

CITY OF TORRINGTON



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To: Inland Wetlands Commission
From: Nate Nardi-Cyrus, Assistant City Planner/Wetlands Enforcement Officer
Subject: Application WC23-09-03, James Mazzarelli, 137 Babbling Brook Road. Application for Piping of 130' of watercourse, creation of armored ponds before and after piped stream, and backfilling of adjacent wetlands to extend lawn.
Date: January 9, 2024

The proposed activities in this application include the restoration of some wetlands and uplands that were filled or degraded as a remedy to prior zoning and wetlands enforcement actions. The restoration of a piped intermittent watercourse, and immediately adjacent wetlands, is not included in this application.

The City of Torrington Inland Wetlands Commission (the "Commission"), based on the oral and written testimony from the applicant and City staff regarding the above referenced application at the September 26, 2023, October 24, 2023, and November 21, 2023 Commission meetings must:

1. Review the record of the application to determine if all relevant information has been received to render a decision on the application. The Commission may table the application to the next meeting if the record is incomplete.
2. If the application record is complete, review and consider all information submitted in the record for the application to determine if granting of a permit to conduct regulated activities is warranted based on the criteria in Section 10 of the regulations - Consideration for Decision.
3. Make a motion for a decision on the application

The record contains the following documents (in chronological order):

- 137 Babbling Brook Road, Torrington, CT – Inland Wetland Permit application #WC23-09-03
- 137 Babbling Brook Enforcement file – started 6/2/2022
- "On-Site Soil Investigation and Wetland Delineation report" by REMA Ecological Services, LLC, dated 11/12/2022.
- "Proposed Wetland Mitigation Plan" by REMA Ecological Services, LLC, dated 10/23/2023, and revised 12/18/2023
- "Proposed Wetlands Mitigation Plan" by REMA Ecological Services, LLC, revised by the homeowner 12/23/2023
- "Proposed Wetlands Mitigation Plan" by REMA Ecological Services, LLC, revised by the homeowner 1/4/2024
- Emails between homeowner to Inland Wetlands Enforcement Officer, dated 1/4/2024.
- "Comparison of Surveyed Wetlands from 1989 and 2022 on Parcel 229/002/031, 137 Babbling Brook Road, Torrington, CT," produced by the City of Torrington GIS department in summer

2023.

- “Plot Plan for Meadow View Estates, Inc” by Karhu and Pronovost Associates, Inc, dated May 23, 1989.
- Supporting map packet, submitted by James Mazzarelli, filed September 26, 2023
- Site photos taken by Nate Nardi-Cyrus, dated 9/25/023
- Map and 2025 CT Wildlife Action Plan excerpt, establishing connectivity of site to wild brook trout populations (CT Species of Greatest Conservation Need)
- Memo from Nate Nardi-Cyrus, Assistant City Planner/Wetlands Agent, dated October 24, 2023.
- IWC meeting minutes, September 26, 2023, October 24, 2023, November 16, 2023, November 21, 2023, and December 19, 2023 meetings

In reviewing the above Inland Wetlands applications, plans, documents, and testimony presented to the Commission at the September 26, 2023, October 24, 2023, and November 21, 2023 Commission meetings, it is my opinion that:

1. The proposed activity is within mapped wetland soils and the associated Upland Review Area on the subject property, establishing jurisdiction for a permit application to the Commission to conduct regulated activities.
2. The Commission determined that no public hearing is necessary for this application by determining the proposed activities in the application will not have a significant impact on wetlands or watercourses and does not meet other criteria established in section 9.1 of the regulations. The most recent plan revision is substantially different from when the determination of significance was made and therefore, the proposed activity might have been ruled as significant.
3. The Commission is not required to consider feasible and prudent alternatives to the proposed activities as proposed since the project has not been determined to be a significant activity. The most recent plan revision is substantially different from when the determination of significance was made and therefore, the proposed activity might have been ruled as significant and require consideration of feasible and prudent alternatives.
4. Using the criteria in Section 10 of the City of Torrington Inland Wetlands and Watercourses Regulation as the standard for review, it is my opinion that:
 - a. There are adverse environmental impacts resulting from the proposed activity
 - b. There are negative long-term impacts to the productivity of the wetlands or watercourses due to the proposed activity
 - c. The proposed activity will result in irreversible or irretrievable loss of the wetlands or watercourses

Given this information, I recommend that the permit application be denied. If this application is denied, our office will refer the case to our Corporation Counsel to pursue enforcement and legal action if necessary.