

## SALISBURY INLAND WETLANDS AND WATERCOURSES COMMISSION

### REGULAR MEETING

SEPTEMBER 13, 2021 – 6:30PM (VIA ZOOM)

1. Call to Order. Present: Larry Burcroff, Sally Spillane, John Landon, Peter Neely, Steve Belter, Maria Grace, Russ Conklin (Alternate), Vivian Garfein (Alternate) and John Harney (Alternate) and Abby Conroy, Land Use Administrator. Absent: Cary Ullman.
2. Seating of Members & Alternates: All Regular Members were seated. V. Garfein was appointed Voting Alternate for C. Ullman.
3. **Approval of Agenda. So Moved** by S. Belter, seconded by J. Landon and unanimously **Approved.**
4. **Approval of Minutes of August 23, 2021. So Moved** by S. Belter, seconded by P. Neely and unanimously **Approved.**
5. Correspondence.  
An email sent by Bruce Palmer dated August 23, 2021, regarding public comment time and conflicts of interest, was referred to by A. Conroy. Both S. Spillane and L. Burcroff thought that public comment time should remain at the end of the meeting. S. Spillane and S. Belter suggested perhaps asking how many people intended to comment and allowing for that time at the end of the meeting. Attendees can be asked to use the “raise hand” function, if they will have comments later in the meeting. Regarding possible conflicts of interest, A. Conroy suggested polling the Commissioners on specific issues, if applicable. V. Garfein asked to have more general discussion on the subject at a later time.
6. Commission Discussion of Regulation Rewrite – Dr. Michael Klemens, Chairman of the Salisbury Planning and Zoning Commission (PZC) – Lake Protection Overlay District (LPOD), Joint Jurisdiction, and the Plan of Conservation and Development (POCD).  
M. Klemens suggested circulating the minutes from a previous PZC meeting that helped define 2 types of conflicts of interest, according to Attorney Chuck Andres. The topic of mapping and regulating resources was briefly reviewed; the burden could be placed on the applicant as to whether they have those resources and to do the studies. It was suggested that evaluation could be based on the merits of an application, if the right questions are asked. Specific resources to protect should be determined. It was mentioned that identification of vernal pools could be an ideal project for a Conservation Commission. The next part of the discussion was on the 3 concepts of regulated areas, buffers, review areas and how they are different. For

example, the P&Z/LPOD is a 300' regulated area; the IWWC has a 75' Upland Review Area. Both Commissions have the same goal of protecting the wetland resource, using different methods. M. Klemens suggested that looking at the first 25' to 50' around the lakes and how it is managed, with natural vegetated buffers, was a good approach. He talked about incentivizing property owners to maintain natural 25' buffers, instead of lawns, and the value of having both P&Z and IWWC look at the same areas. He suggested that the IWWC figure out the exempt activities, customary/normal activities and what the triggers are for a review. There was discussion about planting plans, consideration of lot size and wetlands buffers. J. Harney mentioned possible incentives for planting vegetative buffers by using property tax reduction. A joint approach to planting plans and buffers was suggested. S. Belter thought the ideas are good, but make the permitting process more difficult without experts. M. Klemens suggested asking for planting plans with native species, not cultivars; S. Spillane could quickly evaluate them. He added that Janet Brooks could help with the definition of a buffer; it might take a little longer to review applications, to get the right results. Creating standards, fact sheets and guidance documents would help the public. After further discussion, the Commission decided to form a Sub-Committee to work on definitions and guidance documents; IWWC members will be P. Neely, M. Grace, V. Garfein, with perhaps someone from the PZC. A. Conroy indicated that those could be Special Meetings, with agendas and recordings; no meeting was scheduled at this time. M. Klemens is available for further questions.

7. 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  
John Wagenblatt and James Brucz gave an overview for the applicant. Mr. Brucz described the inspection of the sanitary line by a plumber and the difficulties encountered; they had to come back to clean the line and try to scope it, but couldn't get further than 60' to 65'. The bends in the line are problematic and need to be fixed. This was discussed with the property owners, John Whalen, Salisbury WPCA, and Mr. Wagenblatt. To resolve the situation, Mr. Brucz proposed a new gravity system which would lower the sanitary line below the brook. L. Burcroff asked how long of a line that is; Mr. Brucz answered approximately 143'. S. Belter asked about any other properties with a similar situation on Cleaveland Street. S. Spillane expressed not liking the pipe under the brook. The process was discussed at length and any possible alternatives. Soil testing will be done. A. Conroy indicated that this proposed sanitary line work was not part of the original application. Either a new application for the scope of this work or to amend this current application would be required. S. Belter and V. Garfein preferred to have the original application amended before deciding anything else on the proposed plan. Mr. Brucz asked if an amended application would be reviewed by Engineer Tom Grimaldi and included in a future public hearing; the answer was yes and an extension of time for the review would be needed. A. Conroy suggested that the applicant grant an extension to the October 12, 2021 meeting. **A Motion to Table Application 2021-IW-029, pending amendments**, was made by S. Belter, seconded by V. Garfein and unanimously **Approved**. Mr. Brucz asked for a review of Tom Grimaldi's comments on the subject of porous pavement; the Commission agreed with his

comments. There was also brief discussion about the water level on the property during the recent severe rains.

