

SALISBURY INLAND WETLANDS & WATERCOURSES COMMISSION

REGULAR MEETING

MARCH 28, 2022 – 6:30PM (VIA ZOOM)

- 1 1. Call to Order. Present: Larry Burcroff, Sally Spillane, Peter Neely, Steve Belter, Cary Ullman,
2 Maria Grace, Russ Conklin (Alternate), John Harney (Alternate) and Abby Conroy, Land Use
3 Administrator. Absent: John Landon and Vivian Garfein (Alternate).
4
- 5 2. Roll Call & Seating of Alternates. All Regular members present were seated. R. Conklin was
6 appointed Voting Alternate for J. Landon.
7
- 8 3. Approval of Agenda. A. Conroy asked for an Item to be added to the Agenda: New Business,
9 Application 2022-IW-054 / Anne Fredericks / 19 Morgan Lane / Tree Planting in the Upland
10 Review Area, which would become Item #7.a. on the Agenda. A **Motion to Approve the**
11 **Agenda**, as amended, was made by S. Spillane, seconded by P. Neely and unanimously
12 **Approved**.
13
- 14 4. **Approval of the Minutes of March 14, 2022. So Moved** by P. Neely, seconded by S. Belter and
15 unanimously **Approved**.
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- 17 5. Public Comment – None
18
- 19 6. 2022-IW-052 / Sprague / 120 & 126 Dugway Road / Three Lot Residential Subdivision with No
20 Construction Activities in the Upland Review Area / Map 8 / Lot 28-1 / DOR: 03/28/2022.
21 John Sprague gave an overview of the proposal for the 94 acre property. Approximately 83
22 acres would be given to a Forever Wild conservation easement. The remaining acreage would
23 be subdivided into 3 building lots for residential use; one lot would be kept for the family's own
24 use, the other 2 lots would be sold. The property is steep, has springs with no running water
25 and a small pond is located about 50' outside of the property near the road; J. Harney offered
26 that the pond has no impact on the property. **Motion: To Accept Application 2022-IW-052 for**
27 **a Three Lot Residential Subdivision, as proposed, and that A. Conroy will draft a letter to the**
28 **Planning & Zoning Commission, on behalf of the IWWC, that there are no proposed regulated**
29 **activities at the moment, but in the future, depending on how someone decides to develop**
30 **the lots, there may be such activities.** The **Motion** was made by S. Belter, seconded by P. Neely
31 and unanimously **Approved**.
32
- 33 7. 2022-IW-053 / McGrath (Hoyt) / 143 Housatonic River Road / Septic System and Grading in the
34 Upland Review Area / Map 16 / Lot 1 / ODR: 03/28/2022.

35 Ms. Brit Hoyt described the proposed project which is on property that her mother owns; the
36 plan is to build a guest house and garage. A. Conroy explained the activities which would occur
37 within the 75' regulated area (URA): grading for the driveway and the silt fencing. The new
38 septic system would be within 150' of the URA and at some points, be within 75' of the URA. It
39 was pointed out that the URA is not delineated on the plan submitted. P. Neely identified the
40 erosion control measures during construction as having the short-term impacts and the silt
41 fences could mitigate those. A. Conroy asked if there could be long-term impacts on the
42 wetlands from the proposed activities; P. Neely offered that there could be some from the
43 septic system, but not likely if appropriate soil and erosion control measures are taken. S. Belter
44 asked why the septic system couldn't be further away from the wetland; Peter McGrath replied
45 that the selected spot is already cleared, but could go 20' further away to the north, if that is a
46 consideration. S. Spillane and L. Burcroff would like to see the extra 20' of distance away from
47 the wetlands. S. Belter indicated that he wants to see an alternate location provided for the
48 septic system. S. Spillane suggested that the IWWC should see a new plan and then have
49 Engineer Tom Grimaldi review it. The applicants will have their engineer look at the feasibility of
50 a different location. A **Motion to Table this application (2022-IW-053) until the next meeting**
51 was made by S. Belter, seconded by S. Spillane and unanimously **Approved**.

52
53 7. a. 2022-IW-054 / Anne Fredericks / 19 Morgan Lane / Fruit Tree Planting Permit
54 Abby Conroy described the proposed activity as planting fruit trees near the road so that it
55 would be harder for people to dump brush into the wetlands area. She suggested that this
56 application is a good example of an Agent Approval. S. Spillane noted that fruit trees require a
57 lot of pruning and wanted to know what would happen to that debris; she asked if a condition
58 could be added to an approval for this activity. A. Conroy indicated that the condition would
59 only be good for the life of the permit; any dumping of debris into a wetland is a regulated
60 activity. S. Spillane suggested that the neighbors should be notified that this brush dumping is
61 not an as-of-right activity. A. Conroy will make sure that when she makes the Agent
62 Determination, she will note that there is to be no dumping of debris and will send a form letter
63 to everyone on the street to let them know dumping is not permitted. S. Spillane suggested that
64 the options should be chipping or taking material off-site. S. Belter expressed that this is a good
65 example of people can get an Agent Determination without an application to the IWWC. A
66 **Motion for Agent Determination** was made by S. Spillane, seconded by S. Belter and
67 unanimously **Approved**.

