

INLAND WETLANDS AND WATERCOURSES COMMISSION

REGULAR MEETING

JULY 10, 2023 – 6:30PM (VIA ZOOM)

- 1 1. Call to Order. The meeting was called to order at 6:31pm.
- 2
- 3 2. Roll Call & Seating of Alternates. Present: Larry Burcroff, Peter Neely, John Landon, Maria
- 4 Grace, Sally Spillane, Cary Ullman, Russ Conklin (Alternate), John Harney (Alternate), Abby
- 5 Conroy (Land Use Director) and Georgia Petry (Recording Secretary). Steve Belter arrived after
- 6 Roll Call. Absent: Vivian Garfein (Alternate) and Miles Todaro (Land Use Tech Specialist)
- 7
- 8 3. Approval of Agenda. A. Conroy asked to add an Item #12, Guidance question. A **Motion to**
- 9 **Approve the Agenda, as amended**, was made by P. Neely, seconded by John Landon and
- 10 **unanimously Approved.**
- 11
- 12 4. **Approval of Minutes of Special Meeting June 24th. So Moved** by M. Grace, seconded by S.
- 13 Spillane and unanimously **Approved.**
- 14
- 15 5. **Approval of the Minutes of Special Meeting June 26th. So Moved** by J. Landon, seconded by S.
- 16 Spillane and unanimously **Approved.**
- 17
- 18 6. **Approval of the Minutes of Regular Meeting June 26th. So Moved** by P. Neely, seconded by J.
- 19 Landon and unanimously **Approved.**
- 20
- 21 7. Public Comment – None
- 22
- 23 8. 2023-IW-012D / Nicole & John Franchini / 75 Sharon Road / Replacing a Dock / Map 47 / Lot 17 /
- 24 DOR: 07/10/2023
- 25 The details of the replacement dock were described by the applicants. L. Burcroff asked how
- 26 long the dock is; the answer was 46'. C. Ullman asked about the attachment to the shore; the
- 27 answer was secured by cinder blocks. P. Neely asked if the end attachment floats; the answer
- 28 was yes, it all floats. L. Burcroff asked what is underneath; the answer was heavy plastic tubs. It
- 29 was pointed out that pressure-treated wood is no longer as toxic as it used to be. A **Motion to**
- 30 **Approve Application 2023-IW-012D for Jurisdictional Ruling**, was made by P. Neely, seconded
- 31 by S. Belter and unanimously **Approved.**
- 32
- 33 9. 2023-IW-008 / Bendit (Allied Engineering – Johannesen) / 101 Taconic Road / New Single-Family
- 34 Dwelling and Associated Site Improvements / Map 19 / Lot 11 / DOR: 05/08/2023

35 A review from Engineer Tom Grimaldi had just been received today. George Johannesen had
36 received it and made several, but not all of the changes yet. He asked if everyone understood
37 what was going on at the site, from the site visit; S. Spillane replied, no, and would like to have
38 another site walk, with flagging in place. L. Burcroff wants to see the house site, the path to the
39 house and which trees are coming down. A. Conroy asked if Tom Grimaldi's comments would
40 require further changes; Mr. Johannesen replied that he wants to talk to him about some things.
41 He noted that there was no mention of soil testing, but there would need to be some blasting
42 done. L. Burcroff asked about the driveway access; Mr. Johannesen replied that it is a deeded
43 right-of-way over 2 properties, including the bridge. A 2nd Site Visit was scheduled for Thursday,
44 June 13, 2023 at 4:30pm. They will meet at the gate on the property.

45
46 10. 2023-IW-010 / McGrath / 143 & 181 Housatonic Road / Dredging a pond filled with silt / Map 16
47 / Lot 01 / DOR: 06/12/2023

48 Brit Hoyt was present to answer questions. She described the ponds as natural ponds that have
49 been dredged previously, but they fill with silt coming down from the mountain. L. Burcroff
50 asked how the silt will be contained; they need to find that out. The spoils will be used for
51 backfill at the building site; they will be de-watered on-site and do not appear to have invasive
52 plants. P. Neely asked about a plan for erosion control; they need to find out about that. L.
53 Burcroff asked how much material will be taken out; they need to figure that out also. A.
54 Conroy requested that the actual plan be submitted by the contractor. There is no plan to take
55 down trees to access the ponds. A Site Visit was scheduled for Thursday, June 13th at 5:30pm. A
56 **Motion to Accept the Application** was made by J. Landon, seconded by S. Spillane and
57 unanimously **Approved**.

58
59 11. Regulation Rewrite Discussion

60 The draft was reviewed by A. Conroy and included comments from Attorney Janet Brooks.

- 61 • Purpose Statement – excellent to have; especially since using a resource-based
62 approach to URAs
- 63 • Review definitions in a more general sense and rely on State Critical Habitat map
64 data (use CT ECO online viewer)
- 65 • Critical Habitat – Follow State DEEP definitions for fens
- 66 • Cumulative Impact – Attorney Brooks came up with a definition from case law,
67 “compounding of incremental impacts”
- 68 • Headwaters – P. Neely and L. Burcroff like the more detailed definition
- 69 • Cold Water Habitat combines with High-Gradient Coldwater Streams in the CT
70 DEEP definition
- 71 • Regulated Activity – Attorney Brooks is still looking at the definition and has a
72 few questions, such as the definition of Tier 1 Vernal Pools and the timing of
73 applications. The IWWC could consider alternatives, at the time of the
74 application. R. Conklin expressed that this could still create problems.

- 75
- Section 4 – Jurisdictional Rulings for Permitted Uses as of Right & Nonregulated
- 76 Uses. Attorney Brooks supports moving 4.4 to 4.1

77

78 General Discussion – A. Conroy mentioned that the GIS company had staffing

79 changes and can't keep up. An independent consultant will begin working on

80 the wetlands map with Miles Todaro.

81 It is OK to have a draft Handbook, but there needs to be an open process about

82 adopting one, possibly having a hearing before it would be approved. P. Neely

83 suggested having the Handbook keyed into sections of the definitions in the

84 Regulations draft and using line numbers. If the Regulations were changed, the

85 line numbers in the Handbook could be changed, without a hearing process. A.

86 Conroy asked if the IWWC wants to include abutter notifications for public

87 hearings in the new regulations; there was general consensus for that. The tool

88 that would be used is GIS; she will use that to identify properties within 100'; the

89 addresses would need to be verified. P. Neely is working on drafts of the edited

90 commentary.

91

92 12. Question for Clarification – A. Conroy

- Are straight repairs to septic systems (tanks and d-boxes) exempt activities under the residential Statutes, CGS Chapter 440 (4) and also in the IWWC Regulations? Could those requests be considered jurisdictional rulings or agent approvals? The general consensus was for Agent Determination. This would not include replacement of septic fields.

98

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

100 **Approved.** Meeting adjourned at 7:49pm.