have to receive a permit from the Building Department.

Mr. Bettini asked if they were planning to do any blasting.

Mr. O'Leary said there is bedrock at 13 feet in the area and when working on the wall they will look at that piece and will leave the bedrock in place. They have a Geotech Design Engineer looking at it.

Mr. Bettini said if you have to go down one or one and half feet will you use a hammer. He said rocks don't come square so if you have to do something will you work it out and not do any blasting.

Mr. O'Leary said they will work it out and they are not anticipating any blasting.

Mr. Heon said you planned a lot of landscaping and the building is beautiful, he asked if they have a Red Box on the site.

Michael Lukaszewski, Cumberland Farms

Mr. Lukaszewski said they pick up at any location and they have had sites with the red box on the inside and they will not contract with inside boxes. He said the sidewalks are larger and there is room for two wheelchairs.

Mr. Heon said asked the weight capacity for snow on the canopy and how it drains.

Mr. O'Leary said the structural design for the building hasn't been done for the building. He said it will be designed with International Building Code Specifications.

Mr. Heon asked about the drainage.

Mr. O'Leary said the canopy will flow along the column line. The canopy water is clear water and it will go into the Storm Water system. The drainage system is not flushed for cleaning, they are vacuumed. There are separators that remove the suspended particles from the water. The traditional method for maintenance is flushing and vacuum.

Mr. O'Leary said this will be a 24 hour store and will have A, B, C certified operators to work at the Cumberland Farms Store. All have to be C Certified and the Store Managers are B level certified. All certified and have to be maintenance trained. All of the tanks are fiberglass reinforced double walled tanks. The tanks are hollow and have brine surrounding the tank. The level of brine solution will go down if there is a leak. There is an auto shut down and it transmits that there is an emergency. Mr. O'Leary said all tubing is double walled and pressurized and any loss of pressure there is an energy response team. There are groves in the cement for spills.

Mr. O'Leary said on the back of the site where there is grass, we can plant evergreens. Six White Spruce Trees to break the wind and provide screening. He said he is happy to do that and recommends the White Spruce.

Chairman Flaherty said there is 5000 cubic yards of cut and fill, how many yards is leaving the site.

Mr. O'Leary said 5000 cubic yards is leaving the site.

Chairman Flaherty said your application says 3000 cubic yards. If you take the 700 cubic yards off the 5000 that leaves 4300.

Mr. O'Leary said there will be 200 to 250 truck trips taking the soil off the site. He said we can minimize the trucking to a six (6) hour day.

PZPHCumberlandFarms

Chairman Flaherty said we have residents living in this area.

Mr. O'Leary said hours 7:00 a.m. to 3:30 p.m. There will be at least 25 to 35 trips per day for about 10 working days.

There was discussion on the hours of operation for the excavation and trucking of the material off site. Hours of operation discussed are 7:00 a.m. to 3:30 p.m. and 8:30 a.m. to 3:00 p.m. for a general work day.

Mr. Bettini said No Weekends.

Mr. O'Leary said there will be no weekend work unless they come back and let the Commission know they have to work on the weekend in an emergency. There will be no food processing and no cooking in the new building. The tables are for coffee and pastry, etc.

Chairman Flaherty said no wood burning oven for pizza.

Mr. O'Leary said no food cooking and no leaking from the dumpster. He said he lives close to a Cumberland Farms store in Mansfield, CT like this one and there is no odor from the dumpster from food or leakage.

Chairman Flaherty said you plan to remove 5000 cubic yards of material including 700 cubic yards of contaminated soil. You will construct a Cumberland Farms Store and Gas Station. It will take six (6) months time frame from beginning to end and the hours of operation will be 7:00 a.m. to 3:30 p.m. for the excavation and construction. There will be no weekend work unless there is an emergency.

Mr. O'Leary said yes and they will comply with the signage requirement. The sign is not a reader sign. It has the price of gasoline and it changes with the price change for regular gas and diesel gas.

Chairman Flaherty said that this was discussed with the P&Z Planner.

Mr. Bettini asked how many diesel pumps are there.

Mr. O'Leary said one pump.

There was discussion on the diesel pumps and the increase in the volume of diesel gas sold.

Mr. Heon asked if there were additional signs in the windows.

Mr. O'Leary said no signs in the windows.

