

**CITY OF TORRINGTON  
PLANNING AND ZONING COMMISSION  
MINUTES  
October 14, 2009**

Present: Richard Calkins, Chairman  
Paul Summers, Vice Chairman  
Greg Mele, Member  
Greg Perosino, Member  
Donna Greco, Alternate

Also Present: Martin Connor, AICP, City Planner

Absent: Doris Murphy, Member and Inland Wetlands Liaison  
Christine Mele, Alternate  
Jim Bobinski, Alternate

1. **Call to Order:** Chairman Richard Calkins called the meeting to order at 7:00 p.m., Sullivan Senior Center, Shuffleboard Room, 88 East Albert Street, Torrington, CT

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

Chairman Calkins announced present and serving this evening will be Commissioners Paul Summers, Greg Mele, Greg Perosino, Donna Greco and Richard Calkins. Also present is City Planner Martin Connor, AICP

City Planner Martin Connor announced that the Commission meeting in December will be held on December 9, 2009 (No meeting on 12/16/09).

3. **Minutes for Approval:**

- a. 9/23/09

MOTION by Mr. Perosino to approve the 9/23/09 minutes, seconded by Mr. Summers, unanimously carried.

4. **Old Business:**

- a. Site Plan 956  
Applicant: Charlotte Hungerford Hospital  
Location: 200 Kennedy Drive  
Proposal: 1958 sq. ft. addition to radiation/oncology building

Tim Coon of J.R. Russo and Associates appeared and gave a presentation.

Mr. Connor reviewed his memo to the Commission dated 9/25/09.

MOTION by Mr. Mele to APPROVE Site Plan 956

Applicant: Charlotte Hungerford Hospital

Location: 200 Kennedy Drive

Proposal: 1958 sq. ft. addition to radiation/oncology building

with the following conditions and recommendations:

1. The applicant shall submit a bond estimate to be reviewed and approved by the City Planner for the proposed landscaping. 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.
2. An application for a grading permit shall be filed with the Zoning Enforcement Officer. The bond for the erosion and sedimentation controls shall also be in an amount acceptable to the City Engineer and in a form acceptable to the Corporation Counsel.
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 9/2/09.
4. The applicant shall address the comments of WPCA Administrator Ray Drew contained in his e-mail dated 9/28/09 to the City Planner
5. The applicant shall address the comments of CZ&WEO Kim Barbieri contained in her memo dated 9/28/09 to the City Planner.

Motion seconded by Mr. Perosino, unanimously carried.

- b. Plan of Conservation and Development  
Update of Torrington's Plan of Conservation and Development  
(Set public hearing date)

MOTION by Mr. Perosino to set a public hearing date of January 13, 2010, seconded by Mr. Summers, unanimously carried.

- c. Site Plan 957  
Applicant: David Scarritt/Scarritt Spas and Pools  
Location: 1063 East Main Street  
Proposal: Change of use to retail (former restaurant) and parking lot

alterations

David Scarritt appeared before the Commission and explained his proposal.

Mr. Connor spoke of the interconnect access (#568). Mr. Scarritt noted the curbing will not be done in that area with the expectation that in the future the interconnect will be constructed.

Mr. Connor reviewed his memo to the Commission.

MOTION by Mr. Mele to APPROVE Site Plan 957

Applicant: David Scarritt/Scarritt Spas and Pools

Location: 1063 East Main Street

Proposal: Change of use to retail (former restaurant) and parking lot alterations

with the following conditions and recommendations:

1. The applicant shall submit a bond estimate to be reviewed and approved by the City Planner for the proposed landscaping. 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.
2. The applicant/landlord shall submit a shared access easement in favor of the abutting land owner n/f Yorkshire East. The access easement shall be acceptable to the Planning and Zoning Commission and Corporation Counsel and filed on the land records.
3. Prior to issuance of a zoning permit for the project, the applicant shall submit a lighting plan for any new exterior lighting for approval by the City Planner. Only full cut-off fixtures shall be permitted.
4. Per Officer Robert Shopey, Torrington Police Traffic Unit, in a letter to the Commission dated 9/8/09, all pavement markings, including handicapped, shall conform in color and size to the most recent addition of the MUTCD, handicap space size must meet the specifications as prescribed by State Statute and State Building Code, all signs shall meet the requirements and mounting height as published in the most recent edition of the MUTCD and its addendums.
5. It is recommended that the applicant follow the advice of Fire Chief John Field, Jr. Contained in his letter to the City Planner dated 9/14/09.

