

**CITY OF TORRINGTON
PLANNING AND ZONING COMMISSION
MINUTES
May 10, 2023**

Present: Greg Mele, Chair
Greg Perosino, Vice Chair
Donna Greco, Member
Jim Bobinski, Member
Diane Carroll, Alternate
Donovan Riley, Member
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 7:00 p.m. Attendance by Zoom or in-person at City Hall Auditorium, Room 218, 140 Main Street, Torrington, CT.

2. Attendance/Announcement:

Chair Mele announced present at City Hall and serving this evening are Commissioners Greg Perosino, Donna Greco, Jim Bobinski and Greg Mele. Present and serving via zoom are Commissioners Diane Carroll, Donovan Riley and Tom Telman. Also present is City Planner Jeremy Leifert.

3. Minutes for Approval:

a. 4/19/23

MOTION by Mr. Perosino to approve the 4/19/23 minutes, seconded by Ms. Greco, unanimously carried.

4. Public Hearing beginning at 7:00 p.m., May 10, 2023 City Hall Auditorium, Room 218, 140 Main Street, Torrington, CT

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
(continued from 4-19-23)

Chair Mele opened the public hearing at 7:02 p.m. and stated serving on the Commission this evening will be Commissioners Greg Perosino, Donna Greco, Jim Bobinski and Greg

Mele. Present and serving via zoom are Commissioners Diane Carroll, Donovan Riley and Tom Telman. Also present is City Planner Jeremy Leifert.

Kenneth Hrica, PE and licensed Land Surveyor in Connecticut appeared via zoom representing the applicants. Present at City Hall representing the applicants are Adam Peters from Haynes Aggregates, Richard Warren from O&G, and Peter Herbst, Esq. Present via zoom is Patrick Haynes of Haynes.

Mr. Hrica stated the applicants are not proposing anything new in this application, it is a two year renewal application to continue mining. The applicant has extended the 400 foot buffer to Burr Mountain Road to 600 feet, a 50 percent increase in the buffer area. This is the 12th year of the renewal process.

Mr. Hrica screen shared site maps and the overall mining plan.

Richard Warren of O&G Industries, Inc. appeared as co-applicant. This application is a repeat of the last permit renewal in 2020/2021. The application is for a combined use of the properties, instead of two sets of operations. They are not asking for more blasting or processing than what was approved with the last application. There will be no greater height or depth than the last approval.

Mr. Warren noted the concerns that were raised, and blasting documents were submitted with the application. Details were given regarding the Federal Blasting Regulations, and they have not exceeded those federal limits. Mr. Warren said they are willing to place monitoring equipment in place, especially related to concerns surrounding the water lines at Lakeridge.

Mr. Warren outlined details of blast operations, monitoring, locations of blasts etc. Calls are made to neighbors who have requested such notices. Mr. Warren is the contact person at O&G, and a complaint log is generated. He was surprised at the concerns shown, as they have not received any calls after the blasts. Concerns were raised about trucking, traffic and Mr. Warrant will monitor that more closely. If necessary, they will set up a queuing area of site. O&G wants to be a good neighbor.

Per Mr. Warren, as an active mining operation, they have random unannounced inspections from mine safety bureaus and monitoring. Neither location on this application has ever received a citation for dust, noise, etc. They are required to also meet State and Federal guidelines as well as local regulations. Mr. Warren is available for any questions.

Mr. Mele noted the trucking vehicles are staging at the gate prior to 7:00 a.m. opening. Some are private truck owners, not the applicants. Mr. Warren will address this, keeping trucks out of the travel path.

Mr. Bobinski stated there should be a plan in place to present to this Commission to address concerns. This is only talk, not facts. Mr. Bobinski noted another issue regarding the Lakeridge water lines. Lakeridge should have documentation to show how the damage occurred.

Mr. Telman inquired if it was outside contractors or O&G / Haynes who are queuing.

Adam Peters of Haynes Aggregates stated Haynes does not do any trucking in Torrington and Richard Warren of O&G stated O&G would not send trucks to idle at the gate, as they are close enough to get there on time for opening. These must be outside contractors, and the traffic is market driven.

