

SALISBURY INLAND WETLANDS AND WATERCOURSES COMMISSION

APRIL 12, 2021 6:30PM (VIA ZOOM)

1) Call to Order/Approval of Agenda

The meeting was called to order at 6:30pm. Present: Larry Burcroff, Peter Neely, Maria Grace, Sally Spillane, Cary Ullman and Abby Conroy, Land Use Administrator. Absent: Steve Belter and John Landon.

Approval of Agenda. So Moved by S. Spillane, seconded by P. Neely and unanimously **Approved.**

2) Seating of Members & Alternates. All regular members present were seated. Larry Burcroff, Chairman, noted that Peter Oliver, Alternate, had resigned. He expressed the Commission's thanks for Mr. Oliver's many years of service as a member and administrator.

3) **Approval of Minutes of March 9, 2021. So Moved** by S. Spillane, seconded by P. Neely and unanimously **Approved.**

4) **Approval of the Minutes of March 15, 2021.** L. Burcroff noted that Item 7 should be corrected to read: "A. Conroy *indicated* that the pipe...." A **Motion to Approve the Minutes of March 15, 2021, as corrected**, was made by P. Neely, seconded by S. Spillane and unanimously **Approved.**

5) Correspondence – None

New Business

1. **2021-IW-013 / Raccard Properties LLC (Stanton) / 70 Beaver Dam Road / Footpath and Footbridge Over Schenob Brook / Map 23 / Lot 52**

Bill Stanton, representing the owners, explained why the previous locations that had been proposed and approved were unsuitable. He described a new proposed location over an old buried water main. The 4' wide path and the 25' bridge would be set by hand, instead of using machines. C. Ullman asked about the bridge construction details. L. Burcroff asked about phragmites and if there are any valuable plants. Jason Tesauro, Consultant/Wildlife Ecologist, explained that a goal of this project is to restore tamarack and red maples to the swamp. He will provide a planting plan. A. Conroy asked whether this application should be considered new or a modification of the original permit. The members decided a modification was appropriate.

Motion: To Approve the Modification of the Original Application Dated February 4, 2019, for the construction of a Footpath and Footbridge over Schenob Brook at 70 Beaver Dam

Road. The Motion was made by S. Spillane, seconded by P. Neely and unanimously **Approved.**

2. 2021-IW-008D / Jacqueline Blombach and Michael Duca (Stair) / 99 Rocky Lane / Replace Existing 70'x4' Dock / Map 66 / Lot 30
3. 2021-IW-009D / Brian McDevitt (Stair) / 210 Between the Lakes Road / Replace Existing 50'x4' Dock / Map 58 / Lot 4
4. 2021-IW-010D / Donald Ronchi and Jane Ross (Stair) / 75 Washinee Heights Road / Replace Existing 50'x6' Dock / Map 58 / Lot 21
5. 2021-IW-011D / Anne Fredericks and Marc Fasteau (Stair) / 19 Morgan Lane / Replace Existing 70'x4' Dock / Map 64 / Lot 5

The Commission discussed whether docks could be exempt activity and be considered for Declaratory Rulings or whether docks need Applications for Regulated Activity.

Bob Stair, Contractor, explained that the replacement docks would be floating and removable. He described the materials that would be used. The length of the docks was discussed; S. Spillane suggested that was a Planning & Zoning issue. A. Conroy pointed out that Declaratory Rulings must be individual decisions, not blanket exemptions. S. Spillane and L. Burcroff want applications if the replacement docks are a different size than the originals and also to know what materials are being used. Each application for Declaratory Ruling was then individually reviewed:

- **2021-IW-008D -- Motion: To Find this Application for Declaratory Ruling by Bob Stair for 99 Rocky Lane to Replace an Existing 70'x4' Dock to be Exempt under Sections 4.1.c and 4.1.d of the Inland Wetlands and Watercourses Regulations.** Motion was made by P. Neely, seconded by M. Grace and unanimously **Approved.**
- **2021-IW-009D -- Motion: To Find this Application for Declaratory Ruling by Bob Stair for 210 Between-the-Lakes Road to Replace a 50'x4' Dock to be Exempt under Sections 4.1.c and 4.1.d of the Inland Wetlands and Watercourses Regulations.** Motion was made by P. Neely, seconded by M. Grace and unanimously **Approved.**
- **2021-IW-010D -- Motion: To Find this Application for Declaratory Ruling by Bob Stair for 75 Washinee Heights Road to Replace a 50'x6' Dock to be Exempt under Sections 4.1.c and 4.1.d of the Inland Wetlands and Watercourses Regulations.** Motion was made by P. Neely, seconded by M. Grace and unanimously **Approved.**
- **2021-IW-011D** – S. Spillane asked about the configuration of the dock which includes a “T” shape at the end. Mr. Stair indicated that it was necessary for stability and would be 12'x12' in size. S. Spillane asked A. Conroy to check with Planning & Zoning about the size limitations of the “T” or “L” shapes at the end of docks. **Motion: To Find this Application for Declaratory Ruling by Bob Stair for 19 Morgan Lane to Replace an Existing 70'x4' Dock to be Exempt under Sections 4.1.c and 4.1.d of the Inland Wetlands and Watercourses Regulations.** Motion was made by P. Neely, seconded by M. Grace and unanimously **Approved.**

Abby Conroy asked Bob Stair to email to her the withdrawals of the duplicate Applications for these properties (Items #7 -10), as the dock replacements were found to be exempt from permitting.

