

SALISBURY INLAND WETLANDS AND WATERCOURSES COMMISSION

REGULAR MEETING

APRIL 25, 2022 – 6:30PM (VIA ZOOM)

- 1 1. Call to Order. Present: Larry Burcroff, John Landon, Cary Ullman, Peter Neely, Sally Spillane,
2 Maria Grace, Vivian Garfein (Alternate), John Harney (alternate), Russ Conklin (Alternate), Abby
3 Conroy, Land Use Administrator and Georgia Petry, Recording Secretary. Absent: Steve Belter.
4
- 5 2. Roll Call & Seating of Alternates. Vivian Garfein was appointed Voting Alternate for Steve Belter.
6
- 7 3. **Approval of Agenda. So Moved** by P. Neely, seconded by J. Landon and unanimously **Approved**.
8
- 9 4. Approval of Minutes of April 25, 2022. R. Conklin pointed out a correction on Line 94, which
10 should read: "... general agreement on...." A **Motion to Approve the Minutes of April 25, 2022,**
11 **as corrected**, was made by J. Landon, seconded by P. Neely and unanimously **Approved**.
12
- 13 5. Public Comment – Bill Littauer, Lake Association, asked about jurisdiction over ice fishing
14 licenses and motor vehicles on the ice. He commented about whether activities that are not
15 prohibited are permitted. He also commented that on March 1st, someone dug holes on his
16 property and put up wetland demarcation flags. R. Conklin suggested that enforcement
17 questions be directed to Curtis Rand. A. Conroy noted that there is a principle in the Zoning
18 Regulations about activities that, if not expressly permitted, are prohibited.
19
- 20 6. 2022-IW-058D / Zimmerman (Perotti Tree Services) / 16 Woodland Drive (177 Wells Hill Road) /
21 Request for Declaratory Ruling to Remove Dead Trees Posing Risk to House / Map 35 / Lot 9 /
22 DOR: 04/25/2022.
- 23 7. 2022-IW-058 / Zimmerman (Perotti Tree Services) / 16 Woodland Drive (177 Wells Hill Road) /
24 Remove Dead Trees Posing Risk to House / Map 35 / Lot 9 / DOR: 04/25/2022.
25 (Items #6 & 7 were considered at the same time.) A. Conroy noted that this location is in a
26 wetland area and she cannot make an Agent Determination. Removing dead trees, from the
27 tops down, could be considered maintenance, under Section 4.1.d. of the IWW Regulations for a
28 Declaratory Ruling. A **Motion for Declaratory Ruling, to Remove Dead Trees Posing a Risk to**
29 **House, 16 Woodland Drive**, was made by S. Spillane, seconded by P. Neely and unanimously
30 **Approved**. The Commission agreed that this was a good example of a Declaratory Ruling and
31 that if it were in an Upland Review Area, could be an Agent Determination.
32
- 33 8. 2022-IW-059D / 165 Interlaken LLC (Elms) / 165 Interlaken Road / Request for Declaratory
34 Ruling to Replace 4'x50' Dock Including 12'x50' "L" / Map 40 / Lot 48 / DOR: 04/25/2022.

