

**CORNWALL INLAND WETLANDS AND WATERCOURSES AGENCY
MINUTES OF THE REGULAR MEEETING MAY 3, 2022 – CORNWALL TOWN OFFICES
HELD BY ZOOM MEETING/HYBRID RECORDING ON FILE**

**Present: Regular members D. Stevenson Hedden, Debby Bennett, Peter Demy, Alternates Allan Bahn and Jeffrey Morgan and IWWEO Karen Griswold Nelson.
Absent: William Hurlburt,**

Chairman D. Stevenson Hedden called the meeting to order at 7:04 PM with a quorum established. Regular member Allan Bahn was seated for regular member William Hurlburt

APPROVAL OF MINUTES: April 5, 2022 regular meeting minutes.

Motion made by Mr. Demy, seconded by Mr. Bahn, to approve the minutes of the April 5, 2022 regular meeting as presented; unanimously approved.

NEW APPLICATIONS:

App#659 – Jonathan & Celina Stein owners/Colby Engineering applicant – Activities within regulated areas for proposed guest house/pool and re-built of an existing garage – 3 Hart Hill Road.

Information made part of the record:

Application and supporting information including authorization by the owners for William Colby to represent the application.

Mapping entitled “Site Development Plan Guest/Pool House and Re-build Garage – Property of Jonathan and Celina Stein, 3 Hart Hill Road, West Cornwall, CT prepared by Colby Engineering, Goshen, dated 04/25/2022.

April 26, 2022 report from George Malia, Certified Soil Scientist, dated April 26, 2022

William Colby, PE, with an office in Goshen, was in attendance to address the application.

Mr. Colby gave an overview of the application to construct a two bedroom/guest house pool house, a 20’ x 60’ in-ground pool and the reconstruction of an existing barn from a barn/apartment to a studio/study. Mr. Colby gave an overview of the structures as relating to a septic design and the overall site design relation to the adjacent wetlands as field delineated. There was discussion regarding commission members and Mr. Colby doing site visits prior to the June meeting and protocol for protection of the property owners.

Motion made by Mrs. Bennett, seconded by Mr. Demy to accept **App#659 – Jonathan & Celina Stein owners/Colby Engineering applicant – Activities within regulated areas for proposed guest house/pool and re-built of an existing garage – 3 Hart Hill Road** make no determination of significance and table discussion until the June 7, 2022 regular meeting; unanimously approved.

App#660 – John L. Miller owner/Ivan Miller applicant – Activities within regulated areas for septic improvements, construction activities and repair of a stream bank – 186 Warren Hill Road.

Information made part of the record:

Application and supporting information dated 4/27/2022 supplied by Ivan T. Miller, entitled “Application to the Cornwall Inland Wetlands and Watercourse Agency.

Mapping entitled "Septic System Design and Stream Bank Stabilization Plan, Building Addition and Increase in Size to 4 Bedrooms – 186 Warren Hill Road, Cornwall, Ct prepared by Colby Engineering, dated 01/23/2022.

Topographical survey prepared for Ivan Miller, December 3, 2021.

Floor plans, elevations, and Torrington Area Health approval for plans as submitted.

William Colby, PE, with an office in Goshen was in attendance to address the application. Mr. Colby gave an overview of the activities as relating to the septic design for the proposed building additions and increase of bedrooms to the existing single family house and the proposed stream bank stabilization plan. There was discussion regarding commission members and Mr. Colby doing site visits prior to the June meeting and protocol for protection of the property owners.

Motion made by Mr. Bahn, seconded by Mrs. Bennett, to accept **App#660 – John L. Miller owner/Ivan Miller applicant – Activities within regulated areas for septic improvements, construction activities and repair of a stream bank – 186 Warren Hill Road** make no determination of significance and table discussion until the June 7, 2022 regular meeting; unanimously approved.

PDR- 03 –2022 – D Michael Gawel applicant/James and Margery Garnett owners – maintenance and improvements to an existing farm pond – 233 Warren Hill Road.

Information made part of the record:

Petition and supporting information including authorization by property owners for Mr. Gawel to represent the application and commission members to visit the site.

