

INLAND WETLANDS & WATERCOURSES COMMISSION

REGULAR MEETING

NOVEMBER 25, 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, Sally Spillane, John Landon, Maria
- 4 Grace, Cary Ullman, Russ Conklin (Alternate), John Harney (Alternate), Tracy Brown (Alternate),
- 5 Abby Conroy (Land Use Director), Miles Todaro (Land Use Tech Specialist) and Georgia Petry
- 6 (Recording Secretary). Absent: Vivian Garfein. T. Brown was seated as Voting Alternate for V.
- 7 Garfein. Attending: Attorney Janet Brooks.
- 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 November 7, 2024. So Moved** by M. Grace, seconded by S. Spillane and
- 13 unanimously **Approved.**
- 14
- 15 5. Approval of Minutes of November 13, 2024 – Tabled
- 16
- 17 6. Public Comment – None
- 18
- 19 7. #2024-IW-028 / Wake Robin (SLR) / 104 & 106 Sharon Road & 53 Wells Hill Road /
- 20 Redevelopment and Expansion of Wake Robin Inn Property / Map 47 / Lot 2 & 2-1 / DOR:
- 21 7/22/2024 / Extension through November 25, 2024
- 22 Mark Arigoni, SLR, gave an update, including a NDDDB report they submitted which listed no
- 23 plant species of concern within the URA or in the wetland. Mr. Arigoni noted that they received
- 24 a second review from Engineer Tom Grimaldi regarding stormwater modifications and
- 25 responded to his 2 comments. A. Conroy commented that Mr. Grimaldi’s question about the
- 26 parking spaces had been resolved; there is no issue. A. Conroy asked which of the water quality
- 27 basins are being tested; Mr. Arigoni described those and mentioned that TAHD had not required
- 28 anything new. S. Spillane commented on the spa area in the URA and the proposed silt fence
- 29 and asked how close it is to the wetlands; Mr. Arigoni described the details. S. Spillane
- 30 suggested pulling the silt fence as close to the building as possible, with all work done inside the
- 31 silt fence; Mr. Arigoni agreed and that they will go around trees. S. Spillane asked where a listed
- 32 plant species is located; Mr. Arigoni showed it on a map and where it will be relocated. L.
- 33 Burcroff asked about using silt sock instead of fence; Mr. Arigoni answered it is an option. A.
- 34 Conroy commented that if the contractor makes a change from what was on the proposed plan,

35 she is advised and makes Tom Grimaldi aware of the change. J. Landon asked if it is normal
36 practice to relocate a species to another location; A. Conroy couldn't say for sure. S. Spillane
37 commented that there is a remediation plan in the report; Mr. Arigoni responded that according
38 to their wetlands specialist, this is the best way to relocate small colonies and it does happen
39 quite a bit. A. Conroy has drafted a Resolution which Attorney Janet Brooks reviewed and asked
40 the IWWC if there is any more information required from the applicant. T. Brown asked Mr.
41 Arigoni if they have received approval for the NDDB report; Mr. Arigoni answered that it has not
42 been approved formally, but sometimes there is no additional response. A. Conroy asked the
43 IWWC if it would be helpful to hear from Attorney Brooks about how their purview relates to
44 the NDDB; J. Landon and T. Brown responded yes. M. Grace mentioned that this Commission is
45 only allowed to comment on wetlands and watercourses and asked if the NDDB was out of their
46 purview; she expressed being unsure of exactly what they needed to focus on in order to
47 approve this application. A. Conroy commented that these questions were not asked before,
48 but she has a draft Resolution for review and can be discussed again at the meeting tomorrow
49 night. M. Grace asked if they had to vote on this application tonight; A. Conroy answered that
50 they have a revised extension to November 26, 2024. C. Ullman asked if there would be any
51 new information the next night; M. Grace commented no, it doesn't sound like it. Mr. Arigoni
52 apologized for any confusion about the updated material. Attorney Brooks explained that Mr.
53 Arigoni has provided the planting plan; it's something they can accept or use it as part of the
54 accepted plans. Attorney Brooks described the larger question of when the IWWC can consider,
55 make conditions or deny, based on effects on plants and animals; there is a specific regulation
56 which includes plants, wildlife and habitats. Attorney Brooks summarized that conditions can be
57 imposed, but must show activity will likely impact or affect the physical characteristics of such
58 wetlands or watercourses; Attorney Brooks concluded that it seemed they do not have that
59 situation here. Attorney Brooks commented that this applicant has provided a plan for what
60 they intend to do for the plant species; the IWWC is free to accept the plan, as offered.
61 Attorney Brooks suggested that a future application will require the IWWC to determine the
62 physical effects on the wetland or watercourse, but not this one. A. Conroy gave a brief
63 introduction to the draft resolution (Motion) which is 3 pages long and could be re-visited later
64 in the meeting. Attorney Brooks commented that it is a draft to use to start deliberations, but
65 they are not restricted to it and changes can be made.