Discussion following on queuing traffic on Winsted Road.

Patrick Haynes of Haynes Aggregates addressed the queuing concerns. They did not realize there was an issue, and they are willing to work with the City for a resolution.

Mr. Mele opened the hearing for public comments in favor of the proposal, there were none.

Mr. Mele opened the hearing for public comments in opposition to the proposal.

Susan Matz of 300 Cliffside Drive, Torrington appeared. At the last meeting, she asked for a copy of the environmental study and she has not received one. It seems absurd to her that one has not been done. Mr. Leifert stated there is not such a report/study in the City Hall files. Mr. Hrica stated none of the City regulations require an environmental study, and State and Federal regulations do not require an environmental study. The study is not done because it is not required.

Ms. Matz stated CT Department of Environmental and Energy Protection (DEEP) said they were surprised such a study is not done. Discussion followed, and Ms. Matz did not have the name of the person she spoke to at DEEP with her.

Sigmund (last name inaudible) of 441 Evergreen Road, Lakeridge, appeared and stated he has lived there since 1988, and they get calls from Haynes prior to a blast, and it has been relatively quiet during the blast as they listen for it. How many more renewals will occur? Will there be a restoration, and what are their obligations?

Mr. Warren responded both applicants maintain a restoration bond with the City of Torrington which are submitted with the applications. The end of the life of the mine is not determined at this point. Mr. Warrant stated there is at least another ten years of work at the quarry, and they work under market conditions which affect both the life span and activity at the mine. If they were to work the mine more, that would increase the truck traffic.

Ms. Matz stated it was "Alex" she spoke with at CT DEEP, who referred her back to the City of Torrington.

Mr. Leifert does not interpret the text that such a study is required. If it was required, it would be at the City level. Mr. Leifert pointed out an environmental impact study is not required by the City of Torrington, and this application is a Special Exception, and it is at the discretion of the Planning and Zoning Commission.

Amy Hill of 98 Starks Hill Road, Torrington appeared and stated she had a water test done, and results are not back yet. She took a soil sample near the damaged wall her father spoke about. Her soil sample came up toxic at her college study lab. She received a truckload of soil from Haynes approximately two years ago. She is thinking about sending another soil sample for testing. Ms. Hill said she is appreciative of the person who comes to their house before a blast, so she can prepare her son with headphones. She is hoping an environmental study and air quality study can be done on the soil and rock that was delivered to her house. Mr. Perosino inquired of the origin of the soil. Discussion followed.

Mr. Peters of Haynes stated crushed rock and processed material was delivered to Ms. Hill 2.5 to 4 years ago. It is virgin material, and was provided to be a good neighbor. It is not uncommon for metallic material to be found in processed rock. He stated materials coming out of the mountain are constantly being tested and certified for various properties, as the product is used for many applications.

Nancy Siegelstein, 431 Trails End Drive, Lakeridge, appeared and questioned the depth and floor level of the quarry.

Mr. Warren responded the plans show the depth of the mine and they plan not to go past what is on the plans. If they decided to go further, it would require a new plan and application before this Commission.

Mr. Hrica zoomed in on site maps and plans and provided explanations of the plans, the 50 foot green line elevations. Elevation in the quarry is 750 feet in the quarrying area, sloping to 745 to 740 and then 735 to provide adequate drainage. The depth of the quarry is not below the Winsted Road grade.

Carol Pfeifer of Lakeridge appeared and stated she sees nothing but a big hole in the mountain, it is very unattractive and dust is flying everywhere. There are 474 doors at Lakeridge, lots of people, and they pay much in taxes, and they don't want to look at this, along with the dust and noise.

The map presented on zoom by Mr. Hrica was reviewed and further explanations provided by Mr. Hrica. Mr. Warren reviewed the time line of the permit and the continuing excavation process and buffering.

Walt (last name inaudible), 460 Evergreen Road, referred to soil samples taken by the neighbor, and is stunned there should be facts provided of sampling by OSHA. There are no studies. There should be scientific information presented before a plan is approved.

