

**CITY OF TORRINGTON  
INLAND WETLANDS COMMISSION  
MINUTES  
March 17, 2009**

Present: Jay Bate, Jr., Chairman  
Nancy Schroeder Perez, Vice Chairwoman  
Jane Bakker, Member and Secretary  
Kathy Carlson, Member  
Tom Telman, Member

Also Present: Kimberly Barbieri, Inland Wetlands Enforcement Officer

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

1. **Call to Order:** Chairman Jay Bate called the meeting to order at 7:05 p.m., Sullivan Senior Center, Main Room, 88 East Albert Street, Torrington, CT

2. **Roll Call and Announcement:**

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

3. **Minutes for Approval:**

a. 2/17/09

Motion by Ms. Carlson to approve the 2/17/09 minutes, seconded by Mr. Telman, motion carried with Ms. Perez abstaining from voting.

4. **Old Business:**

a. Applicant: Don Truskauskas  
Location: 275 Saw Mill Hill Road  
Activity: Two lot resubdivision, no disturbance of regulated areas

For the record, Ms. Perez noted she has listened to the tapes of last month's meetings and she is qualified to act except for Montagna as she missed the meeting before that as well.

Mr. Truskauskas appeared and explained this was an over 30 acre parcel, they took some land and added it to 155 Saw Mill Hill Road to make it conforming as a three acre lot.

Mr. Truskauskas referred to the site map and explained his proposal to create another building lot. No regulated areas will be affected.

Ms. Barbieri noted the only changes were minor driveway changes requested by the Torrington Engineering Department.

MOTION by Ms. Carlson to GRANT a permit on the above referenced application, seconded by Ms. Bakker, unanimously carried.

- b. 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 noted City Engineer Ed Fabbri is still reviewing this application on the roadway activity and has requested this matter be tabled until next meeting.

MOTION by Ms. Perez to table this matter until the next meeting, seconded by Mr. Telman, unanimously carried.

- c. Applicant: EJB Trust Torrington LLC  
Location: 37, 75 & 81 Winsted Road  
Activity: Parking lot construction within regulated area for auto dealership

Kenneth Hrica, professional engineer and licensed land surveyor appeared representing the applicant. The stormwater for the site is being held through some biofiltration sources for the site, within the center of the site. All of the water is being treated through those devices before it goes into the town's drainage system. There is a wetlands pocket in the back, that is the exact area where a building for auto repair was located at one time. They need as much parking as they can get. The wetlands in the back was actually created by the location of that building. Details of the site were provided by Mr. Hrica. No changes have been made to the plans since last meeting.

Motion by Ms. Perez to GRANT a permit for the above referenced application, seconded by Ms. Bakker, unanimously carried.

- d. Applicant: Montagna Estates, LLC  
Location: Mountain Road, Assessor Map 232-3-1 & 6  
Activity: 26 lot subdivision with grading and driveways within upland regulated area (Public hearing closed)

There was no one present from Montagna Estates. Ms. Barbieri noted the public hearing has been closed, and the Commission may now discuss the project and vote on it.

Discussion amongst Commission members followed. Ms. Bakker noted the developer listened to what the Commission said and has done things such as the rain garden. She would like to feel assured that the rain gardens and swales would be protected once the developer is finished with the property. If that could be made a part of the restriction with the homeowner's association. They could report to us every year and the

## Inland Wetlands Commission Minutes - 3/17/09

### Page 3

Commission can check this out and make sure they are following the procedures for maintaining the rain gardens and swales, she would feel more comfortable. She is very concerned that some of the neighbors have water problems, and she hopes this does not create more, and Ms. Bakker does not see any valid reason for denying it on a wetlands basis. Other Commission members agreed.

Mr. Telman noted the detention ponds to be constructed will be holding water. Ms. Barbieri added they will be used as fire ponds. Mr. Telman inquired if fences had to be constructed around those ponds for safety concerns. Ms. Barbieri stated they would not be fenced.

Commission members stated their concerns have been addressed. Ms. Barbieri noted the very small area of wetlands that would be affected. Ms. Barbieri reviewed the work that would take place along the roadway (#374).

MOTION by Ms. Bakker to APPROVE the application to construct a 26 lot subdivision on vacant land along Mountain Road, Assessor Map 232-3-1 and 6 based on substantial evidence heard and presented at the public hearings held in January and February 2009 including but not limited to: a full set of drawings from Montagna Estates subdivision dated 12/5/08 and also subsequent revisions and existing conditions analysis and engineering reports plus DEP raingardens in Connecticut homeowner's guide and a letter from the DEP lower impact design coordinator David Dembosky stating that the Montagna Estates design followed the best management practices supported by the DEP for groundwater recharged water quality and runoff reduction. A letter from Sean Hayden from the Northwest Conservation District with a positive review of the project plans regarding the ability of the development to protect wetlands and water quality down gradient of the site. A letter from Robert A. Smith, sanitarian, of the Torrington Area Health District giving preliminary approval for the ability of these lots to satisfactorily accommodate single family, four bedroom homes served by individual wells and subsurface sewage disposal systems, and letters from Gaye Belli and Susanne Newman, neighbors of the proposed subdivision.

