INLAND WETLANDS & WATERCOURSES COMMISSION

REGULAR MEETING

OCTOBER 26, 2026 – 6:30PM (REMOTE)

1. Call to Order. The meeting was called to order at 6:30pm.

2. Roll Call. Present: Vivian Garfein, Russ Conklin, Sally Spillane, Tracy Brown, Maria Grace, Larry Burcroff, John Harney, Michael Lucas (Land Use Coordinator), Miles Todaro (Land Use Tech Specialist) and Georgia Petry (Recording Secretary).

3. **Approval of Agenda. So Moved** by S. Spillane, seconded by R. Conklin, **With All in Favor**.

4. **Minutes of October 13, 2026. Motion to Approve** made by S. Spillane, seconded by R. Conklin, **With All in Favor**.

5. Public Comment – None

6. #IWWC-26-47 / 157 Lime Rock Road / Map 03, Lot 06-3 / Owner/Applicant: Gregory Murphy / Two Lot Subdivision / DOR: 10/26/2026
   M. Todaro explained that this is not typical; it is for P&Z to decide. No regulated activity is proposed; IWWC reviews, then M. Todaro writes up a report and brings it to the next IWWC meeting. The subdivision has been approved by TAHD. Greg Murphy indicated that no actual work is proposed. M. Todaro described the map. S. Spillane asked where the lot is located; Mr. Murphy answered that is across from Red Mountain off of Route 112. S. Spillane asked if it is being re-subdivided into2 lots; Mr. Murphy answered yes. After the IWWC votes on the report, it will be presented to P&Z.

7. #IWWC-26-46 / 0 Farnum Road, the 13.5-acre property abutting Wells Hill Road to the north / Map 36, Lot 08 / Owners: William and Angela Cruger / Applicant: William Cruger / Installation of a four foot tall no dig chain link fence / DOR: 10/13/2026
   V. Garfein noted that there had been a site visit and issues of concern were raised. On the advice of counsel, V. Garfein suggested that this application is not complete. Citing the permit application requirements, specifically less than 7.5 f. and g., there are no mapped alternatives for this site. V. Garfein read requirement 7.5 f. “alternatives which would require less or no environmental impact to wetlands or watercourses and why the alternative set forth in the application was chosen; all such alternatives shall be diagramed on a site plan or drawing;” and 7.5 g. “a site plan showing the proposed activity and existing and proposed conditions in relation to wetlands and watercourses and identifying any

further activities associated with, or reasonably related to, the proposed regulated activity and which may have an impact on wetlands or watercourses". V. Garfein commented that these are requirements which could be brought to this and noted #7.6 e. "a description of the ecological communities and functions of the wetlands or watercourses involved with the application and the effects of the proposed activity on these communities and wetland functions;" specifically commenting that this could affect wildlife there. V. Garfein read #7.6 f. "a description of how the applicant will change, diminish, or enhance the ecological communities and functions of the wetlands or watercourses involved in the application and each alternative which cause less or no environmental impact to wetlands or watercourses, and a description of why each alternative considered was deemed neither feasible nor prudent". V. Garfein commented that these particular requirements apply and should be described as part of the application, noting that there are issues that can arise from a chain link fence in such a location where wildlife traverses, and again suggesting that the application is not complete without the mapping as required. S. Spillane commented that she was not at the site visit and asked for a discussion of what was observed. V. Garfein commented that it is obvious the fence is going through wetlands; it is a chain link fence that will impede access for wildlife in the area. V. Garfein noted that the Crugers would like to delineate their property line and suggested that there may be other ways to do that, adding that the requirements should be fulfilled as part of completing the application. M. Grace asked about the specific location of the property; M. Todaro described it as bordering the house that was demolished, on 3 sides. T. Brown commented that the property is a tributary of the Salmon Kill. J. Harney commented that part of the property is upland and there are drops up and down, including some phragmites near the road. T. Brown commented that if the application is not complete, what is being proposed is a good strategy; V. Garfein noted that these are requirements. Angela Cruger described the property that they own and that there had been incursions onto their property; they want to put up a fence and clearly delineate their property line. Ms. Cruger indicated that they had gone to the Land Use office and asked what the requirements were to put up a fence, adding that they were told if the fence was less than 7 ft. tall, no permit was required and there was no mention of wetlands. Ms. Cruger commented that the 4 ft. high chain link fence was ordered, similar to what is on a neighboring property, and work began on installing the posts. Ms. Cruger added that when informed, they filled out the IWWC application and work stopped on the fence. Ms. Cruger commented that they want clear definition of their borders and are willing to find a compromise; V. Garfein commented that the IWWC is looking for alternatives with little or no impact. M. Grace suggested having more signage saying no trespassing; Ms. Cruger responded that they have signage, including 2 on the gate that goes to their property, and that they will put up more signage. V. Garfein commented that not all the requirements have been met and to come back with prudent and feasible alternatives to discuss; it was suggested that the Crugers may want to get a wetlands delineation done and review the regulations, as discussed earlier. Ms. Cruger asked for the name of the IWWC Attorney Janet Brooks. R. Conklin suggested that posts

should not be removed until the wetlands determination is made and V. Garfein agreed; Ms. Cruger commented that they will get a wetland determination for their property. V. Garfein and the members agreed that more information is required.

