

INLAND WETLANDS AND WATERCOURSES COMMISSION

REGULAR MEETING

AUGUST 12, 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), Tracy Brown
- 5 (Alternate), Abby Conroy (Land Use Director), Miles Todaro (Land Use Tech Specialist) and
- 6 Georgia Petry (Recording Secretary). Absent: Maria Grace. T. Brown was seated as Voting
- 7 Alternate for M. Grace.
- 8
- 9 3. **Approval of Agenda. So Moved** by V. Garfein, seconded by J. Landon and unanimously
- 10 **Approved.**
- 11
- 12 4. **Minutes of June 24, 2024. A Motion to Approve** was made by V. Garfein, seconded by J.
- 13 Landon, **With All in Favor.**
- 14
- 15 5. **Minutes of July 6, 2024. A Motion to Approve** was made by S. Spillane, seconded by J. Harney,
- 16 **With All in Favor.**
- 17
- 18 6. **Minutes of July 8, 2024. A Motion to Approve** was made by V. Garfein, seconded by J. Landon,
- 19 **With All in Favor.**
- 20
- 21 7. **Minutes of July 18, 2024. A Motion to Approve** was made by V. Garfein, seconded by J.
- 22 Landon, **With All in Favor.**
- 23
- 24 8. **Minutes of July 22, 2024. Tabled.**
- 25
- 26 9. **Minutes of August 7, 2024. A Motion to Approve** was made by S. Spillane, seconded by V.
- 27 Garfein, **With All in Favor.**
- 28
- 29 10. Public Comment – None
- 30
- 31 11. #2024-IW-030 / Nash / 198 Between the Lakes Road / Spread Sand on Lake Shore / Map 58 / Lot
- 32 02 / DOR: 08/12/2024
- 33 No one representing the application was present. **A Motion to Table this Application** was made
- 34 by V. Garfein, seconded by S. Spillane, **With All in Favor.**

35 12. #2024-IW-031 / Rohn / 100 Interlaken Road / Replace a Barn in the Upland Review Area / Map
36 39 / Lot 16 / DOR: 08/12/2024

37 The site on Long Pond was reviewed by A. Conroy. J. Landon asked how far the barn is from the
38 nearest wetlands; A. Conroy answered approximately 10'-15'. Owner Dana Rohn described the
39 proposed activity; they would like to replace a derelict barn with a new one on the same
40 footprint and of the same height. The new barn would sit on gravel; it would be mostly
41 constructed off-site and assembled on-site. There will be no plumbing; it will have electricity,
42 which the old barn had and TAHD has approved the plan. A. Conroy asked about driveway
43 access for construction; Ms. Rohn answered yes, there it is there now. L. Burcroff asked if gravel
44 will have to be added under the barn; Ms. Rohn answered yes, for better drainage. S. Spillane
45 asked if there would be any digging; Ms. Rohn answered no and that gravel will not be added to
46 the driveway. S. Spillane suggested using hay bales for sedimentation and erosion control. C.
47 Ullman asked if there are concerns about the gravel washing out under the barn; Ms. Rohn
48 answered no, there is no flow there. There will be a dumpster at the wide spot in the driveway.
49 J. Landon asked if there is a floor now; Ms. Rohn answered no, it was used a garage on top of
50 the gravel. J. Landon asked if pressure-treated wood would be used; Ms. Rohn answered that
51 she would find out. A. Conroy suggested that their contractor should direct where the
52 sedimentation controls should go; that information should be added to the plans for the next
53 meeting. **A Motion to Accept this Application** was made by J. Landon, seconded by V. Garfein,
54 **With All in Favor.**

55
56 13. #2024-IW-015 / 280 BTLR LLC (Todd Parsons) / 280 Between the Lakes Road / To Relocate a
57 Portion of Between the Lakes Road and Install Drainage Improvements / Map 67 / Lot 07-2 /
58 DOR: 06/24/2024

