

**CORNWALL INLAND WETLANDS AND WATERCOURSES AGENCY
MINUTES OF THE REGULAR MEEETING MAY 5, 2020 – CORNWALL TOWN OFFICES
HELD BY ZOOM MEETING/RECORDING ON FILE**

Present: Regular members D. Stevenson Hedden, Roger Kane, Debbie Bennett, Andrew MacDavid, alternate member Peter Demy and IWWO Karen Griswold Nelson.

Absent: Bill Hurlburt.

Chairman D. Stevenson Hedden called the meeting to order at 7:03PM (Via Zoom) in the Cornwall Town offices with a quorum established. Peter Demy was seated for regular member William Hurlburt.

APPROVAL OF MINUTES:

April 7, 2020 regular meeting.

Motion made by Mr. MacDavid seconded by Mrs. Bennet, to approve the April 7, 2020 minutes as presented; unanimously approved.

PENDING APPLICATIONS.

App#640 - Andrew Peterson owner/Allied Engineering applicant – Activities within regulated areas for the modification/expansion of a single family residence – 46 Valley Road. *(As stated on the agenda - Application was accepted at the April meeting subject to a 15 day appeal period with determination of significance and possible action at the May meeting.)*

New information made part of the zoning file only – Zoning permit #1982 for “house” (raising house).

Application on file, and posted on the website, including Mapping entitled “Proposed Site Plan, prepared for Churchill Building Company LLC, 46 Valley Road by Allied Engineering. Sheets C-2 E&S control sheets 1, dated 2/27/2020. Floor lay-outs and TAH approval for septic design for 4 bedroom house.

George Johannesssen, principal of Allied Engineering, read submitted correspondence (emailed and made part of the record May 5/ Title – dated 05/05/2020 Our project #850) into the file.

After discussion, it was agreed that all concerns had been answered.

Motion made by Mr. Kane, seconded by Mr. MacDavid to approve **App#640** for regulated non-significant activities as per the oral and written testimony of the applicant (May 5, 2020 correspondence), Mapping entitled “Proposed Site Plan, prepared for Churchill Building Company LLC 46 Valley Road by Allied Engineering. Sheets C-2 E&S control sheets 1, dated 2/27/2020” as submitted 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 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

Motion unanimously approved.

App#641 – Sheila Beurket/Pauline Sobotka owners/Peter Demy applicant – Activities with regulated areas for maintenance/repair for a shared driveway/wood - Woodruff Lane. *(As stated on the agenda - Application was accepted at the April meeting subject to a 15 day appeal period with determination of significance and possible action at the May meeting. - Application on file, and posted on the website, including email statement by Mr. Demy, previous applications, etc. An electronic copy of the signed application was note as now on file in the Land Use office. (Original copy forthcoming)*

Peter Demy recused himself with Griswold Nelson to represent.

Based on staff recommendation, **App#641 and PDR – 20- 01 Sheila Beurket/Pauline Sobotka owners/Peter Demy applicant – As of right PDR for maintenance/repair for a shared driveway/wood to residential properties - Woodruff Lane** were discussed simultaneously.

There was general discussion regarding the file supporting that similar maintenance activities had been approved by the Agency as regulated activities before the change to act on applications submitted as “Petitions for declaratory Rulings” for activities as defined in Section 4 of the IWWA regulations that address maintenance activities for residential uses. Griswold Nelson stated that she was working with the applicant’s contractor to prepare a construction sequence and erosion and sedimentation control plan for the repair of the shared driveway

Mr. Hedden recommended that the application be treated as a Petition for Declaratory Ruling for maintenance activities and that the process be allowed to move forward with staff to work with the applicant and his representative regarding the final details

With agreement with Mr. Hedden’s recommendation that the proposed emergency work be considered as part of a declaratory ruling for needed maintenance,

Motion made by Mr. Kane, seconded by Mr. MacDavid, to determine that **PDR – 20- 01 Sheila Beurket/Pauline Sobotka owners/Peter Demy applicant -- Woodruff Lane constitutes as of right activities for maintenance/repair for a shared driveway to residential properties** as per Section 4.1. d 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.

Motion unanimously approved.

Regulated activity application withdrawn from action (\$75.00 check to be refunded)

App#642 – Town of Cornwall applicant/owner – Regulated activities for the repair of a town owned bridge – Ford Hill Bridge. *(As stated on the agenda - Application was accepted at the April meeting subject to a 15 day appeal period with determination of significance and possible action at the May meeting)*

Mr. Kane stated that the final plans for both applications **#642 and #643** would be available at the June 2 meeting. Note was made that the applications proposed no activities within the watercourse(s) and were maintenance activities.

Staff recommended the Agency make a motion to table discussion of **App”642 and #643** until the June 2, regularly scheduled meeting. Note was made by staff that she had the authority to request the 30 day extension.

App#643- Town of Cornwall applicant/owner – Regulated activities for the repair of a town- owned bridge – Cogswell Road Bridge. *(As stated on the agenda Application was accepted at the April meeting subject to a 15 day appeal period with determination of significance and possible action at the May meeting.*

Motion made by Mrs. Bennett, seconded by Me. MacDavid to table discussion of **App#642 AND #643** until the June 2, 2020 regularly scheduled meeting.

NEW APPLICATIONS. None.

ENFORCEMENT ACTIONS:

Hollenbeck LLC – Notice of Violation/Cease and Desist – River Road South – Assessor’s Parcel H04-01-03. Original Order remains in effect order and not be lifted until the work is completed and in compliance with the Plans approved.

Mr. Johannessen, principle of Allied Engineer and design engineer for the remediation project was part of the discussion.

Griswold Nelson addressed conversations with representative of Hollenbeck LLC and Mr. Johannessen regarding the Agency’s stated intent to request that the Permit issued to comply with the Enforcement Order, (**App#635 approved November 5, 2019** approved as per the map supplied and the oral and written testimony of the applicant’s representative and the record of the discussion regarding notification to the Land Use office before the start of work so as to ensure that Land Use staff or her designee’s would be monitoring the removal in compliance with the oral and written record of the application) be **MODIFIED** to a new start date (late May/early June) and that the project engineer be required to supervise the removal of the fill. It was agreed that staff, Griswold Nelson, and Mr. Johanssen would address the matter with the property owners in order to move the process forward before the next meeting.

Motion made by Mr. Kane, seconded by Mrs. Bennett, to notify the applicant/owners Hollenbeck LLD of the request to modify **App#635** to require that the design engineer, (George Johannessen/Allied Engineering) provide supervision of the site work and that the Application be modified to that effect; unanimously approved.

UPLAND REVIEWS AND APPROVAL BY AUTHORIZED AGENT. None.

INLAND WETLANDS OFFICER REPORT.

Receipt of applications during COVID19 requirements. Note was made by staff that only applications received in a timely fashion that afforded staff time to comply with Covid19 standards for review, preparation and proper posting were being brought forth.

CORRESPONDENCE AND COMMUNICATIONS RECEIVED. None posted.

OTHER BUSINESS PROPER TO COME BEFORE THE COMMISSION.

ADJOURNMENT.

Motion made Mr. Kane, seconded by Mr. MacDavid to adjourn at 7:56PM; unanimously approved.

Respectfully submitted,

Karen Griswold Nelson