

**CORNWALL INLAND WETLANDS AND WATERCOURSES AGENCY  
MINUTES OF THE REGULAR MEETING JULY 5, 2022  
CORNWALL TOWN HALL MEETING ROOM**

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

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

**APPROVAL OF MINUTES: June 7 regular and special and June 11 special meeting.**

**Motion** made by Mr. Demy, seconded by Mr. Morgan, to approve the minutes of the June 7 regular and special meetings and June 11 special meeting: approved by members in attendance at meetings. (Bahn, Demy and Morgan)

**NEW APPLICATIONS/PETITIONS FOR DECLARATORY RULINGS**

**App#661 – Patrick and Kim Redmond- Activities within 150 feet of a watercourse for expansions and modifications to a single family residence – 2 Swifts Bridge Road.**

Information made part of the record.

Application with supporting information

Mapping entitled B-100A Code complying Sanitary Disposal System plan for Patrick and Kim Redmond, 2 Swifts Bridge Road, Cornwall, CT dated October 3, 2006, by Arthur Howland and Associates.

Patrick Redmond was in attendance to represent the application. Mr. Redmond gave an overview of the application for expansion and modifications to the single family residence with note made and agreement by Commission members that the entire home site was within the 150 foot set back from Prichard Brook, and constituted regulated activities

**Motion** made by Mr. Hurlburt, seconded by Mrs., Bennett, to accept **App#661 – Patrick and Kim Redmond- Activities within 150 feet of a watercourse for expansions and modifications to a single family residence – 2 Swifts Bridge Road**, make no determination of significance and table discussion until the August 2, 2022 regular meeting; unanimously approved. \*\*\*Members to take individual site walks.

**PRD-05-2022 - Town of Cornwall/Alex Prud'homme owners/applicants Michael Callahan – work with the Town right of way for beaver habitat – 182 Town Street.**

Information made part of the record.

Application with supporting information

Map sketch prepared by highway supervisor James Vanicky (initialed by kgn), June 20 email to Karen Nelson from Michael Callahan, Beavers Solutions LLC

Griswold Nelson represented the application on behalf of the Town and Mr. Prud'homme, addressing the wishes by former and now deceased owners (Hector Prud'homme) and current home owner, (his son, Alex Prud'homme) to continue and manage the historic beaver presence on the 182 Town Street site in a fashion protective of the town road.

**Motion** made by Mr. Hurlburt, seconded by Mrs. Bennett, to determine that **PRD-05-2022 - Town of Cornwall/Alex Prud'homme owner/applicant Michael Callahan - work with the Town right of way for beaver habitat** constitutes a "use as of right" according to Section 4.1d for a use incidental to the enjoyment or maintenance of residential property; unanimously approved. As part of the determination, the IWWEO was to be notified prior to the start of work.

**PDR-06-2022 – Town of Cornwall applicant/owner – Repair to a deteriorating wooden bridge – Fox Road.**

Application with supporting information

Map sketch prepared by highway supervisor James Vanicky (initialed by kgn),

There was general discussion of the application with concerns raised regarding the design being appropriate for natural habitat (fish) and the need for additional information regarding a water management plan and erosion and sedimentation control. Based on concerns raised in the form of a motion

**Motion** made by Mr. Hurlburt, seconded by Mr. Morgan, to table discussion was so as to allow the IWWEO to address concerns raised regarding the viability of the fish habitat and the need for additional design measures for fish habitat; unanimously approved.

**PENDING APPLICATIONS/PETITIONS FOR DECLARATORY RULINGS**

**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 at the May and June meetings

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.

With note as reflected in the June meeting that Commission members had approved the work relating to the modifications to the single family home/septic repair with final action on the repair of the stream bed to allow Commission members to go on site with the project engineer, Griswold Nelson addressed the application on Mr. Colby's behalf,

Note was made that Commission members Peter Demy and Jeff Morgan had been part of a June 11<sup>th</sup> site walk with the engineer of record, William Colby and IWWEO Karen Nelson. Field observations of the site conditions by Morgan, Demy and Nelson included the nature of the deteriorating bank, the apparent change in the location of the stream as evidenced by a mature tree that was that was undermined, the steepness of bank near the rear of the house, and the process as defined by Mr. Colby for the repair process necessary for the long term protection of the residence as originally constructed. There was general discussion of the process for the repair as outlined by Mr. Colby with agreement that no additional information or engineering was needed for the project to move forward.

