

INLAND WETLANDS & WATERCOURSES COMMISSION

REGULAR MEETING

MARCH 25, 2024 – 6:30PM (VIA ZOOM)

- 1 1. Call to Order. The meeting was called to order at 6:30pm.
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- 3 2. Roll Call & Seating of Alternates. Present: Larry Burcroff, Vivian Garfein, Sally Spillane, Cary
- 4 Ullman, John Harney (Alternate), Tracy Brown (Alternate), Russ Conklin (Alternate), Abby Conroy
- 5 (Land Use Director), Miles Todaro (Land Use Tech Specialist) and Georgia Petry (Recording
- 6 Secretary). Absent: John Landon and Maria Grace. T. Brown was seated as Voting Alternate for
- 7 J. Landon and R. Conklin was seated as Voting Alternate for M. Grace.
- 8
- 9 3. **Approval of Agenda. So Moved** by S. Spillane, seconded by V. Garfein and unanimously
- 10 **Approved.**
- 11
- 12 4. **Approval of Minutes of March 11, 2024. So Moved** by V. Garfein, seconded by R. Conklin and
- 13 unanimously **Approved.**
- 14
- 15 5. Public Comment – None
- 16
- 17 6. #2024-IW-005 / CAU Associates LLC (Riga Construction LLC) / 19 West Shore Place / Demolish
- 18 and Rebuild existing stone walls and build walkways per plans / Map 67 / Lot 19 / DOR:
- 19 3/25/2024
- 20 Andrew Pelletier, Riga Construction, and Keith Bodwell, Engineer, represented the application
- 21 and gave a brief overview of the proposal. It was described as being similar to a plan that had
- 22 been previously submitted; demolishing existing walls in disrepair and replacing with similar
- 23 fieldstone walls moved back several feet. A. Conroy noted where the proposed new drain
- 24 outlets would be located. L. Burcroff asked how much of the work would be within the 75' URA;
- 25 Mr. Pelletier answered that it would be the retaining wall on the right side and the drain pipe on
- 26 the left side. L. Burcroff asked about where the pipes would drain; Mr. Pelletier answered, onto
- 27 the lawn, they are back drains behind the stone walls. L. Burcroff asked about the amount of
- 28 water; Mr. Pelletier answered that not much was expected. R. Conklin asked where the uphill
- 29 water drains; Mr. Bodwell answered that there are no problems with drainage now, as it goes
- 30 down the lawn quite a way. C. Ullman asked if there would be any renovation of the existing
- 31 walk and steps down to the lake; Mr. Pelletier answered no, they will remain as they are and
- 32 there will be no activity in that area. L. Burcroff asked if there is a planting plan; Mr. Pelletier
- 33 answered that those are future planting areas, not being proposed now. Mr. Bodwell noted
- 34 that the planting areas are outside of the URA. A. Conroy asked how long the work would take;

35 Mr. Pelletier answered about 4 months. A. Conroy asked if all the walls would be taken down at
36 the same time; Mr. Pelletier answered yes. A. Conroy asked if there was anything to prevent
37 water from entering the work site; Mr. Pelletier and Mr. Bodwell replied that silt fence could be
38 added for protection. L. Burcroff asked how far they would have to excavate into the ground;
39 Mr. Pelletier answered about 6' below the stone walls. R. Conklin asked if there would be any
40 stockpiling; Mr. Pelletier answered they would take it out as right away. S. Spillane indicated
41 that she would be comfortable with an **Agent Determination, under the Conditions that the silt**
42 **fence was put in up top and that all materials would be removed at once, with no stockpiles.**
43 S. Spillane asked about the removal of the walls; Mr. Pelletier indicated that each side would be
44 removed all at once, one at a time. R. Conklin asked if they would be starting in the spring and
45 finishing in the summer; Mr. Pelletier answered yes, they want to start as soon as possible. A
46 **Motion for Agent Approval, with the Conditions Stated by S. Spillane**, was made by V. Garfein,
47 seconded by S. Spillane and unanimously **Approved**. A. Conroy explained that with an Agent
48 Approval, the applicant should publish the notice of approval; any challenge would come back
49 to the IWWC because it would be an appeal of her decision. V. Garfein indicated that applicants
50 should be encouraged to publish the notice, to complete the process.

