

SALISBURY INLAND WETLANDS AND WATERCOURSES COMMISSION

REGULAR MEETING

JANUARY 10, 2022 – 6:30PM (VIA ZOOM)

1. Call to Order. Present: Larry Burcroff, Steve Belter, Sally Spillane, John Landon, Peter Neely, John Harney (Alternate), Russ Conklin (Alternate), Vivian Garfein (Alternate) and Abby Conroy, Land Use Administrator. Absent: Cary Ullman and Maria Grace.
2. Roll Call & Seating of Alternate Members. J. Harney was Seated for C. Ullman and V. Garfein was Seated for M. Grace.
3. Election of Officers. A. Conroy pointed out that proposed new Bylaws have not yet been put in place. **A Motion to Nominate and Elect Larry Burcroff as Chairman and Sally Spillane as Secretary** was made by Steve Belter, seconded by John Landon and unanimously **Approved**. **A Motion to Nominate and Elect Steve Belter as Vice-Chairman** was made by Larry Burcroff, seconded by John Landon and unanimously **Approved**.
4. **Approval of Agenda. So Moved** by J. Landon, seconded by S. Spillane and unanimously **Approved**.
5. **Approval of the Minutes of December 6, 2021. So Moved** by S. Belter, seconded by J. Landon and unanimously **Approved**.
6. #2021-IW-044 / Lakeville 75 Sharon Road LLC (Capecelatro) / 75 Sharon Road / Stormwater Improvements, Stone Retention, and Plantings / Map 47 / Lot 17 / DOR: 11/8/2021.
Mark Capecelatro, Attorney, and Dennis McMorrow, Berkshire Engineering, responded to a requested letter of review from Engineer Tom Grimaldi which offered comments and recommended conditions for approval. Mr. McMorrow went over the changes made to the drainage calculations and the erosion and sedimentation control plan. R. Conklin asked about the runoff from the driveway and from uphill; Mr. McMorrow answered that both were included in the calculations. Mr. McMorrow described the erosion and sedimentation control plan details, including the 3 phases and sequencing of the project. He talked about the landscaping plan and the 25' deep lake buffer which would be 70% planted, at the maturity of the plants. He added that the 25' buffer is a recommendation, but not based on regulations. L. Burcroff asked about tree removal; Mr. Capecelatro answered that 2 trees and possibly a third will be removed within the 75' review area. S. Spillane asked who would be guaranteeing the maintenance of the rain garden and the water treatment pool; Mr. McMorrow indicated that would be the homeowners; S. Spillane asked that the homeowners state their agreement, for the record, as a good precedent. Mr. Capecelatro noted that the maintenance agreement would be a condition of approval and would go into the land records, which would show up in a title search. Mr. Capecelatro asked the owners if they would be willing to undertake the annual maintenance of the rain gardens, as set forth in the plans by Dennis McMorrow; Mr. and Mrs. Franchini agreed that, yes, they would commit to maintaining the water quality features. Mr. McMorrow summarized the water treatment plan details. S. Spillane asked about the Condition of Approval which will go into the Land Records; S. Belter indicated that his Motion would include a Condition of Approval that the water treatment features will be maintained by the owners, as they agreed.

Mr. Capecelatro added that the Condition should indicate that the owners agreed to the maintenance, per Dennis McMorrow's plan. J. Landon asked if the Condition of Approval would be shown in a title search; Mr. Capecelatro answered, yes, the Conditions will be in the Land Records and be visible in a title search. A. Conroy read the Recommended Conditions of Approval from Engineer Tom Grimaldi's letter:

1. We recommend that the Design Engineer inspect all phases of the Site work and provide correspondence to the Land Use Administrator indicating the permanent stabilization of each project Phase.
2. The Owner/Developer shall add erosion and sedimentation control measures as deemed necessary by the Town of Salisbury staff and/or the Consulting Town Engineer.
3. During wet conditions, limit work to the dwelling area only. All work adjacent to the inland wetlands and/or lake shall be completed during dry weather periods.
4. A Pre-Construction Meeting is recommended with the Town staff prior to the start of construction to inspect E & S control measures and to discuss construction sequencing/phasing.
5. Inspection requirements, by the Consulting Town Engineer, shall be determined by the Commission.
6. An As-Built Site Improvement and Grading Plan, prepared by a State of Connecticut Registered Land Surveyor, shall be submitted to the Land Use Administrator after all of the site work is completed, and prior to requesting a Certificate of Occupancy.
7. A final site inspection shall be completed by the Land Use Administrator and/or the Consulting Town Engineer prior to the issuance of a Certificate of Occupancy

There was discussion about asking for a \$500 inspection escrow and a \$5,000 performance bond for the erosion control; the bond would be partly or fully refundable. S. Belter expressed that inspections would be enough, without a bond. S. Spillane suggested that sedimentation control is within the purview of the IWWC and should be made clear for future applications. S. Belter disagreed, indicating that the PZC could deal with the issue, not the IWWC.

