

TOWN OF SALISBURY

INLAND WETLANDS AND WATERCOURSES COMMISSION

SPECIAL MEETING

JANUARY 21, 2021 - 6:00PM (VIA ZOOM)

- 1) Call to Order. The meeting was called to order at 6:05pm.  
Present: Larry Burcroff, Steve Belter, Peter Neely, Sally Spillane, Maria Grace and Abby Conroy, Land Use Administrator. Absent: John Landon, Cary Ullman and Peter Oliver (Alternate).  
**Approval of Agenda. So Moved** by S. Spillane, seconded by P. Neely and unanimously **Approved.**
- 2) Seating of Members & Alternates. All regular Members attending were seated.
- 3) Minutes of December 7, 2020.  
A **Motion to Approve the Minutes of December 7, 2020** was made by S. Belter, seconded by P. Neely and unanimously **Approved.**
- 4) Correspondence – None
- 5) Show Cause Hearing – Cease and Correct / 145 Taconic Road / 145 TR LLC (Keenan) / Cutting and removal of vegetation in the upland review area along the railroad causeway without the benefit of permits.  
Abby Conroy explained that the previous Inland Wetland Agent, Ruth Mulcahy, had issued the Cease and Correct Order. She asked if anyone on the Commission had any substantive discussions about this matter with either another Commission member or a member of the public by email, phone calls or personal discussions outside of the context of this hearing. Peter Neely, Steve Belter and Larry Burcroff answered yes. Janet Brooks, legal counsel for the Commission, asked the 3 members who answered yes whether the discussions they had caused them to think more about this and whether they changed their mind. S. Belter indicated that he had several discussions with people; including John Harney, L. Burcroff, P. Neely and S. Spillane, but those discussions had not changed his mind. P. Neely indicated that he had not changed his mind, after discussion with S. Belter and a site visit. L. Burcroff indicated that he had not changed his mind, after discussion with S. Belter. S. Spillane mentioned that her conversation with S. Belter did not change her mind. Attorney Brooks thought it would be best if S. Belter recuse himself because of the extensive discussions that he had with other Commission members and members of the public. Attorney Brooks added that she will work with the

Commission on some procedural issues, going forward. She noted that P. Neely should disclose what he saw on the site visit, for the other's benefit. She had nothing further to add now. A. Conroy explained that the Commission could uphold, withdraw or modify an order. If the order was to be enforced, the burden is on the Town to demonstrate the violation. As the Cease and Correct letter is the only thing in the file, A. Conroy indicated that the 2 Commission members who had been to the site could speak to the conditions that they saw there. L. Burcroff thought a lot of trees and brush had been removed. Stumps were left and he did not see soil disturbance from the activity. He thought that dead and live trees might have been taken down. P. Neely saw the log pile on his site visit. He did not see soil disturbance, but saw some run-off near a culvert and some silt fencing. S. Spillane asked if the scope of the work that was done without an application should have had an application. L. Burcroff answered yes. P. Neely answered yes. S. Spillane felt that if there was significant activity within the 100' setback or the 300' upland review area, there should have been an application. She added that she wants to see applications for activity like this, going forward. A. Conroy suggested that representatives for the property speak at this time. Jeffrey Keenan, owner, addressed the definition of regulated activity. He indicated that he thought the brush cutting activity on his property did not fall into the definition of regulated activity nor adversely impact the wetlands or watercourses. He mentioned that he will be coming to the Commission with several applications for other activities. A. Conroy pointed out that Mr. Keenan does have a team of professionals for the property. M. Grace asked about seeing the easement with the Nature Conservancy and if it is part of the public record. Attorney Michael Citrin, representing Mr. Keenan, indicated that the easements are on the land records. A. Conroy indicated that the Commission is bound by their regulations now and the easement should not be considered at this time. S. Belter initially declined to recuse himself or abstain from the vote on this matter. Attorney Brooks pointed out that the legality of the decision reached by Commission on the order could be imperiled. The issue is that a Commission member communicated with many people outside of a meeting forum. On the advice of Attorney Brooks, S. Belter recused himself from the vote.

**Motion to Rescind the Cease and Correct Order dated November 25, 2020, issued by Agent Mulcahy related to 145 Taconic Road.**

Made by P. Neely and seconded by M. Grace

Vote: 4 in Favor (S. Spillane, M. Grace, P. Neely and L. Burcroff) 1 Abstention: S. Belter

**Motion Approved.**

- 6) 268 Twin Lakes Road / Twin Lakes Beach Club, Inc. / Resurface existing tennis courts with the removal of the old surface and fencing in a wetland area.

