

**CITY OF TORRINGTON
INLAND WETLANDS COMMISSION
MINUTES
January 20, 2009**

Present: Jay Bate, Jr., Chairman
Nancy Schroeder-Perez, Vice Chairwoman
Jane Bakker, Secretary/Member
Christine Altman, Member

Also Present: Kim Barbieri, Inland Wetlands Enforcement Officer

Not Present: Doris Murphy, Member and Planning and Zoning Liaison
Kathy Carlson, Member
Tom Telman, Member

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

2. **Roll Call and Announcement:**

a. Chairman Bate announced present and serving this evening will be Commissioners Nancy Schroeder Perez, Jane Bakker, Christine Altman and Jay Bate. Also present is Inland Wetlands Enforcement Officer Kim Barbieri.

3. **Minutes for Approval:**

a. 12/16/08

MOTION by Ms. Altman to approve the 12/16/08 minutes, seconded by Mr. Bate, motion carried. Abstaining from voting were Ms. Perez and Ms. Bakker.

4. **Old Business:**

a. Location: Oak Avenue Baseball Fields
Owner: City of Torrington
Activity: Replace existing 18 inch pipe with 24 inch pipe

Ms. Barbieri noted on the violation, Ms. Barbieri has met with Mayor Bingham and he is 100% behind providing training for the Street Department, looking to the Spring or Summer for a meeting as the winter can be busy and unpredictable. Ms. Barbieri has a preliminary power point presentation. Ms. Barbieri can provide a copy of this presentation for the Commission next month. The Commission had no comments regarding the culvert work at last month's meeting.

MOTION by Ms. Bakker to APPROVE Oak Avenue Baseball Fields for a wetlands permit for the City of Torrington to replace existing 18 inch pipe with a 24 inch pipe, seconded by Ms. Altman, unanimously carried.

b. Location: Toringford Street (Assessor Map 143-3-7)
Owner: Tasim Klenja
Activity: House construction and grading within regulated area

Ms. Barbieri noted Mr. Klenja's engineer has not complete the changes on the plans for the curtain drains.

MOTION by Ms. Altman to table this agenda item, seconded by Ms. Bakker, unanimously carried.

- c. Location: East Side of Stillwater Pond Road (Assessor Map 224-3-8)
Owner: Thomas E. Roden
Activity: New house construction with three wetlands crossings

Ms. Barbieri distributed new plans for this proposal. Mike Grier from CCA Engineering and Surveying appeared representing the applicant. Details of the application were discussed (#415). Approvals for the septic system were reviewed.

MOTION by Ms. Altman to GRANT a permit for East Side of Stillwater Pond Road (Assessor Map 224-3-8) for Thomas E. Roden for new house construction with three wetlands crossings, seconded by Ms. Bakker, unanimously carried.

- d. Location: 332 McKinley Street
Owner: Mark & Donna Greco
Activity: Relocate seasonal watercourse

Ms. Barbieri briefly reviewed the application/maps.

MOTION by Ms. Perez to APPROVE the permit for 332 McKinley Street, Mark and Donna Greco to relocate seasonal watercourse, seconded by Ms. Altman, unanimously carried.

Staff Report:

Ms. Barbieri informed the Commission that beginning in February, this Commission's meetings will be held at the Sullivan Senior Center, 88 East Albert Street due to the City Hall 140 Main Street location renovation project.

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

No new information on this agenda item.

- 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

Ms. Barbieri has spoken with Mr. Mazzarelli who will be submitting an application for next month's meeting. George Malia will be submitting a wetlands mitigation plan.

Ms. Barbieri noted the upcoming Torrington Flood and Erosion Control Board meeting on 1/28/09 with a presentation on the Naugatuck River/Army Corps situation. Ms. Barbieri reviewed the history of the Naugatuck River maintenance and the current status.

- ii. Agent Determinations:
None

5. New Business:

none

6. Public Hearings Scheduled for January 20, 2009, 7:30 p.m., City Hall, 140 Main Street, Torrington, CT

- a. Location: 1477 Tarringford Street
Owner: William J. Bartley
Activity: New house construction within upland regulated area
(New lot creation)

Chairman Bate read the legal notice that was published in the Republican American.

Mike Grier from CCA Engineering appeared representing the applicant. No changes to the plan have been made since last month's submission. Maps/plans were reviewed. There is an existing two story house and barn on the site, and through a free split, another lot will be created.

William Bartley appeared before the Commission. He is looking to split off the lot to facilitate the sale of the house.

George Ruwet appeared before the Commission and stated he has mowed this area and lived in the area during the 1940's and you could never mow the area until July or August because of the water there. Mr. Ruwet provided history on the area.

