

INLAND WETLANDS & WATERCOURSES COMMISSION

REGULAR MEETING

DECEMBER 11, 2023 – 6:30PM (VIA ZOOM)

- 1           1. Call to Order. The meeting was called to order at 6:32pm.  
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3           2. Roll Call & Seating of Alternates. Present: Larry Burcroff, Vivian Garfein, Sally Spillane, Cary  
4           Ullman, John Landon, Maria Grace, Russ Conklin (Alternate), John Harney (Alternate), Tracy  
5           Brown (Alternate), Abby Conroy (Land Use Director), Miles Todaro (Land Use Tech Specialist)  
6           and Georgia Petry (Recording Secretary). Absent: Steve Belter. R. Conklin was appointed  
7           Voting Alternate for S. Belter.  
8  
9           3. Approval of Agenda. R. Conklin had a question on Item #10, the date of reception. A. Conroy  
10          explained that the date of 11/27/2023 was the statutory technical date of reception, based on  
11          the date of receipt of the application. J. Landon asked about the Salisbury Association Request  
12          for a Declaratory Ruling for a log bridge across Burton Brook; A. Conroy indicated it could be  
13          added to the agenda, by majority vote. A. Conroy added that J. Landon cannot represent a third  
14          party for the presentation at this meeting; J. Landon will find someone for the next meeting. A  
15          **Motion to Add 2023-IW-026D / Request for Declaratory Ruling / Salisbury Association /**  
16          **Bridge, as New Business, Item 10. A,** was made by S. Spillane, seconded by V. Garfein and  
17          unanimously **Approved.** V. Garfein asked to have a formal acknowledgement of Peter Neely's  
18          work as a Commission member; A. Conroy suggested that discussion could be added to the  
19          agenda as Item 10.b. A **Motion to Add Item 10.b, Resolution Thanking Peter Neely for his**  
20          **Service, to the Agenda,** was made by S. Spillane, seconded by J. Landon and unanimously  
21          **Approved.** A **Motion to Approve the Agenda, as amended,** was made by S. Spillane, seconded  
22          by J. Landon and unanimously **Approved.**  
23  
24          4. Election of Officers  
25          The procedure for electing officers was described by A. Conroy, since the IWWC has no Bylaws  
26          yet. L. Burcroff asked if nominations were needed; A. Conroy indicated yes and asked if L.  
27          Burcroff would be willing to continue as Chair; his answer was yes. S. Spillane indicated that she  
28          would like to continue as Secretary. There were no other nominations for those officers. L.  
29          Burcroff nominated V. Garfein for Vice-Chair, if willing; V. Garfein answered yes, she is willing to  
30          be Vice-Chair. The other regular members were polled; none were interested in being  
31          nominated, at this time. A **Motion to Nominate and Elect L. Burcroff for Chair; V. Garfein for**  
32          **Vice-Chair; S. Spillane for Secretary;** was made by J. Landon, seconded by M. Grace and  
33          unanimously **Approved.**  
34

