

**CORNWALL INLAND WETLANDS AND WATERCOURSES AGENCY
MINUTES OF THE REGULAR MEETING DECEMBER 5, 2023**

**Present: Regular members D. Stevenson Hedden, Peter Demy, William Hurlburt and Jeff Morgan, Alternate member Robert Nethery and IWWEO Karen Griswold Nelson.
Absent: Regular member Debby Bennett and alternate Alan Bahn**

Chairman Hedden called the meeting to order at 7:08 PM with a quorum established. Alternate Robert Nethery was seated for regular member Debby Bennett

APPROVAL OF MINUTES: November special meeting minutes

Motion made by Mr. Hurlburt, seconded by Mr. Demy to approve the minutes of the November special meeting as presented; unanimously approved.

NEW APPLICATIONS:

PDR-17-2023- Ian and Gordon Ridgway, & Colby Engineering / Gordon M./Jayne Ridgway/Ridgway Farm owners – Activities associated with agricultural uses and uses incidental to agriculture (accessory dwelling unit/cider manufacturing facility and tasting room – 142 Town Street

Information made part of the record

Petition with attachments

Section .6 of the Petition: Purpose and description of the proposed activity

Mapping entitled “Site Development Plan prepared for Gordon Ridgway 142 Town Street, by Colby Engineering and Consulting, Goshen CT, sheets 1 and 2, dated 11/13/2023 revised to 11/25/2023

October 20. 2023 Correspondence to Gordon Ridgway copied to Colby Engineering

“Inspection of Property in Cornwall prepared by George Malia, Jr. Certified Soil Scientist

APP #673/Upland Review – Gordon Ridgway and Ian Ridgway applicants/ Gordon M. /Jayne Ridgway/Ridgway Farm owners – Activities within upland review areas- 142 Town Street. Petition and application addressed concurrently.

Information made part of the record and as brought forth in APP#668:

Listing of Abutting property owners to 142 Town Street

App#673 with attachments

Section .E of the Application: Purpose and description of the proposed activity

Mapping entitled “Site Development Plan prepared for Gordon Ridgway 142 Town Street, by Colby Engineering and Consulting, Goshen CT, sheets 1 and 2, dated 11/13/2023 revised to 11/25/2023

October 20. 2023 Correspondence to Gordon Ridgway copied to Colby Engineering

“Inspection of Property in Cornwall prepared by George Malia, Jr. Certified Soil Scientist

Inland Wetlands Activity Reporting form

05/25/2023 Permission for William Colby, PE of Colby Engineering to represent the application for the property owners.

Torrington Area Health approval dated 11/28/2023

William Colby, PE with an office in Goshen CT gave an overview of the proposed activities as shown in the revised site plan for the construction of a 30' x 80 structure including a cider press, storage, and one-bedroom accessory apartment with proposed activities within regulated and upland areas.

George Malia gave an overview of the activities within regulated and upland areas, including the areas of the structure, the double in and out access way, well, parking, septic fields, and outside patio.

The Commission opened discussion regarding the listing of two different agenda items (Application and Petition), and the reasoning behind the two as shown, Discussion, led by chairman Hedden, addressed the original submission of Application 668 for regulated activities shown in a different location on the same site and the changes between the two relating to scope, impact to wetlands and watercourses and "determination" of agricultural activities. Mr. Hedden addressed his concerns regarding the change to an upland review signed off by the Agency's authorized agent, noting that while the new application clearly was for activities within upland areas with lesser impact, the sign off by the authorized agent posed concerns regarding a change from the original process. After discussion, between all parties involved (Agency members and authorized agent),

Motion made by Mr. Morgan, seconded by Mr. Demy, to reject **PDR-17-2023** based on the recommendations of the chair and the reasons cited as part of the discussion; unanimously approved.

Motion made by Mr. Hurlburt, seconded by Mr. Nethery, to **APPROVE APP #673 - Gordon Ridgway and Ian Ridgway applicants/ Gordon M. /Jayne Ridgway/Ridgway Farm owners for regulated non-significant activities within upland review areas- 142 Town Street** as per the revised site plan provided, Site Development Plan prepared for Gordon Ridgway 142 Town Street, by Colby Engineering and Consulting, Goshen CT, sheets 1 and 2, dated 11/13/2023 revised to 11/25/2023, the oral and written testimony of the applicant and representatives and the record of the meeting with the following conditions

1. The name and telephone number of the persons or entity responsible for the erosion and sedimentation control measures is to be provided and made part of plans on file.
2. The Land Use office shall be notified prior to the start of construction.
3. All erosion and sedimentation controls are to be installed prior to the start of the construction and the E&S controls are to be inspected by the Inland Wetlands Enforcement officer/ZEO prior to the start of work.
4. The site design engineer shall be responsible for the supervision of the site during all phases of construction for activities within regulated areas including maintenance of the erosion and sedimentation controls as shown.
5. The site design engineer shall be responsible for providing certification that the construction of the structure and associated structures are following the site plan. All inspection and certification expenses are at the expense of the property owners.

Motion unanimously approved.

Prior to the action on the motion, it was stated that Commission members, D. Stevenson Hedden (with Griswold Nelson), Jeff Morgan, and Peter Demy had taken recent site walks with Mr. Hurlburt acknowledging his knowledge of the site based on past site visits.

Motion as stated, unanimously approved.

App#674/Upland Review – Little Guild of St Francis/Cornwall Conservation Trust/Town of Cornwall -Activities within regulated areas for the re-construction of the existing structure - 285 Sharon Goshen Turnpike.

