

**CITY OF TORRINGTON
INLAND WETLANDS COMMISSION
AGENDA
December 18, 2012**

Present: Jay Bate, Jr., Chairman
Christine Altman, Vice Chair
Doris Murphy, Member and Planning and Zoning Liaison
Jane Bakker, Member and Secretary
Nicole Bastiannse-Fritch, Member
Kathy Carlson, Member
Thomas Telman, Member

Also Present: Kimberly Barbieri, Inland Wetlands Enforcement Officer

1. **Call to Order:** Chairman Jay Bate, Jr., 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 Jay Bate announced present and serving on the Commission this evening will be Nicole Bastiannse-Fritch, Christine Altman, Doris Murphy, Jane Bakker, Kathy Carlson, Thomas Telman and Jay Bate. Also present is Kimberly Barbieri, Inland Wetlands Enforcement Officer.

3. **Minutes for Approval:**

- a. 11/20/12

MOTION by Ms. Murphy to approve the 11/20/12 minutes, seconded by Ms. Altman, motion carried with Ms. Carlson abstaining.

4. **Old Business:**

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

Todd Parsons with Lenard Engineering in Winsted, CT appeared representing the applicant. Comments have been received from the City's Engineering Department. There were no technical comments although they requested an as-built survey of the water quality and flood plain excavations to be part of the approval. A flood plain permit will be necessary. His client has agreed to this.

MOTION by Mr. Telman to APPROVE permit for Hocon Gas, Inc., 76 and 80 Harris Drive, for construction of water quality basins and upgrade existing basin within upland regulated area with a condition requiring an as-built for the grading. Seconded by Ms. Bakker, unanimously carried.

b. Violation

Owner: Victor and Mary Tamplaru
Location: 399 Westside Lane
Violation: Presentation of plan for incomplete restoration of disturbed/cleared areas

Ms. Barbieri noted she heard from the Tamplarus on Friday, and they have an appointment this Thursday at 3:30 p.m. Ms. Barbieri will inform the Commission of her findings.

c. Violation

Owner: Matthias Auer, Matthias F. Auer LLC
Location: 761 Migeon Avenue
Violation: 12-6-12 Cease and Desist Order, DEEP referral, grading without permits

Ms. Barbieri has met with Mr. Auer on site, the property had many concerns, barrels of used oil, etc. stored all over. It looked as though a metal scrap business was being run there, there was a cutting saw there, which was near the used oil which was a bad set up. There were other zoning violations, and a new Cease and Desist Order was issued. The after the fact permit and fee have not been submitted. Mr. Auer said he was going to come this evening and argue the fine, and he is not present at this point.

MOTION by Ms. Bakker to authorize Ms. Barbieri to start legal action with the City's Corporation Counsel, seconded by Ms. Altman, unanimously carried. ** Mr. Auer did appear later in the evening.

MOTION by Mr. Telman to vote onto the agenda by 2/3rds vote: Tim Commerford, 1270 Pothier Road/Goshen Road; as-of-right farm use, seconded by Ms. Bakker, unanimously carried.

Tim Commerford appeared before the Commission and explained what he has been doing on the subject property. Mr. Commerford and his wife live on Pothier Road, and he would like to build a farm on this site, eventually a house. He is clearing a perimeter path all the way around for eight foot USDA fencing. The next thing he wants to do is to build a barn and get livestock going, then build a house and out barns.

Mr. Barbieri explained she met with Mr. Commerford who was very responsive, he put in hay bales the very next day. The work required is specific to a farm use, which is as-of-right. If a request comes in for a house, then a permit will be applied for. This

Inland Wetlands Commission Minutes - 12/18/12

Page 3

property is 44 acres. Ms. Bakker inquired about putting a fence in wetlands, and Ms. Barbieri explained under farm exemption, it is specific to the farm use, so it is permitted/allowed.

Mr. Commerford explained some of the requirements for a USDA eight foot fence, which is very expensive and he does not want a tree to fall on it, which is reason for clearing.

MOTION by Ms. Altman to GRANT an as-of-right farm use to Tim Commerford for 1270 Goshen Road for farm use, seconded by Mr. Telman, unanimously carried.

Mr. Matthias Auer, arrived late at this time.