- 35 5. Adoption of 2024 Meeting Calendar  
36 It was pointed out by A. Conroy that the number of applications was down by 25% in the last  
37 fiscal year; the number of applications since this July is on par with last year. A. Conroy noted  
38 that the increased number of site visits has been valuable, but attending special meetings can be  
39 difficult for a majority of the Commissioners. A. Conroy suggested the possibility of going back  
40 to one regular meeting per month and using the second meeting for site visits, regulations  
41 discussion, etc. S. Spillane expressed that having 2 meetings per month gave the IWWC more  
42 time to delve into the things being presented; R. Conklin agreed that complex applications take  
43 a lot of time. S. Spillane and R. Conklin noted that the 2-week window is working. L. Burcroff  
44 pointed out that having 2 meetings per month also makes it quicker for the applications to be  
45 decided, which serves the public well. S. Spillane would like a Special Meeting for discussing  
46 Regulations; M. Grace suggested prioritizing certain meetings for Regulations discussions and  
47 leaving the regular meeting schedule, as is. R. Conklin does not want the second meeting in  
48 December. A **Motion to Approve the 2024 Meeting Calendar, as Proposed**, was made by M.  
49 Grace, seconded by S. Spillane and unanimously **Approved**.  
50
- 51 6. **Approval of Minutes of Special Meeting September 27, 2023. So Moved** by M. Grace,  
52 seconded by V. Garfein and unanimously **Approved**.  
53
- 54 7. **Approval of Minutes of October 23, 2023. So Moved** by V. Garfein, seconded by J. Landon and  
55 unanimously **Approved**.  
56
- 57 8. Public Comment – None  
58
- 59 9. 2023-IW-021 / CAU Associates LLC (Riga Construction) / 19 West Shore Place / Demolish and  
60 Rebuild existing stone walls and build walkways per plans / Map 67 / Lot 19 / DOR: 10/10/2023  
61 No new information that was requested has been received. R. Conklin pointed out that the  
62 application is incomplete; J. Landon agreed that there should be no approval now. A **Motion to**  
63 **Deny Application 2023-IW-021 Without Prejudice, as Incomplete**, was made by V. Garfein,  
64 seconded by J. Landon and unanimously **Approved**.  
65
- 66 10. 2023-IW-023 / Salisbury Housing Committee / Railroad Street / Construct 20 units of affordable  
67 housing with associated utilities, parking, pedestrian paths and related site work / Map 56 / Lot  
68 56 / DOR: 11/27/2023  
69 S. Spillane recused herself from the discussion of this application (is member of the advisory  
70 group, abutting property owner & directly affected). L. Burcroff appointed J. Harney as Voting  
71 Alternate for S. Spillane, for the discussion of this application. Peter Halle, Salisbury Housing  
72 Committee, gave a brief introduction and history of the property acquisition. Todd Parsons,  
73 Haley Ward, described the details of the site plan, along with Erin Benken, QA&M; George  
74 Logan, REMA Ecological; Erik Christensen, Horticultural Services. Mr. Parsons noted that the site

75 is in an aquifer protection area; Aquarion Water Company did not want the parking lot water  
76 infiltrated, so alternatives to permeable pavement had to be used in the stormwater plan. Mr.  
77 Parsons indicated that there is no impact within the 75' review area; there would be some  
78 temporary minimal impact within the 100' vernal pool envelope. R. Conklin had several  
79 questions for Mr. Parsons, including: no details about the staging/phasing; the protections  
80 during phasing; the water flow numbers are based on old data – would new numbers as of  
81 1/2024 change the results shown here; would the newest data in the manuals will be used,  
82 specifically regarding retention; what about maintenance of the retention system. Mr. Parsons  
83 talked about the pre-treatment system and indicated that maintenance guidelines will be  
84 prepared later. V. Garfein asked if this application will be going to Engineer Tom Grimaldi; A.  
85 Conroy answered yes, but it is not within the 75' URA. A. Conroy talked about alternatives, such  
86 as plantings being an exempt activity, or including that the IWWC making a finding that this  
87 activity is a substantial development and regulate beyond the 75' review area to regulate the  
88 activities that they are likely to have an impact, which the IWWC has the authority to make  
89 those findings. A. Conroy pointed out that this application still has to go to Tom Grimaldi for  
90 review because it is part of a special permit application; a review has not been started yet. A.  
91 Conroy asked if the IWWC wants to have a site visit. V. Garfein indicated that she wants R.  
92 Conklin's questions to go to Tom Grimaldi; Mr. Parsons indicated that he had no objections to a  
93 review by Tom Grimaldi. L. Burcroff asked about the site visit; several members indicated that  
94 they would like to go on the site visit. Mr. Parsons offered that he would try to get the surveyor  
95 to stake the property soon. A Site Visit was scheduled for Tuesday, December 19, 2023 at  
96 3:30pm. M. Grace briefly commented on the vernal pool values; she hadn't read the documents  
97 yet and needed time to approve them. L. Burcroff commented that he has concerns, regarding  
98 the planting and clearing on the site; Mr. Parsons answered that the clearing will be the  
99 developed area, with some trees retained. L. Burcroff asked about the planned planting areas  
100 around the vernal pools; Mr. Parsons indicated that those were to provide some habitat  
101 improvements and to create a physical buffer. L. Burcroff asked about the actual planting; Mr.  
102 Parsons indicated that it would be done by hand. A. Conroy confirmed that there would be a  
103 review by Tom Grimaldi. **A Motion to Accept the Application (2030-IW-023)** was made by J.  
104 Landon, seconded by V. Garfein and unanimously **Approved**.

