

CITY OF TORRINGTON



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To: Planning & Zoning Commission
From: Jeremy Leifert, AICP, City Planner *JL*
Date: April 19, 2023 (Rev 2)
Subject: Earth Excavation Application , Special Exception # 23-03 and Site Plan #1446,
Haynes Aggregates-Torrington, LLC, 3217 Winsted Road and O&G Industries,
Burrville Quarry, 3345 Winsted Road

Haynes Aggregates-Torrington LLC, and O & G Industries, Inc., have filed a joint Special Exception application for existing earth excavation operations at 3217 Winsted Road and 3345 Winsted Road and accessory retail sales in connection with Haynes Aggregates-Torrington, LLC, 3217 Winsted Road quarry operations at property at 3251 Winsted Road. The Haynes and O&G quarries are working together jointly with the majority of the processing taking place at the Haynes processing site at 3217 Winsted Rd. The combined operations proposed involve the excavation of earthen material (rock quarry) including drilling and blasting, processing (crushing, screening, conveying and stockpiling), hauling material offsite, land clearing, stockpiling of overburden material and general maintenance of equipment and properties, including retail sales as an accessory use. A previous approval was jointly issued for both of these properties on March 10, 2021 under Special Exception 20-12 and 21-01 and Site Plans #1362 and #1363. The applications have been combined under a single Special Exception and Site Plan for this application. Earth Excavation operations are required to be renewed every two years in accordance with section 6.4.7 of the zoning regulations.

The proposed maximum number of acres to be excavated on the O&G Industries, Inc., site during the two-year permit term is approximately 23.4 acres with an operations area of 7.1 acres (quarry summit and processing pad/stockyard). This area is the same as previously submitted in the recent 2021 renewal. The Haynes Aggregates – Torrington, LLC, proposed earth excavation operations during the two year permit term is approximately 19.8 acres with an operations area of 7.1 acres, and a 1 acre area reserved for previously approved accessory retail use at 3251 Winsted Road. This area is also the same as the 2021 approval. The plans submitted with the Special Exception are titled, “Interim Mining Plan, Haynes Aggregates Torrington, LLC, - 3217 Winsted Rd & O &G Industries Inc. – 3345 Winsted Rd, Torrington, Connecticut,” by Hrica Associates LLC, Litchfield, Connecticut. Dated 1/1/21, revised to 1/17/23. 9 Sheets. Staff has met with representatives from both quarries and Ken Hrica, P.E., L.S, Hrica Associates who is the Project Engineer/Surveyor for the two quarries.

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

Section 6.4.2 Setbacks

Encroachments of the 50 ft setback have occurred along the north side of the Quarry along the shared property line between the two quarries. The applicants have requested approval for a continuation of this encroachment. They have submitted two letters dated April 4, 2023 from Richard O. Warren, O & G, requesting the waiver and citing their present business agreement and long term operations plan that will combine to a varying degree their respective resources. For grading and stormwater management there will be a necessary encroachment into the 50 ft. setback lines between their two properties. I support the waiver/exception as requested. Section 6.4.2 of the Zoning Regulations permits such an encroachment for stormwater drainage and when creating a more useable area for future development.

Section 6.4.4 Slopes

Ken Hrica of Hrica Associates LLC, in his letter dated March 7, 2023 on behalf of the applicants requests an extension of the waivers previously approved by the Commission for both quarries to allow slopes in excess of 2:1. They are requesting a maximum slope of 1:6 where there is stable rock. They are proposing to provide 2:1 slopes for all earth embankments. Mr. Hrica also in his letter has requested that the City topographic maps (5 ft contour interval) be allowed for use in conjunction with the site plan for areas of the site not under excavation. The area currently being worked was field surveyed using 2 ft contour intervals. These same waivers have been granted in previous renewal applications for both quarries.

Section 6.4.5 Restoration

The applicant has submitted a Landscape Restoration Plan, sheet C-8 for the Haynes Aggregates – Torrington, LLC site in accordance with Section 6.4.5 of the Regulations. Mr. Hrica has also provided a bond estimate of \$38,838.00 for the estimated cost of restoring the disturbed areas during the 2-year period of special exception.

Mr. Hrica has requested that the Haynes site be allowed a 19.7 acre area proposed for active excavation over the upcoming 2 years, 7.5 acres of operations area, and a 1.0 acre area for the accessory retail use. The top down method of excavation necessitates more than 5 acres of open excavation.

