

INLAND WETLANDS & WATERCOURSES COMMISSION

REGULAR MEETING

MAY 28, 2024 – 6:30PM (VIA ZOOM)

- 1        1. Call to Order. Meeting was called to order at 6:32pm.
- 2
- 3        2. Roll Call & Seating of Alternates. Present: Larry Burcroff, Vivian Garfein, John Landon, Maria
- 4        Grace, Sally Spillane, Tracy Brown (Alternate), John Harney (Alternate), Abby Conroy (Land Use
- 5        Director, Miles Todaro (Land Use Tech Specialist) and Georgia Petry (Recording Secretary).
- 6        Absent: Cary Ullman and Russ Conklin (Alternate). T. Brown was Seated as Voting Alternate for
- 7        C. Ullman.
- 8
- 9        3. **Approval of Agenda.** A. Conroy asked to add an update, regarding Cynthia Rabinowitz. A
- 10       **Motion to Approve the Agenda**, as amended, was made by S. Spillane, seconded by J. Landon
- 11       and unanimously **Approved**.
- 12
- 13       4. **Approval of Minutes of May 13, 2024.** A typo was noted on Line 65 and corrected to read “IW”.
- 14       A **Motion to Approve the Minutes of May 13, 2024, as corrected**, was made by J. Landon,
- 15       seconded by S. Spillane and unanimously **Approved**.
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- 17       5. **Approval of the Minutes of May 15, 2024 (Site Visit).** **So Moved** by J. Landon, seconded by J.
- 18       Harney and unanimously **Approved**.
- 19
- 20       6. Public Comment – None
- 21
- 22       7. #2024-IW-010 / 235 Belgo Road LLC (Benjamin Palmer) / 235 Belgo Road / Septic System
- 23       Installation Partially in the Upland Review Area / Map 09 / Lot 09 / DOR: 5/13/2024
- 24       A revised application had been received. Keith Bodwell reviewed the revised plans which
- 25       included the waterline, driveway and septic system. Mr. Bodwell described the details. S.
- 26       Spillane asked if it would be a gravel driveway and will it be dug up; Mr. Bodwell answered yes,
- 27       to upgrade, they would need more removal and excavation, as the base is not sufficient. He
- 28       added that some material will be re-used; other material will be stockpiled on-site with the top
- 29       soil. L. Burcroff asked if some lines would be trenched; Mr. Palmer answered yes, they would be
- 30       48’ deep and the material would be restored. T. Brown asked about the pressure lines under
- 31       the culvert; Mr. Bodwell replied they would bore underneath and place 2” pipes. A. Conroy
- 32       pointed out that the crossing occurs where the stream is in a pipe, not a free-flowing area, and
- 33       noted that this is an amended application which could be approved tonight. A **Motion to**

34 **Approve #2024-IW-010, as Amended**, was made by S. Spillane, seconded by V. Garfein and  
35 unanimously **Approved**.

- 36
- 37 8. #2024-IW-011 / Oestreich (Murphy) / 31 Robin Hill Lane / Install Pond Overflow, Clean and  
38 Grade Pond Edges, and Manage Invasive Plants / Map 34 / Lot 1 / DOR: 5/13/2024  
39 Additional documents had been submitted by Greg Murphy, a Site Visit had taken place on May  
40 15, with photos taken by M. Todaro, which were reviewed. J. Harney commented that the  
41 water feature is a hazard, a linear ditch, and suggested that it be filled in and left alone. J.  
42 Landon commented that running a pipe to the fish pond makes no sense; he suggested filling in  
43 the wet area and doesn't see the logic of a pipe. T. Brown agreed and pointed out that it  
44 provides great habitat as it is and has value as a water feature. Other comments included  
45 restoration of the wetlands; fixing and planting the "tadpole" pond. Mr. Murphy indicated that  
46 the first water area would be left and restored; there would be no pipe; and the pond will just  
47 have plantings. He noted that the client would be OK with having the pond as a rain garden.  
48 Mr. Murphy added that he will use timber mats to get to the restoration area and that  
49 disturbance from equipment will be minimal. M. Grace and A. Conroy commented that they  
50 may have to wait until there is a dry time of year to do the work; A. Conroy could coordinate  
51 with Kathy Weber to determine the time; L. Burcroff agreed. There was general agreement on  
52 the restoration plan for the wetland area, using the existing built up material to fill in the hole.  
53 A. Conroy reviewed the **Conditions**: 1) Restore the southern excavated channel with  
54 existing/native material to soften grade and replant; 2) Use timber mats during the site work; 3)  
55 Coordinate work to be done during a dry time of the year; 4) No overflow pipe between the 2  
56 wetland areas. **A Motion to Approve #2024-IW-011, with the Stated Conditions**, was made by  
57 J. Landon, seconded by S. Spillane and unanimously **Approved**.