66

67 **Public Hearing – 7:00pm**

- 68 8. #2024-IW-040 / 280 BTLR LLC (Great Falls Construction) / 280 Between the Lakes Road / To
69 Relocate a Portion of Between the Lakes Road and Install Drainage Improvements / Map 67 /
70 Lot7-2 / DOR: 9/23/2024
71 Commissioners J. Landon, R. Conklin and J. Harney recused themselves from the discussion. A.
72 Conroy read the Legal Notice. L. Burcroff opened the Public Hearing and stated that it will be
73 adjourned no later than 8:30pm tonight, but may be continued, as necessary. L. Burcroff stated
74 the guidelines for tonight's Hearing: 1. The applicant will present the application, explaining the

75 materials they have submitted in support of their proposal; 2. The Commission will ask
76 questions; 3. The floor will be opened to members of the public. The IWWC regulates the use,
77 not the user; please consider this when providing testimony. Some aspects of this application
78 are technical in nature; the IWWC decision may, therefore, rely on expert testimony related to
79 technical matters; the IWWC asks for cooperation in not making speculative arguments. The
80 Commissioners are not politicians and must adhere to their regulations, as well as State and
81 Federal Statutes including procedural due process. If the Hearing is continued or if no decision
82 is rendered this evening, please refrain from communicating with Commission members about
83 Wetland Commission matters outside the formal process; a communication outside of the
84 formal process is considered ex-parte. Ex-parte communications could be a chat with a
85 Commissioner after tonight, but before the continuation of the Hearing. Ex-parte
86 communications may be phone calls, emails or similar communications sent to the Commission
87 members prior to rendering a decision; therefore, they ask all communications to be directed to
88 the legally appropriate channels, i.e. the Public Hearing and the Land Use office. This protects
89 the rights of all parties to a fair and equitable process and assures that any decisions rendered
90 by the Town's regulatory commissions are insulated from any procedural defects that violate
91 due process. The IWWC is here to balance the need for economic growth of the State and the
92 use of its land with the need to protect its environment and ecology in order to forever
93 guarantee to the people of the State the safety of such resources for the benefit and enjoyment
94 of generations yet unborn. L. Burcroff expressed that he would like to adhere to all of those
95 guidelines. The Zoom link to the Video Recording of this meeting can be found at:
96 <https://www.salisburyct.us/inland-wetland-watercourses-commission-meeting-documents/>
97 The applicant was asked to present their application. Todd Parsons (Engineer / Haley Ward),
98 Bob Stair (Contractor) and Attorney Michael Citrin represented the application. Mr. Parsons
99 reviewed the survey and described the details of the application and site plans. Mr. Stair asked
100 Mr. Parsons to talk about the erosion happening on the east side of Twin Lake; Mr. Parsons
101 described the material found in water samples and showed some photos. A. Conroy asked Mr.
102 Parsons if the additional property was a fully designed proposal; Mr. Parsons answered that they
103 will survey that portion to make sure they have the right elevations and the delineations. L.
104 Burcroff asked where the proposed pipe would daylight; Mr. Stair answered, at the wetland. L.
105 Burcroff asked if it is a swampy area; Mr. Parsons answered it is an upland area and there is a
106 wetland, but not swampy. S. Spillane asked Attorney Citrin for his title; Mr. Citrin answered that
107 he is an Attorney at Drury, Patz & Citrin in Canaan, CT. S. Spillane asked if dredging was a part of
108 this application; Mr. Parsons answered no. S. Spillane asked if there were possible plans for a
109 dock or anything else on the lake side of this road; Mr. Parsons answered that there is a dock
110 already, which will be continued. S. Spillane asked if there would be any other possible use of
111 the area, if known; Mr. Parsons answered that the building setback is 75' from the lake. Mr.
112 Parsons commented that doesn't change and all existing conditions will remain the same; A.
113 Conroy commented yes, unless they get a special building permit. A. Conroy asked Mr. Parsons
114 to go through the application materials to demonstrate that there are permissions from all of

