

SALISBURY INLAND WETLANDS AND WATERCOURSES COMMISSION
REGULAR MEETING
AUGUST 9, 2021 – 6:30PM (VIA ZOOM)

1. Call to Order. Present: Larry Burcroff, Sally Spillane, John Landon, Peter Neely, Maria Grace, Cary Ullman, Russ Conklin (Alternate), John Harney (Alternate), Vivian Garfein (Alternate) and Abby Conroy, Land Use Administrator. Absent: Steve Belter.
Seating of Members & Alternates. All regular members were seated; Russ Conklin was seated for Steve Belter.

2. **Approval of Agenda. So Moved** by P. Neely, seconded by J. Landon and unanimously **Approved**.

3. Commission Discussion of Regulation Rewrite – 45 Minutes with Attorney Janet Brooks – slopes/erodible soils, special habitats fens, vernal pools, etc.), variable setbacks for different resources, definitions.
The first topic discussed was erodible soils. J. Landon expressed that having the erodible soils definition in the regulations was not a good thing, based on advice received, as it is complicated to document and there are others ways to offer protection. He added that the definition of erodible soils is controversial and unnecessary. Attorney Brooks offered that she spoke to Darcy Winther about erodible soils. She added that she has not had any experience with any towns adopting the highly erodible soils into regulations, as it is difficult to administer and would require a soils map based on more current data than what is available. S. Spillane asked if the reference should stay in Appendix C. of the regulations; Attorney Brooks answered that an Appendix is not adopted into law the same way that regulations are and doesn't have the same legal effect. She suggested that Appendix C. could be stricken entirely, to avoid confusion with the regulations. A **Motion to Strike Appendix C. from the Salisbury IWWC Regulations** was made by P. Neely, seconded by S. Spillane and unanimously **Approved**. The Commission will also look at a possible re-write of Appendix B., Section 8-7d. A. Conroy asked Attorney Brooks about the Model Regulations #11.6. Attorney Brooks indicated that there are new legislative changes regarding the length of permits which are being updated; some already went into effect in July and others must be implemented, if passed. She suggested waiting for the updates before making any changes to the length of permits. S. Spillane and J. Landon asked to discuss special habitats and features, at this time, before considering the Upland Review Area. R. Conklin asked about wood frogs; Attorney Brooks answered that there was one case which had sufficient evidence, but did not impact all IWWCs and that adverse impact is determined case-by-case. R. Conklin brought up the topic of vernal pools. J. Landon indicated that they all need to be field-tested in the spring, when active. Some potential sites are listed, some are not. He noted that a process is needed as it would be a huge undertaking which can't be done in 1 year. He added that there is no place to record the information at Town Hall. He also noted that some investigations are independent of applications. Attorney Brooks indicated that vernal pools are named and defined as a watercourse in the Statutes and the IWWC does have jurisdiction over vernal pools, similar to intermittent streams, without knowing exact locations. She noted that the Upland Review Area protects vernal pools and the same regulations will apply, if expanded. L. Burcroff mentioned that he would like to discuss the topic of calcareous fens, a specific type of wetland. The Commission discussed having a soil scientist give a definition which could be put into the IWWC Regulations. Attorney Brooks brought up the topic of phosphorous reduction in State

waters; she indicated that the State Standards do not apply to the IWWC; that calls for a Conservation Commission.

4. 2021-IW-016 / Faucher / 52 Preston Lane / Develop Single Family Residential Lot / Map 66 / Lot 3 / DOR: 04/26/2021.

Jean Faucher and Ralph Stanton talked about a final review of the plans done by Tom Grimaldi, Engineer, in his letter dated August 2, 2021. A. Conroy noted that she needed hard copies of the Approved Plan Set. C. Ullman and L. Burcroff asked to have Tom Grimaldi perform the recommended inspection; A. Conroy will get the cost estimate to do this. A **Motion to Approve Application #2021-IW-016, with all of the Recommended Conditions of Engineer Tom Grimaldi, as well as the Standard Conditions**, was made by P. Neely, seconded by C. Ullman and unanimously **Approved**.

5. 2021-IW-029 / Ramcharran (LRC Group – Wagenblatt) / 24 Cleaveland Street / Addition to Single Family Residence and Associated Site Improvements / Map 49 / Lot 116 / DOR: 07/12/2021.

It was noted by A. Conroy that Tom Grimaldi's Engineering Review was not on the website yet. She pointed out that all proposed development is within the setback areas. She suggested that the plans be revised for the next meeting. R. Conklin asked how the buried propane tank and the generator are connected; J. Landon also wants to know that. As there did not appear to be representatives for the applicant present, a **Motion to Table Application #2021-IW-029 to the next meeting**, was made by J. Landon, seconded by P. Neely and unanimously **Approved**.

6. 2021-IW-031D / Hetzel (Allyn) / 21 Greystone Lane / Invasive Phragmites Management / Map 3 / Lot 14-6 / DOR: 08/09/2021.

