

INLAND WETLANDS AND WATERCOURSES COMMISSION

REGULAR MEETING

MAY 13, 2024 – 6:30PM (VIA ZOOM)

- 1 1. Call to Order. The meeting was called to order at 6:31pm.
- 2
- 3 2. Roll Call & Seating of Alternates. Present: Larry Burcroff, Vivien Garfein, Sally Spillane, John
- 4 Landon, Maria Grace, Russ Conklin (Alternate), Tracy Brown (Alternate), John Harney
- 5 (Alternate), Abby Conroy (Land Use Director), Miles Todaro, (Land Use Tech Specialist) and
- 6 Georgia Petry (Recording Secretary). Absent: Cary Ullman.
- 7
- 8 3. **Approval of Agenda. So Moved** by V. Garfein, seconded by J. Landon and unanimously
- 9 **Approved.**
- 10
- 11 4. **Approval of Minutes of April 22, 2024. So Moved** by M. Grace, seconded by S. Spillane and
- 12 **unanimously Approved.**
- 13
- 14 5. **Minutes of April 29, 2024.** This was a Special Meeting/Site Visit at 235 Farnum Road. The
- 15 Minutes were reviewed for the record; no vote was taken.
- 16
- 17 6. **Minutes Of April 29, 2024.** This was a Special Meeting/Site Visit at 31 Robin Hill Lane. The
- 18 Minutes were reviewed for the record; no vote was taken.
- 19
- 20 7. Discussion of Meeting 5/28
- 21 a. Land Use Office Closed May 17th-27th. A. Conroy and M. Todaro will be away all week for CAZEO
- 22 training work.
- 23 b. Schedule Cynthia Rabinowitz of Northwest Conservation District. A date of either May 28th or
- 24 June 10th will be posted.
- 25
- 26 8. Public Comment – None
- 27
- 28 9. #2024-IW-007 / McCarthy (Allied Engineering) / 235 Farnum Road / Replacement of Drainage
- 29 Pipes / Map 7 / Lot 11-1 / DOR: 4/22/2024
- 30 Abby Conroy noted that a revised site plan, with erosion controls, had been received. She
- 31 mentioned the site visit and indicated that it is a very wet property, questioning how the house
- 32 was built originally. She described the visible wetlands with standing water, some silt fence,
- 33 skunk cabbage and a constant flow of water being directed away from the house. V. Garfein
- 34 commented that the site had been cleared of trees and brush in the past and it is very wet. M.

35 Grace mentioned an agricultural exemption there; V. Garfein pointed out that it has never been
36 used for agriculture. The Commission had many questions and comments, including: whether
37 the channel was connected to a stream; runoff from roads; blocked drainage pipes/what
38 happened to the pipes; creation of new catch basin/backup area; the total excavated area;
39 where the pipes exit; observations from the site visit; frequency of mowing/assurance not to
40 brush-hog; a conditional discharge at a certain point; maintaining the field for a vegetation-type
41 buffer; was there clearing for pasture for animals; were the trees taken down unhealthy; was
42 the wetland created from road runoff; property previously came before IWWC as an exemption;
43 imposing conditions for the duration of the permit/allowing disturbance within the URA;
44 mitigating invasives by mowing; not crossing the ditch to mow the other side; requesting a soil
45 survey/wetlands delineation. M. Grace expressed her concern that this is not a repair or
46 replacement and wants a soil survey; Mike Pallone, Contractor for the Applicant, replied that he
47 would have to talk to the client. V. Garfein commented that the current owners are trying to
48 correct a bad situation found in their home; M. Grace expressed that the IWWC has an
49 obligation to try to improve what is there now. M. Grace asked if the Agriculture Exemption was
50 going to continue or if the owners were open to the idea of returning the land to a natural state
51 of wetlands; Mr. Pallone answered that he would have to ask the owners, as he is not aware of
52 any animals or the property now or planned. M. Grace and V. Garfein commented on the
53 beauty of the wetlands; M. Grace asked if there was an engineering issue as to why the
54 proposed drain is so extended. Mr. Pallone expressed that the elevations were indicated by
55 George Johannesen; J. Harney commented that it was explained at the site visit and that any oil
56 spillage will be contained in the basement, which it is not now. V. Garfein suggested that the
57 wetland area be allowed to be more natural. There was further discussion; M. Grace suggested
58 encouraging the owners to plant wetland species, in an effort to return to a wooded wetland. S.
59 Spillane expressed her support of the 600' contour line, not mowing beyond that, and returning
60 the area to its natural wetland habitat. A. Conroy indicated that the language would be: 1) that
61 the pipe was conditioned on the oil containment system in the basement; 2) either not mowing
62 or maintaining as meadow around the 600' contour; 3) encourage re-vegetation of wetland
63 through maintaining the mowed yard as meadow at the approximate edge of wetland at the
64 600' contour. V. Garfein commented that the previous permitting was questionable. A. Conroy
65 read the Conditions of Approval. **A Motion to Approve Application #2024-IE-007, With**
66 **Conditions of Approval as Stated**, was made by S. Spillane, seconded by V. Garfein and
67 unanimously **Approved**.

