

**CITY OF TORRINGTON
PLANNING AND ZONING COMMISSION
MINUTES
August 24, 2011**

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

Also Present: Martin Connor, AICP, City Planner

1. **Call to Order:** Chairman Richard Calkins called the meeting to order at 7:01 p.m., Torrington City Hall Council Chambers, Room 218, 140 Main Street, Torrington, CT

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

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

3. **Minutes for Approval:**

a. 7/27/11 Special Meeting Minutes

MOTION by Mr. Summers to approve the 7/27/11 Special Meeting Minutes, seconded by Mr. Mele, motion carried with Mr. Perosino and Mr. Bobinski abstaining from voting.

4. **Old Business:**

None

5. **New Business:**

Mr. Connor passed out a Torrington Trails Map to Commission Members. Ms. Kim Barbieri prepared this map for distribution. Mr. Connor also over viewed the work done by the summer intern Jeremy Exstein on the Red Mountain trail clean up behind K-Mart on Main Street. Twenty-seven volunteers showed up in the pouring rain and cleaned the trail up in three hours. It is exciting because the mixture of people in the Torrington Trails Network is diverse, including young teenagers and they actually spearheaded the whole project. Kim is looking to get help from the Federal Park Service to work with this group, it is exciting and Mr. Connor is proud of Kim and all the work put into this effort. Torrington has won some awards from Connecticut Trails Association.

Mr. Connor also reviewed his nomination for a CCAPA Citizen Award, one of our interns Nick Iannacito. Also an award nomination is available for a Sustainability Award, and Mr. Connor has nominated the East Main Street Stop and Shop, with their fuel cell and other green initiatives.

- a. Special Exception 11-264
Applicant: Northwest Hills Community Church
Location: 668 Riverside Avenue
Proposal: Church Use (set public hearing date)

MOTION by Ms. Murphy to set a public hearing date of September 14, 2011, seconded by Mr. Summers, unanimously carried.

Mr. Connor noted the church pastor is present, and they are requesting a waiver from the full site plan requirements for the property they are seeking to purchase at 668 Riverside Avenue which at one time was the skating rink, then changed to Nodine's. No changes are proposed to the exterior of the building or the parking lot. Based on the size of their church, only 70 parking spaces are needed, and they have 80 spaces on one side, and 20 spaces on the other side. In Mr. Connor's opinion, they do not need a full site plan for this. Previous site layouts are on file from earlier applications. In response to a question from Mr. Calkins, Mr. Connor replied all the required landscaping had been installed, and Ms. Barbieri can review to determine if all landscaping has survived.

It was the consensus of the Commission to waive the full site plan requirements.

- b. Resubdivision
Applicant: Thomas Szabo
Location: Lot #8, Eagle Ridge, Assessor Map 224 Block 6 Lot 31
Proposal: Two lot resubdivision (set public hearing date)

MOTION by Mr. Mele to set a public hearing date of September 14, 2011, seconded by Mr. Summers, unanimously carried.

- c. Appoint John Sullivan, Director at Connecticut Academy for the Arts to Torrington Architectural Review Committee.

MOTION by Mr. Mele to appoint John Sullivan to the Torrington Architectural Review Committee, seconded by Mr. Summers, unanimously carried.

- d. Discuss PA 11-79; an Act concerning bonds and other surety for approved Site Plans and Subdivisions

Mr. Connor discussed the impacts of PA 11-79. A surety bond can now be requested by developers, and now towns are not allowed to ask for a maintenance bond, and the developer can decide when they want to post the bond. Right now the way the statutes are written, if the subdivision is approved that requires roads and public improvements, they can:

A. File a map on the land records with conditional approval, which there is a big block on the bottom that says no lots can be sold, it is an approved subdivision, but until the improvements are built or bonded out, so nothing will happen. We have had this happen before.

B. You can say build it, and when everything is complete, lots can be sold. Map cannot be filed until the project is built out.

C. The law now says they can give us a pass book, cash book, statement savings account. A surety bond is like insurance, a monthly premium is paid, and you have to fight to get the insurance company to pay up, if the developer doesn't do the work. The insurance company doesn't have anything to go after their client with. The insurance companies stretch it out.

Some of the municipal attorneys Mr. Connor has worked with are saying, take that provision out of your subdivision regs, so they can file conditional map, or they can build out the subdivision, and once it is built out, then lots can be sold. So no one can ever buy a lot that needs a road, and the road is not yet built.

Mr. Perosino expressed concern that the roads built would get ruined with equipment going back and forth over them. Mr. Connor responded the developer still has to get the town to accept the road. Discussion followed on this. Mr. Calkins noted the previous method was like paying for the road twice, putting up the bond and building the road/paying the contractor all at the same time. Now it went too far, with no bonds being posted, the way it is written, the surety bond must be returned within 65 days of the request to return, without the work even being completed.

Mr. Connor will prepare a draft of proposed regulation changes for the Commission's review.

6. Public Hearing scheduled for 7:30 p.m., August 24, 2011, City Hall Council Chambers, Room 218, 140 Main Street, Torrington, CT:

- a. Special Exception 11-262
Applicant: 52 Peck Road Assoc., LLC
Location: 52 Peck Road
Proposal: Adult day care, lower building level, 5,200 square feet, Section 3, 2.70

Mr. Calkins read a letter dated August 17, 2011 requesting a withdrawal of the application.

- b. Special Exception 11-263, Location Approval, and Site Plan 1016
Applicant: Robert Persechino
Location: 847 and 855 East Main Street
Proposal: Location Approval for Used Car Dealership
Special Exception, combine two lots to allow for mixed use residential and used automobile sales. Local Business Zone, Pre-existing, non-conforming two family residential use and pre-existing non-conforming single family use on site, Section 3.1, Subsection 1.10 and Section 3.1, Subsection 1.20

Mr. Connor read his memo to the Commission dated August 17, 2011, recommending denial without prejudice, for failure to provide special notice per Section 8.3.2 of the Zoning Regulations.

When Mr. Connor spoke with the applicant's engineer, Kenneth Hrica, the traffic light required by the Connecticut DOT would cost approximately \$60,000.

MOTION by Mr. Mele to DENY without prejudice Special Exception 11-263, Location Approval, and Site Plan 1016.

- Applicant: Robert Persechino
- Location: 847 and 855 East Main Street
- Proposal: Location Approval for Used Car Dealership
Special Exception, combine two lots to allow for mixed use residential and used automobile sales. Local Business Zone, Pre-existing, non-conforming two family residential use and pre-existing non-conforming single family use on site, Section 3.1, Subsection 1.10 and Section 3.1, Subsection 1.20

Motion seconded by Mr. Perosino, unanimously carried.

7. Adjournment:

MOTION by Mr. Perosino to adjourn at 7:35 p.m., seconded by Mr. Summers, unanimously carried.