**Motion** made Mr. Demy, seconded by Mr. Bahn approve the balance of **App#660 – John L. Miller owner/Ivan Miller applicant for non-significant activities associated with the REPAIR OF THE STREAM BANK** as per the oral and written testimony of the applicant's representative and the site plan submitted, with the following conditions SUBJECT TO THE ALL PARTS OF THE PERMIT GRANTED:

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. Note added: Colby Engineering for septic only

Motion unanimously approved

**PDR- 04-2022 Alice Gottesman owner/Bodwell Engineering – Maintenance of existing ponds – 145 Great Hill Road.**

Information made part of the record at the June meeting.

Mapping entitled Pond Rehabilitation Plan, 145 Great Hill Road, by Bodwell Engineering and Surveying LLC

Mr. Keith Bodwell, (Bodwell Engineering and Surveying from Cornwall, CT) was in attendance to re-address the application, giving an overview of the plans to clean and maintain the existing ponds and repair two spillways. Mr. Bodwell stated that the plans proposed the placement of the spoils on the downhill slope with protective measures and the placement of E&S blankets to cover the slope until stabilized. Mr. Bodwell confirmed that the ponds being maintained were the same as those previously approved by the Commission for maintenance with note made by Commission members Hurlburt and Hedden that they were familiar with the previous approvals.

**Motion** made by Mr. Hurlburt, seconded by Mr. Bahn to determine that **PDR- 04-2022 Alice Gottesman owner/Bodwell Engineering – Maintenance of existing ponds – 145 Great Hill Road** constitutes a "use as of right" according to Section 4.1d for a use incidental to the enjoyment or maintenance of residential property; unanimously approved. As part of the determination, the IWWEEO was to be notified prior to the start of work

**INLAND WETLANDS OFFICER REPORT.**

**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 with out permits – Cook Road. Discussion deferred at the request of the property owner. Email statement received**

Email correspondence received from DEF representative David Colbert addressed to the Agency members was made of the record.

The following repeats last month's statement: As you know, 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, briefs were due April 28, after which the judge has up to 120 days to rule. After he rules, we will have a clearer idea of our path forward and can then work towards addressing the Notice of Violation. The only further information we can provide at the point is that the judge has not yet ruled. While we had expected him to rule shortly following the presentation of the briefs, he has until the end of August.

**Notice of Violation/Show Cause Hearing – Gonzales Landscaping Inc. owner-Activities within regulated areas without a permit – 18 Frederick Drive. Order upheld at the June meeting.**

Mr. Keith Bodwell, (Bodwell Engineering and Surveying from Cornwall, CT) was in attendance. Griswold Nelson addressed a June 30<sup>th</sup> site visit with Mr. Bodwell and soil scientist Cynthia Rabinowitz from the Northwest Conservation District to work on preparing a plan to rectify the situation.

There was general discussion regarding observations of the (Nelson and Bodwell) site, the amount of disturbance relating to the grading near the existing cabin, the use of the existing woods road above the cabin site to excavate stones and stone from the hillside and subsequent removal from and use off site for landscaping purposes. Griswold Nelson addressed additional enforcement measures in process under Zoning to stop the continued excavation and removal of those materials from the site without a site plan in place.

**Motion** made by Mr. Hurlburt, seconded by Mrs. Bennett, to UPHOLD THE ORDER IN PLACE; unanimously approved.

**CORRESPONDENCE AND COMMUNICATIONS RECEIVED.**

Griswold Nelson addressed correspondence dated July 5 received from John LaPorta from Narrow Valley Masonry LLC regarding a scheduled dam and associated fire protection structures inspection at 6 Valley Road on July 7 which would require the pond on the property to be lowered. Commission members agreed that the communications was sufficient information submitted for the process to be go forward.

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

Election of Officers --- Vice chairman Position deferred at May meeting.

With note that Mr. Hedden had been elected (and had accepted with conditions), Mr. Demy elected secretary, and Mr. Hurlburt not in attendance to accept the nomination of vice chairman after Mrs. Bennett had declined:

**Motion** made by Mr. Bahn, seconded by Mr. Morgan, to nominate Mr. Hurlburt to position of Vice chairman, and the balance of the slate remaining as approved in May, and

**Motion** amended to approve the final slate of officers and support staff for the year ending in December 2022 as D. Stevenson Hedden, chairman, William Hurlburt, vice chairman, Peter Demy, secretary, and Karen Griswold Nelson, Authorized agent and recording secretary; motion 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 Mr. Demy, Commission secretary