8. 2021-IW-036 / O'Hara's (Haab, Hackett, Schmidt) / 254 Twin Lakes Road / Stormwater Management Improvements / Map 63 / Lot 1 / DOR: 08/23/2021  
Pat Hackett and Fred Schmidt described the proposed new stormwater management plan and changes to the original plan. A new drainage divide was described and a new location for the runoff basin. After brief discussion, **A Motion to Approve Application 2021-IW-036, as proposed**, was made by S. Belter, seconded by P. Neely and unanimously **Approved**.
9. 2021-IW-037D / Rich (Christian Allyn) / 202 Farnum Road / Invasive Species Management / Map 11 / Lot 5-1 / Request for Declaratory Ruling  
Christian Allyn described the proposed treatment of invasive plants along the stream with chemical herbicides. There was brief discussion of the specifics of the chemicals to be used. The Commission determined that a Request for a Declaratory Ruling was not appropriate because of the use of herbicides.
10. 2021-IW-037 / Rich (Christian Allyn) / 202 Farnum Road / Invasive Species Management / Map 11 / Lot 5-1 / DOR: 08/23/2021  
Following brief discussion, **A Motion to Approve Application 2021-IW-037, as proposed**, was made by S. Belter, seconded by S. Spillane and unanimously **Approved**.
11. 2021-IW-038D / Truax (Christian Allyn) / 417 Salmon Kill Road / Invasive Species Management / Map 8 / Lot 4-2/ Request for Declaratory Ruling  
Christian Allyn described the proposed treatment on an area of the property that was not previously treated, including spot treatment of spreading invasive plants. S. Belter recused himself from the vote because of prior involvement on the property; R. Conklin was appointed as the voting alternate, in his place. Following brief discussion, the Commission determined that a permit was required for this activity, not a Declaratory Ruling.
12. 2021-IW-038 / Truax (Christian Allyn) / 417 Salmon Kill Road / Invasive Species Management / Map 8 / Lot 4-2 /  
**A Motion to Accept Application 2021-IW-038** was made by J. Landon, seconded by S. Spillane and unanimously **Approved**. The Application will be considered at the next meeting.  
  
(Note: Commissioner M. Grace left the meeting at this time; J. Harney was appointed voting alternate in her place.)
13. 2021-IW-039 / Red Mountain Properties , LLC (Higgins) / 14 Red Mountain Road / 4 Lot Subdivision / Map 3 / Lot 5-2 /  
Adam Higgins, owner, reviewed the site plan and proposed Subdivision for the Commission.

He indicated that no wetlands are involved in the proposed plan. He described the property as old vacant farmland, which he needs to subdivide so that he can build. J. Landon asked for clarification of the proposed dedicated open space; he wants to see it documented as protected open space on the land records. A. Conroy pointed out that as part of the subdivision process, the PZC would approve the final location of the open space; the applicant must file the necessary language for the conservation easement, to the satisfaction of the Town Attorney. As pointed out by J. Landon, the Nature Conservancy of CT protected land surrounds this property; the Salisbury Land Trust Association could provide the necessary language for easements. After brief discussion, a **Motion to Accept this Application 2021-IW-039** for review, was made by J. Landon, seconded by S. Spillane and unanimously **Approved**. S. Belter indicated that he would like to go and see the site, in case there is an upland area to review. The Application will be considered at the next IWWC meeting.

(Note: At this time, L. Burcroff was no longer present in the meeting; S. Belter became the Acting Chairman)

14. 2021-IW-040D / Fredericks & Fasteau / 19 Morgan Lane / Exterior Electrical Work / Map 64 / Lot 5 / Request for a Declaratory Ruling

The applicant was not present. A. Conroy gave a brief overview of the proposed activity, including upgrading exterior electrical service to be code-compliant, trenching along existing electrical line to install new wiring, updating receptacles and removing dangerous limbs from dead tree adjacent to the lake. A Declaratory Ruling, citing Section 4.1.d – maintenance of a property – was requested. A **Motion to Approve this Request for a Declaratory Ruling for 2021-IW-040D**, was made by S. Spillane, seconded by V. Garfein and unanimously **Approved**.

15. 2021-IW-040 / Fredericks & Fasteau / 19 Morgan Lane / Exterior Electrical Work / Map 64 / Lot 5 / Application Withdrawn

16. Public Comment – None

17. Staff Updates

199 Wells Hill Rd., Agent Approval, transfer to new owner was approved.

Regarding subdivision applications with no wetlands at all, A. Conroy asked if the IWWC would be comfortable with her making Agent Approvals; the Commission responded affirmatively.

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