115 the adjacent property owners; Mr. Parsons mentioned emails from 4 property owners
116 submitted with their original application and some that are more recent. A. Conroy asked
117 Attorney Brooks about adjoining property owners consenting to a particular plan date and if
118 there should be some other permission; Attorney Brooks responded that consent from a
119 property owner would be based on the latest design or revision and further advised that the
120 Public Hearing should not be closed until all information on the application can continue to be
121 received. S. Spillane asked the question, is this a public road; Attorney Citrin answered that it is
122 a town road, but the applicant's property goes to the center line for 2/3rds of the length of the
123 road and actually includes the whole road for the other third of the road. A. Conroy asked if the
124 applicant has control to move the road; Attorney Citrin answered that the property owner owns
125 the fee ownership in the road, but the public can still cross it, and in terms of moving the road,
126 he believes that Town Counsel has outlined a process for that. S. Spillane referred to the Town
127 Counsel letter and the process involved; Attorney Citrin suggested that it did not change
128 anything for this Commission, they still have the same consideration of whether this is a
129 regulated activity and what is the environmental impact. Attorney Brooks commented that
130 Attorney Andres (Town Counsel) started this conversation with his opinion in the letter and he
131 should be the one to review what Attorney Citrin has said and respond accordingly. Attorney
132 Brooks suggested that the preliminary issue is the consent from all of the property owners and
133 the record is incomplete until Attorney Andres has responded to what Attorney Citrin said
134 tonight. Attorney Brooks suggested that it is up to the IWWC to determine if there are
135 questions unanswered from Attorney Andres's letter to determine ownership of the road and
136 whether all of the consent has been granted that is needed. A. Conroy mentioned a question
137 from the Town Consulting Engineer, regarding who is responsible for maintenance of the road;
138 Attorney Citrin commented that no response was necessary, for the purposes of this Hearing. C.
139 Ullman commented that the process outlined by Attorney Andres was based on the fact that the
140 Town owns the road; Attorney Citrin countered that Attorney Andres did not say the Town owns
141 the road, but that it is a public road. C. Ullman asked who owns a public road and if a private
142 citizen can own a public road; Attorney Citrin answered yes, there is case law in CT on this.
143 Attorney Brooks suggested that the IWWC should rely on advice from Attorney Andres.
144 Attorney Brooks also suggested that the IWWC should not close the Public Hearing, in order to
145 receive any more information. L. Burcroff and S. Spillane commented that more information
146 was needed. Mr. Parsons asked that if the Public Hearing is going to be continued, he would
147 prefer it be continued to January, as he would not have enough time to respond in December; L.
148 Burcroff agreed. A. Conroy noted that an extension would be needed from the applicant and
149 that the next regular meeting would be January 13, 2025 at 7pm. Regarding public comment,
150 Attorney Citrin asked that it be limited to the regulated activity, environmental issues pertaining
151 to this application, nothing more. A. Conroy explained how the public could participate and
152 asked that people identify themselves by name, with the spelling, for the record. Mr. Parsons
153 indicated that he would take notes as comments or questions came up; he will respond, as time
154 permits, until 8:30pm and will respond to all others later on.

155 Public Comments (limited to 3 minutes per person):

- 156 • Susan Knight – Not heard; on mute
- 157 • Steven Callahan – 30 Cedar Crest Road, Twin Lakes, Salisbury. Had a question about
158 where we are in the process that he would like addressed by Attorneys Citrin and
159 Brooks. If the legal theory is right, that each adjoining property owner owns to the
160 center line of the road, whether it's public or private, why aren't the individual property
161 owners with lakefront access that abuts the current Between the Lakes Road, why are
162 they not co-applicants in this process because they're agreeing to give up their access
163 from the existing road, half of it anyway, to allow Mr. Keenan to move the road onto
164 Mr. Keenan's property which would require Mr. Keenan to then grant legal right of
165 access from his new road location to the individual sliver parcels along the lake. So a
166 letter that says they consent to a plan of a certain date or they have no objection or
167 whatever isn't really adequate in his view to where they are in their legal rights to this
168 area that's being affected by the proposed relocation. Can someone address that issue?
169 The letters that have been issued are unsigned; one is supposedly from a son of one of
170 the owners and he doesn't have any legal authority to bind the owner unless he has the
171 Power of Attorney, didn't see that; maybe the owner himself could sign it as opposed to
172 the son sending an unsigned letter. We've got new letters that we haven't seen which
173 seem to indicate, in the case of some of the owners, that they're qualifying their
174 consent, if you will, to whatever is being proposed but I really think the question is why
175 these sliver owners are not co-applicants with the landowner to the west. Attorney
176 Citrin: For the purposes of the Hearing before IWWC, I believe what we've submitted is
177 sufficient, is the answer. I don't think, in terms of questions regarding this being a
178 regulated activity and this might be an activity that will have an environmental impact, I
179 don't believe these folks have to be co-applicants. Mr. Callahan: Even if you're
180 proposing to take away what they currently have? Attorney Citrin: The issues you're
181 raising may be governed by other Town Boards, but not this one. Mr. Callahan: He was
182 asking who needs to be an applicant before IWWC. Attorney Citrin responded: I believe
183 I've answered your question. Mr. Callahan: No, you haven't, because this Commission
184 has the right to determine if an applicant, the applicants that are shown on the
185 application, are the appropriate parties; that's not for another Town Board. Attorney
186 Citrin: The applicant that has applied to move this road further on to his property is the
187 applicant before this Commission. In terms of Inland Wetland issues, that's who it
188 affects and that's who the applicant here is. I don't agree with you, you don't have to
189 agree with me, but I've answered your question. Mr. Callahan: Can I ask if Attorney
190 Brooks has any view on this? Attorney Brooks: I don't think that all property owners
191 need to be made or need to come forward as co-applicants. Let's think about it in
192 something that's not a road situation. Somebody has property and the property owner
193 is willing to lease it to somebody else and that lessee, with the permission of the
194 landowner is applying for a permit to do something. I think that's perfectly appropriate

