

**CORNWALL INLAND WETLANDS AND WATERCOURSES AGENCY  
MINUTES OF THE REGULAR MEEETING JUNE 1, 2021 – CORNWALL TOWN OFFICES  
HELD BY ZOOM MEETING/RECORDING ON FILE**

**Present: Regular members D. Stevenson Hedden, Debby Bennett, Peter Demy, Roger Kane and IWWEO Karen Griswold Nelson.**

**Absent: William Hurlburt.**

Chairman D. Stevenson Hedden called the meeting to order at 7:00 PM with a quorum established.

Based on the request of IWWEO/and secretary for the Agency, Karen Griswold Nelson **Motion** made by Mr. Kane, seconded by Mrs. Bennett to amend the agenda to add **PDR-07 – 2020/21 -Town of Cornwall/Cornwall Conservation Trust – Installation of leveling and screening devises (beaver deceivers) by a licensed professional as designated and as per the correspondence submitted on Rattlesnake Road/Town Street and revisit of 08- PRD-18 – Cornwall Conservation Trust/John Coffin/Town of Cornwall- Cornwall Trust Rattlesnake Preserve and Cogswell Road.**

**PDR-08-2020/21 – Town of Cornwall – Bridge structure repairs proposed for summer 2021 or APP# 653 Town of Cornwall - activities on Popple Swamp Rd. over unnamed stream (031009) 500' west of Route 4 (opposite Foote Field) and West Road over Bloody Brook (031011) 400' north of Route 4 to the agenda UNDER NEW APPLICATIONS/ UPLAND REVIEWS AND APPROVAL BY AUTHORIZED AGENT**

**AND Notice of Violation/Cease and Correct – Dark Entry Forest Inc. /property owner and Anthony Macchioaroli /non-property owner UNDER ENFORCEMENT ACTIONS;** motion unanimously approved.

Based on the request of IWWEO/and secretary for the Agency, Karen Griswold Nelson **Motion** made by Mr. Demy seconded by Mrs. Bennett to amend the agenda to act on **Notice of Violation/Cease and Correct – Dark Entry Forest Inc./property owner and Anthony Macchioaroli /non-property owner** prior to all other business.

Notice of Violation, dated June 1, 2021 emailed to property owner representative, David Colbert and Mr. Anthony Macchiaroli was made part of the record.

Griswold Nelson, acting in her capacity as Inland Wetlands Enforcement officer and authorized agent for the Agency, addressed conversations with the parties involved, the property owner, Dark Entry Forest Inc. (David Colbert, president and lead representative for Dark Entry Forest and Kim and Judy Herkimer from Dark Entry) for the property owner of the site of the violation and the party named as the violator on the Dark Entry property, Mr. Anthony Macchioaroli. Based on those circumstances and difficulties involved with a violation on property by a non-property owner, Griswold Nelson asked that any further discussion be deferred until the July meeting. David Colbert, in attendance signaled his agreement with the recommendation.

**APPROVAL OF MINUTES: April zoom meeting minutes**

**Motion** made by Mrs. Bennett seconded by Mr. Kane to approve the April 6, 2021 meeting minutes: unanimously approved.

**NEW APPLICATIONS/ UPLAND REVIEWS AND APPROVAL BY AUTHORIZED AGENT.**

**App#649 – Joseph and Lynn Algrant – Regulated activities within 150 feet of wetlands soils for a porch addition – 163 Cream Hill Road. Upland review/approval by authorized agent.**

Information made part of the record:

Application and Mapping entitled “Existing Disposal – As built drawing prepared for Joseph Algrant, 163 Cream Hill Road, by Allied Engineering dated 2/13/2014 updated to 1/15/2021.

IWWEO Griswold Nelson addressed the application, stating the application represented activities within the upland review area for placement of piers for a deck. Stating that she had approved the application to go forward, added that she had received a phone call from the site contractor regarding additional activities within the upland area for repairs to the foundation requiring additional activities in closer proximity to the wetlands and watercourse on the property. It was stated that an additional application/or modification to the existing application was needed. Commission consensus was that an additional application be submitted for the new activities and the current application constituted an upland review approval by the authorized agent.

**App#650 - John D. & Catherine McMahon - owners/applicants – – Regulated activities within 150 feet of wetlands soils for an addition – 250 College Street - Upland review/approval by authorized agent.**

Information made part of the record:

Application and Mapping entitled ‘Subsurface Sewage Disposal System prepared for Gerald and Patricia Smith 235 College Street, by David Wilson, dated June 1989 revised to 3/14/2021”

IWWEO Griswold Nelson addressed the application, stating the application represented activities within the upland review area for a small addition to the existing single family residence and that she had approved the application to go forward. Commission consensus was that the current application constituted an upland review approval by the authorized agent.

