

SALISBURY INLAND WETLANDS & WATERCOURSE COMMISSION

REGULAR MEETING

MAY 23, 2022 – 6:30PM (VIA ZOOM)

- 1        1. Call to Order. Present: Larry Burcroff, Sally Spillane, Peter Neely, Cary Ullman, John Landon,  
2            Maria Grace, Steve Belter, Russ Conklin (Alternate), Vivian Garfein (Alternate), John Harney  
3            (Alternate), Abby Conroy (Land Use Administrator) and Georgia Petry (Recording Secretary).  
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- 5        2. Roll Call & Seating of Alternates. All Members were in attendance.  
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- 7        3. **Approval of Agenda. So Moved** by J. Landon, seconded by P. Neely and unanimously **Approved**.  
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- 9        4. **Approval of the Minutes of April 25, 2022. So Moved** by S. Spillane, seconded by J. Landon and  
10            unanimously **Approved**.  
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- 12       5. Public Comment – None.  
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- 14       6. 2022-IW-060D / Potter / 269 Undermountain Road / Request for Declaratory Ruling for Invasive  
15            Plant Removal and Restoration with Native Plantings / Map 19 / Lot 3 / DOR: 05/09/2022
- 16       7. 2022-IW-060 / Potter / 269 Undermountain Road / Application Invasive Plant Removal and  
17            Restoration with Native Plantings / Map 19 / Lot 3 / DOR: 05/09/2022.  
18            (Item #6 & #7 were considered at the same time.)  
19            Ms. Lee Potter described the location and the proposed activity in a single area of about 3 acres,  
20            along the outflow from a pond. The invasives are being removed by hand, without the use of  
21            herbicides. Brush will be left in hedgerows. No trees will be taken down; they are cutting vines.  
22            P. Neely asked about clearing the area; Ms. Potter responded that they are not clearing, but are  
23            rehabbing the area. Mr. Potter asked about putting a rock path across the stream. S. Spillane  
24            responded that it should not be done by machine, and not damned; just use stepping stones. J.  
25            Landon asked how wide the stream is; Mr. Potter replied 2'- 3' when high. S. Spillane asked if a  
26            favorable Declaratory Ruling on this would set a precedent; A. Conroy answered, no, because  
27            each request is considered on its merits. A **Motion to Approve the Request for Declaratory**  
28            **Ruling, under Sections 4.1.a. and 4.2.a.,** was made by S. Spillane, seconded by P. Neely and  
29            unanimously **Approved**. There was further brief discussion about the native plants to be used.  
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- 31       8. 2022-IW-061 / Reiland / 63 Washinee Heights Road / Application for Boardwalk/Wetlands  
32            Crossing and Walking Trail / Map 67 / Lot 2-2 / DOR: 05/09/2022  
33            Attorney Mark Capecelatro, representing the owners, described the proposed walking trail  
34            through about 350' of wetlands area. The proposal includes about 250' of planking on top of  
35            the ground, with no excavation, and about 100' of elevated boardwalk made out of black locust.

36 Ian Branson, Forester, described the details of the construction, which would be done by hand  
37 using big hand tools. Nothing is to be removed. Pat Hackett, P.E., described the water discharge  
38 as going north, then over Preston Lane; all boardwalk would be elevated, with minor  
39 disturbance. A. Conroy indicated that this Application for Regulated Activity is eligible for  
40 approval at this meeting. **A Motion to Approve Application #2022-061, for**  
41 **Boardwalk/Wetlands Crossing and Walking Trail**, was made by P. Neely, seconded by S. Belter  
42 and unanimously **Approved**.

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44 9. 2022-IW-062 / Ivory (Griffing) / 17 Cobble Road – Cottage O-1 / Application for 10’x12’ Deck  
45 Platform on Concrete Blocks / Map 15 / Lot 21 / DOR: 05/23/2022  
46 No representatives of the applicant or contractor were present. A. Conroy described the  
47 proposal; it would provide additional exit and entry for this owner, a “temporary” structure. It  
48 would not meet setback requirements, but for accessibility purposes, Zoning could allow for  
49 some amount of platform. Commission members discussed possible impact to the wetlands,  
50 making construction contingent on not digging any holes. A. Conroy could not make an Agent  
51 Determination. **A Motion to Accept Application #2022-IW-062** was made by S. Belter,  
52 seconded by J. Landon and unanimously **Approved**. V. Garfein expressed concern that the  
53 proposed build-out may be insufficient; she will take a look at the site. L. Burcroff requested  
54 that a map with topography lines & photos should be provided.

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56 10. 2022-IW-063 / Findlay / 42, 44, 79 & 81 Prospect Mountain Road / Application for 2-Lot  
57 Residential Subdivision / Map 15 / Lot 58 /DOR: 05/23/2022  
58 Petr Findlay wants to subdivide the property to give a 20-acre lot to his son who lives there;  
59 there will be no construction. A. Conroy offered to write a report for the PZC, regarding a  
60 subdivision with no development, no IWWC permit required. **A Motion to Have A. Conroy**  
61 **Write a Report to the PZC**, was made by S. Spillane, seconded by J. Landon and unanimously  
62 **Approved**.

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64 11. 2022-IW-064D / Taylor Farm Bolton LLC (Zeiner) / 47 Dimond Road and Millerton Road / Long  
65 Term Timber Management – Commercial Selective Timber Harvest / Map 05 / Lots 01 & 38 /  
66 DOR: 05/23/2022  
67 This Forester-Agent has not been in contact with A. Conroy yet. J. Landon pointed out that  
68 there is a large Agricultural easement and a 90-acre Conservation easement; he wants to know  
69 about the linear setbacks along the stream. J. Harney pointed out that there are 2 important  
70 vernal pools and a stream in the area of proposed activity. A. Conroy wants an explanation from  
71 the Forester, as to why this may be an exempt activity. P. Neely suggested that there is not  
72 enough information tonight; he wants to know how the streams would be handled and what the  
73 corridor would be. **A Motion to Table Application 2022-IW-064D** was made by S. Spillane,  
74 seconded by J. Landon and unanimously **Approved**.

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- 78 12. Regulation Rewrite Discussion  
79 S. Spillane had previously asked for the creation of new laws to be added to Regulated Activity  
80 and for a specific tree height (4' had been suggested), for the clear cutting of trees. A. Conroy  
81 talked about the role of Agent Determination and activities that are eligible; she does not want  
82 to get involved in the Upland Review Areas (URA) around vernal pools or calcareous fens. These  
83 specific draft recommendations from the joint IWWC/PZC subcommittee can be found at:  
84 <https://www.salisburyct.us/inland-wetland-watercourses-commission-meeting-documents/>.  
85 There was a lengthy discussion about the distances in the proposed URAs and the definitions  
86 used within them, such as fringing wetlands. V. Garfein offered that the recommendations tried  
87 to look at PZC & IWWC in the same way, that is, what the Agent Determination could decide  
88 within the context of wedding the 2 concepts into one Agent Determination. A. Conroy noted  
89 that there are few minor projects, most are major and within 300', so the Agent Determination  
90 wouldn't apply. The Commission members had differing opinions about using the 300' URA  
91 measurement. V. Garfein noted that Attorney Janet Brooks has indicated that this IWWC can  
92 determine what is needed, based on our own special resources and what is important.  
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- 94 13. Staff Updates – A. Conroy mentioned that she has worked on the fee schedule and the Bylaws,  
95 which still need approval; she will put the documents online for the next meeting.  
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- 97 14. **Adjournment. So Moved** by C. Ullman, seconded by S. Belter and unanimously **Approved**. The  
98 meeting was adjourned at 8:10pm.