

**CITY OF TORRINGTON
PLANNING AND ZONING COMMISSION
MINUTES
November 10, 2010**

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

Also Present: Martin Connor, AICP, City Planner

Not Present: Greg Perosino, Member
Jim Bobinski, Alternate

1. **Call to Order:** Chairman Calkins called the meeting to order at 7:03 p.m., Torrington City Hall Council Chambers, Room 218, 140 Main Street, Torrington, CT

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

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

3. **Minutes for Approval:**

a. 10/27/10

MOTION by Ms. Murphy to accept the 10/27/10 minutes, seconded by Mr. Summers, unanimously carried. Commissioner Greg Mele abstained from voting.

4. **Old Business:**

None.

5. **New Business:**

Mr. Connor reviewed an October 27, 2010 letter from Brenda Sisco, Acting Secretary, Connecticut Office of Policy and Management, regarding the City's application for approval of an Incentive Housing Zone and Preliminary Determination of Eligibility for Incentive Payments stating the City will be eligible for payments. Dates were discussed and timing of public hearings. Mr. Connor will respond to Ms. Sisco requesting a 90 day extension in order for the City to meeting the timeline in holding public hearings, notifying the Regional planning agency, etc. The suggested date for the public hearing is January 12, 2011.

MOTION by Mr. Summers to add an agenda item, 2011 Calendar Planning and Zoning Commission Meeting Dates, by 2/3rds vote. Motion seconded by Mr. Mele, unanimously carried.

MOTION by Mr. Summers to accept the 2011 Meeting Date Schedule, seconded by Ms. Murphy, unanimously carried.

MOTION by Mr. Summers to add an agenda item by 2/3rds vote: set a public hearing date for the Torrington Incentive Housing Zone, seconded by Mr. Mele, unanimously carried.

MOTION by Ms. Murphy to set a public hearing date of January 12, 2011 for City of Torrington Incentive Housing Zones, seconded by Mr. Mele, unanimously carried.

- a. Site Plan 991 and Special Exception 10-252
Applicant: Torrington Senior Living LLC
Location: 1058 Litchfield Street
Proposal: Construct senior living community, residential style independent living retirement community with assisted living and memory impaired components. Sections 8.2 and 6.5.3 - elderly housing and assisted living facility (Set public hearing date)

MOTION by Mr. Summers to set a public hearing date of December 8, 2010, seconded by Mr. Mele, unanimously carried.

- b. Site Plan 992 and Location Approval
Applicant: Robert Persechino
Location: 855 East Main Street, Assessor Map 133-17-23 and 24
Proposal: Used car sales, Section 3.8.10, 6.2 (set public hearing date)

MOTION by Mr. Summers to set a public hearing date of December 8, 2010, seconded by Mr. Mele, unanimously carried.

At 7:14 p.m. the Commission took a recess prior to public hearings.

6. Public Hearings scheduled for 7:30 p.m., November 10, 2010, Council Chambers, Room 218, City Hall, 140 Main Street, Torrington, CT

- a. Proposed Changes to City of Torrington Zoning Regulations
Applicant: City of Torrington Planning and Zoning Commission
Proposal: Zoning Regulation Amendment, Section 6.6.1, Junkyards and Definitions, Section 2.2, Junk and Junkyards

At 7:30 p.m. Chairman Calkins opened the public hearing and stated serving on the public hearing this evening will be Commissioners Doris Murphy, Paul Summers, Greg Mele, Christine Mele, Donna Greco, and Richard Calkins. Also in attendance is City Planner Martin Connor, AICP.

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

Mr. Calkins stated this proposal is to revise the regulations to allow one unregistered vehicle that isn't in an enclosed garage. Now we allow none. Mr. Calkins was on the Commission years ago when the original regulation was put into place and at that time he thought it was overly restrictive. People like to work on cars and it is unreasonable to expect them to take up their garage space with a car they are working on, and then we have cropping up the aluminum tent structures that tend to fall down in the winter time.

Mr. Connor read his memo to the Commission dated September 16, 2010.

Ms. Murphy expressed her concerns, regarding a two or three family house, thinking that each tenant would be allowed an unregistered vehicle. Mr. Connor responded that is one property that would be allowed one such vehicle, and the landlord is responsible.

Mr. Connor had read part of the State Statute as part of his memo. He is not aware of any other towns in the area that do not allow one unregistered vehicle. Since the Land Use Office has lost Mike O'Neil, it is a complete nightmare as Mr. Connor has well over 100 zoning complaints and more than a quarter of them involve motor vehicles and some of them are just a single unregistered motor vehicle and it is impossible for the Land Use Office to oversee all this with no staff.

