

INLAND WETLANDS & WATERCOURSES COMMISSION

REGULAR MEETING

MARCH 10, 2025 – 6:30PM (VIA ZOOM)

- 1       1. Call to Order. The meeting was called to order at 6:31pm.
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- 3       2. Roll Call & Seating of Alternates. Present: Vivian Garfein, Larry Burcroff, Sally Spillane, Cary
- 4       Ullman, Maria Grace, Tracy Brown (Alternate), Russ Conklin (Alternate), John Harney (Alternate),
- 5       Abby Conroy (Land Use Director), Miles Todaro, Land Use Tech Specialist) and Georgia Petry
- 6       (Recording Secretary). Absent: John Landon. J. Harney was appointed voting Alternate for J.
- 7       Landon.
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- 9       **3. Approval of Agenda. So Moved** by S. Spillane, seconded by L. Burcroff and unanimously
- 10       **Approved.**
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- 12       4. **Approval of Minutes of February 10, 2025.** L. Burcroff asked for a correction to Line 81 to read
- 13       “V. Garfein asked if it *is* needed for the Regulations.” (Motion to Approve made after Item 5.)
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- 15       5. **Approval of the Minutes of February 24, 2025.** L. Burcroff asked for a correction to Line 66 to
- 16       read “J. Harney....” A **Motion to Approve the Minutes of February 10 and February 24, as**
- 17       **Amended**, was made by L. Burcroff, seconded by M. Grace and unanimously **Approved.**
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- 19       6. Public Comment – Ann Smith commented on public hearings being held on Zoom, Hybrid, or In-
- 20       person and asked that the IWWC consider using the Hybrid model. One reason is that Zoom is
- 21       hard for some people to use. Another reason is that an In-person meeting gives a much better
- 22       sense of the people that are gathered than one person speaking at a time from a little box; you
- 23       get a sense of whether people are for it or against it and by the number of people who express
- 24       interest by their presence in the room.
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- 26       7. Report of Agent Approval:
- 27           A. 200 South Shore Road – Remove Dead Ash Stump and Plant New Tree
- 28           It was pointed out by A. Conroy that this is a perfect example of “no greater than
- 29           minimal impact to the wetland”. L. Burcroff asked how close to the water it was; A.
- 30           Conroy answered about 20’. V. Garfein commented that she had discussed it with A.
- 31           Conroy and approved; S. Spillane agreed that it was a good Agent Approval and was glad
- 32           there was an application for a tree that close to the lake.
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- 35 8. Discussion of Wetland Regulation Revisions  
36 V. Garfein asked A. Conroy to point out new sections and significant changes.
- 37 • New Section 1.7 – Identifies Important Resources in Town of Salisbury, which sets up  
38 the base used for the resource-based Upland Review Areas (URAs) in the document.
  - 39 • Section 2 -- Definitions were reviewed, including: “Agent Approval”; “Cumulative  
40 Impact”; clarification of “Grubbing”; clarification of “Headwaters”; clarification of  
41 “Jurisdictional Ruling”; “Ordinary High-water Mark” (for consistency); “Upland Review  
42 Area” (definition and authority); “Watercourses” (including types of Fens); “High-  
43 Gradient Coldwater Streams”. Regarding High-Gradient Coldwater Streams, R. Conklin  
44 had questions about the wording used, the DEEP definition and the map being used. T.  
45 Brown asked about the distinctions between High-Gradient and other Coldwater  
46 Streams. A. Conroy offered explanations. L. Burcroff asked about the term “ericaceous  
47 shrubs” in Line310; the term will be reviewed. There was discussion about whether  
48 types of fens need to be identified, as they will all be treated the same, in terms of the  
49 URA; there was general agreement to use the separate definitions. V. Garfein asked for  
50 any comments to be sent to A. Conroy.
  - 51 • Section 7 – Permit Application Requirements. A. Conroy explained Line 507, 7.5,  
52 regarding the application, including items that can go into a checklist that staff can assist  
53 with it; but only the IWWC can make a finding of completeness.
  - 54 • Line 543i. – DEEP reporting form – DEEP is modifying this form to make the questions  
55 easier for the applicants; this requirement may be changing in the near future.
  - 56 • Line 547j. – Remove the fee schedule from the Regulations and put in the Bylaws; this  
57 change needs to be done at the next meeting, after approval of the draft Regulations.
  - 58 • Section 7.6 – Review and decide what is needed for an application in the more complex  
59 situations
  - 60 • Section 7.10, Lines 624/5 – Regarding permit timeframes and renewals, A. Conroy and  
61 Attorney Janet Brooks have modified the language, in anticipation of DEEP changes.
  - 62 • Section 9.3, Line 693 – Notice to Abutters – When a public hearing is scheduled, the  
63 applicant shall notify by certified mail, all abutting property owners within 100’ of the  
64 subject property at least 7 days in advance.
  - 65 • Section 11.6, Line 824 – Decision Process and Permit – The language had to be changed,  
66 with regard to the time frames. The Standard Conditions have been updated and  
67 included in the Regulations, in Lines 870 – 901. A. Conroy pointed out that this is built-  
68 in to the online permitting now, so that the applicant is aware of the Conditions.
  - 69 • Section 13, Lines 936 - 944 – Bond and Insurance – There is now written clarification.
  - 70 • Section 2 – Definitions – Line 202 – Regulated Activities  
71 The discussion began with the draft definition of “Vegetation”; A. Conroy noted that it  
72 had not been vetted by legal opinion yet. R. Conklin asked how it would be different  
73 from the P&Z definition of disturbance which is broader; A. Conroy explained it. The  
74 new definition of vegetation will be added to this section, along with “clearing of  
75 vegetation”; this will go into the Regulations for the DEEP review.

