

INLAND WETLANDS & WATERCOURSES COMMISSION

REGULAR MEETING

APRIL 22, 2024 – 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, Sally Spillane, Maria Grace, Russ  
4       Conklin (Alternate), John Harney (Alternate), Tracy Brown (Alternate), Abby Conroy (Land Use  
5       Director) and Georgia Petry (Recording Secretary). Absent: John Landon, Vivian Garfein and  
6       Cary Ullman. Voting Alternates: J. Harney was seated for J. Landon; T. Brown for V. Garfein and  
7       R. Conklin for C. Ullman.
- 8
- 9       **3. Approval of Agenda.** S. Spillane asked to add a discussion of the CACIWC correspondence as  
10       Item #10. **A Motion to Approve the Agenda, as Amended,** was made by R. Conklin, seconded  
11       by M. Grace and unanimously **Approved.**
- 12
- 13       **4. Approval of Minutes of April 8, 2024. So Moved** by M. Grace, seconded by J. Harney and  
14       unanimously **Approved.**
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- 16       5. Public Comment – None
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- 18       6. #2024-IW-007 / McCarthy (Allied Engineering) / 235 Farnum Road / Replacement of Drainage  
19       Pipes / Map 7 / Lot 11-1 / DOR: 4/22/2024  
20       Mike Pallone, Allied Engineering, described the open floor drains in the basement and the plan  
21       to try to fix them. R. Conklin commented on the existing pipe system and the changes  
22       proposed. Mr. Pallone indicated they would abandon the old pipes and install 3 new pipes to  
23       improve the existing drainage system. L. Burcroff asked if erosion control measures would be  
24       used; Mr. Pallone answered yes, whatever is needed. A. Conroy asked how long the work would  
25       take; Mr. Pallone answered 4 days. A. Conroy asked if there is an oil tank in the basement; Mr.  
26       Pallone answered yes, it could infiltrate if it leaked now. J. Harney suggested that any oil should  
27       be contained in the basement, in something underneath the oil tank. T. Brown asked if the  
28       drainage ditch is connected to a stream; M. Grace commented that it does and there is a well-  
29       defined area. A. Conroy commented on the lack of wetlands delineation on the plan submitted;  
30       M. Grace asked if it could be added. A. Conroy found that in 2018, there had been a Declaratory  
31       Ruling for a farming exemption for pasture. A. Conroy asked if the pipes would be draining  
32       water most of the year; Mr. Pallone answered no, the sump pump hasn't been running since the  
33       basement was drained. S. Spillane asked if this was about replacement pipes and the difference  
34       being the catch basin; Mr. Pallone answered yes, and the drain outlet is further away and drains

35 onto the grass field. J. Harney asked to have a site visit; the site visit was scheduled for Monday,  
36 April 29<sup>th</sup> at 4:30pm. A. Conroy requested that erosion controls be added to the plan and J.  
37 Harney asked for the oil containment in the basement. **A Motion to Accept Application #2024-**  
38 **IW-007**, was made by R. Conklin, seconded by S. Spillane, with **All in Favor**.

- 39  
40 7. #2024-IW-008D / Murphy / 157 Lime Rock Road / Request for Jurisdictional Ruling Maintenance  
41 of Farm Pond / Map 3 / Lot 1 / DOR: 4/22/2024

42 Greg Murphy asked for a Declaratory Ruling to maintain the edges of the pond and clear  
43 invasives for access for horses. He described the pond as getting runoff from the hill; an outlet  
44 pipe goes under Red Mountain Road into the wetlands across the road. L. Burcroff asked if an  
45 excavator would be used; Mr. Murphy answered yes, he will do the work himself. A. Conroy  
46 asked about the plan; Mr. Murphy indicated he is just going to clear the edges now. S. Spillane  
47 asked how much of the edge would be removed; Mr. Murphy answered about 6' to 7'. L.  
48 Burcroff asked where the spoils would go; Mr. Murphy answered they would go outside of the  
49 wetlands area; he did not know how much material would be deposited. L. Burcroff asked if  
50 erosion controls would be set up around the area; Mr. Murphy agreed that he would do so. A.  
51 Conroy reviewed the criteria for a farming exemption. R. Conklin had no other questions and  
52 suggested that it seems like a small pond that qualifies. S. Spillane asked if a lot of trees would  
53 be cut down; Mr. Murphy answered no, the tree will stay. S. Spillane indicated that she would  
54 be OK with silt fencing around the spoils. **A Motion to Accept the Application for Jurisdictional**  
55 **Ruling**, was made by S. Spillane, seconded by J. Harney and unanimously **Approved**.