51
52 7. Discussion of Regulations

53 There was a lengthy discussion concerning a possible "lifetime" for wetlands delineations. A.
54 Conroy asked if anyone had considered how long of a time would be appropriate; R. Conklin
55 suggested 20-25 years, as soil scientists may use different delineations, but once delineated,
56 there should be a defined period of time that the delineation is usable. A. Conroy mentioned
57 that the Health District does training with soil scientists; she will try to get the invitation, as it is
58 useful information. A. Conroy explained that the soil scientist must delineate wetlands, if
59 present; the surveyor will then flag them on a site plan or survey. T. Brown asked if the
60 wetlands were actually surveyed, not just relying on the pins; R. Conklin commented that is
61 what usually happens and should be documented. T. Brown suggested that wetlands do
62 change; J. Harney agreed, because of climate change. L. Burcroff and S. Spillane commented
63 that the soil would not change; T. Brown suggested that the hydraulics could change. V. Garfein
64 suggested that people have to be given some certainty, but new ownership or new use might
65 need revision or verification. S. Spillane suggested that the delineation should be for 20 years;
66 A. Conroy pointed out that some statutory changes have occurred; some permits are now good
67 for 19 years, so 20 years would line up with that. There is an escape clause for changed
68 circumstances, which might be observed during a site visit that would potentially involve
69 requesting a new delineation. R. Conklin suggested that the size of the activity that may need
70 consideration; landscaping might be OK, but not "tear-downs". L. Burcroff pointed out that they
71 go case-by-case, even with a limit, it could still be reviewed; V. Garfein added that they have an
72 obligation to review what the impact may be in the URA or wherever it may be. S. Spillane
73 asked why have an expiration date, if it just goes case-by-case; V. Garfein agreed and is not
74 comfortable with a time limit now, until experts have been consulted about what might happen
75 over time. J. Harney and T. Brown agreed that a timeline is too arbitrary. R. Conklin agreed and

76 suggested not putting something in that isn't there now; he is concerned about how to recover
77 data in the future, if not used right away. R. Conklin suggested contacting 2 experts for
78 explanations; A. Conroy suggested it might be helpful to have Cynthia Rabinowitz come to talk
79 to them.

80 The next topic was "Clearing" vs. "Clear-cutting". A. Conroy has not found any definitions of
81 "clearing", but there are some interesting definitions in other town's regulations, dealing with
82 impacts and changes to natural and indigenous character of wetlands. V. Garfein had looked
83 into the wording, to simplify it. A. Conroy referred to 2 versions of the language, including
84 "Clearing is defined as the removal or cutting of vegetation to the extent that it changes the
85 natural and indigenous character of the wetland or watercourse." R. Conklin had questions and
86 comments. S. Spillane commented that there is no clear idea of who makes the determination
87 and how it is made. L. Burcroff indicated it would be up to the IWWC, but it would also depend
88 on how much is being taken. V. Garfein mentioned concerning examples, including clearing of
89 wetlands without permits. A. Conroy referred to Chapter 440, noting that only the IWWC gets
90 to determine whether activity is exempt or as-of-right. V. Garfein commented that she is not so
91 concerned with the URAs, but other wetlands where actual work is being done. A. Conroy
92 commented that she and Atty. Janet Brooks discussed the definition of clearing as overly vague
93 and difficult for the IWWC to interpret and for homeowners to understand. J. Harney suggested
94 educating landscaping and logging contractors about the IWWC concerns. A. Conroy brought up
95 the educational Handbook, which could have FAQs. S. Spillane commented that the handbooks
96 were helpful for answering questions. The handbook from Greenwich, CT was an example. T.
97 Brown commented that using the words "natural and indigenous character" gives the IWWC the
98 basis for the argument, if someone wants to clear. S. Spillane suggested using photos of
99 different wetlands, for education. L. Burcroff asked about involving the Conservation
100 Commission; A. Conroy suggested that it would be a good exercise for them to learn more about
101 the Wetland Statutes and what the IWWC does. C. Ullman suggested attributing the Greenwich
102 contents and putting the link on the Salisbury IWWC website. A. Conroy will ask if it can be
103 done. There was brief discussion about plant and tree lists; no decisions were made.

104 8. Demonstration of Draft Wetlands Application

105 The new online form will not go live until the new Regulations are adopted, but it is under
106 construction and is being tested internally now. A. Conroy explained the details of the new
107 online permit, which will be on the Salisbury CT portal, OpenGov., when it is ready. The entire
108 demonstration, as presented at this meeting, can be found using the link to video recording:
109 <https://www.salisburyct.us/inland-wetland-watercourses-commission-meeting-documents>
110 There were brief questions and comments from the IWWC and A. Conroy noted that Atty.
111 Brooks had reviewed the language.

112 **Adjournment. So Moved** by V. Garfein, seconded by R. Conklin and unanimously **Approved**.

113 The meeting adjourned at 7:55pm.