

SALISBURY INLAND WETLANDS AND WATERCOURSES COMMISSION
SPECIAL MEETING
JUNE 7, 2021 6:00 PM (VIA ZOOM)

- 1) Call to Order/Approval of Agenda.
Present: Peter Neely, Sally Spillane, John Landon, Larry Burcroff, Vivian Garfein (Alternate), Steve Belter, Cary Ullman, Maria Grace and Abby Conroy, Land Use Administrator.
Approval of Agenda. So Moved by S. Spillane, seconded by P. Neely and unanimously **Approved**.
- 2) Seating of Members & Alternates. All regular members were seated; no alternate.
- 3) **Approval of Minutes of May 24, 2021. So Moved** by J. Landon, seconded by P. Neely and unanimously **Approved**.
- 4) Informational Workshop on Inland Wetland & Watercourses Regulation Rewrite (end 7:00 PM).
Abby Conroy briefly talked about the process to date and explained that tonight would just be a discussion among the Commission members. L. Burcroff asked the Commission members for their thoughts. J. Landon, one of the original sub-committee members, explained that they had looked at non-conforming items first – the DEEP guidelines & Statutory guidelines. The second thing they looked at were other towns in CT and their Upland Review Areas (URA). They found that 45 out of 144 Towns that have regulations use the 200’ line for the URA for specific waterbodies. His opinion was that this was a reasonable distance to protect the lakes. L. Burcroff mentioned that the 75’ URA is inadequate and doesn’t work anymore. C. Ullman, another original sub-committee member, explained that towns without the 200’ setback don’t have lakes or significant waterbodies. She added that they tried to be reasonable and middle-of-the-road, not radical, in keeping with the precedent of 31% of other towns with similar regulations. S. Spillane asked how regulations were handled for specific waterbodies, if it was by naming certain setbacks for specific waterbodies. C. Ullman answered that specified waterbodies were highlighted and given separate treatment. P. Neely mentioned other towns using the 100’ setback which he prefers. J. Landon prefers the 200’ setback, as do 31% of the towns with waterbodies; all the more reason, he added, as there are so many smaller lot residences within the 200’ areas. The discussion continued about coming up with a list of allowed activities. However, A. Conroy pointed out that there are so many variables, it is easier to develop guidelines from decisions the IWWC has made. C. Ullman pointed out that the content of the regulations is not changing; activities that are allowed within 75’ will still be allowed within 200’. A. Conroy made the distinction that this document doesn’t mean a permit is required; it just allows the Commission a look to 200’. She could approve exempt activities and activities that have minimal impact. There were questions about the next steps in the review process. M. Grace indicated that the URA is just one item to consider; she wants the 75’ area increased. She suggested discussing the particulars of this town, including a more detailed discussion of potential threats, activities that are detrimental and how to improve the quality of the lakes and rivers. She added that this meeting is just the beginning of how to move forward; there are many things to consider, including changes and procedures. V. Garfein mentioned that moving the URA to 200’ gives the IWWC a look at negative impacts to a waterbody. S. Spillane indicated that the most important thing right now is to bring the regulations into compliance; she would discuss the URA again after hearing from some of the stakeholders in a forum. A. Conroy asked to hear more from the Commission

SALISBURY INLAND WETLANDS AND WATERCOURSES COMMISSION

SPECIAL MEETING

JUNE 7, 2021 6:00 PM (VIA ZOOM)

members regarding Engineer Tom Grimaldi's review, for example, the definition of erodible soils. J. Landon commented that he and C. Ullman did not look at erodible soils. C. Ullman expressed that erodible soils would be less relevant with a larger URA. L. Burcroff and S. Spillane would like to hear from Tom Grimaldi at a meeting, without time constraints. S. Belter wants a professional at the next meeting before forming opinions, he wants explanations. A. Conroy suggested having Attorney Janet Brooks at a meeting also. S. Spillane wants the issues separated; she wants the IWWC, engineers and legal to meet first, before public groups. A date for a Special Meeting will be set, probably in July.