- 56  
57 8. #2024-IW-006 / Elizabeth J Oestreich (DM Hock Enterprises) / 31 Robin Hill Lane / Replacement  
58 of Driveway / Map 34 / Lot 1 / DOR: 4/8/2024

59 Dakota Hock, applicant, was present to answer questions. A. Conroy described a previous  
60 application for a garage addition and abandoning a part of the driveway. It was noted that there  
61 are a lot of wetlands on either side of the driveway, when entering the property. The Wetlands  
62 Delineation Report was from 2022 for the garage addition. A. Conroy found out that they were  
63 working on the driveway without a permit; this application is for paving the driveway with  
64 asphalt. The proposal does not appear to be putting any pipes in. S. Spillane commented that  
65 asphalt is a red flag and asked about having pervious surface; having an asphalt driveway is not  
66 going to enhance the wetlands and pervious pavement might. R. Conklin asked where the  
67 runoff goes; A. Conroy answered that it drops right into the wetlands. R. Conklin suggested  
68 perhaps needing riprap or something alongside the driveway to slow down the runoff; paving  
69 could change the direction of the flow. T. Brown asked what kind of wetland these are, what  
70 kind of slopes from the edge of the driveway and how steep the drop-off is; Mr. Hock answered  
71 that it is minimal. T. Brown suggested having a pipe underneath the driveway to make the  
72 connection between the wetlands; A. Conroy agreed. A. Conroy indicated that there are  
73 engineering types of questions to be asked. L. Burcroff wants to have a site visit; A. Conroy  
74 suggested having it on Monday, April 29<sup>th</sup> at 5pm. Mr. Hock indicated that there is not enough  
75 depth for a pipe, which would require excavating to get at least 16' of cover; there is no

76 standing water. A **Motion to Table this Application to the Next Meeting** was made by S.  
77 Spillane, seconded by M. Grace, with **All in Favor**.

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79 9. Regulations – Possible Vote for Public Hearing Date

80 A meeting in May, with Cynthia Rabinowitz attending, was mentioned; A. Conroy will check on  
81 her availability. Before setting a date to review the Regulations, R. Conklin wants to read the  
82 draft, before any meeting going forward. A. Conroy will try to highlight the changed sections;  
83 she is meeting with V. Garfein to go over the draft. A. Conroy will also reach out to the P&Z in  
84 Greenwich, to see about using their language. L. Burcroff asked about getting a list of activities  
85 that are allowed without a permit; A. Conroy pointed out that a list would a starting point, if all  
86 agreed on it. T. Brown asked if there is a final draft; L. Burcroff suggested that the meeting with  
87 V. Garfein and then hearing from Cynthia Rabinowitz would come before a final draft and  
88 setting a date to vote. The next IWWC meeting is May 13, 2024.

89  
90 10. Proposed New Legislation – Letter from CACIWCS

91 R. Conklin suggested just voting “No” on the proposed new legislation; he noted there are many  
92 changes that do not benefit Wetlands. The new legislation would also almost eliminate  
93 “Intervenor” status. S. Spillane pointed out that the Dresser Woods project, which includes a  
94 vernal pool, could have been ruined without Wetlands Regulations oversight. S. Spillane asked if  
95 they should respond as the IWWC, as individuals, or both; A. Conroy suggested doing both.  
96 Representatives should be contacted right away. R. Conklin pointed out that the proposed  
97 legislation benefits housing, not wetlands, and that the end of the session is April 30<sup>th</sup>. A.  
98 Conroy and S. Spillane agreed that this legislation would gut the regulatory process and to get  
99 on record to oppose it as soon as possible. L. Burcroff asked A. Conroy to **draft a letter of**  
100 **opposition**; the **Motion** was made by S. Spillane, seconded by T. Brown and unanimously  
101 **Approved**.

102  
103 **Adjournment. So Moved** by S. Spillane, seconded by M. Grace and unanimously **Approved**. The  
104 meeting adjourned at 7:42pm.