


# CITY OF TORRINGTON



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

To: Planning & Zoning Commission  
From: Jeremy Leifert, AICP, City Planner   
Date: March 15, 2023 (Rev 4)  
RE: Special Exception 22-08 & Site Plan #1425, Alam Realty Inc., add gasoline dispensers, canopy, storm drainage, parking, & modifications to building facade

Alam Realty Inc. has filed a Special Exception and Site Plan application to add gasoline dispensers, a gasoline pump canopy, storm drainage, parking, and modifications to the building facade at Sam's Mart, 861 New Harwinton Rd. The current use of the property is a retail convenience store. The Special Exception use proposed will add a new gasoline station use to the existing retail use. The proposed gasoline station is an allowed use by Special Exception in the LB-Local Business zone per section 3.1 Subsection 8.40 of the Zoning Regulations. The existing convenience store retail use is a permitted use per Sections 3.1 Subsection 3.10 of the Zoning Regulations. Plans submitted are titled, "Modifications and Improvements to Sam's Mart, 861 New Harwinton Road (CT RTE #4), Torrington, Connecticut," by Jason Dismukes, Consulting Engineers, Goshen, CT. Dated June 8, 2022, revised to February 23, 2023. 10 Sheets. The Zoning Information Table on sheet C1 indicates that the proposed canopy, site improvements and building façade modifications meet the required Zoning setbacks, maximum impervious surface requirements, maximum building height, and that the minimum parking requirements are all compliant. The parking calculation is based on a "sales of gasoline" use (section 5.13.4, subsection 8.40) which requires 1 parking space per 250 ft of gross floor area. The store has 2,433 sq. ft. of gross floor area. Staff has met previously to discuss the project with the applicant, project engineer and architect prior to submission.

The Site Plan substantially changes the driveway entrances on New Harwinton Road and Circle Drive. On Circle Drive, presently the curb cut runs nearly the whole length of the property. Four parking spaces exist where customers currently back up into Circle Drive. Along New Harwinton Road, the entrance is wide and located close to the intersection with Circle Drive. The proposed plans narrow and move the New Harwinton Road driveway entrance away from the intersection. The Circle Drive entrance is proposed to be narrowed to 18 feet and parking spaces requiring backing out onto Circle Drive eliminated. Traffic will be one-way, enter only on New Harwinton Road and one-way exit only on Circle Drive.

A previous application by the same applicant for the same proposed use under special exception #21-09 and site plan #1378 and was unanimously denied by the commission on November 17, 2021.

