

CITY OF TORRINGTON  
PLANNING AND ZONING COMMISSION  
AGENDA  
June 10 2020

In response to the Governor's Executive Orders regarding COVID-19, this meeting will be held remotely using the ZOOM online meeting platform. Members of the public wishing to listen to the meeting in real time can do so by calling:

1-646-558-8656

Meeting ID: 795-950-7035

Password: 907148

Public comments may be submitted in writing to the Land Use Office before 4:00 p.m. on Tuesday, June 9, 2020. Written comments should be sent electronically to [Martin\\_Connor@torringtonct.org](mailto:Martin_Connor@torringtonct.org) or by mail to Land Use Office, City Hall, 140 Main Street, Torrington, CT 06790

1. **Call to Order:**

7:00 p.m., Remote meeting via ZOOM online, see above for instructions. (not to be held at City Hall building)

2. **Attendance/Announcement:**

3. **Public hearings scheduled for 7:00 p.m., Wednesday, June 10, 2020, remote meeting (not to be held at City Hall):**

a. Special Exception 20-04

Applicant: Mmak LLC, Richard Weigold

Location: 21 Prospect Street, Suite B

Proposal: Change of use to residential use in the Downtown District  
(former office use)

b. Zone Change

Applicant: James R. Strub, Secor, Cassidy & McPartland PC, attorney for property owners

Locations: 1143 New Litchfield Street (Assessor Map 101/001/005) and  
1185 New Litchfield Street (Assessor Map 101/001/006)

Proposal: Change Zone to Local Business, LB  
(both parcels currently zoned R6)

*The following public hearing for Special Exception 19-03 and Site Plan 1324 has been continued to June 24, 2020 at 7:30 p.m.*

Special Exception 19-03 and Site Plan 1324

Applicant: TDF Enterprises LLC; Daniel J. Ferraina, Manager

Location: Notting Hill Gate and Wimbledon Gate North  
Assessor Map 219 Block 001 Lots 85 and 48

Proposal: Construct four (4) buildings, 120 units total, fifty-five and over residential community  
Section 6.8 – Multi-family Residences  
Section 6.12 – Active Adult Housing  
(public hearing continued from 2-19-20)

4. Minutes for Approval:

a. 5/27/20

5. Old Business:

n/a

6. New Business:

a. CGS Section 8-24

Applicant: Torrington Board of Education

Location: Major Besse Drive; Assessor Map 123 Block 007 Lot 009

Proposal: Construction of a new Torrington High School / Torrington Middle School complex

b. Enforcement Update

7. Adjournment:



Land Use Office

*Please see following pages for documents related to this meeting.*

**CITY OF TORRINGTON  
PLANNING AND ZONING COMMISSION  
LEGAL NOTICE**

The Planning and Zoning Commission has scheduled a public hearing on the following applications on Wednesday, June 10, 2020.

**In response to the Governor's Executive Orders regarding COVID-19, this meeting will be held remotely using the ZOOM online meeting platform. Members of the public wishing to listen to the meeting in real time can do so by calling:**

**1-646-558-8656**

**Meeting ID: 795-950-7035**

**Password: 907148**

**Public comments may be submitted in writing to the Land Use Office before 4:00 p.m. on Tuesday, June 9, 2020. Written comments should be sent electronically to [Martin\\_Connor@torringtonct.org](mailto:Martin_Connor@torringtonct.org) or by mail to Land Use Office, City Hall, 140 Main Street, Torrington, CT**

- a. Special Exception 20-04  
Applicant: Mmak LLC, Richard Weigold  
Location: 21 Prospect Street, Suite B  
Proposal: Change of use to residential use in the Downtown District  
(former office use)  
Time of Hearing: 7:00 p.m.
  
- b. Zone Change  
Applicant: James R. Strub, Secor, Cassidy & McPartland PC, attorney for property owners  
Locations: 1143 New Litchfield Street (Assessor Map 101/001/005) and  
1185 New Litchfield Street (Assessor Map 101/001/006)  
Proposal: Change Zone to Local Business, LB  
(both parcels currently zoned R6)  
Time of Hearing: Immediately following the close of the first public hearing  
which begins at 7:00 p.m.

