

INLAND WETLANDS AND WATERCOURSES COMMISSION

REGULAR MEETING

MARCH 11, 2024 – 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, Sally Spillane, John Landon, Vivian
- 4 Garfein, Maria Grace, John Harney (Alternate), Tracy Brown (Alternate), Abby Conroy (Land Use
- 5 Administrator), Miles Todaro, (Land Use Tech Specialist) and Georgia Petry (Recording
- 6 Secretary). Absent: Cary Ullman and Russ Conklin (Alternate). J. Harney was seated as Voting
- 7 Alternate for C. Ullman.
- 8
- 9 3. Approval of Agenda. So Moved by S. Spillane, seconded by M. Grace and unanimously
- 10 Approved.
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- 12 4. Approval of Minutes of February 26, 2024. So Moved by V. Garfein, seconded by S. Spillane and
- 13 unanimously Approved.
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- 15 5. Approval of Minutes of Special Meeting/Site Walk Visit March 6, 2024. So Moved by S. Spillane,
- 16 seconded by J. Harney and Approved.
- 17
- 18 6. Public Comment – S. Spillane commented that she loved being on the IWWC with Steve Belter
- 19 for all those years. She thought he was a great addition and had a different perspective that she
- 20 always enjoyed hearing. She expressed her regret at his retirement and gratitude for all those
- 21 years he put in. L. Burcroff commented that, as a Commission, they should recognize what
- 22 Steve Belter did for so many years and asked to reflect that in the minutes. L. Burcroff added
- 23 that S. Spillane’s suggestion of a gift is a very good one and will be looked into; he noted that
- 24 was a lot of years and a lot of time and appreciates everybody that does that for this
- 25 Commission.
- 26
- 27 7. #2024-IW-004 / Boyett R & Miller T Trustees (Rooney) / 57 MT Tom Road / Burying greenhouse
- 28 utility lines across a stream / Map 24 / Lot 26 / DOR: 2/26/2024
- 29 The applicant, Kaelan Rooney, was available to answer questions. A. Conroy asked for the
- 30 observations from those who were at the site visit. S. Spillane commented that it seems like
- 31 they are going to bury the electric and water under the stream; Mr. Rooney responded the
- 32 electric is going to run down the culvert 18” below ground and will be covered by concrete, for
- 33 code. They will then cross underneath the stream, using Wilkenson’s boring apparatus; the
- 34 stream will not be disturbed at all. J. Harney asked if the electric line will go above the stream

35 across the existing bridge; Mr. Rooney answered yes. L. Burcroff asked if there was any way to
36 protect the stream, such as with silt fence or a tarp; Mr. Rooney answered yes. J. Harney
37 commented that if the waterline will be bored under the stream, that will protect it; he likes the
38 plan, L. Burcroff and S. Spillane agreed. A Motion to Approve #2024-IW-004, As Presented, With
39 the Electrical Crossing on the Existing Bridge and the Boring Under the Stream or an Alternative
40 Outside the URA, was made by J. Landon and seconded by S. Spillane, With the Condition of Silt
41 Protection When the Electric Goes In. Mr. Rooney agreed to the Condition. The Motion was
42 unanimously Approved.

43 S. Spillane and J. Harney expressed the value of the site visit. A. Conroy commented that
44 applications should speak for themselves, without site visits, so that in the future, someone
45 could look at the file and understand what was approved. The scope of the work should be able
46 to stand on its own; the discussion about adding the silt fence was a good recommendation,
47 following the site visit. T. Brown commented that she hadn't understood the application initially
48 and asked about the new application process. A. Conroy pointed out that the alternative idea of
49 boring came out of the initial discussion and would have less impact.