MOTION seconded by Mr. Perosino, unanimously carried.

**6. Public Hearings Scheduled for October 14, 2009, 7:30 p.m., Sullivan Senior Center, Shuffleboard Room, 88 East Albert Street**

- 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 (Continued from 9/9/09)
- 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 (Continued from 9/9/09)

At 7:33 p.m. Chairman Calkins opened the public hearings and stated serving on the Commission this evening will be Greg Mele, Greg Perosino, Donna Greco, Paul Summers and Richard Calkins. Also present is City Planner Martin Connor.

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

Dennis McMorrow of Berkshire Engineering and Surveying appeared representing the applicant. Mr. McMorrow gave a presentation and briefly reviewed the changes made to the plans. Revised plans had been submitted and were discussed.

Mr. Calkins expressed concern regarding the millings on site, whereby truck traffic would dig up the millings during turns, and create dust. The situation will be monitored by Ed Fabbri. If the area is not holding up properly, it can be addressed at the next two year renewal.

Chairman Calkins opened the hearing to the public.

Mark Stewart appeared before the Commission, they live north of the proposal, next to the package store. Mr. Stewart and his wife explained the damage their house sustained during blasts from this quarry. They have spoken with the Fire Marshal.

Mr. Calkins explained this Commission has no control of the blasting. Blasting complaints should be directed to Fire Marshal and the applicant. Mr. Connor read portions of his recommendations pertaining to such a situation.

Mrs. Stewart providing more details on their house damage, and her phone calls to various people have not been returned.

Mr. McMorrow provided more details regarding how it is the blasting contractor who is responsible for any damage, it is their insurance, etc. Mr. Perosino stated the landowner is ultimately responsible for whoever they hire. The permit is issued to the property owner.

Mr. McMorrow noted this is the first complaint on this site. He will follow up with Mr. Stoughton. The Stewarts will be in contact with the Fire Marshal's office.

Mr. Connor reviewed his memo to the Commission.(#2070)

No further comments from the public.

MOTION by Mr. Mele to APPROVE Site Plan 948 and Special Exception 09-228

Applicant: AJK, LLC

Location: 659 Winsted Road (Assessor Map 236-1-9)

Proposal: Add site to earth excavation permit of abutting parcel, scale and construction trailer

with the following condition:

1. The applicant shall submit a bond in the amount of \$7,531.00 for the proposed landscaping and a separate bond in the amount of \$4,050.00 for erosion and sedimentation controls. Both bonds shall be in a form acceptable to the Corporation Counsel and 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. Prior to placement of the weigh station scale and construction trailer, the landscaping plan shall be fully implemented.
2. Driveway to be constructed of asphalt milling on conformance with the requirements of Ed Fabbri, P.E., subject to review for durability in two years.

MOTION seconded by Mr. Perosino, unanimously carried.