Mapping entitled "Data Accumulation Plan prepared for Garnett Residence – 233 Warren Hill Road, prepared by Ronald McCarthy Land Surveyor dated 6/20/2019

Handwritten construction sequence prepared by D. Michael Gawel, dated 4/26/2022 entitled Proposed Sequence of events for pond repair and update at 233 Warren Hill Road.

Mr. Gawel, representative for property owner James Gannett, addressed the proposed plans to reclaim and maintain the pond, remove invasives and modify the beaver habitat, outlining the construction sequence as supplied. There were remarks regarding the consideration of beaver deceiver devices. In response to remarks regarding the receipt of photographs (sent by Robert DeLayo), it was stated by staff that information would be resent to commission members and that Mr. Gawel was willing to meet with commission members to address the site prior to the start of work.

Motion made by Mr. Demy, seconded by Mrs. Bennett, to determine that **PDR- 03 –2022 – submitted by D Michael Gawel applicant/James and Margery Garnett owners – for maintenance and improvements to an existing farm pond at 233 Warren Hill Road**, constitutes a "use as of right" according to Section 4.1d for maintenance of residential property: unanimously approved.

PENDING APPLICATION/PETITIONS FOR DECLARATORY RULINGS

App#657 – Cream Hill Lake Association owners/Jim Terrall applicant – Regulated activities associated with the dock/Cream Hill Lake Club repair – Lake Road.

Information made part of the record at the April meeting

Application accompanied by a statement of purpose containing process, abutting properties owners, etc. prepared by applicant James Terrall.
Site plan prepared for Cream Hill Lake Association by Matthias Kiefer dated February 8, 2021.

Supporting information regarding proposed new footings and piers to be installed, the proposed floating turbidity curtain to be used as erosion and sedimentation controls and plans showing location of all components.

Representative for the Association, James Terrell, was in attendance to address the application. Mr. Terrall gave an overview of the application, described the details of the turbidity curtain (taking the place of silt fence), the columns, footings and piers to be poured under the main building, and additional site improvements.
In response to questions from Mr. Hedden, Mr. Terrell addressed proposed measures to address a filter system for the concrete being poured near the lake.

After discussion and input from commission members that had visited the site, chairman Steve Hedden recommended that two conditions be added to the approval: The turbidity curtain, as specified in the application submitted, be in place and inspected (by the Inland Wetlands Enforcement Officer) prior to the start of any work and that all work be in conformity with the plans as submitted. In response, Mr. Terrell suggested that additional changes might be made to plans with clarification of the proper way to treat changes to the plan.

Motion made by Mr. Demy, seconded by Mr. Bahn, to approve **App#657 – Cream Hill Lake Association owners/Jim Terrall applicant for regulated activities associated with the dock/Cream Hill Lake Club repair at Lake Road** with the following conditions:

1. The turbidity curtain, as specified in the application submitted, be in place and inspected (by the Inland Wetlands Enforcement Officer) prior to the start of any work.
2. That all work be in conformity with the plans as submitted.

Motion unanimously approved.

App#658 - Yelping Hill Association property owner/Ann Trowbridge applicant/representative – Regulated activities associated with repair to an existing structure (Hayloft seasonal use structure) - 15 Barn Road

Information made part of the record at the April meeting
Application prepared by Ann Trowbridge with supporting information regarding the “Hayloft project and utilities improvements’ accompanied by photos and plot plans containing process, abutting properties owners, etc., all information emailed to Commission members prior to the April meeting.

Ann Trowbridge applicant/representative was in attendance to address the application. With note made that some commission members had not visited the site, Mr. Hedden suggested that standard conditions be added to the motion for approval

Motion made by Mrs. Bennett, seconded by Mr. Bahn, to approve **App#658 - Yelping Hill Association property owner/Ann Trowbridge applicant/representative for regulated activities associated with repair to an existing structure (Hayloft seasonal use structure) - 15 Barn Road** as per the oral and written testimony of the applicant's representative and the site plan submitted (with the standard conditions)

1. The Land Use office shall be notified prior to the start of construction.
2. 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.
3. 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.

Motion unanimously approved

In response to questions from Mrs. Trowbridge regarding silt fence versus other methods of erosion and sedimentation controls, Griswold Nelson, with agreement from Mr. Hedden, stated that hay bales were acceptable.

