

**CITY OF TORRINGTON  
PLANNING AND ZONING COMMISSION  
MINUTES  
August 12, 2009**

Present: Richard Calkins, Chairman  
Doris Murphy, Member and Inland Wetlands Liaison  
Greg Mele, Member  
Donna Greco, Alternate  
Christine Mele, Alternate

Also present: Martin Connor, AICP, City Planner

Not Present: Paul Summers, Vice Chairman  
Greg Perosino, Member  
Jim Bobinski, Alternate

1. **Call to Order:** Chairman Richard Calkins called the meeting to order at 7:01 p.m., Sullivan Senior Center, Shuffleboard Room, 88 East Albert Street, Torrington, CT

2. **Attendance/Announcement by Chairman:**

Chairman Calkins announced present and serving on the Commission this evening will be Doris Murphy, Greg Mele, Donna Greco, Christine Mele and Richard Calkins. Also present is Martin Connor, City Planner.

3. **Minutes for Approval:**

a. 7/15/09

MOTION by Mr. Mele to approve the 7/15/09 minutes, seconded by Ms. Greco, motion carried, with Ms. Mele and Ms. Murphy abstaining from voting.

4. **Old Business:**

a. Plan of Conservation and Development  
Presentation by Planimetrics on the update of Torrington's Plan of Conservation and Development

Jason Vincent with Planimetrics appeared before the Commission with a summary of requirements, statutes, etc. Mr. Vincent also presented time frames of the two different options of moving the project forward. Mr. Vincent is looking for guidance from the Commission as to whether the plan is ready to move to a public informational meeting, or if changes will be needed.

Mr. Calkins noticed an inconsistency in that the Still River Area is noted to be protected, and it is also listed as an Enterprise Zone, slated for industrial and commercial growth.

Mr. Connor stated he has been meeting with Mr. Vincent and Kim Barbieri on this plan, noting corrections along the way. The reason for this is that the Still River Area is zoned Industrial, and in the Enterprise Corridor are existing industrial park properties. There is going to be that conflict.

Mr. Calkins noted any development on the eastern side of Route 8 will be difficult to accomplish.

The plan was briefly discussed. Mr. Calkins stated he was very impressed with the Plan Update, from a visual and informational standpoint.

A public informational meeting will be planned in September, 2009.

b. Site Plan 949

Applicant: Kristoffer Hall

Location: Technology Park Drive, Lot 10 (Assessor Map 245-2-102)

Proposal: Construct 16,000 sq. ft. building for landscape business

Kristoffer Hall of 47 Johnnycake Lane, New Hartford, appeared before the Commission and noted a correction has been made to show it is a 1,600 sq. ft. building to be constructed, and not 16,000 sq. ft. as noted on the application.

Mr. Connor noted the applicant has corrected the application to show the use is construction of an industrial park site to include a 1,600 sq. ft. building per use code 19.0 and 9.40 as listed in Section 3.0 of the City of Torrington Regulations to have what would constitute outside storage and manufacturing, processing and creating, repairing, renovating, painting, cleaning or assembly of goods, merchandise or equipment.

Mr. Hall explained the uses of the building/site (#450).

Mr. Connor reviewed his 8/3/09 memo to the Commission. The majority of Mr. Connor's comments have been addressed.

Mr. Calkins stated that of all the uses that are allowed in the Industrial Park, and this is one of the uses and we will have no choice but to approve it, the only one Mr. Calkins would think more inappropriate for a technology park than a landscaping business would be mini-storage buildings, which we already have. Mr. Calkins is appalled and outraged that the taxpayers spent millions of dollars on infrastructure for this park in order to have these types of uses. It is nothing personal against the applicant, Mr. Calkins wanted to make this a part of the record. The taxpayers were sold on the technology park and Mr. Calkins can't say that a landscaping business or a mini-storage building meet the requirements that the taxpayers were sold on.

MOTION by Mr. Mele to APPROVE Site Plan 949

Applicant: Kristoffer Hall

Location: Technology Park Drive, Lot 10

Proposal: Construct 1,600 sq. ft. contractor office and ware house storage building with parking of vehicles or storage of equipment outside structure

with the following conditions and recommendations:

1. A Class A-2 survey map of the property shall be submitted to the City Planner's office prior to filing a recording mylar map and issuance of a zoning permit.

