

**CITY OF TORRINGTON  
PLANNING AND ZONING COMMISSION  
MINUTES  
November 14, 2012**

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

Also Present: Martin J. Connor, AICP, City Planner  
Kenneth, Slater, Esq., for City of Torrington

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 on the Commission will be Greg Mele, Doris Murphy, Paul Summers, Greg Perosino, Jim Bobinski, Donna Greco, Christine Mele and Richard Calkins. Also present are City Planner Martin Connor, AICP and Attorney Kenneth Slater for the City of Torrington.

The Commission and Mr. Connor discussed and clarified the definitions for accessory apartments in the R10s zone.

3. **Minutes for Approval:**

- a. 10-24-12

Motion by Mr. Perosino to accept the 10-24-12 minutes, seconded by Mr. Summers, motion carried with Mr. Mele and Mr. Bobinski abstaining from voting.

- b. Vote on 2013 Calendar

The Commission accepted the proposed 2013 Commission Meeting Calendar.

4. **Old Business:**

- a. Enforcement Update

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Commissioner Summers and Mr. Connor provided the Commission with an update on the current violations. The Monthly Land Use Report from Corporation Counsel dated October 31, 2012 was discussed.

Chairman Calkins stated that tonight's agenda would be changed to allow new business prior to old business and the public hearing as there would not be enough time to discuss the Hartford Dispensary application prior to the 7:30 p.m. public hearing.

**New Business:**

- a. Site Plan 1060  
Applicant: Borghesi Building & Engineering Co., Inc.  
Location: 187 Commercial Blvd.  
Proposal: Parking lot expansion

Allan Borghesi, professional engineer with Borghesi Building and Engineering Co., Inc. appeared and explained the subject proposal, referring to site plan maps.

Discussion followed amongst Commission members, Mr. Connor and the applicant.

MOTION by Mr. Mele to APPROVE Site Plan 1060

Applicant: Borghesi Building & Engineering Co., Inc.

Location: 187 Commercial Blvd.

Proposal: Parking lot expansion

with the following conditions/recommendations:

1. The applicant shall address the comments from Kim Barbieri, CZ&WEO contained in her memo to the City Planner dated 11/14/12.
2. The applicant shall address the comments from Assistant City Engineer, Matt Walsh, contained in his memo to the City Planner dated 11/14/12.
3. The applicant shall address the comments from Police Traffic Officer, Stephen Pisarski, contained in his memo to the Planning & Zoning Commission dated 11/12/12.
4. It is recommended that the applicant follow the advice of Acting Fire Chief contained in his letter to the City Planner dated 11/7/12.
5. Lot labeled 6A and lot labeled 6 shall be combined and a new deed approved by the Corporation Counsel shall be filed on the land records prior to issuance of a Zoning Compliance Certificate.

Motion seconded by Mr. Perosino, unanimously carried.

**Public hearing scheduled for Wednesday, November 14, 2012, 7:30 p.m.; City Hall Council Chambers, Room 218, 140 Main Street, Torrington, CT:**

- a. Site Plan 1058/Location Approval  
Applicant: CTEK Motorworks / Idris Coma  
Location: 835 New Harwinton Road  
Proposal: Location Approval, and change of use to used car dealership

At 7:30 p.m. Attorney Calkins opened the public hearing and stated serving on the

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Commission this evening will be Commissioners Greg Mele, Greg Perosino, Paul Summers, Greg Perosino, Doris Murphy, Christine Mele, Donna Greco and Richard Calkins.

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

Idris Coma, applicant appeared and made a brief presentation.

Mr. Connor read his memo to the Commission dated November 6, 2012.

Neighbors with concerns appeared: Gerardo Carillo submitted a letter voicing questions and concerns. John Grunder questioned whether there was adequate parking

The applicant and Mr. Connor responded to questions, providing answers.

**MOTION by Mr. Mele to APPROVE Site Plan 1058/Location Approval**

**Applicant:** CTEK Motorworks / Idris Coma

**Location:** 835 New Harwinton Road

**Proposal:** Location Approval, and change of use to used car dealership with the following conditions/recommendations:

1. Per Assistant City Engineer Matt Walsh's email to the City Planner dated 11/7/12, the applicant shall file for a DEEP general permit for discharges of wastewater associated with vehicle maintenance. The applicant will need to prepare a Storm Water Pollution Prevention Plan in accordance with the permit requirements.
2. The applicant shall address the comments from Ray Drew, Administrator, WPCA, contained in an e-mail memo to the City Planner dated 11/15/12.
3. It is recommended that the applicant follow the advice of the Fire Chief contained in his letter to the City Planner dated 10/19/12.

Motion seconded by Mr. Perosino, unanimously carried.

**Old Business:**

Zone Change and Site Plan 1051

**Applicant:** Hartford Dispensary

**Location:** 241 Kennedy Drive

**Proposal:** Zone Change from IP, Industrial Park Zone to Alternate Incarceration, Substance Abuse/Mental Health, Medical Marijuana Dispensary

Overlay Zone (ASM Zone) and Site Plan application for Torrington Health and Recovery Center (Public hearing closed)

Chairman Calkins stated that seated members for this discussion will be the regular members: Paul Summers, Greg Mele, Doris Murphy, Greg Perosino, Richard Calkins. The public hearing was closed on October 24, 2012.