MOTION by Mr. Mele to APPROVE Special Exception 09-229

Applicant: AJK, LLC

Location: 637 Winsted Road, Assessor Map 236-1-10 & 11)

Proposal: Earth Excavation Renewal 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 4<sup>th</sup>, Labor Day, Thanksgiving and Christmas.
2. Except as noted otherwise in these conditions, the quarry shall operate between the hours of 7:00 a.m. and 5:30 p.m., Monday through Friday. Except for routine maintenance, the quarry shall not operate on Saturdays.
3. No blasting is to occur on Saturdays, Sundays, or on any of the following holidays: New Year's, Good Friday, Memorial Day, July 4<sup>th</sup>, Labor Day, Thanksgiving and Christmas or on any six weekdays as designated by the Torrington Elks Club. Blasting is to occur between the hours of 9:30 a.m. and 4:30 p.m. AJK, LLC, shall determine the schedule of the Torrington 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. The applicant shall utilize the Blast Planning Worksheet, Guidelines, Blasting Activity Review, and Notifications contained in a report titled, "A Focus on the Execution and Impact of Blasting Relative to the Site Grading Plans Prepared by AJK, LLC For the Winsted Road, Torrington, Connecticut Industrial Park Site." by Richard M. Hosley, Jr., Realty Securities Incorporated, dated February 2005. (This report was submitted with the original earth excavation application.)
4. A blast warning shall occur before blasting. AJK, LLC, shall notify all adjoining property owners at least 72 hours prior to a blast. With the property owner's approval, this notification can be reduced to 24 hours.
5. Any property owner within one-half mile of the property can also request that AJK, LLC, notify them at least 72 hours prior to a blast. AJK, LLC shall honor this request. With the property owner's approval, this notification can be reduced to 24 hours.
6. The applicant shall maintain a "Trucks Crossing" sign on Winsted Road.
7. AJK, LLC 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.
8. AJK, LLC shall maintain fugitive dust practices.
9. Per the recommendations of Fire Chief John B. Field Jr., in his recommendations in the original application, pre-blast surveys of nearby structures as directed by the Fire Marshal, shall be conducted by the applicant. All hazardous materials used at this location must be properly stored and reported to the proper officials. Containers with hazardous material contents shall be labeled to assure visual verification by emergency first responders from a safe distance.
10. Per Section 6.4.5 F of the Regulations, the applicant shall provide a bond 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. A \$44,516.00 bond shall be submitted in a form acceptable to Corporation Counsel. Not more than 5 acres shall actively be excavated, used, or without topsoil at one time.
11. Per the recommendation of City Engineer, Ed Fabbri, P.E., the following note shall be added to sheet S2 of the plans, "Final grades to be based on type of rock countered and benching will be required. A geotechnical engineer shall review the material and provide recommendations to establish a stable rock/earth face."
12. The landscape screening, shown on sheet D2 and L1 as a white pine vegetative screening, shall be completed as noted no later than 10/31/09. The applicant shall notify the City Planner's office when the landscape plan has been implemented.

MOTION seconded by Mr. Perosino, unanimously carried.

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At 8:15 p.m. Chairman Calkins called a brief recess.

c. Proposed Change to 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

At 8:20 p.m. Chairman Calkins opened the public hearing and stated serving on the Commission this evening will be Greg Mele, Greg Perosino, Donna Greco, Paul Summers and Richard Calkins. Also present is City Planner Martin Connor.

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

Attorney Peter Herbst, Prospect Street, Torrington, appeared representing the applicant. The applicant Laurie Zucca was also present, along with her husband Jim Zucca.

Mr. Connor explained the notice requirements for this type of application.

Attorney Peter Herbst gave a presentation, noting that this whole area is a designated Historic District. He realizes this is a regulation amendment, not a site specific issue. Ms. Zucca owns a historic home in the area, and Mr. Herbst distributed photos of her house to the Commission for their review. This type of proposal will help preserve historic homes in the area and promote tourism. (#3130)  
Attorney Herbst gave a detailed presentation.

Mark McEachern of the Torrington Historical Preservation Trust sent a letter in support of this application. Rose Ponte, Torrington Economic Development Director, also wrote a letter in support of this application.

Mr. Calkins questioned what would prevent someone from building a bed and breakfast facility in this zone. Mr. Herbst noted a Bed and Breakfast must be owner occupied. Discussion followed on this topic. Mr. Herbst agreed to a condition that the bed and breakfast must be located within a dwelling that is in existence as of the adoption of this amendment.