2. The applicant shall submit a bond estimate to be reviewed and approved by the City Planner for the proposed landscaping and a separate bond estimate for erosion and sedimentation controls. A bond in a form acceptable to the Corporation Counsel shall be posted prior to issuance of the Zoning Permit. 25% of the posted landscaping bond shall remain in place for one year after the landscaping plan has been fully implemented to ensure successful growth of the plantings.
  3. It is recommended that the applicant follow the advice of Fire Chief, John B. Field, Jr., contained in his 7/7/09 letter to the City Planner on the project.
  4. Per Ray Drew, Administrator, WPCA, the owner shall file for a sewer discharge permit and pay the appropriate connection fee prior to issuance of a zoning permit.
- MOTION seconded by Ms. Greco, motion carried, four in favor, one opposed. Mr. Calkins voted against the motion.

**5. New Business:**

- a. Site Plan 952  
Applicant: Taco Bell of American, Inc.  
Location: 1795 East Main Street  
Proposal: 2,600 sq. ft. Taco Bell restaurant with 50 seats and drive-through

window

MOTION by Mr. Mele to table this application, seconded by Ms. Murphy, unanimously carried.

- b. Resubdivision - time extension  
Applicant: Montagna Estates LLC  
Location: Mountain Road, Assessor Map 232 Block 3 Lots 1 and 6  
Proposal: Request for two 90 day extensions for the recording of the mylar maps

on Torrington Land Records

Mr. Connor explained the statutes allow for up to two extension, which would allow this to expire on February 13, 2010.

MOTION by Mr. Mele to Resubdivision - time extension

- Applicant: Montagna Estates LLC  
Location: Mountain Road, Assessor Map 232 Block 2 Lots 1 and 6  
Proposal: Request for two 90 day extensions for the recording of mylar maps on Torrington Land Records.

The Commission hereby grants two 90 day extensions on the above referenced resubdivision, to expire on February 13, 2010. Motion seconded by Ms. Murphy, unanimously carried.

**6. Public Hearings Scheduled for August 12, 2009, 7:30 p.m., Sullivan Senior Center, Shuffleboard Room, 88 East Albert Street, Torrington, CT:**

- a. Site Plan 950 and Special Exception 09-230  
Applicant: Northwest Connecticut Chamber of Commerce  
Location: 37 Christopher Road, Commuter Parking Lot  
Proposal: Construct Welcome Center, Education and Cultural Use

At 7:30 p.m. Chairman Calkins opened the public hearing and stated serving on the hearing this evening will be Commissioners Doris Murphy, Christine Mele, Greg Mele, Donna Greco

and Richard Calkins. Also present is City Planner Martin Connor.

Mr. Mele read the legal notice which was published in the Republican American.

Mr. Calkins outlined the procedures for public hearings.

Dennis McMorro of Berkshire Engineering and Surveying appeared representing the applicant, along with Luke McCoy of Friar Associates, the project architects. Also present is JoAnn Ryan, from the Northwest Chamber of Commerce.

No neighborhood notification was necessary as they are surrounded by roadways owned by the State of Connecticut. Minor changes have been submitted. Presentation followed. (#1061)

Mr. Connor reviewed his memo dated 8/5/09 to the Commission.

No comments from the public.

At 7:51 p.m. Chairman Calkins declared the public hearing closed.

MOTION by Mr. Mele to APPROVE Site Plan 950 and Special Exception 09-230

Applicant: Northwest Connecticut Chamber of Commerce

Location: 37 Christopher Road, Commuter Parking Lot

Proposal: Construct Welcome Center, Education and Cultural Use

with the following conditions:

1. The applicant shall apply for a sewer discharge permit and address the comments contained in an e-mail memo on the project from Ray Drew, WPCA Administrator dated 8/4/09.
2. The applicant shall add two street trees along Christopher Road as recommended by the ARC Committee.
3. It is recommended that the applicant follow the advice of Fire Chief John B. Field Jr., contained in a letter to the City Planner dated 7/15/09.
4. It is recommended that the applicant review the project with CT DOT District 4 and obtain any permits required from the State prior to obtaining a zoning permit for the project.

MOTION seconded by Ms. Murphy, unanimously carried.

b. Special Exception 09-231

Applicant: Kimberly Fazzino

Location: 778 East Main Street, R6 zone

Proposal: Professional office for photography studio

At 7:55 p.m. Chairman Calkins opened the public hearing and stated serving on the Commission this evening will be Commissioners Doris Murphy, Christine Mele, Greg Mele, Donna Greco and Richard Calkins. Also in attendance is City Planner Martin Connor.

Mr. Mele read the legal notice that was published in the Republican American.