195 and you don't need the landowner there if the landowner consents to the application
196 that the lessee is going to be submitting. Mr. Callahan: Do you agree that the letter,
197 have you seen the letters that have been submitted so far as a matter of public record
198 from these landowners? Attorney Brooks: No, but I think that those questions, for
199 continuity's sake, those things should continue to be seen by Attorney Andres. The
200 decision was made within the Town that Attorney Andres would give the legal opinion
201 on ownership and all of the questions and answers that would fall from that. I think it
202 makes a lot of sense to have one attorney who's going to shepherd that from start to
203 finish. I don't want to stand substantively in the way of that; I just know that you don't
204 have to have every landowner part of the application if they consent to what is being
205 proposed on that person's property. Otherwise, I do think that should be for Attorney
206 Andres to weigh in because this is different, a road is different than a lessee who was
207 going to build a building and then engage in a commercial activity or something on the
208 landowner's property. It's egress and easement and who's going to have right to pass
209 on it, etc. Attorney Citrin: I would also note that Town Counsel was aware of the
210 application and did not raise this issue in terms of other abutters being applicants; if he
211 doesn't answer the question expressly, he's definitely answered it by not raising it in his
212 letter. Attorney Brooks: I just wanted to be helpful to the Commission on how to go
213 forward. Attorney Citrin: I'm not arguing with you, I'm responding to public comment.

- 214 • A. Conroy commented that it may be most efficient to not respond; maybe let's hear the
215 questions if there are ones that you can answer tonight, let's answer them after and
216 then if there are things that you need to come back to the Commission with response
217 for, let's do that. On Attorney Andres end of things, I wouldn't assume his failure to
218 opine on something means that he agrees with you, but I can explicitly ask him the
219 question, obviously not at the meeting tonight. L. Burcroff asked if there was any
220 possibility of getting Attorney Andres for the January continuation; A. Conroy answered
221 yes, possibly. L. Burcroff responded that would be really helpful.
- 222 • Marylene and Alan Friedman -- Washinee Heights Road on the small lake -- Our big
223 concern is water quality and the health of the lakes. This project seems to be one which
224 will improve the quality on the big lake and of course, everything that happens on the
225 big lake ultimately happens on the small lake as well. From the point of view of
226 environmental impact, it seems to us that this would be a very positive project and we
227 would certainly support it. Mr. Friedman: would like to note that having driven on
228 Between the Lakes Road (BTLR) which is really the only way out from Washinee Heights,
229 that section of road has a sharp turn and it seems to me that this project will moderate
230 that turn to make it a little bit easier to make, especially in slippery conditions. Even
231 though it may not be the most important issue before the Commission, I just note that it
232 looks like it will help straighten the road a bit and make it a little bit easier for those of
233 us that ride on that road every day to make that turn as well. From two points of view,

234 environmental impact and just plain drivability of the road, we would support this
235 project.

- 236 • Carol Connolly – 28 Rocky Lane – Full-time year-round resident. Has questions in three
237 areas, one has been addressed a little bit by Steve; just wants to add to that discussion.
238 The question about would it be a part of thorough due diligence to actually look at the
239 title documents for whatever property ownership there is in the section of the road
240 that’s being proposed to be moved, the existing ownership. I do know, just from my
241 own situation, I looked at my documents last night that there were terms and conditions
242 in my title in regards to the part of my property that is Rocky Lane. It just seems to me
243 that might help clarify a number of points to include the question in order for the
244 property owners to have proper legal rights documented if this road is moved for their
245 own protection, would it be good for them to be co-applicants in the process? The
246 second area is in regards to what has been moved as what used to be the existing, what
247 use to be the vegetation buffer zone located on the section of the road in front of 280
248 on both sides of the road vegetation was removed. Some of it, I would imagine, was in
249 the wetland zone, if not all of it. My question is, would that not have required an
250 application and approval by this Commission for that vegetation to have been removed;
251 was there such an application and was it approved? Clearly the applicant has had prior
252 experience with wetlands regulations and was familiar with the process, so I expect that
253 would have been a part of their work which kind of leads to another area. If things get
254 done that should have been approved and were not by people who are familiar with the
255 process, I guess for me personally that raises the question about does the Commission
256 have the resources and the ability to enforce existing regulations and agreements. I say
257 that in regard to this application, not knowing how this application process will proceed,
258 but if it proceeds with agreements for future performance, would that be practically
259 enforceable?
- 260 • Ariana Erickson – 130 Rocky Lane – Been in this particular house for 20 years, 25 years.
261 I’ve been coming to Twin Lakes for 60 years and my family has been coming here since
262 the 1920s. My great-grandparents and grandparents came in on the train and got off at
263 the Twin Lakes station. My comments are really concerning about the aquatic life in the
264 lake. I remember going out into the cove with my grandmother and there was no
265 vegetation other than marshland, there was no vegetation in the water, you could see
266 down 30 or 40 feet all the way to the bottom, pristine. That was why my great-
267 grandparents picked this particular spot. My comments and concerns about 280
268 Between the Lakes Road moving it away; the pictures that were shown were very
269 dramatic and that’s part of the issue was those pictures were taken after the land was
270 stripped of vegetation on the slope, it was stripped of all the trees and all the
271 vegetation. On the lakeside of the road the vegetation was also stripped and on the
272 other side of the road the vegetation was stripped. To me that picture clearly indicates
273 and that’s where my concern is going. How much runoff from this property is now going