59 It was noted by A. Conroy that there is 65 days from the date of receipt for the IWWC to act on
60 an applications; that would be August 28, 2024, with the next meeting on August 26, 2024. A.
61 Conroy commented that some members had received communications regarding the
62 application; that information was compiled and is now on the website for review. A. Conroy
63 prepared a memorandum to address some of the issues, including the IWWC purview; conflicts
64 of interest and recusal; and additional information from the CT Bar Association. Regarding the
65 issue of standing, A. Conroy noted that the applicant must demonstrate that they have standing
66 to bring the application because they are the one requesting to do an activity. At this time,
67 there is no new material regarding standing; the IWWC will have to decide at the next meeting
68 whether they have everything they need. L. Burcroff commented that it could be an incomplete
69 application; Attorney Janet Brooks indicated that the application could be considered complete
70 and deliberated or denied without prejudice because it is incomplete or the applicant can
71 withdraw or ask for an extension. J. Landon asked if the matter is going to be Tabled again; A.
72 Conroy answered yes, at the request of the applicant. S. Spillane asked if there was any
73 information about Planning & Zoning (P&Z) and the Town's interaction with this road; A. Conroy
74 answered that there is not, it is not required, but could be advantageous to the applicant to get

75 feedback from both Commissions and come up with a plan that incorporates both. A **Motion to**
76 **Table this Application** was made by S. Spillane, seconded by J. Landon, **With All in Favor.**

- 77
- 78 14. #2024-IW-027 / Salisbury Winter Sports Association, c/o Ken Barker / 80 Indian Cave Road /
79 Construct a Pond for Water Supply and Snow Making / Map 15 / Lot 25 / DOR: 7/22/2024
80 The PZC had been informed that the IWWC was having a site visit; P&Z Commissioner Cathy
81 Shyer attended the site visit. A. Conroy contacted Engineer Tom Grimaldi for an estimate of his
82 review; he responded that he was not comfortable with reviewing the hydrogeology and that
83 the applicant should hire a Hydro-Geologist to do a report and analysis of the proposal. Because
84 there is direct wetlands impact, he wants to make sure that what is built meets the goal of
85 converting a wetland. A. Conroy noted that Ken Barker, SWSA, is hiring a hydrogeologist. V.
86 Garfein agreed with Engineer Grimaldi's recommendation and to request that so it will be
87 known if there is sufficient re-charge in the pond that's created to supply the wells. A. Conroy
88 reviewed the observations from site visit on August 7th including: the flagged fields; the limits of
89 wetlands and limits of the proposed pond; the existing source; the stockpile areas; phragmites
90 and poison ivy; the trees to be taken down; the proposed berm with fence which is not wildlife
91 exclusion fence. S. Spillane asked what the NDDDB shows and if there are endangered species
92 there. The NDDDB report identified Wood Turtles, Meadow Horsetail; Stiff Gentian; Sweet
93 Coltsfoot; Slimy Sculpin. There was discussion about the 300' habitat for Wood Turtles and if
94 altering the stream would change the habitat. Pat Hackett described the details of site and the
95 distance between the proposed pond site and the location of Moore Brook, approximately 500'.
96 A. Conroy asked how they would evaluate the impact of the drawdown on the surrounding
97 wetlands, as this Commission needs to know the effect of all of the impacts in order to evaluate
98 that. S. Spillane asked if they are considering getting a Hydro-Geologist now, as recommended,
99 for the IWWC to go further on this application; Mr. Hackett responded that he was confident
100 about the available water. The Commission had other questions including, how long the pond
101 would take to fill; the impact of drawing down water from the wetland; the watershed;
102 alternatives; what happens to the tree stumps and the spoils. A. Conroy commented that Tom
103 Grimaldi can do his review of certain aspects of the application; L. Burcroff indicated that the
104 recommendation should be followed to hire a Hydro-Geologist. J. Landon asked if it would slow
105 down the project; Mr. Hackett answered yes. A. Conroy pointed out that SWSA would have to
106 hire their own Hydro-Geologist, then the Town could hire someone to review that report. S.
107 Spillane commented that this is an important project and it's important to do everything right;
108 she wants a Hydro-Geologist to come in before anything else happens; V. Garfein agreed. A.
109 Conroy noted precedent and that there are many factors for consideration, including the
110 purpose for the project. Mr. Hackett indicated that they will follow the recommendations and
111 could get someone, if needed. J. Landon asked if the applicant would hire the Hydro-Geologist,
112 per Tom Grimaldi's recommendation; A. Conroy answered yes, then the Town would hire a
113 Hydro-Geologist to review that report. Mr. Hackett may be able to do some additional testing,
114 after speaking with Mr. Grimaldi. T. Brown asked for clarification about the specific question
115 here; A. Conroy indicated that it is matter of the wetlands in proximity; V. Garfein agreed and

