

INLAND WETLANDS AND WATERCOURSES COMMISSION

REGULAR MEETING

JUNE 24, 2024 – 6:30PM (VIA ZOOM)

- 1 1. Call to Order. The meeting was called to order at 6:30pm.
- 2
- 3 2. Roll Call & Seating of Alternates. Present: Larry Burcroff, Vivian Garfein, Sally Spillane, John
- 4 Landon, Cary Ullman, Russ Conklin (Alternate), John Harney (Alternate), Abby Conroy (Land Use
- 5 Director, Miles Todaro (Land Use Tech Specialist) and Georgia Petry (Recording Secretary).
- 6 Absent: Maria Grace and Tracy Brown (Alternate). R. Conklin was seated as Voting Alternate for
- 7 M. Grace.
- 8
- 9 3. **Approval of Agenda. So Moved** by S. Spillane, seconded by J. Landon and unanimously
- 10 **Approved.**
- 11
- 12 4. **Approval of Minutes of June 10, 2024. So Moved** by V. Garfein, seconded by J. Landon and
- 13 unanimously **Approved.**
- 14
- 15 5. Public Comment – None
- 16
- 17 6. #2024-IW-013D / Swiss Ranch LLC (Samuel Isaly and Lisa Cordan) / 124 Main Street / To Clean a
- 18 Pond of Invasive Species / Map 52 / Lot 9 / DOR: 06/24/2024
- 19 J. Landon recused himself from the discussion and vote. A. Conroy explained that this is an
- 20 application for a Jurisdictional Ruling; the applicant is citing Exemption under CGS Section 22 A.-
- 21 40, Provision b.1; regarding conservation of soil, vegetation, shellfish and wildlife. There were
- 22 questions about the material to be removed; the application proposed removing milfoil, using
- 23 no equipment, just reaching in from edge to restore the habitat. S. Spillane asked what would
- 24 happen to the milfoil removed; R. Conklin commented that it can be raked out for compost. S.
- 25 Spillane asked about de-watering it; R. Conklin suggested it would de-water very quickly and
- 26 reduce to about half its volume. (The discussion was paused and then resumed later in the
- 27 meeting when the applicant was able to get back online) The applicant, Ms. Cordan, explained
- 28 that it would be de-watered on a tarp, using rakes from the exterior of the pond. **A Motion for**
- 29 **a Declaratory Ruling, Exempt**, was made by V. Garfein, seconded by R. Conklin and unanimously
- 30 **Approved.**
- 31
- 32 7. #2024-IW-014 / Mary C Hedman (Pat Hackett) / 116 South Shore Road / Septic System Repair /
- 33 Map 60 / Lot 10 / DOR: 06/24/2024

34 The application was described by A. Conroy; it needs to go through both P&Z and IWWC. Peter
35 Ebersol, representing the applicant, described the existing septic system as not being up to code
36 so a code-compliant system approved by TAHD would be installed. An additional .5 acre of land
37 has been acquired and the 2 parcels have been merged; the new septic system would be located
38 on the new parcel, approximately 275' from the lake. Pat Hackett described the details of the
39 proposed plan, which includes abandoning existing galleries and installing a larger tank, etc. The
40 IWWC is reviewing the portion of the septic system within the 150' URA. There were many
41 questions, including: bedrooms that may have been added without permits; P&Z
42 review/comments; the areas of disturbance; impervious surfaces; excess soil; stockpiles; cutting
43 of trees; stumping; building of access road; grading, silt fence and curtain drains; the number of
44 trees that would be coming down and requesting that the same number of trees be planted. A
45 Site Visit was scheduled for Saturday, July 6, 2024 at 4:30pm. A **Motion to Accept the**
46 **Application** was made by J. Landon, seconded by S. Spillane, with **All in Favor**.