Copies of the above mentioned plans and applications are on file in the Land Use Office, City Hall, 140 Main Street, Torrington, CT

Greg Mele, Chairman  
Planning and Zoning Commission

Dated in Torrington, CT  
this 20<sup>th</sup> day of May, 2020,

\*\*\*\*\*

Land Use Office  
City of Torrington  
860-489-2221

# CITY OF TORRINGTON



Land Use Office  
Martin J. Connor, AICP, City Planner  
140 Main Street • City Hall  
Torrington, CT 06790-5245  
E-mail: [Martin\\_Connor@torringtonct.org](mailto:Martin_Connor@torringtonct.org)

Phone: (860) 489-2221  
Fax: (860) 496-5928

City of Torrington website: [www.torringtonct.org](http://www.torringtonct.org)

To: Planning & Zoning Commission  
From: Martin J. Connor, AICP, City Planner  
Date: June 3, 2020  
RE: Special Exception 20-04 MMAK, LLC, 21 Prospect Street, change of use from office to residential use

Richard A Weigold, MMAK, LLC, has filed a Special Exception application to change the use for Unit B in the Paris Park Development from an office to a 1-bedroom residential apartment. Paris Park is located on the corner of Litchfield Street and Prospect Street. Unit B is 850 sq ft in size according to the Tax Assessor's records. The complex was approved in the 1980's as a common interest community with a mix of office uses on the first floor and residential apartments on the 2<sup>nd</sup> floor. The property is 34,550 sq ft in size and is located in the DD Zone. The applicant has requested a waiver from submitting a Site Plan for the project in accordance with Section 8.4.4 of the Zoning Regulations as he is proposing no changes to the exterior of the building or parking lot. He has submitted a proposed floor plan for converting the office into a 1-bedroom apartment. The appearance of the building will not change as there is a common entry for the downstairs and upstairs units in the building.

The existing office uses in the complex are permitted uses in the DD Zone per Section 3.1 Subsection 5.00. The multi-family uses are allowed by Special Exception in the DD Zone per Section 3.1 Subsection 1.30. I have made site visit to the property. A Class A-2 Property Survey dated 5/27/88 is on file in the Land Records, Map #3273. Although there is no longer a parking requirement in the DD Zone, in my opinion there is adequate parking on site for the existing office uses and change to the proposed apartment use in Unit B. The 2019 Torrington Plan of Conservation & Development encourages mixed-use development in the DD Zone.

## **Fire Department**

The application was referred to Fire Marshal Ed Bascetta. He indicated in an e-mail to me dated 6/2/20 that he had no comments or concerns.

**Police Traffic:** No comments were received from Officer Pisarski, Police Traffic Unit

## **Inland Wetlands, Lighting & Landscaping**

Jeremy Leifert, Assistant City Planner, in an e-mail memo to me dated 6/1/20 indicated:

**Wetlands** – *There are no wetlands and/or watercourses in the vicinity of this parcel and no exterior work is proposed in this application, therefore no wetlands permits are required. This constitutes a favorable report from the Torrington Inland Wetlands Commission.*

**Landscaping** – *No additional landscaping is proposed or recommended as part of this change of use application.*

**Lighting** – *No new exterior lighting or modifications to existing lighting appear to be proposed in this application. Any future changes to exterior lighting shall be in compliance with Section 5.17 of the zoning regulations.*

**Signage** – *No changes to signage appears to be proposed as permit of this application. Any future changes to existing signage or added signage proposals may be submitted as a separate sign permit application in accordance with section 5.15 of the Torrington Zoning Regulations. Any new individual signs over 32 square feet will require site plan approval by the Planning and Zoning Commission.*

### **Engineering Review**

Paul Kundzins, P.E., Assistant Public Works Director / City Engineer, in an e-mail memo to me dated 6/2/20, indicated:

1. *Submitted supporting documents:*
  - a. *Sanitary Sewer Discharge Permit*
  - b. *Special Exception Application 20-04*
  - c. *Site Plan Waiver Request*
  - d. *Interior Drawing and Pictures of Exterior*
2. *The applicant has requested a special exception for residential space in an existing building, DD zone, no change to footprint.*
3. *The Engineering Department does not foresee any issues with regards to this change of use and therefore endorses this application.*

### **WPCA**

The applicant has applied for a Sewer Discharge permit and received approval on 5/15/20 from Ray Drew, Administrator, Water Pollution Control Authority.

