

**CORNWALL INLAND WETLANDS AND WATERCOURSES AGENCY
MINUTES OF THE JULY 2, 2024 (AMENDED AGENDA) REGULAR MEETING**

**Present: Regular members D. Stevenson Hedden, Debby Bennett, Jeff Morgan, Peter Demy, alternate member Robert Nethery and IWWEO Karen Griswold Nelson.
Absent: Regular member Bill Hurlburt and alternate Alan Bahn**

The meeting was called to order at 7:08PM with a quorum established. By action of the chairman, alternate Robert Nethery was seated for regular member William Hurlburt.

APPROVAL OF MINUTES: June regular and special meeting minutes

Motion made by Mr. Demy, seconded by Mrs. Bennett to approve the minutes of the June 4th regular meeting minutes as presented: unanimously approved.
Action deferred on the special meeting minutes.

NEW APPLICATIONS/PETITIONS FOR DECLARATORY RULING

PDR13-2024 – Enchanted Forestry LLC applicant/Rembert and Francis Katherine Reynolds owners– forestry and tree removal work – 225 Dibble Hill Road.

Note was made by Griswold Nelson of conversations with the property owners regarding the matter and their permission for her to represent the Petition.

Mapping prepared by PE Brian Neff, “Proposed Plan” for the overall site showing existing structures, “watercourse” and future septic design (made part of the records by kgn) and mapping submitted by the applicants showing “watercourse” was made part of the record.

Griswold Nelson gave an overview of the after-the-fact application for work next to a stream on the property (within 30 plus feet) to remove deceased and dying trees.

Griswold Nelson addressed conversations with the foresters, Tim and Tony Locke, regarding the process as addressed during DEEP forestry training for foresters to comply with statutory requirements for local wetland permitting for harvests within regulated areas and the expectation of future compliance.

Accordingly,

Motion made by Mr. Demy, seconded by Mrs. Bennett that **PDR-13** constitutes a Use as of right as per Section 4.a for agricultural activities (forestry and tree removal work) within regulated areas); unanimously approved.

PDR-14-2024 – Amber Construction applicant/ Rembert and Francis Katherine Reynolds owners - work within regulated areas for reconstruction of existing driveway for safety purposes and site stabilization – 225 Dibble Hill Road.

Application with information made part of the record by staff (kgn)

Mapping referenced in PDR13-2024 was copied into the file by staff (kgn)

Note was made by Griswold Nelson of conversations with the property owners and Amber Construction regarding the matter and their permission for her to represent both parties.

Griswold Nelson gave an overview of the application for work within 150 feet of the stream on the property to modify the existing driveway to create a turn-around for vehicles on the site to enter Dibble Hill Road without backing into the road. It was noted that the work being done was part of the entry used for the timber harvest and the site would be regraded and stabilized during the process.

Accordingly,

Motion made by Mr. Demy, seconded by Mrs. Bennett that **PDR-14** constitutes a Use as of right as per Section 4.1 d for maintenance of residential property including work within regulated areas for reconstruction of existing driveway for safety purposes and site stabilization: unanimously approved.

PDR-15- 2024 – Laszlo Gyorsok owner/applicant – Septic repair within regulated areas – 45 Popple Swamp Road. (kgn to represent)

Application with information made part of the record by staff (kgn)

Mapping entitled “Subsurface Sewage Disposal System Repair Plan for Lazlo Gyorsok, Dev. Lot 6, 45 Popple Swamp Road” prepared by John Mack --Stuart Somers Company, LLC 1211 Main Street, Southbury, CT dated 03/25/2024 revised to TAHD comments

Torrington Area Health comments May21, 2024

Correspondence from the Land Use office to and from Stuart Somers Company

Note was made by Griswold Nelson of conversations with the property owners and the engineers at Stuart Somers (Charles Spath and John Mack PE) regarding the matter and their permission for her to represent both parties.

