

**CITY OF TORRINGTON
INLAND WETLANDS COMMISSION
MINUTES
May 21, 2013**

Present: Jay Bate, Jr., Chairman
Christine Altman, Chair
Jane Bakker, Member/Secretary
Kathy Carlson, Member
Tom Telman, Member
Nicole Bastiannse-Fritch arrived (7:06 p.m.)

Also Present: Kimberly Barbieri, Inland Wetlands Enforcement Officer

Not Present: Doris Murphy, Member and Planning and Zoning Liaison

1. **Call to Order:** Chairman Jay Bate called the meeting to order at 7:00 p.m., Torrington City Hall Council Chambers, Room 218, 140 Main Street, Torrington, CT

2. **Roll Call and Announcement:**

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

3. **Minutes for Approval:**

a. 4/16/13

MOTION by Ms. Altman to approve the 4/16/13 minutes, seconded by Ms. Carlson; motion carried with Mr. Telman and Ms. Bakker abstaining from voting.

4. **Old Business:**

a Location: 140 Commercial Blvd. (Assessor Map 122-8-42)
Applicant: Hartford Dispensary
Activity: Construct 11,760 sq. ft. office building with paved parking lot

Marc Borghesi of Borghesi Building and Engineering appeared representing the applicant. Mr. Borghesi reviewed project details, including the previous plans for detention basin. The parking lot was redesigned and the detention basin is now located at the top of the hill. Mr. Borghesi pointed to site maps, and explained the piping system to be installed, with a controlled trench. The impact to the regulated area has now decreased due to proposed changes.

Ms. Barbieri distributed the City Engineering Department's review of the project. The splash pad will be further engineered to ensure the stone is graded properly for the water velocity.

Mr. Bate noted his main concern was the location of the detention basin. In response to questions, Mr. Borghesi stated they are constructing the building and Hartford Dispensary will be responsible for the maintenance of the detention basin.

Nicole Bastiannse-Fritch arrived at this time (7:06 p.m.)

MOTION by Ms. Altman to GRANT a permit for 140 Commercial Blvd., Assessor Map 122-8-42, for Hartford Dispensary to construct 11,760 sq. ft. office building with paved parking lot with the stipulation that the splash pad is reviewed and approved by the Engineering Department, seconded by Ms. Bakker, unanimously carried with Mr. Telman abstaining from voting.

- b. Location: 481-483 South Main Street
Applicant: Larry Rabago, c/o Berkshire Apts. LLC
Activity: Install gabion baskets along 60 feet of the Gulf Stream, south bank

Ms. Barbieri noted this application has been withdrawn, due to the velocities of the water more engineering will be required than what he has the money to accomplish.

5. New Business:

- a. Location: 450 South Main Street
Applicant: Gene Barbero
Activity: Grading, Drainage and Parking within regulated area, construction of residential apartment building

Joseph Green, engineer for the applicant, appeared before the Commission. He referred to a map and pointed to the areas where construction will occur. This site had previously been approved for a LARC building, and now is being proposed for 14 residential units. LID will be used (pointing to map). Site details were discussed, vegetation, grass, etc. Ms. Barbieri noted the upland review area is 100 feet from the stream, not 75 feet as stated by Mr. Green. Prior to the LARC proposal, there were multi-family houses situation on this property.

Ms. Barbieri will be completing her full review.

MOTION by Ms. Bakker to accept the subject application, and this is not a significant activity. Motion seconded by Mr. Telman, unanimously carried.

- b. Inland Wetland Permit WC09-37, Violation
AJK, LLC (aka MountainTop Trucking)
Discussion: Remanded back by the court to either suspend, revoke or maintain the permit

Ms. Barbieri introduced the Commission to Torrington Corporation Counsel Raymond

Rigat.

Mr. Rigat reviewed Judge Pichard's decision. The Court says the permit needs to be maintained, suspended or revoked. It cannot be clarified with more details.

Mr. Rigat stated the Commission will need to decide did the permit holder violate the permit with the conditions given? Now the second question is that now there is a violation, and what are our obligations? Or this matter is readily rectified and we will suspend the permit, fix it, and get back into compliance, and then the permit goes back into effect and the regulated activity may continue.

Discussion followed on how to proceed. There is just one area of the haul road that is within the upland regulated area, if that was adjusted, the applicant would not need to come in. Proper plans and surveys will need to be submitted.

This item will remain on the agenda for next month to vote.

- c. Inland Wetlands Violation
 - Location: 98 Aetna Avenue
 - Owner: Gene and Carol Heidenreich
 - Clear cutting within upland regulated area

Ms. Barbieri reviewed this Violation with the Commission. Gene and Carol Heidenreich explained what happened with this situation, there was a misunderstanding on everyone's part. Numerous trees had been cut down. Mrs. Heidenreich stated they never intended to cause a problem. A company was hired to remove the trees, and the roots were not disturbed. The Heidenreichs have now replanted many trees in this area, and not every single tree was cut down.

It was the consensus of the Commission to void the violation, and return the after the fact fee to Mr. and Mrs. Heidenreich. Debris can be removed from the stream, left over from previous storms. The Commission will get involved if backhoes are needed to remove debris.

MOTION by Ms. Altman to void the subject violation, seconded by Mr. Telman, unanimously carried.

6. Staff Report:

- a. Staff Update:

Agent determinations:
Norfolk Road, (Assessor Map 215-3-21), David D'Andrea, new house construction
155 Woodbine Street, Anthony Ortiz, above ground pool within upland regulated area
339 Westside Lane, Mary Tamplaru; deck, shed, above ground pool within upland regulated area.

Ms. Barbieri reviewed the Agent Determinations.

Notice of Violation: (30 day warnings)

122 Harrison Avenue, Adam Battlestein, debris in regulated area, 5/24

17 Fox Run, Elmer Kittle, construction debris in regulated area, 5/24

117 Harrison Avenue, Anthony/Cadia Giansanti, debris and yard waste in regulated area, 5/24

Harrison Avenue (127-019-024), Peter Ledda, debris in regulated area, 5/24

110 East Elm Street, Donald and Marie Roy, debris on riverbank, 6/7

181 Grove Street, Richard and Hazel Gillotte, debris on riverbank, 6/7

189 Grove Street, Irma Perez & Erik Urizar, debris on riverbank, 6/7

Ms. Barbieri noted the above 30 day warnings are for people throwing debris over the river banks.

7. **Adjournment:**

MOTION by Ms. Bakker to adjourn at 7:48 p.m., seconded by Ms. Altman, unanimously carried.