Kimberly Fazzino appeared before the Commission and verified the public hearing sign was properly posted and submitted neighborhood notifications. Ms. Fazzino gave a brief presentation of her proposal.

Mr. Connor reviewed his 8/3/09 memo to the Commission.

Sulvitar Rinaldi, 129 Adelaide Terrace, appeared and questioned the hours of operation.

Linda Rinaldi of 129 Adelaide Terrace appeared and inquired about the maintenance of the fence, and Mr. Connor had recommended as a condition of approval that the fence on the subject property be maintained. It has to be a stockade fence as it now, and maintained so that if it falls down it must be fixed or replaced.

Ms. Fazzino responded her hours of operations should be between 9:00 a.m. to the latest 7:00 p.m.

Ron Peasley of 100 Adelaide Terrace appeared and stated that as East Main Street gets busier, that we don't open the door to other things going in there. Mr. Calkins responded that in the R6 zone you can have either a residence or a profession office. Mr. Calkins explained the process for a zone change, which is unlikely to happen in this area. Definitions of Special Exception were given by Mr. Calkins and Mr. Connor.

At 8:07 p.m. Chairman Calkins declared the public hearing closed.

MOTION by Mr. Mele to APPROVE Special Exception 09-231

Applicant: Kimberly Fazzino  
Location: 778 East Main Street  
Proposal: Professional office for photography studio  
with the following conditions and recommendation:

1. Per Ray Drew, Administrator, WPCA, the owner or applicant shall obtain an updated Sewer Discharge Permit.
2. Per Fire Chief John B. Field Jr., it is recommended that if not already existing, the building should be equipped with a complete and compliant fire protection system. It is also recommended that the applicant install a secure lock box to the exterior of the building near the main door to allow fire fighters quick access to the building in times of emergency. The Fire Department requests that the Fire Marshal perform an inspection for code compliance prior to the issuance of a certificate of occupancy and annually thereafter.
3. The stockade fence in the rear shall be maintained by the property owner and/or applicant.

Motion seconded by Ms. Murphy, unanimously carried.

At 8:08 p.m. Chairman Calkins called a brief recess.

At 8:18 p.m., Chairman Calkins called the meeting back to order.

- c. Special Exception 09-227  
Applicant: Grace Life Church  
Location: 61 Main Street  
Proposal: Change of use to Church (former real estate office)

Mr. Calkins opened the public hearing at 8:18 p.m. and stated serving on the Commission this evening will be Commissioners Doris Murphy, Christine Mele, Greg Mele, Donna Greco and Richard Calkins. Also present is City Planner Martin Connor.

Mr. Mele read the legal notice which was published in the Republican American.

Mr. Connor stated the Commission may wish to review the applicant's request to waive the full site plan requirements. Staff is recommending that the waiver not be granted, and to require an A-2 survey and full site plan in accordance with the regulations per Section 8.2.6b and c that require the plans with the same information as required for Site Plan with a Special Exception and an up to date A-2 survey by a licensed surveyor registered in the State of Connecticut. If the Commission does not accept the request for waiver of the full site plan, then the application is not complete as there is not a set of plans to review.

Mr. Calkins inquired if this is a mixed use building and Mr. Connor responded yes, as the third floor is the Masonic Lodge, the application is for a first floor church use and the lower level of the building would be currently zoned for an office use. There are three floors on this building. Questions posed by Commissioners are unanswered as only a very rough sketch plan has been provided by the applicant. Mr. Calkins stated we need to get those questions answered.

This proposal has some complexities to it that this Commission does not normally encounter on Main Street per Mr. Calkins and he personally wants to see a site plan.

Attorney Pat Power of Howd, Lavieri and Finch in Winsted appeared representing the applicant. The applicant has requested a waiver of the full site plan requirements. This building has been in existence for a long time, nothing is being changed on the exterior of the building. There is no site work per se and there is no reason to have information about the site itself. There is a parking lot on a separate parcel that has 28 parking spaces on Water Street, and the occupants of the subject building on 61 Main Street have the right to park in that parking lot. Presently the upper floor is occupied by the Masonic Lodge, and Grace Life Church is going to lease 7,200 square feet which is referred to on the application as the first floor, but it is really the first floor at the end which is called the Mezzanine of the property, and the church would have the right with the Masonic Lodge to use the parking lot at 24 Water Street. The church would use the parking lot at different times than the Masonic Lodge. Mr. Powers does not see the need for a site plan or an A-2 survey. The church would need 16.5 parking spaces.