**In reviewing the application, plans and documents submitted, I have the following comments:**

1. The applicant submitted a letter on December 15, 2022 requesting a 30-day extension to the allowed 65-days from receipt of the application (October 26, 2022) to open the public hearing to allow the hearing to be opened in January. The applicant submitted a second extension request on January 12, 2023 for an additional 35 days to allow the hearing to be opened in February. After the granting of the second extension, the applicant has reached the statutory limit for extensions and the commission may not grant additional extensions. The public hearing must be closed no later than March 22, 2023.
2. The applicant should address and highlight specific updates and changes from the previously denied application in November 2021 that addresses the reasons for denial contained in the commissions' denial motion and letter issued November 29, 2021 (submitted for the record).
3. Should the Commission approve the application, the approval will constitute a gasoline sales location approval in accordance with Section 6.2.1.A. The property has more than 150 feet of lot frontage required for a gasoline station per Section 6.2.1.B.
4. The parking calculations are based on the size of the convenience store square footage as a "sales of gasoline" use per Section 5.13.4.A, subsection 8.40. The Gasoline Canopy has not been factored into the parking calculation. Four parking spaces at the gas pump positions are counted by the applicant as parking spaces. The zoning regulations are silent on the counting of pump positions as parking spaces. Nine parking spaces are required, and twelve are provided in the proposed plans, counting the pump positions.
5. Commissioners voiced concerns with the parking space nearest to the New Harwinton Road entrance. Should the commission approve this application, I recommend elimination of this space and the addition of additional green space/landscaping in the place of the space.
6. In accordance with section 5.13.2.L, no parking is allowed within the required front yard setback, which is 10 feet from front property lines in the LB zone. The applicant proposes two parking spaces directly adjacent to the Circle Drive front property line in violation of this regulation. However, the commission may consider allowing these spaces, as it corrects a previous issue of perpendicular parking spaces overhanging the property line and backing directly onto Circle Drive. In my opinion, this proposed change reduces the non-conformity and improves safety. By eliminating spaces backing out into the public street.
7. The applicant should indicate the proposed hours of operation.
8. The applicant has proposed limiting gasoline deliveries to overnight hours. I recommend a condition limiting gasoline deliveries to the hours of 10pm to 6am
9. The applicant submitted a traffic report dated June 16, 2022, by Scott F. Hesketh, P.E., F.A. Hesketh & Associates, Inc. Mr. Hesketh in the conclusion to his report indicates, *"Based on the observed background traffic volumes, the projected site traffic volumes and the analysis as outlined in this report, it is our professional opinion that the traffic volumes associated with the addition of two pumps, with 4 fueling positions, to the existing Sam's convenience market can readily be accommodated by the existing roadway network without causing undue harm to the traveling public. The site access driveways are properly located and designed to accommodate the anticipated driveway volumes. The narrowing of the Circle Drive access and the elimination of the four parking spaces fronting to Circle Drive will result in improved access to local roadways. The ConnDOT District IV office has completed a review of the development and has indicated that an encroachment permit would be issued upon the submittal of an application for said permit."*

10. A petition was submitted on December 8, 2022 in opposition of the application in regard to traffic safety at the Circle Drive property exit and intersection with New Harwinton Road. The petition is signed by 77 individuals from approximately 55 separate properties in the neighborhood near the proposed project.
11. A petition was submitted on February 15, 2023 in favor of the application by the applicant. The petition is signed by 168 individuals from approximately 154 separate properties. Approximately 40 of these signatures are from residents in the immediate area of the project.

**Other Staff Comments:**

**Economic Development: Rista Malanca, City of Torrington Economic Development Director:** No communications were received from Rista Malanca, AICP, Torrington Economic Development Director regarding this application.

**Wetlands, Conservation, Lighting, Landscaping, Signage:** Nate Nardi-Cyrus, Assistant City Planner, in an email to me dated November 30, 2022, offered the following comments on the plans:

*Wetlands – A watercourse is conveyed underground adjacent to this property and is shown as a 24” concrete pipe off of the northeast property boundary. There is no proposed disturbance to the underground infrastructure conveying the watercourse. The “daylighted” areas of the watercourse near the inlet and outfall on adjacent properties are greater than 100 feet from the proposed site. Therefore, no wetlands permits are required for this application. This constitutes a favorable wetlands report for this application.*

*Landscaping – All landscaping proposed for the municipal ROW on Circle Drive should be maintained as grass, per comments by the City Engineer. If the applicant can produce communications with the DOT allowing trees/shrubs in the state ROW, then we request they have 2 trees (proposed apple trees are acceptable) and 10 shrubs. Native shrubs such as inkberry and herbaceous plants little bluestem (grass) are preferred over the proposed hydrangea and lily, which are non-native. The rear of the property shall have a 25’ buffer without additional parking, impervious area, dumpsters, storage areas, signs, or other such uses. Please show the 25’ buffer area and existing features to be retained on the site plan. The existing dumpster may remain in its current location but requires enhanced screening. The proposed pad and fencing (with an added privacy screen to be shown on the site plan) meet this requirement.*

*Lighting – All new signs proposed for the property are to be internally lighted. All new lighting that is proposed related to the gas canopy, signage, or other site improvements should be added to the plans and a photometric plan should be included to show compliance with lighting regulations. All exterior lighting proposals shall be in accordance with the requirements of section 5.17 of the zoning regulations.*