Griswold Nelson asked that **CORRESPONDENCE AND COMMUNICATIONS RECEIVED** be addressed prior to all other business. Griswold Nelson addressed correspondence, in the form of an email to the Land Use office (and not listed on the agenda) that she had forwarded to the Commission. Griswold Nelson addressed protocol that was being followed by the Land Use office staff, noting that the Inland Wetlands Agency was obligated to only act on applications, petitions, and/or enforcements actions and any that correspondence outside of the description, was not listed on the agenda and was not appropriate to be discussed by the Inland Wetlands Agency in that it proposed to talk about someone else's property without them being notified. Griswold Nelson addressed that protocol for land use commissions was particularly protective of those that come to the Commission with proper applications etc. In response, Mr. Hedden supported Griswold Nelson's remarks and the protocol as stated.

ENFORCEMENT ACTIONS:

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.

Email correspondence received from DEF representative David Colbert addressed to the Agency members was made of the record. *Dark Entry Forest Inc (DEF) has been in litigation with Anthony Macchiaroli since September 2021 regarding access over DEF property. The testimony portion of the court case to establish this was closed March 29, but the judge asked for briefs, due April 28. After the case is concluded and the judge rules, we will have a clearer idea of our path forward and can then work towards addressing the Notice of Violation Thank you for your patience David Colbert President, Dark Entry Forest.*

Griswold Nelson addressed site visits (by herself and commission members) that showed that Dark Entry had installed erosion and sedimentation controls that were protective of their own property while the matter was being resolved. Griswold Nelson reiterated that the order was in place with no reason to lift or modify the order at this time.

In response to the questions from Mr. Demy regarding the correspondence as received, Griswold Nelson addressed language in the correspondence that showed that the author of the correspondence wished to speak to the Inland Agency and that such was not appropriate as had been deemed by protocol discussed.

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 work in her office to address the situation including her directive to facilitate hiring a soil scientist from the Northwest Conservation District to address the matter of delineating the wetlands, the work by Mr. Gonzales's engineer Keith Bodwell to get erosion and sedimentation controls in place properly, after one failed attempt, to address the storm water run-off onto downhill properties. Griswold Nelson addressed her time spent in review with Mr. Bodwell regarding the complexity of the site as relating to the driveway to the Gonzales property sharing other accesses to other properties and that the final plan had to be protective of all the impacted property owners.

Griswold Nelson addressed correspondence received from downhill property owner Robert Firneis and that his complaints were going to the owner and engineer of record as his correspondence has merit in this violation action. Mr. Bodwell stated that Griswold Nelson's overview with regards to the site, corrective actions and correspondence were correct.

In response to concerns from Mrs. Bennett as to the condition of the silt fence that could be seen from the Firneis's property, Griswold Nelson stated that the work to re-direct the stormwater was the more important piece to address the impact to the downhill neighbors. Mr. Firneis and Griswold Nelson addressed mutual concerns including those from other neighbors and how they were being addressed and the appropriate fix that would not only be protective of the downhill neighbors and the wetlands and watercourses on the site.

INLAND WETLANDS OFFICER REPORT.

OTHER BUSINESS PROPER TO COME BEFORE THE COMMISSION.

Election of Officer.

In response to Mrs. Bennett's incredulous note of Steve's 45 years on the Commission (and 15 years with Griswold Nelson) and the need to nominate a chairman and a vice chairman, and in response to Mr.'s Hedden nominating Mrs. Bennett to vice chair, and her refusal, and with suggestion that the chair only be acted on that night and that anyone could be nominated as secretary as long as Griswold Nelson would continue to do the work, and that final action be deferred until Mr. Hurlburt be in attendance;

Motion made by Mr. Demy, seconded by Mr. Bahn, to nominate Steve Hedden as chairman (and no right to refuse) and as amended by Mrs. Bennett, seconded by Mr. Bahn to nominate Peter Demy as secretary (accepted by Mr. Demy as long as Griswold Nelson does the work) unanimously approved,

ADJOURNMENT

Motion made by Mr., Demy, seconded by Mrs. Bennett to adjourn at 7:43PM; unanimously approved.

Respectfully submitted on behalf of new secretary, Peter Demy

Karen Griswold Nelson

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