Christian Allyn, representing the applicant, described the proposed activity as spot treatment of phragmites for approximately 200' along the bank of the shoreline on Lake Tavalan. L. Burcroff asked about the location. J. Landon asked if the property has a conservation easement; Mr. Allyn answered that he did not think so. He added that he would like to start the treatment immediately. A **Motion to Approve a Declaratory Ruling for Application #2021-IW-031D**, was made by S. Spillane, seconded by P. Neely and unanimously **Approved**.

7. 2021-IW-031 / Hetzel (Allyn) / 21 Greystone Lane / Invasive Phragmites Management / Map 3 / Lot 14-6 / DOR: 08/09/2021.

Withdrawn.

8. 2021-IW-032D / Conklin / 65 Washinee Heights Road / Maintenance of Residential Property / Map 68 / Lot 13 / DOR: 08/09/2021.

R. Conklin, the applicant, recused himself from the discussion and vote in this matter; J. Harney was appointed Voting Alternate. R. Conklin gave a description of the proposed activity including: cleanup; mulching; mowing; power scythe cutting; removal of damaged, fallen or diseased plants and trees; removal of invasive plants by mechanical, chemical or weed dragon methods; leaf raking and composting. L. Burcroff asked how close the activity is to the lake shore; R. Conklin answered the

meadow goes down to the shore. A. Conroy and L. Burcroff want a map of the site and proposed activity; S. Spillane wants the compost pile to be shown. A. Conroy wants an aerial photo also. R. Conklin says the lot lines are not correctly shown. A **Motion to Table this Application to the next meeting** was made by P. Neely, seconded by S. Spillane and unanimously **Approved**.

Note: At this time, M. Grace left the meeting and V. Garfein was appointed as Voting Alternate.

9. 2021-IW-033 / 145 TR LLC (Parsons/Stair) / 145 Taconic Road / Stormwater Management Improvements / Map 19 / Lot 19 / DOR: 08/09/2021.

Todd Parsons, Engineer, described the proposed activity. They are proposing to install a new catch basin and pipe the discharge to 2 new settling basins to prevent further erosion of the existing drainage channel. He described the disturbance as limited, with no direct impact on the wetlands area and a low risk for erosion potential. L. Burcroff asked how far the lower basin is to the wetlands; Mr. Parsons answered 25'. A **Motion to Accept this Application** was made by J. Landon, seconded by P. Neely and unanimously **Approved**.

10. 2021-IW-034 / Ronchi/Ross (Parsons) / 75 Washinee Heights Road / Water Treatment Wastewater Disposal System / Map 58 / Lot 21 / DOR: 08/09/2021

Todd Parsons, Engineer, described the proposed water softener treatment system as having minimal impact and being 65' from the wetlands. He explained that the system must be elevated above the groundwater and only a shallow trench would be required. After brief discussion, the Commission decided that an Agent Determination was appropriate. A **Motion for Agent Determination for Application 2021-IW-034** was made by P. Neely, seconded by S. Spillane and unanimously **Approved**.

(13. **Approval of the Minutes of June 28, 2021 – So Moved** by J. Landon, seconded by S. Spillane and unanimously **Approved**. Note: Approval of these Minutes was considered at this time in order to have the correct Commission members who were in attendance at that meeting.)

C. Ullman left the meeting after the vote.

11. 2021-IW-035 / Neugeboren / 199 Wells Hill Road / Septic System / Map 35 / Lot 4 / DOR: 08/09/2021.

Attorney Mark Capecelatro, representing the Estate, explained that the current system is stable now, but failing and needs to be replaced. The system is 117' from a watercourse. A. Conroy had asked the Engineer, Jason Dismukes, about the plans. A **Motion for Agent Determination** was made by V. Garfein, seconded by P. Neely and unanimously **Approved**.

12. Public Comment

There was a reference to a letter received from Bruce Palmer.

13. Approval of the Minutes of June 28, 2021 – Already Approved.

14. **Approval of the Minutes of July 20, 2021 – So Moved** by S. Spillane, seconded by J. Landon and unanimously **Approved**.

15. **Approval of the Minutes of July 26, 2021 -- So Moved** by P. Neely, seconded by S. Spillane and unanimously **Approved**.

16. Staff Updates -- 17 West Shore

Someone had contacted A. Conroy about a tree which came down at the shoreline due to a storm and was removed. Another tree was hit and the brush was being removed. There was a brief discussion by the Commission about the work involved. A. Conroy will follow up regarding no stump removal, etc.

17. Correspondences -- Emails from Jodie Haupt (07/23/2021) and Jeffrey Keenan (07/30/2021) were uploaded to the IWWC website. A. Conroy mentioned that an additional letter had been received from the Salisbury Association regarding the possible purchase of 50 acres of land next to Wack Forest on Route 112, depending on grant funding. John Landon explained that they are asking for a letter of recommendation and support from the IWWC. The land and the stream would be permanently protected from development. The Commission agreed and asked A. Conroy to draft a letter of support.

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