With the O&G Quarry operation, because of the top-down method of excavation on this site, the applicant is not yet in a position to restore the excavated areas. They have not excavated down to the final proposed grades. Section 6.4.5.E of the regulations requires that no more than 5 acres are actively being excavated, used, or without topsoil at any one time unless the Commission determines that the five acre maximum does not provide sufficient space for the excavating operations. Mr. Warren has requested in writing, in a letter dated April 4, 2023 that the Commission approve an increase of this area due to the top-down method of excavation ongoing. Five acres does not provide enough area of active excavation. His letter formerly requests this waiver that has been historically granted in previous approvals. The proposed area for excavation, processing and stockpiling is 35 acres (quarry summit and processing pad/stockyard.) Accordingly, they are requesting a waiver of 30 acres to provide them with sufficient space for their excavating operations. O&G currently has a \$350,000 bond (\$10,000 x 30 acres) in place to provide for restoration. Staff conducted a site walk of the existing quarry

with Mr. Hrica on April 5, 2023, and can confirm that there were no noticeable erosion issues within the quarry.

Section 6.4.6. Information

The applicants have submitted a narrative detailing the proposed days and hours of operation. Pursuant to the existing Special Exception permits, quarry operations, including drilling, crushing and screening, are restricted to Monday through Friday only, from 7:00 a.m. – 5:30 p.m. and Saturdays between the hours of 7:00 a.m. to 3:00 p.m. but no drilling or blasting.

Blasting is restricted to Monday – Friday only from 9:30 am – 4:30 pm. Blasting is coordinated with the school system and their bus schedules so that no blasting takes place ½ prior to or ½ hour after buses are scheduled to be in the area.

Saturday retail hours are between 7:00 a.m. – 12:00 p.m. Routine maintenance may be performed Monday – Saturday with no hourly restrictions. No work shall be performed on the following holidays: New Year’s Day, Good Friday, Memorial Day, July 4th, Labor Day, Thanksgiving, and Christmas as listed in current permit conditions.

Operations are described as, “processing of “shot rock” shall continue as previously permitted, i.e. oversized rock shall be hammered and then transported internally for it to be run through primary, secondary and tertiary crushers and be screened and sized for transport off site and for retail sale on site as an accessory use to the quarry operations. Also included in the operation on the lower quarry level is the existing wash plant with a wash screen, a wash screw, and conveyors for stacking. Rubber tired loaders move materials from the wash plant conveyors to material stockpiles.”

The typical crushing operations include jaw crushers, cone crushers, screen plants and conveyors. Also included as a part of the operation are excavators for loading the shot stone, and articulated haul trucks for transporting the shot stone to the crushing plants. Full equipment lists for the two quarry operations have been submitted as part of the prior individual permits and will remain the same during the operation of the combined site with plans being to consolidate operations between the two separate processing locations to streamline duplicative activities on the quarry floor of the Haynes parcel.

Portable equipment to be provided and used by an outside vendor may be operated at the O&G summit or as may be needed. A list of that equipment can be made available at such time as that process begins. Please note that “shot rock”, produced from excavation at the upper quarry area will be immediately processed (crushed, screened and conveyed) to a finished product for retail sale or offsite transport. The submitted site plans show the location of the planned excavation, location of large machinery, location of large scale machinery, trailers and operations on site as well as the existing driveway and haul roads. No new driveways are proposed and there will be no access to the operation from Burr Mountain Rd.

A 600-foot buffer remains in place for any quarry activities from Burr Mountain Road. The 2023 Limits of Excavation at the south end of the Haynes site are to be in line with the eventual quarry merger, resulting in the southern limit of quarrying to be moved to approximately 630 feet from

Burr Mountain Rd. The previous Haynes approval showed grading to approximately 400 feet from Burr Mountain Rd. The narrative submitted with the application describes the methods of excavation proposed for the combined quarrying operation. The narrative states they are scheduled to blast 1-2 times per week. They estimate an average of 500 trucks will enter and leave the site each day or 250 loads when the quarry is in full operation. Daily truck traffic generated will generally average between 280 – 320 truck trips or 140-160 loads. The volume of rock to be removed from these two locations combined will generally range between 150,000 – 350,000 cu yds per annum, subject to market factors. An updated copy of their Stormwater Pollution Prevention Plan and CT DEEP Industrial Stormwater Registration Status has been submitted.

