

**CITY OF TORRINGTON
PLANNING AND ZONING COMMISSION
MINUTES
October 12, 2011**

Present: Richard Calkins, Chairman
Greg Mele, Vice Chairman
Donna Greco, Alternate
Jim Bobinski, Alternate

Also Present: Martin Connor, AICP, City Planner

Not Present: Doris Murphy, Member and IW Liaison
Paul Summers, Member
Greg Perosino, Member
Christine Mele, Alternate

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 this evening will be Commissioners Greg Mele, Donna Greco, Jim Bobinski and Richard Calkins. Also present is City Planner Martin Connor.

3. **Minutes for Approval:**

- a. 9/14/11

MOTION by Mr. Mele to approve the 9/14/11 minutes, seconded by Ms. Greco, unanimously carried.

4. **Old Business:**

Per Mr. Calkins, back to announcements: Mr. Connor, Mr. Calkins, Mr. Summers and ZEO Ms. Barbieri had a meeting with Corporation Counsel Ernestine Weaver regarding outstanding zoning violations. A few of the most egregious violations were chosen for Ms. Weaver to move forward with first, one of which is the boat business on Rt. 4; as well as a business being run on Clearview Avenue. The next step is the actual court filing to enforce the regulations.

5. **New Business:**

- a. Proposed 2012 Calendar

MOTION by Mr. Mele to accept the 2012 Calendar of meeting dates, seconded by Ms. Greco, unanimously carried.

- b. Special Exception 11-265

Applicant: Stanley J. Marschat

Location: 945 New Harwinton Road

Proposal: Created apartment in existing shop/storage building, mixed use, no exterior changes (Section 3.1 Subsection 1.0)

Set public hearing date

MOTION by Mr. Mele to set a public hearing date of November 9, 2011, seconded by Ms. Greco, unanimously carried.

Chairman Calkins recused himself from this portion of the meeting and turned the meeting over to Vice Chairman Greg Mele, Mr. Calkins left the meeting room.

c. Site Plan 1019

Applicant: Seaman Realty Enterprises LLC
Location: 299 Industrial Lane
Proposal: Construction of 9,600 sq. ft. addition to existing warehouse facility;
construction of parking lot and associated utilities

Mark Cannavo of Cannavo Construction, Winsted, CT appeared representing the applicant. Mr. Cannavo gave a presentation of their proposal, which includes a 30 car parking lot.

Mr. Connor reviewed his memo to the Commission dated October 12, 2011.

Brief discussion by Commission members, Mr. Cannavo and Mr. Connor followed.

MOTION by Ms. Greco to APPROVE Site Plan 1019

Applicant: Seaman Realty Enterprises LLC
Location: 299 Industrial Lane
Proposal: Construction of 9,600 sq. ft. addition to existing warehouse facility; construction of parking lot and associated utilities

with the following conditions:

1. The applicant shall file an application for a grading permit. A bond estimate for the cost and installation of the erosion and sedimentation controls in accordance with the approved plan shall be prepared by the applicant's engineer. A bond for the erosion and sedimentation controls in an amount acceptable to the City Engineer and in a form acceptable to the Corporation Counsel shall be posted prior to beginning construction on the project.
2. 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.
3. A note shall be added to the recording mylar site plan that all outside lighting fixtures shall be full cutoff fixtures. The Landscape Gardner shall sign the recording mylar site plan.
4. Drainage from 9,000 sq. ft. newly created impervious surfaces shall be accommodated near the proposed parking lot or somewhere else on site other than the existing detention sedimentation basin that the City has a permanent easement for.
5. It is recommended that the applicant follow the recommendations from Fire Chief John Field, Jr., contained in an e-mail memo to the City Planner dated 10/11/11.

MOTION seconded by Mr. Bobinski, unanimously carried.

Commissioner Mele turned to meeting back over to Richard Calkins at this time.

d. Site Plan 1020

Applicant: Darcie Roy
Location: 67 South Main Street, Dollar General
Proposal: 66 square foot new signage

Ms. Darcie Roy appeared before the Commission with a presentation of the proposal.

Mr. Connor reviewed his memo to the Commission dated 10/12/11.

MOTION by Mr. Mele to APPROVE Site Plan 1020

Applicant: Darcie Roy
Location: 67 Main Street, Dollar General
Proposal: 66 square foot new signage

MOTION seconded by Mr. Bobinski, unanimously carried.

At 7:25 p.m. the Commission took a five minute recess before public hearings.

6. Public Hearings scheduled for 7:30 p.m., October 12, 2011, City Hall Council Chambers, Room 218, 140 Main Street, Torrington, CT:

- a. Resubdivision
Applicant: Thomas Szabo
Location: Lot #8, Eagle Ridge, Assessor Map 224 Block 6 Lot 31
Proposal: Two lot resubdivision (continued from 9-14-11)

Chairman Richard Calkins opened the public hearing at 7:30 p.m. and stated serving on the public hearing this evening will be Commissioners Jim Bobinski, Donna Greco, Greg Mele 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.

