

**CORNWALL INLAND WETLANDS AND WATERCOURSES AGENCY
MINUTES OF THE SPECIAL MEEETING AUGUST 7, 2024**

Present: Regular members William Hurlburt, Debby Bennett, (Zoom) Peter Demy, Jeff Morgan, alternat Robert Nethery (Zoom) and IWWEO Karen Griswold Nelson. Absent: Alternate member Alan Bahn.

The meeting was called to order at 7:07PM by Vice Chairman William Hurlburt with a quorum established. All members were seated for the meeting.

APPROVAL OF MINUTES: June and July regular meeting minutes

Motion made by Mr. Demy, seconded by Mr. Morgan to approve the minutes of the July 2nd special meeting with corrections (as to attendees/no Hurlburt) unanimously approved.

Motion made by Mr. Demy, seconded by Mrs. Bennett, to approve the minutes of the July 2nd regular meeting as presented: unanimously approved by all meeting attendees.

NEW APPLICATIONS/PETITIONS FOR DECLARATORY RULING

PDR-20-2024 - Coltsfoot Valley Association applicant/owner – Petition for a declaratory ruling for activities associated with agriculture usage – Valley Brook between 107 & 141 Valley Road.

Information made part of the record.

- Mapping prepared by Coltsfoot Valley president Robinson “Rob” Lacy showing location of bridge between 107 and 141 Valley Road.
- Construction sequence dated July 22, 2024

IWWEO Griswold Nelson represented the application on behalf of Mr. Lacy and contractor Josh Tyson, noting conversations with both that day. Mr. Hurlburt addressed familiarity with the existing bridge crossing over the stream to be maintained and gave an overview of the area that could be seen from the road. There was note made that the location of the crossing was on the common land under agricultural easements with previous permitting on file for similar maintance activities in the Valley.

Motion made by Mr. Demy, seconded by Mr. Morgan to determine that the **PDR-20-2024** constitutes a “Use as of Right” according to Section 4.1a for “agricultural activities” 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 shall be notified prior to the start of construction.
3. All erosion and sedimentation controls are to be installed prior to the start of the construction and the E&S controls are to be inspected by the Inland Wetlands Enforcement officer/ZEO prior to the start of work.

App#681 – Cheryl Thibault applicant/owner – Regulated non-significant activities for the construction of a driveway to a proposed single family residence – 15 Johnson Road. Permit previously approved June 2007(#488) and renewed twice. Request for renewal - Exceeds the 10 year expiration time)

Information made part of the record:

Record of previous permit #488 approved in June 2012, including previous mapping prepared entitled "Septic System Design prepared by Berkshire Engineering for Cheryl Thibault, dated was made part of the record.

Mapping entitled "Septic System Design prepared by Berkshire Engineering for Cheryl Thibault, revised to 8/15/2007 and submitted for re-approval.

IWWEO Griswold Nelson represented the application, stating that the application was being re-submitted, with revised mapping, as the application, despite 2 extensions, had exceeded the 10-year limit.

Mr. Hurlburt, a voting member of the Agency for the initial approval, addressed his personal knowledge of the site, based on site visits, calling it a tight site but well designed. It was noted that the application had also required a variance approval from the Zoning Board of Appeals for the house location.

Mr. Hurlburt addressed the consideration of a request that the site be re-staked based on the lapse in time and so that commission members now voting for renewal could be afforded the educational opportunity to see the reasoning behind the original approval and findings of the Agency. Griswold Nelson was to follow up on the request.

Motion made by M. Demy, seconded by Mr. Nethery, to approve **App#681** for the renewal/of App#681 for the construction of a driveway to a single-family residence – 15 Johnson Road with the original conditions and revised mapping; unanimously approved.

App#682 - Catherine Scott and Jamie Resor owners/Jim Terrall applicant – Activities within regulated areas for the construction of a pool – 148 Cream Hill Road.

Information made part of the record;

- Soils Report prepared by Rema Ecological Services, Vernon, CT including wetlands delineation map dated 6/10/2024
- Mapping prepared by Colby Engineering, Goshen CT entitled "Septic System Design Plan prepared for Catherine Scott and James Resor, 148 Cream Hill Road, dated 03/27/2024 revised to 07/16/2024"