**App#651 – Phillip Marna Levin and Dr. Jack Stacey owners/Clinton Webb Jr. Applicant – Activities with 150 feet of wetlands soils and a waterbody for site improvements/construction of a deck and replacing an existing inground pool – 30-38 Rattlesnake Road.**

Information made part of the record:

Application and mapping entitled mapping entitled “Proposed improvements 30-38 Rattlesnake Road – property of Jack S. Shanewise & Phillis M. Levin. Prepared by Clark Land Surveying LLC, 126 Tunxis Road, Bristol CT

Description of proposed activities in the Upland Review area at 30-38 Rattlesnake Road. Soils maps, soils legend, and supporting information.

Authorization for agency members and agent to access the site.

Clinton Webb, representative for the applicant was in attendance to represent the application. Mr. Webb addressed the particulars of the improvements to the site, outlining the information contained in record. Based on Commission consensus was that the current application constituted an upland review approval by the authorized agent,

**Motion** made by Mrs. Bennett, seconded by Mr. Kane that **App#651** constituted an upland review with the 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

**App#652 – Douglas Kane and Jason Klein owners/Jennings Oil applicant – installation of an underground tank within 150 feet of a watercourse – 179 Warren Hill Road. Upland review/approval by authorized agent.** IWWEO Griswold Nelson addressed the application, stating the application represented activities within the upland review area for the installation of an underground propane tank uphill from and within 150 vertical of a watercourse. Stating that she had approved the application to go forward, based on a site visit with the contractor and owner, Griswold Nelson addressed the wooded nature of the site, and the measures being taken to ensure that no erosion from the one day project would impact the downhill watercourse. Commission consensus that the current application constituted an upland review approval by the authorized agent.

**PDR-07-2020/21 -Town of Cornwall/Cornwall Conservation Trust – Installation of leveling and screening devises (beaver deceivers) by a licensed professional as designated and as per the correspondence submitted on Rattlesnake Road/Town Street and revisit of 08- PRD-18 – Cornwall Conservation Trust/John Coffin/Town of Cornwall- Cornwall Trust Rattlesnake Preserve and Cogswell Road.**

IWWEO Griswold Nelson addressed the application, stating the application represented activities proposed (and completed Town Street) by the Cornwall Conservation Trust in collaboration with the Town. Noting that she had conversations with all parties involved, Bart Jones from the Cornwall Conservation Trust, Mike Callahan, Owner of Beaver Solutions LLC, “, Jim Vanicky Town of Cornwall highway supervisor and First Selectmen Gordon Ridgway, Griswold Nelson addressed her wishes to be the contact person between the parties involved so that solutions could be discussed and agreed upon that would take into the account the impact to the habitat (beavers and beaver structures, bird habitat and nesting and overall habitat of the Rattlesnake Preserve), the properties impacted (town road, private properties, and Cornwall Conservation Trust) and the duties of the Agency.

**PDR-08-2020/21 – Town of Cornwall – Bridge structure repairs proposed for summer 2021 or APP# 653 Town of Cornwall - activities on Popple Swamp Rd. over unnamed stream (031009) 500' west of Route 4 (opposite Foote Field) and West Road over Bloody Brook (031011) 400' north of Route 4.**

Mr. Kane addressed information sent in an email to the Land Use office regarding the petition, and/or application, stating that at recent Board of Selectman's meetings (May 4/May 18, 2021) , the town had accepted a cost proposal from Hammonasset Construction to provide a Bridge Repair Unit (DAS CA 16PSX0176) for substructure repairs to 2 small structures. Popple Swamp Rd. over unnamed stream (031009) 500' west of Route 4 (opposite Foote Field) and West Road over Bloody Brook (031011) 400' north of Route 4. It was stated that all work involved was to repair existing rubble masonry to both structures and install a poured concrete anti scour wall at the south footing of the Bloody Brook. The work was expected to be completed this summer.

**Motion** made by Mrs. Bennett, seconded by Mr. Demy to accept the Petition/and or application #653 and table discussion to the July meeting; unanimously approved.

**PETITIONS FOR DECLARATORY RULINGS/ENFORCEMENT ACTIONS:**

**Notice of Violation/Cease and Correct – Dark Entry Forest Inc. / property owner and Anthony Macchioaroli /non-property owner.** Discussion deferred until the July meeting

**INLAND WETLANDS OFFICER REPORT.**

**CORRESPONDENCE AND COMMUNICATIONS RECEIVED.**

**OTHER BUSINESS PROPER TO COME BEFORE THE COMMISSION.**

**ADJOURNMENT**

**Motion** made by Mr. Kane, seconded by Mrs. Bennett, to adjourn at 7:39PM.

Respectfully submitted,

Karen Griswold Nelson