

**CITY OF TORRINGTON
PLANNING AND ZONING COMMISSION
MINUTES
November 12, 2014**

Present: Richard Calkins, Chairman
Greg Mele, Vice Chair
Paul Summers, Member
Greg Perosino, Member
Donna Greco, Alternate
Jim Bobinski, Alternate
Jon Sheaffer, Jr., Alternate

Also Present: Martin Connor, AICP, City Planner

Not Present: Doris Murphy, Member and IWC Liaison

1. Call to Order:

Chairman Richard Calkins called the meeting to order at 7:00 p.m., Torrington City Hall Council Chambers, Room 218, 140 Main Street, Torrington, CT

2. Attendance/Announcement by Chairman:

Chairman Calkins announced present and serving on the Commission this evening will be Commissioners Greg Mele, Paul Summers, Greg Perosino, Donna Greco, Jim Bobinski, Jon Sheaffer and Richard Calkins. Also present is City Planner Martin Connor.

Mr. Connor reviewed the Preservation of Place Grant, Connecticut Main Street Center information provided by the City's Economic Development Director Erin Wilson. This is to help the City with their way-finding signage downtown.

MOTION by Mr. Summers to endorse the Preservation of Place Grant, Connecticut Main Street Center, as promoted by Economic Development Director Erin Wilson in her memo to Richard Calkins dated November 12, 2014, seconded by Mr. Mele, unanimously carried.

3. Minutes for Approval:

a. 10/22/14

MOTION by Mr. Summers to approve the 10/22/14 minutes, seconded by Mr. Mele, motion carried with Mr. Perosino and Ms. Greco abstaining from voting.

4. Old Business:

**CITY OF TORRINGTON
PLANNING AND ZONING COMMISSION
MINUTES
November 12, 2014**

a. Enforcement Update

Commissioner Perosino stated someone needs to lead with pushing the envelope regarding blighting properties, and such properties take an enormous amount of time to resolve, it is an arduous task and it should not be so difficult. There is a situation near Mr. Perosino that has made him aware this is a bigger problem. The City is too lenient, and fees are waived, and why bother. It is common knowledge we won't get the money anyways, and we are too far away from being able to get something done for the City of Torrington's citizens.

Mr. Connor stated the Land Use Office is having better success with getting such properties in compliance now that we have a Corporation Counsel who is willing to take these matters to court for resolution. Then the problem when you get to court is that the court system is overworked, with criminal cases and other matters, and there is a big property rights movement that makes it difficult to even get these cases heard.

Mr. Perosino is not willing to accept these reasons. If our laws are not strong enough to act and get results, then we should be in front of the legislature asking for more. The Red Oak Hill situation is still not resolved, and why did we forgive the money. More needs to be done, systemic change is needed. Mr. Perosino is willing to get involved.

Mr. Connor noted he is on the CCM Legislative Committee, and we have problems with foreclosure houses that are just as bad or worse and it turns into a nightmare working with banks and determining when they actually have ownership and can take action on this property.

Mr. Connor stated the Land Use Office used to have another employee who dealt with these matters on a full time basis. That position is vacant now. Mr. Connor suggested a sub-committee meeting with Mr. Summers, Corporation Counsel Ray Rigat and Mr. Perosino to work on this issue.

5. New Business:

a. Request for discussion from Ed Jaffe, re: Artists in Residency

Mr. Ed Jaffe, Artist, appeared before the Commission. He moved to Torrington five months ago. Mr. Jaffe suggested promoting art, tourism and culture with an Art Blanket over Torrington and this has already been started in downtown Torrington. Mr. Jaffe read his outline. Mr. Jaffe suggested a new section of the regulations called "Artists in Residence". Artists need space to work.

Mr. Connor explained the home occupation regulations now that restrict use to 25% of the house, and no use of outbuildings.

**CITY OF TORRINGTON
PLANNING AND ZONING COMMISSION
MINUTES
November 12, 2014**

Discussion followed. The Commission asked Mr. Connor to work with Mr. Jaffe on regulation revisions to address Mr. Jaffe's concerns.

6. Public Hearings Scheduled for November 12, 2014, 7:30 p.m. City Hall Council Chambers, Room 218, 140 Main Street, Torrington, CT:

- a. Special Exception 14-295
Applicant: Josh Dailey
Location: 233 Roosevelt Avenue
Proposal: Accessory Apartment in the R10s zone

At 7:31 p.m. Chairman Calkins opened the public hearing and stated serving on the Commission this evening will be Commissioners Paul Summers, Jim Bobinski, Greg Perosino, Jon Sheaffer, Donna Greco, Greg Mele and Richard Calkins. Also in attendance is City Planner Martin Connor.

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

Josh Dailey, 233 Roosevelt Avenue, appeared before the Commission and verified the public hearing sign was properly posted and submitted his neighborhood notification receipts.

Mr. Dailey reviewed his meeting with the Building Inspector and gave a brief presentation of his proposal.

Mr. Connor read his memo to the Commission dated November 6, 2014.

There were no comments from the public.

At 7:40 p.m. Chairman Calkins declared the public hearing closed.

