

**CORNWALL INLAND WETLANDS AND WATERCOURSES AGENCY  
MINUTES OF THE REGULAR MEETING NOVEMBER 5, 2019 - CORNWALL TOWN OFFICES**

**Present: Regular members Roger Kane, William Hurlburt, Andrew MacDavid, alternate members Deborah Bennett and Peter Demy and IWWO Karen Griswold Nelson.  
Absent: D. Stevenson Hedden**

Vice chairman Roger Kane called the meeting to order at 7:02PM in the Cornwall Town offices with a quorum established. Alternate Debbie Bennett was seated in the vacant regular member position and Peter Demy for regular member Steve Hedden.

**APPROVAL OF MINUTES: October 1, 2019**

**Motion** made by Mr. Hurlburt, seconded by Mr. Demy to approve the minutes of the October 1, 2019 regular meeting as presented; unanimously approved.

**Motion** made by Mr. Hurlburt, seconded by Mr. MacDavid to amend the agenda to add new application **App#636 – Stathopoulos/Durrant – Activities within 150 feet of an intermittent stream and wetlands soils – 138 Whitcomb Hill Road. Upland review and Approval of meeting dates for the Year 2020** under **Other Business**: unanimously approved.

**PENDING APPLICATIONS.**

**App#635 - Hollenbeck LLC / After the Fact permit application for the Removal of Fill within regulated areas - River Road South.**

Mapping entitled “Proposed Fill Removal Plan prepared for Hollenbeck LLC, River Road South, dated September 20<sup>th</sup>” by Allied Engineering, sheets C-1 Proposed Fill Removal Plan, ES-1 and ES-2 Proposed Erosion and Sedimentation Plan” was made part of the record for discussion.

George Johannsson, PE and principal of Allied Engineering, was in attendance to represent the application. Co-property owners (Anna) Christine and Ben Gray Jr. were also in attendance. Soil report entitled “Wetlands/Watercourses and Soils Report” prepared by Soil Science and Environmental Services Inc., inspection date July 30, 2019 was made part of the record.

Mr. Johanssen addressed the soils report made part of the record, stating that the flags for the original field delineation as part of the wetlands report (Malia/part of the record forwarded to Hollenbeck LLC by Land Use staff) could not be located and therefore, a new investigation and field delineation had been undertaken. In response to questions as to the method of delineation, and the level of investigation as to the soils under the fill placed on the site. Mr. Johanssen addressed the limits of the field investigation and interpretation by parties involved including himself (I probed down) with discussion between Mr. Johanssen between Commission members. Mr. Johanssen addressed his research as to the limits of flood plain, and areas of previous fill from aerial maps (most recent 2012) that showed some areas of fill already on site. Mr. Johanssen addressed his interpretation as to the limits of the areas that had been filled before the recent event. In response to questions, Mr. Johanssen re-iterated that it was from probing and but that no cores had been done. Mr. Johanssen stated that the first purple line on the map showed where he felt that the most recent deposition of fill had been placed.

Mr. Hurlburt addressed his knowledge and experience regarding the determination of different layers of soils in the field and how on-site investigation could and should be done during the proposed removal process.

Mr. Johanessen addressed the proposed process to remove the fill by a (yet to be named) site contractor following the process as stated in the mapping provided, the installation of erosion and sedimentation controls and other details provided regarding stabilization. Mr. Johanessen estimated the length of the project (two days), and including the re-establishment and stabilization of the slope, and final grading with topsoil and seeding on the finish slope.

There was discussions as to the start and timing of the removal of the fill with commission consensus that the removal was to be monitored by a commission/town representative to ensure that the process was in compliance with the information being presented. In response to discussion as to who would be monitoring the removal of the fill, and the method of notification as to the work being undertaken. It was agreed that town staff was the point person to be notified to be part of the process to oversee and review the work. Due to limited in-town staff hours, it was agreed that the IWWEO would notify commission members as well as to the start of work and that Commission members, (including Hurlburt, Bennett, and Demy) would be part of the eye-on review as the fill was being removed.

