

**CITY OF TORRINGTON
INLAND WETLANDS COMMISSION
MINUTES
January 17, 2012**

Present: Jay Bate, Jr., Chairman
Christine Altman, Vice Chair
Jane Bakker, Secretary/Member
Doris Murphy, Member and Planning and Zoning Liaison
Kathy Carlson, Member
Tom Telman, Member

Also Present: Kimberly Barbieri, Inland Wetlands Enforcement Officer

Excused: Nicole Bastiannse Fritch

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

3. **Minutes for Approval:**

a. 12/13/11

MOTION by Mr. Telman to approve the 12/13/11 minutes, seconded by Ms. Bakker, motion carried with Ms. Murphy abstaining from voting.

4. **Old Business:**

a. Applicant: Brian Butler
Location: 478 Norfolk Road
Proposal: Construct house addition within regulated upland area

Brian Butler was not present.

MOTION by Ms. Altman to approve the application from Brian Butler, 478 Norfolk Road, to construct a house addition within regulated upland area. Motion seconded by Ms. Bakker, motion carried with Ms. Murphy abstaining from voting.

5. **New Business:**

a. Applicant: Greenbriar Estates LLC
Location: Notting Hill Gate and Wimbledon Gate North
Assessor Map 219 Block 1 Lots 85, 162, 48, 165
Activity: Remove three culverts/roadway crossings, stabilize embankment,

Modification: Perform work when ground frozen, alternate access and stockpile location. (Army Corps of Engineers mandated stream/wetland restoration) Existing Permit WC10-03

Ms. Barbieri provided a brief history and background on this site/application.

Kenneth Hrica, Professional engineer and licensed land surveyor of Hrica Engineering appeared before the Commission and explained the proposal, providing detailed information regarding the culverts. Delays had occurred due to the ground not being frozen and the site being too wet. This permit if approved will give them the opportunity to work when the ground is frozen and when conditions are suitable.

Mr. Hrica will be coming back with subdivision plans. There is a possibility they may never use the north access point at all. They may utilize the lower roadway and loop behind the other culverts to lessen wetlands impacts.

Mr. Hrica pointed to the site maps and pointed out areas that will be designated for open space, and about 12 acres of land will be used to compensate. Mr. Hrica answered questions from Commission members.

Tom D'Franza of Windsor, CT appeared and stating he is taking this project over, it is going from 71 homes proposed, and now 20 to 24 homes will be proposed in the future.

MOTION by Ms. Bakker to grant a permit modification to Greenbriar Estates LLC, Location: Notting Hill Gate and Wimbledon Gate North, Assessor Map 219 Block 1 Lots 85, 162, 48, 165 to remove three culverts/roadway crossings, stabilize embankment. Modification: Perform work when ground frozen, alternate access and stockpile location (Army Corps of Engineers mandated stream/wetland restoration). Motion seconded by Ms. Altman, unanimously carried.

- b. Violation
Owner: Mt. Top Trucking, Daniel Stoughton, Member
Location: Winsted Road, Assessor Map 242/003/001
Violation: Expanded work area within upland regulated area without permits (WC09-37)

Attorney Jerry Sanchy appeared representing Daniel Stoughton. Mr. Sanchy explained Mr. Stoughton would like to keep his permit in place and would like to get his property into compliance with the terms of the permit, and in fact he has begun doing that. The weather has not been cooperating. Yesterday and today activity has begun. His client has misunderstood what he and Ms. Barbieri had discussed previously. Most of what is outside the permit area has been there since August 2006. Much of it is steel and fencing, etc.

Ms. Barbieri stated the area used as storage has tripled in size. Ms. Barbieri stated she was very clear with Mr. Iffland on this matter of what has to be removed. There is nothing in this particular permit that could be misconstrued by Mr. Stoughton. The permit very clearly outlines that the work area must be separated by rocks and barriers from the buffer around the ponds.

Mr. Bate stated this whole matter was always with Mr. Iffland, Mr. Stoughton has never showed up, and this Commission has been back and forth for years over this matter. It has been one thing after another.

Ms. Barbieri noted this Commission has done everything possible to work with Mt. Top Trucking, and the applicant was allowed to go through without a full site plan because this use

was allowed in the past, which shows this Commission has bent over backwards to work with them. There has been blatant disregard for this permit. Ms. Barbieri asked that the Commission consider barriers that animals can get through, such as nesting turtles in the area. She advised that a restoration plan needs to be done. At least one 8 inch caliper tree had been cut down. There needs to be a restoration plan done along that whole area to reconstruct the habitat area that they have destroyed.

Mr. Bate noted that they could not have been off base that they could have had many more violations on that site. Ms. Barbieri has been working with them all along. Mr. Stoughton may have attended one Commission meeting.

Mr. Sanchy stated Mr. Stoughton is removing the steel and machinery in the affected area. Mr. Bate asked if remediation is being planned, and Mr. Sanchy responded he did not know that was an issue until just now.

The Commission discussed how to proceed from this point. A site walk with this Commission will happen. Commission members agreed there should be a remediation plan to restore the area. Ms. Barbieri noted the vast destruction of the turtle nesting areas, with clearing and equipment usage.

Ms. Bakker stated the applicant should not continue work on this permit, until the clean up is done.

Ms. Barbieri stated the equipment can be moved, area cleaned up, and this will show good faith by the next Commission meeting. Hopefully Mr. Stoughton will be able to attend the next Commission meeting and remediation can be discussed.

Mr. Sanchy indicated he has not spoken to Mr. Iffland about this permit.

Ms. Barbieri indicated by the next meeting, everything should be cleared out of this area (the area between the haul road and the water) that does not belong there. Brush, stones and other material are being hauled in. Mr. Bate stated the owner will have the month to get the site cleaned up and inspected prior to the next meeting. Commission members voiced opinions regarding revoking the permit at the next meeting if this violation is not corrected satisfactorily.

MOTION by Ms. Carlson to give Mt. Top Trucking, Daniel Stoughton, Member, Winsted Road, Assessor Map 242/003/001, violation: expand work area within upland regulated area without permits, one month in which to remove all the debris that has been populated on the property. If this is not taken care of by the next meeting, the Commission will revoke the standing permit. If he complies, we will have a remediation plan in place to look at and if he agrees to that, and there will be a deadline for the completion of the remediation and a site walk for the entire Commission to sign off on. Motion seconded by Mr. Telman, unanimously carried.

Ms. Barbieri noted the after the fact fee has not been paid. Mr. Bate stated the after the fact fee will have to be paid before the next meeting.

Mr. Sanchy spoke questioned the timing of the culvert expansion permit, as it had technically expired. Ms. Altman suggested discussing this matter at the next meeting.

6. **Staff Report:**

- a. Extension Request under PA11-05
Applicant: AJK, LLC
Location: Winsted Road (at Rt. 8 exit) Assessor Map 236 Block 1 Lots 9,10,11)
Proposal: Time extension for WC09-24 and 25

Ms. Barbieri explained in this past these two permits came in under two different site plans, and it was for two separate parcels. In this current scenario, the applicant came to Planning and Zoning Commission for approval of their Special Exception quarry permit. Ms. Barbieri will process these two permits as a single application.

- b. Extension Request under PA11-05
Applicant: Mt. Top Trucking, Daniel Stoughton, Member
Location: Winsted Road, Assessor Map 242/003/001
Proposal: Time extension for WC09-37

Passed until next Commission meeting.

7. **Adjournment:**

MOTION by Ms. Bakker to adjourn at 7:52 p.m., seconded by Ms. Altman, unanimously carried.