1. **ROLL CALL:**
Chairman George Closson called the meeting to order at 7:00PM.

Mr. Closson noted that the following individuals were present: John Cooney, Peter Marchand, Willard Platt, Craig Sanden, and Alternate Troy Lamere. Alternates Charlene LaVoie and Adam Quagliaroli were absent excused.

2. **PUBLIC COMMENT:**
A member of the public, identifying as Bethany (last name not received) of 145 Falmouth Drive addressed the commission regarding the American Mural Project property.

Mr. Platt shared his concerns with enforcement on the Quick Stop property, the new house on Crescent Street, and 212 West Wakefield Boulevard.

3. **AGENDA REVIEW:**
The agenda was modified to take up the Public Hearings and Old Business ahead of Other Business. Additionally, the public hearings in the matters of PZC#23-6 – Special Permit for 229 Perch Rock and PZC#23-7 – Special Permit for 90 Whiting ahead of PZC#23-4 – Special Permit Applicant: KJ Fracasso Industries Owner: Estate of Kenneth J. Fracasso and Fracasso Realty Location: 137 Torrington Road Proposal: Excavation Permit – Excavation/Sale of 67000 Cubic Yards of Earth Material.

4. **PUBLIC HEARINGS:**
MOTION: Mr. Platt, Mr. Sanden second, to continue Application PZC#23-1 to the April 10, 2023 regular meeting; unanimously approved.

B. **PZC#23-6 – Special Permit** Applicant/Owner: Karen Marie Borla Location: 229 Perch Rock Trail Proposal: 6’ (Height) Fence in Highland Lake District.
The legal notice of all of the public hearings for this meeting were read into the record. Karen Borla appeared before the commission regarding this application. Mr. Platt questioned how far from the boundary line the fence would be located. It was noted that it would be 2’ from the property line. Mr. Cooney questioned how deep the fence would be installed. It was noted that it would be buried 36” to 48”.

The hearing was open to the public.

Janet Taylor of 227 Perch Rock Trail questioned what type of fence would be installed. It was noted that it would be a cedar fence.

MOTION: Mr. Marchand, Mr. Cooney second, to close the public hearing; unanimously approved.

The legal notice was previously read into the record. Amy Wynn appeared before the commission regarding this application. Mr. Closson referenced the staff review comments on the proposal and noted guidance provided by Fire Marshal Steve Williams. Mr. Marchand questioned the proposed Banquet Hall use. Ms. Wynn noted the availability for parking that is at the site, referring to a letter from Northwestern Connecticut Community College
and Whiting Mills. Mr. Lamere questioned the State’s liability as related to parking at their site for events where alcohol is being served. He also questioned whether the non-profit business was renting out the residential building (3). Ms. Wynn confirmed that no one lived at Building 3.

The hearing was open to the public.

Sandy Evans of 100 Whiting Street noted that the availability of parking would be a case by case basis and that there was no blanket approval.

An additional member of the public questioned whether the public would be notified of music concerts.

**MOTION:** Mr. Marchand, Mr. Sanden second, to close the public hearing; unanimously approved.

**D. PZC#23-4 – Special Permit**  
**Applicant:** KJ Fracasso Industries  
**Owner:** Estate of Kenneth J. Fracasso and Fracasso Realty  
**Location:** 137 Torrington Road  
**Proposal:** Excavation Permit – Excavation/Sale of 67000 Cubic Yards of Earth Material.

Mr. Closson read aloud comments received from staff members including Fire Marshal Steve Williams, Acting Police Chief Kevin Kinahan, and former Zoning Enforcement Officer/Wetlands Agent/Blight Officer Michael Stankov.

Professional Engineer(s) David Battista and Todd Parsons appeared before the commission regarding this application. They reviewed the site plan for the 26-acre parcel. Mr. Parsons reported that the Fracasso business was operating from Parcel ‘A’ up until Kenneth Fracasso passing away in October 2021. His siblings, Kara Normand and Steve Fracasso, fiduciaries of his estate, were currently operating the business, according to Mr. Parsons. Additionally, the Fracasso estate had previously acquired the 2016 six-lot industrial subdivision and was depicted as Parcel ‘B’ on the site plan. It was noted that there was 39000 cu yd of material, depicted in pink, and 28000 cu yd, depicted in green.

Mr. Parsons and Mr. Battista discussed the erosion control plan in terms of laying topsoil and seeding. They referred to the 2016 topography and what would be undertaken with restoration. They also discussed the highway runoff into the watercourse.

Mr. Closson questioned the equipment to be used and the timing of the gravel removal. Mr. Battista noted that it would be concurrent with the gravel removal. He noted that the application had received approval from the Inland Wetlands and Watercourses Commission on January 18, 2023 and reported the project had been subject of an independent engineering review. Mr. Parsons noted what while the subdivision approval had lapsed, an easement existed.

Mr. Marchand questioned the water supply to the site as it related to fire hydrants. The north driveway near the State of Connecticut property allowing the neighbor, David Curtis to access, was discussed. Additional discussion points included a bonding requirement, a timing requirement of two years, and a six month window for removal of the equipment not related to excavation or the mining operation, and bimonthly inspections. Mr. Platt questioned whether the removal of the material in the upland review area ought to occur first. Mr. Cooney questioned whether the area depicted in pink was the processing area. Mr. Lamere questioned whether materials brought in from off-site ought to be further discussed and whether the site should be reviewed for a trucking permit. It was noted that the Inland Wetlands and Watercourses Commission had conditioned their approval with an $8K bond.

