

**CITY OF TORRINGTON
INLAND WETLANDS COMMISSION
MINUTES
June 16, 2009**

Present: Jay Bate, Jr., Chairman
Nancy Schroeder Perez, Vice Chairwoman
Jane Bakker, Member and Secretary
Christine Altman, Member
Doris Murphy, Member and Planning and Zoning Liaison
Kathy Carlson, Member

Also Present: Kim Barbieri, Inland Wetlands Enforcement Officer

Not Present: Tom Telman, Member

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

3. **Minutes for Approval:**

a. 5/19/09

MOTION by Ms. Murphy to approve the 5/19/09 minutes, seconded by Ms. Perez, unanimously carried.

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

Ms. Barbieri provided a letter written by Mr. Mazzarelli, explaining the right of way process they are going through. Approval is now needed for wetlands mitigation plan that he can accomplish over the summer when water table levels in theory will be low, and come back at a later time for other work. The plan was passed out for review by the Commission. Mr. Malia was going to oversee the recreation of a cattail wetlands as mitigation.

Mr. Mazzarelli appeared and explained the work he is proposing, and what he plans to do

to eliminate flooding. This process is taking longer than he anticipated. (#252)

MOTION by Ms. Altman to GRANT a permit to Samuel Mazzarelli, Pumping Station Road, Assessor Map 202-1-1 for creation of 4,750 sq. ft. manmade wetlands within regulated setback area, create a wetland to compensate for wetland disturbance, seconded by Ms. Perez, unanimously carried.

- b. 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

Thomas Iffland appeared representing Daniel Stoughton, he stated he has been busy with other matters, and Lenard Engineering sent a price of \$13,400 for his work, plus surveyor, so that's not going to happen anytime in the near future. Dan Stoughton has other things going on.

Ms. Barbieri inquired if the survey could be completed to determine if there is a wetlands violation, and Mr. Iffland has not looked into the survey matter. Ms. Barbieri said what is needed is what areas are within wetlands areas and if the information is not available to start the permits, then the fill on site will have to be stabilized unless the Commission has any other thoughts. Mr. Iffland said there is nothing in wetlands, and asked if it was OK if he marked it. Ms. Barbieri wants to ensure the area of fill is outside of the 75 foot wetlands area. Mr. Iffland doesn't know how long this will take, or how much it will cost.

Ms. Barbieri stated the Commission will then have to assume there is a violation and go forward from there, if the proper mapping is not provided, and she doesn't want to do that.

Mr. Iffland said they won't spend \$13,000 plus the surveyor plus the soil work, not this year.

Commission members and Ms. Barbieri want to see something before the next meeting, a survey, or a site visit with Ms. Barbieri to inspect the site, to locate and identify the wetlands. If there are no wetlands involved, the violation will be dropped.

MOTION by Ms. Perez to table the subject violation until next month's meeting with the understanding that some investigation will take place in reference to the wetlands boundaries, seconded by Ms. Bakker, unanimously carried.

5. New Business:

- a. Permit WC05-28 Modification and Extension
Applicant: Hocon Gas Inc.
Location: 106 Harris Road
Activity: Installation of propane storage tank

This item should be under staff report as an agent determination. A second tank is being placed, with no disturbance. Ms. Barbieri modified the existing permit with an extension.

Commission members agreed.

- b. Owner: Mary Jane Mazzarelli
Location: 516 Mountain Road
Violation: Violation of existing wetlands permit WC08-17, excavation and filling within 100 feet of a water body/watercourse without authorization

Commission members had been provided with a letter from Mr. Mazzarelli and an aerial view of the property. Ms. Barbieri noted this is a farm use to create more pasture, and terraces will be created for ease in mowing, and that would be fill next to a watercourse.

Mr. Mazzarelli appeared before the Commission and stated he thought they had a permit for the work near the watercourse when they built the house. From day one he had always wanted to terrace the lawn. Fill was brought in and placed on site, rock was placed, topsoil added and planted. Then Mr. Mazzarelli applied for the permit for the house situation. The farm is agricultural, and they grow all the hay for Action Wildlife. He gets between 8,000 and 10,000 bales of hay per year. This year he has lost the use of 55 acres of hayland that he normally hays. He continually loses land, as it goes to house construction. He needs to look out for the future of Action Wildlife as they are getting more animals, not less. 25 acres will be put in for hayland, currently he has 84-86 acres on another site.

Ms. Barbieri noted Mr. Mazzarelli is willing to leave 50 foot buffers around streams and ponds, a road will be removed. Mr. Mazzarelli explained the damage occurring in this area from beavers. (#610) Ms. Barbieri noted in the stone/terracing areas there has been no erosion into the water bodies. Areas were immediately seeded with rye / pasture mix, and sprouting has already started.

MOTION by Ms. Perez that for Mary Jane Mazzarelli, 516 Mountain Road, violation of existing wetlands permit WC08-17, excavation and filling within 100 feet of a water body/watercourse without authorization, that the Commission authorizes permit modification to cover the terracing and the as-of-right for farm use, seconded by Ms. Bakker, unanimously carried.

- c. Applicant: Eric and Anna Marine, Bruce and Elizabeth Falls
Location: 98 and 100 Starks Hill Road
Activity: Permit Modification

Commission members have received a plan, this matter has been in court per Ms. Barbieri. The changes that are proposed are court required for the Falls to solve their water issues created by the uphill modifications. Pat Hackett is present as the engineer for the Marines who is in charge of producing the plans.

Mr. Hackett appeared before the Commission as engineer for Eric Marine. This final plan will formalize a drainage pattern that will go to Borden Brook. There will be a substantial amount of overland flow getting there. This past December there was a swale installed that will be stabilized as part of this work. There will be matting applied in the steeper areas of that channel. There were many boulders and the soils are sandy. Details of the proposed work were given by Mr. Hackett (#868)

Site details were described by Ms. Barbieri. Ms. Barbieri described a sock material, biodegradable system to create a berm. Arguing/angry comments came from Mr. and Mrs. Falls in the audience. Ms. Barbieri stated this is not a public hearing, it is before the Commission to determine if it does or does not meet the regulations. Mrs. Falls said the City of Torrington and Ms. Barbieri got her into this mess. Mr. Falls said "You work for me or we don't work at all, see you in court, fix the end of my driveway, etc.". Ms. Perez instructed the audience to stop interrupting and let Ms. Barbieri finish. Ms. Barbieri said good night to Mr. Falls.

Background history was discussed by the Commission and Ms. Barbieri. Property location was clarified.

MOTION by Ms. Perez to GRANT a permit modification for Erica and Anna Marine, Bruce and Elizabeth Falls, 98 and 100 Starks Hill Road, seconded by Ms. Altman, unanimously carried.

6. **Staff Report:**

Agent Determinations:

- a. 32 Grove Street, Noah Johnson, paving and foundation drains

Ms. Barbieri reviewed this agent determination.

7. **Adjournment:**

MOTION by Ms. Altman to adjourn, seconded by Ms. Bakker, unanimously carried at 7:50 p.m.