Mr. Calkins noted often these complaints are a neighbor against neighbor matter, and the zoning regulations get used as a weapon in the dispute between two property owners.

Discussion followed amongst Commission members. Mr. Connor noted the Land Use Office runs into all the time people who have classic, older vehicle they are working on, and they say it is not a junk vehicle, they are fixing it up, and it doesn't run yet so they can't get it to the Motor Vehicle Department for approval. Other folks in the more rural areas have a jeep or truck with a plow that they used on their own personal property. That vehicle is usually left outside because the good vehicles are in the garage, and now that is a violation with the current regulations. Then when they get into an argument with their neighbor, then the Zoning Department gets brought into this neighbor vs. neighbor dispute. We have hundreds of files similar to this, written complaints are followed through. Ms. Greco and Ms. Murphy are worried about this.

Mr. Calkins inquired what is the percentage of these type complaints that are resolved. About 90% of them are eventually resolved as we file notices on the land records, we have to send out tickets, \$150 fines. Eventually people are looking to get a zoning permit or refinance their property which they cannot do with a zoning violation filed on the land records. But the City Council is not going to back us with taking these people to court. Mr. Connor has a list of items in the Corporation Counsel's office now that are very outrageous enforcement actions that he cannot get the Corporation Counsel to take to court, so it is ridiculous to go after someone with just one unregistered motor vehicle in his opinion.

Mr. Summers inquired if in other communities do the police get involved with ticketing unregistered vehicles on private property. Mr. Connor responded the State Police can get involved under that Statute that Mr. Connor read, but it has to be more than one unregistered motor vehicle. Generally it falls under zoning. Even in Litchfield you can have one unregistered motor vehicle. It is a different story if the unregistered vehicle is parked on the public roadway. Some violations have been at the Corporation Counsel office for eleven years. Councilwoman Soliani was present in the audience. There

are currently violations with multiple vehicles that the Corporation Counsel is not handling.

Ms. Greco said the town is deteriorating, and she is afraid this could snowball. She does understand the concept.

Mr. Calkins said if someone is going to park a junk vehicle on their front lawn, they will do it regardless of whether the town allows it or not. It will be there anyways. If we try to enforce putting such vehicles in the backyard it won't get done. It will just be there anyways. Mr. Mele noted some people do not have a backyard to place such a vehicle. Condo associations would have their own set of rules that they would enforce.

Mr. Calkins opened the hearing to the public.

John Snyder of 83 Millard Street, Torrington appeared and explained how he purchased a tent garage for his vehicle he was working on. Most people who do this work as a hobby are considerate of their neighbors. He spoke in favor of the proposal.

Frank Pennington of 61 Revere Street, Torrington, appeared and complained about a neighbor's junk car. He believes relaxing this regulation will be opening a can of worms. This may affect the City's tax revenues.

Bill Lamoin of 264 Allen Road appeared and stated this will have a negative effect on this City. Multi-family units are already short on parking. Many are owned by absentee investors. Small houses with one car garages already have cars parked on the street. In the winter there isn't enough good weather to work on a vehicle outside. Maybe there could be a fee for the car buff to keep a car outside for six months.

City Councilwoman Marie Soliani appeared and stated this is going backwards and not the right thing to do. Maybe in future budgets we will be able to get Marty the help he needs. We get so many calls about junkyards. Ms. Soliani could not speak for other Council members, but she invited Mr. Connor to speak before the City Council and perhaps they can get the Corporation Counsel to move on some of these court cases.

Mr. Calkins inquired if this proposal is passed, would this cause a proliferation of unregistered vehicles being brought into town that are not here already? Ms. Soliani was not so sure that it wouldn't. There are so many abuses of the system already.

Mr. Calkins said he does not see the value of a regulation which cannot be enforced. If the City is not going to take these matters to court, then much time and money has been spent on a violation that the City won't take to court. Nothing changes. Planning and Zoning needs more help, we should not make life easier for the people who abuse it.

In response to a question from Ms. Murphy, Mr. Snyder stated he did not have a garage to work on his vehicle, but he keeps his area neat and orderly.

Mr. Pennington inquired how would the City enforce more than one unregistered vehicle. Mr. Calkins responded that will fall under the Motor Vehicle Department then. Mr. Calkins disagrees with Ms. Soliani, this will not cause a blossoming explosion of unregistered vehicles being brought into Torrington.

Mr. Mele spoke of the actual condition of unregistered vehicles. There are two different views of what you can see, one is a vehicle that is just not registered, another is a smashed vehicle, jacked up, etc. Is there a way to regulate or have something definitive that you can have one unregistered vehicle, that has to be one complete vehicle. It may not run, but vs. sitting up on blocks for two years. Mr. Connor explained the process of checking the plates, to see if it is current or not, the owner name cannot be obtained.

