

**CITY OF TORRINGTON  
PLANNING AND ZONING COMMISSION  
MINUTES  
December 8, 2021**

Present: Greg Perosino, Vice Chair  
Donna Greco, Member  
Donovan Riley, Member  
Starley Arias, Alternate  
Diane Carroll, Alternate  
Tom Telman, Alternate

Also Present: Martin Connor, City Planner  
Jeremy Leifert, Asst. City Planner

Not Present: Greg Mele, Chair  
Jim Bobinski, Member

**1. Call to Order:**

Vice Chair Greg Perosino called the meeting to order at 7:00 p.m. Attendance by Zoom or in-person at City Hall Auditorium, Room 218, 140 Main Street, Torrington, CT.

**2. Attendance/Announcement:**

Mr. Perosino announced present in person this evening are Commissioners Donna Greco, Starley Arias, Diane Carroll and Greg Perosino. Present via Zoom are Commissioners Donovan Riley and Tom Telman. Also present in person are City Planner Martin and Asst. City Planner Jeremy Leifert.

**3. Minutes for Approval:**

a. 11/17/21

MOTION by Ms. Carroll to approve the 11/17/21 minutes, seconded by Ms. Greco, motion carried with Mr. Telman and Mr. Riley abstaining from voting.

**4. Public Hearings scheduled for 7:00 p.m., Wednesday, December 8, 2021; City Hall Auditorium, Room 218, 140 Main Street, Torrington, CT:**

Mr. Perosino reviewed the procedures for public hearings.

Mr. Perosino stated serving on the Commission this evening are Commissioners Donna Greco, Donovan Riley, Greg Perosino and seated in place of absent regular members are Alternates Diane Carroll and Tom Telman.

- a. Resubdivision  
Applicant: Charles R. Ebersol, Jr.  
Location: 31 Pumping Station Road  
Proposal: Three Lot Resubdivision

Mr. Perosino opened the public hearing at 7:02 p.m. Ms. Greco read the legal notice of public hearing.

Attorney Charles Ebersol, Jr. appeared on behalf of the property owners. Mr. Ebersol presented the receipts of neighborhood mailings and verified the public hearing sign was properly posted.

Mr. Ebersol gave a presentation of the proposal, and reviewed the requested waivers.

In response to a question from Ms. Carroll, Mr. Connor reviewed the Fee in Lieu of Open Space provision in the Zoning Regulations. The fire hydrant waiver was briefly discussed.

Mr. Perosino opened the public hearing for comments in favor of the proposal, there were none. Mr. Perosino opened the public hearing for comments in opposition to the proposal, there were none.

Mr. Connor read his memo to the Commission dated 11/30/21.

At 7:25 p.m. Mr. Perosino declared the public hearing closed.

MOTION by Ms. Greco to APPROVE Resubdivision

Applicant: Charles R. Ebersol, Jr.  
Location: 31 Pumping Station Road  
Proposal: Three Lot Resubdivision

1. The title to the Recording Subdivision Map and Site Development Plan is re-titled "Merriman Resubdivision."
2. A Draft Driveway Easement document shall be prepared by the applicant's attorney and reviewed and approved by Corporation Counsel. The approved Driveway Easement document shall be filed on the land records along with the Record Resubdivision Map.
3. Per Section 5.5.3 of the Subdivision Regulations, the applicant shall pay a fee in lieu of open space. This fee shall not 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 selected by the applicant and the Commission. The cost of the appraisal shall be paid by the applicant. The appraisal shall be completed prior to the filing of the resubdivision plan on the Torrington Land Records. A fraction of the total fee shall be paid to the City at the time each lot is first sold or transferred. The numerator of this fraction is one; the denominator is 3, the number of approved building lots in the approved subdivision.
4. Iron pins shall be set in lot corners in accordance with the Resubdivision Map prior to filing the Record Resubdivision map.

5. Per Section 3.10.3.G of the Subdivision Regulations, The final approved Resubdivision map and final Site Development Plan shall contain the Tax Assessor's Map/Block/Lot for each lot in the Resubdivision as assigned by the Engineering Department.

