

**CITY OF TORRINGTON
INLAND WETLANDS COMMISSION
SPECIAL MEETING MINUTES
May 28, 2019**

Present: Jay Bate, Jr; Chairman
Christine Altman, Vice Chair
Jane Bakker, Member/Secretary
William Storti, Member
Jonathan Andrews, Member

Also Present: Rista Malanca, Director of Economic Development
Jeremy Leifert, Inland Wetlands Enforcement Officer

Not Present: Tom Telman, Member
Tomasz Kalinowski, Member

1. Call To Order:

Chairman Jay Bate called the meeting to order at 7:04 p.m.; Torrington City Hall, Room 218, City Hall Auditorium, 140 Main Street, Torrington, CT

2. Roll Call and Announcement:

Chairman Bate announced present and serving on the Commission will be Jane Bakker, William Storti, Jonathan Andrews and Jay Bate. Also present is Rista Malanca, Director of Economic Development and Jeremy Leifert, Inland Wetlands Enforcement Officer. Vice Chair Christine Altman arrived at this point.

3. Minutes for Approval:

a. 4/16/19

MOTION by Mr. Storti to approve the 4/16/19 minutes, seconded by Ms. Bakker, unanimously carried. Ms. Altman abstained from voting.

4. Old Business:

a. Applicant: TDF Enterprises LLC
Location: Notting Hill Gate & Wimbledon Gate North
Assessor Map 219 Block 001 Lots 85 & 48
Activity: Stream crossing. Portions of Roadway, parking area, retaining walls and grading in upland review area.
(public hearing held April 16, 2019 and closed)

Inland Wetlands Commission Minutes
May 28, 2019
Page 2 of 5

Commissioner Storti stated the Commission should mandate there should be some soil borings done to determine that the proposed walls do not impact the wetlands upstream.

Mr. Bate agreed with that stipulation.

Ms. Malanca explained to the Commission that Jeremy Leifert prepared a memo for the Commissioners, and two draft motions, one to approve and one to deny.

Ms. Malanca stated before the Commission votes, they need to look at the Intervener status, and Ms. Malanca read portions of Mr. Leifert's memo. Expert testimony has to be relied upon.

Ms. Malanca noted for the record that the Land Use Office has scanned all documents that were entered into the record at the public hearing on April 16, 2019.

Ms. Bakker made a MOTION that the proposal does not have a reasonable likelihood that these activities would cause an unreasonable pollution, impairment or destruction to of the public trust in the air, water, or other natural resources of the State of Connecticut. MOTION seconded by Mr. Storti, motion carried with Ms. Altman abstaining from voting. Voting in favor of the motion: Jane Bakker, Bill Storti, Jonathan Andrews and Jay Bate.

MOTON by Ms. Jane Bakker to APPROVE application from TDF Enterprises, LLC, Notting Hill Gate and Wimbledon Gate North, Assessor's Map 219, Block 001, Lots 85 and 48 to construct a stream crossing and portions of roadway, parking area, retaining walls and grading in the regulated upland review area for development of four (4) residential apartment buildings and associated site development activity.

Whereas TDF Enterprises, LLC has made application for regulated activities within 100 feet of watercourses and/or 75 feet of wetlands, including construction of a stream crossing and portions of roadways, parking areas, retaining walls and grading in the regulated upland review area for development of four (4) residential apartment buildings and associated site development activity;

Whereas said application contains the following maps and plans titled "Lower East and Upper West of Litchfield County prepared for TDF Enterprises, LLC, Notting Hill Gate, Torrington, Connecticut", dated March 13, 2019 along with other documents, letters, reports, submitted along with the application, as well as the testimony accepted at the public hearing on April 16, 2019;

Whereas, the Inland Wetlands Commission of the City of Torrington convened and completed a public hearing on this application April 16, 2019;

Whereas, the professional advisors have reviewed said application and provided written and verbal reports to the Commission on this application;

Inland Wetlands Commission Minutes
May 28, 2019
Page 3 of 5

Whereas, the Inland Wetlands Commission of the City of Torrington, has evaluated the application according to the standards and criteria for a decision per Section 10 of the City of Torrington Inland Wetlands and Watercourses Regulations, in carrying out the purpose and policies of Section 22(a)-41 of the CT General Statutes, including matters related to regulating, licensing and enforcing the provisions whereof, the Commission has taken into consideration all relevant facts and circumstances. The proposed regulated activities do not represent a significant activity per Section 2 of the City of Torrington Inland Wetlands and Watercourses Regulations. The Commission finds that there is no reasonable likelihood of adverse impact to the wetlands and watercourses from the regulated activities proposed.

Whereas, the Inland Wetlands Commission of the City of Torrington has evaluated the “Notice of Intervention, Filing of Verified Pleading and Request for Notice of Meetings” filed by Catherine D. Mollica pursuant to Section 22a-19 of the Connecticut General Statutes and finds that the proposed activity does not have a reasonable likelihood of resulting in the unreasonable pollution, impairment, or destruction of the public trust in the air, water, or other natural resources of the State of Connecticut.

