

**CORNWALL INLAND WETLANDS AND WATERCOURSES AGENCY
MINUTES OF THE REGULAR MEETING NOVEMBER 6, 2024**

Present: Regular members William Hurlburt, Debbie Bennett, Peter Demy, Ian Tyson, alternate Alan Bahn and IWWEO Karen Griswold Nelson.

Absent: Regular member Jeff Morgan and alternate Robert Nethery

The meeting was called to order at 7:00PM by Chairman William Hurlburt with a quorum established. All members were seated for the meeting.

APPROVAL OF MINUTES: September regular and October (Thibault/Hall/Percal) site walk meeting minutes.

Motion made by Mr. Demy, seconded by Mr. Morgan to approve the minutes of the October regular meeting as presented: unanimously approved. Special meeting minutes deferred.

NEW APPLICATIONS/PETITIONS FOR DECLARATORY RULING

PDR-Robert Peppler et al /former owners the Tenney's - Frost Excavating applicant-319 Sharon Goshen Turnpike – renewal of previous petition(s) approved for maintenance of an existing pond. *Approved administratively to move ahead by IWWEO and chair in September.*

Note was made by Mr. Hurlburt and IWWEO Griswold Nelson of numerous previous Petitions approved, the most recent one, within the past year, to address needed maintenance of the instream pond on the site.

App#682 – Block LLC/Shanta Sukha – Construction of a single-family residence and driveway within regulated areas – Applewood Lane.

Application with Mapping entitled “Septic System Design prepared for Shanta Sukhu – 11 Applewood Lane, by Connecticut Consulting Engineering, dated 5/24/2024” made part of the record.

IWWEO Griswold Nelson addressed the application, stating that the approved “hilly” residential subdivision lot was the last remaining lot to be developed on the Applewood Lane Madwam subdivision (dating back to the 80’s) with an approved driveway on the subdivision’s private road. Noting the lot being approved prior to current regulations, both Zoning and Wetlands, Griswold Nelson stated that the engineers had done due diligence in both the location of the single-family residence in terms of slope (25% or less) to comply with current buildable area requirements and current storm water management designs. Noting that the activities were within the upland area and proposed no disturbance in the wetlands near the driveway, Griswold Nelson recommended that the Commission consider the application as an **Upland Review** to allow the property owners/applicant to move forward on securing contractors for the driveway/home site.

Accordingly:

Motion made by Mr. Demy, seconded by Mrs. Bennett, to determine that **App#682 – Block LLC/Shanta Sukha – Construction of a single-family residence and driveway within regulated areas – Applewood Lane** constitutes an Upland review for activities within the Upland area with standard conditions:

1. The name and telephone number of the persons or entity responsible for the erosion and sedimentation control measures are 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.
4. The site design engineer shall be responsible for the supervision of the site during all phases of construction for activities within regulated areas including maintenance of the erosion and sedimentation controls.
5. The site design engineer shall be responsible for providing certification that the construction of the structure is following the site plan. All inspection and certification expenses are at the expense of the property owners.

PDR16/2023 Correction re-determination- DJ Hall/ David Hall applicant/Malka Percal - 297 Sharon Goshen Turnpike. Additional work to stabilize banks, remove trees, etc. to address continued storm event damage approved at 10/19/2024 site walk.

Note was made by IWWEO Griswold Nelson of the October 19,2024 site walk minutes reflecting the re-determination of PD16/2023 as previously approved and now renewed.

PDR22- 2024 - Leonard Assard PE applicant/Cody Pociask owner - Modifications to a non-code compliant existing septic system for use of property for residential usage - 18 Brook Road.

Information made part of the record.

- Mapping entitled "Site Plan Pociask residence- dated July 2024 prepared by Leonard Assard PE, 78 Thompson Road, Bethlehem" accompanied by aerial photography and TAHD approval for the mapping as referenced.
- Wetlands Report prepared by JMM Wetlands Consulting Services, Newtown CT dated June 2024

Leonard Assard PE was in attendance to represent the application.

IWWEO Griswold Nelson stated that she had visited the site that day to confirm the accuracy of the mapping provided.

