

INLAND WETLANDS AND WATERCOURSES COMMISSION

REGULAR MEETING

AUGUST 26, 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 Harney (Alternate), Tracy Brown (Alternate), Russ Conklin (Alternate) Abby Conroy (Land Use
- 5 Director), Miles Todaro (Land Use Specialist) and Georgia Petry (Recording Secretary). Absent:
- 6 Maria Grace, John Landon and Cary Ullman. T. Brown was seated as Voting Alternate for J.
- 7 Landon; J. Harney was seated as Voting Alternate for C. Ullman; R. Conklin was seated as Voting
- 8 Alternate for M. Grace.
- 9
- 10 3. **Approval of Agenda.** A. Conroy asked to add an Item #14.a, a new application for Taylor. A
- 11 **Motion to Approve the Agenda, as amended**, was mad by V. Garfein, seconded by S. Spillane,
- 12 and unanimously **Approved**.
- 13
- 14 4. **Minutes of August 21, 2024. A Motion to Approve the Minutes of August 21, 2024**, was made
- 15 by S. Spillane, seconded by T. Brown and unanimously **Approved**.
- 16
- 17 5. **Minutes of August 20, 2024. A Motion to Approve the Minutes of August 20, 2024**, was made
- 18 by V. Garfein, seconded by S. Spillane and unanimously **Approved**.
- 19
- 20 6. **Minutes of August 12, 2024. A Motion to Approve the Minutes of August 12, 2024**, was made
- 21 by V. Garfein, seconded by S. Spillane and unanimously **Approved**.
- 22
- 23 7. **Minutes of July 22, 2024. A Motion to Approve the Minutes of July 22, 2024**, was made by V.
- 24 Garfein, seconded by S. Spillane and unanimously **Approved**.
- 25
- 26 8. Public Comment – None
- 27
- 28 9. #2024-IW-015 / 280 BTLR LLC (Todd Parson) / 280 Between the Lakes Road / To Relocate a
- 29 Portion of Between the Lakes Road and Install Drainage Improvements / Map 67 / Lot 07-2 /
- 30 DOE: 06/24/2024
- 31 A memorandum from Todd Parsons date August 26, 2024, in response to IWWC questions and
- 32 comments on June 24, 2024, was reviewed. (R. Conklin recused himself from the discussion, as
- 33 did J. Harney.) Mr. Parsons gave a re-cap of the project and asked for clarification if this
- 34 application was actually received and accepted at the June 24, 2024 meeting. Bob Stair was