Mr. Bettini asked the number of trips generated today.

Mr. O’Leary said during the construction period there will be no site traffic. There will be only the workers there during that time. The number of trips will be in and out. He said he doesn’t anticipate any additional traffic.

Mr. Bettini said the proposed trips are 289 in the afternoon and 250 in the morning. He asked the number of trips today.

Mr. Bertucci said in the morning peak hour there is 131 trips existing and it will increase to 237. The afternoon peak hour is 149 existing trips and it will increase to 281. There will be 41 new trips at the driveway.

Mr. Bettini asked the number of fills during the week for the tanker truck.

Mr. O’Leary said every other day. The big change is they will replace the tanks with larger ones and they are installing new pumps. They have to change the pumps because they have to re: 30 year requirement so they are re-doing the store and including a service with coffee and convenience store items. This will improve their sales and service.

Chairman Flaherty asked if they anticipate walk-ins and how many.

Mr. O’Leary said they do not account for walk-ins. Most are drive in. The design standpoint is for traffic.

Chairman Flaherty asked if there are any questions from the Commissioners, Counsel or Mr. Inglese. There being none, he opened the meeting to the public.

Robert Turschmann
40 Hotchkiss Terrace
Ansonia, CT 06401

Mr. Turschmann questioned what’s going to happen at the first pump when a vehicle comes in from Pershing Drive. He mentioned dead heads and shoring up and backing up to come out to Pershing Drive. He asked how that would be addressed on the site.

Chairman Flaherty said he would hope people would learn the traffic pattern for the site. It is not in their best interest not to follow it.

Mr. Turschmann said the two gas stations – Stop & Shop controls the traffic and the Shell Station has problems.

Don Fink
81 Division Street
Ansonia, CT 06401

Mr. Fink said his concern is the excavation. His house is on the adjoining property and it is a field stone house. The digging and blasting will damage his foundation.

Chairman Flaherty asked how close the house is to the site.

Mr. Fink said six (6) feet. The house is eight (8) feet away.

Chairman Flaherty asked the applicant about Mr. Fink's concern.

Mr. O'Leary said they will do a pre-construction audit of his house similar to a pre-blast survey. An Engineer will be out there and will take pictures of the pre-existing conditions and the impact to his house. If there is any damage they will rectify it but they don't anticipate any blasting.

Mr. Fink said he is opposing it because of the smell from the gas. He said that the odor is bad and bothers his asthma. He said that they don't shovel their sidewalks and they are forced to go out to the road to walk in the traffic around the snow. They don't take care of the trees, they are all overgrown and you can't see to get out of the driveway. He said he has to keep after them to cut the trees. He asked about the wall and the fence.

Chairman Flaherty said the fence will be six (6) feet high on top of the wall.

Mr. Grocki said the fence will be black vinyl chain link fence six (6) feet high.

Mr. Fink said there is noise from Cumberland Farms. There are school kids that go there and congregate. They have fights, are drunk and beat up their girlfriends. The truck pick up wakes us up. He said they will have more of the same problems. They are going from six (6) parking spaces to seventeen (17) parking spaces. That is great for them but for me an adjoining property owner it is a nightmare.

Chairman Flaherty said that it is a Commercial Zone and they are not asking for a zone change. They comply with the regulations and P&Z controls the development. The fighting and drinking is a Police problem. Hopefully when the site is enlarged and more open it will decrease. They said they will do a pre-inventory of your foundation and take pictures and document prior conditions. Then any issues that may have you will have recourse. They do not propose blasting and they are doing the pre-construction inventory. That gives you protection.

Mr. Fink said if they hit bedrock.

Mr. Bettini said that the bedrock is at 13 feet.

Chairman Flaherty said they said it is 13 feet and logic is they will leave it and build the wall on top of it.

Mr. Fink said why the need for the big fuel tanks if they are not anticipating more gas sales.

Mr. Bettini said to decrease the need for more fuel deliveries. This will be less fumes.

Mr. Fink said he is not against the gas station but he had lung surgery and he can't breathe.

Chairman Flaherty asked if there is any way to mitigate the gas fumes to Mr. Fink's property.

Attorney Thomas said they recapture the fumes.

Mr. Lukaszewski, Cumberland Farms said 10,000 gallons of fuel, they recapture the fumes and they bring it back. If Mr. Fink is experiencing fumes there is something wrong.