The Commission considered those terms are defined in the Connecticut General Statutes those outlined in Section 10 of the City's Wetlands and Inland Watercourse Regulations and found the following: The environmental impacts of the proposed regulated activities on wetlands and watercourses on and off site as proposed are minimal. The proposed impacts to the wetlands located on lots 25 and 26 not upland regulated areas have a greater advantage to the larger community and for public safety and must be allowed. The short term and long term impact of the proposed regulated activity on wetlands and watercourses is minimal and will not impact the long productivity of the wetlands areas. Significant efforts have been made to minimize any pollution or environmental damage, to maintain existing environmental quality and protect productive wetlands and watercourse resources.

The proposed activity allows reasonable use of the property without injury to or interference with safety and health associated with the wetlands impacts. The proposed activities pose no apparent threat to wetlands and watercourses outside the area for which the activity is proposed with the following conditions: All roads, right of way work for

containing and managing site runoff should be installed prior to any other work beginning on site with the exception of clearing and another restrict the homeowner's association to report annually the condition and maintenance of all rain gardens, retention basins and other storm water devices.

Mr. Bate questioned if it was necessary to report annually, and Ms. Barbieri noted that is what is done elsewhere, and the maintenance companies have a checklist and based on that checklist, they either do maintenance or say it is fine, and we just get a copy of it. It is not that cumbersome for them, and it keeps them aware of what is happening, as well as new homeowners.

MOTION seconded by Ms. Carlson, motion unanimously carried with Ms. Perez abstaining from voting.

**5. New Business:**

- a. Applicant: 80 Hayes Street LLC, Michael Mahan  
Location: 80 Hayes Street  
Activity: Construct rental space within regulated area

Allan Borghesi, Chairman of Borghesi Building and Engineering Company appeared with Mike Mahan. Mr. Borghesi submitted updated maps with minor changes. Mr. Borghesi reviewed past history on this site, and the proposed activities on the site. (#700).

Ms. Barbieri reviewed her findings on the site regarding invasive plants, etc. There is much Japanese Knotweed on the site towards the lower parking area.

Ms. Perez questioned three parking spaces, and Mr. Borghesi responded pointing to the map, and there will be curbing in this area. Ms. Perez inquired if the concrete dump pad could be placed anywhere else, and Mr. Borghesi responded he did not want to put it against the residential area, and he asked if there was a better spot for it. Ms. Perez is not crazy about where it is located, and she is not an engineer so she could not suggest another place for it. Mr. Borghesi noted it needs to be in a place where a truck can access it, the map was pointed to and discussed and this is the only spot for it.

MOTION by Ms. Perez to accept the subject application, motion seconded by Ms. Bakker, unanimously carried. This is not a significant activity.

Mr. Mahan asked questions about the invasive species, and Ms. Barbieri responded she would accompany Mr. Mahan and Jay LaPlaca on site to identify the invasive species.

- 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

Tom Iffland appeared representing Daniel Stoughton AJK LLC. Maps were reviewed by the Commission and Mr. Iffland.

Ms. Barbieri would like to see the wetlands report that goes along with the flagging. Mr. Iffland referenced a letter he had from Joe DiNatale stating he was using it as a gravel bank, and he rented it to other people and material was hauled in and out of there. This has always been an active gravel bank.

Ms. Barbieri noted what other gravel operations in town do and the type of plans they submit for approval.

Mr. Iffland pointed to the map and noted the pond they want to fill in, and they are looking for their permit from the Army Corps of Eng. giving them permission to fill in these temporary ponds.

Mr. Iffland said they didn't know they were doing anything wrong. They bought a property that's been used as a gravel bank forever and they used that map to go by.

Ms. Barbieri said the best thing for the Commission to do is run down a list of things we might need to get the site plan approval started. We need to know from the Commission if any more fill should be allowed in at this time or if it should be stopped until we can see what's going on.

Ms. Perez stated she doesn't think any more fill should be coming in, things need to stop until we get some idea where it is and what's going on. Mr. Bate agreed.

Mr. Iffland agreed to provide a schedule within two to three weeks of how they intend to proceed.

Ms. Barbieri stated at that point, they can proceed and determine if there is any violation. Ms. Perez noted Mr. Iffland needs to know what's going on as well, to determine where he can work. Timing of the site plans and maps was discussed. A large turtle hatching area was noted on the maps by Ms. Barbieri. At a minimum, Mr. Iffland should provide an outline of where the fill is now by the next meeting (April 21), so the Commission may determine whether or not there is a violation.

MOTION by Ms. Perez to table this agenda item, with no more activity to take place until more information is provided, seconded by Mr. Telman, unanimously carried.

**6. Staff Report:**

Agent Determinations: None.  
Applicant: Mel A. Harder  
Location: Mountain Road, Freedman Property, Assessor Map 223/5/17 & 18  
and Map 233/1/1  
Activity: As of right timber harvest

Ms. Barbieri briefly reviewed this application.

**7. Adjournment:**

MOTION by Mr. Telman to adjourn, seconded by Ms. Perez, motion unanimously carried at 7:56 p.m.

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Lona Kirk, Land Use Office  
Inland Wetlands Commission