### **Conclusion**

I recommend that the Commission make a finding that the Special Exception application for the change from an office use to a 1-bedroom residential apartment use for Unit B, 21 Prospect Street, meets the general and specific standards for Special Exception Approval.

Cc: Richard Weigold, MMAK, LLC

# CITY OF TORRINGTON



Land Use Office  
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To: Planning & Zoning Commission  
From: Martin J. Connor, AICP, City Planner  
Date: June 2, 2020  
RE: Proposed Zone Changes, James R. Strub, Secor, Cassidy & McPartland PC,  
attorney for property owners, 1143 New Litchfield Street & 1185 New Litchfield  
Street, Zone Change request from R-6 to LB

Attorney James R. Strub, on behalf of the property owners of 1143 New Litchfield Street & 1185 New Litchfield Street, is proposing a Zone Change from “R-6” Residential to “LB” Local Business Zone for the two properties. The Zone Change request is a result of discussions I had with the property owner of 1185 New Litchfield Street who had a beauty salon tenant who wanted to rent space in his building known as the Berkshire Professional Office Building. Because the property is currently Zoned R-6, a personal service use, such as a beauty salon, is not a permitted use. Without a Zone Change or a Zoning Text Amendment the prospective beauty salon tenant is unable to rent in his building. I also discussed the Zone Change with the owners of 1143 New Litchfield Street and the advantages to him of rezoning his property to LB.

The property at 1185 New Litchfield Street is 44,558 sq ft in size. The current tenants of this building include a dental practice, USDA office and the Northwest Conservation District. The property at 1143 New Litchfield Street is 44,769 sq ft in size and is a mixed-use property with 4 commercial tenants and 4 apartments. 2 of the 4 tenants are pre-existing, non-conforming uses including a beauty salon and retail use. Neighboring properties on New Litchfield Street and Peck Road are medical offices uses and are Zoned R-6. Medical office uses are uses allowed by Special Permit in the R-6 Zone. The property to the rear of both the subject properties are Zoned R-40 but the land is permanently protected land owned by the Heritage Land Preservation Trust.

When I discussed the potential Zone Change at 1185 New Litchfield Street with Attorney Strub, I suggested he and his client speak with the next-door property owner at 1143 New Litchfield Street, KMAC, LLC, and see if they were interested in rezoning their property to LB – Local Business as well. Rezoning this property would make the current uses conforming and create a larger area of land to be considered by the Commission to be re-zoned LB. The size of these two properties combined total 2.13 acres in size, that in my opinion does not represent spot zoning.

In researching the Zoning history for these two properties it appears that both properties at one time were Zoned LB – Local Business and were changed to R-6 – Residential when the Commission made changes to the Zoning Map in July of 1996. Both properties are serviced by public water and public sewer. Both far exceed the minimum lot size for lots in the LB Zone -

10,000 sq ft with 80 ft of lot frontage. Both properties are located on U.S Route 202 with high visibility. Both have good sight lines and both have adequate parking. The former owner of the property at 1143 New Litchfield Street received Site Plan Approval on 8/10/05, to construct a 3-story addition in the rear to add 4 apartments. This addition was never constructed and the Site Plan Approval has since expired. It does however demonstrate that this property has the ability to be redeveloped or expanded in the future much the same as the property at 1185 New Litchfield Street.

The applicant has submitted a Zone Change Map titled, "Zone Change Map, Map Showing Parcels to be Rezoned From R-6 to LB, Berkshire Professional Building LLC, KMACK LLC, 1185 & 1143 New Litchfield Street, AKA U.S. Route 202, Torrington, Connecticut, dated April 2020, sheets 1 & 2; and Site Plan Prepared for Larry Bartoletti, 1143 New Litchfield Street (202) Torrington, Connecticut," by CCA, LLC, dated 1/18/04 revised 7/7/05. The Zone Change Map meets the requirements for the required mapping per Section 8.3 of the Zoning Regulations.

