

SALISBURY INLAND WETLANDS & WATERCOURSES COMMISSION

REGULAR MEETING

JULY 11, 2022 – 6:30PM (VIA ZOOM)

- 1 1. Call to Order. Present: Steve Belter (Vice-Chair); Peter Neely; John Landon; Sally Spillane; Cary  
2 Ullman; Maria Grace; Vivian Garfein (Alternate); Russ Conklin (Alternate); John Harney  
3 (Alternate); Abby Conroy (land Use Administrator) and Georgia Petry (Recording Secretary).  
4 Absent: Larry Burcroff (Chair).  
5
- 6 2. Roll Call & Seating of Alternates. No Alternates were seated.  
7
- 8 3. **Approval of Agenda.** R. Conklin asked if new Application 2022-IW-072 should be on the agenda;  
9 A. Conroy answered yes, it had come in late, but could be added by majority vote. A **Motion to**  
10 **Add Application 2022-IW-072 to the Agenda as Item #8.A.**, was made by P. Neely, seconded by  
11 J. Landon and unanimously **Approved**. A **Motion to Approve the Agenda, as amended**, was  
12 made by J. Landon, seconded by P. Neely and unanimously **Approved**.  
13
- 14 4. **Approval of Minutes of June 27, 2022.** R. Conklin expressed that the language in Line 43 was  
15 inaccurate and should be clarified to read: "...the maps don't agree with the Conservation  
16 Easement from 1963." V. Garfein pointed out that Line 84 should be corrected to read "on July  
17 9, 2022...." A **Motion to Approve the Minutes of June 27, 2022, as corrected**, was made by P.  
18 Neely, seconded by J. Landon and **Approved** by majority.  
19
- 20 5. Correspondence – None  
21
- 22 6. Public Comment – None  
23
- 24 7. 2022-IW-070D / Smith / 121 Long Pond Road / Construct .57-acre Farm Pond / Map 02 / Lot 16 /  
25 DOR: 07/11/2022.  
26 Linda Smith and James White, Attorney, described the application for a Declaratory Ruling under  
27 Section 4.1(a). All testing and design was done by Ralph Stanton. There was a lengthy  
28 discussion about the details of the proposed activity, including: the depth of the pond, the  
29 discharge from the outlet, the distance from the edge of the pond to the wetlands, the removal  
30 of soil, interference with drainage into the wetlands and when the proposed work would be  
31 done. S. Belter indicated that Ralph Stanton should be at the next meeting to answer a lot of  
32 questions which are essential for a decision to be made. Ms. Smith indicated that she would  
33 also like to have the details added to the plan, as well as answered by Mr. Stanton. **Application**  
34 **2022-IW-070D was Tabled to the next meeting on July 25, 2022.** Attorney White asked if a

35 written narrative would be acceptable, if Mr. Stanton was not able to attend the meeting. S.  
36 Belter responded, yes, if Mr. Stanton would be answering the list of specific questions asked.

- 37  
38 8. 2022-IW-071 / 31 Robin Hill LN LLC (Leven) / 31 Robin Hill Lane / Construct New 16'x30' Garage  
39 in the Upland Review Area / Map 34 / Lot 1 / DOR: 07/11/2022  
40 Stephen Leven described the proposed activity as a new open carport and a new gravel  
41 driveway extension to the existing driveway. A. Conroy pointed out that multiple wetlands  
42 delineations were included in the plan submitted. A **Motion to Accept Application 2022-IW-071**  
43 was made by P. Neely, seconded by M. Grace and unanimously **Approved**. J. Landon indicated  
44 that he would like to do a site visit and will coordinate with Mr. Leven to meet during the week.  
45 S. Spillane noted that the new gravel driveway is close to the wetlands.

46  
47 8. A. 2022-IW-072 / Weber / 177 Sharon Road / Repair Storm Damage to Boat House Including  
48 5 Square Roof, Chimney and Railing / Map 37 / Lot 1  
49 Howard Reed, representing the applicant, described the proposed work. S. Spillane asked about  
50 the rubber roof; S. Belter offered an explanation. C. Ullman asked if there are any pictures of  
51 the damage of what is being replaced; Mr. Reed replied, no. P. Neely asked how the debris  
52 would be handled; Mr. Reed indicated that there would be tarps used to catch the debris. S.  
53 Spillane suggested that a silt fence be used to catch any run-off. S. Belter asked about the  
54 distance to the lake; Mr. Reed indicated that the boathouse is about 35'-40' from the lake. S.  
55 Spillane asked if the tarps would be cleaned up every night; Mr. Reed answered that the work  
56 might be a one day event. S. Belter will visit the site before the next meeting. A **Motion to**  
57 **Accept Application 2022-IW-072** was made by P. Neely, seconded by S. Spillane and  
58 unanimously **Approved**.

- 59  
60 9. 2022-IW-064D / Taylor Farm Bolton LLC (Zeiner) / 47 Dimond Road and Millerton Road / Long  
61 Term Timber Management – Commercial Selective Timber Harvest / Map 05 / Lots 01 & 38 /  
62 DOR: 05/23/2022  
63 Rob Taylor, Owner and Jon Zeiner, Forester, were present to talk about the additional  
64 information that had been provided to the IWWC. M. Taylor indicated that the proposed  
65 harvesting of the trees is “as-of-right”, a permitted farming activity. J. Harney disagreed; he  
66 indicated that the resources, including vernal pools and wetlands, should be protected. He  
67 added that there is no right to destroy critical habitat. Mr. Zeiner offered that there would be  
68 no tree harvest within 100' of the vernal pools. He described additions to the map, including old  
69 farm and skid roads from previous activity. He described the temporary portable bridges to be  
70 used for stream crossings over the intermittent stream beds. He also described the removal  
71 process that would be used; he added that water bars would be re-seeded, as part of the  
72 cleanup. J. Harney pointed out that he was denied access to talk to Mr. Zeiner and walk the  
73 land; Mr. Zeiner noted that the owner preferred not to have that. J. Harney indicated that other  
74 applicants have allowed site visits. S. Belter suggested that forest management is good for the  
75 land and that he is satisfied with what he has seen here. A. Conroy noted that Statute and case

