

**CITY OF TORRINGTON  
INLAND WETLANDS COMMISSION  
MINUTES  
April 21, 2009**

Jay Bate, Jr., Chairman  
Nancy Schroeder-Perez, Vice Chairwoman  
Christine Altman, Member  
Doris Murphy, Member and Planning and Zoning Liaison  
Kathy Carlson, Member  
Tom Telman, Member

Also Present: Kimberly Barbieri, Inland Wetlands Enforcement Officer

Not Present: Jane Bakker, Member and Secretary

1. **Call to Order:** Chairman Jay Bate called the meeting to order at 7:00 p.m., Sullivan Senior Center, Shuffleboard Room, 88 East Albert Street, Torrington, CT

2. **Roll Call and Announcement:**

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

3. **Minutes for Approval:**

a. 3/17/09

MOTION by Ms. Perez to approve the 3/17/09 meeting, seconded by Ms. Carlson, motion carried with Ms. Murphy and Ms. Altman abstaining from voting.

4. **Old Business:**

a. Applicant: Samuel Mazzarelli  
Location: Pumping Station Road, Assessor Map 202-1-1  
Activity: Creation of 4,750 sq. ft. manmade wetlands within a regulated setback area, create a wetland to compensate for wetland disturbance

On hold.

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- b. Applicant: 80 Hayes Street LLC, Michael Mahan  
Location: 80 Hayes Street  
Activity: Construct rental space within regulated area

Kim noted no changes have been made to the plan since the last meeting. This was a wetlands violation, and since a Planning and Zoning Commission Site Plan is needed, the applicant has a five year window to construct the building, and Ms. Barbieri's concern is that during that time the area would not be stabilized near the river. Ms. Barbieri requested that the landscaping from the back parking lot to the back property be completed by the end of September (in order to complete the Planning and Zoning process). July and August is not the optimum time to complete this project. We could make it June 1, and then have September as a fall back.

Mark Borghesi of Borghesi Building and Engineering appeared representing the applicant, and he stated for construction purposes it would be best for them to wait until September.

Ms. Carlson stated these people have been given so much time already, and this may not be a smart thing to do.

Ms. Barbieri stated bonding would be needed, and there are many invasives on site. There are barberry, locusts, winged euonymous, oriental bittersweet, etc. It is most important to get the hillside stable with native material and protect that area, and if we can keep the rest of the area mowed down, we can reduce the risk of that being contaminated.

Mr. Borghesi stated they plan to build this year.

Ms. Barbieri noted this violation has existed for a year and a half. Commission members stated they are uncomfortable giving them that much time (until September), as he has had way too much time already. June 1 is absolutely doable. Something needs to be held over the applicant's head. The wetlands permit could be rescinded. Commission members felt this has gone too long as it is.

MOTION by Ms. Carlson to APPROVE a permit for the subject application providing the remediation program is done by June 1, 2009. If it is not done by June 1, 2009, the Inland Wetlands Commission will rescind the permit for the building at the June Wetlands Commission meeting. Motion seconded by Mr. Telman, unanimously carried.

- c. Owner: Daniel Stoughton, AJK, LLC  
Location: Winsted Road, Assessor Map 242-3-1  
Violation: clearing of wetland buffer plantings within upland regulated area  
and filling of wetlands, no permits

Tom Iffland was present. Ms. Barbieri reviewed the violation she issued and the needed information. Mr. Iffland was to submit a copy of the soils report. Ms. Barbieri had spoke with Dennis McMorrow of Berkshire Engineering who indicated he was going to

the site.

Mr. Iffland said he has been very busy, and he has contracted with Berkshire to acquire a site plan. They now have a Zoning Certificate of Compliance. This was a gravel bank, there hasn't been any blasting for years. A proper soils map was not available, other than a copy from the FEMA map. Concrete, stumps, etc. were found in a test hole. All they want to do is use it as a gravel bank for storage until they can develop the site. Ms. Barbieri stated she has been on site, the piles are not moving and no new material is coming in, and the site is stable. Clearing still counts as a violation, details were discussed.

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

**5. New Business:**

MOTION by Mr. Bate to vote onto the agenda by 2/3rds:

Location: Mountain Road, Assessor Map 232 Block 3 Lots 1 & 6

Applicant: Montagna Estates, LLC

Proposal: Modification to existing permit

Motion seconded by Mr. Telman, motion carried with Ms. Perez voting nay to add to the agenda.

Ms. Barbieri explained the changes made during the Planning and Zoning Commission process. In order to ensure the Wetlands Permit reflects the actual plans going forward through PZC for their decision tomorrow night.

Mike Prenti of Milone & MacBroom appeared before the Commission with a map, and explained the changes made during the PZC process of moving a driveway and creating a larger buffer and creating an adequate site line, the line was kept out of the upland review area. Mr. Prenti pointed to the common driveway with five lots and the 2,300 sq. ft. reduction in wetland impacts. He pointed to other areas on the map where they created more green space.

Ms. Barbieri noted this lessened the impervious surface area and reduced the one area of piping towards the rear, and more cover was maintained.

MOTION by Ms. Perez to GRANT the modifications to the existing permit for Montagna Estates on Mountain Road in Torrington, seconded by Ms. Carlson, motion unanimously carried.

**6. Staff Report:**

Agent Determinations:

- . 1707 East Main Street, Yankee Gas
- . 498 Wimbledon Gate North, J. LaRosa, fill to level out yard
- . Crystal Lake Reservoir, Dam Repair, Nickel Mine Brook, Torrington Water Company

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. 96 Carroll Drive, Matthew Baril, room addition on piers

Ms. Barbieri briefly reviewed the Agent Determinations.

Ms. Barbieri noted Earth Day clean up that is taking place this Saturday.

**7. Adjournment:**

MOTION by Mr. Telman to adjourn, seconded by Ms. Carlson, unanimously carried.

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Lona Kirk, Land Use Office  
Inland Wetlands Commission