116 pointed out not wanting to set a precedent about destroying a wetland. T. Brown commented
117 that the question is the impact to the adjacent wetland and stream to achieve the potential
118 goals of the project. V. Garfein had a question for Attorney Brooks regarding future changes
119 which could require restoration of the wetlands; Attorney Brooks indicated no, the permit has a
120 life that expires and IWWC has no authority to put any conditions on the land records. Attorney
121 Brooks added that there should not be discussions during site walks. Regarding Wood Turtles or
122 other specifics, Attorney Brooks noted that the DEEP gives information it has and does not
123 advise on projects; the IWWC would need to ask the applicant what kind of protections would
124 be provided, which could be turned into permit conditions. A **Motion to Continue This**
125 **Application for Additional Information** was made by S. Spillane, seconded by V. Garfein, **With**
126 **All in Favor.**

127
128 15. #2024-IW-028 / Wake Robin (SLR) / 104 & 106 Sharon Road / Redevelopment and Expansion of
129 Wake Robin Inn Property / Map 47 / Lot 2 / DOR: 7/22/2024
130 According to A. Conroy, the applicant has also submitted an application to P&Z, which was
131 accepted and a Hearing was scheduled. Additional materials have been submitted and Engineer
132 Tom Grimaldi has provided an estimate for the review. Mark Arigoni (SLR) was present for the
133 applicant, along with Steven Cohen and Jonathan Marrale, the 2 partners. Mr. Arigoni pointed
134 out that some additional details had been added and asked that a site walk be scheduled; V.
135 Garfein wants to have the site walk. L. Burcroff added that he would like to hear about the
136 changes made. Mr. Arigoni described the details of the proposed new buildings, structures,
137 landscaping and where there will be incurrences into the URAs. He described the direct impact
138 into one wetland area as the replacement of an existing culvert pipe; they are looking at
139 alternatives. There were questions about the flow, outflow and where the water ends up. T.
140 Brown asked if a NDDDB review has been done; Mr. Arigoni answered yes, based on the listed
141 plant species, they looked for those plants, found handsome sedges, submitted the findings
142 back to the NDDDB and, if impacted, they will be re-located on-site to a protected area. S.
143 Spillane asked to have the proposed tree removals within the URA shown at the next meeting;
144 Mr. Arigoni talked about the proposed tree line, some grading and re-vegetation with native
145 plant species. L. Burcroff asked how the wildflowers will be maintained; Mr. Arigoni answered
146 they will get cut once a year and seeds will be left. A Site Visit was planned for Tuesday, August
147 20, 2024 at 4:30pm. A **Motion to Accept This Application** was made by V. Garfein, seconded by
148 J. Landon, **With All in Favor.**

149
150 16. #2024-IW-029 / Angela Cho & Xin Yu (Pat Hackett) / 5 Bloomer Lane / Install New Septic System
151 and Well in the Upland Review Area / Map 19 / Lot 27-1 / DOR: 7/22/2024
152 Pat Hackett described the details of the site plan for the small existing building. A. Conroy
153 commented that it is technically a legal lot; the property is basically being brought up to code by
154 installing its own well and septic system; the only regulated activity is the well. The plan is sized
155 for a 2-bedroom house now and conforms to TAHD requirements. A **Motion to Approve This**
156 **Application** was made by V. Garfein, seconded by J. Landon and unanimously **Approved.**