- 68 8. 2022-IW-051 / Richard & Madlyn Primoff (Arthur Howland & Associates) / 105 Interlaken Road /
69 Demolish Existing, Construct New Single-Family Dwelling Including Associated Site
70 Improvements / Map 38 / Lot 11 / DOR: 03/14/2022.
71 Jim McTigue, Arthur Howland & Associates, gave a brief overview of the application. They are
72 proposing a connection to the town sewer line, which falls within the setbacks to the lake. He
73 noted that there will be minimal disturbance (600' of the URA) and no trees taken down. A.
74 Conroy pointed out that this is not as-of-right activity; this is a new connection and construction,

75 not maintenance of existing. Mr. McTigue indicated that he had contacted the town WPCA and
76 they have no objection to the tie-in. **A Motion to Approve Application 2022-IW-051,**
77 **Connection to Town Sewer Line,** was made by P. Neely, seconded by S. Belter and unanimously
78 **Approved.**

79
80 9. Organization of Regulation Rewrite

81 a. Joint Land Use Subcommittee Referrals

82 A. Conroy went over the reasons for the regulations rewrite which include:

83
84 1) Legislative changes

85 2) Elective changes recommended by Ruth Mulcahy and the original subcommittee, drafted
86 in March of 2021.

87 3) The need to update forms for consistency with the change from the Conservation
88 Commission to the IWWC.

89 4) The referral of the elective definitions and purpose statement from the Joint Land Use
90 Subcommittee, including removal of Appendix C and providing an alternative approach to
91 URA.

92 5) Revisit the fee schedule; consider removing the fee schedule from the Regulations;
93 consider it an annual review, as part of the Bylaws.

94 6) The process of building out on-line permitting needs all of these items to be resolved by
95 the IWWC, which has the statutory authority to revise the regulations.

96
97 The process still has many items to be addressed and needs to be moved forward, according
98 to A. Conroy. S. Spillane suggested reviewing things a few at a time, to keep things moving.
99 M. Grace indicated that the Joint Subcommittee has put further work on the
100 recommendations on pause for a month, so that there can be feedback from P&Z and
101 IWWC. P. Neely offered that the Joint Subcommittee is done with IWWC regulation
102 recommendations. R. Conklin would like to discuss each of the review topic areas. S.
103 Spillane would like to know, in advance of the meeting, which topics will be discussed. A.
104 Conroy suggested that the Commission members refer to all of the documents available on
105 the website at: [https://www.salisburyct.us/inland-wetland-watercourses-commission-
106 meeting-documents/](https://www.salisburyct.us/inland-wetland-watercourses-commission-meeting-documents/). She reviewed the language in the Regulated Activities definition, as
107 recommended by the Joint Subcommittee and pointed out some of the new language added
108 and the commentary provided. C. Ullman asked who has the authority to determine the
109 activities that are likely to impact or affect wetlands or watercourse; A. Conroy replied that
110 only the IWWC can do that. A. Conroy reviewed the 4 points (under Regulated Activity
111 Definition) that were recommended and can be viewed at:
112 [https://seureservercdn.net/72.167.230.230/j8s.008.myftpupload.com/wp-
113 content/uploads/2022/03/Regulated-Activity-Draft-03112022.pdf](https://seureservercdn.net/72.167.230.230/j8s.008.myftpupload.com/wp-content/uploads/2022/03/Regulated-Activity-Draft-03112022.pdf). She reviewed the
114 activities that do not require an application. She further explained that this is a “resource-
115 based” approach which the Subcommittee took for regulating an Upland Review Area.

116 L. Burcroff asked that the discussion of Regulated Activity Definition be on the next agenda.
117 P. Neely asked that correspondence received from Darcy Wither, DEEP, be posted on the
118 website. A. Conroy explained why activities that do not require review are included in the
119 Definition of Regulated Activity. She will put the “Definitions” and “regulated Activity” on
120 the agenda for the next meeting.

121
122 10. Staff Updates

123 a. Bylaws & Rules for Transaction of Business
124 A. Conroy will review the fee schedule separately and do a cost analysis. C. Ullman suggested
125 that the fee schedule be taken out of the Regulations. A. Conroy suggested that the fee
126 schedule could be reviewed at an annual meeting, noted in the Bylaws.

127
128 11. **Adjournment. So Moved** by S. Spillane, seconded by S. Belter and unanimously **Approved**.