

# CITY OF TORRINGTON



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**To:** Inland Wetlands Commission  
**From:** Jeremy Leifert, Asst. City Planner/Wetlands Agent  
**Subject:** Application WC21-03-01, Richard Mellon – Owner, Chestnut Hill Road 143/003/013. Application to conduct site work and construct a single family home in a regulated upland review area.  
**Date:** April 13, 2021

This application proposes to construct a 1700 square foot single family home and associated site work within a regulated upland review area. This applicant was previously approved for a permit for a substantially similar proposal in August 2005. Being granted all available extensions to that IWC approval allowed by law, the permit was valid for 14 years, including permit extensions mandated under CT Public Act 11-5. Consequently, the previous permit expired in August 2019, making a new permit application necessary.

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 April 13, 2021 meeting must:

1. Review and consider all information submitted for the application, including comments from the City Engineer and 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.

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

- Permit application WC 21-03-01 filed on February 18, 2021.
- Property card, printed from the City Website GIS database, submitted February 18, 2021
- Plan set titled “Site Plan, Richard Mellon, Chestnut Hill Road, Torrington, Connecticut” by Northeast Consulting, LLC, Torrington, Connecticut. Dated August 11, 2005. 1 Sheet.
- Inland Wetlands Commission meeting agenda, March 16, 2021.
- Memo by Jeremy Leifert, Assistant City Planner/Wetlands Officer to the Inland Wetland Commission, dated March 16, 2021.
- Plan set with marked notes from Paul Kundzins, City Engineer, received March 17, 2021.
- Property deed for the subject property, Torrington Land Records Book 1096, Page 657.
- Plan set titled “Site Plan prepared for Richard Mellon, Chestnut Hill Road, Torrington, Connecticut”, by Trinkaus Engineering, LLC, Southbury, Connecticut. Dated April 10, 2021. 1 Sheet.
- Inland Wetlands Commission meeting agenda, March 16, 2021.
- Minutes of the March 16, 2021 Inland Wetlands Commission meeting.
- Follow up plan review email from Paul Kundzins, City Engineer, dated April 12, 2021.

In reviewing the above Inland Wetlands applications, plans, documents, and testimony presented to the Commission at the March 16, 2021 and April 13, 2021 commission meetings, it is my opinion that:

1. A portion of the proposed activity is in a regulated upland review area on the proposed 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 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 activity since the project has not been determined to be a significant activity.
4. Using the criteria in Section 10 of the City of Torrington Inland Wetlands and Watercourses Regulation as the standard for review, the activity is proposed in such a way that there are minimal to no adverse impacts to the character or function of the nearby wetlands and watercourses on the property, and the project will not result in long term impacts or loss to wetlands resources on the property.
5. The proposed activity is consistent with reasonable use of the property as a single family home development.

I recommend that the permit application be approved with the following conditions:

1. If the authorized activity is not completed within five (5) years from the initial issuance date of: **April 13, 2021**, 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, March 2002 edition and all amendments, 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.