IWWEO Griswold Nelson represented the application on behalf of the applicant(s) James Terrall and site contractor Josh Tyson. Griswold Nelson addressed the application consisting of two parts, the installation of a code compliant septic system and the installation of an in-ground pool. Griswold Nelson addressed her request for a site soil investigation based on the expanded proposed activities, (pool) and the resulting wetlands report that showed that a code compliant septic system and a pool, with all accompanying parts, (pool house, equipment, etc.) able to be constructed in upland areas. Griswold Nelson asked the Agency to consider the installation of the code compliant septic as an as-of-right use under Section 4.1d for maintenance and the pool house as an Upland Review. Griswold Nelson stated that the contractor, John Tyson, was hoping to start work on the septic system first and the pool to follow. Note was made by Griswold Nelson of issues with the sites under the control of pool installers, (changed locations, equipment in set-backs, no erosion and sedimentation controls, etc.) and her request that the site contractor be responsible for ensuring that the pool location was properly located and staked before being dug, and that all erosion and sedimentation controls be in installed and in place prior to and during all phases of the construction.

Accordingly,

Motion made by Mr. Demy, seconded by Mr. Morgan, to approve **App#682** for named Activities within regulated areas for the installation of a code compliant septic system as an **“Use as of right:”** determination for maintenance of residential property- Section 4.1d) and the installation of an inground pool and pool house as per the site plan referenced **as an Upland Review (to be signed off the IWWEO) 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 shall be notified by the contractor as named prior to the start of any construction.
3. All erosion and sedimentation controls are to be installed prior to the start of the construction and the E&S controls are to be inspected by the Inland Wetlands Enforcement officer/ZEO prior to the start of work. Supervision of the site shall be the contractor of record.

Motion unanimously approved.

PDR17-17-2024 –FERNANDEZ –191 Great Hill Road REVISIT

Griswold Nelson addressed the recent approval of **PDR-17-2024** (July meeting) for the Installation of a Code Complaint Septic System aa per Mapping supplied “Septic System Repair design dated 6/28/24 prepared by DSM LLC aka PE Dennis McMorrow” and the receipt of new mapping, *Revised to 08/06/2024 with details added for a pump chamber*” Griswold Nelson stated that she had discussed the matter with Mr. McMorrow over the weekend and had visited the site that afternoon in order to bring the request for the design change to the Commission that evening. . Griswold Nelson stated that she was in agreement with Mr. McMorrow that the revised location as shown would result in less possible impact to wetlands soils as originally planned. Griswold Nelson asked the Commission to modify the **PDR** to allow the property owner to move forward on the installation of the “much-needed” code complaint system.

Motion made by Mr. Demy, seconded by Mr. Morgan, to **MODIFY PDR-17-2024** to the modified plan as presented; unanimously approved.

PENDING APPLICATIONS.

PDR-12-2024 Allyn and Irene Hurlburt applicants/Allyn & Irene Hurlburt 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.

Griswold Nelson addressed outreach to and conversations with involved parties (Hulbert’s and Rubin) and plans in process for a site walk.

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 recent visits to the area, to inspect the installation of the septic system and house addition on 8 Frederick Drive showed that the shared driveway was not being used and actually resorting back to a vegetated state.

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.

Correspondence made part of the record.

INLAND WETLANDS OFFICER REPORT.

CORRESPONDENCE AND COMMUNICATIONS RECEIVED.

OTHER BUSINESS PROPER TO COME BEFORE THE COMMISSION.

There was general discussion as the make-up of the Commission and the appointment of Ian Tyson to the regular member position vacated by Steve Hedden based on the ordinance that established the Inland Wetlands and Watercourses Agency with defined numbers of commission members for both regular member and alternate positions based on political parties.

ELECTION OF OFFICERS

There was general discussion by all Commission members as to modifying the entire slate of officers to re-align all positions. Vice chairman Bill Hurlburt stated that he was willing to take on the chairman position.

Motion made by Mr. Morgan, seconded by Mr. Demy to nominate Bill Hurlburt as chairman. Hearing no other nominations from the floor, motion called and unanimously approved.

There was discussion as to the vice chairman and Commission secretary with agreement that Debby Bennett was willing to assume the secretarial position, with help from current secretary Peter Demy and note made that the minutes prepared by the Land Use office secretary for all Land Use Boards, Griswold Nelson, prepared the minutes for final approval by the Commission secretary.

Accordingly,

Motion made by Mr. Morgan seconded by Mr. Demy, to nominate Debby Bennett as Commission secretary.

Motion made by Mr. Morgan, seconded by Mrs. Bennett, to nominate Peter Demy to vice chairman.

Hearing no other nominations from the floor, motions called. Debby Bennett and Peter Demy elected to position of secretary and vice chairman.

ADJOURNMENT

Motion made by Mr. Morgan, seconded by Mr. Demy, to adjourn at 8:05PM unanimously approved.

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