- 58
- 59 9. Report of Consent Order / Eisermann (Hackett) / 47 State Line Road / Septic Replacement / Map  
60 05 / Lot 33 / DOR: 5/13/2024  
61 An update was given by A. Conroy who had spoken with Attorney Janet Brooks, regarding using  
62 a "Consent" Order, instead of "Correct" Order because it doesn't require a "Show Cause"  
63 hearing and is a binding document with no appeal. The owner is agreeable to doing the work,  
64 but A. Conroy didn't get the Consent Order back and questioned how to proceed. V. Garfein  
65 commented that this isn't really a "Consent Order"; A. Conroy suggested that the better way is  
66 under an exemption: maintenance of a residence under emergency circumstances. A. Conroy  
67 suggested amending the agenda, by putting it on as a Declaratory Ruling to find that the  
68 replacement of an existing septic system that is failing is exempt as maintenance of a residential  
69 property. **A Motion to Amend Item 9 to "Declaratory Ruling"** was made by V. Garfein,  
70 seconded by J. Landon and unanimously **Approved**. **A Motion to Find Exempt Activity**  
71 **Constituting Maintenance of Existing Structures and Landscaping on a Single Family**  
72 **Residence**, was made by V. Garfein, seconded by S. Spillane and unanimously **Approved**.

75 10. Report of Potential Violation – Corner of Cobble Road and Route 44

76 The Report had not been posted yet and will be available to the Commission for the next  
77 meeting. J. Harney commented that this was an example of private individuals using public  
78 commissions to pursue personal issues. A. Conroy mentioned how to prioritize enforcement  
79 issues of potential violations; J. Harney commented that this is a private dispute.  
80

81 11. Regulations –

- 82 a. Update Re Greenwich FAQ Permissions – A. Conroy received permission from Greenwich to  
83 use their FAQ's; A. Conroy and M. Todaro will be able to use the material to work on them.
- 84 b. "Allowed" activities – Not on the website yet; they will go up soon. A. Conroy noted that  
85 Cynthia Rabinowitz will be attending the IWWC meeting on June 10<sup>th</sup> to talk about the new  
86 erosion control and storm water management manuals; she will bring her perspective as a  
87 soil scientist and answer questions such as when a delineation too old. She is also a  
88 representative of the NW Conservation District. A. Conroy mentioned that a list of Standard  
89 Conditions, if used, should be included in the Regulations, per Attorney Janet Brooks. V.  
90 Garfein commented that there will still be engineering concerns to be considered on  
91 individual permit applications. S. Spillane commented that she is not satisfied about how to  
92 decide which trees to cut down and is hoping for an answer from Cynthia Rabinowitz about  
93 that. V. Garfein and A. Conroy pointed out that the definition of "clear-cutting" is defined  
94 by State Statute, regarding timber harvest as an Agricultural Exemption, and will be used in  
95 this Commission's new Regulations. The definition of the term "Clearing" has been  
96 removed, as there is no clear definition of the term, and will be determined by this  
97 Commission. A. Conroy explained that all "clear-cutting" is "clearing", but not all "clearing"  
98 is "clear-cutting". A. Conroy indicated that the work has been done on the "Allowed  
99 Activities" for review at the next meeting. Cynthia Rabinowitz will be scheduled before any  
100 applications. A. Conroy will ask Attorney Janet Brooks about wording for "clear-cutting"  
101 except for Agriculture; it could be one of the frequently asked questions. A. Conroy will also  
102 look again at the Statutory process for adoption of the Regulations.
- 103 c. The next IWWC meeting is June 10<sup>th</sup>; all are asked to attend, via Zoom, and possibly vote on  
104 the proposed Regulations. J. Landon asked if DEEP would just be looking at the Regulations;  
105 the answer was yes.  
106

107 **Adjournment. So Moved** by S. Spillane, seconded by J. Harney and unanimously **Approved**.  
108 The meeting adjourned at 7:38pm.