*Signage – The new freestanding, wall, and marquee signage proposed in this application complies with Section 5.15 of the zoning regulations.*

*Conservation – This application was not referred to the conservation commission for review and comment.*

**Architectural Review Committee:** The Committee reviewed the project at their November 10, 2022 meeting. Architect Michael Boe, AIA, Boe Studio Architects, was present along with Project Engineer, Jason Dismukes, Dismukes Consulting Engineers, LLC to discuss the project with the Committee and review the Site Development Plan and Architectural Plans. The building exterior improvements include brown timberline roof shingles and new brown siding. Typical Gulf express yellow and blue signage will replace the existing “Sam’s Mart” signage on the building. The proposed gas canopy and free standing sign will have Gulf branding on the canopy in orange and blue. A new orange and white Gulf branded free standing sign will be installed.

The gas sold will be Gulf brand and the convenience store will be rebranded from Sam’s Food Stores to Gulf Express. The Committee reviewed the Site Plan set as indicated above. Architectural Plans and elevations reviewed were titled, “Exterior Remodel and New Canopy at Gas Pumps, 861 New Harwinton Road, Torrington, CT, for Alam Realty, LLC,” by Boe Studio Architects, Torrington, CT. Dated June 8, 2022. 6 Sheets, Sheets P1-P4 & EX1-2. Also reviewed was a bound letter sized Gulf Express signage package set dated June 28, 2022. The Committee suggested that the free standing sign include the address of the property. The Committee verified that the LED Sign only contained price information and did not scroll messages.

The committee also reviewed the proposed landscaping plan. City Engineer Kundzins questioned the proposed location of the landscaping within both the City and State street rights-of-way. Mr. Kundzins mentioned that he would do additional review, but they likely would not allow any trees or shrubs within the City Street ROW. The committee was generally supportive of the landscaping design along the state road ROW, but the applicant would need to clear the proposed landscaping location with CT DOT.

The Committee reviewed proposed lighting and fixtures. All signage will be internal LED, including both the building, canopy exterior and free standing sign, with digital gas pricing on the free standing sign. The committee then held a brief discussion on parking lot revisions. A motion was passed unanimously to make a positive recommendation on the project conditioned on revisions to the landscaping plan.

**Torrington Area Health District:** TAHD offered no comments on the plans.

**Engineering:** Paul Kundzins, City Engineer, in an email to the City Planner dated March 6, 2023, submitted comments on the latest revised plans (February 23, 2023) for correction by the applicant. Corrections based on these latest comments have not yet been submitted and reviewed to the satisfaction of the City Engineer. The City Engineer has asked that the Commission withhold special exception approval until plan corrections are received and reviewed. See attached.

**CT DOT:** Aron Steeves, Special Services Manager for CT DOT District IV, in a letter to the applicant dated September 7, 2022 stated he had no further comments on the application and outlined requirements for state road encroachment permitting for the project. See attached.

**Police Traffic:** Police Traffic Sergeant Dustin Baldis, in an email to me dated December 29, 2022, following initial comments from November 4, 2022 and plan corrections, indicated that he has no further comments on the plans. Additional comments were submitted on February 7, 2023 by Sgt. Baldis based on plan revisions. The following comments were sent to the City Planner on February 13, 2023:

*I have reviewed the plan in the 3<sup>rd</sup> revision and find that traffic has no other comments to these plans.*

**Fire:** Fire Marshal Edward Bascetta in an email from the previous application dated June 29, 2021 offered recommendations regarding fire protection for the building, exterior lock box requirements and life safety code requirements. See attached.

**WPCA:** Mary Perrotti, WPCA Administrative Assistant, in an email to me dated November 3, 2022 indicated that the WPCA has no comments regarding this project.

**Building:** Building Official Kevin Gillette, in an email to me dated November 8, 2022 offered comments regarding building department permitting requirements for the project. See attached.

