

**CORNWALL INLAND WETLANDS AND WATERCOURSES AGENCY  
MINUTES OF THE SEPTEMBER 3, 2024 REGULAR MEETING**

**Present: Regular members William Hurlburt, Peter Demy, Jeff Morgan, Ian Tyson, alternate Alan Bahn and IWWEO Karen Griswold Nelson.**

**Absent: Regular member Debby Bennett and alternate member Robert Nethery.**

The meeting was called to order at 7:05PM by chairman William Hurlburt with a quorum established. By action of the chairman, alternate Alan Bahn was seated for regular member Debby Bennett.

New wetlands commission member, Ian Tyson was welcomed by all in attendance.

**Motion** made by Mr. Morgan, seconded by Mr. Bahn to amend the agenda to add **PDR21-2024 (Scoville Family Farm)** under **New Applications** and **Approval of Revised Mapping** (Little Guild) under **Correspondence**: unanimously approved.

**APPROVAL OF MINUTES: August special meeting minutes**

**Motion** made by Mr. Morgan, seconded by Mr. Demy to approve the minutes of the August special meeting as presented: unanimously approved

**NEW APPLICATIONS/PETITIONS FOR DECLARATORY RULING**

**PDR-21-2024 Scoville Family Farm applicant/Camilla Campbell owner – AFTER THE FACT petition for activities within regulated areas for property maintenance in and around wetlands soils and a watercourse – 359 Town Street.**

Griswold Nelson addressed the Petition as submitted, stating that the Petition was an “After-the-fact” petition submitted for activities undertaken within regulated areas (up to and within 150 feet of a watercourse) without permitting or appropriate erosion and sedimentation controls in place. Griswold Nelson stated that she had visited the site the day after the August wetlands meeting (photographs taken by Griswold from Town Street on file in the Land Use office) and had pursued appropriate permitting in conversations with one of the property owners Camilla Campbell and the applicant, Mr. Fred Scoville since that time.

Griswold Nelson addressed conversations with Mr. Fred Scoville Jr. (aka Scoville Family Farm) that day (application received 09/03/2024 12 noon) and her directives to continue to move forward with appropriate erosion and sedimentations controls in place during all phases of work on the site so as to re-establish appropriate vegetation. Griswold Nelson addressed conversation with Camilla Campbell and Mr. Scoville that grass down to a stream edge (Reed Brook) was not a “recommended replacement” for a riparian buffer that had been in place prior to the start of work to remove invasives and vegetation, etc. Accordingly,

**Motion** made by Mr. Demy, seconded by Mr. Morgan, to determine that **PD21-2024** constitutes “an after the fact” determination that the activities undertaken constituted non-regulated activities for maintenance of residential property” according to 4.1.d with the following condition;

1. All erosion and sedimentation controls installed are to remain in place during all phases of continued work on the site and the re-establishment of appropriate vegetation protective of the water resources on the site as approved by the IWWE.

**Motion** unanimously approved,

#### **PENDING APPLICATIONS**

**PDR-12-2024 Allyn and Irene Hurlburt applicants/Allyn & Irene Hurlburt owners et al – Activities within regulated areas in and around Ocain Brook for remediation and restoration of agricultural fields impacted by 2023 storms – 39 Hautboy Hill Road /55 Hautboy Hill Road.**

Griswold Nelson addressed outreach to and conversations with all parties involved (Hurlburt's) and to be involved (NRCS/USDA Torrington service office) and that progress had been made to assemble a team of agricultural representations from the NRCS office to be on site with both the applicants/property owners (to include Mr. Nat Rubin) and the Inland Wetlands Commission as part of a posted site walk. Griswold Nelson stated that she would be coordinating all parties.

#### **ENFORCEMENT ACTIONS:**

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

Griswold Nelson gave an overview of the status of parts of the site (shared accessway with the McCartney property – 8 Frederick Drive) as being untouched, except for erosion and sedimentation from ongoing work on the uphill property (installation of a septic system, addition, and well drilling), and being increasing impassable for any traffic. There was general discussion as to a process to move forward and resolve the matter amicably. It was agreed that to bring new Commission member, Ian Tyson up to speed, Griswold Nelson would take Mr. Tyson up an individual site walk.

**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.**

Correspondence from Dark Entry as forward electronically to Commission members and made part of the record,

**From:** Jessie Vanamee <vanamee@msn.com>

**Sent:** Monday, August 26, 2024 9:40 PM

**To:** Karen Nelson <cwlanduse@optonline.net>

**Cc:** Dave Colbert <davidcolbert7@gmail.com>

**Subject:** Statement for September IWWA Meeting

Dear IWWA,

Litigation remains pending as to the Macchiaroli case. Regarding the current erosion and sediment controls ("ESC"), all measures continue to be monitored by DEF.

If you have any questions, please feel free to contact DEF.

Sincerely, Jessie Vanamee, President

## **INLAND WETLANDS OFFICER REPORT.**

### **CORRESPONDENCE AND COMMUNICATIONS RECEIVED.**

#### **Approval of revised map for the Little Guild property under construction on Sharon Goshen Turnpike – revision to address discovery of information as relating to a DEEP easement and storm water structure.**

Information made part of the record including Stormwater Management Memorandum Little Guild Animal Shelter 285 Sharon Goshen Turnpike West Cornwall, CT PREPARED FOR CT DOT – District 4 359 South Main Street Thomaston, CT 06787 Issued: February 2024 Re-Issued: August 2024 as revised with accompanying mapping.

Griswold Nelson addressed information made part of the record, including mapping and email correspondence between involved parties including Christopher Nardi and James Nall from the architectural firm of Silver Petrucelli and Associates, John Kwasniewski from Burlington Construction, Karen Doebelin, Little Guild, Michael Sconyers, legal representative for the Little Guild and the Land Use office regarding issues in the original mapping approved relating to a DEEP/DOT easement on the property being incorrectly identified and addressed in the original plans approved by the Inland Wetlands Agency.

Griswold Nelson stated that the written and oral conversations with all parties involved (including the DEEP as referenced) regarding the details of what The Little Guild's engineers were proposing to submit to show that there would be no need to install the drainage system across the DEEP property as previously approved would result in no additional impact, but rather less impact, to wetland or watercourses on the site as originally designed. Accordingly,

**Motion** made by Mr. Demy, seconded by Mr. Morgan, to approve the new mapping as submitted as the revised mapping shows that the modifications will result in less impact to the wetlands and watercourses on the overall site: unanimously approved,

### **OTHER BUSINESS PROPER TO COME BEFORE THE COMMISSION,**

General discussion ensued about continuing online education and other educational opportunities i.e. site walks, etc. to help Commission members be better prepared and educated about their duly appointed roles as Commission members.

### **ADJOURNMENT**

**Motion** made by Mr. Morgan, seconded by Mr. Demy, to adjourn at 8PM; unanimously approved.

Respectfully submitted by recording secretary Karen Griswold Nelson, for Mrs. Bennett, Commission secretary