

**CITY OF TORRINGTON
PLANNING AND ZONING COMMISSION
MINUTES
December 11, 2013**

Present: Richard Calkins, Chairman
Greg Mele, Vice Chairman
Paul Summers, Member
Greg Perosino, Member
Christine Mele, Alternate
Donna Greco, Alternate

1. Call to Order:

Chairman Richard Calkins called the meeting to order at 7:06 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 Commissioners Paul Summers, Greg Perosino, Greg Mele, Christine Mele, Donna Greco and Richard Calkins. Also in attendance is City Planner Martin Connor, AICP.

3. Minutes for Approval:

a. 11/13/13

MOTION by Mr. Mele to approve the 11/13/13 minutes, seconded by Mr. Perosino, unanimously carried.

4. Old Business:

a. Enforcement Update – Request for legal action from Zoning Enforcement Officer:
126 High Street; 30 Grant Street; 30 Smith Street

Mr. Connor provided an update and background information on these violations. A report has been distributed to Commission members. Corporation Counsel Ray Rigat has done a great job on clearing up various violations.

MOTION by Mr. Mele to Approve a recommendation for legal action on the following properties (zoning violations):

126 High Street
30 Grant Street
30 Smith Street

Motion seconded by Mr. Perosino, unanimously carried.

- b. Site Plan 1101 and Special Exception 13-280
Applicant: To Design for Housing Authority of Torrington
Location: East Main Street/Slaiby Village (134-9-6)
Proposal: Construct 115 units within 2 buildings;
6.1 construction of affordable housing
Table 1 reduce number of required parking spaces
(public hearing closed)

Mr. Connor wrote a memo to the Commission dated December 4, 2013, after the public hearing with updates. Mr. Connor read his memo (7:12 p.m.)

Mr. Summers stated his only issue was whether the project would be harmonious with the neighborhood, but the site is already abutting a commercial area and Koury Terrace is already there. This is as important as a school and when reviewing Section 6.1, items for consideration, certainly the need for the project is there.

Mr. Connor noted one neighbor was concerned about the view of the garage. Mr. Connor has asked ZEO Kimberly Barbieri to review the landscaping plans submitted, and the applicant has truly upgraded the plantings in that area, including doubling the size of the minimum trees required and placing much more buffering in the area, so the applicant has listened to the neighbors during the last public hearing, and the neighborhood informational meeting that was previously held. These are attractive buildings.

Mr. Connor had asked the Engineering Dept. about the engineering plans that were submitted, and the Engineering Department staff is satisfied with the plans that were submitted. Mr. Connor noted a previous hotel that had been planned for the neighboring commercial property, 183 East Main Street, which had included a drainage basin. Mr. Connor suspects some of the current drainage problems are caused by the commercial site next door, and not the Koury Terrace site.

Parking was discussed, and Mr. Connor noted the applicant has identified an area of the property that could be used for additional parking if that does become necessary.

Mr. Mele feels the aspect of this project of 62 years of age and greater is of great advantage to the community, and very complementary to the existing use/buildings. Mr. Calkins said it is noteworthy that one of the units is designated solely for veterans. The buildings at the commercial site (1083 East Main) are far more visibly to one neighbor than this elderly housing will be. Mr. Calkins looked at the drainage as well, and he cannot imagine the neighbor's backyard is being affected by the housing authority property, that run-off is negligible compared to some of the commercial developments. It was piped, closed conduit all the way down to the road.

No further comments.

MOTION by Mr. Mele to APPROVE Site Plan 1101 and Special Exception 13-280

Applicant: To Design for Housing Authority of Torrington

Location: East Main Street/Slaiby Village (134-9-6)

Proposal: Construct 115 units within 2 buildings;
6.1 construction of affordable housing
Table 1 reduce number of required parking spaces

with the following conditions:

1. The property that includes the single family dwelling owned by The Housing Authority of the City of Torrington, at 1139 East Main, Tax Assessor's Map 133/16/24 shall be merged into the main parcel. Proof of merger shall be submitted to the City Planner's office.
2. Per Section 6.1.1.I, of the Zoning Regulations, all of the units in both buildings shall be deed restricted as affordable and shall be available for rent by tenants with incomes less than or equal to 80% of the area median income of Litchfield County as determined by the United States Department of Housing and Urban Development. These deed restrictions shall remain in effect for each unit no less than 30 years from the date of issuance of the certificate of occupancy. Corporation Council shall review and approve the proposed deed restrictions regarding the unit's affordability.
3. A contract between the City and The Housing Authority of the City of Torrington regarding unit affordability, shall be required per Section 6.1.2 G. of the Zoning Regulations. The contract prior to execution shall be reviewed and approved by the Corporation Council.
4. A Grading Permit shall be required prior to issuance of a Zoning Permit for the project.
5. A Sewer Discharge Permit application shall be filed with the Water Pollution Control Authority prior to obtaining a Zoning Permit for the project.
6. It is recommended that the applicant follow the advice of Fire Chief Gary Brunoli contained in his memo to the City Planner dated 10/18/13.

MOTION seconded by Greg Perosino, motion unanimously carried.

5. New Business:

- a. Site Plan 1108
Applicant: Kieffer Signs
Location: 1030 Torrington Street
Proposal: Proposed new signage for Michaels Arts and Crafts retail store

MOTION by Mr. Perosino to table this application, seconded by Mr. Mele, unanimously carried.

- b. Special Exception 13-283 and Location Approval
Applicant: BJ's Wholesale Club, Inc.
Location: 1276 East Main Street and 1280 East Main Street
Proposal: Modification/Amendment to conditions, to allow opening time/hours of operation for sales of gasoline no earlier than 6:30 a.m. (set public hearing date)

MOTION by Mr. Summers to set a public hearing date of January 8, 2014, seconded by Mr. Perosino, unanimously carried.

Mr. Calkins requested a traffic study/report on this intersection at Torrington West Street, with an emphasis on the level of service on the intersection of East Main Street and Torrington West Street. Mr. Connor will pass this information along to the applicant.

6. Public Hearings Scheduled for December 11, 2013 at 7:30 p.m., City Hall, 140 Main Street, Torrington, CT

- a. Applicant: Steve Marcus
Proposal: Application of Change of Torrington Zoning Regulations, Amend Section 6.5.3 – Elderly Retirement Housing and Assisted Living Facilities, and Group Care Facilities

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

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

Attorney Peter C. Herbst, 365 Prospect Street, Torrington, CT appeared representing the applicant. Also present this evening is Joe Roach, Steve Marcus' partner. Their project on Litchfield Street was approved for Elderly Housing, Assisted Living and Memory Care. A text amendment is proposed to allow a maximum height of 50 feet. They have determined a trend in senior housing called "verticality" which means to go up more. Mr. Herbst had submitted backup information for this new trend, to reduce footsteps of those living in such facilities. There are benefits from a security standpoint, as there will be fewer entry points. Also, there is a smaller footprint for such construction to achieve the same bedcount.

A letter of support for this proposed amendment from Kenneth Hrica, professional engineer was submitted. Fire Chief Brunoli is in support of this amendment as well.

Mr. Roach appeared before the Commission and spoke of his experience in the senior

living/ health care industry. This proposal will allow them to construct another story onto their approved senior living facility on Litchfield Street.

Mr. Herbst had submitted a three page letter with details dated December 6, 2013 to the Commission.

Mr. Calkins inquired if this proposed would apply to all multi-family construction, and Mr. Connor stated no, this will be narrowly implemented to deal only with Elderly Housing, Assisted Living Facilities, and Group Care Facilities in Section 6.5.3.

Mr. Herbst confirmed it is the intention of the development to maintain 181 living units. This will reduce the footprint of the building, providing sustainability.

Mr. Calkins inquired if it is appropriate to increase the setbacks with the additional height allowance. Mr. Connor did not believe such a setback increase is necessary.

Mr. Herbst noted this is a Special Exception situation, and such sites must have a minimum of 15 acres.

Mr. Mele noted this will produce a better quality building with quality construction materials, elevators, etc.

Discussion followed regarding the concerns of allowing an additional fifteen feet to a building in the residential zone. General standards of Special Exception approvals were discussion. Mr. Connor read portions of the Zoning Regulations regarding the approval process in the Special Exception application process. (7:54 p.m.)

At 7:55 p.m. Chairman Calkins declared the public hearing closed. No comments received from the public.

MOTION by Mr. Mele to APPROVE Applicant: Steven Marcus
Proposal: Application of Change of Torrington Zoning Regulations, Amend Section 6.5.3 – Elderly Retirement Housing and Assisted Living Facilities, and Group Care Facilities

The Commission finds the proposal to be consistent with the City's Plan of Conservation and Development. The effective date of the Regulation Change shall be the day after publication of the legal notice of decision in the local newspaper.