NOW THEREFORE BE IT RESOLVED by the Inland Wetlands Commission of the City of Torrington that the aforementioned application is approved with the following conditions:

1. If the authorized activity is not completed within Five years from the issuance date of: **May 28, 2019**, said activity will cease and, if not previously revoked or specifically renewed or extended, this permit will be null and void. Any request to renew or extend the expiration date of a permit should be filed in accordance with the Inland Wetlands Regulations of the City of Torrington. Expired permits may not be renewed and the Inland Wetlands Commission may require a new application for regulated activities.
2. The permittee will notify the Inland Wetlands Enforcement Officer upon commencement of work and upon its completion.
3. All work and all regulated activities conducted pursuant to this authorization will be consistent with the terms and conditions of this permit. Any structures, excavation, fill, obstructions, encroachments, or regulated activities *not specifically identified and authorized herein* will constitute a violation of this permit and may result in its modification, suspension or revocation.
4. This authorization is not transferable without the written consent of the Inland Wetlands Commission.
5. In evaluating this application, the Inland Wetlands Commission has relied on information provided by the applicant. If such information is subsequently proved to be false, incomplete, or misleading, this permit may be modified, suspended, or revoked and the permittee may be subject to any other remedies or penalties provided by law.
6. The permittee will employ the best management practices as outlined in the 2002 CT E&S Guidelines, March 2002 edition and all amendments, consistent with the terms and conditions of this permit, to control storm water discharges and to prevent erosion and sedimentation and to otherwise prevent pollution of wetlands or watercourses. For information and technical assistance, contact the Wetlands Enforcement Officer. The

Inland Wetlands Commission Minutes
May 28, 2019
Page 4 of 5

permittee will immediately inform the Commission of any problems involving the wetlands or watercourses that have developed in the course of, or that is caused by, the authorized work.

7. No equipment or material including without limitation, fill, clippings, brush, construction materials, or debris, will be deposited, placed, or stored in any wetland or watercourse on or off site unless specifically authorized by this permit. Any such activity not authorized by this permit may be just cause for revocation of the permit.
8. This permit is subject to and does not derogate any rights or powers of the City of Torrington, conveys no property rights or exclusive privileges, and is subject to all public and private rights to all applicable federal, state and local laws. In conducting and maintaining any activities authorized herein, the permittee may not cause pollution, impairment, or destruction of the inland wetlands and watercourses of Torrington.
9. If the activity authorized by the inland wetlands permit also involves activity or a project that requires zoning or subdivision approval, special permit, variance, or special exception, no work pursuant to the wetlands permit may begin until such approval is obtained.
10. The permittee will maintain sediment and erosion controls at the site in such an operable condition as to prevent the pollution of wetlands and watercourses. Said controls are to be inspected by the permittee for deficiencies at least once per week and immediately after rains. The permittee will correct any such deficiencies within 24 hours of said deficiency being found. The permittee will maintain such control measures until all areas of disturbed soils at the site are stabilized.
11. Erosion and sedimentation controls are installed and inspected **prior** to start of construction.
12. The City of Torrington Engineer will require and review all soil borings prior to approval of wall design.

MOTION seconded by Mr. William Storti. Motion carried 4 – 0. Ms. Christine Altman abstained from voting. Voting in favor of the motion: Commissioners Jane Bakker, William Storti, Jonathan Andrews, and Jay Bate. Voting in opposition to the motion: None.

5. New Business:

n/a

6. Staff Report:

Ms. Malanca introduced Jeremy Leifert, the City's new Assistant City Planner and Inland Wetlands Enforcement Officer.

- . Agent Determination, 1847 Norfolk Road, Applicant: Garden Homes; Activity: replace Unit 14 with new manufactured home
- . Agent Determination, 2866 Winsted Road, Applicant: K. Lenarczyk, demolish existing

Inland Wetlands Commission Minutes
May 28, 2019
Page 5 of 5

- garage and replace with new garage in upland review area
- . Agent Determination, 264 County Road, Applicant: Darren Bishop, Activity:
Construct 10' x 16' shed within 100 feet of a watercourse
- . Agent Determination, 757 Main Street, Applicant: Kory Fador, Activity:
Replace existing structure with new 24' x 25' steel garage building within 100 feet of a watercourse
- . Agent Determination, 100 Ford Lane, Jose DaCruz, construct 14' x 16' uncovered deck within regulated area
- . Agent Determination, 233 East Main Street, Kent Johnson, lead remediation in soil, within 100 feet of a watercourse.
- . Agent Determination, 400 Fairlawn Drive, Christian and Nicole Corsino, install 21' above ground pool within regulated area.

8. Adjournment:

MOTION by Ms. Bakker to adjourn at 7:25 p.m., seconded by Mr. Storti, motion unanimously carried.

Land Use Office