

**CORNWALL INLAND WETLANDS AND WATERCOURSES AGENCY
MINUTES OF THE SPECIAL IN-PERSON/ZOOM MEEETING NOVEMBER 8, 2023**

Present: Regular members D. Stevenson Heddon, Debby Bennett, Peter Demy, and William Hurlburt and IWWEO Karen Griswold Nelson.

Absent: Regular member Alan Bahn and alternates Jeffery Morgan and Robert Nethery

Chairman Hedden called the meeting to order at 7:03 PM with a quorum established.

APPROVAL OF MINUTES: October 3rd regular meeting and site walk meetings.

Motion made by Mr. Demy, seconded by Mr. Hurburt to approve the minutes of the October 3rd regular meeting; unanimously approved.

NEW APPLICATIONS/PETITIONS FOR DECLARATORY RULING:

PDR 16- 2023 – Malka Percal applicant/owner – Restoration of stream bed bank eroded from recent storm events – 297 Sharon Goshen Turnpike.

IWWEO Griswold Nelson represented the application, stating that the application was in response to concerns raised by a citizen regarding activities near and around Mill Brook behind the 297 Sharon Goshen Turnpike residence owned by Ms. Malka Percal. Griswold Nelson stated that she had visited the site and addressed the issue with the property owner and a local contractor, Mr. Hall, that was moving rocks from the upland area on the property to armor parts of the Mill Brook shoreline eroded by the summer's storm events. Griswold Nelson stated that work had ceased with agreement that a permit would be submitted (as shown) with appropriate information for the work. Griswold Nelson stated that her review of Inland wetlands records showed that similar work had been approved as part of a Regulated activity application in 2000 and that the file contained soils mapping, a site map, and information as to the same location being repaired under similar circumstances. According,

Motion made by Mr. Demy, seconded by Mrs. Bennett, to determine that **PDR 16- 2023 – Malka Percal applicant/owner – Restoration of streambed bank eroded from recent storm events – 297 Sharon Goshen Turnpike is** a Use as of Right for maintenance of residential property (Section 4.1d) and that all activities going forward would require that the IWWO officer be informed of the schedule of work by the site contactor and that the work would not exceed the scope of the work permitted in 2000: unanimously approved.

PENDING APPLICATIONS as listed addressed with **Enforcement Action** associated with the 18 Frederick Drive Property

App#670 – Gonzales Landscaping Inc. Owner, Bodwell Engineering applicant – Activities within regulated areas for the construction a single-family residence – 18 Frederick Drive.

ENFORCEMENT ACTIONS:

Notice of Violation/Show Cause Hearing – Gonzales Landscaping Inc. owner-Activities within regulated areas with a permit – 18 Frederick Drive.

Note was made of members in attendance that had visited the site. Hedden/kgn (October commission site walk meeting) and Demy and Bennett - individual site walks with staff on November 6, 2023.

Notes (from kgn) was made part of the record for the opening of the discussion. There was general discussion of the status of the application at hand, both in terms of reaching the statutory time frame for action (approval or denial), and the status of the Notice of Violation (modifications or to remain as is. The consideration of approving the application with conditions and modifying the Notice of Violation to require the restoration of the site and denying the application without prejudice and moving forward on modifying the application with conditions, including protection of downhill neighbors was discussed. There was general discussion of observations on the site walks, including the stability of the bank above the area for the proposed single-family residence and the area and stability of fill deposited over the bank below the house site area and above Mansonville Road house sites previously impacted by the diversion of intermittent watercourses.

Griswold Nelson addressed concerns regarding the property as listed on the Land Records without any recording of the violations cited. Noting the complexity of legally filling such records, Griswold Nelson was to work with legal counsel and the DEEP to address the proper procedure to move forward.

Motion made by Mr. Hurburt, seconded by Mr. Demy, to **DENY App#670 – Gonzales Landscaping Inc. Owner, Bodwell Engineering applicant AS PRESENTED for activities within regulated areas for the construction a single-family residence – 18 Frederick Drive WITHOUT PREJUDICE and**

Motion made by Mr., Hurlburt, seconded by Mrs. Bennett, to keep the **NOTICE OF VIOLATION** in place, with the modification to incorporate all requirements as needed for the protection of downhill neighbors; unanimously approved

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.

10/27/2023 email made part of the record

Dear IWWA,

Litigation remains pending as to the Macchiaroli case. Regarding the current erosion and sediment controls (“ESC”), all measures have been replaced, repaired, and reinforced as needed.

DEF will continue to regularly monitor this Cook Road area. If you have any questions, please feel free to contact DEF. Sincerely David Colbert, President Dark Entry Forest, Incorporated.

INLAND WETLANDS OFFICER REPORT.

- **Update on Town of APP #672 – Town of Cornwall applicant owner/WMC engineering representative for the Town – engineered plans for a retaining wall that supports River Road near the Bridge at Route 128.**

“Preliminary drawing for bidding only prepared by United Concrete Products” was made part of the record for discussion.

There was general discussion of the proposed plan changes because of the recent bidding process, with the drawing as submitted showing the changes from a masonry wall to pre-cast units. It was stated that the revised plans were to be part of a November 20 bid process in which proposals were to be submitted with shop drawings to WMC, the Town’s engineering consultant. It was noted that the change to pre-cast units constructed off site would result in less time needed for work and less work in the stream channel. The matter was to be revisited.

CORRESPONDENCE AND COMMUNICATIONS RECEIVED.

OTHER BUSINESS PROPER TO COME BEFORE THE COMMISSION.

- **Meeting dates – 2024 (time, place, and in-person)**

Proposed meeting dates prepared by staff (kgn) showing the first Tuesday of every month, (with exceptions made for elections and or primaries), meetings to commence at 7PM IN PERSON in the Town Hall meeting room (24 Pine Street) was addressed with minor adjustments to be made by staff prior to be filed with the Town Clerk.

- **Commission member training**

There was general discussion of Commissioner training with the matter to be followed up as to status and training opportunities available for IWWA commission members.

- **Agency members reappointments**

Reminder was made to all Agency members to be in contact with the First Selectman’s office for re-appointment to current positions. It was noted that alternate Alan Bahn was willing to move to an alternate position, (with understanding of being able to zoom in under extenuating circumstances for the purpose of establishing a quorum) and Jeff Morgan to move up to a regular member position.

ADJOURNMENT

Motion made by Mr. Hurlburt, seconded by Mrs. Bennett, to adjourn at 7:50PM; unanimously approved

Respectfully submitted by Karen Griswold Nelson for Agency secretary Peter Demy