8. #IWWC-26-40 / 419 Salmon Kill Road / Map 30, Lot 13 / Owner/Applicant: Angy Herrera / Patio, Retaining Wall, and Other Home Renovation in the Upland Review Area / DOR: 9/14/2026

   The applicant was not present at this time. V. Garfein noted that some additional information had been submitted about the retaining wall. S. Spillane commented that the applicant can hire people to give her guidance about a planting plan and asked why they aren't talking about the wall coming down. S. Spillane commented further about the drainage, if there needs to be a rain garden, and what the impact of the drain is; T. Brown agreed. V. Garfein wants to know how they will restore vegetation between the creek and the wall; T. Brown agreed. L. Burcroff likes the idea of a rain garden and wants to know the calculations of what might be coming out of the drain. M. Todaro will let the applicant know about having a plan of action and the information requested in time for the meeting in November; the applicant will be informed that an extension could be granted and will be requested by the IWWC.

9. #CODE-26-2 / 144 Salmon Kill Road / Map 11, Lot 37 / Owner: Seth J Churchill, Trustee of the Seth J. Churchill Revocable Trust / Discussion of Cease and Correct Order

   M. Todaro explained that Mr. Churchill had sent a list of the experts he has hired: Mat Kiefer, Surveyor; Tom Stansfield, Soil Scientist; and George Johannesen for Engineering and Environmental. M. Todaro has asked Mr. Johannesen if he will be able to prepare the report, but hasn't heard back yet; the report would be similar to one done by Land Tech for 11 Route 7, describing existing conditions and evaluating alternative actions to correct the violation, in detail. S. Spillane asked which of the experts does the planting plans; M. Todaro answered that it would be the environmental professional. M. Todaro wants clarity from Mr. Churchill about who will prepare the report. T. Brown asked if Mr. Johannesen has expertise dealing with the river issues; Michael Lucas responded that Mr. Johannesen is a civil engineer and they will reach out and ask if he is going to consult with somebody else for that part of it. R. Conklin commented that a soil scientist will come in, but the soil that should have been looked at is gone; how will they come up with a solution for the end, when they don't know what was taken out. S. Spillane commented that there could be material from the original application which might have information; R. Conklin agreed and would like to know what information they had then. M. Todaro did find some old information, including a survey from before the pond was dug, but it doesn't have the wetlands delineated and other documents did not provide context, but will be useful for the environmental report. M. Todaro added that there may be meeting minutes, possibly a recording, and documents from that application. V. Garfein wants the experts to pull this information together; it is not for the IWWC to do. R. Conklin and S. Spillane would like to

know some details about what happened during the original application. Michael Lucas commented that when it isn't known what really happened, an environmental expert has been asked to come, take a look at the existing conditions, and possibly make different recommendations for something to go forward to protect the river and resources that are still there. M. Todaro commented that it is similar to the 11 Route 7 report in that it doesn't say what was there before the work was done, so advice was given on what would be best going forward and in this report as well. V. Garfein commented that it could be how to remedy the situation in some ways; M. Todaro commented it would not be how to put it back to the way it was, but what is the best thing going forward. S. Spillane wondered if George Johannesen, a civil engineer, is the environmental component they're looking for in this report, but if he can supply that, she would like to know; V. Garfein agreed that is a good question to ask him. M. Todaro will provide this feedback to Seth Churchill, who can listen to the recording; the IWWC agreed that the other 2 experts are acceptable.

10. #CODE-26-1 / 11 Route 7 / Map 04, Lot 31-1 / Owner: Delbert L Auray Jr Trustee / Agent: Patrick Mulberry / Discussion of consent order to remedy unpermitted regulated clearing activities

    Patrick Mulberry indicated that Greg Murphy had responded to the request for an outline of issues to be addressed, which was submitted to the IWWC; M. Todaro explained that the document and planting plan had been modified, in response to the feedback at the last meeting. Greg Murphy described the changes made to the planting plan in detail. S. Spillane wanted to know about the protection of the new plantings, which will take a long time to start growing, to protect them from deer and invasive species; Mr. Murphy responded that there could be some sort of deer-proofing, along with how the invasive is approached and there could be interim assessments. S. Spillane commented that there is a good diversity of plantings; L. Burcroff agreed. R. Conklin commented that they need to have something that says you're done and that would be the release of the order on the property; the IWWC should be notified of completion. V. Garfein asked if there will be an annual report on the monitoring and at the end, a final report; M. Todaro answered yes, those reports were recommended by Land Tech, with monitoring by a third-party environmental monitor that the owner would hire for 3 years, regarding the planted vegetation. Mr. Murphy indicated he would include that in his plan, along with interim plant monitoring. V. Garfein commented that if things aren't working, there could be adjustments. R. Conklin commented that the work repeats annually and he likes the idea of having Mr. Murphy do the field assessments, since he knows what has been done. S. Spillane commented that regardless of third-party monitoring, she wants to know that Mr. Murphy will give annual year-end reports for review by the IWWC; other members agreed. V. Garfein commented that they will take a look at the revised language in November. Mr. Mulberry asked if the Consent Order will be modified to all Mr. Murphy to make those reports; V. Garfein will carefully review the Consent Order, as it's written.

Re-Visit of Item #IWWC-26-40.

The applicant, Angy Herrera, had joined the meeting; the members agreed to re-visit the application. V. Garfein summarized what had been discussed earlier: Hire a consultant to come up with a plan to restore the vegetation from the retaining wall to the creek and detail the impacts of the outflow. The information is needed for the November meeting and the IWWC needs an extension of the time, granted from the applicant, to get all of the information before making a decision. S. Spillane commented that the plan needs to include plants native to that area and that will take into consideration the erosion on the slope and where the drain comes out. Ms. Herrera asked if an email response was acceptable; M. Todaro answered yes, the IWWC has 65 days to act on an application and could be extended for another 65 days, if granted by the applicant. Ms. Herrera responded that she will look into hiring someone and send the email to the IWWC. M. Todaro commented that whoever is hired can contact him with questions.

Adjournment. So Moved by S. Spillane, seconded by L. Burcroff, **With All in Favor**.