Motion: To Approve Application #2021-IW-044 with the following Conditions: the 7 Recommended Conditions of Approval set forth by Consulting Engineer Tom Grimaldi; the Standard Conditions of Approval; and the Agreement made by the Owners to Maintain the Water Treatment Features that are part of this Project, per Dennis McMorrow's Plan, as part of this Permit. The Motion was made by S. Belter, seconded by P. Neely and unanimously Approved.

7. #2021-IW-045 / Suratt (Parsons) / 105 Belgo Road / Tennis Court / Map 10 / Lot 05-1 / DOR: 12/06/2021.

Todd Parsons, Lenard Engineering, gave a brief re-cap of the original plan and outlined the changes that had been made: show the trees to be removed; show the amount of fill required for the tennis court; and to revise the narrative for invasive species removal to stipulate that only hand removal methods would be allowed in the inland wetland areas. The amount of fill for the tennis court is 600 yards of material; about 240 yards of that is in the Upland Review Area (URA). In the URA, 18 trees have been identified for removal. S. Spillane asked for the plant list, which is now on the plan. Mr. Parsons indicated that sand, salt and de-icing agents would not be used on the tennis court; S. Spillane asked for that to be a Condition of Approval. She also asked for a commitment to a long-range plan to keep the invasive species out (of the area where they will be removed.) Garret Scavotto, Landscaper, agreed that he and the owner will commit to on-going invasive species removal; S. Spillane for a 10-year commitment and Mr. Scavotto and Mrs. Suratt agreed. **A Motion to Approve Application #2021-IW-045, With the Standard Conditions and the Condition to Maintain the Removal of Invasive Species**

for the Next 10 Years, as agreed by the Owner and Landscape Contractor, was made by S. Belter, seconded by V. Garfein and unanimously **Approved**.

8. #2021-IW-047 / Koehler (McMorrow) / 80 Rocky Lane / Construct New Septic System / Map 66 / Lot 28 / DOR: 12/06/2021.

Dennis McMorrow described the changes made to the original plan. Staked hay bales on the downhill side of the silt fence have been added. A more detailed construction narrative has been added, as requested. R. Conklin asked about tree removal; Mr. McMorrow answered that only one large oak tree will need to be removed on the uphill side and stumps will have to be removed in the system area. L. Burcroff asked what would be planted back; Mr. McMorrow answered that it would be grass. There was additional brief discussion. **A Motion to Approve Application #2021-IW-047, with the Standard Conditions**, was made by S. Belter, seconded by J. Landon and unanimously **Approved**.

9. Public Comment – None

10. IWWC/PZC Subcommittee Update

- Ordinary High Water Mark Referral -- V. Garfein reported that there is consensus now on 2 different definitions; one for Lake, Pond and Vernal Pool; the other for Watercourse. These are proposed recommendations for the IWWC to consider. She also referred to discussion about deminimis activity or activity having negligible impact on the inland wetlands/watercourses; they will be listing actual activities for review. R. Conklin asked about the different definition of Ordinary High-Water Mark that P&Z currently uses; V. Garfein answered that P&Z will be changing their definition to be aligned with the new draft IWWC Regulation definition.
- Land Use Complaint Form – To be discussed at the next meeting.

11. Staff Updates:

- a. Bylaws & Rules for the Transaction of Business – A. Conroy described how she adapted the Zoning Board of Appeals (ZBA) Bylaws for use by the IWWC, with their regulations, and had Attorney Janet Brooks review them. One item for consideration is term limits for Officers and the rotation of Alternates; the IWWC can do things differently from the ZBA. R. Conklin had questions and comments; A. Conroy will do some research with Patty Williams and Curtis Rand. S. Belter, J. Landon and S. Spillane want the term limits removed so that Officers can be re-elected. There was further discussion about how Commission members are appointed by the First Selectman and later asked to re-confirm their interest in serving. A. Conroy will work on clarifying the information for the next meeting. She noted that Darcy Winther will be attending the January 24, 2022 meeting.

12. **Adjournment. So Moved** by V. Garfein, seconded by S. Spillane and unanimously **Approved**.

The meeting ended at 8:13PM.