76 • V. Garfein asked for a discussion of the 75' URA around the 4 lakes named in "Regulated  
77 Activities", subsections e. – h., Lines 222 – 236; concerning drawing out those lakes from  
78 other waterbodies and leaving them at the current 75' URA. A. Conroy explained that  
79 for a DEEP referral, she will put together a cover letter with the reasoning and the URA  
80 resource science, which will have an explanation of why they aren't changing the 75'  
81 URA for the lakes, at this time. The explanation would include that this allows more  
82 time for discussion with the lake associations and others, to see what they would like to  
83 do, such as the Twin Lakes watershed study; A. Conroy expressed that it would make  
84 sense to wait for the outcome of that study for the Twin Lakes. V. Garfein commented  
85 that Lakeville Lake may have other ideas, as well; there are differences of opinion as to  
86 these 4 individual named lakes and additional work will be done to bring more scientific  
87 measures to this Commission. C. Ullman commented that she is not aware of any  
88 science that the lakes need less protection than other bodies of water; that is not a grey  
89 area of science. V. Garfein commented on the differences between the lakes and they  
90 are not the same; the lake groups may come up with more protective measures,  
91 especially as they start to look at buffer areas and how important they are. C. Ullman  
92 expressed that it is very dangerous to single out the lakes for less protection; it would be  
93 a bad precedent and could be used against them, if they do decide to change the URAs  
94 in the future, as a Commission. C. Ullman commented that the Regulations are showing  
95 the all other resources have a higher area and that they are carving out the lakes for less  
96 protection at 75'. V. Garfein commented that they are being left where they are,  
97 pending getting more information from the lake groups; this keeps the status quo and it  
98 would be easier to change 1 or 2 lakes URAs, instead of saying all 4 must have the same  
99 number. C. Ullman pointed out that all watercourses, as referenced in subsection a.,  
100 should have the same number, but not these lakes – they should have less – is what is  
101 actually being said in this writing and wants to make sure it is clear to everyone. J.  
102 Harney commented that the Town will be in a lawsuit to stop all of this, if the lakes are  
103 included in increased regulation; the point is to protect the other resources and then  
104 deal with the lakes at another time. T. Brown asked what would happen if the lake  
105 organizations come back with more restrictive measures; would this document have to  
106 be modified. V. Garfein answered yes, the document would have to be modified; she  
107 will try to get answers from Attorney Brooks before the next meeting as to the  
108 procedures to follow. A. Conroy commented that she doesn't know what to expect  
109 from DEEP or if they will get any valuable feedback, but they do need to refer it and find  
110 out from Attorney Brooks how much of a change would be significant and require  
111 another referral. If a lake association wants a change, there could be another regulation  
112 amendment to do that. A. Conroy commented that P&Z will be revising their  
113 Regulations in the next year and their recommendations regarding the Lake Protection  
114 Overlay Zones may change and will probably include things like buffers. V. Garfein  
115 commented on the importance of buffer areas to protect waterbodies.

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- A. Conroy explained the change to the Agriculture definition; they must use the statutory definition as it is defined. The major changes included the production of honey; cannabis is out of the Agriculture and Farming exemptions.
  - “Allowed” Activities Not Requiring a Permit – This is a separate document from the Regulations and will be available on the website. A. Conroy explained that the comments are related to all wetlands. In recent conversations with property owners, there is a clear disconnect between what the State Legislature says, that only this Commission is entitled to find something exempt, not the homeowner; she recommends that as a theme in the introduction to this document. A. Conroy pointed out that it is appropriate to define and include terms such as pesticides and herbicides. R. Conklin offered lengthy comments, including different levels of herbicides; he suggested that there should be a separate point about them, separate from pesticides, including spot treatment use must be beyond 20’ from the shoreline. T. Brown asked if the number restrictions should be tied to some kind of science; A. Conroy commented that this is just a suggestion, based on what is known already. R. Conklin expressed that this is just written so that people know what they can and cannot do. Discussion of “e.” – Please contact the Land Use office. V. Garfein suggested saying “fallen” trees instead of “dangerous” trees. The IWWC wants to be consulted; V. Garfein suggested that the Land Use office should make the decision for whether an application or Agent Approval is appropriate. R. Conklin commented that including reference to Agent Approval is too confusing. L. Burcroff asked if there could be a better title for this document; M. Grace agreed. M. Grace has a lot of comments which she will send to A. Conroy. V. Garfein pointed out that these guidelines are for everybody with wetlands, not just people around the lakes; it is a generic document; M. Grace agreed it should be more general.
  - V. Garfein wants to have the vote on the draft Regulations at the next meeting on March 24, 2025, send on to DEEP, and schedule the Public Hearing for May 12, 2025. She will talk to Attorney Brooks before the next meeting.

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145 **Adjournment. So Moved** by S. Spillane, seconded by L. Burcroff and unanimously

146 **Approved.** The meeting adjourned at 7:57pm.

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