

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

Present: Regular members chairman William Hurlburt, vice chairman Peter Demy, regular members Jeff Morgan and Ian Tyson, alternate members Robert Nethery and Alan Bahn and IWWEO Karen Griswold Nelson.

Absent: Regular member Debby Bennett

The meeting was called to order at 7:03PM by Chairman William Hurlburt with a quorum established. Alternate member Robert Nethery was seated for regular member Debby Bennett.

The meeting was adjourned briefly to take part in a special event honoring long time member and chairman D. Stevensen "Steve" Hedden. State Representative Maria Horn from Salisbury was in attendance to present "Steve" with a citation from the Connecticut State Assembly recognizing his dedication and commitment to the Town of Cornwall for his 47 years of serving on town boards, and in particular, for 47 years of membership on the Cornwall Inland and Watercourses Agency including 40 years as chairman. First Selectman Gordon Ridgway addressed Steve's roles on other boards and town agencies (including the Board of Selectman) Current and past members of the Cornwall Wetlands Agency, including current chairman William "Bill" Hurlburt, retired members Roger Kane and "Doc" Simont, and current members Jeff Morgan, Robert Nethery, Peter Demy and staff, IWWO Karen Griswold Nelson, all who offered congratulations, "thanks" and shared memories.

APPROVAL OF MINUTES: November regular meeting minutes

Motion made by Mr. Demy, seconded by Mr. Nethery to approve the minutes of the November meeting as presented: unanimously approved.

NEW APPLICATIONS/PETITIONS FOR DECLARATORY RULING

APP#683 – 26 and 46 Kent Road LLC owner/applicant – Activities within regulated areas for the reconstruction of a retail lumber yard facility – 44 Kent Road.

Information made part of the record

- Mapping entitled "Northeast Building Supply "44 Kent Road – Cornwall CT "prepared for 26 & 44 Kent Road, Cornwall CT prepared for 26 & 44 Kent Road 1452 Barnum Avenue Bridgeport CT, by Surveyor Robert Hock Licensed Land Surveyor LLC, Allee Architecture and Design, Lakeville CT and Engineer R R Hiltbrand Engineering & Surveying, Bristol CT, Sheets include Property Survey, Demolition Plan, Site Layout Plan, Site Grading and Drainage Plan, Subsurface. Sewage Disposal, Notes and Details, Erosion and Sedimentation Control Measures Plan, Erosion and Sedimentation Control Measures – Notes and Details, Site Details (1 of 2), Site Details (2 of 2), Predevelopment Drainage Area Map all sheets dated October 3, 2024 (Elevations and floor plans made part of P&Z mapping)
- August 9, 2024 report prepared by Davison Environmental entitled "Wetlands delineation and Watercourses delineation, addressed to Barbara Pascale, Allee Architecture and Design by Eric Davidson, Certified Professional Wetland Scientist

Property owner Jan Cohen and design engineer Robert Hiltbrand, P.E. and were in attendance to represent the application. The Commission reviewed the Overall plans as presented and listed.

Mr. Hiltbrand, PE addressed all parts of the overall site plan, and in particular the storm water management and treatment and existing drainage including drainage from the highway and re-direction of drainage from abutting properties to the site, Mr. Hiltbrand addressed the activities within the upland review area, as relating to other overlaid regulatory criteria as in the Housatonic River Commission's "Inner" and "Outer" corridor and those standards as relating to disturbed impervious surface coverage. There was extensive discussion of the site design and storm water devices to clean run-off including grass lined swales for water quality, storm water basins, all which would result in no increases in run-off off site. Other existing site details were addressed including the evidence of an old passage way (Cohen), the site once containing a gas station (Hurlburt) and work with the DOT to address work on existing features within the DOT right of way Note was made (kgn) of the Housatonic River Inner and outer corridor standards and boundary lines relating to both inland wetlands and watercourses and flood plain (within jurisdiction of wetlands statues) as well as slope and erosive soils.

Overall, Mr. Hiltbrand summed up the plans as presented as proposing all stormwater water treatment and structures contained entirely within the Upland Review Area, increasing buffer management, and no direct impact to the wetlands or watercourses on the site or off the site.

There was general discussion of the plans with general acknowledgement that the plans as presented and reviewed, proposed no activities within wetlands soils or watercourses or impact to same and technically could be considered as an upland review to be signed off, with the permission of the Agency, by the Agency's authorized agent or qualifying designee. IWWO and authorized agent for the Agency, Griswold Nelson requested that such a finding be made part of the record to support the Upland Review. It was further agreed that plans as presented and designed were more protective of the wetlands and watercourses than currently existed on and around the site. Accordingly

Motion made by Mr. Demy, seconded by Mr. Nethery, that **App#683 for "Activities within regulated areas for the reconstruction of a retail lumber yard facility"**, as per the site plans listed and the oral and written testimony of the applicant/owner and his engineering representative, constitutes an Upland Review to be signed off by the Agency's Authorized agent (kgn). It is the Agency's finding that the plans as presented are more protective of the wetlands and watercourses on and around the site than currently and previously designed. Motion unanimously approved.

PDR24-24 – Enchanted Forestry LLC applicants/Warren Stevens owner – Activities including the crossing of an intermittent stream for forestry activities and wildlife habitat improvement – 120 Sharon Goshen Turnpike.

