

**CORNWALL INLAND WETLANDS AND WATERCOURSES AGENCY
MINUTES OF THE REGULAR MEETING APRIL 3, 2024**

Present: Regular members: D. Stevenson Hedden, William Hurlburt, Debby Bennett, Peter Demy (via Zoom), alternate member Robert Nethery and IWWEO Karen Griswold Nelson.

Absent: Regular member Jeffery Morgan and alternate member Alan Bahn

Others present: None

Chairman Hedden called the meeting to order at 7:02PM with a quorum established. Alternate Robert Nethery was seated for regular member Jeffrey Morgan.

APPROVAL OF MINUTES: March regular meeting minutes

Motion made by Mrs. Bennett, seconded by Mr. Nethery to approve the minutes of the March regular meeting as presented; unanimously approved.

NEW APPLICATIONS:

PDR-03-2024 - Scot A, McCartney applicant/owner – Construction of a code compliant septic system and private well within regulated areas for an existing single-family residence – 8 Frederick Drive.

Information made part of the record.

Mapping entitled “Subsurface Sewerage Disposal Plan prepared for Scot McCartney and Rhonda Jonas, PO Box 195, Cornwall Bridge, prepared by Wolff Engineering dated 12/19/2023 was reviewed for the proposed installation of the septic system and well (location flagged on site near driveway)

Notes from staff regarding the status of the application under Section 4.1b of the wetlands regulations for “as of right” as referred to an email to the Commission from staff.

A residential home (1) for which a building permit has been issued or (2) on a subdivision lot, provided the permit has been issued or the subdivision has been approved by the Cornwall Planning & Zoning Commission as of the effective date of promulgation of the Cornwall Zoning and Subdivision regulations pursuant to subsection (b) of section 22a-42a, or as of July 1, 1974, whichever is earlier, and further provided no residential home shall be permitted as of right, pursuant to this subdivision unless the building permit was obtained on or before July 1, 1987. The individual claiming a use of wetlands permitted as a right under this subsection shall document the validity of said right by providing a certified copy of the building permit and a site plan showing proposed and existing topographical contours, house and well locations, septic system, driveway, approval dates or other necessary information to document his entitlement.

Note was made of the members in attendance (at the April 2, 2024 special onsite meeting) during which time Agency members walked the site and reviewed the plans as referenced and made part of the record.

Based on observations from the members in attendance at the site walk, and confirmation from IWWEO Karen Griswold Nelson that the site, as presented, based on review of the property as developed prior to subdivision, zoning, and wetlands regulations, including its location on a private road, complies with the criteria as stated to qualify for "As of right":

Motion made by Mr. Hurlburt, seconded by Mrs. Bennett, to determine that **PDR-03-2024 - Scot A, McCartney applicant/owner – Construction of a code compliant septic system and private well within regulated areas for an existing single-family residence – 8 Frederick Drive constitutes a "Use as of right" according to Section 4.1b 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. All erosion and sedimentation controls, if needed, are to be installed prior to the start of the construction of the septic system
3. The well driller, as identified in the TAHD approval for the well, be require to dig a pit for the spoils prior to the drilling of the well.

Motion unanimously approved.

PENDING 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.

Griswold Nelson addressed recent conversations (initiated by herself) with Mr. Whiteford regarding the status of the application and the requirement for the property owners, to comply with the March directive, as stated in the minutes, that an engineer be hired to address all the necessary application requirements prior to any action on the application. Griswold Nelson stated that Mr. Whiteford was still in process of securing an engineer, required more time and had stated his oral request to her to ask the commission to extend the application time for 30 days to allow him additional time to comply.

Accordingly,

Motion made by Mr. Hurlburt, seconded by Mrs. Bennett, to grant a 30 days extension for **App#676** as requested by the property owner to staff: 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)

Griswold Nelson addressed conversations with town staff, including highway foreman James Vanicky regarding the ongoing process to address the final design. After discussion, it was agreed that a Commission site walk would be scheduled prior to final action on the application. Based on timing:

Accordingly,

Motion made by Mr. Hurlburt, seconded by Mrs. Bennett, to table discussion **APP#677** to allow Commission staff to schedule an on-site site walk and therefore grant a 30-day extension for **App#677** prior to final action; unanimously approved.

ENFORCEMENT ACTIONS:

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

Note was made by Griswold Nelson that the McCartney property, as referenced in PDR-03-202, shared an access way with the Gonzales property and that the Enforcement action was still in process and under discussion between all parties.

**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.**

No additional communications made part of the record.

INLAND WETLANDS OFFICER REPORT.

Like previous months, Griswold Nelson addressed 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, timber harvests, and increased inspections to ensure that ongoing projects were being properly maintained in terms of E&S controls, etc.

CORRESPONDENCE AND COMMUNICATIONS RECEIVED.

OTHER BUSINESS PROPER TO COME BEFORE THE COMMISSION.

ADJOURNMENT

Motion to adjourn by Mr. Hurburt, seconded by Mr. Demy to adjourn at 7:25PM:
unanimously approved.

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