274 to go into the lake? If you move the road back away from the lake now you're going to
275 have a grassy area, fertilizer, pesticide, herbicide is that much closer to the lake. You
276 don't have the strip of intense vegetation, you don't have the buffer zone of the road
277 and you don't have that double strip of vegetation protecting it. Even though there are
278 catch basins and shrubbery that's going to be placed there, eventually it will get into the
279 lake; especially with a fertilizer we're just increasing the amount of weeds and invasive
280 species growth into the lake. As a lake owner and someone who is concerned about the
281 environment, that's concerning to me. I don't know how much space it is, a third of an
282 acre of grass and then if we give precedent to this applicant along Between the Lakes
283 Road (BTLR), how many other homeowners would rather have a dock area that isn't
284 next to a roadway; now we have further grass along the lake and again, when I say
285 grass, read that as herbicide, pesticide and fertilizer going directly into the lake.

- 286 • Peter Neely – My concern is really the history of this project. It's been going on in terms
287 of disturbance of land in the URA since last summer. I live at 435 Twin Lakes Road; I'm
288 involved with the Twin Lakes Association; I'm the current liaison with the Housatonic
289 Valley Association on the watershed study. My piece here is that just from personal
290 observation of this area, starting sometime last summer when the vegetation was
291 removed along the west side of the existing BTLR, the question was asked was that done
292 with a permit or not and I didn't hear an answer to that. L. Burcroff answered no, there
293 was no permit, but it wasn't this applicant that owned the property at the time that
294 happened. Mr. Neely commented, so they're grubbing and everything else that
295 happened there, the trees were not only cut down and the brush pulled out but they
296 were grubbing some stumps out back in August, I believe. L. Burcroff responded, you
297 would have to ask Bob Stair, I think he could answer that. Mr. Neely commented, Okay,
298 but anyway, your answer is that this was done, this work was done without a permit; L.
299 Burcroff answered yes.
- 300 • Lee Greenhouse – Lives at 331 Twin Lakes Road. The question I have if this project goes
301 through, what kinds of maintenance will be required on the road, but more specifically
302 or also on the various catch basins and filtering systems that are planned and how
303 frequently will that maintenance have to happen and who would be paying for that? L.
304 Burcroff asked if Mr. Stair or Mr. Parsons have an answer for that; A. Conroy pointed out
305 that those were the only hands raised so far. Mr. Parsons commented okay, it looks like
306 we still have a little time before 8:30, if that's all the public comment that we'll have. I
307 can respond to that most recent comment, that we did submit a maintenance
308 document for those and basically it requires removing the sediment, typically something
309 like once a year you would at least plan for that, it may not need it once a year. It
310 doesn't make sense to go in and remove sediment from the large basins any more than
311 necessary because you don't want to disturb it. It's typically done on an as-needed basis
312 and monitored closely, say the first year and that will kind of guide you as to when that
313 maintenance occurs. The catch basins would need to be cleaned out; that probably is

314 going to happen more frequently because the sumps just don't have a lot of capacity in
315 there to hold the sediment and that's where the very initial sediment deposition will
316 occur. The road maintenance itself isn't going to be really any different than the road
317 maintenance that occurs on the existing road. I expect that it will probably be a little
318 less intensive because you won't have the same amount of erosion. Mr. Greenhouse
319 asked who is responsible for doing that monitoring and who is responsible for doing the
320 work and who is responsible for paying for the work you just described? Mr. Parsons
321 answered, in general, if it's a Town-maintained road, the Town would continue to
322 maintain the road; we did have conversations with the Public Works Department, they
323 said they would have no problem cleaning out the catch basins, that's something that
324 they routinely do, they have the equipment to do it, so that we anticipate would occur
325 routinely. In terms of maintenance of the larger stormwater basins, they were a little
326 more reluctant to commit to that and basically said that they take their direction from
327 the First Selectman regarding that so they weren't able to comment on exactly what
328 they would do. Mr. Parsons commented that this applicant has agreed that if the Town
329 chose not to maintain the stormwater basins, then we would do it himself. Mr. Stair
330 commented that the amount of energy that it's going to take to clean out those basins is
331 fractional compared to rebuilding the road when after a large storm event happens we
332 have to get a triaxle in and dump dirt, they have to grade the whole road, that is much
333 more labor intensive so as far as tax dollars, maintaining these basins is going to be
334 much less than maintaining the erosion of the road.

