

**CITY OF TORRINGTON
PLANNING AND ZONING COMMISSION
MINUTES
December 9, 2020**

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

Also Present: Martin Connor, AICP, City Planner

Not Present: Tom Telman, Alternate

1. Call to Order:

Chair Greg Mele called the meeting to order at 7:03 p.m., Remote meeting via ZOOM online. (not held at City Hall building)

2. Attendance/Announcement:

Chair Mele announced present and serving on the Commission this evening will be Greg Perosino, Jim Bobinski, Donovan Riley, Starley Arias, Donna Greco, Diane Carroll and Grege Mele. Also present is City Planner Martin Connor.

3. Minutes for Approval:

a. 11/18/20

MOTION by Mr. Perosino to approve the November 18, 2020 minutes, seconded by Ms. Carroll, motion carried with Mr. Bobinski abstaining from voting.

4. Public Hearings scheduled for 7:00 p.m., Wednesday, December 9, 2020; remote meeting (not to be held at City Hall):

a. Proposed Zone Change
Applicant: Torrington Planning and Zoning Commission
Location: 277 Winthrop Street (Assessor Map 124 Block 005 Lot 001) and
50 Major Besse Drive (Assessor Map 123 Block 007 Lot 009)
Proposal: Change Zone to R6; currently zoned R10s.

Mr. Mele announced serving on the hearing this evening will be Commissioners Jim Bobinski, Starley Arias, Greg Perosino, Diane Carroll, Donovan Riley, Donna Greco, and Greg Mele. Also present is City Planner Martin Connor.

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Mr. Mele read the legal notice of public hearing which was published on the City's website.

Mr. Connor shared his screen with the Commission and explained this proposed zone change is the result of discussions with the Torrington Board of Education, the architect, and the Building Committee for the new Torrington High School. These two parcels are in the R10s zone, which doesn't fit well with a school for the lot coverage and height requirements. This zone change is a better fit than applying for a variance. The proposed R6 zone makes sense from a planning perspective, which will allow a better plan, giving flexibility to build a modern high school. Mr. Connor has spoken with the School Superintendent, Susan Lubomski, suggesting this proposed zone change. Mr. Connor read Susan Lubomski's December 2, 2020 letter to him, expressing the support of the Building Committee and herself for this proposal. No other comments or information from the public was received.

Mr. Perosino stated this is certainly not spot zoning, as there are other R6 parcels in the vicinity.

Mr. Mele noted he is a member of the School Building Committee, and he is pleased Marty Connor picked this up, it is a good call early in the planning process, and thanked Mr. Connor for his diligence in addressing this matter early in the process.

Mr. Connor stated the Commission can find this proposal is consistent with the City's Plan of Conservation and Development.

Mr. Mele opened the hearing for public comment, for and against the proposal. There were no comments. At 7:12 p.m. Mr. Mele declared the public hearing closed.

Mr. Mele read the following motion:

MOTION to APPROVE Proposed Zone Change
Applicant: Torrington Planning and Zoning Commission
Location: 277 Winthrop Street (Assessor Map 124 Block 005 Lot 001) and
50 Major Besse Drive (Assessor Map 123 Block 007 Lot 009)
Proposal: Change Zone to R6; currently zoned R10s.

The Commission finds the proposal to be consistent with the City of Torrington's Plan of Conservation and Development. The effective date of the Zone Change shall be the day after publication of legal notice of decision on the City's website.

MOTION to APPROVE made by Mr. Perosino, seconded by Ms. Greco, motion unanimously carried.

- b. Proposed City of Torrington Zoning Regulation Revisions
Applicant: Torrington Planning and Zoning Commission
Proposal: Proposed Text Amendments to the Torrington Zoning Regulations:
Section 3.1, Subsection 4.77; Section 7.1.2 G; Section 2.2 Specific Terms;
Section 5.11, Subsection 5.11.2 A; Section 3.1, Section 3.0, new Subsection 3.01; Section 2.2, Specific Terms; Section 3.1; Subsection 19.01.

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Mr. Mele opened the public hearing at 7:14 p.m. and announced serving on the hearing this evening will be Commissioners Jim Bobinski, Starley Arias, Greg Perosino, Diane Carroll, Donovan Riley, Donna Greco, and Greg Mele. Also present is City Planner Martin Connor. Mr. Mele read the legal notice of public hearing which was published on the City's website.

Mr. Connor stated the proposal was sent to the Northwest Hills Council of Governments for their review, who in their 11/19/20 Referral Response noted there are no apparent conflicts with regional plans and policies or the known concerns of neighboring towns.

