

**CORNWALL INLAND WETLANDS AND WATERCOURSES AGENCY  
MINUTES OF THE SPECIAL MEETING MAY 6, 2025  
(CHANGE OF LOCATION TO TOWN OFFICE DUE TO SCHEDULE CONFLICT**

**Present: Chairman William Hurlburt, regular members Debby Bennett, Peter Demy, Jeff Morgan (Zoom), and Josh Tyson and IWWEO Karen Griswold Nelson.  
Absent: Alan Bahn.**

Chairman William Hurlburt called the meeting to order at 7:01 PM with a quorum established.

**APPROVAL OF MINUTES: December 3, 2024**

**Motion** made by Mr. Demy seconded by Mr. Tyson, to approve the minutes of the December 3, 2024, regular meeting as presented: unanimously approved.

**NEW APPLICATIONS/PETITIONS FOR DECLARATORY RULING:**

(Reposted agenda amended to add **APP#684**.)

**App#684 Gonzales Landscaping Inc owner/Bodwell Engineering Applicant – Activities within regulated areas for the construction of a single-family residence – 18 Frederick Drive. (Re-submission and modifications to App#670 withdrawn)**

Information made part of the record:

Mapping entitled “Site Plan – 18 Frederick Drive – Cornwall CT prepared for Gonzalez Landscaping Inc, Norwalk CT prepared by Bodwell Engineering and Surveying LLC, dated May 2023 revised to May 6, 2025.”

Keith Bodwell, PE and principal of Bodwell Engineering and Surveying – 92 Cream Hill Road Cornwall was in attendance to represent the application.

Note was made that Commission member Ian Tyson had visited the site with Mr. Bodwell, IWWEO Griswold Nelson and Bruce Bennett, (Cornwall tree warden).

Mr. Bodwell addressed the overall site, including the location of the proposed single-family residence (replacing the existing cabin), the ‘plantable/mowable’ slope above the house location to be regraded to a 2 to 1 slope and stabilized with erosion control blankets, , and the regrading and stabilization of the lower slope below the house to a 2 to 1 slope and stabilized with erosion control blankets (3 to 1 considered mowable). There was general discussion as how much disturbance should be considered as opposed to a “leaving it alone is the best” path to consider (Bodwell).

In response to the input from Griswold Nelson, Mr. Bodwell addressed the work already done to redirect the intermittent watercourses back to original channels with water bars to alleviate the flooding of a residence on Mansonville Road in years past. (Mr. Firneis- 22 Mansonville Road). Note was made (KGN) of NWCD soil scientist Cynthia Rabinowitz being on site with Mr. Bodwell to confirm that the work being done was appropriate. The matter of the stability of a slope with buried trees with the matter to be revisited.

Thoe consideration of a site walk was to be addressed prior to the June meeting.

**Motion** made by Mr. Demy, seconded by Mrs. Bennett, to accept APP#684 and table discussion to the regularly scheduled June 3, 2025, meeting: unanimously approved.

**AMENDMENTS TO THE INLAND WETLAND REGULATIONS TO BE SET FOR PUBLIC HEARING JUNE 3, 2025, to address statutory changes regarding fire protection.**

Proposed changes to Section 4 of the Cornwall Inland & Watercourses regulations relating to *Public Act No. 11-184 that amends section 22a-40 of the General Statutes of Connecticut. Specifically, section 1 of the public act adds the withdrawal of water for fire emergency purposes as an as-of-right operation and use in wetlands and watercourses. Further, section 1 of the public act adds the installation of dry hydrants for firefighting purposes by or under the authority of a municipal fire department and under certain specified conditions as a new non-regulated use in wetlands and watercourses and defines the term “dry hydrant” and as follows:*

4.2 The following operations and uses shall be permitted, as nonregulated uses in wetlands and watercourses, provided they do not disturb the natural and indigenous character of the wetland or watercourse by removal or deposition of material, alteration or obstruction of water flow or pollution of the wetland or watercourse: (2011 Legislation and Regulations Advisory)

3 a. Conservation of soil, vegetation, water, fish, shellfish and wildlife;

[and] b. outdoor recreation including play and sporting areas, golf courses, field trials, nature study, hiking, horseback riding, swimming, skin diving, camping, boating, water skiing, trapping, hunting, fishing and shellfishing where otherwise legally permitted and regulated [.]]; and

c. The installation of a dry hydrant by or under the authority of a municipal fire department, provided such dry hydrant is only used for firefighting purposes and there is no alternative access to a public water supply. For purposes of this section, “dry hydrant” means a non-pressurized pipe system that: (A) is readily accessible to fire department apparatus from a proximate public road, (B) provides for the withdrawal of water by suction to such fire department apparatus, and (C) is permanently installed into an existing lake, pond or stream that is a dependable source of water.

There was general discussion of the proposed changes to the current regulations, as adopted in 2011, which added language to Section 4.1 (not shown in the model regulations) that allowed the Commission to require additional information in the form of conditions as following “Such information includes the submission of a site plan, construction sequence and procedures, an erosion and sedimentation control plan, Best Management Practices for storm water controls and any other such information that may be required by the Agency to be assured that the activity will have no adverse effect on other wetlands and watercourses in the State of Connecticut. Note was made (kgn) that the language as added and not reflected in the model regulations supplied by the DEEP, had been discussed with Town Counsel, Attorney Perley Grimes” and found in his legal opinion, “defendable.”

According to

Motion made by `Mr. Demy, seconded by Mrs. Bennett, to set amendments to the Inland Wetlands regulations for public hearing for June 3. 2025 regularly scheduled meeting: unanimously approved.

**PENDING APPLICATIONS.**

**PDR-12-2024 Allyn and Irene Hurlburt applicants/Irene Hurlburt and Nat Rubin owners et al – Activities within regulated areas in and around Ocain Brook for remediation and restoration of agricultural fields impacted by 2023 storms – 39 Hautboy Hill Road /55 Hautboy Hill Road.**

There was general discussion of the status of the matter, with note made of extenuating circumstances impacting the property.

**ENFORCEMENT ACTIONS:**

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

**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.**

Information made part of the record:

4/21/2025 email received by the Land Use office and forwarded to the Commission.

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,

Jessie Vanamee, President

**INLAND WETLANDS OFFICER REPORT.**

Griswold Nelson addressed work on “DEEP reporting forms in order to comply with the reinstatement of the requirement.

**CORRESPONDENCE AND COMMUNICATIONS RECEIVED.**

Correspondence from Agency member Debby Bennett regarding “vernal pools” was made part of the record for discussion. (Copy on file in the Land Use office and attached to the minutes.) Commission members were to consider the matter and continue discussion,

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

**ADJOURNMENT**

**Motion** made by Mr. Demy, seconded by Mrs. Bennett to adjourn at 8:00PM; unanimously approved.

Respectfully submitted by recording secretary Karen Griswold Nelson, for Mrs. Bennett,  
Commission secretary