

**CITY OF TORRINGTON
PLANNING AND ZONING COMMISSION
MINUTES
April 22, 2009**

Present: Richard Calkins, Chairman
Paul Summers, Chairman
Greg Mele, Member
Doris Murphy, Member and Inland Wetlands Liaison
Greg Perosino, Member
Christine Mele, Alternate
Donna Greco, Alternate

Also Present: Martin Connor, AICP, City Planner

Absent: James Bobinski, Alternate

1. **Call to Order:** Chairman Richard Calkins called the meeting to order at 7:00 p.m., Sullivan Senior Center, Main Room, 88 East Albert Street, Torrington, CT

2. **Attendance/Announcement by Chairman:**

Chairman Calkins announced present and serving will be Commissioners Paul Summers, Doris Murphy, Greg Perosino, Greg Mele, Christine Mele and Richard Calkins. Also present is City Planner Martin Connor, AICP.

3. **Minutes for Approval:**

a. 4/08/09

MOTION by Mr. Summers to approve the 4/8/09 minutes, seconded by Mr. Perosino, unanimously carried.

4. **New Business:**

a. Torrington Development Corporation
Consistency Approval, Municipal Development Plan (MDP)

Attorney Peter Herbst appeared before the Commission representing the Torrington Development Corporation. Also present was Vic Muschell and Bill Baxter of the Torrington Development Corporation, along with Vince McDermott of Milone & MacBroom in Cheshire, CT as consultant. Mr. Herbst outlined the various approvals that will be needed along the way.

Vince McDermott, Senior Vice President of Milone & MacBroom appeared and reviewed the Plan. (#140)

Mr. Connor noted he has met with Mr. McDermott and Milone & MacBroom staff, and he is in agreement that the proposal is consistent with the City's Plan of Conservation and Development. He would like to make this part of the POCD, and public hearings will follow to accomplish that.

MOTION by Mr. Mele that the Planning and Zoning Commission makes a finding that the Municipal Development Plan (MDP), Consistency Approval, Torrington Development Corporation, is consistent with the City of Torrington's Plan of Conservation and Development. Motion seconded by Mr. Perosino, unanimously carried.

5. **Old Business:**

- a. Site Plan 929
Applicant: 80 Hayes Street, LLC
Location: 80 Hayes Street
Proposal: Development of flex space for small, multiple use tenants

Mark Borghesi of Borghesi Building & Engineering appeared representing the applicant. Mr. Borghesi gave a presentation of the proposal. (#621)

Mr. Connor noted this site was previously the subject of a zone change application, which was approved. A clean-up of the site was performed by the Connecticut DEP. Mr. Borghesi stated letters have been received from the DEP that the site is now clean. The flex space would be used for small contractor space/offices.

Mr. Connor reviewed his memo dated 3/27/09 to the Commission. Inland Wetlands Commission approval has been received.

MOTION by Mr. Mele to APPROVE Site Plan 929

- Applicant: 80 Hayes Street, LLC
Location: 80 Hayes Street
Proposal: Development of flex space for small, multiple use tenants

with the following conditions and recommendations:

1. The Class A-2 survey map shall be submitted to the City Planner's office prior to filing a recording mylar map and issuance of a zoning permit.
2. The applicant shall address the landscaping comments from Kim Barbieri.
3. The applicant shall address the comments from Edward Scoville Jr., P.E., L.S., Assistant City Engineer, contained in a memo to the City Planner dated 3/19/09.
4. The applicant shall submit a bond estimate to be reviewed and approved by the City Planner for the proposed landscaping and a separate bond estimate for erosion and sedimentation controls. A bond in a form acceptable to the Corporation Counsel shall be posted prior to issuance of the Zoning Permit. 25% of the posted landscaping bond shall remain in place for one year after the landscaping plan has been fully implemented to ensure successful growth of the plantings.
5. It is recommended that the applicant follow the advice of Fire Chief John B. Field, Jr., contained in his 3/11/09 letter to the City Planner on the project.

MOTION seconded by Mr. Perosino, unanimously carried.

6. **Public hearings scheduled for April 22, 2009, 7:30 p.m., Sullivan Senior Center, 88 East Albert Street, Torrington, CT**

- a. Special Exception 09-221
Applicant: Carlos Ramos
Location: 248 Water Street
Proposal: Change of use to church (former retail)

At 7:32 p.m. Chairman Calkins opened the public hearing and stated serving on the Commission this evening will be Christine Mele, Greg Mele, Paul Summers, Doris Murphy, Greg Perosino, Donna Greco and Richard Calkins. Also present is City Planner Martin Connor.

Mr. Mele read the legal notice which was published in the Republican American.

Carols Ramos was present, along with Ms. (name inaudible) representing him to help with the presentation. Neighborhood notification receipts were presented. A sign was properly posted at the site.

