

SALISBURY INLAND WETLANDS AND WATERCOURSES COMMISSION

SPECIAL MEETING/WORKSHOP

JULY 20, 2021 – 6:00PM (VIA ZOOM)

1. Call to Order. Present: Larry Burcroff, Sally Spillane, John Landon, Steve Belter, Cary Ullman, Maria Grace, Russ Conklin (Alternate), John Harney (Alternate) and Vivian Garfein (Alternate). Attending: Abby Conroy, Land Use Administrator and Janet Brooks, Attorney for the Town.

Approval of Agenda. So Moved by S. Spillane, seconded by V. Garfein and unanimously **Approved**.

2. Seating of Members & Alternates. All Regular Members were seated; no Alternates. Member Peter Neely arrived after the roll call and approval of the agenda.

3. Regulation Rewrite Workshop – Public Working Session on Inland Wetlands & Watercourses Regulation Rewrite.

The IWWC was seeking input on the draft regulations. Public contributions were limited to 15 minutes per person. Attorney Brooks introduced herself and explained that she would provide the backstop for what is legally going on with the regulations. A. Conroy explained that all of the written documents and submissions/videos, to date, have been uploaded to the website: www.salisburyct.us/regulation-rewrite/. She described the webinar format and the process to participate. She explained how the work was done on the draft regulations and that the Commission is looking for feedback from the public; is this draft ready to go for hearing for potential adoption. If the draft is not ready for hearing for adoption, what are some of the other considerations, topics of interest to include, definitions, process, etc.? She also asked the Commission at what time they would like to conclude the workshop; S. Spillane, M. Grace, J. Landon and C. Ullman all suggested 8:00pm.

- A. Conroy introduced a letter (on the website), endorsed July 19, 2021 by the Planning & Zoning Commission (PZC) which is working on the update of the Plan of Conservation and Development (POCD), including comments and recommendations for consideration by the IWWC. She pointed out tasks that have been identified and some of the recommendations, such as increasing the minimum Upland Review Area (URA). One recommendation was that the IWWC consider a 300' URA for Salisbury's four large lakes mirroring the PZC's regulatory Lake Protection Overlay District (LPOD). Other suggestions were noted, as well. S. Belter asked A. Conroy what exactly the PZC is looking at in their 300' URA; she referred to the LPOD purpose statement which identifies minimizing impact to the lakes occurring from development, including eutrophication and impacts to water quality that can occur. She added that the LPOD regulates the amount of impervious surfaces and stormwater management practices. P. Neely and V. Garfein suggested moving on through the rest of the presentations, before commenting on individual ones.
- Bill Littauer, President, Lake Wononscopomuc Association, was next. He had several questions and comments for the Commission to consider:

- a. What activity would require a permit under an expanded review area that isn't regulated now? He agrees with the 300' URA.
 - b. Why wouldn't Salisbury want the best regulations?
 - c. Candlewood Lake has had a 200' URA for a number of years; what adverse effects have property owners there suffered?
 - d. Why is the Salisbury Lakes Homeowners group so opposed to the proposed regulations; why wouldn't we want to protect the lakes from clear-cutting, removal of all brush, from steep hillsides with highly erodible soil?
 - e. Why can't the IWWC write clear and easily understood definitions?
- Michael Klemens offered 2 submissions (both on the website) as a private citizen. He expressed several concerns including:
 - a. Prior communications by members of the community.
 - b. Pre-judgement in matters of the lakes by a Commission member.
 - c. Leaving matters to attorneys is wrong when it is the job of the IWWC.
 - d. Misinformation that is referred to in his letter dated 7/12/2021.
 - e. Wetlands are the larger issue; lakes are a subset.
 - f. The importance of Twin Lakes as the headwaters for the Schenob Brook system.
 - g. The review area can be extended as far upland as necessary; the IWWC already has that authority.
 - h. Salisbury is an important steward of species, both rare and common (including bog turtles, frogs and salamanders), in rich interconnected wetlands.
 - i. There are many specialized habitats here such as calcareous fens, vernal pools and high gradient cold water streams; Salisbury will be critical to preserve resources, going forward.
 - j. The IWWC should make decisions based on science, not on public pressure.
 - Attorney Brooks offered to put her comments, in writing, to the Commission for the next meeting. J. Landon, C. Ullman and A. Conroy accepted her offer.
 - Northwest Conservation District / Lake Waramaug Task Force
Kelsey Sudol gave a video presentation, Watersheds: A Primer, which is available on the IWWC web page: www.salisburyct.us/regulation-rewrite/. It is approximately 15 minutes long.
 - Mary Silks, a property owner on Lakeville Lake, gave a 39-page PowerPoint presentation on The Salisbury Lakes, which is available on the IWWC web page.
She talked about the need to mitigate the effects of development on the lakes. Some of her points included stormwater runoff with sediment loading and nutrient loading, as well as the loss of lakeshore habitat. She suggested that expanding the URA will help to meet the goals of:

