

**CITY OF TORRINGTON
INLAND WETLANDS COMMISSION
MINUTES
May 15, 2012**

Present: Jay Bate Jr., Chairman
Christine Altman, Vice Chair
Doris Murphy, Member and Planning/Zoning Liaison
Jane Bakker, Member
Kathy Carlson, Member
Tom Telman, Member
Nicole Bastiannse Fritch, Member

Also Present: Kimberly Barbieri, Inland Wetlands Enforcement Officer

1. **Call to Order:** Chairman Jay Bate called the meeting to order at 7:02 p.m., Torrington City Hall Council Chambers, Room 218, 140 Main Street, Torrington, CT

2. **Roll Call and Announcement:**

Chairman Bate announced present and serving on the Commission this evening will be Christine Altman, Doris Murphy, Jane Bakker, Kathy Carlson, Tom Telman, Nicole Bastiannse Fritch and Jay Bate. Also present is Inland Wetlands Enforcement Officer Kimberly Barbieri.

3. **Minutes for Approval:**

- a. 5/12/12 Special Meeting

MOTION by Ms. Carlson to approve the 5/12/12 minutes, seconded by Ms. Murphy, unanimously carried.

- b. 4/17/12 Regular Meeting

MOTION by Ms. Carlson to approve the 5/12/12 minutes, seconded by Ms. Murphy, motion carried (with Mr. Telman abstaining from voting)

4. **Old Business:**

- a. Violation
Owner: Mt. Top Trucking, Daniel Stoughton, Member
Location: Winsted Road, Assessor Map 242/003/001
Violation: Expanded work area within upland regulated area without permits (WC09-37)

Ms. Barbieri stated a site walk took place this past Saturday, and a review will follow. Photos of the site were reviewed. Concrete barriers were installed after the violation was issued.

Attorney Gerald Sanchy appeared representing Mt. Top Trucking, Daniel Stoughton, owner.

Ms. Barbieri explained site features. Mr. Sanchy recalls mentioning only one tree was cut. Commission members inquired about the timing of stone placement, etc. Mr. Telman noted a pipe way down in the water, and to him it appears it was put there to release water from the pond. Ms. Carlson noted the Jersey barriers were not complete, and in many areas there was not even 100 feet to the edge of the haul road. Ms. Bakker noted the construction debris is piled 50 - 60 feet from the water. Ms. Altman stated what she saw on the site walk is clearly a violation.

Mr. Telman would like to see the barriers extended, he is unsure of a remedy for the ditch dug near the pipe. Mr. Bate noted if the culvert is filled in, the area will back up into the brushy area.

Mr. Sanchy passed around maps and photos.

Ms. Barbieri noted there has always been an accessway around the ponds on site. Mr. Sanchy responded the accessway has been broken up for a long time. Ms. Barbieri stated the water quality is Class A in the Still River at this point.

Mr. Sanchy provided descriptions of the photos he submitted. He has a Google map from 2006 of the site, and his interpretation is there is a connection between the pond and the river, and the connection was made before Mr. Stoughton bought the property. He believes it is conjecture that his client dug a ditch here.

James B. Nickerson appeared, director and co-owner of the Nickerson company. He reviewed photos. He stated the stored materials were his, and the equipment are not his. The storage was temporary. Site details were discussed, Mr. Nickerson said he never did any excavation in the area where a trench was dug, in the vicinity of the pipe.

Mr. Sanchy disagrees that the storage of this material is a violation. The permit says that the activity for which the permit is issued is not to take place outside the permit areas, which is the Haul Road. The activity is the processing of earth products, there was no earth product on the pond side of the haul road, it was not even product that was owned by Mr. Stoughton, then not part of his operation. He was just being a fellow businessman and good neighbor to allow a neighbor to store materials on his site. With respect to the trench issues, he does not believe that is properly a part of this hearing, as it was not included in the original notice of violation. It was presented at the last meeting for the first time. The Google map is telling, and Ms. Barbieri/Ms. Altman noted this is a shadow, which they disagree as the trench was already there. Mr. Sanchy read portions of a memo from Ms. Barbieri in 2009 regarding brush, and that was not made a part of the permit. He does not believe the Commission has the authority to order restoration in an upland regulated area, as opposed to a watercourse. Site details were discussed.

Mr. Bate stated the reason they came in the first place is the storage of the equipment, everything has been removed, vegetation is coming back. Vegetation near the pipe was disturbed, if it wasn't dug out, Mr. Bate was unsure if the height of the pond would rise. The owner has a right to use the road, even if it is muddy, as part of his business.

Ms. Altman said this is a clear violation, there was to be a buffer along the pond, and that buffer was disturbed. Mr. Sanchy disagreed.

MOTION by Mr. Telman for Mt. Top Trucking, Daniel Stoughton, Winsted Road, Assessor Map 242/003/001 regarding violation of expanded work area within upland regulated area without permits: To maintain the Jersey barriers put in place, extend them to the end-point

of the permitted work area, and allow natural vegetation to grow back and be maintained as a natural buffer. Motion seconded by Ms. Bakker, unanimously carried.

b. Violation

Owner: Lakeridge Association

Location: 811 Burr Mountain Road

Violation: Material deposited within upland & regulated area without permits,

Culverts installed no permits. Stream modification no permits.

Ms. Barbieri read the email from Lakeridge/Hakki Chanel and Lenard Engineering. Lenard Engineering and David Battista will be working with Lakeridge to develop mapping for the property (portions inaudible).

MOTION by Ms. Altman to table this agenda item until next month's meeting, seconded by Ms. Murphy, unanimously carried.

5. **New Business:** None

6. **Staff Report:**

a. Drainage Channel Maintenance Update

478 Torrington Street (James and Shirley Marcum)

50 County Road (Namka Suljic)

Ms. Barbieri updated the Commission on this agenda item.

b. Inland Wetlands Agent Determination

Elise Besse Park, Winthrop Street

Assessor Map 124/005/001

Ms. Barbieri briefly reviewed the Agent Determination.

c. Update - Matt Auer, Migeon Avenue

Ms. Barbieri updated the Commission on this matter, Mr. Auer has been in contact with engineer Kenneth Hrica. Vital pieces of information and mapping are missing, Mr. Auer is attempting to locate a Brunswick Corp. individual to assist with lot line revision.

d. Santoshi, Winsted Road Motel

Ms. Barbieri updated the Commission on this situation.

7. **Adjournment:**

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