Mr. Connor highlighted portions of the proposed amendments, noting the full text copy was placed on the City's website and available for public view. Some items are minor changes. The amendments surrounding the small scale manufacturing is a major change to the regulations. This will help improve our downtown, with "makers" and artists able to use existing buildings. Mr. Connor has spoken to Steve Tempkin who is with Torrington Downtown Partners, and he is very much in favor of the small scale manufacturing proposal. It can help attract new tenants downtown. Mr. Connor has been watching other Connecticut towns add such uses to their downtown regulations, such as breweries, 3D printing, etc. We have some of these uses right now in the IP zone. It would be nice to attract local distilleries and local food production as well. An interesting fact about planning is if you put it in the regulations, particularly with Site Plan approval, you can assure a developer who would like to see that business come to town. If the use is made a Special Exception, the uncertainty of whether or not approval will be granted will keep the developers away due to the expense and uncertainty of approval, and time involved with submitting an application and then finding out it doesn't meet the Commission's criteria. Mr. Connor suggested it be a permitted use in Downtown District, Local Business, Industrial and Industrial Park zone with Site Plan approval.

Mr. Connor noted the only written information received was from Northwest Hills Council of Governments. Mr. Connor has discussed this proposal with City Staff, including the Economic Development Director, who were in favor of this proposal.

Mr. Perosino stated he likes the small manufacturing idea, and he is in favor. His one concern is if there is a small manufacturer dealing with environmental chemicals, etc. How do we handle this if it is potentially harmful to a next door neighbor. Mr. Connor stated this is an excellent question; and we have an environmental compliance form as part of the Site Plan application, and the Commission would get to review this matter. Generally this does not come into play with applications. But the Commission does have the ability to review that matter.

Mr. Riley inquired about the TAHD noise regulation wording. Mr. Connor responded the Torrington Area Health District has removed from their actual regulations any noise regulations. TAHD no longer has anything to do with noise. The only agency that handles this is the Department of Energy and Environmental Protection. Regarding change #7, Small Scale Manufacturing, Mr. Connor looked at other regulations around the State and information from the American Planners Association. Mr. Connor reviewed what other towns and APA were suggesting for language. Mr. Riley was in agreement with the proposal.

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Mr. Mele opened the hearing for public comments, for and against the proposal. There were none.

At 7:30 p.m., Mr. Mele closed the public hearing.

Mr. Mele read the following Motion for approval:

MOTION to APPROVE Proposed City of Torrington Zoning Regulation Revisions

Applicant: Torrington Planning and Zoning Commission

Proposal: Proposed Text Amendments to the Torrington Zoning Regulations:

1. Allow Tattoo parlor/body piercing studios as a permitted use in the LB – Local Business and DD – Downtown District Zones. Currently they are allowed by Special Exception in the LB Zone and are not allowed in the DD Zone. Change Table of uses Section 3.1 Subsection 4.77 from “e” in LB Zone to “p” and from blank to “p” under DD Zone.
2. Replace “Torrington Area Health District” in Section 7.1.2 G of the Zoning Regulations with Connecticut Department of Energy & Environment (CT DEEP)”. G. Noise - Noise levels are regulated by the ~~Torrington Area Health District~~ Connecticut Department of Energy & Environment. A violation of the ~~Torrington Area Health District~~ CT DEEP regulations regarding noise shall also be a violation of these regulations.
3. Remove from Definitions Section 2.2 Specific Terms - “Package Store - a building where packaged alcoholic liquors are sold at retail for consumption off premises under a valid package store permit issued by the State of Connecticut.”
4. Add the following to Section 5.11 Landscaping, Subsection 5.11.2 A General Requirements, “Prior to backfilling any islands requiring trees, any gravel or material used in the construction of the parking areas shall be removed by the site contractor. Any areas to be planted with shrubs &/or perennials shall have any unsuitable material removed, by the site contractor, to a minimum depth of 18” (eighteen inches) & replaced with topsoil by the site contractor.”
5. In the Table of uses Section 3.1, add heading “Section 3.00 Retail Uses.” This heading from the chart is needed. Renumber category 3.00 Sales & Rental of Goods, Merchandise or equipment, no storage or display outside of fully enclosed building renumbered to “3.01.”
6. In Definitions Section 2.2 Specific Terms - Lot Line Front – the lot line separating the lot from a street. Add sentence, “*See Section 5.7.5 for Flag Lots.*” (This provides further clarification for Flag Lot situations.)
7. Add a new Definition in Section 2.2 Specific Terms – Small Scale Manufacturing and a new use category Section 3.1 Subsection 19.01 Small Scale Manufacturing as a permitted use in the DD, LB, I & IP Zones (Site Plan Approval required.)