68
69 10. #2024-006 / Elizabeth J Oestreich (DM Hock Enterprises) / 31 Robin Hill Lane / Replacement of
70 Driveway / Map 34 / Lot 1 / DOR: 4/8/2024

71 V. Garfein pointed out there were new documents added and asked if this was the same
72 application; A. Conroy answered yes, but a different contractor now. Site photos showed that
73 the work had already started; she noted the obvious wetlands, a prior soils report and TAHD
74 restrictions. S. Spillane commented that there is quite a drop-off from the driveway to the edge
75 of the wetlands and asked if it will just erode. Dakota Hock, Contractor, described the driveway

76 as needing to be elevated for gravel to support the asphalt; they will fill with topsoil, re-seed
77 and plant along the driveway. L. Burcroff asked how long the silt fence would stay in place; Mr.
78 Hock answered it would stay as long as needed and once vegetation is established, it would be
79 removed. T. Brown asked if anything additional would be added to the gravel base; Mr. Hock
80 answered no, they are ready to pour the asphalt. R. Conklin expressed his preference for
81 asphalt; Mr. Hock described the pitch as 1 – 2% and that the entire driveway would have sheet-
82 flow off of it. A. Conroy explained that a **Condition of Approval would be to have a final**
83 **stabilization inspection conducted before the silt fence is removed. A Motion to Approve**
84 **#2024-006, with the Condition Stated**, was made by J. Landon, seconded by S. Spillane and
85 unanimously **Approved**.
86

87 11. #2024-IW-009 / Eisermann (Hackett) / 47 State Line Road / Septic Replacement / Map 05 / Lot
88 33 / DOR: 5/13/2024

89 Background information on the property was given by A. Conroy. There had been a complaint
90 that a washing machine was being discharged into the brook which was not confirmed, but has
91 since been determined that the septic system is failing. Pat Hackett and Kathy Weber have been
92 working to get a new system designed. Mr. Hackett explained that he had been involved for a
93 couple of months; he described the situation as it is now and what is proposed. A. Conroy
94 commented about septic repairs; about one third of towns surveyed indicated that if it was a
95 real failure, it had been allowed “as-of-right” as maintenance of a residential dwelling. Other
96 towns issued a “friendly” order to remedy a failed septic system; some treated septic repairs as
97 a regulated activity if it was unknown about wetlands. Mr. Hackett described the site plan with
98 erosion controls and the structures; he pointed out that there is no other place to put the
99 replacement system. He noted that they will have to remove the fill and topsoil and replace
100 with sand. L. Burcroff asked about the size of the tank; Mr. Hackett answered that it is larger,
101 but TAHD wants it that way so that it could be pumped. A. Conroy asked about the excavated
102 material; Mr. Hackett indicated it would be used in the berm, there will be grading and fill
103 added. S. Spillane and V. Garfein commented that this should be fixed. A. Conroy asked about
104 the reasoning; V. Garfein suggested using “Order for Correction.” A. Conroy asked if the
105 Commission is comfortable with her doing “Order” under these kind of circumstances; there was
106 general agreement. A. Conroy will email Kathy Weber indicating that the IWWC was in favor of
107 moving forward with the work. The Motion will be at the next meeting that the Order is upheld.
108