6. **2021-IW-014D** /Viewport LLC (Wells) / 97 Interlaken / New 48'x4' Dock / Map 38 / Lot 12
Beth Wells, owner, described the proposed new dock. It would be a stationary dock made of aluminum and cedar with a 6'x10' end. The Commission discussed whether this dock could be considered for a Declaratory Ruling or if an Application should be required. S. Spillane indicated that she wants to get applications with documentation for review by the Commission, whether or not they are for Declaratory Rulings or permits. **Motion: To Find this Application for Declaratory Ruling by Beth Wells, 97 Interlaken, to Build a New Dock to be Exempt From Permitting under Section 4.1.c of the Inland Wetlands and Watercourses Regulations.** Motion was made by S. Spillane, seconded by P. Neely and unanimously **Approved**. A. Conroy asked Ms. Wells to withdraw Application 2021-IW-014, as the activity was deemed appropriate without a permit.
7. 2021-IW-008 – Withdrawn
8. 2021-IW-009 – Withdrawn
9. 2021-IW-010 – Withdrawn
10. 2021-IW-011 – Withdrawn
11. **2021-IW-012** / 145 TR LLC (Stair) / 145 Taconic Road / Renovate Existing Gazebo – Roof, Windows, Siding / Map 19 / Lot 19
Bob Stair, Contractor, described the proposed work to be done. A. Conroy pointed out that there is no residential exemption because this is not residential use. Mr. Stair explained that a walkway would be built around the gazebo to capture debris. All materials are to be removed by hand. A. Conroy asked for a survey to be submitted along with more detailed documentation, including dimensions, for the file. S. Spillane also asked for more detailed information. A. Conroy indicated that the application fee is \$260 and that all requested materials would need to be submitted by Noon on April 22, 2021 for the application to be considered on the April 26, 2021 agenda. A **Motion to Accept Application 2021-IW-012** was made by S. Spillane, seconded by P. Neely and unanimously **Approved**.
12. 2021-IW-014 – Withdrawn
13. **2021-IW-002** / West Twin Hydro-Rake Group (Conklin) / 65 Washinee Heights Rd (Multiple Properties) / Restoration and Maintenance by Hydro-Raking / Modification
Russ Conklin, representing the property owners, indicated that one additional property would be added, 22 Channel Road, to their original permit. Mr. Conklin indicated that he needs to get the signature of the owner of 22 Channel Road, Nancy Collins, to complete the paperwork. The 22 Channel Road site would be the “demo” dewatering location for the

bigger project. A **Motion to Approve the Modification of Application 2021-IW-002, conditioned upon the receipt of the signature of Nancy Collins, 22 Channel Road**, was made by S. Spillane, seconded by P. Neely and unanimously **Approved**.

14. Staff Updates

Agent Approvals – None

Regulation Amendments – A. Conroy indicated that she is still trying to get all documents correctly uploaded to the new Town website. She asked the Commission to review (Engineer) Tom Grimaldi’s comments. The length of the Regulation workshop scheduled for April 26, 2021, will be determined by the agenda, including any new or pending applications. Documents pertaining to the IWWA Regulation Rewrite are available on the Town website and additional documents will be added.

Bar Association – P. Neely and S. Belter attended the meeting. P. Neely suggested that the written documents are more important than the presentation. A. Conroy suggested that it would be very helpful for the Commission to read the Bar Association materials; she will re-send the materials to the members. She added that the language in the Statutes can be used to help guide the process (of Regulation re-writes). S. Spillane mentioned that she wants Salisbury to have a Conservation Commission, in addition to the IWWC.

S. Spillane asked about the status of activity at 215 Taconic Road. A. Conroy described what she saw on recent site visits and will be in touch with the engineer about possibly compromised silt fencing. S. Spillane asked who the IWWC can rely on for “expert” opinions; A. Conroy suggested third-party alternative reviews, if necessary. S. Spillane does not want wetlands condemned for another purpose. A. Conroy pointed out that “destruction” is considered a regulated activity.

15. Public Comment – None

16. **Adjournment. So Moved** by P. Neely, seconded by S. Spillane and unanimously **Approved**.