

CITY OF TORRINGTON



Land Use Office
Jeremy Leifert, AICP, City Planner
140 Main Street • City Hall
Torrington, CT 06790-5245
E-mail: jeremy.leifert@torringtonct.org

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

City of Torrington website: www.torringtonct.org

To: Planning & Zoning Commission
From: Jeremy Leifert, AICP, City Planner *JL*
Date: April 17, 2024 (Rev 3)
Subject: Earth Excavation Application, Special Exception # 24-01, AJ Resources LLC,
Winsted Road, Assessor's Map 244 Block 001 Lot 007 to renew Earth
Excavation/Quarry approval

AJ Resources, LLC has filed a Special Exception application for a two-year special exception renewal of the earth excavation operations at property on Winsted Road, Assessor's Map 244 Block 001 Lot 007 in an I-Industrial zone. The applicant received original Special Exception approval November 18, 2020 from the Commission and this is their first request for renewal. Their current Special Exception permit was valid through November 2022. The land use office overlooked the renewal date and noticed the need for the applicant to re-apply for the renewal in winter 2023. The applicant immediately began the renewal process upon notification from the City Planner. The property is owned by AJ Resources, LLC and is 12.4 acres in area. The use as proposed is allowed in the I-Industrial zone under zoning regulations section 3.1 – Table of Uses, subsection 13.00 – Excavating, Mining and Quarrying and is also guided by section 6.4 – Excavations and 8.2 – Special Exceptions. There is drainage report submitted with the application dated March 6, 2024. Earth Excavation operations are allowed by special exception under Section 3.1, subsection 13.00 in the I-Industrial Zone. Earth Excavation operations are also required to be compliant with section 6.4.7 of the zoning regulations and are required to be renewed every two years.

The applicant has submitted a Site Plan titled, "Project - AJ Resources LLC, Winsted Road, Torrington, CT," by Borghesi Building & Engineering Co., Inc. Dated February 5, 2024, revised to April 5, 2024. 4 Sheets (SP1-3 & SPD1). Also submitted is an A-2 survey titled, "Topographic Survey Prepared for AJ Resources, LLC, Winsted Road, Torrington, Connecticut," prepared by Timothy G. Wyllie Jr., Land Surveyor, Barkhamsted, Connecticut. Dated November 2023. 1 Sheet. A report titled, "Drainage Report, AJ Resources LLC, 2285 Winsted Road, Torrington, CT," was submitted by Project Engineer John Phillips, P.E., Borghesi Building & Engineering Co., Inc., Torrington, CT. Dated March 6, 2024.

In reviewing the plans submitted, I have the following comments:

1. Section 6.4.6 requires the applicant to show on the Site Development Plan the location of large scale machinery, trailers or other operations on the site. The applicant should provide a list of the proposed large scale machinery to be used in the earth excavation operation and show the locations on the plan.

2. A bond estimate from the Project Engineer should be submitted for the estimated cost of installing and maintaining the E&S Controls. The bond estimate should be reviewed and approved by the Assistant Public Works Director/City Engineer. A cash bond in the amount approved should be submitted prior to issuance of the Special Exception.
3. I recommend that commission condition any approval on blasting notifications as previously approved for other recent quarry approvals in the City
4. Proposed anti-tracking pads near the entrance of the property should be maintained regularly, and the paved driveway and public road shall be cleaned at the end of each work day if material tracking occurs.
5. Approval should be conditioned on the submission of a site restoration bond to cover the installation of the topsoil/trees and stormwater basin as part of the restoration plan.
6. There is no record of industrial stormwater permitting from CT DEEP. The applicant should provide proof of DEEP permitting or application in process for industrial stormwater permitting for the record file prior to closing the public hearing.

8. Section 6.4.2 Setbacks

Per Section 6.4.2 of the Zoning Regulations, no excavation shall take place within 50 feet of a property line except where the Commission determines that such excavation would; A. Improve sight lines on existing road; B. provide a more appropriate system of stormwater drainage or C. Provide a more useable area for future development. The granting of these waivers should be used sparingly and only when the applicant demonstrates the need based on section 6.4.2 of the regulations prior to the encroachments and based on sound engineering reasons. A professional analysis must accompany any request for the above reasons. Currently, the access road on the south side of the quarry is within only a few feet of the property line, with no waiver granted for this area. I recommend that the commission grant the applicant a waiver for this two year period only into the southern 50' setback, with submission of bonding for restoration of this area upon completion of the project. No excavation is proposed within the required setback. The applicant is also proposing excavation and open areas 10' from the front property line. This excavation is necessary due to the steep grades and in my opinion will provide a more useable area for future development. There is a large vegetated right of way providing screening from the proposed excavation. However, a portion of the disturbed area is within the DOT right-of way and will need to be restored from the previous encroachment.

9. Section 6.4.4 Slopes

Per Section 6.4.4 of the Zoning Regulations, slope shall not exceed 1 foot vertical to 2 foot horizontal. The applicant is proposing a rock face of 1 foot vertical to 6 foot horizontal. The applicant is also proposing a chain link fence for protection. A waiver from Section 6.4.4 has been requested in writing by the applicant, and I recommend approval as a method of providing more land for future development.