Small Scale Manufacturing: An establishment where shared or individual tools, equipment, or machinery are used to make or grow products on a small scale, including the design, production, processing, printing, assembly, treatment, testing, repair and packaging, as well as any incidental storage, retail or wholesale sales and distribution of such products. These small scale producers or maker businesses include businesses producing goods in textile, hardware, wood, metal, 3D printing, and food. This also includes hardware prototyping, consumer product design and prototyping, breweries and distilleries and local food production and packaging.

The Commission finds the proposal to be consistent with the City of Torrington's Plan of Conservation and Development. The effective date of the regulation changes shall be the day after publication of the legal notice of decision on the City's website.

MOTION to APPROVED made by Mr. Perosino, seconded by Mr. Bobinski, motion unanimously carried.

At 7:35 p.m. there was a technical difficulty with the ZOOM on line application format. At 7:50 p.m. the meeting reconvened, and all present members were back on line, and Commissioner Carroll also logged back into the meeting within a few minutes.

5. Old Business:

none

6. New Business:

a. Site Plan 1357

Applicant: Fernando Nieves

Location: 1009 Tarringford East Street, R15S Zone

Proposal: Change of use to Storage, Commercial Garage
(former automotive garage)

Applicant Mr. Nieves was unable to log into the meeting.

Mr. Connor read his memo dated December 3, 2020 to the Commission.

The Commission briefly discussed the proposal, noting this area of Torrington should be reviewed and the local zoning discussed, that will occur at next month's meeting, and is not part of this application.

MOTION was read by Mr. Mele:

MOTION to APPROVE: Site Plan 1357

Applicant: Fernando Nieves

Location: 1009 Tarringford East Street

Proposal: Change of use to Storage, Commercial Garage
(former automotive garage)

With the following recommendation and condition:

1. It is recommended the applicant follow the advice of Fire Marshal Ed Bascetta contained in his memo to the City Planner dated 11/23/20.
2. The applicant shall address the comments of Paul Kundzins, City Engineer, as outlined in his memo to the City Planner dated 12/7/20.

MOTION to Approve was made by Mr. Perosino, seconded by Mr. Riley, motion unanimously carried.

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- b. CGS Section 8-24 Referral
Applicant: The Midland Group LLC
Location: 859 sq. ft. parcel land between 117 Water Street and 131 Water Street owned by the City of Torrington

Mr. Connor reviewed the area of the brewery at 117 Water Street and nearby property. There is a small strip of land on the side of 117 Water Street. That area is being considered for an outdoor patio for the brewery use. There are drainage and water issues in the vicinity, and the applicant is working to address these drainage issues with the property owner of 131 Water Street. There is no reason why the City should own a six foot strip of land in this area. The applicant can make drainage improvements to this area if they own the parcel of land. City staff has made a favorable recommendation on this transfer of land to the Midland Group LLC.

A MOTION was read by Mr. Mele:

To make a favorable recommendation to Mayor and City Council, CGS Section 8-24 Referral

Applicant: The Midland Group LLC
Location: 859 sq. ft. parcel land between 117 Water Street and 131 Water Street owned by City of Torrington

Proposal: Convey subject parcel to The Midland Group LLC

MOTION made by Mr. Perosino, seconded by Ms. Greco, unanimously carried.

Mr. Mele stated there has been a request to add an item to the agenda by a 2/3rds majority vote:

- a. Special Exception 20-11
Applicant: John Falcone
Location: 628 Migeon Avenue
Proposal: Change of use to two bedroom residential unit on first floor in Local Business Zone (former deli); and two bedroom residential unit on second floor (former warehouse)

MOTION by Mr. Perosino to add this item to the agenda by 2/3rds majority vote, seconded by Mr. Bobinski, unanimously carried.

MOTION by Mr. Perosino to set a public hearing date of January 13, 2021, seconded by Ms. Greco, unanimously carried.

Mr. Mele noted the 2021 Calendar of Planning and Zoning Commission Meeting Dates has been received by Commission Members.

7. **Adjournment:**

MOTION by Mr. Perosino to adjourn at 8:11 p.m., seconded by Mr. Bobinski, motion unanimously carried.

Mr. Connor thanked the Commission for all their hard work and dedication this past year with the many changes that have occurred in 2020, and continuing to meet and conduct business via the on line method of holding these Planning and Zoning Commission Meetings.