**MOTION:** Mr. Marchand, Mr. Cooney second, to close the public hearing; unanimously approved.
Planning and Zoning Commission March 27, 2023 Regular Meeting Minutes

5. OLD BUSINESS:
No action taken.

MOTION: Mr. Sanden, Mr. Closson second, to approve Application PZC#23-4 Special Permit Applicant: KJ Fracasso Industries Owner: Estate of Kenneth J. Fracasso and Fracasso Realty Location: 137 Torrington Road Proposal: Excavation Permit – Excavation/Sale of 67000 Cubic Yards of Earth Material, subject to the following:
1. In evaluating this application, the Planning and Zoning Commission has relied upon information provided by the applicant and, if such information subsequently proves to be false, deceptive, incomplete, and/or inaccurate, this permit shall be modified suspended or revoked.
2. This application is consistent with the Town’s Plan of Conservation and Development.
3. This application meets the criteria and standards of III.J. Common Regulations: Special Permits/Special Exceptions.
4. Approval is granted based on plans and drawings prepared by Lenard Engineering, Inc. entitled, “Earth Excavation Permitting for KJ Fracasso Industries 137 Torrington Road Winsted, Connecticut,” dated November 8, 2022 revised through December 28, 2022” inclusive of the following:
   - Cover
     • 1 of 8 Overview – Index Plan
     • 2 of 8 Site Plan-1
     • 3 of 8 Site Plan-2
     • 4 of 8 Site Plan-3
     • 5 of 8 Site Plan Details & Plan of Operation
     • 6 of 8 Soil Erosion Sediment Control Narrative & Details
     • 7 of 8 Proposed Plan & Profile
     • 8 of 8 Proposed Channel Sections
5. Site Inspection bimonthly by town staff and reported to Planning and Zoning Commission.
6. Performance bond to be determined by Town Staff.
7. All equipment not related to mining operation must be removed within six (6) months; unanimously approved.

C. PZC#23-5 – Special Permit Applicant: Allan Borghesi and Borghesi Building and Engineering Co., Inc. Owner: East Coast Assistance Dogs, Inc. Location: 149 Newfield Road Proposal: Modify Location of Site of New Building; Reduction in Parking.
It had been reported earlier that the applicant had requested a continuance.

D. PZC#23-6 – Special Permit Applicant/Owner: Karen Marie Borla Location: 229 Perch Rock Trail Proposal: 6’ (Height) Fence in Highland Lake District.
MOTION: Mr. Marchand, Mr. Cooney second, to approve Application #23-6 – Special Permit Applicant/Owner: Karen Marie Borla Location: 229 Perch Rock Trail Proposal: 6’ (Height) Fence in Highland Lake District, subject to the following:
1. In evaluating this application, the Planning and Zoning Commission has relied upon information provided by the applicant and, if such information subsequently proves to be false, deceptive, incomplete, and/or inaccurate, this permit shall be modified suspended or revoked.
2. This application is consistent with the Town’s Plan of Conservation and Development.
3. This application meets the criteria and standards of III.J. Common Regulations: Special Permits/Special Exceptions.
4. Approval is granted based on the semi-open design as submitted; unanimously approved.

MOTION: Mr. Marchand, Mr. Sanden second, to approve Application PZC#23-7 – Special Permit Applicant/Owner: American Mural Project, Inc. Location: 90 Whiting Street. Proposal: Mixed Use Parcel – Cultural Institution, Banquet Hall in Building 1, Storage in Building 2, Single Family Residence in Building 3, Garage Storage in Building 4, subject to the following:

1. In evaluating this application, the Planning and Zoning Commission has relied upon information provided by the applicant and, if such information subsequently proves to be false, deceptive, incomplete, and/or inaccurate, this permit shall be modified suspended or revoked.
2. This application is consistent with the Town’s Plan of Conservation and Development.
3. This application meets the criteria and standards of III.J. Common Regulations: Special Permits/Special Exceptions.
4. Town to be notified of rental of residence on property.
5. College and Whiting Mills to be notified if liquor is to be served during functions;

unanimously approved.


MOTION: Mr. Marchand, Mr. Sanden second, to approve Application PZC#23-8 – Excavation Renewal Applicant/Owner: Pieritalo Bauchiero Location: 182 Torrington Road Proposal: Earth Excavation Renewal; unanimously approved.

6. NEW BUSINESS:

James Pagano appeared before the commission regarding this application. He reviewed his site plan, noting the areas depicted as Parcel One and Parcel Two, and the repairs he is seeking to make with his home, a portion of which that is on Town-owned land. He described his lake wall as being back filled with pea gravel and the five buttresses in place for the wall support. Mr. Lamere suggested that 3/8” stone may plug the holes. Mr. Rollins had questions with respect to the details contained in the proposed easement language.

MOTION: Mr. Marchand, Mr. Mr. Cooney second, to approve the Application PZC#23-9 – 8-24 Referral Applicant/Owner: James Pagano and Eileen Pagano Location: 840 East Wakefield Boulevard Proposal: Easement for Repair of Existing Concrete Retaining Wall; unanimously approved.

B. Review Town Manager’s Proposed Capital Improvement Budget Per Sec. 1106D of Town Charter.

Town Manager Josh Kelly reviewed his proposed Capital Improvement Budget for FY24. Discussion ensued regarding the most recent bond rating and the 2027 grant for a new public works facility. He noted that the informational sheets contained within his presentation show the funding source that each proposed allocation will be paid.

C. Set Public Hearing for Formal Adoption of Revised PZC Regulations per General Code Recommendations.

No business discussed.
8. APPROVAL OF MINUTES – January 23, 2023:
No action taken.

9. COMMUNICATIONS:
None.

10. TOWN PLANNER’S REPORT:
No business discussed.

11. ADJOURNMENT:
MOTION: Mr. Marchand, Mr. Cooney second, to adjourn; unanimously approved.
The meeting adjourned at 10:06PM.

(From the hand-written notes of Town Planner and Director of Land Use Lance Hansen)