In my opinion, this is a smart growth measure to rezone this property to allow for future uses and redevelopment in accordance with the 2019 Torrington Plan of Conservation and Development. The Business Development Section 8.2, Utilize Smart Growth Measures, states:

*"Economic development efforts within the City of Torrington will be in accordance with accepted smart growth measures. These efforts include revitalizing the urban center, reusing vacant industrial buildings, remediating and redeveloping brownfield sites, and focusing new industrial/ commercial development where existing infrastructure can support the growth. These smart growth policies will maximize the utilization of existing infrastructure resources while minimizing greenfield development."*

## **Other Staff Comments**

### **Inland Wetlands, Lighting, Landscaping**

*Inland Wetlands – There are significant areas of wetlands and watercourses bordering both properties that are part of this application for zone change. Many activities within 100 feet of watercourses or 75 of wetlands soils require permits from the Torrington Inland Wetlands Commission. However, there are no site activities proposed with this change of zone application would require inland wetlands permitting at this time. This constitutes a favorable report from the Torrington Inland Wetlands Commission.*

*Landscaping – No additional landscaping is proposed or recommended as part of this zone change application.*

*Lighting – No new exterior lighting or modifications to existing lighting appear to be proposed in this application. Any future changes to exterior lighting shall be in compliance with Section 5.17 of the zoning regulations.*

*Signage – No changes to signage appear to be proposed as part of this application. Any future changes to existing signage or added signage proposals may be submitted as a separate sign permit application in accordance with section 5.15 of the Torrington Zoning Regulations. Any*

*new individual signs over 32 square feet will require site plan approval by the Planning and Zoning Commission.*

**Economic Development Director:** Comments from Rista Malanca, AICP, are outstanding.

**Fire:** The Fire Marshall Ed Bascetta on 6/2/20 indicated he has no comments or concerns regarding the proposed Zone changes.

**Engineering:** Paul Kundzins, P.E., Deputy Director of Public Works – City Engineer, in a memo to me dated 6/1/20, stated, “The Engineering Department does not for see any issues with regards to this change of zoning and therefore endorses this application.”

**Police Traffic:** No comments were received.

**Conclusion:**

I believe the Commission can make a finding that the proposed Zone Changes are in accordance with the 2019 Torrington Plan of Conservation and Development. It does not represent spot zoning. The Connecticut General Statutes requires the Commission, when making a decision on a Zone Change, to take into consideration the Plan of Conservation and Development, prepared pursuant to CGS 8-23. **I recommend approval of the Zone Changes at 1143 New Litchfield Street & 1185 New Litchfield Street from R-6 to LB.**



**CITY OF TORRINGTON  
PLANNING AND ZONING COMMISSION  
MINUTES  
May 27 2020**

Present: Greg Mele, Chair  
Greg Perosino, Vice Chair  
Starley Arias, Alternate  
Diane Carroll, Alternate  
Donna Greco, Member (logged in at 7:14 p.m.)

Also Present: Martin Connor, AICP; City Planner

Not Present: Jim Bobinski, Member  
Tom Telman, Alternate

**1. Call to Order:**

Chairman Greg Mele called the meeting to order at 7:00 p.m., Remote meeting via ZOOM online. (meeting not held at City Hall building)

**2. Attendance/Announcement:**

Chair Greg Mele announced present and serving this evening will be Commissioners Greg Perosino, Starley Arias, Diane Carroll, and Greg Mele. Also present is City Planner Martin Connor.

**3. Public hearings scheduled for 7:00 p.m., Wednesday, June 10, 2020, remote meeting (not to be held at City Hall):**

- a. Special Exception 20-04  
Applicant: Mmak LLC, Richard Weigold  
Location: 21 Prospect Street, Suite B  
Proposal: Change of use to residential use in the Downtown District (former office use)
  
- b. Zone Change  
Applicant: James R. Strub, Secor, Cassidy & McPartland PC, attorney for property owners  
Locations: 1143 New Litchfield Street (Assessor Map 101/001/005) and 1185 New Litchfield Street (Assessor Map 101/001/006)  
Proposal: Change Zone to Local Business, LB (both parcels currently zoned R6)

*The following public hearing for Special Exception 19-03 and Site Plan 1324 will NOT be heard on May 27, 2020. The public hearing has been continued to June 24, 2020 at 7:30 p.m.*

