

CITY OF TORRINGTON



Land Use Office
Martin J. Connor, AICP, City Planner
140 Main Street • City Hall
Torrington, CT 06790-5245
E-mail: Martin_Connor@torringtonct.org

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

City of Torrington website: www.torringtonct.org

To: Planning & Zoning Commission
From: Martin J. Connor, AICP, City Planner
Date: November 4, 2020
RE: Special Exception 20-10 & SP#1352, A J Resources LLC, Winsted Road, Tax Assessor's Map 244 Block 001 Lot 007

David Curtis, A J Resources LLC, has filed a Special Exception application approval for a 2-year permit for earth excavation operations at their 11.17 acre property above. 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."* 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. The maximum number of acres to be excavated during the two-year permit term is approximately 2.1 acres, approximately 1 acre per year. They are estimating 50,000 C.Y. of material will be withdrawn per year. The maximum depth of excavation 70 ft. Hours of operation proposed are M-F 7am – 5pm, Sat 7am – 3pm. The number of trucks entering/exiting the site is proposed at 150 maximum per day. Crushing and screening equipment will be moved and utilized throughout the excavation limits shown on the plans.

The applicant has submitted a Site Plan titled, "A J Resources LLC, Winsted Road, Torrington, CT," by Borghesi Building & Engineering Co., Inc., sheets SP1-3 & SPD1. Also submitted is an A-2 Survey titled, "Property & Topographic Survey Prepared for David Curtis, Winsted Road, Torrington, Connecticut," prepared by Dufour Surveying, LLC, dated 6/30/20. A Drainage Report titled, "A J Resources LLC, Winsted Road, Torrington, CT," by Borghesi Building & Engineering Co., Inc., dated 9/30/20 was also submitted by Project Engineer, John Phillips, P.E.

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

1. Per Section 6.4.2 of the Zoning Regulations, no excavation shall take place within 50 ft 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; provide a more useable area for future development. C. Provide a more useable area for future development. The applicant is proposing excavation 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. A waiver from Section 6.4.2 should be requested by the applicant to allow excavation within the 50 ft front yard setback.

2. Per Section 6.4.4 of the Zoning Regulations, slope shall not exceed 1ft vertical to 2 ft horizontal. They're proposing a rock face of 1 ft vertical to 6 ft horizontal. The applicant is proposing a chain link fence for protection. A waiver from Section 6.4.4 of the Zoning Regulations should be requested by the applicant.
3. Section 6.4.5 E of the Zoning Regulations requires a Restoration Plan. Sheet SP2 includes a restoration plan for phase one. The plan however does not include any trees. Section 6.4.5. C requires one tree per 10,000 square feet of excavated area. Deciduous trees shall be a minimum caliper of 2.5 inches at the time of planting. Non-deciduous trees shall be a minimum of 6 feet high at time of planting. No more than fifty per cent of the trees may be non-deciduous. To the extent practical, the trees shall be hardy native species and compatible with the post excavation site characteristics. The Restoration Plan needs to be amended. Per Section 6.4.6 B, the Restoration Plan needs to be signed by a Landscape Architect or Landscape Gardener.
4. 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.
5. 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.
6. Sheet SPD1 contains the Soil Erosion & Sediment Control Plan Narrative. The narrative describes E&S Controls that are not shown on the Site Development Plans. The E&S Controls need to be added to the plans. 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.
7. I would recommend that the Commission impose the same conditions of approval that they have imposed on the nearby O&G, Haynes and AJK, LLC Quarries including days and hours of operation, blasting notifications, and truck traffic warnings.

Fire Department and Police Reviews:

Ed Bascetta, Fire Marshall, had no comments.

Officer Steven Pisarski, Torrington Police Traffic Unit, had no comments.

Wetlands, Landscaping, Lighting & Signage

Jeremy Leifert, Assistant Planner, CZ&WEO, indicated in an e-mail referral dated 10/22/20 had the following comments:

Wetlands – An inland wetlands application has been submitted (Application AD 20-10-03) and is currently under review and within the 15-day appeal period for issuance of a wetlands agent

permit. The proposed work is outside of the upland review area that would typically require wetlands permits. However, stormwater flows from the site are proposed to be connected to the existing stormwater infrastructure along Winsted Road what flows into wetlands on the opposite side of the street, so a permit was required in this case. I will send an update on the wetlands permitting status pending engineering review and the end of the 15-day agent permit appeal period after November 3.

Landscaping – Due to existing topography and existing vegetation along Winsted Road, the site is sufficiently screened from Winsted Road. The plans do not propose disturbance or clearing of any of the areas directly adjacent to Winsted Road or within the required 50-foot buffer, except along the front property line.

