

SALISBURY INLAND WETLANDS & WATERCOURSES COMMISSION

MARCH 9, 2021 6:00PM (VIA ZOOM)

SPECIAL MEETING

- 1 1) Call to Order. Present: Larry Burcroff, Peter Neely, John Landon, Sally Spillane, Maria Grace,
2 Steve Belter and Abby Conroy, Land Use Administrator. Absent: Cary Ullman and Peter Oliver
3 (Alternate). **Approval of Agenda. So Moved** by J. Landon, seconded by S. Spillane and
4 unanimously **Approved**.
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6 2) Seating of Members & Alternates. All regular members present were seated.
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8 3) Minutes of March 1, 2021. **A Motion to Approve the Minutes of March 1, 2021** was made by S.
9 Belter, seconded by P. Neely and unanimously **Approved**.
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11 **4) Minutes of March 3, 2021. A Motion to Approve the Minutes of March 3, 2021** was made by J.
12 Landon, seconded by P. Neely and unanimously **Approved**.
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14 5) Correspondence – None.
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16 6) 2021-IW-006 / Joshua & Stephanie Weismer (Bill Johnson – John Toates Architecture and Design
17 LLC) / 215 Taconic Road / Forest Management Activities / Map 23 / Lot 59-1.
18 More specific information on the plan had been requested by S. Belter at the site visit on
19 3/3/2021. David Battista, Lenard Engineering, described the revised Forestry Management Plan
20 (dated 3/8/2021), including the following points:
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22 • All work in the wetland Area 2 has been eliminated and removed from this
23 application.
24 • Evergreens and one large specimen tree would be left at the entryway to the
25 property.
26 • Silt fence would be used instead of wood chip berms.
27 • Tree removal limits are slightly changed.
28 • No logs would be removed until there is a driveway in place.
29 • Tree stumps would be left for now.
30 • Outside of the tree removal limits, they would work with the arborist to manage the
31 forested areas.
32 • Construction fence would be used around planned septic field areas.

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34 The Commission members had many specific comments and questions about the plan:

- 35 • P. Neely and L. Burcroff asked for additional silt fence to be added to an area.
- 36 • J. Landon mentioned leaving the rare white cedar trees in place, none to be removed.
- 37 • L. Burcroff, S. Spillane, M. Grace and S. Belter all had questions about the use of wood
- 38 chips; they asked about how and where the wood chips would be used and if they
- 39 would be removed or stay on the site. Mr. Battista explained that they would be used
- 40 along with the silt fence.
- 41 • S. Belter pointed out that the majority of the activity they are applying for (this
- 42 application) is within the regulated area. He asked if alternative sites for access to the
- 43 property had been considered; Mr. Battista answered no, they haven't explored
- 44 alternatives.
- 45 • S. Belter explained that any possible approval of this application would not be precedent
- 46 setting because this sub-division is from a prior approval (2007) that the Commission
- 47 has no control over today and that the activities are regulated, not prohibited. He
- 48 added that he wants a guarantee of no damage to the wetlands from the activities
- 49 proposed and noted that this is a bad time of year to be doing tree removal.
- 50 • J. Landon agreed that this type of subdivision and driveway would not be approved
- 51 anymore.
- 52 • L. Burcroff pointed out that there will be clear-cutting on the building site for a house.
- 53 • S. Belter is concerned about clear-cutting trees in a regulated area.
- 54 • S. Spillane asked who is going to monitor the arborist; John Toates said there is an
- 55 expectation of trust.
- 56 • S. Belter mentioned the possibility of having an outside expert review for the
- 57 Commission.
- 58 • S. Spillane asked when the tree removal would be done; Mr. Battista answered before
- 59 April 15th.
- 60 • J. Landon asked Abby Conroy if she would be comfortable making an Agent
- 61 Determination.
- 62 • S. Belter indicated his position is that the Commission should not ask the Agent to make
- 63 this determination, given the scope of the work, as it would be a bad precedent.
- 64 • A. Conroy asked about the sequence for accessing the proposed driveway corridor. Bill
- 65 Pollock, Arbor Services of CT, answered that they would start at the road. She asked
- 66 about the expected duration of the cutting and who would be on the site monitoring the
- 67 work; Mr. Battista answered that he could be there, at the direction of his clients.
- 68 • S. Spillane asked how long the work would take; Mr. Toates answered about 3 weeks.
- 69 • A. Conroy questioned how long the planned tree removal would take in the western
- 70 area near the wetlands. She indicated that she would not be able to be out at the
- 71 project site every day for 3 weeks. She noted that the date of receipt of the application
- 72 was March 1, 2021 so no decision could be effective until March 15, 2021, in case of
- 73 public objection.

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- P. Neely asked if A. Conroy would be comfortable with making an Agent Determination, if the Commission voted for that; she answered yes. She asked who would be helping with the on-site monitoring on a daily basis, as she would not be able to do that.
 - S. Belter and S. Spillane did not think it was appropriate for a Commission member to do that site monitoring. S. Belter indicated that an Agent had not been asked to do this kind of determination before. He wants the Commission to vote on the Application, not ask for an Agent Determination.
 - M. Grace asked if other species might be flagged in this study area; Mr. Battista answered that they don't have an answer yet. M. Grace wants to know what else the NDDDB report might reveal. P. Neely mentioned that the local IWWC does not have the authority to decide on those matters.
 - S. Belter wants the application to go through the normal approval process. A. Conroy pointed out that this application cannot be approved tonight; it must wait until March 15, 2021, if the Commission would have a special meeting then. She added that a special meeting does not mean a binding decision to approve something. Mr. Battista and Mr. Toates asked if they could start putting in the silt fencing right away because it will be dry weather.
 - S. Belter thought it was okay to put in the silt fence. He would like to continue the process and vote as soon as it is possible.
 - M. Grace pointed out that they were having 2 special meetings for one application and does not want to set a precedent for future expectations of applicants. She indicated that following the set procedure is important; why prioritize this application when there are others to consider? She added that she would be in favor of additional regular meetings added to the schedule, not more special meetings.

98 **A Motion to Schedule a Special Meeting on Monday, March 15, 2021 at 4:30pm** to consider
99 this application and 3 others that are pending, was made by S. Spillane, seconded by P. Neely
100 and unanimously **Approved**.

101 7) Staff Updates – Permit Modification Process
102 Abby Conroy asked if requiring new permit applications should be automatically brought to the
103 IWWC and then decide whether or not it is necessary, based on the extent of the modification.
104 The example of the recent permit for hydro-raking was mentioned. The Commission agreed
105 that applications should be brought to them to decide.

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107 8) **Adjournment. So Moved** by J. Landon, seconded by S. Spillane and unanimously **Approved**.