The Commission hereby waives the following:

1. The requirement of Section 4.3.25 of the Subdivision Regulations, to provide on the Resubdivision Plan providing State Plane coordinates at not less than four points on the subdivision perimeter are required to be shown on the Resubdivision Plan. The applicant shall instead provide CAD software information to the Engineering Department to assist them in City Mapping of the Resubdivision. The GIS Manager has indicated this waiver is acceptable to the Engineering Department.
2. The requirement of Section 10.1 of the Subdivision Regulations, in subdivisions to be served by a public water supply system, that fire hydrants shall be installed. A fire hydrant currently existing directly across the street on Pumping Station Road from lot 2. Public Safety will be adequately served by the existing fire hydrant. The Fire Department did not request an additional fire hydrant in their review of the project.

MOTION seconded by Ms. Carroll, unanimously carried.

- b. Special Exception 21-10  
Applicant: AJK, LLC  
Location: 637 and 659 Winsted Road, Assessor Map 236 Block 001,  
Lots 010, 011 and Assessor Map 236 Block 001 Lot 009  
Proposal: Renewal of Earth Excavation Permit

Mr. Perosino opened the public hearing at 7:28 p.m. Ms. Greco read the legal notice of public hearing.

Dennis McMorrow, PE, of Berkshire Engineering and Surveying appeared representing the applicant Daniel Stoughton, who is also present this evening.

Mr. McMorrow presented the certificate of neighborhood mailings, and verified with Mr. Stoughton that the public hearing sign was properly posted. Mr. McMorrow gave a presentation of the proposal. (7:35 p.m.)

Mr. Perosino opened the public hearing for comments in favor of the proposal, there were none. Mr. Perosino opened the public hearing for comments in opposition to the proposal, there were none.

Mr. Connor read his memo to the Commission dated 11/30/21.

Mr. Perosino posed questions regarding the timing of the quarry excavation, and in response Mr. McMorrow stated 125,000 cubic yards of material would be removed from the site every two year renewal period. There are approximately 350,000 cubic yards of additional material to remove from the site, which equals approximately another four to five years of excavation activity.

Water retention issues were discussed, and Mr. Connor inquired when these issues would be addressed. Answers were received from Mr. Stoughton in the audience (inaudible). Mr. Perosino requested correction of any remaining concerns with drainage running off site, onto the road, etc.

Discussion followed about the amount of dust being created with many trucks leaving the site on a continual basis. Mr. Perosino stated he wants a concerted effort to address the dust issues that have been raised.

Mr. Leifert referred to his memo, an at least weekly sweeping is needed for the paved entry area to the site. Mr. Perosino noted huge clouds of dust are being emitted from this site with the many trucks exiting the site.

Commissioners inquired about the slopes and future level grades, and details were given by Mr. McMorrow about the slopes on the rock walls, future grading, and water flow into the lower lying level areas on site. AJK LLC/Daniel Stoughton has recently purchased the former Meineke site at the base of the site on Winsted Road, which will provide additional land and space to address any drainage issues if they arise.

No further comments.

At 8:07 p.m. Chair Perosino closed the public hearing.

MOTION by Ms. Greco to APPROVE Special Exception 21-10

Applicant: AJK, LLC

Location: 637 and 659 Winsted Road, Assessor Map 236 Block  
001, Lots 010, 011 and Assessor Map 236 Block 001 Lot 009

Proposal: Renewal of Earth Excavation Permit

With the following conditions:

1. No blasting is to occur on Saturdays, Sundays, or on any of the following holidays: New Year's, Good Friday, Memorial Day, July 4<sup>th</sup>, 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 January 2005.
2. 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 may be reduced to 24 hours.
3. 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 may be reduced to 24 hours.
4. The applicant shall maintain a "Trucks Crossing" sign on Winsted Road.