Ms. Perez stated she is not comfortable with this, this is not a lot in existence, it is a new lot being created. The prudent and feasible alternative is what it is now, one building lot. Mr. Bate agreed, as well as Ms. Bakker and Ms. Altman.

Ms. Altman says she understands this is a conceptual lot, but once it's approved as a lot, then we are stuck when someone wants to build on it. As a Commission, we've been there before and we hate being in that position having to approve something we know is not best for the wetlands, and not best for the homeowner either.

Ms. Perez noted people come back and say how could you have let that happen.

MOTION by Ms. Perez to close the public hearing, seconded by Ms. Bakker, unanimously carried.

MOTION by Ms. Perez to DENY the application as there is a prudent alternative, which is leaving the lot as it, seconded by Ms. Altman, unanimously carried.

- b. Applicant: Montagna Estates, LLC
Location: Mountain Road, Assessor Map 232-3-1 & 6
Activity: 26 lot subdivision with grading and driveways within upland regulated area.

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

Darren Overton of Milone and McBroom appeared before the Commission representing the applicant. Mr. Overton presented his neighborhood notification letter and receipts. Comments from the Northwest Conservation District and Ms. Barbieri had been received and revisions have been made to the plans, small scale sets of the plans were submitted.

Maps were reviewed and Mr. Overton gave a detailed presentation. There are 26 lots proposed on 96 acres. There are no town roadways proposed. Lots are all served by driveways coming directly out to Mountain Road, or by common/shared driveways. (#1720)
Stormwater management was explained by Mr. Overton, with reference to concerns expressed by the City staff and neighbors. Total area of upland regulated disturbance is approximately 1.33 acres.

Ms. Barbieri stated she is confident with the wetlands delineation lines, she had questions initially.

Matthew Sanford, professional wetlands scientist and soils scientist with Milone and McBroom appeared before the Commission and reviewed the soils findings. Site details were reviewed as far as plantings, existing trees, etc. Stormwater treatment basins were reviewed as well as the soil and erosion control plans.

Rain Gardens were discussed by Mr. Overton and supporting documentation was submitted. Tree box filters were discussed.

Abe Fitch appeared, neighboring property owner, with concerns about water, curtain drains, etc. He is concerned water will drain towards his property. Mountain Road looks more like the Naugatuck River after a storm than a roadway.

Fran Dumaine appeared with concerns about the roadway and drainage and if the City is going to do anything about the road and major flooding. This property cannot support that number of houses. She's fearful they will be stuck with a mess, there are no sewers and no city water available.

Name inaudible (female) of 1183 Mountain Road appeared and requested the perc tests be redone, as they had been done during the most ideal dry season.

Barbara Gall appeared and asked why a new soils report was prepared, because of a new proposal? Much of the work appears to be left to the homeowners, such as who takes care of the common driveways. Will they use deicing materials? This may affect the water quality, and she mentioned mosquito controls.

Paul Able of 680 Mountain Road appeared. He used to hunt there 70 or 80 years ago and that area is nothing but a giant sponge. He spoke of the curtain drains and flooding in the area and changes that could be made by individual property owners that will affect drainage.

Jim Telman who lives down the road from the development appeared and inquired about the number of springs on Mountain Road.

Name inaudible (male) 1121 Mountain Road appeared and spoke of all the water coming off that field that washed out under his pool. He lives on the downside, and the ice build up is unbelievable on that road.

Don Missola of 1403 Mountain Road appeared, unsure if this development will make the situation better or worse.

Ms. Barbieri answered questions about springs along Mountain Road, neighbors have met with Ed Fabbri, City Engineer, who has documented complaints. A swale is a designed ditch that is mowable and easy for the street department to maintain. It is better than an underground pipe, as swales slow the water down. Hopefully with the swale this will be a better situation. The City will be redoing Mountain Road, Ms. Barbieri will find out where on the schedule Mountain Road is.

Mr. Overton provided more drainage details, including reference to the swales. The fee in lieu of was discussed versus donation of open space. Maps were reviewed and more questions and concerns posed by members of the audience.

Ms. Perez wished more time to review materials and requested the application be tabled.

MOTION by Ms. Perez to table the public hearing, seconded by Ms. Bakker, unanimously carried.

7. Public Hearing Scheduled for February 17, 2009, 7:30 p.m., Sullivan Senior Center, 88 East Albert Street, Torrington, CT

- a. Amendments to Inland Wetlands Regulations in response to PA 05-24, New Sections 7.11, 1.8 & 10.9
Applicant: City of Torrington
Proposal: Regulation amendments

Public hearing passed until 2/17/09.

9. Adjournment:

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

Lona Kirk, Land Use Office
Inland Wetlands Commission