

**CITY OF TORRINGTON  
INLAND WETLANDS COMMISSION  
MINUTES  
November 20, 2012**

Present: Jay Bate, Jr., Chairman  
Christine Altman, Vice Chair  
Doris Murphy, Member and PZC Liaison  
Jane Bakker, Member  
Tom Telman, Member  
Nicole Bastiannse-Fritch, Member

Also Present: Kimberly Barbieri, Inland Wetlands Enforcement Officer

Not Present: Kathy Carlson, Member

1. **Call to Order:** Chairman Jay Bate, Jr. Called the meeting to order at 7:02 p.m., Torrington City Hall Council Chambers, Room 218, 140 Main Street, Torrington, CT

2. **Roll Call and Announcement:**

Chairman Bate announced who would be serving at tonight's meeting were Jane Bakker, Christine Altman, Tom Telman, Nicole Bastiannse-Fritch and Doris Murphy. Also present tonight is Kim Barbieri, staff person.

3. **Minutes for Approval:**

- a. 10/16/12

Ms. Bakker noted on page 4, fourth paragraph, fourth line down should read "Wimbledon Gate with three inches of water".

MOTION by Ms. Bakker to approve the 10/16/12 minutes with the above noted correction, seconded by Ms. Altman, motion carried with Ms. Murphy, Mr. Telman and Ms. Fritch abstaining from voting.

A violation was moved to the beginning of the meeting to accommodate a work conflict.

Violation

Owner: Victor and Mary Tamplaru

Location: 399 Westside Lane

Violation: Show/Cause, incomplete restoration of disturbed/cleared areas

Ms. Mary Tamplaru appeared and explained her extenuating personal hardships, and explained things got out of hand. Ms. Barbieri explained the people who did the clearing for their new home got carried away and cleared a portion of wetlands. In Fall of 2011 the Tamplarus came before the Inland Wetlands Commission promising a new planting plan to restore the lost wetlands area. To date nothing has been received. Photos of the area were reviewed and restoration discussed.

The Commission requested that Ms. Barbieri to work with the Tamplarus and sketch out a restoration plan. At the Commission's request, Ms. Barbieri will make a site visit with the Tamplarus and come up with a plan for the Commission's review at the next meeting.

MOTION by Mr. Telman to have Ms. Barbieri meet with Victor and Mary Tamplaru at 399 Westside Lane and draw up a restoration plan to present to this Commission next month, seconded by Ms. Bakker, unanimously carried.

**4. Old Business:**

- a. Applicant: Torrington Water Company  
Location: Goshen Road, Assessor Map 214-3-1  
Activity: Timber harvest, stream crossings

Jonathan Zeiner with the Torrington Water Company appeared before the Commission. This parcel is at the Northwest corner of Pothier Road and Route 4.

Ms. Bakker noted everything remains the same as last month.

MOTION by Ms. Bakker to GRANT a permit to the Torrington Water Company, Goshen Road, Assessor Map 214-3-1 for Timber harvest and stream crossings. Motion seconded by Ms. Altman. Motion carried with Mr. Telman, Ms. Fritch and Ms. Murphy abstaining from voting.

Ms. Barbieri noted Mr. Zeiner has submitted his timber harvest paperwork.

**5. New Business:**

- a. Applicant: Hocon Gas, Inc.  
Location: 76 and 80 Harris Road  
Activity: Construction of water quality basins and upgrade existing basin within upland regulated area

Todd Parsons, professional engineer with Lenard Engineering appeared representing Hocon Gas, Inc. This is a 15 acre site in an Industrial Zone. Mr. Parsons pointed to a site map and provided site details and background information. Two small buildings will be constructed on site (pointing to map).

Ms. Bakker requested an explanation of the “filter sock” that will be used, details were provided by Mr. Parsons. Ms. Barbieri provided further details of their use at another Torrington site, and the seed mixture that was placed into the tubes, allowing the roots to grow straight down and establish an immediate connection with the earth. It has been very effective in the past.

MOTION by Ms. Bakker to accept the application for Hocon Gas, Inc., 76 and 80 Harris Road, for Construction of water quality basins and upgrade existing basin within upland regulated area. This is not a significant activity. Motion seconded by Mr. Telman, unanimously carried.

- a. Violation  
Owner: Paul Kalisz  
Location: 425 Westledge Drive  
Violation: Clearing and grading within regulated area without permits

Ms. Barbieri provided background history and more information regarding this lot. A stream had been created on this site from surrounding properties, road construction, footing drains, etc. This stream runs most of the year round. This stream was not on the site prior to subdivision development. A permit was applied for and approved. Mr. Kalisz graded his yard, including the watercourse, it was done and seeded, but it was still a violation.