109 12. #2024-IW-010 / 235 Belgo Road LLC (Benjamin Palmer) / 235 Belgo Road / Septic System
110 Installation Partially in the Upland Review Area / Map 09 / Lot 09 / DOR: 5/13/2024

111 Ben Palmer described his plan to build a new septic system, attached to a barn being converted
112 to a 3 bedroom dwelling and that TAHD has approved the plan. A. Conroy commented on the
113 details of the plans and maps provided. S. Spillane asked if this is a conversion; Mr. Palmer
114 answered yes. L. Burcroff asked if many trees would be removed; Mr. Palmer answered some
115 trees in the leach field area would be removed, but it is mostly meadow. A. Conroy asked if the
116 driveway would be improved; Mr. Palmer replied yes, but hadn’t decided on asphalt or gravel

117 yet. A. Conroy asked if the culvert had been inspected; Mr. Palmer was not sure. L. Burcroff
118 asked about the disposition of displaced soil from the septic area and wants to know where it
119 will be stockpiled or spread. A. Conroy suggested asking the engineer about the condition of the
120 culvert; she also suggested amending the application to include the waterline and the
121 improvement of the driveway details. S. Spillane suggested that the applicant get as much done
122 as possible for the Commission to review. A **Motion to Accept #2024-IW-010, with Stated**
123 **Recommendations**, was made by V. Garfein, seconded by J. Landon, with **All in Favor**. (At this
124 time, M. Grace left the meeting)

125
126 13. #2024-IW-011 / Oestreich (Murphy) / 31 Robin Hill Lane / Install Pond Overflow, Clean and
127 Grade Pond Edges, and Manage Invasive Plants / Map 34 / Lot 01 / DOR: 5/13/2024
128 Greg Murphy was present to represent the application and describe the proposed plans,
129 including landscaping. S. Spillane asked about the length of running a pipe from a manmade
130 pond area to the existing goldfish pond; Mr. Murphy answered about 250'. A. Conroy pointed
131 out that there are 2 large URAs around the 2 ponds. There were several questions about the
132 construction and the Commission expressed preference that a ditch-witch be used, instead of an
133 excavator in the wetlands. J. Landon asked what the purpose of the pipe is and why put it in;
134 Mr. Murphy described it as useful to direct overflow from the dug pond. The planting list was
135 reviewed and changes were suggested. A site visit was scheduled for May 15, 2024 at 4:30pm.
136 S. Spillane asked what the purpose of landscaping the dug pond area was and if it is just
137 decorative; V. Garfein asked why it couldn't just be filled in with wetland soil and left alone. A
138 **Motion to Accept #2024-IW-011, with Scheduled Site Visit**, was made by S. Spillane, seconded
139 by V. Garfein, with **All in Favor**.

140
141 14. Report of Potential Violation – Corner of Cobble Road and Route 44
142 A complaint had been received about bridge construction and grading that had been done; A.
143 Conroy explained the response to the complaint, including the permitting history. A. Conroy will
144 send all of the documents to the Commission for review at the next meeting.

145
146 15. Regulations –
147 a. Update RE Greenwich FAQ Permissions – There is no update yet
148 b. “Allowed” activities – Will be posted on the website separately
149 c. Possible Vote for Public Hearing Date – V. Garfein talked about the possible timeline for the
150 Commission to consider the Regulations at the IWWC meeting on June 10, 2024 and move
151 the process forward. The latest draft of the Regulation Rewrite is on the IWWC website:
152 <https://www.salisburyct.us/inland-wetland-watercourses-commission-meeting-documents/>
153 R. Conklin asked about the date/version of the draft online and the list of allowed activities.

154
155 **Adjournment. So Moved** by S. Spillane, seconded by J. Landon and unanimously **Approved**.
156 Meeting adjourned at 8:37pm.

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