Kenneth Hrica, Professional Engineer and Licensed Land Surveyor appeared before the Commission representing the applicant. Mr. Hrica verified the public hearing sign has remained posted at the site.

Mr. Hrica reviewed the technical details of the drainage study.

Mr. Connor reviewed his memo to the Commission dated 10/6/11. In response to a question from Mr. Calkins, Mr. Connor stated the Engineering Department has indicated that the requirements of the Subdivision regulations have been met and the stormwater plan submitted by Mr. Hrica is acceptable.

Mr. Hrica echoed that the City Engineering Department did review the drainage calculations and are in agreement with the conclusions that have been drawn about affecting off-site properties.

Speaking in opposition to the application was Sharon Dougherty, she appeared along with her husband Mike Mialucci. Ms. Dougherty outlined her concerns regarding the drainage referring to photos she took.

Mr. Calkins explained this Commission's responsibility and their limited purview of this application, and the City of Torrington is responsible for the streets, and the applicant is not responsible for the streets or the clogged storm drains. This is an approved subdivision, and this application is adding one more house/lot.

Discussion followed.

Peter Higgins of 134 Upper Valley Road appeared before the Commission and expressed his concerns with the wet conditions of the back yards and his concern for the potential flooding of his back yard and his inground pool.

Mr. Hrica closed by saying they have prepared plans that meet the regulations, and there are off-site problems that they cannot control.

No further comments.

Chairman Calkins declared the public hearing closed at 8:17 p.m.

Discussion among Commission members and Mr. Connor followed. Mr. Connor noted the public hearing is being held because this is a re-subdivision, and a public hearing is a requirement for a re-subdivision. Reports from various City Departments have been received stating this application meets the regulations. This is not a Special Exception, which involves discretion. As the City's Planner, Mr. Connor stated the application meets the Zoning Regulations and Subdivision Regulations and should be approved. Mr. Calkins concurred with Mr. Connor, and these other issues need to be worked out with city staff.

MOTION by Mr. Mele to APPROVE Resubdivision

Applicant: Thomas Szabo

Location: Lot #8, Eagle Ridge, Assessor Map 224 Block 6 Lot 31

Proposal: Two lot resubdivision

with the following conditions:

1. The iron pins marked on the Subdivision Plan, "proposed iron pins" shall be installed prior to filing the record subdivision map. Written acknowledgment that the pins have been set shall be received from the surveyor.

The Commission hereby grants the following waivers:

1. Waiver from Section 4.3.25 of the Subdivision Regulations, State Plane Coordinates at not less than 4 points on the subdivision perimeter need to be shown. Engineering supports this waiver request.
2. Waiver from Section 4.4.21 of the Subdivision Regulations, sidewalks, as there are no sidewalks to connect to along Eagle Ridge Road.

Fee in lieu of Open Space:

The Commission shall accept a request under Section 5.5.3 A for a fee in lieu of open space if requested. The applicant shall pay a fee, not to exceed 10% of the fair market value of the land to be subdivided prior to the approval of the subdivision. The fair market value of the land to be subdivided shall be determined by an appraiser, jointly agreed upon by the applicant and Commission. He will determine fair market value of the land to be subdivided. The cost of the appraisal shall be paid by the applicant. The appraisal shall be completed prior to filing the subdivision plan on the Torrington Land Records. A fraction of the total fee (1/2) shall be paid to the City at the time each lot is sold or transferred.

MOTION seconded by Ms. Greco, unanimously carried.

b. Proposed amendments to Torrington Subdivision Regulations

Applicant: Torrington Planning and Zoning Commission

Proposal: Eliminate Existing Subdivision Regulation Section 3.7,
Eliminate Existing Subdivision Regulation Section 3.9;
Add New Subdivision Regulation Section 3.7

At 8:22 p.m. Chairman Calkins opened the public hearing and stated serving on the Commission this evening will be Commissioners Jim Bobinski, 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 reviewed the proposal, directly a result of Public Act 12-79 regarding bonding. Brief discussion followed amongst Commission members and Mr. Connor.

No comments from the public.

At 8:32 p.m. Chairman Calkins declared the public hearing closed.

MOTION by Mr. Mele to APPROVE Proposed amendments to Torrington Subdivision Regulations

Applicant: Torrington Planning and Zoning Commission
Proposal: Eliminate Existing Subdivision Regulation 3.7,
Eliminate Existing Subdivision Regulation 3.9,
Add New Subdivision Regulation Section 3.7

The Commission finds the proposal to be consistent with the City's Plan of Development and Conservation.

The effective date of this Subdivision Regulation Amendment shall be the day after publication of the legal notice of decision in the Republican American.

MOTION seconded by Ms. Greco, unanimously carried.

7. **Adjournment:**

MOTION by Ms. Greco to adjourn at 8:32 p.m., seconded by Mr. Bobinski, unanimously carried.

Land Use Office
Planning and Zoning Commission