**Conclusion:**

Based on the maximum of 65 days of extensions already granted to the applicant on this application, the public hearing is required to be closed at this meeting. The commission should close the public hearing to begin deliberations on the application and a thorough review of the meeting record, testimony, and application exhibits. Using the standards for site plan review (Section 8.4) and special exception (Section 8.2), the commission should make a motion to approve or deny the application.

The commission may deliberate and make a decision at this meeting or table the deliberations and decision to the next commission meeting.

END OF MEMO

Cc: Arif Mahmood - Applicant

# City of Torrington

ENGINEERING DEPARTMENT  
(860) 489-2234



140 Main Street • City Hall  
Torrington, CT 06790-5245  
Fax: (860) 489-2550

## Memorandum

To: Jeremy Leifert, City Planner

From: Paul Kundzins, P.E. - Deputy Director of Public Works - City Engineer

Date: March 6, 2023

**RE: Engineering Review – 861 New Harwinton Road- add gasoline dispensers, canopy, storm drainage, parking, modifications to building façade – Application 1425**

**Applicant: Alam Realty Inc (Sams Mart)**

### **FOURTH REVIEW COMMENTS**

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I have reviewed the above application, supporting plans and documentation, and provide the following comments:

1. Submitted supporting document:

Plan Set titled: MODIFICATIONS AND IMPROVEMENTS TO SAM'S MART 861 NEW HARWINTON ROAD (CT RTE #4) TORRINGTON, CONNECTICUT JUNE 8, 2022 prepared for OWNER ALAM REALTY LLC designed by JASON DISMUKES LLC CONSULTING ENGINEERS

- a. C1 COVER SHEET
- b. C2 EXISTING CONDITIONS rev 2-23-23
- c. C3 PROPOSED SITE PLAN rev 2-23-23
- d. C4 PROPOSED UTILITY PLAN rev 2-23-23
- e. C5 CITY OF TORRINGTON DETAILS rev 2-23-23
- f. C6 MISCELLANEOUS DETAILS rev 2-23-23
- g. C7 S+E AND LANDSCAPING PLAN rev 2-23-23
- h. C8 LAYOUT, STRIPING, & SIGNAGE PLAN rev 2-23-23
- i. C9 WB40 SWEEP PATH ANALYSIS rev 2-23-23
- j. C10 PROTECTION & MAINTENANCE OF TRAFFIC rev 2-23-23
- k. EX1 EXISTING BUILDING PLAN - Not included
- l. EX2 EXISTING BUILDING ELEVATIONS - Not included.
- m. P1 PROPOSED BUILDING PLAN - Not included
- n. P2 PROPOSED SOUTH & WEST BUILDING ELEVATIONS - Not included
- o. P3 PROPOSED EAST & NORTH BUILDING ELEVATIONS - Not included
- p. P4 CANOPY ELEVATIONS P5 LIGHTING PLAN - Not included.
- q. Email reply comments dated 2-23-23.

- r. C9 WB40 SWEEP PATH ANALYSIS dated 06-08-22 (submitted as separate email attachment)

2. The Engineering Department has the following comments:

43. The requested letter from Mystic Oil stating and confirm the design vehicles will be used for this delivery as shown on the revised design plans **has not been provided**.

44. Circle Drive proposed design cross slope varies from 2% to 4% over very short distances and creates a non-uniform roller coaster effect that results in POOR rideability and is therefore **not acceptable**. The cross sectional slope of Circle Drive must be uniform and meet typical City specifications.

47. Reply comments from 2-23-23 state *“We suggest leaving the sign where it is and removing the tree or moving the sign to the east side of the masonry monument.”* This comment is vague, indecisive, and inconsistent with the proposed location as shown on the revised drawings. The designer must provide a definitive answer and rationale for the location of the proposed stop sign and show the proposed stop sign on the plan in a location that is not obstructed by any existing features.

49. With reference to Plan number C9 titled WB40 SWEEP PATH ANALYSIS rev 2-23-23:
- a) The path of the fuel truck stops over the location of the filler pipe of the underground tanks.
  - b) The path for the right turn in from Rte 4 shows the truck starting in the oncoming lane – off tracking over the yellow centerline is not permitted.

