

SALISBURY INLAND WETLANDS AND WATERCOURSES COMMISSION

REGULR MEETING

MARCH 27, 2023 – 6:30PM (VIA ZOOM)

- 1 1. Call to Order. The meeting was called to order at 6:31pm.
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- 3 2. Roll Call & Seating of Alternates. Present: Larry Burcroff, Peter Neely, John Landon, Steve
- 4 Belter, Sally Spillane, Maria Grace, Cary Ullman, Russ Conklin (Alternate), John Harney
- 5 (Alternate), Vivian Garfein (Alternate), Abby Conroy (Land Use Administrator) and Georgia Petry
- 6 (Recording Secretary).
- 7
- 8 3. **Approval of Agenda. Item #8a, Discussion with Attorney Janet Brooks, was added. A Motion**
- 9 **to Approve the Agenda, as amended**, was made by J. Landon, seconded by P. Neely and
- 10 **unanimously Approved.**
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- 12 4. **Approval of Minutes of March 13, 2023. So Moved** by J. Landon, seconded by S. Spillane and
- 13 **unanimously Approved.**
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- 15 5. Public Comment – None
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- 17 6. 2023- IW- 004D / The Hotchkiss School (Bryant) / 11 Interlaken Road / Request for Jurisdictional
- 18 Ruling Mooring for Launch for Rowing Team / Map 06 / Lot 08 / DOR: 03/27/2023
- 19 There was brief review of the details of the request. **A Motion for Declaratory Ruling for**
- 20 **Application 2023-IW-004D, as Exempt under Section 4.1.c of the Regulations**, was made by J.
- 21 Landon, seconded by P. Neely and **unanimously Approved.**
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- 23 7. 2023- IW – 003 / Palmer / 363 Lime Rock Road / Replace Existing Foundation and Add Dormers
- 24 to Second Floor of Existing Multi-Family Residence / Map 218 / Lot 19 / DOR: 02/27/2023
- 25 Two Conditions of Approval were discussed: 1) extension of the silt fence and 2) covering the
- 26 temporary stockpile. The applicant agreed to the Conditions. **A Motion to Approve Application**
- 27 **2023-IW-003 with the 2 Stated Conditions**, was made by S. Spillane, seconded by P. Neely and
- 28 **unanimously Approved.**
- 29
- 30 8. a. Discussion with Attorney Janet Brooks.
- 31 Topics included permitting, enforcement actions and jurisdiction.
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 - At the end of a permit application, nothing has to occur; the grant of authority is to the
- 33 landowner to be able to do some activity, but they are under no obligation to perform

34 anything. If the IWWC wants something done, such as compliance, they would have to
35 order it.

- 36 • There are different levels of orders, such as, remove and restore.
- 37 • DEEP often suggests mitigation or alternatives, instead of removal, to offset the
38 damage.
- 39 • In an order, the IWWC could ask for an expert, hired by the applicant, to offer a
40 mitigation report. That report would be reviewed by the IWWC consultant.
- 41 • A fee can be charged for monitoring compliance with orders.
42 S. Spillane asked if the process for orders is in the Regulations; Attorney Brooks referred
43 to Section 14.4 of the Regulations.
- 44 • Monitoring Compliance Fee – Attorney Brooks suggested removing Section 19.5.f from
45 the Regulations, as reasonable fees are covered under CTGS 22a-42a (e).
46 J. Landon asked what could be done if there was no compliance; Attorney Brooks
47 indicated that several steps could be taken.
- 48 • Bonds – Section 13 – Attorney Brooks suggested that the IWWC have the applicant
49 submit costs for parts of the project that matter to them, such as stabilization.
50 Abby Conroy asked about conflicts of interest, regarding cost estimation provided
51 by a member of the IWWC. Attorney Brooks indicated that is allowed, as long as a
52 voting member has no stake in the outcome, such as bidding on a contract, which
53 would give the appearance of impropriety. The process must be protected.
54 S. Spillane mentioned that the IWWC hasn't done bonds, as a part of the permit
55 process; Attorney Brooks suggested that they could be used for larger scale projects
56 or ones that require future results, such as buffers.
- 57 • Attorney Brooks suggested requiring an annual report of how the plan is doing that was
58 approved.

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60 9. Regulation Rewrite Discussion

61 All IWWC members participated in the discussion of this draft of the URA measurements.

62 Individual motions were made to propose each URA measurement; roll call votes were taken.

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- 64 • **A Motion to Support a 200' URA Around All Wetlands/Waterbodies/Watercourses**

65 Votes: Yes – L. Burcroff; C. Ullman; J. Harney; M. Grace

66 No – S. Belter; J. Landon; P. Neely; S. Spillane; V. Garfein; R. Conklin

67 **Motion Failed.**

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- 69 • **A Motion to Support a 150' URA Around All Wetlands/Waterbodies/Watercourses**

70 Votes: Yes – L. Burcroff; J. Landon; C. Ullman; S. Spillane; M. Grace; V. Garfein; J.

71 Harney; R. Conklin

72 No – S. Belter; P. Neely

73 **Motion Carried.**

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- **A Motion to Support a 300’ URA Around the Named Lakes**
Votes: Yes – J. Landon; C. Ullman; M. Grace; V. Garfein; J. Harney
No – L. Burcroff; S. Belter; P. Neely; S. Spillane; R. Conklin
Motion Failed.

- **A Motion to Support a 200’ URA Around the Named Lakes**
Votes: Yes – L. Burcroff; S. Belter; J. Landon; C. Ullman; S. Spillane; M. Grace; J. Harney
No – P. Neely; V. Garfein; R. Conklin
Motion Carried.

- **A Motion to Support a 300’ URA Around High Gradient Cold Water Streams**
Votes: Yes – L. Burcroff; S. Belter; S. Spillane; J. Landon; C. Ullman; P. Neely; M. Grace;
R. Conklin; V. Garfein; J. Harney
Motion Carried.

- **A Motion to Support a 300’ URA Around Fens**
Votes: Yes – L. Burcroff; S. Belter; S. Spillane; J. Landon; C. Ullman; P. Neely; M. Grace;
R. Conklin; V. Garfein; J. Harney
Motion Carried.

Vernal Pools – There was a lengthy discussion about the definitions of and language used to describe a tiered approach to vernal pools. Tier 1 Vernal Pools are called “Exemplary”, based on both biological and landscape components; M. Grace pointed out that it is the number of species that use the pool that matters, not the size of it. “Exemplary” Vernal Pools could be identified by a soil scientist, biologist or other experts and when identified, would be within the suggested parameter of a 750’ URA. It was suggested that the IWWC have a consulting “expert” for vernal pools. For the other Tiers, below Tier 1, A. Conroy will draft language and details

- **A Motion to Support a 750’ URA Around Tier 1 Vernal Pools**, was made by J. Landon.
Votes: Yes – L. Burcroff; S. Belter; J. Landon; C. Ullman; P. Neely; S. Spillane; M. Grace;
V. Garfein; J. Harney; R. Conklin
Motion Carried.

- **A Motion to Support a 150’ URA for All Other Vernal Pools**
Votes: Yes – S. Belter; V. Garfein; L. Burcroff; J. Landon; C. Ullman; P. Neely; M. Grace; S.
Spillane; J. Harney; R. Conklin
Motion Carried.

Adjournment. So Moved by S. Belter, seconded by P. Neely and unanimously
Approved. Meeting adjourned at 8:19pm.