MOTION by Mr. Mele to APPROVE Special Exception 14-295

Applicant: Josh Dailey
Location: 233 Roosevelt Avenue
Proposal: Accessory Apartment in the R10s zone
with the following condition and recommendation:

1. The applicant shall obtain a Sewer Discharge Permit for the accessory apartment from the WPCA per Ray Drew, WPCA Administrator's memo to the City Planner.
2. It is recommended the applicant follow the advice of Fire Chief Gary Brunoli contained in his letter to the City Planner dated 10/7/14.

The Commission makes a finding that the application meets the general and specific standards for Special Exception Approval. Motion seconded by Mr. Perosino, unanimously carried.

**CITY OF TORRINGTON
PLANNING AND ZONING COMMISSION
MINUTES
November 12, 2014**

- b. Zone Change
Applicant: Torrington Municipal & Teachers Federal Credit Union
Location: 44 Arlene Street (Assessor Map 133 Block 019 Lot 008)
Proposal: Proposed Zone Change to Local Business, LB
Currently R10s

At 7:44 p.m. Chairman Calkins opened the public hearing and stated serving on the Commission this evening will be Commissioners Paul Summers, Jim Bobinski, Greg Perosino, Greg Mele, Jon Sheaffer, 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.

Attorney Peter Herbst of 365 Prospect Street, Torrington appeared representing the applicant. Also present is Credit Union President Donna Battistoni, and Joe Manes, Board of Directors.

Mr. Herbst verified the public hearing sign was properly posted and submitted receipts for abutting mailings.

Mr. Herbst gave a presentation of the proposal. The intent of the zone change is allow the subject property to be used as an employee parking lot for the Credit Union, as their business has substantially grown and employees are now parking on Bishop Street. There is no overnight parking in connection with this business. Engineer Kenneth Hrica is present, he has designed a concept plan for the parking lot. Ms. Battistoni has stated there is no planned expansion to the current building. Any planned expansion will be at satellite branches, there is one branch satellite located in the Torrington High School.

Mr. Calkins wished to put on the record this Commission has always been resistant to “zone creep” zone into residential zoned streets, and deeds restrictions in the past have been imposed.

Mr. Connor stated the visibility of the subject parcel from East Main Street is near zero. The reason the Credit Union has been so successful is partially from its visibility on East Main Street, Route 202. The stated intent of this zone change is to provide additional parking for employees.

Mr. Calkins inquired where do we draw the line as to how far the business zone will creep into the residential neighborhood. Mr. Herbst said the clients have no intention to expand any further, and this parcel is to be used for employee parking, with a landscaped buffer to the residential properties.

Mr. Calkins noted that perhaps the Credit Union could grow even more, and move out and to a larger facility, and then this site is subject to development if approved for Local Business. POCD also states residential neighborhoods should be kept intact. Mr. Herbst stated the neighbors Mr. and Mrs. Morneau are supportive of this change, and a blighted house will be removed.

Mr. Connor read his memo to the Commission dated November 5, 2014.

Discussion followed amongst Commission members, Mr. Connor, and Mr. Herbst.

Mr. Calkins opened the public hearing to the audience.

**CITY OF TORRINGTON
PLANNING AND ZONING COMMISSION
MINUTES**

November 12, 2014

Maribeth Morneau of 56 Arlene Street, abutting the subject property, appeared and stated they have no objections to the proposal or a parking lot. Their concern is traffic flow.

Mr. Herbst stated the traffic flow issue would be a site plan issue, and the client is willing to work with City Staff on this matter.

Diane Summa of 69 Arlene Street appeared with a concern that without a completed site plan, they are concerned about objectionable uses. Mrs. Summa noted the traffic flow in and out is horrid and there are no restrictions on in and out traffic. Mr. Connor stated Mrs. Summa is correct, there is no restriction on the ingress/egress traffic flow.

Mrs. Summa would be more comfortable with a site plan, and buffering with landscaping is helpful. There are only six houses in this neighborhood. She is concerned about the building expanding and even more parking is needed.

Mr. Herbst made closing statements, and noted the site plan proposal cannot be coupled with the zone change. Mr. Herbst is confident that when a site plan is submitted, it will address concerns expressed tonight.

Mrs. Donna Battistoni of Roulin Street appeared and stated there are no more open spaces in the building to accommodate further employees and they are currently parking six vehicles on Bishop Street. They desperately need the parking.

No further comments and at 8:20 p.m. Chairman Calkins declared the public hearing closed.

MOTION by Mr. Mele to APPROVE Zone Change

Applicant: Torrington Municipal & Teachers Federal Credit Union
Location: 44 Arlene Street (Assessor Map 133 Block 019 Lot 008)
Proposal: Proposed Zone Change to Local Business, LB; Currently R10s

The Commission hereby finds the proposal to be consistent with the City's Plan of Conservation and Development. The effective date of the Zone Change shall be the day after publication of the legal notice of decision in the local newspaper. Motion seconded by Mr. Perosino, unanimously carried.

c. Special Exception 14-294
Applicant: Haynes Aggregates-Torrington LLC
Location: 3217 Winsted Road
Proposal: Biannual renewal for excavation as well as accessory retail sales

At 8:25 p.m. Chairman Calkins opened the public hearing and stated serving on the Commission this evening will be Commissioners Paul Summers, Jim Bobinski, Greg Perosino, Greg Mele, Jon Sheaffer, 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.