Excavation appears to be proposed within 50 foot of the front property line. However, with site conditions and sufficient screening and buffering along Winsted Road, I would recommend granting of a waiver for excavation in the front yard buffer area under the provisions of section 6.4.2 of the regulations. These conditions are satisfactory for compliance with section 6.4.2 (setbacks) and section 6.4.3. (screening) of the zoning regulations.

The site restoration plan should be updated to show deciduous tree plantings as required by section 6.4.5.C and 6.4.6.B of the regulations (1 tree per 10,000 s.f. of disturbance).

Lighting – No site lighting is proposed or recommended as part of this plan. Any future proposed lighting shall conform to the requirements of section 5.17 of the zoning regulations.

Signage – No new commercial signage is proposed as part of this application. Any future signage proposals shall conform to section 5.15 of the zoning regulations. Any new signage proposed over 32 square feet will require site plan approval.

Engineering Review

Assistant Public Works Director/City Engineer Paul Kundzins, P.E. in a memo to me dated 11/3/20 stated:

- *The applicant has requested excavation of 100,000 CY of earth excavation at the property identified by Map 224, Block 001 Lot 007.*
- *Modifications to the access road and storm drainage discharge connection to Winsted Road will be subject to DOT approval.*
- *The Engineering Department does not foresee any issues with regards to this application for the proposed excavation work and therefore endorses this application.*

Conclusion

Provided my comments above are addressed, I recommend approval of the two year Special Exception approval of the earth excavation permit with the following conditions:

1. The quarry 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.
2. Except for routine maintenance, the quarry shall not operate on Saturdays.
3. All quarry operations, except routine maintenance, shall be limited to the hours of 7:00

- a.m. to 5:30 p.m., Monday through Friday.
4. The use of a rock crusher and/or hammer shall operate between the hours of 7:00 a.m. and 5:30 p.m., Monday through Friday. Drilling shall occur only between the hours of 7:00 a.m. and 5:30 p.m., Monday through Friday.
 5. No blasting shall occur on Saturdays, Sundays, or any of the following holidays: New Year's; Good Friday; Memorial Day; July 4th; Labor Day, Thanksgiving and Christmas.
 6. Blasting shall occur between the hours of 9:30 a.m. and 4:30 p.m. A J Resources LLC shall determine the schedule of Torrington school buses that pass through the area. No blasting shall occur either a half hour before or a half hour after the time a school bus is scheduled to be in the area.
 7. A blast warning shall occur before blasting.
 8. A J Resources LLC shall notify all adjoining property owners 72 hours prior to a blast. With the property owner's approval, this notification may be reduced to 24 hours.
 9. Any property owner within one half mile of A J Resources LLC property can also request that A J Resources LLC notify them prior to a blast. A J Resources LLC must honor this request. With the property owner's approval, this notification may be reduced to 24 hours.
 10. A J Resources LLC shall designate an individual to receive, handle and log complaints from neighbors. The record of these complaints shall be presented to the Planning and Zoning Commission at, or prior to, the public hearing on the renewal of the special exception.
 11. The traffic signs along Winsted Road warning of trucks entering or leaving the site shall be maintained.
 12. Per Section 6.4.5 F of the Zoning Regulations, A J Resources LLC shall provide a bond in the amount approved by the City Planner for restoring the proposed 2.1 acre excavation area to be disturbed during the two-year period of Special Exception. The bond shall be in a form acceptable to the Corporation Counsel.
 13. A bond estimate from the Project Engineer shall be submitted for the estimated cost of installing and maintaining the E&S Controls. A cash bond in the amount approved Assistant Public Works Director/City Engineer shall be submitted prior to issuance of the Special Exception.

Cc: David Curtis, A J Resources LLC
John Phillips, P.E., Borghesi Building & Engineering Co., Inc.

Lona Kirk

From: Martin J Connor
Sent: Monday, November 9, 2020 2:00 PM
To: John Phillips
Cc: Dave Curtis (dcurtis@snet.net); Lona Kirk; Jeremy Leifert
Subject: RE: Special Exception 20-10 & SP#1352, A J Resources LLC, Winsted Road, Tax Assessor's Map 244 Block 001 Lot 007

Hi John, see my replies in red below. Best, Marty

Martin J. Connor, AICP
City Planner
City of Torrington
140 Main Street
Torrington, CT 06790
860-489-2220

From: John Phillips <john@borghesibuilding.com>
Sent: Monday, November 9, 2020 1:56 PM
To: Martin J Connor <Martin_Connor@torringtonct.org>
Cc: Dave Curtis (dcurtis@snet.net) <dcurtis@snet.net>
Subject: Re: Special Exception 20-10 & SP#1352, A J Resources LLC, Winsted Road, Tax Assessor's Map 244 Block 001 Lot 007

Hi Marty,

A couple of questions/comments regarding your comments;

- 1) We are requesting that the two waivers be granted for excavation in the front yard (sec.6.4.2) and slope (sec. 6.4.4), yes
- 2) I sent the revised restoration plan to you last week ok
- 3) I assume we will prepare the bond estimates after the commission approves the application, but prior to commencement of work yes
- 4) Dave is preparing a list of equipment to be used in the excavation operations great have him submit it.
- 5) Any update on the wetland application status Jeremy will advise but should be approved.
- 6) I assume you will send an invite to the meeting next week? Lona will send you the agenda and ZOOM Link.