Griswold Nelson gave an overview of the after-the-fact application for work within 150 feet of regulated areas on the property for the repair (entire replacement) of the existing septic system. Griswold Nelson addressed conversations with both the engineers of record and the septic installer regarding the proper process to be followed for septic repair in the Town of Cornwall, a process as defined in the wetlands statutes and consistent with other towns. It was agreed that correspondence would be forwarded to the engineering firm and the contractor regarding the matter to as to better educate property owners on permitting.

Motion made by Mrs. Bennett, seconded by Mr. Demy, that **PDR-15** constitutes a Use as of right as per Section 4.1d for maintenance of residential property (repair/replacement of existing septic system) : unanimously approved.

PDR-16-2024 – Cornwall Conservation Trust applicant/owner – Activities within regulated areas for the construction of a Viewing platform – Rattlesnake Road.

Locational maps (overhead), draft of proposed structure (size, dimension, materials and side view of the viewing structure) and info regarding similar structure at Eel Pond Preserve in Warren was made part of the record.

CCT member Debby Bennett addressed the Petition (as prepared by staff kgn) for the installation of a proposed handicapped accessible structure (bird viewing platform with ramp) to be constructed adjacent to wetlands on the CCT owned Rattlesnake Preserve. With note made of similarities to the Camp Mohawk “boardwalk”

Motion made by Mr. Demy, seconded by Mr. Nethery, to determine that **PDR16-2024** constitutes a “non-regulated” use according to 4.2.b for outdoor recreation for “nature study” as the Petition as presented does not disturb the natural and indigenous character of the wetlands or watercourse by removal or disposition of material, alteration, obstruction of waterflow or pollution of the wetlands or watercourse”: unanimously approved,

PDR-17-2024 Mr. Robin Fernandez owner/applicant – Activities within regulated areas for septic repair – 191 Great Hill Road. (kgn to represent)

Information made part of the file:

Petition for a “Declaratory Ruling” emailed to the Land Use office dated 6/29/2024
Mapping entitled “Septic System Repair Design prepared for Robin Fernandez, 191 Great Hill Road, DSM, LLC – Dennis McMorrow PE, Goshen dated 6/28/2024

Wetlands Report, prepared by Ian Cole, LLC and professional soil scientist, Middletown CT., dated October 23, 2023 prepared for Mrs. Nancy Wolfson Moche.

Griswold Nelson gave an overview of the application, stating that the property recently sold to Robin Fernandes, had been investigated for wetlands by the previous owner (as named on the wetlands report) and that the new owner(s) had purchased the property understanding the need for an updated septic system and had moved forward on the appropriate permitting:

Accordingly,

Motion made by Mrs. Bennett, seconded by Mr. Demy, that **PDR-17** constitutes a Use as of right as per Section 4.1d for maintenance of residential property (repair/replacement of existing septic system) 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/Selectman’s office shall be notified prior to the start of construction.
3. All erosion and sedimentation controls, if needed, are to be installed prior to the start of the construction.

Motion unanimously approved.

PDR18-2024- J. Brandon Moyer applicant/owner – work within a stream bed for stabilization and assorted activities within the riparian buffer as per previous plans approved. – 8 Popple Swamp Road.

Griswold Nelson represented the application, stating that the “Petition” submitted electronically by Mr. Moyer was in response to her request upon finding work being done in the watercourse on the site on June 29th. Griswold Nelson addressed the previous application submitted in 2015 for landscape and wetlands work designed for the Lopes Moyer residence by Rosiello Designs. Griswold Nelson addressed work being done on the 29th as described in the Petition submitted for “erosion control – river rocks placed along stream walls at areas experiencing extreme erosion. Planting of three indigenous trees as indicated as approved 2015 submitted to wetlands.” It was noted that the narrative attached also addressed the work done. Griswold Nelson addressed conversations that day with Mr. Moyer that the change to the placement of river rocks in an approved vegetated riparian buffer was not in keeping with the previous permit granted or consistent with best practices., It was agreed that the matter was going to be re-addressed based the misconception by many residents that vegetated riparian buffer were more protective of wetlands and watercourses that the process now being used.

