

INLAND WETLANDS & WATERCOURSES COMMISSION

REGULAR MEETING

FEBRUARY 24, 2025 – 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: Vivian Garfein, Larry Burcroff, Sally Spillane, John
- 4 Landon, Cary Ullman, Maria Grace, Russ Conklin (Alternate), John Harney (Alternate), Tracy
- 5 Brown (Alternate), Abby Conroy (Land Use Director, Miles Todaro (Land Use Tech Specialist) and
- 6 Georgia Petry (Recording Secretary).
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- 8 3. **Approval of Agenda. So Moved** by M. Grace, seconded by J. Landon and unanimously
- 9 **Approved.**
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- 11 4. Minutes of February 10, 2025 – Tabled.
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- 13 5. Public Comment – Steven Callahan offered his comments about process, when an application is
- 14 submitted, that there is agreement that the application can go forward with the Town experts.
- 15 He commented that the process doesn’t flow in an orderly manner. His other point was about
- 16 enforcement; there ought to be a way to hold people accountable when they violate the rules
- 17 and that there ought to be more enforcement.
- 18
- 19 6. #2024-IW-046 / NOSTERO LLC (Pat Hackett) / 95 Preston Lane / Demolition and Reconstruction
- 20 of Single-Family Residence / Map 69 / Lot 32 / DOR: 1/13/2025
- 21 Pat Hackett and Brian Hanecak described the revised planting plan, including a new product for
- 22 the slope. R. Conklin commented on the new product and on the use of a no-mow fescue.
- 23 There were further comments and brief discussion. A. Conroy reviewed a draft Motion she had
- 24 prepared, based on Tom Grimaldi’s Special Conditions, which may be used as conditions for
- 25 permits also. V. Garfein asked about the costs for the required inspections, bonds and escrow
- 26 amounts. L. Burcroff commented that this is a type of enforcement mechanism, so that things
- 27 are done right. A. Conroy explained that sometimes bonds, escrows and third-party inspections
- 28 may be required for complex projects. For this application, the Commission determined that
- 29 they wanted escrow for three inspections by the Consulting Town Engineer. **A Motion to**
- 30 **Approve Application #2024-IW-046, as Presented, With the Special and Standard Conditions,**
- 31 **was made by S. Spillane, seconded by L. Burcroff and unanimously Approved.**
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35 7. Discussion of Wetland Regulation Revisions
36 The Commission reviewed the latest version of the red-lined draft. Section 2 Definitions,
37 “Regulated Activity,” including subsections a. – h., were reviewed line-by-line. V. Garfein and A.
38 Conroy explained how the measurements for the Upland Review Area (URA) were determined
39 for each subsection, including for each of the 4 large named lakes. The 75’ URAs for the 4
40 named lakes in subsections e. – h. remain unchanged. V. Garfein explained that it remains
41 possible for requests for changes to be brought to the IWWC, during this review process or at a
42 later time. C. Ullman expressed disappointment with that argument and commented that
43 changing the URAs for the lakes was the key to the Regulation changes that have been discussed
44 for years. C. Ullman added that it is not the responsibility of a lake association to ask for
45 changes; it is the responsibility of the IWWC. A. Conroy commented that there was no
46 consensus on extending the 75’ URAs around the lakes, but that could be considered during the
47 Public Hearing process and that focusing just on the lakes now would delay making progress in
48 other ways. C. Ullman pointed out that the lakes were being less protected than any other
49 bodies of water; A. Conroy suggested that there could be separate discussions about the
50 individual lakes. L. Burcroff expressed that it is disappointing, but they need to get the
51 Regulations updated and asked how groups would come to the IWWC asking for change. A.
52 Conroy explained that there are Commission-initiated changes when there is no Statutory
53 timeframe when you have to open and close a Hearing; there could also be individual petitions
54 to the IWWC to change the Regulations. J. Landon expressed that he is quite disappointed that
55 this is where we’ve ended up, being in consideration of lawsuits, they are stuck in a bad
56 situation. J. Landon commented that most members of the Commission would want a distance
57 of greater than 75’, but there are certain individuals who would fight the change; he is very
58 disappointed this is how it has ended up. V. Garfein mentioned that there are 2 lake groups
59 working on higher URA numbers. V. Garfein noted that this Commission has the authority to
60 look beyond the URA review, if they feel there will be impacts. S. Spillane commented that they
61 went beyond the 75’ with the previous application; she too is disappointed with this, but
62 pointed out that they just went beyond the regulated area. J. Landon commented that they
63 won’t see some things beyond the 75’ URA to determine if there is going to be an impact; A.
64 Conroy responded that this is a stepping stone. L. Burcroff pointed out that a larger URA would
65 mean more work for the IWWC. A. Conroy commented that this is a way to move forward and
66 protect the other resources more than they are being protected now. H. Harney commented
67 that this will at least give more protection to resources that haven’t been protected and then
68 deal with the lakes as it is in their best interest to be partners with the IWWC. S. Spillane
69 commented that there could be more involvement by DEEP; A. Conroy noted that there is a
70 watershed study being done now which may have recommendations. T. Brown pointed out that
71 the current science is 100’ for buffers. C. Ullman asked if carving the lakes out by name is a
72 change; A. Conroy answered that doesn’t change the practical application of the law on that
73 lake. C. Ullman pointed out, in theory, if they are silent on the lakes, they would go up to 150’
74 URAs. M. Grace expressed that she is disappointed they are leaving the distance at 75’ and
75 commented that several members of the IWWC are not comfortable with the 75’, but this is

