

**TOWN OF COLEBROOK**  
**Inland Wetlands Agency**  
**562 Colebrook Rd., P.O. Box #5**  
**Colebrook, CT 06021-0005**  
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Minutes  
Special Meeting- May 17, 2018

The meeting was called to order at 7:03 pm. Members in attendance, Duncan Wilber Chairman, and regular members Todd Hiller, Chip Neal, and John Lossin. Absent was member John O'Dell and alternate Ray Zetye. WEO Michael Halloran sat at the table along with Land Use Attorney Dave Cusick.

The minutes of May 15, 2018 were presented and Todd made a motion, seconded by John L., to accept the minutes. The vote to approve was unanimous.

New Business;

Present were Kate Bednaz, Fletcher Smith, Ellen Smith, and Pete Hodgkinson.

A Show/Cause hearing for a Cease and Desist at 337 Colebrook River Rd. was opened. A Cease and Desist letter, dated May 9, 2018 was sent certified to cease any removal of earth materials from the property. An email dated May 4, 2018 was received from Attorney Perley Grimes stating in part, "This is to inform you that the owners of the site will be removing portions of those preexisting stockpiles for usage offsite for various projects." He further stated in the email that no excavation would take place and the pond would be protected with silt fencing. Attorney Grimes also included a Google map showing seven stockpiles of material that Smith and Hodgkinson were going to remove from the property.

IWO Halloran read a letter dated January 22, 2018 which stated that, "All excavating and processing operations including removal of materials from the property is to cease until after the Hearing process is concluded and a decision is rendered by the Agency." Chairman Duncan Wilber read into the minutes, two emails from Attorney Grimes dated May 4, and May 8, 2018 regarding stockpile removal. Duncan also read an email from Attorney Dave Cusick dated May 7, stating that a second Cease and Desist would be appropriate. An email dated May 17, 2018 from Clarina Rose (ACOE) was read by Duncan, discussing possible consequences if materials were removed from the site. Also read into record was a letter dated May 17, 2018 from Brian P. Thompson, Director Land and Water Resources Division Bureau of Water Protection and Land Reuse. This was a Notice of Violation letter (NOV No. 2017-3940-V) describing three Violations of the State. Also included with letter was "Advice to recipients of Notices of Violations."

Kate Bednaz spoke and urged to keep a good working relationship with the Town and Mr. Smith and Mr. Hodgkinson. Kate stated that her clients wanted to sell or utilize the onsite materials. Todd raised the question of selling the materials which may result in a further hardship, in the event that the ACOE or Colebrook IWA requests to regain or receive restitution for economic gain.

Kate stated that in her professional opinion, that removal of materials would not bother the wetlands. It was stated that removal of materials would require work in the upland review zone and a permit would be needed to work in these areas. Kate again stated that wetlands would not be impacted by removal of materials.

IWO was asked to check if permit application is allowable while a cease and desist is in order. Attorney Cusick stated that restoration would require a permit.

Duncan stated that a map would need to be completed in order for the Agency to even entertain the idea of a permit for material removal to ensure no work was done that may impact any wetlands or watercourses. Kate said there would be a soils map and completed survey for the June meeting. By the July meeting she should have a restoration plan to submit. The restoration plan would help to show what wetlands need to and will be put back. She also wanted to get a wetlands permit to begin the process. Michael informed Kate that a permit could be submitted and that he must accept it, but suggested that perhaps, it may be premature. He also stated that work within the upland review would need a permit and perhaps a hearing.

It was agreed by all in the room to continue the Hearing until the next scheduled wetlands meeting on June 19, 2018 at 7pm.

A motion by Todd, seconded by Chip to adjourn the meeting was unanimously approved and meeting ended at 8:20 pm.

Michael Halloran  
Todd Hiller