A brief presentation was given by the application/representative. Mr. Connor explained the special exception procedures required for a church use.

Mr. Connor reviewed his memo dated 4/15/09 to the Commission. (#1240).

There were no comments from the public.

At 7:42 p.m. Chairman Calkins declared the public hearing closed.

MOTION by Mr. Mele to APPROVE Special Exception 09-221

Applicant: Carlos Ramos

Location: 248 Water Street

Proposal: Change of use to church (former retail)with the following recommendations from Fire Chief John Field, Jr.:

1. The Fire Protection System currently existing in the building should be modified to cover the change of use, if necessary.
2. A lock box should be installed on the exterior of the building if one currently does not exist.

MOTION seconded by Mr. Perosino, unanimously carried.

b. Special Exception 09-222

Applicant: Shelley Kochiss

Location: 96 Hickory Road

Proposal: To allow a reduction of the side yard setback (Section 4.1.9)

At 7:45 p.m. Chairman Calkins opened the public hearing and stated serving on the Commission will be Christine Mele, Greg Mele, Paul Summers, Doris Murphy, Greg Perosino, Donna Greco and Richard Calkins. Also in attendance is City Planner Martin Connor.

Mr. Mele read the legal notice which was published in the Republican American.

David Mannion of 96 Hickory Road appeared representing the applicant. He explained the proposal.

Mr. Connor distributed a floor plan and photos of the property. Mr. Connor reviewed his memo dated 4/14/09 to the Commission.

Pam Hurley of 108 Sherwood Drive appeared and asked a few questions and asked about privacy, height of building, etc.

At 7:52 p.m. Chairman Calkins declared the public hearing closed.

MOTION by Mr. Mele to APPROVE Special Exception 09-222

Applicant: Shelley Kochiss

Location: 96 Hickory Road

Proposal: To allow a reduction of the side yard setback (Section 4.1.9)

with the following condition:

1. Per Assistant City Engineer, Edward H. Scoville, Jr., P.E.L.S., any footing drain required for the new addition shall be tied into the existing catch basin in front of the property in a pipe separate from the existing footing and roof drains for the dwelling.

MOTION seconded by Mr. Perosino, unanimously carried.

e. Location Approval for New Car Dealership and Special Exception for second free Standing sign

Applicant: EJB Trust Torrington LLC

Location: 37 and 75 Winsted Road (Assessor Map 120 Block 9 Lots 9 and 5)

Proposal: New Car Dealership and special exception for second free

standing sign.

At 7:56 p.m. Chairman Calkins opened the public hearing and stated serving on the Commission this evening will be Christine Mele, Greg Mele, Paul Summers, Doris Murphy, Greg Perosino, Donna Greco and Richard Calkins. Also in attendance is City Planner Martin Connor.

Mr. Mele read the legal notice that was published in the Republican American.

Kenneth Hrica, Professional Engineer and Licensed Land Surveyor of West Street, Litchfield, CT appeared representing the applicant. Also present is Mark Goodwin of EJB Trust Torrington, LLC; Bill Porter of Center Subaru and George Closson, Construction Manager for the project.

Mr. Hrica handed Mr. Calkins the neighborhood notification receipts and verified the public hearing sign was properly posted.

Mr. Hrica gave a detailed presentation (#2040), referring to site maps.

Mr. Connor provided details of their meetings with the City's Corporation Counsel, regarding the combination of the two parcels, the parcel contamination clean up details involved, which will take a couple years to clean up the site.

Mr. Connor reviewed Zoning Officer Mike O'Neil memo regarding the proposed signage (#2560). A favorable report from the Inland Wetlands Commission has been received. Mr. Connor reviewed his memo dated 4/20/09 to the Commission.

Mr. Closson reviewed the prospective drawings prepared by the architect (#3100).

Mr. Perosino questioned the two free standing signs and their close proximity, discussion followed.

Shawn Chausse of Morse Place questioned the movements of the car delivery trailer through the site, referring to site maps. Mr. Hrica responded to the turn radius, referring to site maps.

No further comments.

At 8:33 p.m. Chairman Calkins declared the public hearing closed.

MOTION by Mr. Mele to APPROVE Location Approval for New Car Dealership and Special Exception for second free standing sign.