Mr. Kalisz explained his situation, there have been many problems, and his builder went bankrupt half way through the process, and they had to come up with \$96,000 to complete the house and didn't have funds to complete the site work. Mr. Kalisz needed surgery, and the driveway was then finally paved. Grading was done in the backyard when he was offered the machine used for the driveway over a weekend, site details were provided.

MOTION by Mr. Telman for Paul Kalisz, 425 Westledge Drive, Clearing and grading within regulated area without permits, that the violation fee be waived and Ms. Barbieri will issue an after-the-fact permit. Motion seconded by Ms. Bakker, unanimously carried.

**6. Public Hearings scheduled for 7:30 p.m., November 20, 2012, City Hall Council Chambers, Room 218, 140 Main Street, Torrington, CT**

- a. Applicant: Greenbriar Estates LLC  
Location: Notting Hill Gate & Wimbledon Gate North  
(Assessor Map 219-001-085)  
Proposal: Conservation subdivision, 21 lots with driveways, roads, grading and utilities within the upland regulated area - 1 stream crossing  
(Continued from October 16, 2012 meeting)

Chairman Bate opened the public hearing at 7:34 p.m.

Kenneth Hrica, professional engineer, appeared before the Commission. A site map/board was set up for viewing by the Commission and the audience. Per Ms. Barbieri's recommendation, all of the parcel boundaries out of the wetland regulated areas and removed lot grading out of the open space areas. More details were provided, total disturbance has been reduced by approximately 1.5 acres. Water quality basin number two was looked at again, and it was moved back, and it is now farther away from the brook, and the basin will now discharge into the stone wall to help discharge velocities and protect the wetlands there.

Mr. Hrica state the Gulf Stream was analyzed, and details were provided. They are a small part of the Gulf Stream. Peak flow has been slightly decreased.

At the last meeting Chairman Bate had asked Mr. Hrica if he could quantify the amount of regulated area disturbance. A figure had been submitted with the application, and that number was 1.75 acres of regulated area disturbance throughout the entire site. That number changed with new updates and the bulk of the new disturbance is from the construction of infrastructure, creating 1.9 acres total disturbance. Mr. Pawlek's report will be ready for the next Commission meeting. Ms. Barbieri requested that he appear at the next meeting.

Discussion followed.

Chairman Bate opened the meeting to the public.

Gerry Garth of 239 Notting Hill Gate appeared before the Commission, he referenced the site map and voiced his concerns about the proposal, traffic conditions, etc.

Ms. Barbieri explained the public hearing needs to be kept open to await the City engineering report and the environmental report. Attorney Peter Herbst will be representing neighbors and needs to review the file and come to next meeting for the presentation. Ed Pawlak will be present at the December meeting to present his findings as well.

MOTION by Ms. Altman to continue the public hearing, seconded by Mr. Telman, motion unanimously carried.

c. Violation  
Owner: Matthias Auer, Matthias F. Auer LLC  
Location: 761 Migeon Avenue  
Violation: Show/Cause grading without permits

Ms. Barbieri provided background information and history on this property. Mr. Auer had previously filled land that he thought was his, but it really belonged to Brunswick Company. The land abuts flagged wetlands.

Matt Auer appeared before the Commission. He has finally gotten a call back from a Matt Lieberman representing Brunswick Corporation. Mr. Auer presented a map he found, he pointed to the area of property he is trying to acquire from Brunswick, and Brunswick says they are still working on it and they have no answers for him at this time.

Ms. Barbieri stated we are not getting anywhere with Brunswick, and we should now get to a point where Mr. Auer no longer has violations, and if Brunswick comes through, then we can start fresh. Mr. Auer needs to remove some fill to rectify this violation and stabilize the site. An after the fact permit can be issued, and fill removal included. A discussion followed regarding if the after the fact fee was paid. Ms. Barbieri was to check.

MOTION by Ms. Altman to GRANT an After the Fact Permit to Matthias Auer, Matthias F. Auer LLC, 761 Migeon Avenue, for grading without permits. Motion seconded by Ms. Bakker, unanimously carried.

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MOTION by Ms. Altman to approve the new 2013 Meeting Calendar, seconded by Ms. Bakker, unanimously carried.

Agent Determinations:

. 476 Main Street, Kris Hall, remove 20 yards of soil to make a swale

Ms. Barbieri briefly explained the agent determination.

**8. Adjournment:**

MOTION by Ms. Altman to adjourn, seconded by Mr. Telman, unanimously carried.