Motion seconded by Mr. Perosino, unanimously carried.

b. Special Exception 13-282
Applicant: AJK, LLC
Location: 637 and 659 Winsted Road
Proposal: Renewal earth excavation permits

Chairman Calkins opened the public hearing at 8:00 p.m. and stated serving on the public hearing this evening will be Paul Summers, Christine Mele, Donna Greco, Grego Perosino, Greg Mele and Richard Calkins. Also present is City Planner Martin Connor.

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

Dennis McMorrow, PE, with Berkshire Engineering and Surveying appeared representing the applicant along with Daniel Stoughton, owner of AJK, LLC, and Attorney Jerry Sanchy, representing the applicant.

Mr. McMorrow gave a presentation of the proposal, they will need 5.8 acres of active mining for this two year period. This is necessary to start the benching process, working their way down to the floor of the mine. About 75,000 cubic yards are proposed for this two year period, of course depending on the economy.

Mr. McMorrow addressed Mr. Connor's memo and Ms. Barbieri's memo (8:01 p.m.)

Discussion followed on 25' buffer area, Mr. McMorrow pointed to the site map and provided further explanations.

Mr. Connor recommended approval of the subject proposal, with the same conditions we have had in the past.

No comments from the public.

At 8:15 p.m., Chairman Calkins declared the public hearing closed.

MOTION by Mr. Mele to APPROVE Special Exception 13-282

Applicant: AJK, LLC

Location: 637 and 659 Winsted Road

Proposal: Renewal earth excavation permits
with the following conditions:

1. The quarry shall not operate on Sundays or on any of the following holidays: New Year's, Good Friday, Memorial Day, July 4th, Labor Day, Thanksgiving and Christmas.
2. Except as noted otherwise in these conditions, the quarry shall operate between the hours of 7:00 a.m. and 5:30 p.m., Monday through Friday. Except for routine maintenance, the quarry shall not operate on Saturdays.
3. No blasting is to occur on Saturdays, Sundays, or on any of the following holidays: New Year's, Good Friday, Memorial Day, July 4th, Labor Day, Thanksgiving and Christmas or on any six weekdays as designated by the Torrington Elks Club. Blasting is to occur between the hours of 9:30 a.m. and 4:30 p.m. AJK, LLC, shall determine the schedule of the Torrington school buses that pass through the area. No blasting is to occur either a half

hour before or a half hour after the time a school bus is scheduled to be in the area. The applicant shall utilize the Blast Planning Worksheet, Guidelines, Blasting Activity Review, and Notifications contained in a report titled, "A Focus on the Execution and Impact of Blasting Relative to the Site Grading Plans Prepared by AJK, LLC For the Winsted Road, Torrington, Connecticut Industrial Park Site." by Richard M. Hosley, Jr., Realty Securities Incorporated, dated February 2005.

4. A blast warning shall occur before blasting. AJK, LLC, shall notify all adjoining property owners at least 72 hours prior to a blast. With the property owner's approval, this notification can be reduced to 24 hours.
5. Any property owner within one-half mile of the property can also request that AJK, LLC, notify them at least 72 hours prior to a blast. AJK, LLC shall honor this request. With the property owner's approval, this notification can be reduced to 24 hours.
6. The applicant shall maintain a "Trucks Crossing" sign on Winsted Road.
7. AJK, LLC shall designate an individual to receive, handle and log complaints from neighbors. The record of these complaints shall be presented at, or prior to, the public hearing on the renewal of the Special Exception permit.
8. AJK, LLC shall maintain fugitive dust practices.
9. Per Section 6.4.5 F of the Regulations, the applicant shall provide a bond for the estimated cost of restoring the disturbed areas, including the areas that involve sorting, crushing, refining, drilling, screening or washing operations during the 2 year period of special exception renewal. A bond in an amount acceptable to the City Planner shall be submitted in a form acceptable to Corporation Counsel. Not more than 5.8 acres shall actively be excavated, used, or without topsoil at one time.

MOTION seconded by Mr. Perosino, unanimously carried.

7. **Adjournment:**

MOTION by Mr. Mele to adjourn at 8:20 p.m., seconded by Mr. Perosino, unanimously carried.