10. Section 6.4.5 Restoration

Section 6.4.5 E of the Zoning Regulations requires a Restoration Plan. Sheet SP2 includes a restoration plan for phase one. Section 6.4.5. C requires one tree per 10,000 square feet of excavated area. The applicant has modified the restoration plans to meet requirements and included the signature of a landscape gardener/landscape architect.

Section 6.4.5 F of the Zoning Regulations requires that the applicant provide a bond estimate for the cost of restoring the area to be disturbed during the two year period of the special exception. The bond shall cover all aspects of the restoration. It shall be in the form of a certified check, passbook account, letter of credit or bond from a company licensed by the State of Connecticut. It shall be in a form acceptable to the Corporation Counsel. A bond estimate from the Project Engineer should be submitted for the estimated cost of restoration.

11. Section 6.4.6. Information

The Special Exception application indicates, *“The property is zoned I – Industrial, however given the site grades considerable grading is required to accommodate an industrial use. This project begins the site grading process.”* Hours of operation proposed are Monday through Friday 7am to 5pm and Saturday 7am – 3pm.

Per notes on the included plans, operations include screening and sorting materials, stumps, wood, topsoil, rock and gravel. Blasting, hammering and digging will be proposed for the duration of project. Blasting will be required throughout the entire excavation area. Blasting is proposed at a rate of approximately once per month. Crushing and screening equipment will be moved and utilized throughout the excavation limits. The number of trucks entering and exiting the site is a maximum of 150 per day. The maximum number of acres to be excavated during the two-year permit term is approximately 1.5 acres per year for total of 3 acres. The project engineer estimates 85,000 cubic yards of material will be withdrawn per year. The maximum depth of excavation proposed is 90 feet.

Within the submitted plan sheet SP1, the applicants have proposed days and hours of operation. I recommend that the conditions for the previous approval for hours of operation, blasting timing and notifications, and posting of signage be continued as approved in the previous application. No activities such as blasting or material processing may occur on Saturdays. Routine equipment maintenance and hauling may occur on Saturdays.

12. Complaint Log

No records of complaints have been recorded in the file in the current two-year permitting period

Other Staff Comments:

Economic Development: This application was not referred to the Economic Development Office for comment

Assistant City Planner: Nate Nardi-Cyrus, Assistant City Planner in an email to the City Planner dated March 22, 2024 offered the following comments:

General – Confirm survey is A-2, especially in those areas noted as drone surveyed. Stockpiles and equipment are being stored in the State DOT ROW and the 10' front yard buffer. Woodchip berm is on State DOT ROW, not along property boundary as shown on plan. Detention/Sediment basin was never installed.

Wetlands – This project was initially approved by the Inland Wetlands Agent under permit # AD20-10-03. During a recent site visit, city staff documented sediment, apparently originating from the property, depositing on the Sure Grossman Trail and potentially into adjacent regulated wetlands. The proposed detention/sediment basin must be installed immediately, per active wetlands permit plans, and plan modifications must be made to specifically address the off-site sedimentation issue. An inland wetlands permit modification must be approved prior to issuing a favorable wetlands report.

Landscaping – Area noted as ‘front yard vegetation to remain,’ to the south of the access drive, has been cleared. The access road is within the 50’ side yard setback on the south property line. I recommend a planting plan be submitted, describing the restoration of screening vegetation within 10’ front yard buffer.

Lighting – No exterior lighting was observed on plans or during site visit, however, any new lighting must conform with section 5.17 of the zoning regulations. We encourage the use of products approved by the International Dark-Sky Association.

Signage – There are no signs proposed as part of this application. All future signage must conform to section 5.15 of the zoning regulations.

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

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 a memorandum to the City Planner dated March 28, 2024, offered comments on the submitted plans with required corrections and recommendations. See attached.

Police Traffic: Police Traffic Sergeant Dustin Baldis, in an email to the City Planner dated February 23, 2024, indicated that he has no comments on this application.

CT DOT: Rob Fernandez, Transportation District Services Agent II with CT DOT, in an email to the City Planner dated February 26, 2024 offered the following comments:

I have one comment. It appears there is stockpiling of material in the right-of-way. Stockpiling of material or storing of equipment is not allowed within the right-of way.

The Fire Marshal’s Office, WPCA and Building Department offered no comments on this application.

Conclusion:

I recommend that the Commission review the comments and conditions in this memorandum and other documents and testimony at the public hearing and consider the following questions in the application review:

1. Has the applicant provided information that the requirements for CT DEEP's Industrial Stormwater General Permit have been met or is in process?
2. Is there an appropriate plan to restore encroachments into the state DOT right-of way in the front of the property?
3. Have tracking concerns onto Winsted Road been adequately addressed?
4. Has the commission received updated bond estimates for erosion controls and site restoration, including topsoiling and tree planting, installation of the stormwater basin, and restoration of the state DOT right-of-way?

If the items above are addressed satisfactorily, I recommend the commission 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.

1. Section 6.4.4 to allow slopes to exceed 2:1 slope;
2. Section 6.4.2 regarding reduction of excavation setbacks in the front yard

Per the comments/question #1 above: To date, no copies of a DEEP industrial stormwater permit or application progress has been submitted. I recommend continuing this public hearing to the next regularly scheduled commission meeting to allow for submission of these additional documents.