- 335 • Karen Vrotsos & David Rogers – Thanks everybody for being so thorough and we also
336 appreciate all the questions. They were one of the abutters that gave out consent to
337 the first proposal that went forth and then there were subsequent changes. One
338 revision we saw, one which we didn't give consent this time because we're aware that
339 there are going to be many revisions going forward. Our concern is this process takes
340 place and this may not be inland wetlands, but it's sort of, I guess it underlines the
341 whole issue. As the changes go through, what is the process for that? I mean do we
342 approve each revision? A. Conroy responded that was the kind of question she had for
343 Attorney Brooks earlier, was that as long as whatever the final plan is that the
344 Commission renders a decision on, as long as there is authorization from each of the
345 pertinent parties on that particular plan, it sounds like it's okay to proceed. Did I say
346 that correctly Janet? Ms. Vrotsos commented that she was a little unclear on that
347 because what I thought I just heard is that the meeting has to remain open, so I just
348 have a process question and I understand that you're going to be working on that going
349 forward. I did have, along with that, also was a concern that is I think relevant to inland
350 wetland review which is the tress which are the sycamores that are down on the plan
351 below and the plan calls for the removal of all road materials around the roots of those
352 trees. Those are very old, very beautiful trees. Obviously, a lot of trees have been cut in
353 that area anyway, it would be harmful to lose any more. It just doesn't seem to me that

354 you could remove all that road material without causing harm to those trees and I just
355 also want to point to, if you look along the existing road, that sort of pinkish kind of road
356 that goes right below where those trees are, recently in August or September there was
357 a ditch dug on the other side of those trees directly on top of the roots of those trees so
358 close that it's right on top, right next to the trunk of the tree, a ditch that was dug along
359 that entire side of the road on the far side of the lake where the trees are, lined with
360 plastic filled with rocks and that ditch goes to a pipe that had been formerly closed
361 appears to have been reopened and drains into the lake directly where that picture of
362 the runoff that was showed before by Mr. Parsons right next to the dock right in that
363 area. My concern is that environmental damage has been increased to the lake. I don't
364 know if that ditch had a permit attached to it. I think one of the concerns that the
365 people around Twin Lakes have is that some of the work that's being done, and this
366 touches on Carol Connolly's question before, it hasn't been done with the best interests
367 of the ecosystem of the lake and as this plan goes forward, does the Town have what it
368 takes to ensure that it will be done properly because already we've seen, and I don't
369 want to be in an adversarial position with anyone here, but my primary concern is the
370 ecosystem of the lake which I think we all agree is worth preserving as much as possible
371 but it does seem to me that there are some questions about work that has already been
372 done and that reasonably leads us to be concerned about work that will be done in the
373 future.

- 374 • A. Conroy pointed out that at this time in the meeting, the Planning & Zoning
375 Commission will ask if anybody who hasn't spoken yet would like to speak, if not, then
376 they will usually go back around to people who have spoken once before , so we have
377 Bruce Palmer, who is new. Bruce Palmer – Lakeville, CT – Just 2 questions to ask. Have
378 the Commission members made a site visit? Has there been any report, I saw the
379 pictures of the lake with the drainage and runoff, by any town citizen? It looked pretty
380 extensive, is the Town inspecting that road? I'm just kind of shocked at the level of
381 erosion and what's in the lake and I wonder if this is the first time you're seeing it as
382 well. L. Burcroff answered yes, four of us went out to do a site visit and I think we were
383 unaware of the erosion until we saw this application.
- 384 • Grant Bogle – Thank you and I appreciate the time and everybody's patience tonight
385 and the Commission's time for looking at this. I'm addressing the Commission tonight
386 as a 25-year homeowner on Twin Lakes and not in my position as President of the Twin
387 Lakes Association and I know that's hard to disassociate so I wish people would just do
388 that. Twin Lakes Association has not taken a position on this issue and I'm not saying
389 that the Association won't; it just has not. I stated in a letter that was published in the
390 Lakeville Journal at the end of September that Twin Lake is under stress from a variety
391 of factors and includes such things as climate change, obviously invasive species, and
392 increased development. But it's also damaged from historical structures, whether that
393 be the rail causeway that was put in place well over a hundred years ago and quite

394 frankly, Between the Lakes Road. Neither of these existing structures would be
395 approved or built today without substantial mitigation or alteration, if they'd be
396 approved at all. Just because they're here a hundred years or more doesn't mean
397 they're good for the lake. Since I've lived on Twin Lakes, I've noticed that at least in that
398 corner of the cove that is the in the northwest corner, my boat used to be able to get
399 much further closer into the shore when we do slow cruises at night and today I stay
400 way off the shore and it continues to silt in at an ever greater rate. I've heard from
401 other people who live on the lake that it used to be much more deep. I think the
402 siltation and pollution is real and it's not recent; it's been going on for a long time. The
403 issues affecting our lakes are complex and they're interrelated and they require multiple
404 interventions based on sound scientific data cooperation between public and private
405 entities and money. The solutions are often expensive and consensus is difficult to
406 reach and that's why we don't solve them. So we as citizens are tasked with dealing
407 with what we have today and it's imperfect at best, but we're trying to do so and
408 everybody's trying to do it in as good a way as possible. I want to thank the Commission
409 for sticking to the rule of law and evaluating this proposal based on its merits. I would
410 encourage those who oppose this proposal to do more than just be in opposition if you
411 have a better idea that is supported by science, get the proper surveys and engineering
412 reports and submit them. We have a plan that is put forth that is serious and it's
413 actually paid for and I think we should have an obligation to hear this out and let the
414 Commissions do their work to enhance its viability and ensure compliance with all
415 applicable regulations and approvals. And that's what I would ask and I encourage
416 everybody to do so. Thank you.