Mr. Warren reiterated they are routinely and randomly tested for dust and noise. As for sampling material, they are required under DOT regulations to maintain certain standards, and there is testing that is done which is not required as part of this application.

Mr. Haynes stated materials are regularly tested for many factors. This is virgin rock material, and there are no contaminants in it. If there were, they would know about it.

This is the same material that runs up and down Winsted Road. There are no fact based known contaminants at the Haynes or O&G properties. Testing has occurred so many times over the years.

(inaudible name) of 427 Trails End Drive, Torrington appeared and stated it is unconscionable there is no environmental study showing any faults near Lakeridge or any other residential area.

Nancy Siegelstein of Lakeridge doesn't want a flat area, or a Costco, they want the trees and the mountains back.

Mr. Warren stated they can plan a planting process plan if it is required.

Marc Dworkin, 460 Evergreen Drive, Torrington inquired if there is a bond, and if it is enough for restoration. Mr. Mele responded they have an adequate bond in place.

Mr. Warren stated they have a \$383,000 bond in place for reclamation purposes, and they need enough land to continue operations.

Marc Dworkin of Lakeridge asked how do we know how much bonding is necessary, referring to the \$383,000 bond. Perhaps it should be made so onerous that they will lose millions of dollars.

Mr. Leifert responded that is not allowed by law, and the City can only ask for what it costs to restore the property. An estimate for restoring the property was submitted by the applicant and was reviewed and approved by the City's Engineering Department. Mr. Dworkin wanted independent sources to provide estimates.

Susan Matz of Lakeridge inquired about inflation on the restoration bond. She inquired if this was done 20 years ago. Mr. Leifert responded the restoration bond is reviewed and renewed every two years to current standards.

Ron Berg, 179 Ledge Drive, Torrington, pointed out that radon is a natural gas that is toxic that is found in virgin rock.

Arthur (last name inaudible) of 427 Trails End stated he moved here away from the toxic landfills on Long Island. The restoration plans need to be better. This restoration could be an eyesore.

Mr. Warren referred to the reclamation plan. Nothing can be done without this Commission's approval.

Carol Pfeifer of Lakeridge stated this is all very vague, \$383,000 in today's market is nothing. They will be digging for ten more years and we'll be dead by then. You can't even buy a house for that much. We should have more information and facts, not just talk. They have legitimate concerns.

Mr. Peters of Haynes responded these are not vague plans, they are engineered, documented, and it's public information.

Mr. Leifert stated these plans have been posted on the City's website for the last two months as a public document. Mr. Leifert inquired about the agencies that do the testing.

Mr. Peters stated the majority of the testing is done by the CT Department of Transportation. Intricate testing is done, and operations would be stopped if the CT DOT identified a problem, and 80 percent of their materials go to CT DOT.

Mr. Perosino inquired if this testing is available. Mr. Peters responded this information is not their information, it is third party, CT DOT.

Mr. Leifert stated there is a lane this Planning and Zoning Commission stays in, and if there was an issue, this application would not be in front of us now. MNSHA, DEEP, OSHA and City of Torrington look at this operation, and it is monitored by a multitude of organizations.

Inaudible comments from audience.

Mr. Leifert explained each agency has their own regulations, and this Planning and Zoning Commission has their own regulations to follow. He indicated the unidentified speaker in the audience is free to contact any other agency. This Commission does not require anything that is out of their purview.

Amy Hill, 98 Starks Hill Road, asked where the results are from all the other agencies. Mr. Peters noted those individual agencies have that information, and Haynes Aggregates has never failed any testing.

Mr. Leifert reiterated anyone may contact these various agencies.

Patrick Haynes stated there is public information the CT DOT website. No one is being intentionally vague, testing is a broad and vague statement. Mr. Haynes referred to stone material that is being used at the new Torrington High School construction site. If material is deemed acceptable, they do not hear about it.

Comments from rear of auditorium, inaudible.

Mr. Peters noted there are many differences between OSHA and the MSHA, the mining oversight safety agency. MSHA focuses on mining and supersedes OSHA.

