

**CITY OF TORRINGTON
INLAND WETLANDS COMMISSION
MINUTES
January 15, 2013**

Present: Jay Bate, Jr., Chairman
Christine Altman, Vice Chair
Nicole Bastiannse-Fritch
Tom Telman, Member
Jane Bakker, Member/Secretary (arrived at 7:05 p.m.)

Also Present: Kim Barbieri, Inland Wetlands Enforcement Officer

Not Present: Doris Murphy, Member and PZC Liaison
Kathy Carlson, Member

1. **Call to Order:** Chairman 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 Jay Bate announced present and serving the Commission this evening will be Christine Altman, Nicole Bastiannse-Fritch, Tom Telman and Jay Bate. Also present is Inland Wetlands Enforcement Officer Kimberly Barbieri.

3. **Minutes for Approval:**

- a. 12/18/12

MOTION by Ms. Altman to approve the 12/18/12 minutes, seconded by Ms. Fritch, motion carried.

4. **Old Business:**

- 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
(Public hearing closed 12/18/12)

Ms. Barbieri explained if the Commission is to approve the application, she has recommendations for consideration (explanation followed).

Commission members discussed the application. Ms. Altman sees a minimal impact on wetlands, she does not see any drainage issues. (Jane Bakker arrived at this time) Mr. Bate did not have any issues with the proposal.

MOTION by Ms. Altman to GRANT a permit for the above referenced proposal with the addition of Ed Pawlak's recommendations on page 7 and 8 of CT Ecosystem's report of 12-12-12, motion seconded by Mr. Telman, unanimously carried.

5. New Business:

- a Applicant: Community Health and Wellness Center of Greater Torrington, Inc.
Location: 459 and 469 Migeon Avenue
Activity: Parking and water quality structures within upland regulated area

Mr. Kenneth Hrica appeared representing the applicant. Mr. Hrica gave a proposal, referring to site maps. The applicant has received a grant for an expansion. The existing former supermarket building on site will be demolished for the new construction. In response to questions from Commission members, Mr. Hrica explained the parking needs of the facilities and the upland regulated area impacts. No water quality features are currently on site. The property line is approximately 30-45' away from the river's edge and that buffer will remain.

There is an old Indian trail going through this area, and there is a 75 foot archaeological restriction, which was explained by Mr. Hrica.

MOTION by Ms. Altman to accept the subject application, and this is not a significant activity, seconded by Ms. Bakker, unanimously carried.

6. Staff Report:

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

Ms. Barbieri explained she has met with Victor and Mary Tamplaru, a planting plan will be presented by the February meeting.

- b. Violation Update
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 stated a request for extension has been received from Mr. Auer.

Matthias Auer was present, and asked for an extension. He has spoken with Dan

Stoughton with Mountain Top, and due to frozen ground, the work can be done by March 30. There is water in the canal frozen now, and he has spoken with Brunswick. He spoke with Matt Lieberman at Brunswick. The snowstorms have caused many problems for Mr. Auer.

Ms. Altman said her feeling is that the Commission has been very lenient with Mr. Auer in giving him time to work. There was time to do work long before the weather turned.

Ms. Barbieri explained the timing and permit process. Ms. Barbieri stated this has been going on for over a year, and many excuses offered during this time. She will double check with people at Brunswick to check on progress. The DEEP is very interested in this project, and they want Mr. Auer to start sooner rather than later. The DEEP wants someone on site to sample the property soil to ensure the property is not further contaminated. Brunswick wants their own personnel on site to soil sample as well. It is critical Mr. Auer notify Ms. Barbieri when work will begin, as we are dealing with large violations here.

Commission members and Ms. Barbieri discussed how to proceed at this point. Mr. Bate said if the work is not done by the 30th, the check will be cashed. Ms. Altman stated they are trying to waive the violation, and the work is still not getting accomplished. Ms. Barbieri stated the weather has not been an issue since it was in the 40's/50's this week, and the work should be proceeding, Commission members agreed as it's been too long. Ms. Barbieri emphasized she needs to know two or three days in advance of Mountain Top starting work, as now she has other groups that want to observe and take samples. The owner of the property (Brunswick) has been notified that the work is to be done.

Mr. Bate explained legal action can be taken, and the Commission just wants to work done by January 30th. Most Commission members don't want to wait for the March meeting, but want everything done by the end of February, or legal action will commence.

MOTION by Ms. Altman that if the necessary work is not accomplished by the end of February, legal action will follow, seconded by Ms. Bakker, unanimously carried. The fill must be removed from the site.

8. Adjournment:

MOTION by Ms. Altman to adjourn at 7:41 p.m., seconded by Ms. Bakker, unanimously carried.