35 introduced as a member of the applicant’s team. A. Conroy explained that the date of receipt is  
36 statutorily defined as the next regularly scheduled meeting, or 35 days, whichever comes first.  
37 In this case, the date of receipt was June 24, 2024, which starts the statutory timeline. The  
38 IWWC may not have accepted the application because of many outstanding questions; a hearing  
39 must be held within 65 days or act within 65 days, so the IWWC needs to act this week. There is  
40 no automatic approval for IWWC applications, if no action is taken. Mr. Parsons and Mr. Stair  
41 agreed that they would be willing to grant an extension. L. Burcroff had a question about the  
42 proof of ownership of this piece of property; Mr. Stair indicated that Mr. Keenan believes that  
43 since the road is on his property, he has the right to move it and it is the Town’s responsibility to  
44 prove otherwise, as far as standing is concerned. V. Garfein asked A. Conroy what the Town  
45 Attorney had to say about this; A. Conroy responded that the burden is on the applicant to  
46 address any questions about standing. A. Conroy added there are questions about who has the  
47 right to pass and re-pass on a private road; if they have standing on an application; if the  
48 property owner could block the road; and why is the Town maintaining a private road. L.  
49 Burcroff asked if the Town maintains the road, don’t they own it? Mr. Stair commented that  
50 Mr. Keenan wouldn’t block the road and would build the new one first, then close the old one;  
51 A. Conroy pointed out that Mr. Keenan doesn’t own the entire road. Mr. Parsons noted that the  
52 relocation would place the road mostly on Mr. Keenan’s property; A. Conroy commented that  
53 about half of it would be on other small lot properties. V. Garfein asked A. Conroy to address  
54 the procedural issues. A. Conroy talked about the implications of moving a road; the planning  
55 statutes that enable subdivisions; and the process with the PZC when a road or open space is  
56 changed that triggers a re-subdivision process. V. Garfein commented that it is up to the  
57 applicant to provide a certified survey, based on title, to prove that the applicant or owner has  
58 standing to bring this application and suggested re-filing with both IWWC and P&Z  
59 simultaneously. A. Conroy noted that in the statutory definition, IWWC does come first, but  
60 there is the issue of open space, which is for the PZC to determine. Other issues include the  
61 maintenance and liability of a new infrastructure going forward; reducing the Town’s reliability  
62 and risk associated with these things; and who is responsible in the future. A. Conroy pointed  
63 out that a new road in a subdivision requires a Town meeting and vote; in this case, standing is  
64 an issue and also why the Town should maintain a private road. Options for extensions of time  
65 for this application; withdrawing; or re-filing; and a formal legal description were discussed. S.  
66 Spillane commented on the implications for other private owners on a private road and would  
67 like to have the P&Z perspective; V. Garfein had concerns also. A. Conroy explained that Mr.  
68 Stair needs to provide, in an email, the grant of the extension to the next IWWC meeting on  
69 September 9, 2024; additional information will be provided, as available.

70

71 10. #2024-IW-019 through #2024-IW-024 / Multiple Owners – East Twin Lake (Jeffrey Cordisco –  
72 CFD Underwater) / 204, 210, & 218 Between the Lakes Road and 73 Rocky Lane / Removal of  
73 Invasive Plants and Decaying Biomass / Map 58 – Lot 3,4, & 5 / Map 66 – Lot 34 / DOR:  
74 7/22/2024

75 The applicant was not present. A. Conroy noted that permissions had been received from all but  
76 one of the property owners to apply. S. Spillane questioned the actual wording of the  
77 application, regarding invasive plants; R. Conklin responded that there are exotics, invasives,  
78 natives and nuisance plants. A. Conroy pointed out that an application can be denied if it is for  
79 an activity currently under violation, referring to the Order. T. Brown commented that this  
80 would set a precedent, so it would be best to have a clear decision based on information, setting  
81 up a best practice. S. Spillane commented that a specific list of questions is needed and that  
82 the contractor should have more responsibility. A. Conroy reviewed a worksheet to establish  
83 jurisdiction and including: identifying potential impacts; considering the purpose and  
84 alternatives; noting irreversible impacts; identifying mitigation measures and conditions;  
85 establishing reasonable and pertinent measures and conditions; and final considerations. A  
86 lengthy discussion followed. A. Conroy asked what professional advice does the contractor  
87 need to get for the IWWC and if an engineer is needed, what is the timeframe? J. Harney and R.  
88 Conklin suggested having a list of expectations for homeowners and a list of best practices for  
89 realtors; there will be further discussion of the list at the next meeting. **A Motion to Table**  
90 **These Applications** was made by S. Spillane, seconded by T. Brown, **With All in Favor.**

- 91  
92 11. #2024-IW-027 / Salisbury Winter Sports Association, c/o Ken Barker / 80 Indian Cave Road /  
93 Construct Pond for Water Supply and Snow Making / Map 15 / Lot 25 / DOR: 7/22/2024  
94 It was reported that the engineers are working on everything. V. Garfein asked if there is an  
95 alternative to setting precedent by allowing destruction of wetlands by drilling more wells. J.  
96 Harney agreed, do not destroy wetlands. A. Conroy will let the applicant know that more  
97 information about alternatives is desired; T. Brown agreed. **A Motion to Table This Application**  
98 **was made by S. Spillane, seconded by V. Garfein, With All in Favor.**