5. 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.
6. AJK, LLC shall maintain fugitive dust practices.
7. 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 11.0 acres shall actively be excavated, used, or without topsoil at one time.
8. A cash bond in an amount acceptable to the City Planner's office shall be submitted to insure the repair of the fill encroachment area on the Torrington Elks Club property.
9. The applicant shall follow the recommendations of Asst. City Planner Jeremy Leifert regarding landscaping, and the applicant shall at least weekly sweep and maintain the paved access drive off of Winsted Road due to tracking issues, as outlined in his email to City Planner Martin Connor dated December 1, 2021.
10. The applicant shall address the comments of Paul Kundzins, City Engineer, as outlined in his memo dated November 22, 2021 to City Planner Martin Connor.

The Commission hereby grants the following waiver requests:

1. Section 6.4.4 (Excavation, Slopes)
2. Buffer requirement per Section 6.4.2.c
3. Waiver of the 5 acre active excavation area allowing the 11.0 acre area.

MOTION seconded by Ms. Carroll, unanimously carried.

**5. Old Business:**

None

**6. New Business:**

MOTION by Mr. Telman to add an item to the agenda by 2/3rds vote:

CGS Section 8-24 Referral

Applicant: City of Torrington

Location: 126 High Street

Proposal: Sale of 126 High Street (City owned property)

Motion seconded by Ms. Greco, unanimously carried.

Mr. Connor read his 12/3/21 memo to the Commission. This was a blighted property that has been foreclosed on by the City. The property has been cleaned up, and ready to be sold and put back onto the City's tax rolls.

MOTION by Ms. Greco to make a favorable recommendation to Mayor and City Council,

CGS Section 8-24 Referral

Applicant: City of Torrington

Location: 126 High Street

Proposal: Sale of 126 High Street

MOTION seconded by Ms. Carroll, unanimously carried.

- a. Zoning and Blight Violation update - No action on this item.

**7. Correspondence:**

- a. Discussion about new Cannabis establishments regulations

Mr. Connor provided updates for the Commission's information. The City of Hartford has recently decided they want cannabis retail sales in their downtown area, which is the total opposite of what Mr. Connor is recommended for Torrington. A Social Equity Council was recently formed, and this is a very complicated matter requiring time to study issues. Growing cannabis will not be a concern in the Industrial Park areas, as this would be an indoor grow facility, with strict security.

Mr. Leifert and Mr. Connor have spoken with Mayor Carbone, and it makes sense to have a public input session for the retail sales of cannabis, to implement Zoning Regulations. Ordinances will be updated as well regarding public smoking.

Updates were provided by Mr. Connor and Mr. Leifert regarding the number of retail sales facilities allowed, which is one facility per 25,000 residents. Torrington could have as many as three, as the existing medical marijuana facility on Winsted Road would be able to have retail sales, as well as two new facilities per the number of Torrington residents. It was clarified that smaller towns with less than 25,000 resident population would be allowed one retail location. The State of Connecticut will impose strict security measures.

**8. Adjournment:**

Mr. Perosino stated this is Martin Connor's very last Planning and Zoning Commission meeting, after twenty-two years of service to the City of Torrington, and Mr. Perosino opened the floor to Mr. Connor.

Marty Connor reviewed some of the highlights of his career with the City of Torrington, this Planning and Zoning Commission is the very best he has worked with in his many years and with many towns throughout this area of Connecticut. This is a no nonsense Commission that gets things done, and this Commission has made very good decisions on some very difficult applications in the past, and many, many changes have been made to the Zoning Regulations that are an improvement to this City.

Mr. Perosino stated much of what this Commission has accomplished has been under Marty's direction. One thing that has impressed Mr. Perosino is the pragmatic manner in which applications are handled, applicants meet with Mr. Connor and City staff, and the applicant knows what to expect during the process, and this is not always the case in other towns. Mr. Connor is an upfront planner, and it is well known to the applicant during the entire process of what they need to accomplish, so the application is ready for action by this Commission. Mr. Connor noted there is an excellent staff at the City to assist with the process.

a. Adjournment:

MOTION by Ms. Greco to adjourn at 8:28 p.m., seconded by Mr. Riley, unanimously carried.

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Land Use Office