Chairman Calkins confirmed that Commissioner Mele and Bobinski have listened to the audio recording of the October 24, 2012 public hearing.

Chairman Calkins requested that Mr. Connor read his memo to the Commission dated November 14, 2012 recommending denial. Mr. Connor recommended that the Zone Change application and Site Plan be denied for the following reasons:

1. The proposed parking on site is inadequate for the proposed substance abuse treatment (methadone) clinic. There is no parking allowed on Kennedy Drive in front of the property. The possibility that deficiencies in the site may be addressed through the use of other property should not be considered in evaluating whether this land would adequately accommodate the proposed use.
2. The design of the access driveway and parking lot will be a safety hazard due to the tight parking lot configuration and the inadequate amount of parking provided. When the lot is full, vehicles with no place to park and with no drop off area available, will be forced to make "K" turn type maneuvers. A traffic queuing problem will occur due to the lack of a drop off area and lack of parking onsite. Should patients arrive in larger commercial vehicles the parking situation could be further exacerbated. In addition the proposed dumpster area lacks the proper turn radius for servicing and would have to be picked up after hours.
3. The proposed facility is not compatible with the neighborhood. A GIS aerial map produced by the City Engineering Office shows the existing facility and properties within a 500 foot radius of the facility. Within 500 ft. of the proposed methadone clinic are two soccer fields in the City's Alvord Park recreation facility and a day care facility on Kennedy Drive. Testimony during the public hearing indicated the applicant expected that up to 10% of the patients may arrive by public transportation. Testimony and an e-mail from Carol Deane, Northwest Transit District indicated that bus service in the vicinity was offered once per hour but Route #3 bus, Main Street to the East Side, service to the facility doesn't begin until 6:30 am and service from the Route #4 bus, East Main to the East side, wouldn't service Kennedy Drive until 9:40 am, well after the peak of their patient services. There are no sidewalks along Kennedy Drive. Safety concerns were expressed for pedestrian traffic along Kennedy Drive during early morning hours when it was dark. Concerns were raised about clients loitering and waiting for rides off site in the next door park or child care facility across the street.
4. Written testimony was received from Attorney Peter C. Herbst on behalf of the Fitzgerald Estates who own 100 acres of land in close proximity. He raised concerns regarding neighbor's property values, safety and welfare. Gerald Snover as an Executor of the estates reiterated their concerns regarding inadequate parking on site, adverse effect on traffic and safety on Kennedy Drive. Oral testimony was received from Mr. Fitzgerald who lives nearby and whose family owns the nearby 100 acres. He testified as to his concerns regarding reduced property values as a result of the proposed zone change. Written testimony was received from Karl Wence indicated problems with sales of houses in his Waterbury neighborhood as a result of another methadone clinic's location.
5. Written testimony received from Rose Ponte, Economic Development Director, also reiterated concerns regarding traffic, parking and impact on the neighborhood. In a memo to the City

Planner dated August 31, 2012. Her comments were as follows: "This property is located on 241 Kennedy Drive; neighboring on Kennedy Drive is an industrial Park, a Day Care, a health facility and office complex. I have concerns related to traffic and parking availability in the area, and don't believe this is an appropriate location for this use. Last year one of our larger manufacturing companies relocated to the Kennedy Drive and representatives from the company contacted me with traffic complaints. They reported their employees having difficulty entering and exiting the facility due to high traffic volume. I also have concerns related to the parking availability as demonstrated by the traffic report provided by the applicant.

From that report, it is estimated that more than 100 patients will be visiting the facility daily, however, only 14 parking spots have been allocated for this facility and the majority of those spots will be taken by 11 full time staff members. Where will patients park if spots are not available to them? The office complex as well as, the neighboring health facility is presently at maximum capacity. I have concerns on the impact this new facility will have on the already limited parking availability in the area, and peak traffic volumes that currently exist on that vicinity of Kennedy Drive. I believe there may be a more suitable location with less impact on the neighborhood; and therefore, I do not support this application."

6. The lack of visibility of the facility from the road makes the facility less secure. Police will not be able to view loiterers on site due to the large amount of vegetation between Kennedy Drive and the proposed methadone clinic facility.
7. The applicant's other facilities are located in more urban settings with better public transportation available. Pedestrian traffic is not safe in this area due to the lack of sidewalks along Kennedy Drive. The lack of sidewalks along Kennedy Drive poses a traffic safety concern for drivers and pedestrians.

