

**CORNWALL INLAND WETLANDS AND WATERCOURSES AGENCY
MINUTES OF THE SPECIAL MEEETING MAY 7, 2024**

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

The meeting was called to order at 7:06PM with a quorum established. By action of the chairman, alternate Alan Bahn was seated for regular member Debby Bennett.

APPROVAL OF MINUTES: April regular meeting minutes

Motion made by Mr. Bahn, seconded by Mr. Demy to approve the minutes of the April 3, 2024 regular meeting; unanimously approved.

NEW APPLICATIONS/PETITIONS FOR DECLARATORY RULING

PDR0- 4-2024 – Eversource Energy/Darren Lounsbury applicant and representative for owner – Correction of existing drainage to accommodate drainage agreement with State of CT DOT right of way – Corner of Route 4 and Route 128.

Information made part of the record

Petition for a declaratory ruling including mapping with locations of proposed activities. IWWEO Griswold Nelson addressed the information submitted in response to her request to the applicant to supply adequate information for the Agency to have knowledge of proposed state/utilities work being on file for informational purposes.

Questions were raised regarding the piping and pump house, the source of the drainage, and any impact and/or notification to downhill properties.

Motion made by Mr. Hurlburt, seconded by Mr. Demy, to request that the IWWEO obtain additional information from the applicant and to table discussion and final action on **PDR-4-2024** until the receipt of additional information; unanimously approved.

APP#678/PDR-05-2024 - Frost Excavating LLC/ Josh Tyson, applicant/property owners – Stone Hill Road property owners - Replacement of an existing culvert pipe in a brook (private road to residential lots)– Stone Hill Road.

Information made part of the record.

Application 678/PDR-05 with attached emails from property owners Peter & Bente Busby, Matthew Demmer, Robert Mahoney and Anne Coffin giving permission for the applicant to represent them:

Copy of Map on file in the Land Records #477 - Subdivision plan prepared for Ralph and Thalia Scoville, dated September 1986, filed in the Land Records, November 4, 1988” with notes by Land Use staff as to current property owners part of the application.

Construction sequence and Erosion and Sedimentation Control Narrative prepared by Frost Excavating LLC, dated May 1, 2024.

Josh Tyson was in attendance to represent the application.

Mr. Tyson addressed the proposed plans, as stated in the construction sequence, to excavate and replace the deteriorating corrugated metal pipe in the brook (head waters of Mill Brook) for access to 4 lots as approved in the Scoville subdivision referenced.

There was discussion regarding the condition of the road beyond the crossing and the disposition of excavated materials that could be remain and/or be used on site. With agreement that the proposal represented maintenance, including work to repave parts of the deteriorated private road, for residential usage:

Motion made by Mr. Hurlburt, seconded by Mr. Bahn to determine that **APP#678/PDR-05-2024 - Frost Excavating LLC/ Josh Tyson, applicant/Stone Hill Road property owners for the replacement of an existing culvert pipe in a brook (private road to residential lots) – Stone Hill Road** constitutes a “Use as of right” for maintenance of access to residential properties according to Section 4.1d 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 E&S controls are to be installed prior to the start of the construction and the E&S controls are to be inspected by the IWWE0 prior to the start of work.

Motion unanimously approved.

App#679 – Bodwell Engineering applicant/Anne and John Coffin owners – Activities within regulated areas for the construction of a single-family residence, septic and driveway for an approved subdivision lot -20 Stone Hill Road

Information made part of the record.

“Site Plan 20 – Stone Hill Road Map 213 Block 3 Lot 26 prepared for John D, Anne, Samuel and Thomas Coffin prepared by Bodwell Engineering, CT dated August 2023”

“Wetlands Plan 20 Stone Hill Rd Map 213 Block 3 Lot 26 prepared for John D, Anne, Samuel and Thomas Coffin prepared by Bodwell Engineering, West Cornwall CT dated April 2024 Wetlands report and photos prepared by Ian Cole LLC, Middletown for Mr. & Mrs. John Coffin, 83 Cogswell Road Cornwall, CT 06796

Wetlands Survey Site photos – 20 Stone Hill Road, Cornwall

Copy of Map (made part of the file by staff) on file in the Land Records #477 - Subdivision plan prepared for Ralph and Thalia Scoville, dated September 1986, filed in the Land Records, November 4, 1988

Keith Bodwell was in attendance to represent the application.

