

**CITY OF TORRINGTON
INLAND WETLANDS COMMISSION
MINUTES
October 15, 2013**

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

Also Present: Kimberly Barbieri, Certified Wetlands Enforcement Officer

Not Present: Tom Telman, Member
Jane Bakker, Secretary
Nicole Bastiannse-Fritch

1. Call to Order:

Chairman Jay Bate called the meeting to order at 7:20 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 and Jay Bate. Also present is Inland Wetlands Enforcement Officer Kim Barbieri and Corporation Counsel Ray Rigat.

3. Minutes for Approval:

- a. 8/20/13 MOTION by Ms. Murphy to accept the 8/20/13 minutes, seconded by Ms. Altman, motion carried.
- b. 8/31/13 MOTION by Ms. Carlson to accept the 8/31/13 minutes, seconded by Jay Bate, motion carried.

MOTION by Ms. Altman to enter Executive Session, seconded by Ms. Murphy, unanimously carried. Attending Executive Session: Chairman Jay Bate, Vice Chair

Christine Altman, Doris Murphy, Kathy Carlson, CZ&WEO Kimberly Barbieri,
Corporation Counsel Ray Rigat and Attorney Jerry Sanchy.

4. Old Business:

- a Inland Wetland Permit WC09-37, Violation
AJK, LLC (aka MountainTop Trucking)
Discussion: Permit Restoration

MOTION by Ms. Altman for the Commission to enter into a Stipulated Judgment of the pending Appeal that will result in the restoration of Permit # WC09-37, AJK, LLC (Mountain Top Trucking). Motion seconded by Ms. Murphy, unanimously carried.

- b. Applicant: Warrenton Mills Condominium Association
Location: 839 Main Street
Activity: Install blocks to replace deteriorated wall within stream

Ms. Barbieri noted a letter was received stating they will be withdrawing their application until full plans can be submitted, and they will come forward with a full engineering package. Ms. Barbieri would like to request that when they come forward with the new engineered plans, a new fee will not have to be paid. The Commission agreed not to charge a second fee when the application is resubmitted.

- c. Applicant: TO Design LLC, C/o Mark Fisher
For Housing Authority of City of Torrington
Location: Tucker Drive, Assessor Map 134-009-006
Activity: Grading within the upland regulated area and dispersing runoff into the URA gathered from a roof and detention basin

Mark Fisher of TO Design, LLC of New Britain, CT appeared before the Commission along with Claudia Sweeney, Executive Director of the Housing Authority of Torrington.

A site map was presented by Mr. Fisher and site details and proposal were given. Only a quarter of an acre will be disturbed in the upland review area.

Mr. Ed Pawlak, soil scientist, presented his findings to the Commission.

Mr. Fisher and Mr. Pawlak answered questions from Commission members. Ms. Barbieri presented her findings on the subject project. The Engineering Department is working

with the applicant, and the final review is not yet completed. Storm water issues are outstanding.

MOTION by Ms. Altman to approve the permit for the subject proposal, subject to the City's Engineering Department's final review and TO Design will come in to have any of these changes reflected in the Inland Wetlands Permit, seconded by Ms. Carlson, motion unanimously carried.

5. New Business:

- a. Applicant: A.J.K., LLC
Location: Winsted Road, Assessor Map 242-003-001)
Activity: ATV Track within upland regulated area

Ms. Barbieri noted two of the present Commissioners were present on the site walk held August 31, 2013.

The overlay drawing prepared by the Engineering Department was used as the site plan. Ms. Barbieri found the construction of the ATV track to not be determined as an "as of right", this is a substantial amount of earth moving and is significant enough for a regular permit.

Commission members and Ms. Barbieri wished to see certain areas of track separated from the regulated area. In one place, the track is only five feet from a stream. Ms. Carlson noted it was on the backside, closest to Route 8.

Ms. Barbieri inquired of Mr. Sanchy about setting up another site walk. Ms. Barbieri stated photos of the site walk will be distributed. Tonight will be acceptance and determination of significant activity or not. The track is being used for family and friends. It's an allowed use as commercial, but an application would need to be submitted to Planning and Zoning Commission if it's a commercial use.

MOTION by Ms. Altman to ACCEPT the subject application, no significant activity, motion seconded by Ms. Carlson, unanimously carried.

6. Public Hearing Scheduled for October 15, 2013, 7:30 p.m.: Council Chambers, City Hall, 140 Main Street, Torrington, CT:

- a. Applicant: Mary D. Cianciolo
Location: Windtree Street, Lot 18 (Assessor Map 246-002-071)
Activity: New house construction, grading, within wetlands

Chairman Jay Bate read the legal notice which was published in the Republican American.

Attorney Bobby D'Andrea appeared representing the client, along with Dennis McMorrow of Berkshire Surveying and Engineering LLC. New maps were distributed to Commission members. Mr. McMorrow reviewed the site map and details of the proposal. There are two pockets of upland regulated area, everything else on site is wetlands. This has been a building lot since 1966, and there are municipal sewers available.

George Malia, Certified Soil Scientist, appeared before the Commission and reviewed his report, referring to the maps.

John McKeifer, owner of the adjacent property appeared before the Commission with his concerns regarding where the drains would be placed. He noted the water and ice in the area and expressed concerns regarding how high the grade would be. Mr. McMorrow provided explanations of the grading, drainage, and where the driveway would be located.

Jenny Naiver, who lives on the other side of Windtree, noted the driveway is at a lower level and expressed concerns regarding the constant water flowing in the nearby drain. There is a low point in the road in the front of their house, and there is a pond in their front yard year round. Her concern was the cul de sac will be a sheet of ice.

Mr. McMorrow responded the subject lot is lower than the cul de sac, and the water pitches to the intersection of Windtree and Windtree East. They will not add any water north onto the cul de sac. A pipe will be added under the driveway to allow water to access the westerly section of the property.

Site details were discussed.

MOTION by Ms. Murphy to close the public hearing, seconded by Ms. Altman, unanimously carried.

MOTION by Ms. Altman to APPROVE the subject application/activity for new house construction, grading, within wetlands subject to engineering changes of a new pipe, anything above and beyond that will need another review before this Commission so that changes are reflected in the Inland Wetlands Permit and also that an additional twenty fee of clearing is allowed around the fill area with no stumping to allow for sunlight and air flow. Motion seconded by Ms. Carlson, unanimously carried.

7. **Show/Cause Hearing:**

- a. Owner: Martin Marolda
Location: 1950 Norfolk Road
Clearing in wetlands, no permits

Ms. Barbieri noted Mr. Marolda cannot appear tonight, and wants to appear at the November meeting. Violations have been waived in the past. Multiple acres have been cleared. The owner is planning to put in fruit trees. Nothing towards gaining compliance has been done by the owner.

8. Staff Report:

- a. Staff Update:

Agent determinations:

No updates from staff.

9. Adjournment:

MOTION by Ms. Altman to adjourn, seconded by Ms. Carlson, unanimously carried at 8:40 p.m.

Land Use Office
Inland Wetlands Commission