Thanks John

From: Martin J Connor <Martin_Connor@torringtonct.org>
Sent: Wednesday, November 4, 2020 1:10 PM
To: Diane Carroll (diane@thewashingtonagency.com) <diane@thewashingtonagency.com>; 'Donna Greco'

<dmgreco@optonline.net>; Donovan Riley (Donovanrileyjd@gmail.com) <Donovanrileyjd@gmail.com>;
greg.mele@eastside-electric.com <greg.mele@eastside-electric.com>; 'greg@commercialsewing.com'
<greg@commercialsewing.com>; jebobinski@optonline.net <jebobinski@optonline.net>; Starley.n.arias@gmail.com
<Starley.n.arias@gmail.com>; Thomas Telman <thomastelman@gmail.com>

Cc: Lona Kirk <Lona_Kirk@torringtonct.org>; dcurtis@snet.net <dcurtis@snet.net>; John Phillips
<john@borghesibuilding.com>; Jeremy Leifert <Jeremy_Leifert@torringtonct.org>

Subject: Special Exception 20-10 & SP#1352, A J Resources LLC, Winsted Road, Tax Assessor's Map 244 Block 001 Lot 007

Please see my memo on the above application. It is scheduled for a public hearing at the next P&Z Meeting, 11/18/20, at 7 pm via Zoom. Best, Marty

Martin J. Connor, AICP
City Planner
City of Torrington
140 Main Street
Torrington, CT 06790
860-489-2220

City Of Torrington

ENGINEERING DEPARTMENT
(860) 489-2234



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

Memorandum

To: Martin Connor, City Planner
Jeremy Leifert, Zoning and Wetlands Enforcement Officer

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

Date November 3, 2020

RE: Engineering Review – Winsted Road (244-001-007) Earth Excavation
Applicant: A.J. Resources LLC

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

1. Submitted supporting documents:
 - a. P&Z Application
 - b. Property and topographic survey prepared by Dufour Surveying LLC dated 06-30-2020
 - c. Drainage Report prepared by Borghesi Building & Engineering Co. dated Sept 30,2020
 - d. Design plans prepared by Borghesi Building & Engineering Co. dated 9/29/20
 - i. SPD1 – sediment control
 - ii. SP1 – 2 yr grading plan
 - iii. SP2 – restoration plan
 - iv. SP3 – full build out plan
 - v. WM – watershed map
2. The applicant has requested excavation of 100,000 CY of earth excavation at the property identified by Map 224, Block 001 Lot 007.
3. Modifications to the access road and storm drainage discharge connection to Winsted Road will be subject to DOT approval.
4. The Engineering Department does not foresee any issues with regards to this application for the proposed excavation work and therefore endorses this application.

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

Digitally signed by:
Paul Kundzins
Date: 2020.11.03
15:19:40 -05'00'

Martin J Connor

From: Jeremy Leifert
Sent: Thursday, October 22, 2020 10:29 AM
To: Martin J Connor
Subject: Special Exception 20-10 and Site Plan Application 1352, AJ Resources, Winsted Road

Follow Up Flag: Flag for follow up
Flag Status: Flagged

Marty,

I have reviewed the information submitted for the special exception and site plan application for a proposed earth excavation operation on Winsted Road (Assessor's Map 244/Block 001/Lot 007) owned by AJ Resources, LLC, and offer the following comments:

Wetlands – An inland wetlands application has been submitted (Application AD 20-10-03) and is currently under review and within the 15-day appeal period for issuance of a wetlands agent permit. The proposed work is outside of the upland review area that would typically require wetlands permits. However, stormwater flows from the site are proposed to be connected to the existing stormwater infrastructure along Winsted Road what flows into wetlands on the opposite side of the street, so a permit was required in this case. I will send an update on the wetlands permitting status pending engineering review and the end of the 15-day agent permit appeal period after November 3.

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Thanks,

Jeremy Leifert, CZEO
Assistant City Planner
Zoning and Wetlands Enforcement Officer
City of Torrington
140 Main Street, Room 324
860-489-2221