Violation

Owner: Matthias Auer, Matthias F. Auer LLC

Location: 761 Migeon Avenue

Violation: 12-6-12 Cease and Desist Order, DEEP referral, grading without permits

Mr. Auer stated there was a misunderstanding. He thought he was going to get the fine waived, so he could move forward to getting the permit to correct the problem. He thought the \$725 fine would be waived. Mr. Auer is still attempting to work with the Brunswick Corp. to acquire the property. Ms. Barbieri stated at the last meeting we said that was a moot point and we were just going to deal with the violations.

Mr. Auer asked for some lenience so he can pay the permit fee of \$125.00. He will have to pay for a contractor.

Discussion amongst Commission members, Ms. Barbieri and Mr. Auer followed regarding site conditions, etc.

Mr. Bate asked Mr. Auer when he will complete this work if he gets his permit. Mr. Auer responded he will try to do it in 30 days. Mr. Bate inquired about putting a stipulation on the permit that if the work is not done, an after the fact fee will be paid. Ms. Barbieri stated it is difficult to collect. The Commission will hold the check. Ms. Barbieri stated she needs that check by the end of the week.

A \$725.00 check must be given to the Land Use Office to hold - due by the end of next week (12/28/12). If the remediation work is not complete by 1/30/13 the check will be cashed and legal action taken. If the work is complete by 1/30/13, Mr. Auer can exchange the \$725.00 check for one \$125.00 for the permit. A business check will be used.

The Commission imposed a completion date of January 30, 2013.

5. New Business:

None

6. Public Hearings scheduled for 7:30 p.m., December 18, 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 November 20, 2012 meeting)

Kenneth Hrica, professional engineer and licensed land surveyor appeared and set up site plan review maps/boards.

Also present with Mr. Hrica was Mr. Tom DiFranzo from Greenbriar Estates, LLC and Ed Pawlak of Eco Systems for the updated wetlands report. Mr. Hrica reviewed the two changes made to the site plans. The City's Engineering had requested the headwalls be eliminated, and extend the box culverts with two to one slopes, rather than the headwalls and that elongated the culvert to 142 feet, almost three times as long as what was originally approved. The Army Corps is reviewing the original plans and details were provided by Mr. Hrica. A sixth water quality basin has been located to Wimbledon Gate North, in the CL&P easement area.

Ed Pawlak, certified wetlands soil scientist, owner of Eco Systems in West Hartford, CT. He prepared the 2007 wetlands report on this report for a prior application. That report has been updated and submitted into the record this month. There are relatively few changes. Three old culverts have been removed, and channel flow has been restored, which is a significant improvement. Details were explained, referring to site maps.

Mr. Bate opened the meeting to the public.

Jim Hollinden, resident on the Litchfield side of the property appeared before the Commission. He confirmed this was originally planned for 70 lots. Ms. Barbieri noted this is now proposed for 21 lots. The 1.73 acres** of wetlands disturbance is too much. (**Referring to upland regulated areas.) There are many water issues in this area. Timing of Army Corps permits was discussed.

Lynn Williamson of 153 Notting Hill Gate appeared. She took a closer look at her declarations. There may be larger issues to address, is there a restriction on the development rights, after 21 years, after 1989. There is a restrictive covenant on the title as to what can be permitted. As homeowners they have rights under these restrictions. She inquired how the Town Planner is involved.

Ms. Barbieri responded the City Planner will do the full review after the wetlands review, when it goes to Planning and Zoning Commission for resubdivision.

Inaudible male voice inquired about sewers.

Inland Wetlands Commission Minutes - 12/18/12

Page 5

William Bowles of Wimbledon Gate North appeared with concerns about one inch storm events. Ms. Barbieri explained the water quality depth explanations, and Mr. Hrica will provide more details.

Thomas DiFranzo appeared in favor of the project.

The Public Hearing was closed by the chairman. MOTION made by Tom Telman, seconded by Ms. Bakker, passed unanimously. The Commission determined they would act on this application at the January meeting.

7. Staff Report:

Agent Determinations:

- . 2101 Winsted Road, Chris Oneglia, Grading and construction in upland review area

Ms. Barbieri reviewed the agent determination.

8. Adjournment:

MOTION by Ms. Altman to adjourn at 8:20 p.m., seconded by Ms. Fritch, unanimously carried.

Land Use Office
Inland Wetlands Commission