

**CITY OF TORRINGTON
PLANNING AND ZONING COMMISSION
MINUTES
May 24, 2023**

Present: Greg Mele, Chair
Greg Perosino, Vice Chair
Donna Greco, Member
Jim Bobinski, Member
Donovan Riley, Member
Diane Carroll, Alternate
Tom Telman, Alternate

Also Present: Jeremy Leifert, AICP, City Planner

Not Present: Starley Arias, Alternate

1. Call to Order:

Chair Greg Mele called the meeting to order at 7:02 p.m. in City Hall Auditorium. Attendance is by Zoom or in-person at City Hall Auditorium, Room 218, 140 Main Street, Torrington, CT.

2. Attendance/Announcement:

Chair Mele announced present in person in the City Hall Auditorium are Commissioners Donna Greco, Jim Bobinski, Greg Perosino and Greg Mele. Commissioners present via zoom are Diane Carroll, Donovan Riley and Tom Telman. Also present in person is Jeremy Leifert, City Planner.

3. Minutes for Approval:

a. 5/10/23

MOTION by Mr. Perosino to approve the 5/10/23 minutes, seconded by Mr. Telman, unanimously carried.

4. Public Hearing beginning at 7:00 p.m., May 24, 2023, City Hall Auditorium, Room 218, 140 Main Street, Torrington, CT

a. Proposed Change of Zone Map
Applicant: Hutton ST 21 LLC
Location: 19 Hillside Avenue and 31 Hillside Avenue
Proposal: Change Zone Map to Local Business, LB (currently R6)

At 7:04 p.m. Chair Mele opened the public hearing and stated serving on the Commission this evening will be Greg Perosino, Donna Greco, Jim Bobinski, Donovan Riley, Diane Carroll, Tom Telman and Greg Mele. Also present is Jeremy Leifert, City Planner.

Ms. Greco read the legal notice of public hearing.

Sarah Costagliola, PE, of BL Companies, Hartford, CT appeared representing the applicant. She presented the certificates of mailing to neighboring properties, and verified the public hearing signs were properly posted. She gave a brief presentation of the proposal, and Mr. Leifert shared copies of the submitted survey and maps.

Mr. Leifert read his memo to the Commission dated May 24, 2023.

Mr. Mele noted we cannot approve or deny a zone change proposal based on any proposed future development. Various zoning designations of surrounding and neighborhood parcels were reviewed by the Commission.

Ms. Carroll noted the traffic concerns in the area, referenced Torrington's Plan of Conservation and Development (POCD). Mr. Mele stated this is a busy area for traffic and access to sites.

Mr. Telman expressed concerns with traffic, especially exiting out of Hillside Avenue, compounded with school buses.

Mr. Leifert stated the Commission needs to consider the possibility of any business that is allowed under the Local Business Zone. There could be a multitude of uses in the Local Business Zone which would be permitted with a Site Plan approval. 31 Hillside Avenue structure could not be approved for many uses as the building does not meet setbacks. The parcel would need to be redeveloped individually or collectively. Mr. Leifert said the setback to any residential zone would be 25 feet.

Mr. Perosino stated spot zoning is what we avoid. He is having a concern with this rezoning as we normally see with proposals. He sees this as zone creep into the R6 zone. It would make more sense to include the next parcel up on Hillside Avenue, with three contiguous parcels being rezoned. This looks like zone creep. Mr. Leifert said in the traditional sense, this is not spot zoning.

Mr. Mele noted the plans are labeled "Mod Wash". Ms. Costagliola that is potential future tenant. Mr. Mele said this could possibly be a car wash, in and out on Hillside Avenue. Ms. Costagliola responded they don't have one proposed at this time.

Mr. Mele opened the public hearing for comments in favor of the proposal.