Applicant: EJB Trust Torrington LLC
Location: 37 and 75 Winsted Road (Assessor Map 120 Block 9 Lots 9 and 12)
Proposal: New Car Dealership and Special Exception for second free standing sign

The site plan is approved with the following conditions:

1. EJB Trust Torrington, LLC, shall merge the three parcels by deed into one parcel upon:
(i) the conclusion of the remediation of the parcel which is subject to the Transfer Act and ground water monitoring, if any; (ii) the filing of a verification report by a licensed environmental professional; and (iii) upon the acceptance of that verification report by the CT DEP with no further action required.
2. The 17 ft. right of way to Newfield Road shall not be used for customer traffic or truck traffic. This access shall be used for emergency purposes only.
3. The unloading of car carriers on Newfield Road or on Winsted Road shall be prohibited.
4. A revised lighting plan shall be submitted for the City Planner's office for approval that complies with Section 5.17.4 Appendix A of the Zoning Regulations.
5. The applicant shall file an application for a sewer discharge permit with the W.P.C.A. and pay an appropriate connection fee prior to obtaining a zoning permit for the project.
6. The applicant should address the comments contained in Assistant City Engineer, Edward H. Scoville Jr., P.E.L.S., memo dated 4/17/09, as a condition of approval.
7. The applicant shall submit a bond estimate to be reviewed and approved by the City Planner for the proposed landscaping. A bond in a form acceptable to the Corporation Counsel shall be posted prior to issuance of the Zoning Permit. 25% of the posted landscaping bond shall remain in place for one year after the landscaping plan has been fully implemented to ensure successful growth of the plantings.
8. A bond estimate shall be provided to the City Engineer for the proposed public improvements in connection with the site plan. The amount of the bond for the necessary improvements shall be in an amount acceptable to the City Engineer and in a form acceptable to the Corporation Counsel in accordance with the City of Torrington's Standards, Specifications, Rules and Regulations. An application for a grading permit shall be filed with the Zoning Enforcement Officer. The bond for the erosion and sedimentation controls shall also be in an amount acceptable to the City Engineer and in a form acceptable to the Corporation Counsel.
9. It is recommended that the applicant follow the advice of Fire Chief John B. Field Jr. Contained in a letter to the City Planner dated 3/30/09

MOTION seconded by Mr. Perosino, unanimously carried.

b. Special Exception 09-220 and 26 Lot Resubdivision

Applicant: Montagna Estates, LLC
Location: Mountain Road, Assessor Map 232 Block 3 Lots 1 & 6
Proposal: 26 Lot Resubdivision and
Special Exception for Estate Lots served by Common Driveways
(Public hearing closed)

A recent report from the Inland Wetlands Commission has been received per Mr. Connor. Mr. Connor reviewed the conditions regarding annual reporting on the functions of the

stormwater elements, swales, basins and rain gardens, and to ensure that all right of way and stormwater improvements along Mountain Road are completed before other work commences on the common drives or lot development. This constitutes a favorable report from the Inland Wetlands Commission.

Discussion amongst Commission members and Mr. Connor followed. (Tape #2, #330)

MOTION by Mr. Mele to APPROVE Special Exception 09-220 and 26 Lot Resubdivision

Applicant: Montagna Estates, LLC

Location: Mountain Road, Assessor Map 232 Block 3 Lots 1 & 6

Proposal: 26 Lot Resubdivision and Special Exception for Estate Lots

served by Common Driveways with the following conditions:

1. The applicant shall submit the remaining subdivision application fee balance of \$4,485.00.
2. Per Section 3.8 of the Subdivision Regulations, prior to filing the record Subdivision Map the applicant shall provide to the City all easements and deeds required by the subdivision plan. This includes but is not limited to, deeds for rights of way, drainage areas, open space and stormwater/fire protection storage ponds. These easements and deeds shall be in a format acceptable to the City.
3. The applicant shall address the comments contained in an e-mail memo to the City Planner from City Engineer, Ed Fabbri, P.E., dated 4/8/09.
4. Per Section 5.8 of the Zoning Regulations, the applicant shall submit the proposed deed or covenant that shall identify common driveway ownership and maintenance responsibilities. These documents shall be reviewed and approved by the Corporation Counsel and shall be in a format acceptable to the City. The applicant shall submit a copy of the executed documents filed on the land records.
5. Per Section 6.10 of the Subdivision Regulations all lot corners shall be marked by either iron pipes or monuments, installed and their locations certified by a licensed land surveyor prior to filing the recording mylar subdivision map.
6. Per Section 3.7 of the Subdivision Regulations, prior to filing the record Subdivision Map, the applicant shall post a bond with the City Engineer for the proposed public improvements along Mountain Road and the stormwater/fire protection storage ponds. A bond estimate shall be submitted to the City Engineer for his review and approval.
7. An Erosion and Sedimentation bond shall be posted with the City Engineer prior to filing the recording mylar resubdivision map. A bond estimate shall be submitted to the City Engineer for his review and approval. A grading permit shall be obtained prior to construction.

The Commission hereby grants the following waiver: Waiver from Section 5.8.1 requiring sidewalks. This waiver should be granted as there are no sidewalks in the area to connect to.

MOTION seconded by Mr. Perosino, motion carried with Ms. Murphy abstaining from voting.

7. **Adjournment:**

MOTION by Mr. Mele to adjourn at 8:52 p.m., seconded by Mr. Perosino, unanimously carried.

Planning and Zoning Commission