

**CORNWALL INLAND WETLANDS AND WATERCOURSES AGENCY
MINUTES OF THE REGULAR MEEETING JANUARY 2, 2024**

Present: Regular members Vice chairman William Hurlburt, Debby Bennett, Peter Demy, Jeff Morgan and alternate member Alan Bahn (on zoom/in 7:10PM)) and IWWEO Karen Griswold Nelson.

Absent: Regular member D. Stevenson Hedden and alternate member Robert Nethery.

Others present: First Selectman Gordon Ridgway (7PM to 7:30PM)

Vice chairman William Hurlburt called the meeting to order at 7:03 PM with a quorum established.

APPROVAL OF MINUTES: December 5th, 2023 regular meeting minutes.

Motion made by Mr. Demy, seconded by Mrs. Bennett to approve the minutes of the December 5th regular meeting as presented; unanimously approved.

NEW APPLICATIONS:

PDR - Petition for a Declaratory Ruling – Town of Cornwall applicant / Wayde Wolfe et al property owners - Activities to repair the streambank upstream of the Town Bridge – Popple Swamp Road.

Information made part of the record: sketches, photos and information supplied by the Selectman's & Land Use Office Note was made by Commission members that had visited the site. Mr. Hurlburt, Mrs. Bennett. Note was made by Griswold Nelson of conversations with the property owner, Wayde Wolfe, as to his knowledge of and permission for the project.

First Selectman Gordon Ridgway was given the floor to address the Commission regarding the two New Applications as listed.

Mr. Ridgway addressed damage to the streambank upstream of the Town Bridge during the most recent storm event and the plans to repair the bank as discussed with both engineer Stephen McDonnell/principal/PE from the firm of Wengell, McDonnell and Costello, Inc. and contractor, Josh Tyson. Mr. Ridgway stated that the application proposed no work in the stream channel and no need for any diversion during the repair and addressed the intent to address the issue as soon as possible, There was general discussion of the method being proposed, the size and kind of stones to be being placed on the area of disturbance, the consideration of filter fabric, the need for erosion and sedimentation controls, the removal of the tree (as shown in photographs) supplied by Mrs. Bennett, and the timing of the work.

Alternate Alan Bahn was seated for regular member D. Stevenson Hedden upon his arrival on Zoom at 7:10PM.

After general discussion,

Motion made by Mrs. Bennett, seconded by Mr. Morgan, to determine that **PDR - Petition for a Declaratory Ruling – Town of Cornwall applicant / Wayde Wolfe et al property owners - Activities to repair the streambank upstream of the Town bridge – Popple Swamp Road** constitutes a Use as of right for maintenance with the following 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/Selectman's office shall be notified prior to the start of construction.
3. All erosion and sedimentation controls, if needed, are to be installed prior to the start of the construction.

Motion unanimously approved.

APP #675 – Town of Cornwall applicant/Property owner (town right of way) Carl Shea and Saadia Kahn- repair of hillside uphill of Birdseye Brook damaged by recent rain events – Essex Hill Road.

Information made part of the record:

Sketches supplied by the Selectman's Office in conjunction with work with WMC Engineering.

Correspondence sent to property owners (postal mail etc.) to notify them of the application being brought for by the Town for work on the downhill property. Note was made of Griswold Nelson of her placement of the Town's correspondence on the residence door based on the inability to reach the property through regular channels.

First Selectman Gordon Ridgway was given the floor to address the Commission regarding the application as listed. Mr. Ridgway addressed the condition of the site, deeming this as the first landslide of this magnitude and nature in the Town to his knowledge. Mr. Ridgway stated that Stephen McDonnell (principal/PE from the firm of Wengell, McDonnell and Costello, Inc) had been on site that day to address emergency repairs, and had provided the concept drawings made part of the record. Note was made that a January 4, 2024 11AM meeting had been scheduled for the engineers and contractor Craig Bothroyd, principal and project manager from Yield Industries, Torrington, (the River Road contract firm) to meet on site with the Board of Selectman to address the preliminary proposal. Mr. Ridgway gave an overview of the proposed plan (as shown in the sketch provided), including a double boulder wall and silt fence on the downhill side with clean fill in an area 80' x 100w. Note was made of the instability of the slope based on water continuing to percolate out and the amount of erosion that had already gone into Birds Eye and Furnace Brook as a result of the landslide. Mr. Ridgway stated that the highly erodible site was driving the sense of urgency to move forward quickly to reduce impact to the downhill stream. It was stated that a new curtain drain was also being proposed on the uphill side (town right of way only, Noting that more detailed plans were in process for the Thursday morning meeting, Mr. Ridgway stated that the Board of Finance was already on board with Thursday meeting scheduled for all parties, including the Board of Selectmen to convene a special meeting on site as well to address and approve the project subject to wetlands approval. With agreement that the Inland Wetland Agency was invited to part of the Thursday special meeting:

Motion made by Mr. Morgan, seconded by Mrs. Bennett, to table discussion of **APP #675 – Town of Cornwall applicant/Property owner (town right of way) Carl Shea and Saadia Kahn- repair of hillside uphill of Birdseye Brook damaged by recent rain events – Essex Hill Road** to the January 4, 2024 special on site meeting.

Staff was to post a Special Meeting January 4, 2024 11:00AM meeting agenda for the Agency to be part of the discussion of the application “**APP #675 – Town of Cornwall applicant/Property owner (town right of way) Carl Shea and Saadia Kahn- repair of hillside uphill of Birdseye Brook damaged by recent rain events – Essex Hill Road** with all of the parties prior to action on the agenda item to be listed on the special meeting agenda as a Pending Application.

PENDING APPLICATIONS. None

ENFORCEMENT ACTIONS:

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

Griswold Nelson addressed continued conversations with the DEEP regarding the course of action to address the Notice of Violation, adding that recent storm events had caused her to be contacted by other property owners accessing Frederick Drive and to be allowed to address the intricacies of the issues with the maintenance of the Frederick Drive as a non-town road and shared access way for residences through deed restrictions. The matter was to be revisited.

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 forwarded to IWWA members prior to the meeting.

To:Karen Nelson cwlanduse@optonline.net Sat 12/30/2023 9:54 AM

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 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.

Information submitted to the Land Use office, and forwarded to the Commission made part of the record:

Submittal from Yield Industries, to the Town via WMC Consulting Engineers, Project Reconstruction of River Road retaining wall, - Water Handling Plan with attachments

prepared by Yield Industries, including specifications and product literature.

CORRESPONDENCE AND COMMUNICATIONS RECEIVED.

None.

OTHER BUSINESS PROPER TO COME BEFORE THE COMMISSION.

None.

Motion made by Mr. Demy, seconded by Mr. Morgan to adjourn at 7:50PM; unanimously approved.

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