With reference to Plan number C9 titled WB40 SWEEP PATH ANALYSIS dated 06-08-22 was submitted as a separate plan not included in the full submission plan set.

- c) This plan although titled as WB 40 shows a different SU-40 truck:
- d) The date and title of this drawing in inconsistent with the submission package, plan numbering and current timeline for revisions. Please retitle and renumber this plan and add to main plan set or provide only one plan for sheet C9.
- e) The path of the fuel truck stops over the location of the filler pipe of the underground tanks.
- f) The path for the right turn in from Rte 4 shows the truck starting in the oncoming lane – off tracking over the yellow centerline is not permitted.

The path of the fuel trucks shown on both C9 sheets is on the opposite side of Rte 4 and stops over the location of the filler pipe of the underground tanks and as such the location of the turning path of the truck is **not acceptable**.

52. New pipe installations within the ROW should provide adequate frost protection cover. The proposed depth of cover of 1.6’ may result in differential frost heaving and is therefore **not acceptable**.

57. The applicant has **not provided** written confirmation that District DOT has approved this revised design and all truck turning path plans.

SUMMARY COMMENTS:

In conclusion, it is the opinion of the Engineering Department that this site design for oil delivery truck ingress and egress and car maneuverability within the site is not practical and does not reflect real world driving conditions which will result in likely turning vehicle conflicts and congestion within the site that may also spill out onto the adjacent streets.

This revised design dated 2-23-23 and the previously submitted application (2021) propose a delivery oil truck and car path routes that are still very restrictive for the proposed site and existing conditions of Circle Drive. The proposed design assumes the oil delivery truck must follow the computer-generated design path as the only possible route to safely enter and exit the site. Should the driver not follow this exact path, or park in a different location to fill the tanks, the left turn onto Circle Drive may result in different truck positioning that will create conflict with the trailer overhanging the opposing travel lane causing conflict with opposing traffic. The proposed truck turning path design is very restrictive and leaves no room for deviation or error. Turning design paths are theoretical as compared to real world driving routes which may vary significantly. It is highly unlikely that every oil truck driver will repeatedly follow the design path exactly. Therefore the probability of deviation and risk of vehicle conflict can be reasonably considered likely.

The proposed re-design (dated 2-23-23) of the northbound lane of Circle Drive to accommodate the proposed driveway drainage with additional catch basins remains problematic with less than typical pipe cover and results in inconsistent cross slopes and poor rideability and in general does not follow City Standards or best road design practices.

Based on the above-mentioned comments, the Engineering Department **is withholding approval** of this application and will not issue a Right-of-Way permit for any construction in Circle Drive at this time.



Paul Kundzins  
2023.03.06 15:38:  
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Paul Kundzins, P.E.  
Deputy Director of Public Works - City Engineer



**STATE OF CONNECTICUT  
DEPARTMENT OF TRANSPORTATION  
BUREAU OF HIGHWAY OPERATION**

**TOWN: Torrington  
Re: 861 New Harwinton Road (Rte. 4)  
Sam's Mart**

**Date: September 7, 2022**

To: Jason Dismukes, P.E.

From: **Mr. Aron Steeves  
Special Services Manager  
359 South Main Street  
Thomaston, CT 06787**

Email: [jason@dismukesengineering.com](mailto:jason@dismukesengineering.com)



This office has reviewed the plans submitted *entitled*, "Modifications and Improvements to Sam's Mart 861 New Harwinton Road CT Rte. 4 Torrington, Connecticut June 8, 2022. Last revised 06-08-22 Prepared by Jason Dismukes LLC Consulting Engineers and have no further comment.