**Motion** made by Mr. Hurlburt, seconded by Mr. MacDavid, to approve **App#635** as per the map supplied and the oral and written testimony of the applicant's representative and the record of the discussion regarding notification to the Land Use office before the start of work so ensure that Land Use staff or her designee's would be monitoring the removal in compliance with the oral and written record of the application. Motion unanimously approved.

**NEW APPLICATIONS AND OR MODIFICATIONS/PETITIONS FOR DECLARATORY RULINGS.  
PDR-04 -20 - Ira Shapiro owner/Josh Tyson applicant – Replace existing pond outlet pipe – 40 Cobble Hill Road.**

Land Use staff and Commission members reviewed the files showing the original design of the "Farm Pond, prepared by the US Department of Agriculture assisting the Litchfield Soil Conservation District, dated September 28, 1978. Griswold Nelson addressed conversations with Mr. Tyson regarding the existing conditions of the pond and spillway as compared to the original design with concerns that the farm pond as existing did not appear to be constructed as designed in the plans on file. Concerns were raised regarding the integrity of major components relating to the spillway and water level management and the approval of any work before those issues were addressed. It was agreed that Griswold Nelson would contact Mr. Tyson to request a possible site walk to review the site as compared to the original design plan.

**NEW APPLICATION: App#636 – Stathopoulos/Durrant – Activities within 150 feet of an intermittent stream and wetlands soils – 138 Whitcomb Hill Road. Upland review.**

Griswold Nelson addressed the application showing the construction of an in ground pool approximately 150 feet from an intermittent "channeled" stream and 150 feet from Millard Brook It was noted that the plans provided for erosion and sedimentation controls to be in place and that installation of the pool posed little threat to the two regulated areas. It was agreed that the application constituted an upland review by staff.

**ENFORCEMENT ACTIONS:**

**Hollenbeck LLC – Notice of Violation/Cease and Desist – River Road South – Assessor’s Parcel H04-01-03. Original Order** remains in effect and revised to require than an Application for regulated activities for the removal of the deposited soil with an Erosion and Sedimentation Plan and a Construction Sequence be prepared and submitted.

No action taken.

**UPLAND REVIEWS AND APPROVAL BY AUTHORIZED AGENT.**

**INLAND WETLANDS OFFICER REPORT.**

**CORRESPONDENCE AND COMMUNICATIONS RECEIVED.**

**OTHER BUSINESS PROPER TO COME BEFORE THE COMMISSION.**

**Discussion of amendments to the Inland wetlands regulation- Section 4 regarding fire protection and discussion of Army Corp permitting.**

Griswold Nelson addressed her attendance at an October meeting in Washington CT co-sponsored by the Army Corp of Engineers (ACOE), the Connecticut Association Inland Wetlands Scientist (CAWS) and the Northwest Conservation District (NWCD). Noting her attendance as both co-sponsoring agency and as one of the Inland wetlands officers invited by NWCD from their 34 service towns, Griswold Nelson gave an overview of the information presented. Items discussed included the ACOE’s stated jurisdiction in wetlands disturbance in less than the accepted 5,000 square foot threshold and the part of the local inland wetlands agencies and staff to be aware of and advise wetlands applicant of the same. Griswold Nelson addressed her take-away of the information presented and how she would handle the matter in her office, noting her comments at the meeting regarding the same.

**MEETING DATES FOR THE YEAR 2020**

**Motion** made by Mr. Hurlburt, seconded by Mr. Demy, to approve the regular meeting dates for the year 2020, as the first Tuesday of every month, January – December, commencing at 7:00 p.m. Town Hall Offices , those dates being January 7, February 4, March 3, April 7, May 5, June 2, July 2, August 4, September 1, October 6,, November 3 and December 1, 2020; unanimously approved.

Mr. Kane addressed the status of the two bridge repair projects (Cream Hill and Lake Roads) and made additional information part of the record regarding the structures being used in both applications.

**Motion** made by Mr. Hurlburt, seconded by Mr. Demy, to recommend to the Board of Selectmen that Deb Bennet fill the vacant regular member position; unanimously approved.

**ADJOURNMENT.**

**Motion** made by Mr. Hurlburt, seconded by Mr. MacDavid, to adjourn at 8:10PM; unanimously approved.

Respectfully submitted,

Karen Griswold Nelson