- 35 9. 2022-IW-059 / 165 Interlaken LLC (Elms) / 165 Interlaken Road / Replace 4'x50' Dock Including
36 12'x50' "L" / Map 40 / Lot 48 / DOR: 04/25/2022.
37 (Items #8 and 9 were considered at the same time.) A. Conroy described the proposed dock
38 design, which would have a 50' dock over the water with another 6' on the land, attached by 2
39 existing steps. This would be a removable dock on floats. The property owner, Neil Elms,
40 offered that the previous dock had deteriorated; there were no documents on file for it. He is
41 asking for a Declaratory Ruling under Section 4.1.c. of the IWW Regulations. The additional "L"
42 square footage would be used for the boat mooring; the total would be 320 square feet. A
43 **Motion for Declaratory Ruling to Replace Dock at 165 Interlaken Road**, was made by P. Neely,
44 seconded by M. Grace and unanimously **Approved**.
45
- 46 10. 2022-IW-055 / American School for the Deaf (Allied Engineering) / 410 Twin Lakes Road /
47 Construct 2 New Cabins and Athletic Courts outside of the URA, Plant Vegetative Shoreline
48 Buffer and Construct Stormwater Quality Measures in the URA / Map64 / Lot 8 / DOR:
49 04/11/2022.
50 George Johannesen, Allied Engineering, briefly reviewed the proposal. He indicated that the
51 only work in the URA is the addition to the swale and the plantings. He added that buffer plants
52 will be planted one at a time, by hand. S. Spillane approved the plant list. A **Motion to Approve**
53 **Application #2022-IW-055, 410 Twin Lakes Road**, was made by J. Landon, seconded by S.
54 Spillane and unanimously **Approved**.
55
- 56 11. 2022-IW-056 / Michael Kiernan & Marielle Chaves (Kent Greenhouse & Gardens) / 19 Hemlock
57 Lane / Create Access & Parking for Front of House, Remove Invasives and Offset Parking with
58 Vegetative Wetland Buffer Plantings / Map 23 / Lot 10 / DOR: 04/11/2022.
59 M. Grace and A. Conroy had visited the site; A. Conroy indicated that revised plans had been
60 received from Chris Elkow, Kent Greenhouse & Gardens. Mr. Elkow described the proposed
61 plans which include extending the culvert pipe and some re-grading. Septic information and the
62 location of the tank had been obtained. L. Burcroff asked if lawn was still being planned to
63 replace the invasives; Mr. Elkow answered, yes. M. Grace commented on her observations from
64 the site visit, as follows: water was actively flowing in the culverts; the corrugated pipes are
65 flattened, none are in good condition nor is the driveway. Her main concern is the need for a
66 "no-mow" area on either side of the running water for a 10'-20' buffer. Mr. Elkow asked if no-
67 mow grass would be OK; M. Grace answered yes, but not with frequent mowing. A. Conroy
68 asked if there was anything required from TAHD; Mr. Elkow indicated there had been no
69 response, but they were not planning on any changes to the well or septic system. He added
70 that the plan is to repair the driveway, possibly re-grade it and replace the pipes with heavy-
71 duty plastic. M. Grace noted that vernal pools could not be identified. S. Spillane would like to
72 see plans for the buffers; L. Burcroff would like the no-mow areas shown. M. Grace added that
73 mowing could be harmful and recommends low-grass areas in the channel as far as possible. A
74 **Motion to Approve Application 2022-IW-056, with the Condition of No-Mow Buffer Areas**
75 **Mowed Once a Year**, was made by P. Neely, seconded by M. Grace and unanimously **Approved**.

76 12. Regulation Rewrite Discussion

77 Abby Conroy noted that several, not all, of the referrals from the Joint Subcommittee on Land
78 Use (IWWC & PZC) were incorporated into the full Regulation document which can be viewed
79 at: <https://www.salisburyct.us/inland-wetland-watercourses-commission-meeting-documents/>.
80 She explained the inclusion of commentary and the introductory Statement of Purpose. She
81 noted that this draft does not include recommendations from the prior 2021 Subcommittee,
82 which is still available on-line. Definitions were reviewed. S. Spillane would like a more specific
83 height measurement in the definition of Clear-Cutting; J. Landon suggested 4', in parentheses.
84 She was concerned about the omission of "Creating New Lawns" and wants that included, as a
85 regulated activity. There was lengthy discussion about the Regulated Activity definition. A.
86 Conroy explained that interpretation of that definition is up to the IWWC; the applicant must
87 ask for a permit or an exemption. The context of the Upland Review Area (URA) definition was
88 reviewed and the commentary provided. The Joint Subcommittee made a recommendation
89 that it is better to have defined URAs than to argue about why an application should be looked
90 at by the IWWC. Routine activities which do not require an application or review are listed in
91 this Regulation Rewrite, which is available on the Town website, as previously noted. There may
92 need to be a clarifying statement that the creation of new lawns is not a routine activity; that
93 specific activity does require an application to the IWWC. A. Conroy pointed out that the
94 concept of Agent Approval is unique to the IWWC; she cannot approve applications in wetland
95 areas, per CT Statute. She noted that Agent Approval doesn't have to be in the Regulations and
96 she wants to have a very clear process to determine what constitutes Agent Approval. For
97 example, the planting of trees, with different thresholds, could be through Agent Approval. She
98 added that she will draft a list of possible Agent Approval activities which could also be used as a
99 "handout", for public guidance. There was further brief discussion.

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101 13. Staff Updates – Not discussed at this meeting.

102

103 14. **Adjournment. So Moved** by C. Ullman, seconded by S. Spillane and unanimously **Approved**. The
104 meeting was adjourned at 8:18pm.