Motion made by Mrs. Bennett, seconded by Mr. Demy, to determine that **PDR18** constitutes after-the-fact work inconsistent with the original Permit granted and any further work in the watercourse would require the submission and approval of a new Permit: unanimously approved

PENDING APPLICATIONS.

App#680- YMCA Camp Mohawk/Patrick Marchand – Activities within regulated areas for the installation of a boardwalk – 246 Great Hollow Road.

Information made part of record was used as referenced in the June meeting minutes and used for reference for the site walk preceding the regular meeting.

Members in attendance at the July 2, 2024 site preceding the meeting: D. Stevenson Hedden, Debby Bennett, Jeff Morgan, Peter Demy, alternate member Robert Nethery Overhead locational mapping, , Mapping, prepared by Jason Dismukes entitled Septic System Inventory, Design for boardwalk as supplied by White Memorial, and Camp Mohawk Mast Plan.

There was general discussion of the description of the proposed work by Patrick Marchand at the site walk. Points covered: work to be done basically by hand by staff including placement of posts; the creation of a wooden board walk and the expectation that the process would take time to complete, (maybe a 100 feet at a time) and that all protective measure would be taken. Note was made of the collaborative work and consultation with White Memorial in terms of structure and materials to be used.

Motion made by Mr. Hurlburt, seconded by Mrs. Bennett, to approve **App#680 and** determine that the application technically constitutes a “non-regulated” use according to 4.2.b for outdoor recreation for “nature study” as the Petition as presented does not disturb the natural and indigenous character of the wetlands or watercourse by removal or disposition of material, alteration, obstruction of waterflow or pollution of the wetlands or watercourse”: unanimously approved,

PDR 10-2024– Mark Marino applicant/owner - Maintenance of an existing pond – 12 Johnson Road.

Griswold Nelson addressed a site visit that showed that the mapping submitted was all in order, including the size of the pond as originally designed and the appropriate placement of spoils. Accordingly,

Motion made by Mrs. Bennett, seconded by Mr. Morgan, **that PDR-10-1024** constitutes a Use as of right as per Section 4.a for agricultural activities (maintenance of an existing agricultural pond) 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/Selectman’s office shall be notified prior to the start of construction.
3. All erosion and sedimentation controls, if needed, are to be installed prior to the start of the construction.

Motion unanimously approved.

PDR-11–2024 Mark Marino applicant/owner – Maintance of an existing pond – 26 Johnson Road.

Action deferred until site visit completed by Griswold Nelson.

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 continued work with the applicants to address the situation with all involved parties

At the request of chairman Hedden, to extend Permits and Petitions:

PDR-19-2024 – Steve Hedden applicant/Mohawk Mountain Ski Area owner – Maintenance of existing drainage structures and silt pond – 46 Great Hollow Road.

as shown on mapping in the record and in accordance with previous

Applications/Petition 553 - 2011 and PDR-2-2018))

Motion made by Mr. Demy, seconded by Mrs. Bennett to determine that all proposed work in accordance with the mapping, construction sequence, and E&S controls on file, constitutes “Use as of right” 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/Selectman’s office shall be notified prior to the start of construction.
3. All erosion and sedimentation controls, if needed, are to be installed prior to the start of the construction.

Motion unanimously approved.

ENFORCEMENT ACTIONS:

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

Griswold Nelson re-addressed ongoing conversations with impacted property owners on Frederick Drive and conditions of the site remaining “untouched” and “under control” as evidenced by recent visits to the area

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 new correspondence received.

INLAND WETLANDS OFFICER REPORT. None

CORRESPONDENCE AND COMMUNICATIONS RECEIVED.

Longtime chairman D. Stevenson Hedden, announced his retirement from the Cornwall Inland Wetlands and Watercourse Agency after 48 years of service. With final goodbye’s **Motion** made by Mr. Demy, seconded by Mr. Morgan to adjourn the meeting at 8:30PM

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