No comments from the public.

Mr. Connor reviewed his memo dated 10/7/09 to the Commission.

At 9:00 p.m. Chairman Calkins declared the public hearing closed.

MOTION by Mr. Mele to APPROVE Proposed Change to 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 4.73 and 6.10.1(A), new text amendment section 6.10.5

The Commission find the proposal to be consistent with the City's Plan of Conservation and Development. The effective date of the amendment shall be the day after publication of the legal notice of decision in the Republican American.

Item d is added to include: The bed and breakfast must be located within the dwelling in existence as of the effective date of this regulation.  
Motion seconded by Mr. Perosino, unanimously carried.

d. Special Exception 09-233

Applicant: Ernest O. Belmont  
Location: 135-137 Workman Avenue  
Proposal: Extend porch roof over existing sidewalk, reduction of front yard setback from required 25' to 12.3'. Section 4.1.9

At 9:01 p.m. Chairman Calkins opened the public hearing. Mr. Calkins announced serving on the Commission this evening will be Greg Mele, Greg Perosino, Donna Greco, Paul Summers and Richard Calkins. Also present is City Planner Martin Connor.

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

Ernest Belmont of 130 Workman Avenue appeared before the Commission. The neighborhood notification receipts were turned in to the Planning Office already and the public hearing sign was properly posted.

Mr. Belmont gave a presentation of his proposal.

No comments from the public.

Mr. Connor reviewed his memo to the Commission dated 9/24/09.

At 9:07 p.m. Chairman Calkins declared the public hearing closed.

MOTION by Mr. Mele to approve Special Exception 09-233

Applicant: Ernest O. Belmont  
Location: 135-137 Workman Avenue  
Proposal: Extend porch roof over existing sidewalk, reduction of front yard setback from required 25' to 12.3', Section 4.1.9

Motion seconded by Mr. Perosino, unanimously carried.

e. Special Exception 09-234

Applicant: Culito, LLC (Gary Eucalitto, Jonathan Eucalitto)  
Location: 1929 East Main Street, Suite 2  
Proposal: Sale of alcohol liquor for consumption on premises, Sec. 5.3.2

This application/public hearing will be continued to 10/28/09 as the applicant did not complete the proper notification requirements.

**5. New Business:**

- a. Site Plan 959  
Applicant: GAD, LLC  
Location: 932 East Main Street  
Proposal: Construct addition to existing office building, maintain existing apartment on the second floor.

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

- b. Site Plan 960 and Location Approval  
Applicant: Ronald Kennedy  
Location: 710 South Main Street, (Assessor Map 114-2-13)  
Proposal: Used Car Dealership and Limited Repairer's License, construct paved area for parking of vehicles, Sec. 9.4 (Set public hearing date)

MOTION by Mr. Perosino to set a public hearing date of November 18, 2009, seconded by Mr. Mele, unanimously carried.

- c. Subdivision  
Applicant: Dudrow Torrington LLC c/o Paragon Management Group, LLC  
Location: 420 Winsted Road (Assessor Map 122-7-1)  
Proposal: Subdivide into four lots

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

**7. Public Hearings Scheduled for October 28, 2009, 7:30 p.m., Sullivan Senior Center, 88 East Albert Street, Torrington, CT:**

- a. Special Exception 09-235 and Site Plan 958  
Applicant: Tire Store Associates, LLC  
Location: 33 Pythian Avenue  
Proposal: Change of use to Parking Lot, Sec. 9.10

Public hearing passed until 10/28/09.

- b. Special Exception 09-236  
Applicant: Grace Life Church, Joseph Levesque  
Location: 160 Winsted Road  
Proposal: Change of Use to Church (former retail)



This application has been withdrawn.

8. **Adjournment:**

MOTION by Mr. Perosino to adjourn, seconded by Mr. Mele, unanimously carried at 9:11 p.m.

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Lona Kirk, Land Use Office  
Planning and Zoning Commission