

CITY OF TORRINGTON



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To: Inland Wetlands Commission
From: Jeremy Leifert, Asst. City Planner/Wetlands Agent *JL*
Subject: Application WC 21-03-03, Steven Mazzarelli, Mountain Road 231/001/019. Application for as-of-right determination for construction of a 2-acre farm pond in wetlands and regulated areas.
Date: April 13, 2021

This application proposes to construct a two-acre farm pond on a vacant 5.12 acre parcel adjacent to the home of the applicant on Mountain Road. The applicant is requesting a determination that the creation of this farm pond is exempt from permitting under the Inland Wetlands and Watercourses regulations.

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 and determine whether the proposed activity meets the exemption as a bona fide agricultural activity as outlined in section 4.1 of the regulations – Permitted Uses as of Right and Non-regulated Uses.

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

- Permit application WC 21-03-03 filed on March 15, 2021, including a narrative of the proposed activity.
- Email from Steven Mazzarelli, applicant, to Jeremy Leifert, wetlands officer, March 11, 2021
- Property map showing a hand sketch of the outline of the proposed pond, submitted by the applicant March 15, 2021.
- Aerial photo taken from the City online GIS map, showing the USDA wetlands soils and property boundaries. Printed April 7, 2021.
- Property photo taken from Mountain Road, dated April 8, 2021.

In reviewing the above Inland Wetlands applications, plans, documents, it is my opinion that:

1. The proposed use as described by the applicant and depicted on the submitted documents appears to meet the standard in section 4.1 of the regulations stating that "farm ponds of three acres or less essential to the farming operation" are an as-of-right activity.
2. The narrative submitted by the applicant for the intended use of the property confirms that the pond is essential to the farming operation for irrigation of future fruit trees, Christmas trees and water for farm animals.

3. The property meets the City minimum for farming operations of three acres or more

I recommend that the activity be determined an-as-of-right activity under the following conditions:

1. The applicant conduct only the activities specifically requested for this determination with respect to the farm pond. Any changes to pond or property uses may require a new determination or a wetlands permit application.
2. The applicant shall contact the wetlands officer when work associated with the pond project begins to determine a suitable location for pond excavation material.
3. All work and all activities conducted pursuant to this authorization will be consistent with the terms and conditions of this determination. 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 determination. Any such activity not authorized by this determination may be just cause for revocation.
8. This determination 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.