

**CORNWALL INLAND WETLANDS AND WATERCOURSES AGENCY  
MINUTES OF THE REGULAR MEETING JUNE 3, 2025**

**Present: Regular members William Hurlburt, Debbie Bennett, Peter Demy, Jeff Morgan, Ian Tyson, alternate Alan Bahn and IWWEO Karen Griswold Nelson.  
Absent: None.**

The meeting was called to order at 7:00PM by Chairman William Hurlburt with a quorum established. All members were seated to take part in the meeting.

**APPROVAL OF MINUTES: May 6, 2025**

**Motion** made by Mr. Demy, seconded by Mr. Tyson to approve the minutes with the correction of attendees from Josh Tyson to Ian Tyson; unanimously approved.

**PUBLIC HEARING FOR AMENDMENTS TO THE INLAND WETLANDS AND WATERCOURSES REGULATIONS – SECTION 4 – As of right uses relating to fire protection i.e. dry hydrants and withdrawal of water for fire emergency purposes.**

Chairman Hurlburt opened the public hearing at 7:02PM with all members in attendance seated for the hearing.

The entire proceedings were recorded (as part of the Zoom recording) and available in Town Hall upon request.

LUA Griswold Nelson read the legal notice as published in the Republican American on May 22<sup>nd</sup> and May 29, 2025. Griswold Nelsons stated that the proposed amendments with background information had been placed on file in the Town Hall (Town Clerk's Office) and placed on the Town website, Griswold Nelson stated that she had contacted Cornwall fire department president Richrd "Dick" Sears and fire chief William Russ via email (follow up phone conversation)–Dick Sears) with copies of the regulations and explanatory comments regarding the application process for "as of right" uses as outlined in the background statutory language and changes as outlined.

The floor was opened to the Commission for comment and hearing no comments, no written correspondence received and no members of the public in attendance,

**Motion** made by Mr. Demy, seconded by Mr. Tyson to close the public hearing; unanimously approved.

**NEW APPLICATIONS/PETITIONS FOR DECLARATORY RULING**

**App#685 – Camilla Campbell owner/Elizabeth Romaker applicant – Activities within regulated areas for removal of invasive species and remediation of disturbed areas and riparian buffers - 359 Town Street.**

Information made part of the record:

Application with supporting narrative, mapping and technical information emailed to Commission members prior to the meeting,

Representative for the property owner, and principal of Mediscapes, Elizabeth Romaker was in attendance to address the application. Ms. Romaker addressed her background including a Bachelor of Science in Forest ecology.

Ms. Romaker addressed the application as submitted, noting that the application addressed site restoration and improvements, and riparian buffer remediation and stability of a previously disturbed site and subject of an after-the-fact permitting submitted by Scoville Landscaping (2024). There was general discussion of the application and timing with agreement in the form of a motion:

**Motion** made by Mr. Demy, seconded by Mr. Morgan to continue the discussion of any possible action on **APP #685** as part of a special site walk meeting to be posted for Monday morning, June 9<sup>th</sup> at 8:00AM; unanimously approved.

**App#686 - Gilberto M Rubio and Yelizaveta Kotik applicant/owners – Activities within regulated areas for the construction of a detached ADU and construction of a code compliant septic system – 39 Ballyhack Road.**

**Information made part of the record.**

Mapping entitled “Site Development Plan prepared for Gil Rubio by Trinkaus Engineering LLC Sheets 1 and dated 5/22/2025”

Property owner Gilberto Rubio was in attendance to represent the application.

Note was made by staff of the posted June site walk preceding the meeting, with members in attendance, Mrs. Bennett, Mr. Demy, Mr. Tyson, Mr. Bahn and IWWEO Karen Nelson.

Observations from the site walk were to be made part of the record.

There was general discussion and agreement (by all members on the site walk and members with past experience of the site – Bill Hurlburt) that the application proposed no activities within wetlands soils or watercourse with all activities for the installation of a code compliant septic system for a detached septic system in the upland review area.

**Motion** made by Mr. Morgan, seconded by Mrs. Bennett to determine that **App#686 - Gilberto M Rubio and Yelizaveta Kotik applicant/owners for activities within regulated areas for the construction of a detached ADU and construction of a code compliant septic system – 39 Ballyhack Road** constitutes an upland review with the 4 standard conditions (for as of right PDR's) to be made part of the approval.

1. The name and telephone number of the persons or entity responsible for the 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 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.

Motion unanimously approved.

**App#687 – Scott McCartney applicant/owner –Activities within regulated areas for the construction of a garage – 8 Frederick Drive.**

Griswold Nelson asked that mapping provided for the Gonzalez application be part of the discussion of the McCartney application.

Mapping entitled "Site Plan – 18 Frederick Drive – Cornwall CT prepared for Gonzalez Landscaping Inc, Norwalk CT prepared by Bodwell Engineering and Surveying LLC, dated May 2023 revised to May 6, 2025" was made part of the record.

Keith Bodwell, project engineer for both the McCartney site and Gonzalex site was asked to be part of the conversation.

