

CITY OF TORRINGTON



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To: Inland Wetlands Commission
From: Nate Nardi-Cyrus, Assistant City Planner/Wetlands Enforcement Officer
Subject: Permit application WC23-11-03, modification to application WC23-09-02, David Alfano, 87 Eagle Ridge. Application for restoration of unpermitted alteration of wetlands.
Date: February 13, 2024

The proposed activities in this application include the modification of a correction of violations of active permit WC22-07-04, as shown on the restoration plan dated August 15, 2023, revised October 9th, 2023, revised December 31, 2023. Additional activities not included in the original permits include the replacement of demarcating boulders with native shrubs in the upland review area.

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 January 22, 2024 meeting 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):

- Permit application WC23-11-03, including report and mapping by JMM Wetlands Consulting Services, LLC, dated December, 31. 2023.
- Permit WC23-09-02 file
- Permit WC22-07-04 file
- Memo from Nate Nardi-Cyrus, Assistant City Planner/Wetlands Agent, dated January 9, 2024.
- IWC meeting minutes, January 22, 2024 special meeting

In reviewing the above Inland Wetlands applications, plans, documents, and testimony presented to the Commission at the January 22, 2024 commission meeting, 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.

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
4. The proposed activity is consistent with an acceptable use of the property under all applicable laws and regulations
5. 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 no adverse environmental impacts resulting from the proposed activity
 - b. There are no negative long-term impacts to the productivity of the wetlands or watercourses due to the proposed activity
 - c. The proposed activity will not result in irreversible or irretrievable loss of the wetlands or watercourses
 - d. The proposed activity is consistent with the reasonable use of the property and does not negatively impact health and safety

I recommend that the permit application modification be approved, while maintaining the following conditions of the prior permit WC23-09-02:

1. If the authorized activity is not completed within two (2) years from the initial issuance date of: **October 24, 2023**, said activity will cease and, if not previously revoked or specifically renewed or extended, this permit will be null and void. Any request to renew or extend the expiration date of a permit should be filed in accordance with the Inland Wetlands Regulations of the City of Torrington. Expired permits may not be renewed and the Inland Wetlands Commission may require a new application for regulated activities.
2. The permittee will notify the Inland Wetlands Enforcement Officer upon commencement of work and upon its completion.
3. All work and all regulated activities conducted pursuant to this authorization will be consistent with the terms and conditions of this permit. Any structures, excavation, fill, obstructions, encroachments, or regulated activities *not specifically identified and authorized herein* will constitute a violation of this permit and may result in its modification, suspension or revocation.
4. This authorization is not transferable without the written consent of the Inland Wetlands Commission.
5. In evaluating this application, the Inland Wetlands Commission has relied on information provided by the applicant. If such information is subsequently proved to be false, incomplete, or misleading, this permit may be modified, suspended, or revoked and the permittee may be subject to any other remedies or penalties provided by law.
6. The permittee will employ the best management practices as outlined in the 2002 CT E&S Guidelines, as may be amended, consistent with the terms and conditions of this permit, to control storm water discharges and to prevent erosion and sedimentation and to otherwise prevent pollution of wetlands or watercourses. For information and technical assistance, contact the Wetlands Enforcement Officer. The permittee will immediately inform the Commission of any problems involving the wetlands or watercourses that have developed in the course of, or that is caused by, the authorized work.
7. No equipment or material including without limitation, fill, clippings, brush, construction materials, or debris, will be deposited, placed, or stored in any wetland or watercourse on or off site unless specifically authorized by this permit. Any such activity not authorized by this permit may be just cause for revocation of the permit.
8. This permit is subject to and does not derogate any rights or powers of the City of Torrington, conveys no property rights or exclusive privileges, and is subject to all public and private rights to all applicable federal, state and local laws. In conducting and maintaining any activities

authorized herein, the permittee may not cause pollution, impairment, or destruction of the inland wetlands and watercourses of Torrington.

9. If the activity authorized by the inland wetlands permit also involves activity or a project that requires zoning or subdivision approval, special permit, variance, or special exception, no work pursuant to the wetlands permit may begin until such approval is obtained.
10. The permittee will maintain sediment and erosion controls at the site in such an operable condition as to prevent the pollution of wetlands and watercourses. Said controls are to be inspected by the permittee for deficiencies at least once per week and immediately after rains. The permittee will correct any such deficiencies within 24 hours of said deficiency being found. The permittee will maintain such control measures until all areas of disturbed soils at the site are stabilized.
11. Erosion and sedimentation controls are installed and inspected **prior** to start of construction.
12. Wetland creation, as identified in the Wetland Creation Plan submitted with application #WC23-09-02, should be overseen by a qualified wetland restoration professional, approved by the City of Torrington Wetlands Enforcement Officer.
13. The surveyed wetland boundary shall be posted with metal markers, with the design and spacing to be approved by the City of Torrington Wetlands Enforcement Officer.
14. Plant species specified in the restoration may be modified with approval by the City of Torrington Wetlands Enforcement Officer.