76 progress in the right direction and there is still considerable work that has to be done to change
77 it. V. Garfein reviewed the timeline for this process; there will be another overview discussion
78 of the Regulations on March 10, 2025, before a vote on March 24, 2025. S. Spillane commented
79 that she objected to the language regarding “clear-cutting” and wants it to be very specific,
80 including the definition of vegetation. S. Spillane commented that trees are most important to
81 soil structure in the Regulated Areas; she will not vote without trees in the language, as well as,
82 “including but not limited to.” V. Garfein commented on not using the word vegetation, but
83 having a clearer definition; A. Conroy will try to find a good definition. R. Conklin asked A.
84 Conroy about the Statute, regarding clear-cutting, what size area is defined, and the POCD
85 recommendations.
86 Section 7.10 was discussed next; it is a new Statutory change about the duration of permits.
87 Section 11.6 is a new Statutory change about the expiration of permits.
88 Attorney Janet Brooks had suggested putting the IWC Standard Conditions into the Regulations.
89 It was pointed out by A. Conroy that these Regulations are stepping stones and can be adjusted,
90 if needed.
91 The process for bonding changes is now included.
92 The Regulations can be used to make a checklist for applicants, but only the IWWC can make a
93 finding of completeness of an application.
94 The Regulations now require Notices to Abutters for Public Hearings which will be done by the
95 Land Use office. V. Garfein asked A. Conroy to check with Attorney Janet Brooks about Notices
96 to Abutters about other applications; A. Conroy suggested that could generate more Public
97 Hearings. There was discussion about informing the public about applications, without holding
98 Public Hearings on every one of them.
99 Frequently Asked Questions – A. Conroy is working on those for the end of March meeting.
100 Exempt Activities – Those will not be included in the Regulations; A. Conroy noted that only the
101 Legislature can define what an exempt activity is, not the local IWWC. The draft may be sent to
102 members before the next meeting; comments and suggestions should go to A. Conroy.
103 S. Spillane would like to see more enforcement updates on the Agenda; A. Conroy indicated that
104 more help is needed for that.

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106 **Adjournment. So Moved** by S. Spillane, seconded by L. Burcroff and unanimously **Approved**.

107 The meeting adjourned at 8:04pm.
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