Special Exception 19-03 and Site Plan 1324  
Applicant: TDF Enterprises LLC; Daniel J. Ferraina, Manager  
Location: Notting Hill Gate and Wimbledon Gate North

City of Torrington  
Planning and Zoning Commission  
Minutes – Page 2 of 3  
May 27, 2020

Proposal: Assessor Map 219 Block 001 Lots 85 and 48  
Construct four (4) buildings, 120 units total, fifty-five and over residential community  
Section 6.8 – Multi-family Residences  
Section 6.12 – Active Adult Housing  
(public hearing continued from 2-19-20)

Mr. Mele read the public hearing announcements for June 10, 2020 and the continued hearing announcement for the TDF Enterprises LLC public hearing continuation to June 24, 2020.

4. **Minutes for Approval:**

a. 5/13/20

MOTION by Mr. Perosino to approve the 5/13/20 minutes, seconded by Ms. Carroll, motion carried.

5. **Old Business:**

n/a

6. **New Business:**

a. Torrington Solar One Informational Meeting,  
presentation by Bryan Fitzgerald of Verogy  
Location: 236 East Pearl Road  
(The State of Connecticut Siting Council has jurisdiction over approval of this project)

Mr. Connor provided a brief introduction to this agenda item. This is not a public hearing allowing for public comments. This is a courtesy informational meeting. A formal application by Verogy will be made to the Connecticut Siting Council, who will in turn refer the formal application back to the City of Torrington for possible comments from the Mayor and the City Council. (Commissioner Donna Greco logged in at this time, 7:14 p.m.)

Bryan Fitzgerald of Verogy appeared along with several staff members from Verogy. Mr. Fitzgerald gave a detailed presentation. This parcel is a 66.5 acre site owned by the Catholic Church. The fenced area containing the solar panels will be 9 acres, and the active areas around this fenced area will bring the total project area to 11.5 acres. It is an excellent site as it slopes north to south.

Will Hersh of Verogy provided additional site details, stating the application will abide by all setback requirements for wetlands, both on the local and state level.

Commissioners asked questions regarding bonding for the project, and how this site would be decommissioned. Landscaping and screening was discussed.

Mr. Fitzgerald provided additional details about the solar energy production. The fencing around the solar panels will be a six foot vinyl coated chain link fence, which could have vinyl slats inserted. Mr. Connor verified the site will not be screened with a solid fence.

Mr. Connor stated as an abutter to the subject property, the City of Torrington will have the opportunity to make comments to the Connecticut Siting Council.

Mr. Fitzgerald concluded his presentation at 7:54 p.m.

7. **Adjournment:**

MOTION by Mr. Perosino to adjourn at 7:55 p.m., seconded by Ms. Carroll, motion unanimously carried.

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Land Use Office

# City Of Torrington



ELINOR CARBONE  
Mayor

140 Main Street  
Torrington, CT 06790-5245  
elinor\_carbone@torringtonct.org  
Tel: (860) 489-2228  
Fax: (860) 489-2541

May 26, 2020

Via email: [Martin\\_Connor@torringtonct.org](mailto:Martin_Connor@torringtonct.org)

Martin J. Connor, AICP  
Torrington City Planner  
140 Main Street  
Torrington, CT 06790

RE: Torrington High School Building Project  
Major Besse Drive  
M/B/L: 123/007/009

Dear Marty:

On May 21, 2020, the Torrington Board of Education presented a plan for the construction of a new Torrington High School / Torrington Middle School complex on the above-referenced property owned by the City of Torrington.

At that time, the City Council agreed to appoint the Board of Education as the Building Committee, approved the filing of a grant application with the State of Connecticut and referred the matter to the Planning and Zoning Commission for a CGS § 8-24 recommendation. Because the filing deadline for the grant application is June 30, 2020, it would be greatly appreciated if you could place this matter on your next earliest meeting of the Planning and Zoning Commission before that date.

I am sending a copy of this letter to Susan Lubomski, Superintendent of the Torrington Public Schools and would ask that she contact you to discuss the information and presentation you recommend be prepared for the Planning and Zoning meeting.

