

**CORNWALL INLAND WETLANDS AND WATERCOURSES AGENCY
MINUTES OF THE REGULAR MEETING OCTOBER 4, 2022
CORNWALL TOWN HALL MEETING ROOM**

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

Absent: Allan Bahn.

Chairman D. Stevenson Hedden called the meeting to order at 7:00 PM with a quorum established. Alternate Jeffrey Morgan was seated for regular member Allan Bahn.

APPROVAL OF MINUTES: September 6, regular and special meeting minutes

Motion made by Mr. Hurlburt, seconded by Mr. Demy to approve the minutes of the September 6, 2022 regular meeting as presented: unanimously approved.

Motion made by Mr. Hedden, seconded by Mrs. Bennett, to approve the minutes of the September 6, 2022 special meeting as presented: unanimously approved.

NEW APPLICATIONS/PETITIONS FOR DECLARATORY RULINGS. None.

**PENDING APPLICATIONS/PETITIONS FOR DECLARATORY RULINGS
INLAND WETLANDS OFFICER REPORT.**

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

Information made part of the record:

Information from Town of Cornwall Road-Stream Crossing Inventory Produced by the Housatonic Valley Association dated 2017 – pages 13-16 Interpretive Guide and pages 34-35- Fox Road – unnamed stream.

10/04/2022 memo from Karen Griswold Nelson regarding the Petition as referenced.

There was general discussion regarding the information supplied and made part of the record by Griswold Nelson. Questions were raised regarding the design for a piped crossing addressed in the plans on file and the whether the design would be appropriate for continued fish passage. Factors that were considered were the angle of the pipe, whether the design would make the stream crossing parched and inaccessible to the existing fish population. The consideration of an open bottom box culvert with the goal to match the natural stream bottom was discussed. In response to questions raised as to whether all stream crossings in Cornwall should be designed to encourage fish habitat, it was noted (Griswold Nelson) that her conversations with the DEEP fishery division (as reflected in the September minutes) showed that the DEEP did not acknowledge that the stream currently supported any fish population and that her personal knowledge of DEEP efforts and funding (design and construction) for fish habitat (was being directed towards streams and rivers that would sustain and/or return native fish populations (i.e. brook trout etc.) back to Connecticut waterways.

With note made that the Agency was tasked to address both feasible and “prudent” alternatives (Demy), that the railing was beyond the jurisdiction of the Agency and the closing the road as a prudent alternative, could be a factor in consider

Motion made by Mrs. Bennett, seconded by Mr. Morgan, to table discussion of the Petition and to direct the IWWEO to ask the Town/highway department to consider the option, (cost comparison) for a natural bottom culvert instead of the design as submitted: unanimously approved.

Receipt of Map and support info for App#663/Petition for Declaratory Ruling- David Duffee and Livia Corredor MODIFIED – property owners/Narrow Valley Masonry applicant – Repair to an existing dam and relating masonry work – 6 Valley Road.

Engineer Pat Hackett and John LaPorta (Narrow Valley Masonry) were in attendance to represent the review of the Plans as submitted entitled “Site Plan and Plan and Profile, Corredor-Duffee residence – 6 Valley Road, Dam Site Plan” prepared by Patrick Hackett, PE dated October 1, 2022.

There was general discussion of the plans as referenced and made available (hard copies available to all members) with concerns and questions answered as directed in (Condition 1 – September meeting - “All paperwork from the project engineer shall be filed in the Land Use Office and available for review by all Commission members prior to the start of any work. All concerns and questions shall be satisfied prior to the start of any work.”

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. Modified at the September 6, 2022 regular meeting.

In response to the current order as modified and in place, Griswold Nelson was asked to communicate with Dark Entry to address the status of the site as existing with E&S controls and protection measures in place and whether said conditions were still protective of the wetlands and watercourses on site.

Notice of Violation/Show Cause Hearing – Gonzales Landscaping Inc. owner- Activities within regulated areas without a permit – 18 Frederick Drive. Order upheld at the July meeting. Upheld at the September 6, 2022 regular meeting

Note was made that the engineered plans with the delineation of the impacted intermittent streams for the Agency to consider were in process and the site was under the supervision of the design engineer (Keith Bodwell) who was reporting back to Griswold Nelson as to the current E&S control in place remaining functional.

CORRESPONDENCE AND COMMUNICATIONS RECEIVED.

River Road Repair/engineers report and photographs – for discussion

Email correspondence dated September 15, 2022 from WMC Consulting Engineers General discussion ensued as to the lack of the jurisdiction by the IWWA in the matter. No action taken.

OTHER BUSINESS PROPER TO COME BEFORE THE COMMISSION.

INLAND WETLANDS OFFICER/STAFF REPORT

- **INLAND WETLANDS & WATERCOURSES MAPPING**

Discussion led by Griswold Nelson regarding Section 3.1 regarding in particular, the Map entitled "Inland wetlands and watercourses map (Cornwall CT)". Griswold Nelson, addressed the Map as referenced "not" being readily available as the map as prepared did not contain information as to all regulated resources including intermittent streams and vernal pools and at best was incorrect as well as being misleading. Note was made that the current two Notices of Violation in place were based on impacts to regulated areas (vernal pools) and intermittent watercourses that were not shown on the Map as originally prepared. Griswold Nelson addressed conversations with chairman Hedden regarding her work to have a new "Inland wetlands Map" prepared with the disclaimers as referenced in the section. *"In all cases, the precise location of wetlands and watercourses shall be determined by the actual character of the land, the distribution of wetland soils types and locations of watercourses. Such determination shall be made by field inspection and testing conducted by a soil scientist where soil classifications are required, or where watercourse determinations are required, by any individual qualified in hydrology. The Agency may use aerial photography, remote sensing imagery, resource mapping, soils maps, site inspection and observations or other information in determining the location of the boundaries of wetlands and watercourses."*

Section 2 – "Definitions- "Regulated activity and "watercourses" "

Attention was drawn to the definition of "watercourses" as again relating to the mapping referenced as on file and the failure for many citizens to understand that certain activities could indeed be regulated as defined.

Section 4 – Permitted Uses as of Right and Non-regulated Uses"

There was general discussion regarding work being done (Griswold Nelson) to update the current regulations to include new statutory language and amendments and in particular relating to fire protection. Note was made that both Griswold Nelson and commission member Debby Bennett had attended a recent DEEP sponsored "Forestry workshop" in which there was extensive discussion of proper permitting as relating to forestry and agriculture in general and the Agency's jurisdiction in addressing such "uses as of right" and "non-regulated" uses.

ADJOURNMENT

Motion made by Mr. Hurlburt, seconded by Mrs. Bennett to adjourn at 8:30PM: unanimously approved.

Respectfully submitted by recording secretary Karen Griswold Nelson, for Mr. Demy,
Commission secretary