47
48 8. #2024-IW-015 / 280 BTLR LLC (Todd Parsons) / 280 Between the Lakes Road / To Relocate a
49 Portion of Between the Lakes Road and Install Drainage Improvements / Map 67 / Lot 07-2 /
50 DOR: 6/24/2024
51 R. Conklin recused himself from the discussion and vote on this application. Todd Parsons
52 described the proposed activity, including the recent subdivision of the property and proposed
53 re-alignment of the road further away. S. Spillane asked if this is a private road; Mr. Parsons
54 answered yes, but the Town does the maintenance. J. Harney asked what the point of this was;
55 Mr. Parsons answered stormwater management, but there's no room unless the road is moved.
56 L. Burcroff asked if other property owners had signed onto this; Mr. Parsons explained who had
57 signed on and who had not. A. Conroy asked for an addendum to the application with
58 signatures from the other property owners. A. Conroy asked for details about a nearby wetland
59 area. R. Conklin commented that there are pictures included in the documentation. V. Garfein
60 noted that R. Conklin had recused himself and pointed out that those pictures were from 2018.
61 V. Garfein indicated that she had driven by the site earlier and that the pictures do not depict
62 anything currently as it is; she added that she does not see a compelling need to move this road
63 and in addition, asked who really has standing to bring this application. V. Garfein had several
64 other comments, including the need for involvement by the Planning & Zoning Commission
65 (PZC), and asked about a restoration plan for the road and species that would be affected in the
66 area. There were many other questions, including: if this is a re-subdivision review; removal of
67 ash trees; maintenance of the stormwater basins by the Town; the purpose for doing this;
68 recent addition of rip-rap; and the appearance of a new sediment pile. A. Conroy asked Mr.
69 Parsons if he would submit a preliminary application to the PZC for comments; Mr. Parsons
70 answered yes. A. Conroy noted that some properties would no longer have frontage on the
71 road and asked if those parcels would get brought into the re-subdivision process. J. Landon
72 asked for the details of the subdivision. C. Ullman wants to have input from the Town, regarding
73 the proposed change of the road and on-going maintenance, or not; she also suggested having
74 the Town Engineer review this application. A. Conroy noted that analysis of the standard to re-

75 build the road has not been done yet. C. Ullman pointed out that many more specific details are
76 needed before further discussion. Mr. Parsons commented that he had noted the issues and
77 would be in touch with A. Conroy, regarding the next steps. A. Conroy suggested that the
78 application be tabled for additional information. A **Motion to Table this Application was made**
79 by S. Spillane, seconded by J. Landon, **with All in Favor.**
80

- 81 9. 2024-IW-012 / Frischling (George Johannesen – Allied Engineering) / 42 Slater Road / To
82 Construct an Outdoor Sport Court, Two Sheds, and a Fenced-in Area / Map 68 / Lot 06 / DOR:
83 06/10/2024

84 L. Burcroff recused himself from the discussion and any vote; he asked V. Garfein to take over.
85 A. Conroy noted that Mr. Johannesen was not able to attend the meeting, but had submitted
86 new material earlier and also that a suggested site visit hadn't been arranged yet. A. Conroy
87 reviewed the presentation information from Mr. Johannesen and commented that the revised
88 plan is within 75' of the wetlands on the Lake Washinee outlet side. S. Spillane commented that
89 activities are regulated within the 75' URA. C. Ullman asked if other areas were considered; that
90 was not known. A. Conroy pointed out that she had approved the removal of some trees
91 immediately next to the house, but not the entire larger area that was cleared. S. Spillane
92 expressed that she does not like the tree clearing that was done. A Site Visit was scheduled for
93 Tuesday, July 2, 2024 at 4:30pm. A **Motion to Table this Application was made with all in**
94 **favor.**
95

96 10. Regulations –

- 97 a. "Clearing" and "Allowed" activities

98 S. Spillane talked about her recent conversation with Atty. Janet Brooks and her dislike of
99 the word vegetation because it does not clearly include trees. S. Spillane and Atty. Brooks
100 looked at several definitions of vegetation, but Atty. Brooks concluded that specifically
101 including trees in the definition would limit the IWWC enforcement of what is vegetation. S.
102 Spillane expressed her belief that trees are the key components of all wetlands and likened
103 the poisoning of trees to clear-cutting; she will continue to look at each site and be hard-
104 nosed about trees, if trees can't go into a more developed definition of vegetation. V.
105 Garfein suggested that work on enforcement is needed here; A. Conroy suggested that
106 planting, including trees, could be a condition of approval. Discussion of "Allowed" activities
107 and the Regulations may be continued on the next agenda.
108

109 **Adjournment – So Moved** by S. Spillane, seconded by L. Burcroff, **with All in Favor.** The
110 meeting adjourned at 8:18pm.
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