Blake Morrison and Bob Rathbun, representing the Beach Club, presented the proposed planting plan. S. Spillane commented on the height of the edging and suggested it be high enough to hold back the mulch. S. Belter asked about the details of the resurfacing work.

**A Motion to Table the Application for 268 Twin Lakes Road to the February 1, 2021 meeting** was made by S. Spillane seconded by P. Neely and unanimously **Approved**.

- 7) 83 Rocky Lane / Kunes & Freeman (Attorney Capecelatro) / Demolish and Rebuild Single Family Dwelling.

Attorney Mark Capecelatro explained Engineer Pat Hackett's response to Town Consulting Engineer, Tom Grimaldi. Mr. Hackett described the revised engineering plans and his point-by-point response to Mr. Grimaldi's letter dated January 15, 2021. After brief discussion, L. Burcroff asked if all comments had been addressed; Attorney Capecelatro answered yes.

**Motion: To Approve an application to demolish and rebuild a single family dwelling and associated site improvements as depicted on a plan entitled "Kunes-Freeman Residence, 83 Rocky Lane, Salisbury, CT Prepared by Pat Hackett, Engineer, dated September 21, 2020 revised January 21, 2021. The Approval is subject to standard conditions and the consulting engineer RR Hiltbrand's recommended special conditions 1-6 as identified in a review letter dated January 15, 2021.**

Made by S. Belter, seconded by S. Spillane and unanimously **Approved**.

- 8) 67 Old CNE Road / Colaric (McMorrow – Berkshire Engineering) / New foundation under existing screened porch.

Dennis McMorrow, Engineer, reviewed the plans and changes that had been requested by the IWWC. He included a planting plan that he had just received. S. Spillane recused herself from the discussion and vote on the application as she had received information (photos) from the public. There was discussion about tree, stump and brush removal. It was noted that the roof was being raised, but with no change of pitch. There were no other issues.

**Motion: To Approve an application to rebuild a screened porch on a single family dwelling and associated site improvements as depicted on a Zoning Location Survey prepared for Riga Construction 67 Old CNE Road, Salisbury, CT prepared by Berkshire Engineering and Surveying LLC dated September 21, 2020 and revised December 29, 2020. This approval is subject to the standard conditions of approval, a planting plan overlaid on the above identified Zoning Location Survey stamped "revised January 21, 2021" and the tree to be removed is ground out or flush cut, not pulled out by the roots.**

Made by S. Belter and seconded by P. Neely.

Vote: 4 in Favor (L. Burcroff, P. Neely, S. Belter and M. Grace) 1 Abstention: S. Spillane

**Motion Approved.**

- 9) Regulation Updates

Abby Conroy informed the Commission that Attorney Brooks recommended holding a couple of workshops on the proposed new regulations and definitions, to allow for more input from the public. A. Conroy and R. Mulcahy will be working a "red-line" version soon, as more work needs

to be done on a draft. S. Spillane and P. Neely indicated that more time was needed to let interested people prepare their comments and concerns. A. Conroy suggested having a first workshop to identify items to be updated and other areas of concern, then having a second workshop to consider other additional ideas. S. Spillane pointed out that Commission members John Landon and Cary Ullman have already spent a lot of time on the regulations updates and she would like them involved, going forward. She would also like an opportunity to review a draft document before a workshop is scheduled. S. Belter suggested having a legal review of a draft document first and then letting the Commission look at it in March. P. Neely agreed. There will be further discussion about the process in February.

10) Public Comment

Russ Conklin asked for a copy of the updated regulations, when available, and then he would comment on the proposed changes to the language suggested by the Commission.

Bruce Palmer had several comments including updating the IWWC webpage, ruling on removing Milfoil from Lakeville Lake, the “delta” issue and the continued removal of trees on Lakeville Lake.

11) Staff Report – Agent Approval – 95 Brinton Hill Road Addition

Abby Conroy issued an Agent Determination for this application, with Chairman L. Burcroff’s approval. S. Belter asked about which applications are being brought to the Commission and the criteria used for an Agent Determination/Approval. He thinks applications should still be made available to the Commission before an Agent Determination is made. L. Burcroff pointed out that previous applications had been brought to the Commission.

12) **Adjournment. So Moved** by S. Spillane, seconded by S. Belter and unanimously **Approved**.