- 5) 2021-IW-016 / Faucher / 52 Preston Lane / Develop Single Family Residential Lot / Map 66 / Lot 3. Jean Faucher, owner, and Ralph Stanton, Engineer, described changes made to the original plans. L. Burcroff asked if the Commission wants the plan to be reviewed by their consulting engineer; J. Landon, S. Spillane, M. Grace and S. Belter answered yes. **A Motion to Send Application #2021-IW-016 for a Consulting Engineer Review** was made by S. Belter, seconded by J. Landon and unanimously **Approved**.
- 6) 2021-IW-018 / Reiland / (Capecelatro) / 63 Washinee Heights Road / Develop Single Family Residential Lot / Map 67 / Lot 2-2. Abby Conroy noted that the plans had been reviewed by Engineer Tom Grimaldi in a letter dated May 24, 2021. Pat Hackett, Engineer for the applicant, described the changes made and revisions to the original plans, per the review. L. Burcroff asked if they had complied with Mr. Grimaldi's recommendations; Mr. Hackett noted that deep test pits need to be dug, as a condition of approval. Mark Capecelatro, Attorney, for the owner, indicated that the deep pit data would be added to the plan. Mr. Grimaldi will review the final plan again. They are still waiting for the TAHD approval, as another condition. **Motion: To Approve Application #2021-IW-018 with the additional Stated Conditions above, all 8 Recommended Conditions of Approval Stated in the Letter from Engineer Tom Grimaldi dated May 24, 2021 and with all Standard Conditions**. The **Motion** was made by J. Landon, seconded by P. Neely and unanimously **Approved**. A. Conroy asked if the Town Engineer should participate during the construction process; she will do the pre-construction meeting, but will not be able to do all inspections. Attorney Capecelatro offered to have escrow available for Tom Grimaldi to do inspections, as necessary. All were in Favor.
- 7) 2021-IW-020 / Callahan & Arroyo / 55 Falls Mountain Road / UG utilities for New Single Family Dwelling / Map 8 / Lot 71-1. Tom Callahan, owner, explained that this is the final approval needed. This application is for a buried electrical wire conduit that was done when they replaced a culvert. A. Conroy noted that this was a first cut for a new lot development. Mr. Callahan explained that the original application was for a trench/culvert through an intermittent watercourse. C. Ullman asked if the work had already been done; the answer was yes. L. Burcroff and A. Conroy had visited the site previously and did not know about more activity. A. Conroy suggested that this application could be a modification of the original permit. **A Motion to Modify the Original Permit to Include the Installation of Electrical Conduit in the Permit** was made by S. Belter, seconded by J. Landon and unanimously **Approved**.

SALISBURY INLAND WETLANDS AND WATERCOURSES COMMISSION

SPECIAL MEETING

JUNE 7, 2021 6:00 PM (VIA ZOOM)

- 8) 2021-IW-021D / Fitch / 135Dugway Road / Cut Back Invasive Plants Encroaching on Agricultural Land / Map 8 / Lot 28-3.

Abby Conroy explained that there had been a complaint about tree cutting and brush burning. Steve Fitch, applicant, indicated that mostly invasive plants were removed and burned on site. This Application is a Request for a Declaratory Ruling; the IWWC should state that this activity is exempt. **A Motion to Declare Application #2021-IW-021D, as Exempt Activity**, was made by S. Belter, seconded by S. Spillane and unanimously **Approved**.

- 9) 2021-IW-022D / Tavlin (Fitch) / 194 Dugway Road / Cut Back Invasive Plants Encroaching on Cultivated Area / Map 8 / Lot 29.

Abby Conroy explained that this is residential development. Mr. Fitch, applicant, described all plants as having been cut, not grubbed out. A. Conroy indicated that in the future, all permissions should be obtained before any work is done; she received the complaint after the work was done. Mr. Fitch offered that he will ask for permits, in the future. The Commission stated that this activity is not exempt, not agricultural, not maintenance of existing landscape, not a cultivated area and it is in a wetland. C. Ullman indicated that if the activity is in a wetland area, then that's for the Commission to review and decide. **A Motion for Agent Determination of Application #2021-IW-022D** was made by S. Spillane, seconded by J. Landon and unanimously **Approved**. Mr. Fitch will burn all cut plants on the site.

10) Staff Updates –

- a. Application Forms & Guidance Documents (Docks Do's and Don'ts). A Conroy will add the differentiation and definition of repairs.
- b. Agent Approval – 2021-IW-019A / Rich (Allyn) / 202 Farnum Road / Invasive Species Management / Map 11 / Lot 05-1 / Goutweed treatment May 1 – 31. A. Conroy indicated she was comfortable making the approval because of the timing of the activity in an URA; there can be conversation about invasive removal in the future. S. Belter commented that there was no enforcement or follow-up at 3 Upland Meadow Road; there should be some kind of sign-off. A. Conroy noted that there is no database of permits issued; she will be working on it to add to the future process. S. Belter asked if something was in the record about a planting plan on Seth Churchill's property, which had been previously approved.

11) Public Comment

Russ Conklin had comments on setbacks, clear-cutting and clearing; he would like explanations.

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