

**CITY OF TORRINGTON
PLANNING AND ZONING COMMISSION
MINUTES
May 26, 2010**

Present: Richard Calkins, Chairman
Paul Summers, Member
James Bobinski, Alternate
Donna Greco, Alternate
Christine Mele, Alternate

Also Present: Martin Connor, AICP, City Planner

Not Present: Greg Mele, Vice Chairman
Doris Murphy, Member and Inland Wetlands Liaison
Greg Perosino, Member

1. **Call to Order:** Chairman Richard Calkins called the meeting to order at 7:00 p.m., Torrington City Hall Council Chambers, Room 218, 140 Main Street, Torrington, CT

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

Chairman Calkins announced present and serving on the Commission this evening will be Paul Summers, James Bobinski, Donna Greco, Christine Mele and Richard Calkins. Also present is City Planner Martin Connor.

3. **Minutes for Approval:**

a. 5/12/10

MOTION by Mr. Summers to approve the 5/12/10 minutes, seconded by Ms. Mele, unanimously carried.

4. **Old Business:**

a. none

5. **New Business:**

a. Subdivision
Applicant: Dennis E. Andrews, Jr.
Location: Migeon Avenue, Assessor Map 222-5-33
Proposal: Two Lot Subdivision

MOTION by Mr. Summers to table this agenda item, seconded by Ms. Greco, unanimously carried.

The Commission took a brief recess at this point prior to public hearings.

6. Public Hearings Scheduled for May 26, 2010, 7:30 p.m., City Hall Council Chambers, Second Floor, 140 Main Street, Torrington, CT

- a. Special Exception 10-242 and Site Plan 971
Applicant: LARC/Gene Barbero
Location: 450 South Main Street
Proposal: Construct 6,504 sq. ft. adult daycare center
(Continued from April 28, 2010)

Chairman Richard Calkins opened the public hearing at 7:30 p.m. and announced serving on the Commission this evening will be Paul Summers, Jim Bobinski, Christine Mele, Donna Greco and Richard Calkins. Also present is City Planner Martin Connor.

Commissioner Summers read the legal notice which was published in the Republican American.

Gene Barbero and Robert Green, surveyor, appeared before the Commission and explained the proposal for an adult daycare center.

City Planner Martin Connor read his memo dated 4/28/10 to the Commission.

The applicant had previously received Mr. Connor's memo to the Commission and has agreed with Mr. Connor's recommendations.

Mr. Calkins opened the hearing to the public. There were no comments.

MOTION by Mr. Summers to APPROVE Special Exception 10-242 and Site Plan 971

Applicant: LARC/Gene Barbero
Location: 450 South Main Street
Proposal: Construct 6,504 sq. ft. adult day care center
with the following conditions:

1. The applicant shall obtain a Floodplain Permit prior to issuance of the Zoning Permit.
2. A Grading Permit shall be required prior to issuance of a Zoning Permit for the project.
3. The applicant shall address the comments from Assistant City Engineer, Matt Walsh, contained in a memo to the City Planner dated 5/17/10.
4. 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.
5. A lighting plan shall be submitted to the City Planner's office and approved by the City Planner prior to issuance of a Zoning Permit.
6. The applicant shall file for a Sewer Discharge Permit prior to issuance of a Zoning Permit and pay a Sewer Connection Fee, if required, prior to issuance of a C/O.

MOTION seconded by Ms. Greco, unanimously carried.

- b. Proposed amendments to Torrington Zoning Regulations
Applicant: Torrington Planning and Zoning Commission
Proposal: Add new definitions to Section 2.2 Specific Terms, Check Cashing Facility, Tattoo Parlor/Body Piercing Studio; New Section 3.1 Subsection 4.76 Check Cashing Facility; New Section 3.1 Subsection 4.77 Tattoo parlor/body piercing studio; Eliminate Section 5.3 Alcoholic Beverages

Chairman Calkins opened the public hearing and stated serving on the Commission this evening will be Paul Summers, James Bobinski, Donna Greco, Christine Mele, and Richard Calkins. Also present is City Planner Martin Connor.

Commissioner Summers read the legal notice which was published in the Republican American.

Mr. Connor read his memo dated May 25, 2010 to the Commission.

Chairman Calkins opened the meeting to the public.

Attorney Tom Welch, of Oxford, CT appeared before the Commission and spoke in favor of the proposal regarding the elimination of Section 5.3, Alcoholic Beverages. Mr. Welch stated this language of the regulation was not being used to promote the moral health of the community, but was being used to restrict competition and restrict business.

Chairman Calkins noted this Section on 5.3 Alcoholic Beverages, regarding package stores, is virtually the only business that has an anti-competition clause and it makes no sense to keep that regulation.

City Planner Martin Connor explained two lawsuits have been filed in recent years citing the regulation regarding the location of package stores. Mr. Connor noted the restrictions that had been placed on restaurants and the serving of alcoholic beverages was unfair to new business owners.

Chairman Calkins closed the public hearing.

MOTION by Mr. Summers to APPROVE Proposed amendments to Torrington Zoning Regulations, with the recommendations in Robert Smith's (Torrington Area Health District) memo to Martin Connor dated 4/26/10.

- Applicant: Torrington Planning and Zoning Commission
- Proposal: Add new definitions to Section 2.2 Specific Terms, Check Cashing Facility, Tattoo Parlor/Body Piercing Studio; New Section 3.1 Subsection 4.76 Check Cashing Facility; New Section 3.1 Subsection 4.77 Tattoo parlor/body piercing studio; Eliminate Section 5.3 Alcoholic Beverages

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

MOTION seconded by Ms. Greco, unanimously carried.

- c. Site Plan 974 and Special Exception 10-244
Applicant: City of Torrington
Location: Main Street and North Elm Street (Assessor Map 119-13-8)
Proposal: Construct 14 space municipal parking lot, City of Torrington use, Section 3.1, Sub 18.00.

Chairman Calkins opened the public hearing and stated serving on the Commission this evening will be this evening will be Paul Summers, James Bobinski, Donna Greco, Christine Mele, and Richard Calkins. Also present is City Planner Martin Connor.

Commissioner Summers read the legal notice which was published in the Republican American.

Mr. Connor read his memo dated May 19, 2010 to the Commission.

The Commission discussed the proposal.

Chairman Calkins opened the public hearing. There were no comments. Chairman Calkins closed the public hearing.

MOTION by Mr. Summers to APPROVE Special Exception 10-244 and Site Plan 974
Applicant: City of Torrington
Location: Main Street and North Elm Street (Assessor Map 119-13-8)
Proposal: Construct 14 space municipal parking lot, City of Torrington use, Section 3.1, Sub 18.00

With the following condition:

1. Per Officer Robert Shopey, Torrington Police Traffic Unit, in his 5/10/10 letter to the Planning and Zoning Commission, all pavement markings, including handicap, shall conform in color and size to the most recent edition of the MUTCD; all signs shall meet the requirements and mounting height as published in the most recent edition of the MUTCD and its addendums; a stop sign shall be erected at egress; driveway should be marked and posted for Right Turn Only for exiting vehicles. A sidewalk shall be installed against throat of egress to discourage pedestrians from walking in driveway.

Motion seconded by Ms. Greco, unanimously carried.

7. **Adjournment:**

MOTION by Mr. Summers to adjourn, seconded by Mr. Bobinski, unanimously carried.

Lona Kirk, Land Use Office
Planning and Zoning Commission