Mr. Tom Kandefer, Winsted Road appeared. He also owns property further up on Hillside Avenue. He is neither in favor nor opposed, and referenced the three mile corridor study. There are other hazardous spots in the corridor, notably the Torrington West Street intersection. This brings up the need for the City to do a study of this area, referencing the Burger King parcels with four entrances and exits to those two parcels. Route 8 exit lanes present an issue onto East Main Street. The Days Inn entrance is inaccessible coming down East Main Street.

Attorney Tom Fahey appeared via zoom representing the applicant. This is clearly not spot zoning. This is an in-fill parcel which is common in older cities. If these parcels do become zoned Local Business, it will have to comply with the Local Business zone regulations.

Mr. Mele called for public comments in opposition to the proposal.

Rebecca Connors, 56 Hillside Avenue, appeared. She has concerns surrounding traffic, which comes flying by on Hillside Avenue when there is traffic backed up on East Main Street. She noted contaminants on sites, and there are already five car washes in Torrington, and why would we need another one, and why would we need a car wash on a residential street. There are soil erosion concerns, traffic issues, parking, and potential for more accidents, and stress on the sewer systems.

Bernadette Cryaski of Hillside Avenue appeared. She is a 35 year resident of Hillside Avenue, and this character of this neighborhood should be saved and she agrees with the term zone creep. There is tremendous traffic and it is almost impossible to make a left hand turn off Hillside Avenue. There are no sidewalks, and many school buses use this street. There is no value to the neighborhood.

Lavecchi (? Name inaudible) of Hillside Avenue stated her concerns regarding extreme traffic issues on many area streets around Hillside Avenue, there is no other way to get out except on East Main Street.

Terri Batky, 37 Hillside Avenue, lives right next to the subject property 31 Hillside Avenue. She has lived there ten years and witnessed accidents and damaged parked cars. There are visibility issues. The traffic is a serious concern, and she always has cars turning in her driveway to go to the restaurant. Sidewalks end at Hornfischer, 31 Hillside Avenue has burned two years ago and it is still standing there. She sent a complaint to the Blight Committee, and there is much trash in the yard which blows around.

Ms. Greco inquired who would be responsible for any road improvements. East Main Street is a State road and Hillside Avenue is a City road. Mr. Perosino responded there was a study because clearly there is a problem in the area, and CT DOT would be involved. Mr. Leifert said the applicant would be involved with road improvements if it is adjacent to the property, otherwise it is City improvements to the street.

Mr. Mele noted there is a 25 foot buffer to any property adjacent that is in the R6 zone. Mr. Leifert added it would also be a 25 foot landscaped area. Mr. Mele said these two parcels standing alone are not substantial, especially with the required buffer.

Mr. Leifert noted particularly with the 31 Hillside Avenue parcel with the existing building, the site would have to be redeveloped for commercial purposes.

Ms. Costagliola stated any proposed development would have to come back to this Commission for approval but it is their intent to have access off East Main Street which will require them to go through CT DOT. The access point is not finally determined yet.

At 7:46 p.m. Chair Mele declared the public hearing closed, and a decision would be forthcoming at a future Commission meeting.

5. Public Hearings beginning at 7:00 p.m., June 14, 2023, City Hall Auditorium, Room 218, 140 Main Street, Torrington, CT

- a. Proposed Change of Zone Map
Applicant: 242 South Main Street, LLC
Location: 242 South Main Street
Proposal: Change Zone Map to Local Business, LB (currently R6)

Chair Mele noted the public hearing will be held June 14, 2023

- b. Proposed Change of Zone Map
Applicant: Maria Seymour Brooker Memorial, Inc.
Location: 34 Wilson Avenue
Proposal: Change Zone Map to Downtown District, DD (currently R6)

Chair Mele noted the public hearing will be held June 14, 2023.

6. Public Hearing beginning at 7:00 p.m., June 28, 2023, City Hall Auditorium, Room 218, 140 Main Street, Torrington, CT

- a. Various revisions/amendments to City of Torrington Zoning Regulations.
Applicant: City of Torrington Planning and Zoning Commission
Bed and Breakfast – Sections 2.2, 3.1, 4.0 and 6.10
Outdoor Dining – Section 5.18 to comply with State Statutes

Chair Mele noted the public hearing will be held June 28, 2023.