Griswold Nelson addressed the Gonzalez survey map prepared by Mr. Bodwell showing the Gonzalez property in relationship to the 8 Frederick Drive McCartney site. Attention was drawn to the Gonzalez property (A-2 survey mapping) including a paper road shown in the original Mansonville nonA-2 survey "subdivision" mapping showing future development on Frederick Drive. Griswold Nelson pointed out the paper road as referenced in deeds and identified on the original survey did not indicate any evidence of wetlands and or watercourses. Griswold Nelson stated the strip of land for future development, as evidenced by numerous site visits by Commission members in attendance, clearly, contained a perennial watercourse that bordered the McCartney property and therefore was part of the regulated upland review area. With agreement that the proposed garage was located within the upland review area

**Motion** made by Mr. Morgan, seconded by Mrs. Bennett to determine that **App#687 – Scott McCartney applicant/owner for Activities within regulated areas for the construction of a garage – 8 Frederick Drive** constitutes an upland review with the 4 standard conditions (for as of right) to be made part of the determination:

1. The name and telephone number of the persons or entity responsible for the 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 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.

Motion unanimously approved.

**Modification to site plan – 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. Initial approval December 2024. Request for modified approval.**

Information made part of the record to be referenced:

- 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 5/16/2025

(Elevations and floor plans made part of P&Z mapping

- Email communication (with PDF plans attached) sent to the Agency prior to the meeting.

Griswold Nelson addressed the modified plans provided and accompanied by the support information contained in the email sent to all Commission members (P&Z and IWWA) There was general discussion of the revised plans with general acknowledgement that the plans as presented and **revised**, proposed no activities within wetlands soils or watercourses or impact to same and technically could again 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 addressed the original finding in the December meeting minutes that the modified plans as designed were more protective of the wetlands and watercourses than currently existing on and/or around the site. It was agreed that language should be part of the modified permit.

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

Motion unanimously approved

#### **PENDING APPLICATIONS.**

**PDR-12-2024 Allyn and Irene Hurlburt applicants/Irene Hurlburt and Nat Rubin 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.**

Note was made of ongoing attempts to rectify the solution in light of recent events with continuing communications with the abutting impacted neighbor.

**App#684 Gonzales Landscaping Inc owner/Bodwell Engineering Applicant – Activities within regulated areas for the construction of a single-family residence – 18 Frederick Drive. (Re-submission and modifications to App#670 withdrawn)**

Information made part of the record:

Mapping entitled "Site Plan – 18 Frederick Drive – Cornwall CT prepared for Gonzalez Landscaping Inc, Norwalk CT prepared by Bodwell Engineering and Surveying LLC, dated May 2023 revised to May 6, 2025."

Keith Bodwell, PE and principal of Bodwell Engineering and Surveying – 92 Cream Hill Road Cornwall was in attendance to represent the application.

Mr. Bodwell re-addressed the overall site, including the location of the proposed single family residence, the 'plantable/mowable" slope above the house location to be re-graded to a 2 to 1 slope and stabilized with erosion control blankets, and, as discussed at the May and current, meeting, the regrading and stabilization of the lower slope below the house to a 2 to 1 slope and stabilized with erosion control blankets.

After discussion it was agreed that the lower slope need not be re-graded and only stabilized with erosion control measures. It was suggested that any motion for approval should also require that areas of wash outs be fixed with modified rip rap prior to the start of work associated with the installation of the septic system or construction of the house.

With discussion between staff (Griswold Nelson) and all members in attendance, there was general agreement by consensus of all present that the application could be approved with appropriate condition and allow the Notice of Violation in place to be modified and/or lifted. It was agreed that a prepared motion for approval of the application with appropriate conditions and the consideration of the lifting of the Notice by staff be added to the agenda for the Special Meeting on June 9<sup>th</sup>.

**AMENDMENTS TO THE INLAND WETLANDS AND WATERCOURSES REGULATIONS – SECTION 4 – As of right uses relating to fire protection i.e. dry hydrants and withdrawal of water for fire emergency purposes.**

**Motion** made by Mr. Demy, seconded by Mr. Morgan to approve the amendments to the Inland Wetlands watercourses regulations as outlined in the statutory language made part of the record with an effective date of July 1,2025: unanimously approved.

**ENFORCEMENT ACTIONS:**

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

Deferred to the special meeting scheduled for June 9, 2025.

**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:

5/23/2025 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 addressed her departure date of June end and her many years of working with a “great group of dedicated Cornwallian’s. Griswold Nelson addressed recent work with Ian Tyson to help him learn how to use Web Soil Survey as part of his permitting process. It was noted that he expressed his willingness to help other Commission members learn the web based investigation of properties Griswold Nelson addressed the DEEP reporting forms made part application process and the DEEP reinstating their wishes to receive reporting forms for any and all applications. Note was made of the time requirements on staff to complete the rather cumbersome forms for applicants to submit. The process was to be revisited.

**CORRESPONDENCE AND COMMUNICATIONS RECEIVED. None  
OTHER BUSINESS PROPER TO COME BEFORE THE COMMISSION.**

**ADJOURNMENT**

**Motion** made by Mr. Demy, seconded by Mrs. Bennett to adjourn at 8:47PM; unanimously approved.

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