Nancy Siegelstein questioned the location of the quarries in relation to Lakeridge.

Mr. Leifert noted on the displayed map the quarry locations, and Lakeridge location (audience comments inaudible). The applicants and Planning and Zoning Commission reiterated that environmental studies are not required. There are 248 acres of land on the subject sites per Mr. Warren, and the mining operation is 26.9 acres for Haynes and 30.5 acres for O&G. Site details and map were reviewed. Lakeridge is half a mile away, and Patrick Haynes noted there is significant buffer between the quarry operation and Burr Mountain Road.

(Name inaudible) commented on the importance of soil samples.

Mr. Peters of Haynes stated they are in compliance with all requirements and regulations.

Further discussion followed on the queuing of trucks on Winsted Road. Mr. Jim Bobinski said he is disappointed with the response of applicants regarding the queuing, suggesting the gates be opened earlier than 7:00 a.m. if there are numerous trucks queuing on Winsted Road.

Mr. Greg Perosino stated there was a complaint regarding queuing, but it has not been defined. It needs to be defined for a proper response from the applicant. The applicants have stated they were not aware there was a problem with queuing, and now a problem needs to be qualified and data presented to be defined in order to prepare a response. This will be addressed but needs to be done intelligently, and he is not ignoring the complaint.

Mr. Mele said he would not have a problem with the gates opening at 6:30 a.m., trucks entering the site, and work not starting until 7:00 a.m. Further discussion followed on possible queuing scenarios, which need to be identified first.

Mr. Mele noted concerns need to be considered by both applicants and neighbors, maybe it will be on Lakeridge to acquire an environmental study.

Mr. Leifert said the City of Torrington has no authority to require the applicant to provide an environmental study.

Mr. Peters reiterated all the testing data is public information and can be viewed on the individual agency websites.

(Inaudible name) wanted a better definition of the long term plan of the quarry.

Tom Telman agreed with Greg.

Diane Carroll stated the queuing is an important component, and at certain times of the year, there will be more activity.

Greg Mele stated these operations have been on-going for many years without any issues to his knowledge.

Mr. Peters stated they are here to do the right thing and not hide things or do anything unethical. They are doing what is required, and sometimes going above and beyond that.

Susan Matz said they are not here to put the applicants out of business, but to obtain more information surrounding the environment.

Mr. Warren offered to give his business card to anyone present and it's their intent to be a good neighbor. This is the first time they have heard of some of these issues and complaints. In summary, he requested that the hearing be closed and suggested they can post a sign at the site that there will be no truck queuing prior to 7:00 a.m.

Attorney Peter Herbst appeared representing Haynes. He has worked with Haynes for many applications and has always been impressed with the thoroughness of their

operation. Mr. Herbst has also representing O&G on other applications. Neighbors are listened to, and responded to. As in past years, Mr. Herbst requested this application be approved. The applicants are regulated by not only this Commission, but State and Federal agencies as well, and there have never been any violations.

At 8:44 p.m. Chair Greg Mele declared the public hearing closed.

5. 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)

Passed until May 24, 2023.

6. Old Business:

None

7. New Business:

- 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)
(set public hearing date)

MOTION by Mr. Perosino to set a public hearing date of June 14, 2023, seconded by Ms. Carroll, unanimously carried.

- 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)
(set public hearing date)

MOTION by Mr. Perosino to set a public hearing date of June 14, 2023, seconded by Mr. Telman, unanimously carried.

8. Correspondence:

- a. Zoning and Blight Violation update

Mr. Leifert noted the Commission has been provided an updated report from Blight Enforcement Officer Ashley Clement and Assistant City Planner Nate Nardi-Cyrus.

- b. Draft regulation amendment discussion:
 - Section 6.10 – Bed and Breakfast
 - Section 5.18 – Outdoor Dining

Mr. Leifert provided Commission members with draft proposed regulation changes, to clean up the regulations and clarify definitions. Discussion ensued on various changes and definitions.

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

9. Adjournment:

MOTION by Mr. Perosino to adjourn at 9:04 p.m., seconded by Ms. Greco, unanimously carried.