7. Old Business:

- a. Special Exception 23-03 and Site Plan 1446
Applicant: Haynes Aggregates – Torrington LLC and O&G Industries, Inc.
Location: 3217 Winsted Road and 3345 Winsted Road
Proposal: 6.4 Earth Excavation and accessory retail sales
(Public Hearing closed)

Mr. Mele announced the public hearing is closed, and only seated Commission members will be voting on this proposal. The seated Commission members are Greg Perosino, Donna Greco, Jim Bobinski, Donovan Riley and Greg Mele.

Mr. Mele said much information was brought forth in the last two meetings.

Mr. Bobinski reviewed he drove to Winsted the next morning via Winsted Road, and at 9:00 a.m. O&G had a very large tractor bed unloading equipment and cones placed in the middle of the road with no traffic control, there must be an issue. Coming back 45 minutes later, they were still there, and this traffic issue should be considered before someone gets killed, as there is going to be a head on collision.

Ms. Greco hopes both Haynes and O&G continue to maintain their good neighbor policy, and she did not see any major changes to the proposals which would necessitate environmental studies and soils tests. The traffic should be address, and this can be rectified.

Mr. Bobinski noted on the side of the road are utility poles which pushes the trucks and equipment further into the roadway.

Mr. Mele said the applicants have noted they are willing to address this traffic issue.

Mr. Perosino stated the public hearing was informative and questions were asked that have never been asked previously. He did much research on quarries and this may help in the future when addressing the regulations. It was interesting to learn how much information and data are in the State's possession, and it will be helpful to have this data in the file. There is much testing that takes place.

Mr. Riley said the applicants have demonstrated every intention to work with folks who expressed concerns. At the public hearings, he did not hear anything to prevent him from voting in approval of this application.

Per Mr. Perosino, based on information received from Mr. Bobinski and the public that the approval be conditioned upon submitting a plan for traffic queuing and equipment off loading, this is new.

Mr. Leifert responded this does not have to be an engineered plan for traffic control, it can be a written plan.

Mr. Leifert read his memo to the Commission dated April 19, 2023.

Mr. Leifert's memo was very comprehensive according to Mr. Mele. A caveat for the approval would be to put in a plan requirement for traffic control on their sites regarding Winsted Road.

MOTION by Ms. Greco to APPROVE Special Exception 23-03 and Site Plan 1446

Applicant: Haynes Aggregates – Torrington LLC and O&G Industries, Inc.

Location: 3217 Winsted Road and 3345 Winsted Road

Proposal: 6.4 Earth Excavation and accessory retail sales

With the following conditions and recommendations:

1. The quarries 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 quarries shall operate between the hours of 7:00 a.m. and 5:30 p.m., Monday through Friday. Saturday operations shall allow material processing between the hours of 7:00 a.m. to 3:00 p.m. Saturday operations shall not include any drilling or blasting. At peak operation times, trucks may enter the sites prior to opening for operation, but activities may only commence during the above hours of operation. 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. Applicants 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. Applicants, 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. The Mayor's office shall be notified 24 hours in advance of any blasting.
6. Any property owner within one-half mile of the property can also request that the applicants, notify them 72 hours prior to a blast. Applicants shall honor this request. With the property owner's approval, this notification can be reduced to 24 hours.
7. The applicants shall maintain a 600 foot buffer from their property line along Burr Mountain Road.
8. The applicants shall maintain a "Trucks Crossing" sign on Winsted Road.
9. Applicants 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. The applicants shall maintain fugitive dust practices at all times. Operations shall cease if dust control practices are unable to be maintained.
11. Per Section 6.4.5 F of the Regulations, the applicants shall provide a bond in a form acceptable to Corporation in an amount of not less than \$38,838.00 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 for the Haynes Aggregates-Torrington LLC quarry and \$350,000.00 for the O & G Industries, Inc.
12. The applicant shall follow comments of Nate Nardi-Cyrus, Assistant Planner outlined in his March 22, 2023 comments and April 5, 2023 supplemental email to the City Planner. Concrete blocks or other barriers shall be installed around the sediment basin near the Haynes property entrance to prevent material from the site being deposited in the basin.
13. The Planning and Zoning Commission finds that the proposed use, location and site plan is reasonably protective of the health, safety and welfare of the residents of the project area and the citizens of the City of Torrington for the granting of a special exception approval.
14. Anti-tracking materials shall be installed and maintained at the property entries to control tracking of mud, dust and other materials onto the public street. All tracking of material onto the public street shall be cleaned each work day.