Mr. Calkins inquired if the new use of the church and the parking on another lot, would this be considered off-site parking. Mr. Connor responded it sounds that way, but the applicant has not provided a plan to confirm that. Based on what Attorney Power just stated, the parking lot is a separate parcel of land and that is another reason why a site plan should be provided, and there would most likely be changes made to the interior of the building and we would normally see a floor plan in a site plan, which we do not have.

Mr. Calkins noted it is difficult to determine the parking requirements without a plan, and with multiple uses in the building. Mr. Connor stated an interior plan with number of seats in the church would be needed to determine the number of parking spaces required.

Mr. Power stated 66 seats are proposed for the church. Commission members questioned how many do the second floor occupy and what is the capacity of the basement area. Mr. Power said the parking would be at different times. Mr. Mele questioned when the Masonic Lodge holds their meetings.

David Dean (property owner) responded the Masonic Lodge meets maybe one time a month (portions inaudible)

Mr. Connor explained this is a Special Exception, and the Commission has the ability to look at the individual characteristics of each property and determine whether that use is appropriate for it, it is not an application for a permitted use of right, such as an office use where the Commission would be likely to grant the waiver of the full site plan requirements.

Mr. Connor's recommendation to the Commission is that they have full information in front of them so they can make an informed decision.

Ms. Mele agreed with Greg Mele, she does not know what is presented and needs more information. Ms. Murphy agreed as well.

Mr. Connor recommended the application be continued so that the applicant can submit a complete application.

Mr. Power granted a 60 day extension to October 28, 2009.

At 8:30 p.m. Chairman Calkins declared the public hearing continued to the Planning and Zoning Commission meeting of October 28, 2009.

c. Site Plan 953

Applicant: Ken Hogan Construction for Prime Time House  
Location: 810 Main Street  
Proposal: Close in existing porch

The applicant was not in attendance.

Mr. Connor reviewed his memo to the Commission.

MOTION by Mr. Mele to APPROVE Site Plan 953

Applicant: Ken Hogan Construction for Prime Time House  
Location: 810 Main Street  
Proposal: Close in existing porch

with the following condition:

1. The applicant shall apply for a sewer discharge permit and pay an appropriate fee if required.

The Commission hereby waives the full site plan requirements per Section 8.4.4 of the Zoning Regulations. Motion seconded by Ms. Greco, motion unanimously carried.

d. Proposed Change fo Zoning Regulations

Applicant: Laurie A. Zucca  
Proposal: Proposed text amendment to Section 3.0, Subsection 3.1, Table of Uses, Section 4.95, Bed and Breakfast Use in the R-15s zone by Special Exception. New text, Sections 4.7.3 and 6.10.1(A), new text amendment Section 6.10.5 (set public hearing date)

MOTION by Ms. Murphy to set a public hearing date of September 9, 2009, seconded by Mr. Mele, unanimously carried.

e. Site Plan 954 and Location Approval

Applicant: David Marquis/American Motorcycle Clinic  
Location: 176 East Main Street  
Proposal: General Repairer's License, motorcycle repair, sales of parts and accessories (Set public hearing date)

MOTION by Mr. Mele to set a public hearing date of September 23, 2009, seconded by Ms. Murphy, unanimously carried.

**7. Public Hearings Scheduled for September 9, 2009, 7:30 p.m., Sullivan Senior Center, Shuffleboard Room, 88 East Albert Street, Torrington, CT:**

- a. Site Plan 948 and Special Exception 09-228  
Applicant: AJK, LLC  
Location: Winsted Road (Assessor Map 236 - 1 - 9 )  
Proposal: Add site to earth excavation permit of abutting parcel, scale and construction trailer. Local Business Zone
  
- b. Special Exception 09-229  
Applicant: AJK, LLC  
Location: Winsted Road (Assessor Map 236 - 1 - 10 & 11)  
Proposal: Earth Excavation Renewal Permit, Industrial Park Zone

Public hearings passed until 9/9/09.

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MOTION by Ms. Murphy to add an agenda item by 2/3rds vote, seconded by Mr. Mele, unanimously carried:

Special Exception 09-232

Applicant: Tony Eanniello

Location: 95 Dutton Hill Road

Proposal: Accessory Apartment in the R15s zone (set public hearing date)

MOTION by Mr. Mele to set a public hearing date of September 23, 2009, seconded by Ms. Greco, unanimously carried.

**8. Adjournment:**

MOTION by Mr. Mele to adjourn, seconded by Ms. Mele, unanimously carried at 8:40 p.m.