- 99  
100 12. #2024-IW-028 / Wake Robin (SLR) / 104 & 106 Sharon Road / Redevelopment and Expansion of  
101 Wake Robin Inn Property / Map 47 / Lot 2 / DOR: 7/22/2024  
102 The applicant is working on a response to Tom Grimaldi's review and requested that the  
103 application be Tabled. There were positive comments from those who attended the site walk.  
104 **A Motion to Table This Application** was made by V. Garfein, seconded by S. Spillane, **With All in**  
105 **Favor.**

- 106  
107 13. #2024-IW-030 / Nash / 198 Between the Lakes Road / Spread Sand on Lake Shore / Map 58 / Lot  
108 02 / DOR: 08/12/2024  
109 M. Todaro had taken in the application; there was no update. A. Conroy had spoken with  
110 Attorney Janet Brooks who explained that the application can be denied if enforcement is  
111 pending. Kyle Considine, Contractor, described the replenishment of the sand beach and  
112 indicated he didn't know an application was needed to spread the sand. A. Conroy pointed out  
113 that the Order had been upheld and modified to include the removal of the sand within 14 days  
114 of the letter. V. Garfein commented that she was against spreading sand on the lake shore. R.  
115 Conklin suggested that the sand needs to be confined and stabilized at the shore. S. Spillane

116 mentioned that the sand was lost and will be lost again, she wants a buffer added. Mr.  
117 Considine described this as beach nourishment and asked for an example of a natural buffer  
118 that's been created. R. Conklin noted that currents move the sand over the years and that sand  
119 moves without a buffer. A **Motion to Table This Application** was made by S. Spillane, seconded  
120 by T. Brown, **With All in Favor**.

121  
122 14. #2024-IW-031 / Rohn / 100 Interlaken Road / Replace a Barn in the Upland Review Area / Map  
123 39 / Lot 16 / DOR: 08/12/2024\

124 The erosion control measures proposed were reviewed which included hay bales around the  
125 work site. Dana Rohn described a 6' hay bale border around the barn, except for the driveway.  
126 The PZC was okay with this minor barn replacement. **A Motion to Approve This Application**  
127 was made by S. Spillane, seconded by V. Garfein and unanimously **Approved**.

128  
129 14. a. Not considered at this time.

130  
131 15. Agent Approval - #2024-IW-032A / Potter (Griffing LLC) / 65 Interlaken Estates / Repair  
132 Boathouse Supports / Map 39 / Lot 08 / DOR: 08/26/2024

133 This application was similar to the previous one, as explained by A. Conroy; this would be raising  
134 it up and replacing the piers. The distance from the wetland is roughly the same; no new gravel;  
135 and the silt fence is included. A. Conroy suggested an **Agent Approval**; J. Harney and V. Garfein  
136 **Agreed**.

137  
138 16. Enforcement Updates

139 a. 105 Interlaken Road – A planting plan had been provided by the owners; they are leaving an  
140 open access area and providing a vegetated buffer along the rest of the shoreline.

141 Phragmites had been removed; the planting list is okay. A. Conroy suggested that a  
142 maintenance plan can be part of the Consent Order, with a specific time frame, for twice a  
143 year inspections. Having 2 no-mow zones was suggested. A. Conroy will draft a Consent  
144 Order for adoption on September 9, 2024.

145 b. 433 Salmon Kill Road – Waiting for documents by September 9, 2024.

146 c. 198 Between the Lakes Road – A. Conroy reported that the owner's Attorney indicated they  
147 were frustrated because the contractor had told them it was okay to do the work without a  
148 permit; they are happy and willing to work with the IWWC to remedy the situation. A.  
149 Conroy will be back in touch with their Attorney. They have until September 9, 2024 for a  
150 formal response.

151 d. 73 Rocky Lane – They have until September 9, 2024 to make a formal response.

152 **Adjournment. So Moved** by S. Spillane, **With All in Favor**. The meeting adjourned at 8:46pm.