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51 8. Notice of DEEP Recreation Trails Program Grant Application from the First Selectman

52 A Conroy explained that the Pathways Committee is applying to extend the sidewalk up near
53 Lion's Head; it involves substantial amounts of boardwalk, wetlands crossing and floodplain.
54 This is an application to apply for grant funding; it was signed by Curtis Rand, but not necessarily
55 endorsed for the design, such as the vista platform as boardwalks are not generally approved.
56 There were comments about other boardwalks reviewed by this Commission in the past. S.
57 Spillane asked if this proposal would come before the IWWC; A. Conroy noted that it could, if
58 they get the funding. A. Conroy commented that from a planning & zoning referral for
59 infrastructure standpoint, this may not align with the POCD and there would be a number of
60 votes, before coming for a wetlands permit. For the P&Z 8-24 referral, if found to align with the
61 POCD, it would come to IWWC, if it didn't align, then it would go to a Town vote, to determine if
62 the Town wants to spend money to expand infrastructure here. J. Landon asked if this would be
63 considered increased recreational access; A. Conroy described the connectivity focus is on what
64 you have and then long term planning for expanding the infrastructure, to be determined. V.
65 Garfein asked if the funding was for any type of infrastructure; A. Conroy responded that this
66 application is only for the scope of this work. A. Conroy mentioned that the State has ranking
67 priorities for what they would fund and this is not a priority spending area, for a number of
68 reasons. M. Grace commented that these trail grant applications are extremely competitive. A.
69 Conroy pointed out that this is a complicated application because of the floodplain and private
70 land ownership. M. Grace hopes it will be discussed more fully, in the future, if funded.

71

72 9. Discussion of Regulations

73 A Conroy talked about attending a recent wetlands conference with V. Garfein and M. Todaro.
74 They did not find a definition of "Clearing" yet, but did find another definition in the
75 exemptions: "Disturb the natural character of the land", including "changing the character of

76 the vegetation.” V. Garfein suggested that rather than a definition of clearing, it may be more
77 important to have a delineation of the wetland on a property and then see what is being
78 proposed and what the impacts are; she noted that there is very little enforcement in the State.
79 A. Conroy explained that DEEP now has an actual enforcement division; for example, if there
80 was a major local enforcement issue, DEEP could be contacted and they can access the
81 property. Regarding the “Clearing” definition, A. Conroy mentioned that Atty. Janet Brooks
82 suggested having the differentiation between “Clearing” and “Clear-cutting.” A. Conroy asked if
83 that is essential; S. Spillane asked why the definition can’t be left as it is; V. Garfein commented
84 that “clearing” goes beyond timber and includes all vegetation. S. Spillane expressed that if
85 “Clearing” isn’t defined, it is not controllable; if someone is reading the Regulations for direction
86 and don’t see the definition, they aren’t going to be responsible for knowing it. J. Landon
87 commented that people do clearing of everything, except trees, down to the shoreline and
88 there needs to be a way to prevent that. J. Harney cited the example of the Causeway, as
89 having been totally cleared, except for a few trees. T. Brown commented on the impact to the
90 wetland; A. Conroy likes the language “disturbing the natural or indigenous character of a
91 wetland or watercourse.” S. Spillane suggested changing the wording; A. Conroy and V. Garfein
92 will work on the wording. T. Brown asked what constitutes natural and indigenous types of
93 vegetation; she suggested that from an ecological perspective, a wetland might be herbaceous
94 shrub wetland, so there might be a more quantifiable way to say what the vegetation should be.
95 S. Spillane asked if Section 4.2 could be changed; A. Conroy answered no, it can’t be changed. A.
96 Conroy briefly reviewed some other town’s websites for specifics, such as an acceptable age for
97 wetlands delineation that could be added to the Salisbury Regulations. Fee schedules vary
98 widely from town to town; Salisbury can’t be compared exactly to other communities and A.
99 Conroy suggested fees shouldn’t be prohibitive and will be reviewing the new fee schedule here.
100 A. Conroy will ask Tom Grimaldi about the acceptable age for wetlands delineation. J. Landon
101 asked if there has been a noticeable difference in older wetlands delineations versus newer
102 ones; there will be further discussion. J. Landon commented about not having people spend
103 money unnecessarily, but doesn’t have enough information to say how important the data is. V.
104 Garfein suggested the wetlands designations may be important for older properties, depending
105 on the situation. A. Conroy suggested moving forward with a portion of the Regulations now
106 and tackling the handbook later. The Standardized 100’ general URA was noted.

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108 10. Demonstration of the Draft Wetlands Application – Not discussed; will be at the next meeting.

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110 M. Todaro mentioned the in-person Vernal Pool training will be held on March 21st, in the
111 afternoon, if anyone is interested in volunteering this year; let him know.

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113 Adjournment. So Moved by S. Spillane, seconded by V. Garfein and unanimously Approved.
114 The meeting adjourned at 7:38pm.