

CITY OF TORRINGTON



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To: Planning & Zoning Commission
From: Martin J. Connor, AICP, City Planner
Date: April 28, 2021
RE: Special Exception 20-05 & Site Plan 1371, Charles R. Ebersol, Jr., Pumping Station Road, Tax Assessor's Map 201/003/001, Rebuild and 10% expansion of barn/garage

Attorney Charles R. Ebersol, Jr., on behalf of property owners Mark & Brigid Merriman, has filed an application to rebuild and expand the existing barn/garage on Pumping Station Road, Tax Assessor's Map 201/003/001. The existing barn/garage is on a lot with no principal dwelling making the use non-conforming and it does not meet the 50 ft minimum front yard setback for a structure in the R-60 Zone. The property is 5.65 acres in size. The Merrimans live directly across the street from the barn/garage at 26 Pumping Station Road and currently utilize it as an accessory structure for their residence. The existing barn/garage is located 18.3 ft from the front property line. The proposed barn/structure will be rebuilt in the same footprint with the expansion to the rear. They have filed to rebuild and expand the barn/garage per Section 5.12.3.A of the Zoning Regulations below:

5.12.3 Structures with Non-Conforming Uses

A. One expansion of a structure - other than a one or two family residence - with non-conforming uses is permitted provided:

- 1. the expansion is no greater than 10% of the structure's gross floor area or 10% of the structure's cubic volume whichever is less;*
- 2. all other applicable zoning regulations are observed; and*
- 3. a special exception is obtained.*

The applicant has submitted an A-2 Survey titled, "Site Plan Prepared for Mark Merriman, Pumping Station Road, Torrington, Connecticut," dated 3/22/2021, by Hrica Associates LLC. Also submitted were drawings showing existing dimensions of the 1st and 2nd floor of the existing barn/garage and a computation sheet. The computation sheet indicates that the existing barn garage is 24' x 34', downstairs interior, 23 ft 5 inches x 33 ft 8.5 inches or 789.38 sq. ft. The upstairs interior is 23 ft 5 inches x 33 ft 5 inches or 782.53 sq. ft. The total 10% expansion allowed would be 1,729.10 sq. ft. The proposed barn/garage dimensions are 24' x 39', downstairs interior proposed 23 ft 1 inch x 38 ft 1 inch or 879.07 sq. ft. The upstairs interior is proposed to be 22 ft 2 inches x 38 ft 1 inch or 844.19 sq. ft. The total garage surface area proposed is 1,723.26 sq. ft.

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

1. The proposed barn/garage expansion appears to comply with the 10% maximum expansion limit.
2. A new paved driveway parking area is proposed in connection with the barn/garage rebuild. A Driveway Permit from the Engineering Department will be required.
3. The new barn/garage will be serviced by public water. The owners are proposing an orchard and garden area and will be irrigating these areas.
4. The proposed barn/garage will not encroach any further into front yard setback than the existing barn/garage and meets the required side yard and rear yard setbacks.
5. No bathroom facilities are proposed.
6. Architectural Elevations of the proposed barn/garage including the proposed height should be submitted in accordance with Section 8.4.3.M of the Regulations. The architectural elevation can then be used by the Commission to make a finding that the proposed barn/garage will be comply with the general standards of Special Exception approval. *Specifically 8.2.2.B 5. - The location and height of buildings, the location, nature and height of walls and fences, the nature and extent of proposed signs, exterior lighting, landscaping and open space on the site shall be such that these features shall be compatible and in harmony with adjacent properties and the neighbor- hood, will not hinder or discourage the appropriate development and use of adjacent land and buildings or significantly impair the value thereof. Also per 8.2.2.B.6. - The proposed use shall not have a significant adverse effect upon property values or appearance in the neighborhood, taking into account the topography of the lot and the character, location and height of proposed buildings, structures and landscaping.*

Fire Marshal Review

The application was referred to Fire Marshal Ed. Bascetta. In his letter to me dated 4/21/21 he recommended:

1. *The building should be equipped with a complete and compliant fire protection system compatible with the new construction. The fact it will be vacant during non-business hours make it a prime candidate for the delayed discovery of a fire inside.*
2. *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.*
3. *The building and area must comply with all required building and electrical codes 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.*

Police Traffic: No comments were received from Officer Pisarski, Police Traffic Unit.

Inland Wetlands, Lighting & Landscaping

Jeremy Leifert, Assistant City Planner, has no comments on the application.

Engineering Review

Paul Kundzins, P.E., Assistant Public Works Director / City Engineer, in an e-mail memo to me dated 4/20/21 marked up the site plan and had the following comments:

1. *Residential driveways can only be 20' wide max within the ROW.*
2. *No radii at the street e/p.*
3. *Confirm location of support push pole – should it be on private property the property owner may need to grant an easement to Eversource electrical.*
4. *Show proposed spot grade at SE corner of proposed parking area.*
5. *Confirm that the property can be serviced with municipal water without a septic system.*
6. *Confirm the roof drain will not be used for a drain for domestic water from the building.*
7. *Show COT standard detail for temporary and permanent trench repair on the plan. – current detail attached.*

Should the application be approved the Engineering comments should be addressed as a condition of approval.

Building Official

Building Official Kevin Gillette has reviewed the application and in a memo dated 4/26/21 to me has indicated what information will be required to be shown on building plans submitted for in conjunction with a Building Permit Application.

Conclusion

Provided the applicant submits architectural elevations for the barn/garage that the Commission determines are harmonious with the character of the neighborhood, I recommend that the Commission make a finding that the Special Exception for the rebuild and 10% expansion of barn/garage meets the general and specific standards for Special Exception Approval. I recommend approval with the following condition of approval and recommendation:

1. The applicant shall address the comments from Paul Kundzins, P.E., Assistant Public Works Director / City Engineer, contained in his email memo to the City Planner dated 4/20/21.
2. It is recommended that the applicant follow the advice of Fire Marshal Ed Bascetta contained in his letter to the City Planner dated 4/21/21.

Cc: Attorney Ebersol
Mark Merriman