Information made part of the record.

- Application with attached "written" narrative prepared by Timothy Locke,

handwritten note from Brian (Neff PE as determined by kgn)

- State of CT Certificate – Anthony Locke as Supervising Forest Products Harvester.
- Photographs of “old woods” road and wetlands crossing
- Proposed site plan “Single family house and Barn – 120 Sharon Goshen Turnpike prepared by Brian Neff, dated 4/11/2022” showing “added’ areas of crossing, area of timber harvest and reforestation of trees for wildlife habitat improvement.

Anthony “Tony” Locke, Supervising Forester and property owner, Warren Stevens, were in attendance to represent the Petition. There was general discussion of the plans as presented to cross an intermittent stream crossing the 16-acre residential site to clear trees (a stand of pines and invasives to create a buffer strip and opening to plant trees for habit (nuts, fruit trees etc.). Mr. Locke stated that logs would not be dragged across the intermittent stream with expected work to start in January. Any necessary erosion control measures were to follow standard accepted forestry practices.

Motion made by Mr. Demy, seconded by Mr. Nethery, to determine that **PDR24-24** constitutes as use as of right according to Section 4. 1a for agricultural activities including forestry and habitat improvement with the following conditions:

1. The name and telephone number of the persons or entity responsible for any necessary 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 work.
3. All erosion and sedimentation controls, if deemed necessary, by the Supervising forester, are to be installed prior to the start of work and to be inspected by the Inland Wetlands Enforcement officer/ZEO prior to the start of work.
4. The Supervising forester as named shall be responsible for the supervision of the site during all phases of work within regulated areas including maintenance of the erosion and sedimentation controls as shown.

Motion unanimously approved.

PDR-12-2024 Allyn and Irene Hurlburt applicants/Allyn & Irene Hurlburt owners/39 Hautboy Hill Road and Nathaniel Rubin – 55 Hautboy Hill Road) 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 conversations that day with the property owners regarding the status of the application with appropriate parties. No new information available.

PDR23-2024 – Fred Scoville applicant/Dan Geisser owner - Activities within regulated areas for maintenance of residential property – 105 Cream Hill Road.

(Pending receipt of survey and wetlands report)

Information made part of the record and emailed to members prior to the meeting

- November 26, 2024 report, prepared by Ian Cole, LLC professional registered soil scientist Middletown CT to Town of Cornwall IWWA re: #PDR 23-2024-Activities within regulated areas for maintenance of residential property- Mr. Daniel Geisser owner, 105 Cream Hill Road”.

Fred Scoville, applicant, was in attendance to represent the application.

Note was made that chairman William Hurlburt had visited the site with the applicant and soil scientist Ian Cole during Mr. Cole's site report to prepare the report as referenced and made part of the record.

Applicant Fred Scoville addressed plans to clear small trees (around 50 in count) and brush on the site around and near the residence to allow sunlight around the residential, adding that there would be no grubbing or stumping

Note was made by staff of additional information regarding wetlands and watercourse near the site on file in the Land Use office as part of a previous application granted for access to residential sites.

Motion made by Mr. Demy, seconded by Mr. Tyson to determine that **PDR23-24** constitutes an as use as of right according to Section 4. 1d for activities associated with maintenance of residential property:

1. The name and telephone number of the persons or entity responsible for any necessary erosion and sedimentation control measures are to be provided and made part of plans on file.
2. The Land Use office shall be notified prior to the start of work.
3. All erosion and sedimentation controls are to be installed prior to the start of work and to be inspected by the Inland Wetlands Enforcement officer/ZEO prior to the start of work.
4. The applicant as named shall be responsible for the supervision of the site during all phases of work within regulated areas (and as further stated in the Cole report) The applicant "shall further mitigate any temporary impacts by implementing standard construction Best Management Practices (BMPs), conforming to town regulations, and if required stabilizing any minimal exposed areas with standard lawn seed mix."

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.

IWWEO Griswold Nelson reported no changes, with note made of visits to the abutting "upper site (8 Frederick Drive) under construction showed that the first part of the shared driveway was still somewhat under control with no visible sign of continued usage.

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.

Information made part of the record:

11/26/2024 email received by the Land Use office and forwarded to the Commission

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.

Griswold Nelson noted work to check open sites before the onset of winter weather with note made of little indication of new projects in the pipeline.

CORRESPONDENCE AND COMMUNICATIONS RECEIVED.

Reports from IWWA members attending November CACIWIC conference

Report from Debby Bennett regarding the CACIWIC was made part of the record. Mr. Demy offered his observations, noting that the legal part of the day conducted by several Land Use attorney indicated how difficult differing legal opinions on wetlands applications were.

OTHER BUSINESS PROPER TO COME BEFORE THE COMMISSION

Approval of 2025 meeting dates.

Motion made by Mr. Demy, seconded by Mr. Nethery to amend the agenda to approve dates of January 7, February 4, March 4, April 1, May 6, June 3, July 1, August 5, September 2, October 7, November 4th and December 2, 2025 all meetings to be held on the first Tuesday in the Town Hall meeting room, in person or zoom hybrid; unanimously approved.

ADJOURNMENT

Motion made by Mr. Demy, seconded by Mr. Bahn to adjourn at 8:10PM; unanimously approved

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