Mr. Bodwell outlined the application for the proposed single family residence approved in 1986 as part of a subdivision with access from a private road shared by 4 plus properties.

Mr. Bodwell discussed changes from the conceptual wetlands approval for the lot to onsite existing conditions as referenced in the wetlands report submitted, Note (kgn) was made of the turnaround at the road end as originally designed but not maintained now being incorporated partly into the proposed driveway design.

Motion made by Mr. Hurlburt, seconded by Mr. Bahn, to accept **App#679 – Bodwell Engineering applicant/Anne and John Coffin owners** for activities within regulated areas, make no determination of significance and to table discussion until the June 4, 2024 regular meeting; motion unanimously approved.

PDR-06-2024 Josh Tyson/Frost Excavating/property owners Greg and Katie Goldberg – Stream (seasonal) stabilization repair on an existing residential house site – 15 Poughkeepsie Turnpike.

Information made part of the record.

Construction sequence and Erosion and Sedimentation Control Narrative prepared by Frost Excavating LLC, dated May 1, 2024.

Note was made of a pre-meeting site visit with IWWEO Nelson to assess the situation based on the nature of the private road and the impact of last year's storms on the overall area.

Josh Tyson was in attendance to represent the application

Mr. Tyson addressed the proposed plans, as stated in the construction sequence, to restore a 50 section of a seasonal stream impacting the stone wall and the residential property, stating that work involved filling, reshaping and restoring the contours with filter fabric, clean fill and native stone. With agreement that the proposal represented maintenance for residential usage:

Motion made by Mr. Hurlburt, seconded by Mr. Morgan to determine that **PDR-06-2024 Josh Tyson/Frost Excavating/property owners Greg and Katie Goldberg – Stream (seasonal) stabilization repair on an existing residential house site – 15**

Poughkeepsie Turnpike constitutes a "Use as of right" for maintenance of a residential property according to Section 4.1d with the following conditions

4. 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.
5. The Land Use office shall be notified prior to the start of construction.
6. All E&S controls are to be installed prior to the start of the construction and the E&S controls are to be inspected by the IWWEO prior to the start of work.

Motion unanimously approved.

PDR-07-2024 – Ian Branson CT Forester applicant/Manson, Matthew and Collins, Christopher – Timber harvest with a stream crossing over Millard Brook – 120 Whitcomb Hill Road.

Information from Mr. Branson emailed to commission members.

Griswold Nelson addressed the agreement to have a site walk prior to action on the Petition, noting alternate methods of the stream crossing that the Agency should consider as part of the determination for the declaratory ruling. Accordingly,

Motion made by Mr. Hurlburt, seconded by Mr. Bahn, to table discussion and action on **PDR-07-2024 – Ian Branson CT Forester applicant/Manson, Matthew and Collins, Christopher – Timber harvest with a stream crossing over Millard Brook – 120 Whitcomb Hill Road to a special meeting to be set up by staff: unanimously approved.**

PDR-08-2024 – Lee Rimbach/John LaPorta applicants/Macedonia Connecticut LLC- Activities within regulated areas for maintenance and improvements to drainage – 71/73 Popple Swamp Road.

Information made part of the record:

Mapping entitled "Improvement location Survey showing proposed masonry stone walls" prepared by Berkshire Surveying, LLC. Dated April 1, 2024.

Lee Rimbach was in attendance to address the petition.

Mr. Rimbach addressed the work being proposed and underway to repair and modify existing historic stonewalls and modify fencing in a fashion protective of wetlands species on and off site, and the reconfiguration of the existing driveway for access including fire protection access.

Motion made by Mr. Hurlburt, seconded by Mr. Bahn to determine that **PDR-08-2024 – Lee Rimbach/John LaPorta applicants/Macedonia Connecticut LLC- Activities within regulated areas for maintenance and improvements to drainage – 71/73 Popple Swamp Road** constitutes a “Use as of right” for maintenance of residential property according to Section 4.1d with the following conditions

7. 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.
8. The Land Use office shall be notified prior to the start of construction.
9. All E&S controls are to be installed prior to the start of the construction and the E&S controls are to be inspected by the IWWE0 prior to the start of work.

