

**CORNWALL INLAND WETLANDS AND WATERCOURSES AGENCY  
MINUTES OF THE REGULAR MEEETING MARCH 5, 2024**

**Present: Regular members Debby Bennett, Peter Demy, Jeff Morgan and IWWEO Karen Griswold Nelson.**

**Absent: Regular members D. Stevenson Hedden, William Hurlburt, alternates Alan Bahn and Robert Nethery.**

**Others present: None**

The meeting was called to order (via Zoom only due to weather issues) at 7:06PM with a quorum established. Due to both the chair and vice chairman not in attendance, the meeting was conducted by the direction of staff.

**APPROVAL OF MINUTES: January regular and special meeting minutes.**

**Motion** made by Mr. Morgan, seconded by Mrs. Bennett to approve the minutes of the January regular and special meeting minutes; unanimously approved.

**NEW APPLICATIONS:**

**APP#676 – Bruce Whiteford and Frances Pancetta applicant/owner – Activities within regulated areas (Mill Brook) for the repair of a retaining wall associated with a residential structure from storm damage – 416 Sharon Goshen Turnpike.**

Information made part of the file:

Photographs of the area in and around the deteriorating retaining wall, a written narrative as to the proposed extent and method of the proposed repair, satellite imagery showing adjacent properties, names and addresses of abutting property owners and a DEEP reporting form.

Griswold Nelson addressed the information made part of the record (as listed) and conversations with chairman Hedden regarding the application and Mr. Heddon's recommendation that due to the nature of the work proposed and the information made part of the record, that the applicant/owner, Mr. Whiteford, be required to hire an engineer prior to action on the application. According,

**Motion** made by Mrs. Bennett, seconded by Mr. Morgan, to accept **APP#676 – Bruce Whiteford and Frances Pancetta applicant/owner – Activities within regulated areas (Mill Brook) for the repair of a retaining wall associated with a residential structure from storm damage at 416 Sharon Goshen Turnpike**, make no determination of significance he and table discussion to the April regularly scheduled meeting; unanimously approved.

**APP#677 – Town of Cornwall/applicant –owner – Activities within a watercourse to remove and replace a deteriorating culvert under the Town Road - after intersection of Dibble Hill and Route 125 (past 2 Dibble Hill Road)**

Information made part of the file:

Location of deteriorated culvert --- assessors mapping showing abutting owners and proximity to the state highway and abutting properties.

Griswold Nelson addressed work underway by town staff, (highway department and First Selectman's office) to address a deteriorating culvert close to the intersection of Dibble Hill and Route 125 with more information forthcoming as to the sizing of and method for the existing culvert over a stream. According,

**Motion** made by Mr. Demy, seconded by Mr. Bennett, to accept **APP#676 – Bruce Whiteford and Frances Pancetta applicant/owner – Activities within regulated areas (Mill Brook) for the repair of a retaining wall associated with a residential structure from storm damage at 416 Sharon Goshen Turnpike** make no determination of significance and table discussion to the April regularly meeting; unanimously approved.

**PDR-2- 2024 - Petition for a Declaratory Ruling – Town of Cornwall applicant / property owners Michael Royal et al and Town of Cornwall - Activities to reinforce the streambank near the Hawkins Pond dam prior to proposed dam repairs- 54 Flat Rocks Road. (Work completed and signed off by Inland Wetlands officer)**

Photographs (before and after) of the impacted area taken by staff (kgn) and highway department.

Griswold Nelson addressed work undertaken by the town highway department to reinforce a deteriorating bank both in the town right-of-way and on private property close to a failing state certified dam (Hawkins Pond dam). Griswold Nelson addressed conversations with the property owner, Mr. Michael Royal, and his conversations with the DEEP dam safety division regarding the process for the necessary repairs to the Hawkins Pond dam. Griswold Nelson addressed the lack of available engineers with experience in dam repairs and the collaborative work between the property owner and the Town was allowing the property owner the time necessary to comply with state requirements. Accordingly:

**Motion** made by Mr. Demy, seconded by Mr. Morgan, to determine that **PDR-2-2024 - Petition for a Declaratory Ruling – Town of Cornwall applicant / property owners Michael Royal et al and Town of Cornwall for activities undertaken by the Town of Cornwall** to reinforce the streambank near the Hawkins Pond dam prior to proposed dam repaired, 54 Flat Rocks Road, as completed and signed off by Inland Wetlands officer, constituted a use as of right as of Section 4.1d: unanimously approved.

**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 stated that work was continuing on the process.

**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 received 3/2/2024 and forwarded to IWWA members prior to the meeting.

To:Karen Nelson [cwlanduse@optonline.net](mailto:cwlanduse@optonline.net)

Dear IWWA,

Litigation remains pending as to the Macchiaroli case. Regarding the current erosion and sediment controls ("ESC"), all measures continue to be monitored by DEF.

If you have any questions, please feel free to contact DEF.  
Sincerely,  
David Colbert, President

**INLAND WETLANDS OFFICER REPORT.**

There was general discussion of work in the Land Use officer regarding ongoing issues with certified dams based on increasing storm events, and other regulatory processes associated with storm damage.

**CORRESPONDENCE AND COMMUNICATIONS RECEIVED.**

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

**ADJOURNMENT**

**Motion** to adjourn by Mr. Morgan seconded by Mrs. Bennett at 7:36PM: unanimously approved.

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