15. A "Certificate of Special Exception" shall be filed with the City Clerk in accordance with local regulations and state statutes
16. In accordance with section 8.4.3 and 8.4.6 of the zoning regulations, the following shall be submitted to the City Planner:
 - a. Two paper copies of the full approved final plan set including the engineer's stamp and chairman's signature box on the title page.
 - b. One mylar copy of sheet C1 – Overall Mining Plan for filing with the City Clerk in accordance with section 8.4.3.P of the zoning regulations. The mylar sheets shall bear a chairman's signature box, a copy of the approval letter from the commission, an engineers' seal and live ink stamp.
 - c. Mylar sheets shall be filed by the applicant with the City Clerk after the signature of the Chairman and prior to the approval of zoning or grading permits to begin construction or site work.

The applicants shall submit a traffic control plan for queuing of trucks and the offloading of equipment with final approval from the Planning and Zoning Office.

The Commission grants the following requested waivers as allowed in the Zoning Regulations:

1. Section 6.4.4 to allow slopes to exceed 2:1 slopes;
2. Section 6.4.2 regarding setbacks between the two quarries;
3. Section 6.4.5 regarding 5 acre maximum open excavation areas;
4. Section 8.4.3 requiring proposed and existing contours at 2 foot intervals.

MOTION to APPROVE seconded by Mr. Perosino, motion carried.

8. New Business:

- a. Site Plan 1452
Applicant: DCS Construction LLC
Location: 65 Tarringford Street
Proposal: Accessory Apartment

David Miller, resident of 65 Tarringford Street appeared before the Commission. The applicant contractor is not present. His plans are to build a 20' x 24' in-law apartment. Plans have been done for the Torrington Area Health District for the septic system, and an inland wetlands survey has been done.

Mr. Miller reviewed that his contractor/applicant indicated all plans were submitted to City Hall, so he is unsure what is occurring.

Mr. Mele said nothing should be submitted to various departments until the Site Plan application has been approved.

Mr. Leifert stated he has not received a response from the contractor, DCS Construction LLC. Mr. Miller understood, and this matter will appear on the agenda for the next Commission meeting.

Mr. Leifert read his memo to the Commission dated May 24, 2023.

MOTION by Mr. Perosino to continue to the next Commission meeting, seconded by Mr. Bobinski, unanimously carried.

MOTION by Mr. Perosino to add an item to the agenda by 2/3rds vote, seconded by Ms. Greco, unanimously carried:

Special Exception 23-03

Applicant: Randall Stelma

Location: Newfield Road, Assessor Map 231 Block 001 Lot 026

Proposal: Farm Stand

MOTION by Mr. Perosino to set a public hearing date of June 28, 2023, seconded by Ms. Greco, unanimously carried.

9. Correspondence:

a. Zoning and Blight Violation update

Mr. Leifert said there will be an update at the next Commission meeting, as we just had a meeting two weeks ago.

10. Adjournment:

MOTION by Mr. Perosino to adjourn at 8:30 p.m., seconded by Ms. Greco, unanimously carried.