If the Commission were to not deny the application per Mr. Connor's recommendations, Mr. Connor recommended the following conditions of approval:

1. The total patient load shall be limited to 125 patients.
2. Private security shall be present during hours of operation to provide security, prevent loitering, oversee parking and direct traffic flow.
3. Per the recommendation of Officer Steven Pisarski, Traffic Operations Unit, in a letter to the Commission dated 8/30/12, the Intersection of Kennedy Drive and Tarringford West shall be upgraded with new signal faces, positions and signal phasing to accommodate the additional traffic.
4. Per WPCA Administrator, Ray Drew, in his letter to the Commission dated, 9/4/12, the applicant:
  1. Shall submit application for Sewer Discharge Permit.
  2. Capacity Reserve Fee required is \$10,848.80, shall be submitted prior to discharge.
  3. There shall be no storm water or groundwater either directly or indirectly discharged to the sanitary sewer.
  4. Provide additional detail of sewer lateral connection.
    - a. If existing lateral is to be reused
      - i. Submit confirmation that existing lateral is properly sized
      - ii. Lateral shall be inspected via CCTV and pressure tested, testing

shall be witnessed and approved by the Department of Engineering. Laterals that do not pass required testing shall not be reused.

- b. New sewer lateral installation
  - i. Lateral shall be inspected via CCTV and pressure tested, testing shall be witnessed and approved by the Department of Engineering. All debris shall be removed prior to testing.
- 5. Shall submit to WPCA Best Management Plan for the disposal of spent pharmaceuticals. Spent pharmaceuticals shall not be disposed of in the sanitary sewer system.
- 6. Shall submit copies of all Federal, State and/or local permits required as they pertain to wastewater discharges.
- 7. It is recommended the applicant follow the recommendations of Acting Fire Chief Gary Brunoli contained in an email to the City Planner dated July 12, 2012.

The Commission discussed Mr. Connor's memo. Commissioner Summers had questions and comments related to the Americans with Disability Act. The Commission questioned Attorney Slater regarding these and other issues related to making a decision on this application.

MOTION by Mr. Mele to DENY Zone Change and Site Plan 1051

Applicant: Hartford Dispensary  
Location: 241 Kennedy Drive  
Proposal: Zone Change from IP, Industrial Park Zone to Alternate Incarceration, Substance Abuse/Mental Health, Medical Marijuana Dispensary Overlay Zone (ASM Zone) and Site Plan application for Torrington Health and Recovery Center.

The Commission makes a finding that this proposed facility is not compatible with the neighborhood in terms of traffic, health, safety (both patients and neighborhood). The Zone Change application and Site Plan application is denied for the following reasons:

1. The proposed parking on site is inadequate for the proposed substance abuse treatment (methadone) clinic. There is no parking allowed on Kennedy Drive in front of the property. The possibility that deficiencies in the site may be addressed through the use of other property should not be considered in evaluating whether this land would adequately accommodate the proposed use.
2. The design of the access driveway and parking lot will be a safety hazard due to the tight parking lot configuration and the inadequate amount of parking provided. When the lot is full, vehicles with no place to park and with no drop off area available, will be forced to make "K" turn type maneuvers. A traffic queuing problem will occur due to the lack of a drop off area and lack of parking onsite. Should patients arrive in larger commercial vehicles the parking situation could be further exacerbated. In addition the proposed dumpster area lacks the proper turn radius for servicing and would have to be picked up after hours.
3. The proposed facility is not compatible with the neighborhood. A GIS aerial map produced by the City Engineering Office shows the existing facility and properties within a 500 foot radius of the facility. Within 500 ft. of the proposed methadone clinic are two soccer fields in the

City's Alvord Park recreation facility and a day care facility on Kennedy Drive. Testimony during the public hearing indicated the applicant expected that up to 10% of the patients may arrive by public transportation. Testimony and an e-mail from Carol Deane, Northwest Transit District indicated that bus service in the vicinity was offered once per hour but Route #3 bus, Main Street to the East Side, service to the facility doesn't begin until 6:30 am and service from the Route #4 bus, East Main to the East side, wouldn't service Kennedy Drive until 9:40 am, well after the peak of their patient services. There are no sidewalks along Kennedy Drive. Safety concerns were expressed for pedestrian traffic along Kennedy Drive during early morning hours when it was dark. Concerns were raised about clients loitering and waiting for rides off site in the next door park or child care facility across the street.

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7. The applicant's other facilities are located in more urban settings with better public transportation available. Pedestrian traffic is not safe in this area due to the lack of sidewalks along Kennedy Drive. The lack of sidewalks along Kennedy Drive poses a traffic safety concern for drivers and pedestrians.

MOTION seconded by Mr. Perosino. Commission members voting in favor of the Motion: Mr. Mele, Mr. Perosino, Ms. Murphy, and Mr. Calkins. Mr. Summers opposed the motion. Mr. Calkins announced the Zone Change and Site Plan application has been denied.

- b. Special Exception 12-275
  - Applicant: Carl Thompson
  - Location: 138 Migeon Avenue
  - Proposal: Change of use to residential use, second floor  
(Currently office use on both first and second floor)  
Set public hearing date

MOTION by Mr. Mele to set a public hearing date of December 12, 2012, seconded by Mr. Summers, unanimously carried.

**7. Adjournment:**

MOTION by Mr. Summers to adjourn at 9:02 p.m., seconded by Mr. Mele, unanimously carried.

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Land Use Office  
City of Torrington