105  
106 10.a. 2023-IW-026D / Request for Declaratory Ruling / Salisbury Association / Install Log Bridge  
107 J. Landon (Applicant) recused himself from the discussion; T. Brown was appointed Voting  
108 Alternate for J. Landon. A. Conroy asked if installing a log bridge, as part of a hiking trail, would  
109 fall under Statutory Exemption; L. Burcroff asked for the documents to be shown. T. Brown  
110 asked if the bridge goes into the water; A. Conroy indicated that would need to be answered by  
111 the Land Trust, as well as details of how the bridge would be constructed. R. Conklin asked  
112 about the access to it and how it would go in place. L. Burcroff asked about the abutments; S.  
113 Spillane asked if deposition is required for the abutments. T. Brown asked about the orientation  
114 of the bridge on the water. J. Landon will submit answers in writing. J. Harney asked about a

115 site visit; A. Conroy explained that there has to be documentation provided before a site visit. T.  
116 Brown asked to know the length of the bridge. A. Conroy mentioned that there is no timeframe  
117 for a Declaratory Ruling. V. Garfein noted that it might need to come in as an application.  
118

119 10.b. Resolution Thanking Peter Neely for His Service. V. Garfein will write a letter of  
120 appreciation and present it to the IWWC at the next meeting.  
121

## 122 11. Report of Agent Approvals

123 a. 2023-IW-024A /Summer Wind Property Trust (Hagan) / 401 Wells Hill Road / Renovations to  
124 existing buildings, addition of pergolas to pool house and pool terrace. Build new spa at  
125 pool location / Map 7 / Lot 19 / DOR: 11/29/2023

126 The contractor had asked A. Conroy if an application to IWWC was required for the  
127 temporary construction entrance near the brook; A. Conroy indicated that it was relatively  
128 minor area so she did an Agent Approval. Erosion control measures will be in place during  
129 construction and the area will be restored afterwards; A. Conroy is doing an erosion control  
130 inspection. L. Burcroff asked if the temporary driveway will be taken up after construction;  
131 A. Conroy answered yes, it will be re-seeded. M. Grace asked how long the work would  
132 take; no exact timeframe was known. M. Grace asked how the land is sloped; she also  
133 asked what would happen if the IWWC disagreed about the permit being issued. A. Conroy  
134 found no greater than minimal impact during construction.

135 b. 2023-IW-025A / Pettee LLC (Taylor Propane) / 11 Brook Street / Remove above ground oil  
136 tank and replace with two propane tanks in same location / Map 51 / Lot 16 / DOR:  
137 12/4/2023

138 S. Spillane indicated that it was an important task to eliminate the oil tank. A. Conroy issued  
139 the Agent Approval.  
140

## 141 12. Discussion of regulations and bylaws

142 Abby Conroy described what she and V. Garfein had recently heard at a CACIWCS meeting. The  
143 fee schedule should be changed and reviewed. The fee schedule needs to come out of the  
144 regulations and go into the bylaws. Attorney Janet Brooks is reviewing the fee schedule  
145 language. A. Conroy asked the members to review the draft of the bylaws, for review and  
146 consideration at the next meeting, if possible. The bylaws can be adopted without the fee  
147 schedule, at this time. A. Conroy has additional questions for Attorney Brooks, regarding  
148 regulated activity. A. Conroy mentioned the discussion about bi-furcating the process of  
149 adopting the regulations, by separating the lakes from other resource areas; the initial adoption  
150 would be of the resource-based Upland Review Areas. C. Ullman asked if that concept had  
151 actually been discussed by the Commission; she would not support that concept. A. Conroy is  
152 updating the section on Bonding, so that it aligns more closely with Planning & Zoning. The  
153 language will be for a Sedimentation & Erosion Control bond, not construction; there could be  
154 language for a performance bond for completion of planned work. A. Conroy suggested that

155 one way to monitor work activity is to require the design engineer to advise Land Use monthly  
156 to ensure that the project is on schedule. A. Conroy asked the Commission to review the bylaws  
157 before the next meeting on January 8, 2024. There was no discussion of the regulations.

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

160 The meeting ended at 8:11pm.

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