

**CORNWALL INLAND WETLANDS AND WATERCOURSES AGENCY
MINUTES OF THE OCTOBER 2, 2018 REGULAR MEETING - CORNWALL TOWN OFFICES**

Present: Regular members, D. Stevenson Hedden, Roger Kane, Adam Fischer, Andrew MacDavid, alternate members Peter Demy and Deborah Bennett and IWWO Karen Griswold Nelson.

Absent: William Hurlburt.

Presiding chairman D. Stevenson Hedden called the meeting to order at 7:00PM in the Cornwall Town offices with a quorum established. Alternate Deborah Bennett was seated for regular member William Hurlburt.

APPROVAL OF MINUTES: September 4, 2018 regular meeting

Motion made by Mr. Kane, seconded by Mrs. Bennett, to approve the minutes of the September 4th regular meeting as presented: unanimously approved.

PENDING APPLICATIONS. None.

**NEW APPLICATIONS AND OR MODIFICATIONS/PETITIONS FOR DECLARATORY RULINGS.
UPLAND REVIEWS AND APPROVAL BY AUTHORIZED AGENT.**

08- PRD-18 – Cornwall Conservation Trust/John Coffin/Town of Cornwall – Petition to allow the installation of leveling and screening devises on the Conservation Trust’s Rattlesnake Preserve by a licensed professional as designated and as per the correspondence submitted - Cornwall Trust Rattlesnake Preserve and Cogswell Road.

Harry White, Forest ecologist from Colebrook and representative for the Cornwall Conservation Trust (CCT) was in attendance to represent the application.

Information made part of the record (electronic copy on file) including:

- Application signed by property owners CCT and John Coffin
- September 20, 2018 correspondence from the Coffins
- September 17, 2018 correspondence from the CCT representing a construction sequence, maintenance plan, and supporting information
- June 18, 2018 correspondence from Beaver Solutions, Southampton Mass.

There was general discussion of the application with Mr. White regarding the historic beaver presence on the CCT property(s) and the issues with beaver related flooding on Cogswell and Rattlesnake Road. The process to prepare a comprehensive plan to provide wetland/waterfowl habitat on the CCT properties while balancing safety needs was discussed. There was discussion of the town involvement in the process. Based on the information provided, including a construction sequence, the proposal to use hand labor for the installation of the proposed devises, and the parties responsible for maintenance;

Motion made by Mr. Fischer, seconded by Mr. Kane, to determine that the **08-PDR-18** submitted by the Cornwall Conservation Trust, constitutes a non-regulated activity according to Section 4.2.a for conservation relating to wildlife; unanimously approved.

INLAND WETLANDS OFFICER REPORT.

Griswold Nelson requested that Mr. Lee Rimbach be allowed to give an update on the progress of the Yancopoulus/Nash Pond project. Mr. Rimbach gave an overview of the process of the various permits currently being process for approval by the State of CT DEEP and Army Corp of Engineers.

Relating to the local jurisdiction in the matter **Re: Permit #617 for the Yancopoulos/Nash Pond project** – Popple Swamp Road as modified in June was made part of the record for review. Mr. Rimbach stated that the plans approved by the Commission were the same as those submitted to the DEEP and Army Corp and clarified parts of the plan including modified plans for the spoils area based on the hope that the area of cutting could be decreased from the original plan. With agreement that all was in order and that staff would be working with Mr. Rimbach to follow up on all open requirements as needed to comply with the permit.

Motion made by Mr. Kane, seconded by Mr. Fischer to approve the modification as discussed; unanimously approved.

Permit #618 – Matthew & Rana Strazza owners/Jack Kinney applicant -- 86 Popple Swamp Road. (Approved March 6 and as modified for other activities undertaken without permits (June 5, 2018 regular meeting)

Griswold Nelson addressed her continuing concerns regarding the lack of compliance with the permit in place and stated that she had contacted Mr. Kinney prior to the meeting regarding the lack of stabilization on the site that had resulted in Popple Swamp Road being flooded with erosion coming off the site and going into the Nash Pond during a rain event that afternoon. Griswold Nelson stated that she had photographed the site immediately prior to the meeting (showing the road partially flooded) and that photo's showing the site were being made part of the record. Note was made that a Popple Swamp Road resident reported that the road had been completely flooded prior to her arrival.

In response to Mr. Kinney's assertions that the flooding was due to town road drainage issues, Griswold Nelson stated that photos showed erosion from the site driveway due to the open and un-stabilized areas behind and around the house, the septic installation, and elsewhere due to the lack of installation and maintenance of appropriate E&S controls overall despite repeated verbal warnings. Griswold Nelson addressed her finding that activities associated with the completion of the house (painting, etc.) was being done first without attention being made to environmental impact from a site that was not in compliance with the permits (before and after the fact) in place.

There was commission agreement that the IWEO issue a Notice of Violation against the property/owner and applicant with the directive to Mr. Kinney that the site be completely stabilized within one week.

CORRESPONDENCE AND COMMUNICATIONS RECEIVED.

Emails submitted by Tom Zetterstrom regarding removal of Japanese Knotweed in West Cornwall.

There was general discussion of the work being done along the Housatonic River corridor to eradicate Japanese Knot Weed and Land Use staff efforts to obtain permission from the Town to address Knotweed stands on town owned land around the Cornwall Covered Bridge and in the pocket park. No action taken.

Griswold Nelson addressed an application submitted after the posting of the agenda and asked that the Commission add **09-PRD-18 – William Hurlburt applicant/owner for a timber harvest on family owned land – access from Ford Hill Road** to the evening's business.

Motion made by Mr. Fischer, seconded by Mr. Kane, to add **09-PRD-18** to the agenda; unanimously approved.

An application showing the location of the proposed timber harvest on the 110 acre family owned parcel with proposed access from Ford Hill Road was made part of the record for review. Griswold Nelson stated that she had researched the site and that the area contained no wetland soils and but that a discussion with Mr. Hurlburt regarding a possible intermittent watercourse had taken place with the agreement that the work would not be undertaken in that area during any seasonal flows.

Motion made by Mr. Kane, seconded by Mr. Fischer, to determine that **09-PRD-18** constitutes a Use as of Right according to Section 4.1 for agricultural activities; unanimously approved.

OTHER BUSINESS PROPER TO COME BEFORE THE COMMISSION.

Amendments to the Inland wetlands regulations for amendements to Section 4 regarding fire protection. New permitting forms.

ADJOURNMENT.

Motion made by Mr. Kane, seconded by Mr. MacDavid to adjourn at 8:00PM; unanimously approved.

Respectfully submitted,

Karen Griswold Nelson