- 417 • A. Conroy pointed out that there was 10 minutes time left and the people remaining
418 had already spoken and asked if they would like to do rounds of 3 minutes again. L.
419 Burcroff answered yes.
- 420 • Steven Callahan -- One of the points that was made, and let me just first say that we
421 definitely have erosion issues along the entire course of BTLR. It's a dirt road and some
422 of the elevations and the topography itself result in the runoff going into the lake, so I
423 appreciate that Todd Parsons has done a study of the lake bottom material at this
424 particular location to support their application, but have they done any other studies
425 along the entire course of BTLR both on Washining and Washinee to determine if in fact
426 the road material is along the entire course of the road because I think that would be
427 relevant to whether or not this is as big an issue as it's being made out to be. There is
428 an erosion issue, there's no question about that. The question is, is this the right
429 solution? I also think that what we should consider is the precedent of approving a plan
430 like this which involves relocating a road which, if it's done, undoubtedly, other people
431 will want to do the same thing and I would invite you to consider what the effect would
432 be if some property owners over on the West Twin wanted to move that section of the
433 road which, by the way has terrible erosion issues which not only have resulted in

434 material being deposited in the bed of the lake but actually raising the land mass at the
435 water's edge such that there's even a peninsula now into the lake. If you approve this
436 one, there's no reason something like that couldn't occur elsewhere. I would just
437 encourage people to consider the precedent of going forward with this particular
438 proposal.

- 439 • Ariana Erickson – One of the comments was about buses on BTLR. I'm one of the very
440 few people who have a child that goes to public school in Salisbury and our bus actually
441 does not come down the dirt roads; it meets us at the top of the hill on Rocky Lane and
442 there are very few families who have school-age children who even live in our area
443 anymore, so just wanted you to have that more accurate picture. I've never seen a bus
444 on BTLR.

445
446 There were no further public comments. A. Conroy asked if the Commission had any
447 further questions for the applicant. C. Ullman commented that a number of people
448 from the public have mentioned unauthorized clearing on this property which I had not
449 been aware of previously; do we have any information about unauthorized activities
450 that were previously performed on this property; are we able to look into that at all? A.
451 Conroy asked Attorney Brooks to answer how that might or might not relate to the
452 proposal, if there were activities that required a permit. Attorney Brooks responded,
453 you're in the middle of an application and things all of a sudden become on your radar
454 screen. The process, the way I describe branches of the process, one is when a property
455 owner wants to do something on their property and the appropriate mechanism to do
456 that is file a permit application and the other one is when the agency wants a landowner
457 to do something because of potential or actual violation, then the appropriate tool is to
458 issue an order and that order can also be a consent order with the consent of the
459 landowner of how to bring it back into compliance. What I would urge you to do is not
460 conflate them and put all of your remediation or restoration into a permit that a
461 landowner could later say, I'm not interested in doing a permit. A permit is voluntary, a
462 permit holder doesn't have to do what they're allowed to do, and they just have the
463 permission to do it. I think you can be exploring whether there's enforcement you want
464 to take. That being said, you also, whenever you're looking at an application, you can be
465 looking at whether you want vegetation to be part of the application to stabilize edges
466 or whatever or to lessen any impact if there is an impact to the water body. You can
467 place conditions in a wetlands permit to planting of specified plants or undisturbed
468 areas, that kind of thing. Just to back up on this, removal of vegetation is clearly a
469 regulated activity. That has been, if it wasn't clear to anyone, our CT Supreme Court has
470 said that removal of vegetation is a regulated activity. A. Conroy commented; to take
471 your explanation one step farther, Attorney Brooks, let's say there's a correlation
472 between the proximity of the road to the lake and runoff. You know that stabilizing soil
473 through vegetation and vegetated buffers are a best management practice for