- 157 17. #2024-IW-019 through #2024-IW-024 / Multiple Owners – East Twin Lake (Jeffrey Cordisco –
158 CFD Underwater) / 204, 210, & 218 Between the Lakes Road and 73, 83, & 99 Rocky Lane /
159 Removal of Invasive Plants and Decaying Biomass / Map 58 – Lot 3, 4, & 5 / Map 66 – Lot 34, 32,
160 & 30 / DOR: 7/22/2024
161 Additional information had been received, including images and owner permissions from 4 of
162 the properties; all 4 were reviewed. The lengthy discussion included: the need to identify
163 native or State-listed species of bulrush; identification of native aquatic vegetation; preventing
164 dissipation to other areas; turbidity controls; issues of ownership of shoreline and the lake
165 bottom because of wording in the deeds; the differences between the proposed method of
166 removal, dredging and diver-controlled vacuuming. S. Spillane and J. Landon commented that
167 biomass and muck are natural occurrences. A. Conroy pointed out that most of the properties
168 have lawn right down to the lake or that sand has been added which runs into the water with no
169 protection from having buffer zones. V. Garfein suggested putting in buffer zones as a condition
170 of a permit; Attorney Janet Brooks added that the IWWC can request a buffer zone addition at
171 the time there is an application. For future applications, Attorney Brooks suggested that
172 removal of invasive species should be considered differently than removing natural vegetative
173 muck because removing invasives is a good thing which doesn't disturb the indigenous and
174 natural character. L. Burcroff and T. Brown commented on the importance of identification; S.
175 Spillane did not want vegetation removed. A. Conroy asked for revised drawings leaving the
176 vegetation, identifying the purpose for removal on each of the properties and more information
177 on how to confine the operations. R. Conklin suggested using solid curtains to contain the
178 materials and also planting a sedge buffer along the shorelines. A site visit was scheduled for
179 August 21, 2024 at 4:30pm. A **Motion to Continue This Application** was made by S. Spillane,
180 seconded by J. Landon, **With All in Favor**.
181
182 18. Enforcement Updates – Show Cause Hearing
183 a. 105 Interlaken Road – A. Conroy explained that the contractor was unavailable, but will be
184 coming in with a planting and maintenance plan. A Cease and Correct Order was issued;
185 Attorney Brooks indicated that it could be rolled over to a Consent Order, if the owners
186 agree to the terms; that decision is final and cannot be appealed. A. Conroy will draft the
187 Consent Order. A **Motion to Uphold the Cease and Correct Order, Review the Plans and**
188 **then Issue a Consent Order** was made by V. Garfein, seconded by J. Landon, **With All in**
189 **Favor**.
190 b. 433 Salmon Kill Road – A. Conroy issued a Cease and Correct Oder on August 1, 2024, and
191 explained that the owner and contractor had not realized that permits were needed for
192 some of the work. The property owner described serious stormwater management issues
193 that need to be addressed. A **Motion to Uphold the Cease and Correct Order** was made by
194 S. Spillane, seconded by V. Garfein, **With All in Favor**. A. Conroy asked for the activities to
195 be carried out in order: Retain an Expert/Consultant and submit a written report for IWWC
196 review and written approval; the report should describe the existing conditions and

197 evaluate alternative actions to correct the unpermitted work with watercourses by October
198 14, 2024 or sooner.

199 c. 198 Between the Lakes Road – A Cease and Correct Order had been issued for unpermitted
200 vegetation, muck removal and deposition of sand. A Conroy indicated there had been no
201 response from the property owners. Attorney Brooks pointed out that there is no way to
202 attach fees to a Cease and Correct Order without a Citation Ordinance unless it goes to
203 court and a judge agrees; adding that the owner needs to provide a maintenance and
204 vegetation restoration plan with justification for the unpermitted removal of vegetation.
205 Attorney Brooks suggested modifying the Order and keeping the deadlines. **A Motion to**
206 **Uphold the Cease and Correct Order With the Modification to Remove the Sand Within 14**
207 **Days** was made by S. Spillane, seconded by V. Garfein **With All in Favor**. Attorney Brooks
208 noted that Orders must be sent by Certified Mail and a Certificate of Mailing within 10 days.
209 14 days would be allowed for the removal of the sand.

210 d. 73 Rocky Lane – A Cease and Correct Order was issued for weed and sediment removal
211 occurring without a permit. The property owner was present and described the muck
212 removal as 6” deep, 6’ wide on either side of the dock and 10’ at the end of the dock for
213 swimming; he didn’t realize a permit was required. L. Burcroff wants to see the site. The
214 owner indicated he could finish a small portion of the job himself and that the actual
215 dimensions of the removal area include 8’ wide on either side of the dock. **A Motion to**
216 **Uphold the Cease and Correct Order and Visit the Site** was made by S. Spillane, seconded
217 by V. Garfein, **With All in Favor**.

218
219 **Adjournment. So Moved** by S. Spillane, seconded by J. Landon and unanimously **Approved**.
220