If you have any questions concerning this matter, please do not hesitate to contact me.

Very truly yours,

Elinor Carbone  
Mayor

cc: Supt. Susan Lubomski (via email: [slubomski@torrington.org](mailto:slubomski@torrington.org))

# City Of Torrington



LAND USE DEPARTMENT  
(860) 489-2221

140 Main Street • City Hall  
Torrington, CT 06790-5245  
Fax: (860) 496-5928

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## MEMORANDUM

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TO: Planning and Zoning Commission  
FROM: Jeremy Leifert – Asst. City Planner & ZEO <sup>UL</sup>  
DATE: JUNE 10, 2020  
RE: Zoning Enforcement Update

CC: Martin Connor, City Planner  
file

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URGENT     FOR REVIEW     PLEASE COMMENT     FOR YOUR USE     PLEASE RECYCLE

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NOTES/COMMENTS:

Below is an update of progress on the zoning enforcement cases identified as a priority. All the enforcement cases below have been issued Cease and Desist Orders and/or fines or are in active litigation. For a running list of all active zoning enforcement cases, see the spreadsheet attached.

- **183 Mt. Pleasant Terrace** – Enforcement history back to 2008 for violations of junkyard regulations. Cease and Desist Order and zoning citation issued in September 2018. Property remains in violation as of last inspection on 11/1/19. Citations continue to accrue at \$150 a day for the violations. **Case turned over to Corporation Counsel for court action – pending due to temporary court closures.**
- **403 Torrington West Street** – Enforcement started in Summer 2018 for accumulation of junk and illegal car repair and sales. Cease and Desist Order issued in September 2018, and subsequently brought into compliance (date not noted in file). Complaints began again in December 2019. Cease and Desist Order re-issued January 23, 2020. Police department also involved due to the illegal repair shop. Blight citations sent for property blight. Still out of compliance as of 5/6/20. **Zoning citations issued and cased referred to Corporation Counsel for court action – pending due to temporary court closures.**
- **2177 Winsted Road, NJY Auto** – Grading on property without permits; unregistered vehicles stored outside; possible unpermitted auto repair garage. Violation notices issued 6/13/19 and 10/25/19; C&D order issued 1/2/20 after further grading & drainage work witnessed. **Followed up with applicants' engineer, and plans are still being worked on for the site pending discussion with state DOT; a separate action may need to be pursued for the potential illegal auto repair garage.**
- **2285 Winsted Road** – Cease and Desist Order issued in March 2020 for rock crushing/excavation without permits. Property owner met with staff and is hiring an engineer to submit plans. Worked has ceased at present. **C&D Order remains open until permits are granted. Scheduled for a progress follow-up with property owner.**

- **52 Jardon Street** – Property was in compliance and on a 6-month hold, but has since gone out of compliance again – for the third time in a two-year period and in violation of an active cease and desist order. Additional violations for newly installed lighting appears to present. **Case turned over to Corporation Counsel for court action – pending due to temporary court closures. Additional notice to be sent for lighting violations.**

The following properties have been issued C&D orders or fines and are currently in compliance but remain on a 6-month monitoring hold before closing:

- 1203 East Main Street (George's Restaurant) – lighting violations. Currently compliant and being monitored through August 2020.

#### Other

- Site work is in process and being periodically monitored on the following projects that have been granted site plan approval by the commission:
  - O&G; earth excavation, blasting and grading activities at the old Iffland site on South Main Street (Site Plan #1273)
  - 456 South Main Street development for storage units (Site Plan #1294)
  - Parking lot and access improvements for the approved brewpub at the old firehouse, 117 Water Street (Site Plan #1303)
  - The Mason Street Torrington Savings Bank expansion project (Site Plan #1316)
  - Earth excavation project, 637 & 659 Winsted Road (Site Plan #1324); needs follow up for added screening from Winsted Road
  - Franklin Plaza redevelopment project
  - CH Nickerson Co., 49 Hayden Hill Road – tree clearing and grading has started for the new office building (Site Plan #1335)
- The Conservation Commission continues site inspections and data collection on the conditions of all city owned open space parcels for future use in a full City Open Space Plan and for other planning purposes. Property reviews will likely continue through 2020.

END OF MEMORANDUM