Mr. Connor stated he is encouraged by what Councilwoman Soliani said, as long as the Land Use Office can see some action by the City Council. So far we haven't seen any action by the City Council. The City Council does not want to direct the Corporation Counsel to spend time on Planning and Zoning Issues, because she is too busy with other matters.

Ms. Mele inquired if there is hope to get more manpower, and Mike O'Neil was laid off and taken away from a critical area of enforcement.

At 8:13 p.m. Chairman Calkins declared the public hearing closed, and a decision is forthcoming within 65 days.

- b. Special Exception 10-251 and Site Plan 989
 - Applicant: Torrington Motor Lodge
 - Location: 391 Winsted Road
 - Proposal: Convert storage area into four efficiency living units for employees, reduction in required parking spaces

At 8:14 p.m. Chairman Calkins opened the public hearing and stated serving on the Commission this evening will be Commissioners Doris Murphy, Paul Summers, Greg Mele, Christine 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.

George Johannessen of Allied Engineering in North Canaan, CT appeared representing the applicant. He verified there was a public hearing sign properly posted on the property. He is representing Jay Patel, the owner of the Torrington Motor Lodge.

Mr. Johannessen gave a presentation on the application. The application was originally for four living units. At a site meeting yesterday, it was determined that two of the living units have been combined into a one bedroom unit for a total of three living units. This would increase the required parking to 149 spaces, for a reduction request of 12 percent. The motel rarely sells out and most times there are many empty parking spaces in the lot. The restaurant owner states most of his customers are people staying at the motel, so there is some sharing of parking spaces. Average hotel occupancy levels as reported by Price Waterhouse over the last ten years averages 60 to 61 percent. The highest numbers were in 2000 and 2006 when they reached 63.3 percent. The current manager of the hotel states he has never had a lack of parking spaces. Two of the staff planning to live there do not even own a car.

Mr. Johannessen noted Zoning Enforcement Officer Kim Barbieri's comments that some of the required landscaping has died, and he will review the site plan with Ms. Barbieri to

determine what needs to be planted to bring the site back into conformance. A bond will be posted for Spring planting.

Mr. Calkins inquired how it could be ensured that only employees will live in the units, and these won't be rented out to the general public. Mr. Connor noted this could be made as a condition of approval. Mr. Connor outlined the parking requirements. Mr. Connor read his memo to the Commission dated November 10, 2010.

There were no comments from the public. At 8:35 p.m. Chairman Calkins declared the public hearing closed.

MOTION by Mr. Mele to APPROVE Special Exception 10-251 and Site Plan 989

Applicant: Torrington Motor Lodge

Location: 391 Winsted Road

Proposal: Convert storage area into three dwelling units for employees, reduction in required parking spaces.

with the following conditions:

1. A list of the missing trees and shrubs per the previously approved landscape plan shall be prepared and a cost estimate shall be provided for their replacement. A cash bond shall be submitted in an amount acceptable to the City Planner. The replacement plantings shall be installed no later than June 15, 2011.
2. The recording mylar site plan shall show the address of the property as 391 Winsted Road; the Site Information and Zoning Table shall be changed to reflect a three family dwelling use. The required parking calculation shall be changed from 147 to 149. Required parking reduction shall be listed as 12%.
3. Per Ray Drew, WPCA Administrator:
 - A. Owner shall supply all Torrington Water Company Account numbers for the referenced property.
 - B. The restaurant shall comply with State of Connecticut "General Permit for the Discharge of Wastewater Associated with Food Preparation Establishment"
 - C. The owner shall make application for Sanitary Sewer Discharge Permit and submit Connection Fee in the amount of \$4,211.54. The New Allocation for the property will be 1,550,000 gpy.
4. Dwelling units shall be occupied by employees only.

MOTION seconded by Mr. Summers, unanimously carried.

7. **Public Hearing scheduled for 7:30 p.m., December 8, 2010, Council Chambers, Room 218, City Hall, 140 Main Street, Torrington, CT**

- a. Zoning Regulation Amendment Proposal, Zoning Map Amendment Proposal
Applicant: Torrington Planning and Zoning Commission
Proposal: Proposed Low Impact Development Regulations, Proposed Development Management Regulations, Proposed Draft Regulations for City Standards.
Proposed Zone Change: Change all General Business zones throughout the City to Downtown District zones.

Passed until 12/8/10.

8. **Adjournment:**

Motion by Mr. Summers to adjourn, seconded by Mr. Mele, motion unanimously carried at 8:39 p.m.

Lona Kirk, Land Use Office
Planning and Zoning Commission