

**CITY OF TORRINGTON
ZONING BOARD OF APPEALS
SPECIAL MEETING MINUTES
Thursday, February 21, 2013**

Present: David Moraghan, Chairman
Kathleen Perrotti, Vice Chair
Karen Falk, Member
Ken Edwards, Alternate
Marc Trivella, Alternate
James Steck, Alternate

Also Present: Martin Connor, AICP; City Planner

Not present: James Marinelli
Jenn Healy

1. Call to Order, 7:00 p.m., Torrington City Hall Council Chambers, Room 218, 140 Main Street, Torrington, CT

Chairman David Moraghan called the meeting to order at 7:00 p.m.

2. Roll Call and Announcements:

Chairman David Moraghan announced present and seated on the Board will be Kathleen Perrotti, Karen Falk, Ken Edwards, Marc Trivella, James Steck and David Moraghan. Alternate tonight is James Steck. Also present is City Planner Martin Connor, AICP.

3. Minutes for Approval:

a. 8/13/12

MOTION by Mr. Trivella to accept 8/13/12 meeting minutes, seconded by Ms. Perrotti, unanimously carried.

4. Public hearing scheduled for Thursday, February 21, 2013, 7:00 p.m., Torrington City Hall Council Chambers, Room 218, 140 Main Street, Torrington, CT

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

Mr. Moraghan outlined the procedures for the public hearing.

MOTION by Ms. Perrotti to open the public hearing, seconded by Ms. Falk, unanimously carried.

- a. Variance
Applicant: Community Health and Wellness Center of Greater Torrington, Inc.
Location: 469 Migeon Avenue
Proposal: 20' reduction in the required 25' landscape buffer area (Section 5.11.5.C)

Kenneth Hrica, licensed engineer and land surveyor of 44 Maple View Trail, Litchfield, CT appeared representing the applicant. Also present is Ray Sevigny, Architect. Mr. Hrica submitted the certificates of mailing and a copy of the letter sent to the abutting property owners.

The subject area of the property is the southern portion of the property. The applicant has recently purchased the rear portion of the property. The back area of the property will be used for parking. The addition will be built in the area of the former supermarket.

Mr. Hrica submitted photographs for the Board's review. A proposal / map was submitted, and showed a 22 foot wide driveway, which is a required. This necessitates a 20 foot variance request, into the buffer area. Maps were reviewed. The sidewalk area was noted.

Ray Sevigny, Architect in Haddam and Hartford, appeared. A federal grant was received for this project at the Wellness Center, and this is one of the few awarded in Connecticut. Maps/drawings were reviewed.

Mr. Connor provided information for the Board, the Fire Department is pleased with a 22 foot driveway. It is not advisable to block off the driveway on the side of the building, and use a sidewalk in that area instead. Both Fire and Police Department want this driveway for safety and access purposes. The Engineering Department does not want to have driveway access from Woodbine Street, this is in discussion and is a Planning and Zoning issue.

Mr. Moraghan wished to explore alternatives to avoid a variance.

Discussion followed, with Mr. Hrica and Mr. Sevigny answering questions from the Board Members.

Mr. Connor read his memo to the Board dated February 6, 2013.

Chairman Moraghan asked Mr. Connor to address Section 8.1.3 SS 3. Mr. Connor stated there is some use of the property. Mr. Moraghan stated they have a problem under subsection 3, there are alternatives, he understands the Fire Department has a concern, and this may not warrant a reason for a variance. Mr. Connor said the could continue the pre-existing non-conforming use of a 17 foot driveway.

Mr. Moraghan opened the meeting to the public for comments in favor.

David Foth appeared with a question. There used to be an open gate in the back, traffic would race through this site to avoid the light. No speed bumps were installed, and cars would race through. Finally the gate was locked, and once that was done it was fine for

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years. He does not want that to happen again. Mr. Foth was concerned about the pitch of the driveway and the water run off. He may appear with more questions.

Mr. Foth pointed to his property on the map.

Asamato Domato appeared to help his brother Anthony Antigua who owns 155 Woodbine. He expressed concerns with people cutting through the back, and it seems it will be tripled the amount of cars going through, security concerns, traffic going through whether the building is open or not.

Mr. Hrica noted neighbors are concerned about activity in the parking lot after hours. Right now the facility is open one shift a day, but that will be increasing to two shifts per day, and the Center will be open and staffed longer. There had been no lighting in the back, the tree line is encroaching, and it has been a hiding and congregation spot for trespassers. There will be lighting in the parking lot, it will no longer be a destination for people who wish to be concealed.

Mr. Hrica said with the new facility, there will be people on site for much of the day, and a gate closing will not be necessary, same as any other site in town.

Rose Marie Foth spoke, she believes this project is a great idea. The vacant property as is, trouble is being invited back there. The lighted area in the back will be an asset. As a homeowner she would love this project.

MOTION by Mr. Moraghan to close the public hearing, seconded by Mr. Trivella, unanimously carried.

Mr. Connor explained the applicant cannot proceed with the plan with a 22 foot driveway unless a Variance is granted. A plan had been previously submitted with a one way driveway between those buildings, which met the buffer requirement. Borings had been done, and there appeared to be hardships related to the land.

Fire fighting equipment was discussed.

Mr. Moraghan stated he has a problem with this, and there are alternatives to be considered. They are aware of the problem, and this is a self inflicted hardship as they are constructing a building. If the variance is denied, we would not be denying them reasonable use of the property.

Mr. Connor stated the Engineering Department wants to close off the back entrance, as the street condition is inadequate. This is an alternative, but not one Mr. Connor wishes to see.

Discussion followed regarding the sidewalk. Mr. Connor noted there is a 25' buffer, and if a sidewalk is placed in the buffer area, a variance for that is needed.

Mr. Steck inquired if pervious surface material could be considered. Mr. Connor stated this is an excellent point. There are no buildings, structures, parking, no storage areas,

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dumpsters, signs, impervious surface areas allowed in the buffer per Section 5.11.5A2 but a pervious surface would appear to be allowed. This might be the brilliant solution, if they put pervious pavers in this area, that could be considered.

Discussion followed.

Mr. Connor said a decision could be tabled, and wait for the comments of the Planning and Zoning Commission. The application could always be withdrawn if it is determined a variance would not be necessary.

MOTION by Mr. Trivella to table a decision, seconded by Ms. Perrotti, motion unanimously carried.

5. Adjournment:

MOTION by Mr. Trivella to adjourn at 8:34 p.m., motion unanimously carried.

Land Use Office
City of Torrington