Attorney Thomas said the relocation of the tanks to the other side away from his house may be better for him.

Mr. Fink said the fire risk will be much greater with the extra fuel.

Chairman Flaherty said that is under the control of the Fire Marshall. It is controlled by the State of CT Regulations.

Mr. Lukaszewski said he hasn't heard of a tank exploding and there is a suppression system in place.

Mr. Fink said there is extra gas which means more traffic.

Chairman Flaherty said the entrances are further away and there is no increase in gas, they have to replace the tanks because they are 30 years old so they are replacing them with bigger tanks to cut down on the number of deliveries.

Mr. Fink asked what this will do to the value of his property.

Chairman Flaherty said you are in a Commercial Zone, someone may want to put in a store or something. He said he can't answer that because he has no expertise in the value of properties. It is in a Commercial Zone and they comply.

Mr. Fink said what if he wants to sell his house.

Chairman Flaherty said they have a commercial property and they meet the Regulations. They are not going to ZBA. The value of your property I don't know. They will do a pre-blasting type survey of your property and we can make that a condition of approval.

Chairman Flaherty asked if they can plant some trees or arborvitae along the top of Mr. Fink's property where the chain link fence is to add some privacy and enhance that area.

Mr. Grocki said yes, they can to do that.

Mr. O'Leary said they can go with a nice vinyl clad fence with less maintenance.

Mr. Grocki suggested a solid white fence.

Mr. Heon said the green arborvitae is good.

Chairman Flaherty said the arborvitae is a good shrub. It doesn't grow too fast but will provide privacy.

Mr. Fink asked how bright the lights would be.

Mr. Bettini said they said they will point the lights down away from the neighbors. He said the lights will be down and the retaining wall will provide a buffer for Mr. Fink.

Mr. Fink said the one across the street is a buffer and he can still hear the Dunkin Donuts drive thru in his house.

Discussion continued on the noise level and location and size of the lights.

Mr. Bettini asked if there was a fence or arborvitae.

Chairman Flaherty said the fence gets it done and then plant the arborvitae.

Chairman Flaherty asked three (3) times if there was anyone else from the public who wished to address the commission.

There being no one, he called for a motion to close the public session.

Mr. Heon made a motion to close the public session of the public hearing. Mr. Lawlor seconded. All in favor, so carried.

Chairman Flaherty asked Attorney Thomas if he had any comments for the Commission.

Attorney said Mr. Heon comment on the need to keep the left hand turn onto Division Street and the sign issue that was raised in this plan. Mr. Inglese's letter referred to the sign as roof signs. They say "Cumberland Farms" with an emblem. They don't qualify as roof signs. They are traditional signs and they blend in. The other signs comply with the requirements. Section 420.4.13 how to interpret it. They are surface area signs. They should not exceed 25% and if you combine all of the signs they don't exceed 25%. The signage here (on the map) is 72 s.f. and there are missing signs.

Chairman Flaherty said he thought the 72 s.f. sign exceeded our Sign Regulation.

Attorney Thomas said it is reference to the signs. Internally lit signs - they have two (2) signs and one (1) missing sign. The canopy is not lit. The other sign (72 s.f.) will be cut down to the Regulation height.

Mr. Inglese said we don't have a sign issue. You said you will comply with the 52 feet.

Attorney said look at it and it will create an entry way to the City. It is a hard issue with someone's property value. It will go up and down. You can't say. People may want to live somewhere where they can walk to the store or the Dunkin Donuts.

Chairman Flaherty asked if the staff had any questions or comments for the applicant. He asked the applicant if they had any comments. There were none.

Attorney Thomas said he had no questions or comments but would answer any questions from the commission or staff.

There were no questions or comments.

There being none Chairman Flaherty entertained a motion to close the public hearing.

Mr. Heon made a motion to close the public hearing for Cumberland Farms at 9:45 p.m. Mr. Bettini seconded. All in favor, so carried.

The public hearing closed at 9:45 p.m.

Respectfully submitted,

Jo-Lynn Flaherty
Secretary

Items received for the public hearing:

1. Letter from VRPA
2. Certificates of Mailing
3. Traffic Impact Study
4. Letter from Derby Police Commission
5. Drawings Proposed Cumberland Farms (2 sheets)
6. Memo Oswald Inglese