Section 6.4.8 Retail as an Accessory Use

Patrick Haynes, Manager, Haynes Aggregates Torrington, LLC, in a letter dated March 7, 2023, indicates that the types of products in their accessory retail operation sold are decorative and bulk stone, palletized stone, pavers, blue stone, block, flue block, brick, cement, masonry accessories, topsoil, drainage and septic pipe products, and miscellaneous items similar in nature or an accessory to the products made on site. The retail store operations are temporarily closed under an agreement they have with O& G Industries, however, Mr. Haynes is seeking approval to continue retail operations selling the same products as approved in their previous renewals. Haynes Aggregates Torrington LLC is proposing to use a 1 acre area at 3251 Winsted Rd. for retail sales as an accessory use per Section 6.4.8 of the Regulations. The accessory retail use will amount to 3.6% of the 26.9 acres proposed for excavation and operations in connection with the Haynes quarry. Per Section 6.4.8.c, the area for retail sales as an accessory use cannot exceed 10% of the property approved for earth excavation. Retail operations on Saturdays are currently allowed from 7 a.m. to 5 p.m. based on previous approvals granted by the Commission.

Complaint Log

The applicants have submitted complaint logs for complaints made during the 2 year period the current special exception has been in place. Two complaints were received during the approval period and were addressed by the applicant.

Other Staff Comments:

Economic Development: Rista Malanca, City of Torrington Economic Development Director: Rista Malanca, AICP, Torrington Economic Development Director offered no comments on this project.

Assistant City Planner: Nate Nardi-Cyrus, Assistant City Planner in an email to the City Planner dated March 22, 2023 offered the following comments:

General – The ‘current open excavation area’ has not been updated from the 2021 approved plan (both plans show 11.3+- acres). Update new plans to reflect the new acreage; Add updated tree line to Quarry Area #1.

After a field inspection on 4/5/2023, I observed material pushed around the periphery of the stormwater basin next to the large tent structure near the Haynes entrance. Confirm the basin

has had the necessary maintenance to function as designed and install barriers (e.g. concrete blocks) to prevent accidental filling or damage.

Wetlands – Regulated wetlands and watercourses have been identified on 3345 and 3217 Winsted Road. The proposed activities are consistent with a valid inland wetlands permit (#AD21-01-01), issued in February 2021. This constitutes a favorable report for the joint application from the Torrington Inland Wetlands Commission.

Landscaping – There is currently a sufficient vegetative buffer along Winsted Road to screen the site and all existing vegetation remains undisturbed on the at least 50' back from any property line, except the lines between O&G Industries and Haynes Aggregates, which received a waiver from the City Planner in the prior 2021 approval. No other landscaping is proposed or recommended as part of this project.

Lighting – No lighting is shown on the site plan. If new lighting is proposed, it must comply with section 5.17 of the City zoning code. We require the use of full cut-off fixtures and encourage the use of products approved by the International Dark-Sky Association:
<https://www.darksky.org/our-work/lighting/lighting-for-industry/fsa/fsa-products/>.

Signage – There are no new signs proposed as part of this application. A sign permit shall be required before installing any signage in accordance with section 5.15 of the zoning regulations. Any new proposed signs over 32 square feet will require a site plan approval.

Conservation – This application was not referred to the Conservation Commission for comment.

Architectural Review Committee: This application was not referred to ARC for review.

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

Engineering: Paul Kundzins, City Engineer in an email to the City Planner dated April 5, 2023, stated that he had no comments on the application.

Police Traffic: Police Traffic Sergeant Dustin Baldis, in an email to me dated March 15, 2023, indicated that he has no comments on this application.

Fire: Fire Marshal Edward Bascetta, in an email to the City Planner on April 4, 2023 asked to re-submit comments on the previous application to the City Planner dated January 27, 2021:

“I have received and reviewed the application for the renewal of Quarry operations located at 3217 and 3345 Winsted Rd. I will ask that they continue to canvas, and do seismograph readings at the current properties, also continue notifying the mayor’s office, my office the day of the blasts. I will still request copies of all the blast via Email.”

WPCA: Ray Drew, Public Works Director, offered no comments on this application.

Building: Building Official Kevin Gillette, in an email to the City Planner dated March 30, 2023, indicated that he has no comments on this application.

Conclusion:

I recommend that the Commission grant the following requested waivers as allowed in the zoning regulations, as detailed above:

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.

I further recommend that the Commission a make a finding that the application meets the general and specific conditions of special exception approval for earth excavations with the above waivers requested by the applicants. I recommend that the Commission approve Special Exception 03-03 and Site Plan 1446 for earth excavation operations and accessory retail sales with the following conditions:

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. 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.
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. A “Certificate of Special Exception” shall be filed with the City Clerk in accordance with local regulations and state statutes
15. 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.

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.

END OF MEMO

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