474 minimizing runoff into water bodies, therefore, the Commission could potentially
475 consider requiring as a condition of a permit that a certain planting plan be
476 implemented because the applicant is proposing disturbance in that area, is that
477 correct? Attorney Brooks answered yes and what would go hand in glove is for
478 somebody with expertise, whether that's town engineer or an outside wetlands
479 consultant or wetlands biologist to have an opinion about the value at this site, this
480 specific site, as opposed to generic information in general, what does vegetation do but
481 specifically how is that beneficial here or how does it mitigate the conditions here. A.
482 Conroy noted that Steven Callahan raised his hand again and commented, Mr. Chair, it's
483 up to you how you want to proceed because it does sound like there will be a
484 continuation to January. As far as the public, so the public understands you can submit
485 questions and comments, in writing between now and whenever a continuation occurs.
486 If you didn't necessarily get a chance to ask a question tonight or you weren't
487 comfortable asking a question tonight, you can submit that in writing and that can be
488 addressed as part of the record. A. Conroy asked L. Burcroff what he wished to do; L.
489 Burcroff responded, I think it's pretty close to 8:30, I don't know if we can. A. Conroy
490 commented, okay, that's fair, you did announce at the beginning. Mr. Stair asked what
491 their venue for response is if the public is allowed to write in, how are we able to
492 respond as the applicants. A. Conroy answered they could respond in a couple of ways
493 if something is submitted as part of the record, I definitely recommend you respond on
494 the record; that could be a written response or it could be at the hearing, but it's
495 probably cleaner to respond at the hearing, that way everybody hears it at the same
496 place in time. You as an applicant and neighbors obviously have been talking, you can
497 talk, and we just can't have people talking to the Commission outside of this venue. L.
498 Burcroff indicated that **the Public Hearing will be Continued on January 13, 2025 at**
499 **7:00pm via Zoom**. A. Conroy asked Attorney Brooks if a Motion was recommended; the
500 answer was no, it was stated on the record. A. Conroy asked that the applicant submit
501 in writing to her a letter of extension because that will be beyond the 35 days.

502

503 9. 2025 Meeting Schedule

504 Following discussion, the Commission decided they would schedule only one regular meeting in
505 November and December, with the option to schedule a special meeting in November, if
506 needed. The Commission will continue to meet on the second and fourth Monday of the month
507 at 6:30pm via Zoom. **A Motion to Approve the 2025 Schedule of Meeting Dates, as Presented,**
508 **was made by J. Landon, seconded by S. Spillane, With All in Favor.**

509

510 7. Discussion continued on the draft Resolution which A. Conroy had prepared. C. Ullman asked
511 if they needed to add something about the moving of the plants that they just raised at this
512 meeting; A. Conroy mentioned her understanding of Attorney Brooks comments and M. Grace's
513 opinion that it is not in the purview of this Commission. A. Conroy reviewed the draft document

514 line by line. M. Grace suggested that the reference to the construction of new accessory
515 buildings should be more specific as to which buildings they are or are not approving; A. Conroy
516 will integrate the comments and send around to the Commission in the morning, now that they
517 are familiar with what's in the Resolution now and changes have been discussed. C. Ullman
518 asked if the ingress and egress was within their purview; A. Conroy answered yes, because in
519 factors for consideration, you can look at the purpose of an activity in your legislative finding.
520 Attorney Brooks noted the criteria for decision making include public safety and health. C.
521 Ullman asked why they are having the first 2 pages of the document, when they usually would
522 just have from number one here and on, why is this different? A. Conroy answered that there
523 are two things, one referenced Planning & Zoning applications, some decisions are made at the
524 meeting, but when they are dealing with bigger projects and more complex projects, they draft
525 resolutions that go through all of these findings. T. Brown asked if it would be the scale of the
526 project that would be a resolution; A. Conroy answered, correct. A. Conroy addressed other
527 elements of the specific comments. M. Grace asked if the phasing of the project is covered; A.
528 Conroy gave an example and commented that the phasing usually doesn't work out, as planned.
529 A. Conroy mentioned 3 phases, but could include 3 separate phases if they would like to ensure
530 that we have enough escrow for Tom Grimaldi to do his inspections; M. Grace asked if that
531 should be discussed tomorrow night; A. Conroy commented that it could be fixed within the
532 document. A. Conroy gave a brief explanation of the review and bonding process. S. Spillane
533 asked if there could be language to cover escrow for the 3 phases of construction; A. Conroy will
534 adjust the language and asked that if there are specific comments to please email her in the
535 morning and she will try to work it in. R. Conklin commented on surveys that showed a lot of
536 invasive plants and the trees that may stay and may be taken down; A. Conroy asked about his
537 specific concerns. S. Spillane commented that invasives will cover disturbed ground really
538 quickly and do you have any plans to deal with the invasives on your site? A. Conroy asked
539 Attorney Brooks to comment; Attorney Brooks suggested imposing a condition to control for the
540 spread of invasives once other site work is being done; could be done part and parcel. A.
541 Conroy had specific and detailed questions for Attorney Brooks; a lengthy general discussion
542 followed. Attorney Brooks suggested that the Commission focus on those invasives causing the
543 most problems and on conditions closest to the Inland Wetlands & Watercourses URA. A.
544 Conroy and R. Conklin had other lengthy comments, regarding tree surveys and what Attorney
545 Brooks might be able to comment on the next day; Attorney Brooks answered yes. S. Spillane
546 commented that she would like that input in the future. T. Brown offered her comments on the
547 planting plans; Attorney Brooks offered language that could be used; S. Spillane had questions
548 about that. A. Conroy will work on the wording. R. Conklin commented on the difference
549 between wetlands and watercourses for an additional permit and who can obtain it; Attorney
550 Brooks responded.

551
552 **Adjournment. So Moved** by S. Spillane, seconded by M. Grace and unanimously **Approved**. The
553 meeting adjourned at 9:03pm.