

**CITY OF TORRINGTON
INLAND WETLANDS COMMISSION
MINUTES
November 18, 2008**

Present: Jay Bate, Jr., Chairman
Nancy Schroeder Perez, Vice Chairwoman
Doris Murphy, Member and Planning and Zoning Liaison
Kathy Carlson, Member
Tom Telman, Member
Christine Altman, Member
Jane Bakker, Member (arrived at approx. 7:05 p.m.)

Also Present: Kimberly Barbieri, Inland Wetlands Enforcement Officer

1. **Call To Order:** Chairman Jay Bate, Jr., called the meeting to order at 7:00 p.m. in the City Hall Council Chambers, 140 Main St., Torrington, CT

2. **Roll Call and Announcement:**

a. As to who will be serving

Chairman Bate announced present and serving on the Commission this evening will be Nancy Schroeder Perez, Doris Murphy, Kathy Carlson, Tom Telman, Jay Bate, Jr., and Christine Altman. Also present is Kim Barbieri, Inland Wetlands Enforcement Officer.

3. **Minutes for Approval:**

a. 10/21/08

MOTION by Ms. Perez to accept the 10/21/08 minutes, seconded by Ms. Murphy, motion carried with Ms. Altman abstaining.

4. **New Business:**

a. Location: 100 Starks Hill Road
Owner: Eric C. Marine
Activity: Discharge from detention structure, review of permit based on letter from DEP not allowing discharge onto their property

Ms. Barbieri reviewed the past permit issued that was supposed to be completed this past summer. A letter has been received from DEP dated 11/5/08 stating they were not going to allow the drainage, which would make that permit null and void. The owners will have to start at the beginning.

MOTION by Ms. Perez to revoke the wetlands permit for 100 Starks Hill Road, seconded by Ms. Murphy, motion carried with Mr. Telman abstaining.

Jane Bakker arrived at this time.

b. Location: 365 West Pearl Road
Owner: James P. Murphy
Activity: Creation of a new building lot through first split with wetlands on site

The owner was not present. Ms. Barbieri reviewed the application. There is a small stream in the rear corner of the lot.

MOTION by Ms. Perez to accept the application for 365 West Pearl Road, James P. Murphy, for creation of a new building lot through first split with wetlands on site, seconded by Ms. Bakker, unanimously carried.

Vote by 2/3rds onto the agenda:

Location: Pothier Road, Torrington Water Company, Logging application, activity: Intermittent watercourse crossing for logging operation.

MOTION by Ms. Perez to add this item to the agenda, seconded by Mr. Telman, unanimously carried.

Mr. Zeiner from the water company was not present, Commission members read the application. Mr. Zeiner arrived within a few minutes.

Mr. Zeiner explained the methods they will use to cross the intermittent streams (#340) and their plans for restoration. This is not a clear cut, but rather a selective clearing process.

Discussion followed on best management practices, invasive species, restoration, etc.

MOTION by Ms. Perez to approve this as an agent determination for timber harvesting by Torrington Water Company for a site northwest of Allen Drive on Pothier Road, seconded by Mr. Tellman, unanimously carried.

5. Old Business:

- a. Non-Compliance
Location: 80 Hayes Street
Owner: Michael Mahan
Activity: Show/Cause, action to begin legal action for non-compliance with order

Ms. Barbieri has been trying to contact Mr. Mahan, however his mail is being returned to us. Ms. Barbieri read an e-mail she received from Mr. Mahan regarding the quotes he is receiving for restoration services. Mr. Mahan has not been heard from, this is a wetlands issue for clear cutting within an updated regulated area, and also a zoning violation as a 48" caliper oak tree that was cut down which is a violation of the specimen tree regulation. Ms. Barbieri said from an enforcement standpoint, she would like to see a legal action.

Ms. Perez agreed, noting that he is not coming in to try and work with the Commission, this has been going on for a while now.

MOTION by Ms. Perez to begin legal action for non-compliance with the order for 80 Hayes Street, Michael Mahan, seconded by Mr. Telman, unanimously carried.

Ms. Barbieri explained what will follow with Corporation Counsel Ernestine Weaver taking over at this point. (#640)

6. Staff Report:

- i. a. 1023 New Harwinton Road, Violation Compliance, Richard M. Condon

Ms. Barbieri has not been able to get in touch with Mr. Condon, and will continue to try to reach him.

- b. Violation Update
Location: Pumping Station Road, Assessor Map 202-1-1
Owner: Sam Mazzarelli
Violation: Clearing and filing of wetlands; non-conformance with IW permit WC05-27

Kenneth Hrica, professional engineer and licensed land surveyor appeared representing Sam Mazzarelli.

Mr. Hrica represented maps and provided explanations of the site. (#720)

Ms. Barbieri provided site details and history on this property. Discussion followed amongst Commission members, Ms. Barbieri and Mr. Hrica. Soil Scientist reports are outstanding.

Mr. Mazzarelli appeared and stated he is very frustrated with the amount of time this is taking. (#1240)

Ms. Barbieri noted Michael Klein will be working on the restoration plan.

No action was taken by the Commission at this time.

ii. Agent Determinations:

- a. 2141 Tarringford West Street, 12' x 24' portable garage, Terrance McManus
- b. 51 Brookside Avenue, Joseph Anania, new addition to correct violation
- c. 134 Windtree Drive, Maria Borghesi, removal of pipe feeding a small pond and stabilization of open drainageway

Ms. Barbieri briefly reviewed the agent determinations.

iii. Vista Drive Update

Ed Fabbri has met with DOT on this matter per Ms. Barbieri. Briefly discussed.

iv. Vote to approve the 2009 calendar.

MOTION by Ms. Perez to approve the 2009 calendar, seconded by Ms. Bakker, unanimously carried.

Ms. Barbieri informed the Commission an invitation is forthcoming for a December 4, 2008 get together for City Commission members, Boards, and Planimetrics to prepare updating the City's Plan of Conservation and Development.

7. Adjournment:

MOTION by Ms. Perez to adjourn, seconded by Ms. Altman, unanimously carried.