- 1 – Increased stormwater detention
- 2 – Increased water infiltration
- 3 – Decreased sediment loading
- 4 – Decreased nutrient loading
- 5 – Increased public awareness
- 6 – Increased water quality protection

- Mike Zizka Video Presentation, Lake Wononscopomuc Association, 06/21/2021.
In this video, Mr. Zizka described the procedure for amendments to regulations and offered that the procedure the IWWC is using is the traditional way. Once the Commission decides what needs to be done, they come up with a proposal. Agendas are posted and all meetings are open to the public. Once a proposal is formalized, it goes through a vetting process, including the DEEP and other agencies, before it finally goes to a Public Hearing. The public has to be notified of any proposed changes to regulations. He went on to mention State mandates for the distance of URAs and indicated that there are none. He noted that in the IWW Act, some terms are not defined and towns must figure them out, such as “clear-cutting.” He also noted that there can be some overlapping jurisdiction between the PZC and IWWC, but could not comment on Salisbury, specifically.
- Salisbury Lake Homeowners (SLH) / Grant Bogle / Joe Williams, Attorney / Mark Capecelatro, Attorney. Mr. Bogle, spokesperson for the SLH, spoke about the SLH interests and introduced Attorney Joe Williams, as their regulatory counsel. Referencing a presentation from the SLH, Attorney Williams talked about the current state of Wetlands Regulations in CT. He indicated that the SLH have no problems with the mandatory changes, but object to the proposed discretionary changes in the draft regulations. He disagreed with prior speakers and suggested that Salisbury would become the most regulated and restricted town in CT. He went on to talk about the challenge with the proposed amendments and the limits of Wetlands agencies. He suggested pausing the process now and convening a working group with all perspectives represented. Attorney Mark Capecelatro had questions for the Commission. Attorney Brooks suggested that all questions to the IWWC be answered at a later time. Attorney Capecelatro asked for an opportunity to come back and ask more questions later.
- Public Comment (not previously submitted)
Anita Jorgensen –commented that she supports the IWWC proposals. She expressed her view that Salisbury should be a guide for other communities. She added that we should protect what we have now. She also commented on the issue of de-forestation.
Jodi Luby – commented that Salisbury should be a leader in setting precedent. She suggested having rules locally that can have a greater impact.

At this time, 8:00pm, the Commission agreed to continue the meeting for another 15 minutes.

- Attorney Mark Capecelatro had specific questions for the IWWC. Commissioners J. Landon and V. Garfein indicated that at this time, the Commission is just listening and gathering information to be discussed later. Attorney Capecelatro asked for clarification regarding the process and documentation of minor matters. He also asked about specifications for Regulated Activities, Declaratory Rulings and Agent Determinations.
- Grant Bogle (SLH) had additional comments. He mentioned that they want rights to use their properties without creating undue burdens to lake homeowners. He hopes to engage in further discussions with the IWWC.
- Attorney Capecelatro referenced some lakefront properties shown on the Tax Assessor's map that would be affected by changes.

4. **Adjournment. So Moved** by J. Landon, seconded by C. Ullman and unanimously **Approved**.