

**CITY OF TORRINGTON
INLAND WETLANDS COMMISSION
MINUTES
June 18, 2013**

Present: Jay Bate, Jr., Chairman
Christine Altman, Vice Chair
Doris Murphy, Member and PZC Liaison
Kathy Carlson, Member
Jane Bakker, Member

Also Present: Kimberly Barbieri, Inland Wetlands Enforcement Officer

Not Present: Tom Telman, Member
Nicole Bastiannse Fritch, Member

1. Call to Order:

Chairman Jay Bate called the meeting to order at 7:03 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, Kathy Carlson, Jane Bakker, and Jay Bate. Also present is Inland Wetlands Enforcement Officer Kimberly Barbieri.

3. Minutes for Approval:

a. 5/21/13

MOTION by Ms. Bakker to approve the 5/21/13 meeting, seconded by Ms. Altman, motion carried with Ms. Murphy abstaining from voting.

4. Old Business:

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

Joseph Green, engineer for the applicant appeared before the Commission. Comments from Ms. Barbieri had been received, and revised plans addressing the comments have been submitted, along with a written response to the comments. Mr. Green reviewed the changes that were made.

MOTION by Ms. Bakker to GRANT a permit to Gene Barbero for 450 South Main Street, for grading, drainage, and parking within upland regulated area for construction of

residential apartment building, seconded by Ms. Altman, 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 explained at the last meeting, the Commission instructed her to meet on site with the applicant to determine if Mountain Top Trucking was in compliance with the current permit. Ms. Barbieri was in touch with the applicant's attorney, Mr. Sanchy to set up a time to visit the site. She was unable to go on site. Ms. Barbieri went to Google Earth and downloaded the presented image dated March 29, 2012. It can clearly be seen that there are concrete blocks installed as required. The most striking feature on site is the new ATV (all terrain vehicle) track that appears to be within some of the marked out wetlands. Ms. Barbieri pointed to the Google Earth photo and located the ATV track.

Per the court order, the permit must now be approved, revoked, or suspended. Mr. Bate inquired if Ms. Barbieri was not able to get on site because she was not granted permission. Ms. Barbieri responded she asked for permission, clarified what she would be looking for and then nothing was heard after that.

Ms. Altman stated she would like a full site plan with the wetlands identified. Originally the Commission was trying to help the applicant get the business going and to help them save money. Mr. Bate agreed, it is hard to give approval for the ATV track without a plan, showing where the wetlands are currently located.

Attorney Jerome Sanchy wished to speak, and was instructed by the Commission and Ms. Barbieri that this is a closed discussion, and not a public hearing.

Mr. Bate asked Commission members how they wish to proceed. Ms. Altman stated the applicant does not need a permit if they are not doing any work within 100 feet of the pond or wetlands, Mr. Bate agreed. Ms. Carlson noted they had originally viewed a survey plan that was at least five years old.

Ms. Altman said a violation of the permit was the drainage of the wetlands and excavation of the ditch. Ms. Bakker mentioned the clear cutting between the pond and the haul road. Discussion followed on how to proceed. Ms. Altman requested to review the violation letters to the applicant, Ms. Barbieri read portions of a violation letter.

(Male voice in background, inaudible)

Mr. Jerome Sanchy had a letter of revocation from Ms. Barbieri that he handed to Mr. Bate.

Ms. Barbieri stated the permit had never been revoked, instead it was held in place with "clarifications". The March 2012 photo was taken after the changes were made to the site. When going to court, it was determined clarifications and changes could not be made to the permit, and the permit was remanded back to the City and the court said it can only be revoked, upheld, or suspended, and those are the three options for today. Ms. Bakker stated the Commission has been trying to avoid revoking the permit, so the applicant can continue with his business. At this point, Ms. Bakker does not know what

she is dealing with here, and site maps are needed. Ms. Barbieri noted we are not allowed to go onto the property.

MOTION by Ms. Altman to REVOKE the permit due to violations of clear cutting between the haul road and the pond within the upland regulated area, and all information is not supplied, and the excavated soil evidence of draining that was happening from the pond to the river. Motion seconded by Ms. Bakker, unanimously carried.

Regarding the ATV track, at the very least Ms. Barbieri can have David Scherf, GIS City staff overlay the aerial photograph over the existing plan we have to determine it's proximity to wetlands. Ms. Altman asked Ms. Barbieri to determine if the ATV track is a violation or not.

5. **New Business:**

none

6. **Staff Report:**

a. Staff Update:

Mr. Bate inquired if there was anything new on Mr. Marolda. Ms. Barbieri responded Martin Marolda of 1913 Norfolk Road has been on violation twice, during a house construction. Ms. Barbieri reviewed an old stone dam that he would like to get up and running again and construct a dam. When Ms. Barbieri was on site, she observed a whole new area had been cleared. He intended to use this as an agricultural use, for an apple farm, with a shared use/wall with his neighbor for an as of right agricultural use. Ms. Barbieri is helping Mr. Marolda with this process for as of right use. He will be getting something to the Commission for the July meeting.

Agent determinations:

- a. 851 Goshen Road, Christopher Laux, construct on-grade wood deck, no excavation

Ms. Barbieri briefly reviewed the agent determination.

7. **Adjournment:**

MOTION to adjourn by Ms. Altman at 7:37 p.m., seconded by Ms. Bakker, unanimously carried.

Inland Wetlands Commission