Attorney Peter Herbst of 365 Prospect Street, Torrington appeared representing the applicant. Tom Haynes and Patrick Haynes of Haynes Aggregates were present, along with Adam Peters, Jason Farrington and Jim Savenella of Haynes Quarry.

**CITY OF TORRINGTON
PLANNING AND ZONING COMMISSION
MINUTES**

November 12, 2014

Mr. Herbst made a presentation of the proposal. Mr. Herbst submitted neighborhood notification receipts and verified that the public hearing sign was properly posted.

Kenneth Hrica, professional engineer at 44 Maple View Trail in Litchfield appeared before the Commission and gave a presentation on the proposal. Site Maps were referred to. A revised landscaping bond estimate was submitted.

Mr. Herbst and Mr. Farrington reviewed the complaint log.

Mr. Connor reviewed his memo to the Commission dated November 6, 2014.

Mike Tomasowitz of 340 Burr Mountain Road, Torrington appeared before the Commission and reviewed the site map, and asked for details regarding complaints, which were provided by Mr. Farrington.

Mr. Herbst spoke and discussed waivers of slopes, etc.

No further comments from the public.

Mr. Mele reviewed with the applicant Mr. Haynes to how the notifications to neighbors are handled regarding 24 hour and 72 hour notifications of blasting to neighbors.

At 9:05 p.m. Mr. Calkins declared the public hearing closed.

MOTION by Mr. Mele to APPROVE Special Exception 14-294

Applicant: Haynes Aggregates-Torrington LLC

Location: 3217 Winsted Road

Proposal: Biannual renewal for excavation as well as accessory retail sales
with the following conditions:

1. The quarry shall not operate on Sundays or on any of the following holidays: New Year's, Good Friday, Memorial Day, July 4th, Labor Day, Thanksgiving and Christmas. The retail accessory use may be open on Good Friday.
2. Except as noted otherwise in these conditions, the quarry shall operate between the hours of 7:00 a.m. and 5:30 p.m., Monday through Friday and from 7:00 a.m. to 12 p.m. on Saturdays. Saturday operations shall not involve blasting, sorting, crushing, refining, drilling, screening or washing operations. The retail accessory use may be open on Saturdays from 7:00 a.m. to 5:00 p.m.
3. No blasting is to occur on Saturdays, Sundays, or on any of the following holidays: New Year's, Good Friday, Memorial Day, July 4th, Labor Day, Thanksgiving and Christmas. Blasting is to occur between the hours of 9:30 a.m. and 4:30 p.m. Haynes Aggregates Torrington LLC, shall determine the schedule of the Torrington and Winchester school buses that pass through the area. No blasting is to occur either a half hour before or a half hour after the time a school bus is scheduled to be in the area.
4. A blast warning shall occur before blasting.
5. Haynes Aggregates Torrington LLC, shall notify all adjoining property owners 72 hours prior to a blast. With the property owner's approval, this notification can be reduced to 24 hours.
6. Any property owner within one-half mile of the property can also request that Haynes

**CITY OF TORRINGTON
PLANNING AND ZONING COMMISSION
MINUTES**

November 12, 2014

Aggregates Torrington LLC, notify them 72 hours prior to a blast. Haynes Aggregates Torrington LLC shall honor this request. With the property owner's approval, this notification can be reduced to 24 hours.

7. The applicant shall maintain a 400 foot buffer from their property line along Burr Mountain Road.
8. The applicant shall maintain a "Trucks Crossing" sign on Winsted Road.
9. Haynes Aggregates Torrington LLC shall designate an individual to receive, handle and log complaints from neighbors. The record of these complaints shall be presented at, or prior to, the public hearing on the renewal of the Special Exception permit.
10. Haynes Aggregates Torrington LLC shall maintain fugitive dust practices.
11. Per Section 6.4.5 F of the Regulations, the applicant shall provide a \$38,656.08 bond for the estimated cost of restoring the disturbed areas, including the areas that involve sorting, crushing, refining, drilling, screening or washing operations during the 2 year period of special exception renewal. The bond shall be in a form acceptable to Corporation Counsel.

MOTION seconded by Mr. Perosino, unanimously carried.

b. Request for discussion from Luis Silva, re: 281 Winsted Road

Mr. Luis Silva of Harwinton appeared before the Commission regarding his concerns about the construction and drainage at 281 Winsted Road. The developer of 281 Winsted Road, Mr. Gary Eucalitto, was also present and spoke. After listening to Mr. Silva's concerns, Mr. Calkins stated it is the Commission's consensus that this is a civil matter.

c. 2015 Meeting Calendar

MOTION by Mr. Perosino to approve the meeting calendar, seconded by Mr. Mele, unanimously carried.

7. **Adjournment:**

MOTION by Mr. Mele to adjourn at 9:35 p.m., seconded by Mr. Perosino, unanimously carried.