76 law permits agricultural use and, based on this presentation, they are not proposing clear-  
77 cutting. She indicated that she had a conversation with Attorney Janet Brooks earlier about  
78 permits for stream crossings; some Towns do require those permits and it is up to the IWWC to  
79 decide. The IWWC can decide if a temporary stream crossing is directly related to the operation  
80 of timber harvest. A. Conroy noted that she had received a communication (about this  
81 application) and a Letter Petitioning for Intervention. She wanted to acknowledge the receipt of  
82 both as public documents. She suggested that the Letter of Intervention be referred to legal  
83 counsel for a determination as to whether someone can intervene on a Declaratory Ruling  
84 request. She asked if the IWWC felt that stream crossings are directly related to the timber  
85 management process; P. Neely, S. Belter and J. Landon indicated, yes. She also asked if the  
86 harvest of timber met the agricultural exemption; S. Belter responded, yes, and there was  
87 general agreement. Mr. Taylor asked who is seeking to be the Intervenor; A. Conroy answered  
88 that is Dr. Michael Klemens. She added that Dr. Klemens wanted to convey the importance of  
89 resources on the property; since this is not a Public Hearing, the Letter Petitioning for  
90 Intervention was sent to the IWWC. There was a lengthy discussion about resources on the  
91 property, what might be done differently and other concerns Commissioners expressed. V.  
92 Garfein suggested that Legal Counsel should review the Petition for Intervention; she has not  
93 seen the document. She added that the application, including “as-of-right” activity, must come  
94 before the IWWC for permission. P. Neely suggested that it would be worth hearing the  
95 comments from Michael Klemens, if appropriate. A. Conroy suggested that the Commission  
96 wait for Attorney Janet Brooks’ response; Declaratory Rulings do not have a timeline. **A Motion**  
97 **to Table Application 2022-IW-064D until July 25, 2022**, was made by S. Spillane, seconded by P.  
98 Neely and unanimously **Approved**.

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100 10. 2022-IW-068 / Marchione / 31 Falls Mountain Road / Clean Pond, Dry and Spread Soils / Map 8 /  
101 Lot 68 / DOR: 06/13/2022 / Tabled.

102 The **Application was Withdrawn**.

103  
104 11. 2022-IW-069 / Stevenson (Hackett/ Fish) / 130 Taconic Road / 3-Lot Residential Subdivision with  
105 Site Development Activities in the Upland Review Area / Map 19 / lot 15 / DOR: 06/27/2022  
106 J. Landon reported that he had met with Pat Hackett at the site. Mr. Hackett summarized the  
107 details he had added to the plans, including: the vernal pools plot, descriptions, erosion and  
108 vegetated areas. J. Landon suggested that the sensitive areas on the property are distant from  
109 potential building sites. A. Conroy asked if the feasibility plan was sufficient; J. Landon  
110 responded yes, but that individual site-specific plans would be required, in the future. Mr.  
111 Hackett offered that he documented the plans for the 3 lots, but that there would have to be  
112 detailed plans, when developed. R. Conklin asked if they are just asking for the 3-Lot Subdivision  
113 now; Mr. Hackett indicated that there is construction planned within the URA on Lot 3, burying  
114 the utilities along the existing driveway and that is what they’re asking for now. V. Garfein  
115 asked if there is something specific planned beyond the 3-Lot Subdivision now; Mr. Hackett  
116 answered, yes, the construction of the utilities on Lot 3. A. Conroy noted that the feasibility

117 plan shows that 2 of the lots may be developed without IWWC review of the URA, in the future,  
118 but one of the lots cannot be developed without review of activity in the URA. The details of the  
119 application were reviewed. S. Belter asked if there would be disturbance within 75' of the  
120 wetlands; Mr. Hackett answered, yes. S. Belter suggested that the Commission may agree on  
121 the 3-Lot Subdivision, but wants more detail on the proposed activity. A. Conroy pointed out  
122 that what is shown is a right-of-way, not ownership, and development is proposed on 2 lots.  
123 Mr. Hackett noted that the utilities are within the 100' right-of-way owned by Lot 1. S. Belter  
124 asked about the location of the wetlands, in relation to the proposed activity; Mr. Hackett  
125 identified those on the plans. There was a lengthy discussion about possible erosion,  
126 disturbance to the wetlands and the location of the proposed utilities along the existing road. A  
127 **Motion to Approve the 3-Lot Subdivision, as Presented, and the Installation of Utilities, as**  
128 **Shown Within the Upland Review Area**, was made by J. Landon, seconded by P. Neely and  
129 unanimously **Approved**.

130

131 12. Regulation Rewrite Discussion

132 As a reminder, A. Conroy mentioned that R. Conklin would provide some resource definitions for  
133 the July 25<sup>th</sup> meeting and asked for any ideas for additional commentary. She will work on  
134 merging the document with the Joint Subcommittee referrals into the Draft Regulations, with  
135 the commentary. She suggested the Commission work off of the 4/25/2022 document and have  
136 comments for the July 25<sup>th</sup> meeting. Those suggestions will be used at the Regulation Rewrite  
137 meeting in August.

138

139 **Adjournment. So Moved** by J. Landon, seconded by S. Spillane and unanimously **Approved**.

140 The meeting was adjourned at 8:20pm.