Information made part of the record;

Application with accompanying information:

Mapping entitled: Little Guild Animal Shelter – 285 Sharon Goshen Turnpike West Cornwall submitted for permitting November 13, 2023 by Benesch Engineering, Glastonbury CT
Email correspondence from applicant’s representative, Attorney Michael Sconyers referencing areas of floodplain.

Griswold Nelson addressed the application, stating that recent investigation of the site for the reconstruction of the existing structure showed evidence of parts of the structure as existing within floodplain, flood plain being one of the areas of the Commission’s jurisdiction. Note was made of the email from the applicant’s representative, Attorney Michael Sconyers, referenced as addressing the matter during the reconstruction process. There was general discussion of the Little Guild site, the areas being leased by and/or made part of the site through a lot line adjustment with the Cornwall Conservation Trust. It was noted that parts of those areas contained flood plain as well but would have no structures sited there. There was historic knowledge shared (chairman Hedden) of the surrounding area, including the firehouse and the areas below and the changes in topography over the years through development. It was noted (Griswold Nelson) that new flood plain maps, showing actual versus those shown on 1988 maps currently being used, were expected in the spring of 2024 but in the meantime, the current maps had to be used.

Motion made by Mr. Hurlburt, seconded by Mr. Demy, to authorize the Agency’s authorized agent, Griswold Nelson, to sign off on **App#674 - Little Guild of St Francis/Cornwall Conservation Trust/Town of Cornwall for Activities within regulated areas for the re-construction of the existing structure - 285 Sharon Goshen Turnpike** as submitted as an **Upland Review**; unanimously approved

ENFORCEMENT ACTIONS:

Notice of Violation/Show Cause Hearing – Gonzales Landscaping Inc. owner-Activities within regulated areas without a permit – 18 Frederick Drive.

Griswold Nelson addressed expected conversations with the DEEP regarding the process to move forward on the enforcement of the Notice within days.

Notice of Violation/Cease and Correct – Dark Entry Forest Inc/ property owner and Anthony Macchiaroli /non-property owner for work within regulated areas without permits – Cook Road.

INLAND WETLANDS OFFICER REPORT.

Update on APP#672 - Town of Cornwall applicant owner/WMC engineering representative for the Town - engineered plans for a retaining wall that supports River Road near the Bridge at Route 128.

Information made part of the record for discussion.

Parts of mapping entitled "Preliminary Drawing for Bidding only" prepared by United Concrete Products, dated 10/27/23 was made part of the record for discussion.

Email from Keegan Elder, PE from WMC Engineers to Gordon Ridgway shared with chairman Steve Hedden with his handwritten notes as transcribed by commission secretary kgn 1) No change in size or direction of stream bed w/o Inland wetland approval:", 2. On site (person) authorized to make changes in the water plan in event of emergency or system failure and 3. 24/7 name and (contact) number of S&E (soil and erosion) responsible persons

The floor was opened by chairman Hedden for discussion

Note was made of the ongoing process of the project including the change of the original design as part of the original bid package to the pre-cast concrete double wall retaining wall system. Mr. Hedden addressed recent conversations with the design engineer of record, Keegan Elder to address concerns including the dewatering process, supervision by the design engineer during work in the water, and the plans that showed possible encroachment in the stream bank as part of the new design for the precast structure.

There was general discussion of the process moving forward including an on-site meeting (Thursday morning) scheduled by the Board of Selectmen with the design engineer and the contractor winning the bid on site to address actual field conditions. It was noted that the contractor had the right to provide final details including the choice of the pre-cast company supplier, the final design of the pre-cast structure, and the dewatering plan.

There was general discussion of the concerns addressed with agreement that Mr. Hurlburt and Mr. Hedden would attend the meeting to address commission approval conditions as accordingly stated:

Motion made by Mr. Demy, seconded by Mr. Hurlburt to amend the original permit as issued **APP#672 - Town of Cornwall applicant owner/WMC engineering representative for the Town - engineered plans for a retaining wall that supports River Road near the Bridge at Route 128**

to include the following conditions as stated:

1. The name and telephone number of the persons or entity responsible for the erosion and sedimentation control measures is to be provided and made part of plans on file.
2. The site design engineer shall be responsible for the supervision of the site during all phases of construction activities and when there is any work in the water.
3. The 24/7 name and contact number of the responsible person authorized to make changes in the water plan in event of emergency or system failure shall be on file to all appropriate parties.

Motion unanimously approved,

CORRESPONDENCE AND COMMUNICATIONS RECEIVED.

All referenced under appropriate agenda items.

OTHER BUSINESS PROPER TO COME BEFORE THE COMMISSION.

In response to a request by the Land Use administrator,

Motion made by Mr. Demy, seconded by Mr. Hurlburt, to amend the agenda to add election of officers; unanimously approved.

Motion made by Mr. Demy, seconded by Mr. Hurlburt to elect D. Stevenson Hedden as chairman. Hearing no other nominations, motion called and unanimously approved,

Motion made by Mr. Morgan, seconded by Mr. Nethery, to elect William Hurlburt as vice chairman. Hearing no other nominations, motion called and unanimously approved,

Motion made by Mr. Hurlburt, seconded by Mr. Morgan, to elect Peter Demy as commission secretary. Hearing no other nominations, motion called and unanimously approved.

In response to a question from Griswold Nelson,

Motion made by Mr. Morgan, seconded by Mr. Demy, to confirm Karen Griswold Nelson as the Agency's authorized agent; unanimously approved.

ADJOURNMENT

Motion made by Mr. Hurlburt, seconded by Mr. Morgan, to adjourn at 8:30PM; unanimously approved.

Respectfully submitted by recording secretary Karen Griswold Nelson, for Mr. Demy,
Commission secretary