**THE PROPOSED PROJECT SHALL NOT START WITHIN THE DEPARTMENT OF TRANSPORTATION'S RIGHT OF WAY UNTIL AN ENCROACHMENT PERMIT HAS BEEN SECURED. TO OBTAIN AN ENCROACHMENT PERMIT, PLEASE COMPLETE THE FOLLOWING STEPS.**

An encroachment permit will be issued upon receipt of the following:

1. A completed encroachment permit application (State form PMT-1 Rev 10/13)
2. A bond (State form CLA-5 Rev. 8/00) in the amount of fifteen thousand dollars (15,000.00) in the owners/contractors name.
3. A Certificate of Insurance requiring Bodily Injury Liability and Property Liability of \$1,000,000.00 each Accident or Occurrence and Aggregate of \$2,000,000.000.
4. A check or money order in the amount of \$100.00 made payable to the "Treasurer, State of Connecticut."
5. 2 sets of stamped approved plans.
6. Copy of a letter of City/Town approval.

The referenced plan set will satisfy the Office of Maintenance for the encroachment permit for a period of two years from the date of this letter. Should a permit not be issued within the two year period additional review will be required.

Should you have any questions please contact Mr. Ronald Ferris of the Office of Permits at 203 591-3627.

**Torrington Fire Department  
City of Torrington**

Peter A. Towey  
Chief Fire Services

David A. Tripp Jr.  
Deputy Chief Operations

Robert Shopey  
Training/Safety Division

Edward Bascetta  
Fire Prevention/Investigation Division



June 29, 2021

Martin Connor, City Planner  
Planning and Zoning  
City of Torrington

Dear Mr. Connor,

I have received and reviewed the application for the construction of a new gas station to be located at 861 New Harwinton Road. The Fire Department would provide the following general recommendations:

The building should be equipped with a complete and compliant fire protection system compatible with the change of use. The fact it will be vacant during non-business hours make it a prime candidate for the delayed discovery of a fire inside.

Torrington makes use of 'lock boxes' to allow quick access by fire fighters in time of an alarm without causing damage. If not already in existence, a lock box should be installed on the exterior of the building near the main door. The fire department will use its secure master key to open the box and allow the building owner to leave appropriate building access keys inside. This eliminates any delay in entering the building or waiting for a key-holder to arrive in the middle of the night.

The building and area must comply with all required building and electrical code and will be inspected by the Fire Marshal for compliance with the Life Safety Code prior to the issuance of a Certificate of Occupancy, and annually thereafter.

We appreciate the opportunity to review these plans. Please feel free to contact me if there are any questions.

Respectfully submitted,

*Edward Bascetta*

Edward Bascetta

Fire Marshal

City of Torrington

860-489-2534

[Edward\\_bascetta@torringtonct.org](mailto:Edward_bascetta@torringtonct.org)

**City of Torrington Building Department**  
**140 Main St. Torrington, CT 06790, (860) 489-2244**  
**Preliminary Site Plan Review**

**Date: 11-8-22**

**Site Address: 861 New Harwinton Road**

**Description of work: Convenience Store with Gas Pumps and Canopy Over Pumps**

**Building Permit number: B22- as required**

**Plumbing Permit number: P22- as required**

**Mechanical Permit number: M22- as required**

**Electrical Permit number: E22- as required**

**Sewer Permit number: S22- as required**

**Sign Permit number: Sign22- as required**

**Arif Mahmood AKA Tony Mahmood**

**P.O. Box 246**

**Harwinton, CT 06791**

***Please provide the following information, as it pertains, when applying for the required permits:***

- Complete sets of IBC Section 107 required Construction Documents as applicable, prepared by a Registered Design Professional, for all work to be performed***
- Complete Life Safety Plan with Occupant Load and Occupancy Classification***
- Complete Plan for Accessibility including Parking and Passenger Loading Facilities***
- Complete Mechanical, Electrical and Plumbing Plans for all work to be performed***

**Subject to review and on-site correction.**

***It shall be the duty of the permit holder or their agent to notify the Building Official that such work is ready for inspection.***

***The approval of plans and the issuance of permits will in no manner waive the requirements for material quality or code compliance to the 2018 Connecticut State Building Codes. Field inspections are necessary and may require corrective measures for compliance with the Connecticut Building Code and City of Torrington Ordinances.***