Mr. Assard addressed the application, stating the existing sub-standard septic system located in the narrow strip of property owned by Mr. Pociask behind the structure (former VFW building) was the approved location for the septic as designed for a two-bedroom home with limitations (including low flow devices and limited bathroom facilities) as provided for by the necessary variance granted by the State Health District and TAHD approval.

Griswold Nelson addressed the limitations as shown in the mapping provided showing the need to use the co-owned driveway access and any necessary storage of equipment and materials needed for or removed during the installation or the new system. It was agreed that Mr. Assard would supply necessary approvals from the co-joined property owner to certify that the driveway could be used and that any spoils remaining from the removal of the substandard system would not be used or spread on the abutting property within the

150 set back of the nearby brook. Mr. Assard agreed to provide the information to the Land Use office prior to the start of any work.

Accordingly:

Motion made by Mrs. Bennett, seconded by Mr. Demy, to determine that **PDR22- 2024 – Leonard Assard PE applicant/Cody Pociask owner – Modifications to a non-code compliant existing septic system for use of property for residential usage – 18 Brook Road** an constitutes a Use as of Right for the maintenance of existing residential property the following conditions:

1. The name and telephone number of the persons or entity responsible for the erosion and sedimentation control measures are 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.
4. The site design engineer shall be responsible for the supervision of the site during all phases of construction for activities within regulated areas including maintenance of the erosion and sedimentation controls.
5. The site design engineer shall be responsible for providing certification that the construction of the structure is following the site plan. All inspection and certification expenses are at the expense of the property owners.
6. Written confirmation and permission from the adjoining property owner for the shared use of the driveway and other associated activities on the abutting property shall be provided to the Land Use office prior to the start of any work.

Motion unanimously approved.

PDR23-2024 – Fred Scoville applicant/Dan Geisser owner - Activities within regulated areas for maintenance of residential property – 105 Cream Hill Road.

Agency member Debby Bennett recused herself from the proceedings.

Fred Scoville, representative for the owner, was in attendance to represent the matter.

Information made part of the record:

Application and mapping showing approximate area (circled) of proposed activities (mapping supplied by Land Use office to applicant)

Fred Scoville addressed an upcoming on-site investigation of the areas being undertaken by a certified soil scientist and an A-2 survey to be completed by a licensed surveyor, both in progress but not available for the evening's meeting. Griswold Nelson addressed other information in the Cornwall land use files (including reports and field delineation by a certified soil scientist for the permitting of shared driveway (Bennett) that was being made part of the application. It was suggested that a representative from the Agency (chairman Hurlburt and/or IWWEO Griswold Nelson) be in attendance during the Soil Scientist's upcoming visit later that week.

Note was made by the IWWEO that any activities listed in Section 4 of the Inland Wetlands regulations required Agency approval and therefore the Petition would have to come back to the December meeting for action by the Agency as large.

Accordingly:

Motion made by Mr. Demy, seconded by Mr. Bahn, to table action on **PDR23-2024 – Fred Scoville applicant/Dan Geisser owner - Activities within regulated areas for maintenance of residential property – 105 Cream Hill Road** to the December regularly scheduled meeting; unanimously approved.

Mrs. Bennett returned to the proceedings.

PENDING APPLICATIONS.

PDR-12-2024 Allyn and Irene Hurlburt applicants/Allyn & Irene Hurlburt owners/39 Hautboy Hill Road and Nathaniel Rubin – 55 Hautboy Hill Road) 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 continued communications (message left and unanswered) regarding the status of the investigation of the site and proposed remediation.

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. (Approved at 10/19/2024 special site walk meeting for driveway to move forward)

ENFORCEMENT ACTIONS:

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

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 on made part of the record:

10/25/2024 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 gave a brief overview of work being done to ensure that sites were wrapped up accordingly before the onset of winter conditions.

CORRESPONDENCE AND COMMUNICATIONS RECEIVED.

OTHER BUSINESS PROPER TO COME BEFORE THE COMMISSION.

Griswold Nelson addressed upcoming attendance by Agency members Peter Demy, Debby Bennett, and herself at the CACIWIC conference in Bristol on November 16, 2024. Reports from attendees to be discussed under “Other Business” at the December meeting:

ADJOURNMENT

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

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