Motion unanimously approved

PENDING APPLICATIONS.

APP#676 – Bruce Whiteford and Frances Pancetta applicant/owner – Activities within regulated areas (Mill Brook) for the repair of a retaining wall associated with a residential structure from storm damage – 416 Sharon Goshen Turnpike. (30 day extension granted from the April meeting) Application withdrawn AT THE REQUEST OF THE PROPERTY OWNER/APPLICANT TO IWWO KGN

APP#677/- Town of Cornwall/applicant –owner – Activities within a watercourse to remove and replace a deteriorating culvert under the Town Road - after intersection of Dibble Hill and Route 125 (past 2 Dibble Hill Road).

Chairman Hedden addressed the consideration of the Agency finding that **APP#677** be considered a declaratory ruling based on the emergency nature of the deteriorating situation. Mr. Hedden stated that the change to a “Petition” would allow the work to move forward within the month if needed based on changing weather conditions.

Accordingly,

Motion made by Mr. Hurlburt, seconded by Mr. Bahn, to accept and act on **APP#677** as a **PDR-09-2024 - Town of Cornwall/applicant–owner for Activities within a watercourse to remove and replace a deteriorating culvert under the Town Road after the intersection of Dibble Hill and Route 125 (past 2 Dibble Hill Road** for maintenance and repair associated with a town road: motion unanimously approved.

Information made part of the record.

Proposed construction sequence prepared by James Vanicky was distributed for discussion.

After discussion as to existing conditions, adjacent property owners and boundaries being addressed by Land Use staff and notification to same, use and/or removal of excavated material, design changes to be considered including the design for a natural bottom in the pipe, natural contours to be followed for creature passage, the consideration of a diaphragm of the pipe, and appropriate compaction.

Motion made by Mr. Hedden, seconded by Mr. Morgan, to determine that **PDR-09-2024 - Town of Cornwall/applicant-owner for Activities within a watercourse to remove and replace a deteriorating culvert under the Town Road after the intersection of Dibble Hill and Route 125 (past 2 Dibble Hill Road constitutes a use as for right for maintenance and repair associated with a town road: The application is approved with the following stated conditions of approval:**

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/Selectman's office shall be notified prior to the start of construction.
3. All final details of the erosion and sedimentation controls and deposition and or reuse of excavated material shall be submitted to Land Use office before the start of work.
4. All E&S controls are to be installed prior to the start of the construction and the E&S controls are to be inspected by the prior to the start of work.
5. The property owners have been contacted and agreed to any work on their property and evidence is made part of the record.

Motion unanimously approved,

ENFORCEMENT ACTIONS:

Notice of Violation/Show Cause Hearing – Gonzales Landscaping Inc. owner-Activities within regulated areas with a permit – 18 Frederick Drive.

Griswold Nelson addressed the ongoing conversations with impacted property owners on Frederick Drive and conditions of the site being “untouched” and “under control” as evidenced by recent visits to the area and no signs of any activity or use of the shared driveway with abutter Mr. McCartney.

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. No new correspondence received

INLAND WETLANDS OFFICER REPORT.

CORRESPONDENCE AND COMMUNICATIONS RECEIVED.

IWEO Griswold Nelson addressed information received regarding wetlands issues caused by activities undertaken on agricultural and residential land to address damage from last year's storms, noting that the issues were not on a single property but rather several properties. Griswold Nelson stated that the work had been undertaken without out any permits in place or interface with any appropriate parties to address appropriate measures to be protective of the nearby river (the Hollenbeck. Griswold Nelson stated that she had been in contact with several of the land owners, noting that the start of “Petitions for Declaratory Rulings” for restorative work” had been submitted to the Land Use office and that she was working with them collectively to prepare a comprehensive plan of remediation to address the violations. Griswold Nelson stated her intent to involve appropriate “agricultural” agencies to ensure that corrective methods were protective of both agricultural land and water resource and to work with the impacted property owners in a collaborative fashion before using the “violation” route.

OTHER BUSINESS PROPER TO COME BEFORE THE COMMISSION

ADJOURNMENT

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

Respectfully submitted,

Karen Griswold Nelson for recording secretary Peter Demy