

SALISBURY INLAND WETLANDS AND WATERCOURSES COMMISSION

REGULAR MEETING

JULY 26, 2021 – 6:30PM (VIA ZOOM)

1. Call to Order. Present: Larry Burcroff, Peter Neely, Sally Spillane, John Landon, Steve Belter, Russ Conklin (Alternate), John Harney (Alternate) and Vivian Garfein (Alternate). Absent: Cary Ullman. (Maria Grace was scheduled to arrive later in the meeting) Attending: Abby Conroy, Land Use Administrator.
Seating of Members & Alternates: All Regular Members were seated. Vivian Garfein was appointed as the voting alternate for Cary Ullman.
2. Approval of the Agenda. A. Conroy asked that one additional item of correspondence be added to the agenda – Item 12a. A Motion to Add Item 12a – Additional Correspondence, to the Agenda was made by S. Belter, seconded by J. Landon and unanimously Approved. A Motion to Approve the Agenda, as amended, was made by P. Neely, seconded by S. Spillane and unanimously Approved.
3. Approval of the Minutes of June 28, 2021 – Tabled to next meeting.
4. Approval of the Minutes of July 12, 2021. So Moved by S. Belter, seconded by P. Neely and unanimously Approved.
5. Training Session with Darcy Winther, CT DEEP / Q & A
The link to the video recording of Ms. Winther’s presentation is available at: www.salisburyct.us/inland-wetland-watercourses-commission-meeting-documents/
The main topic of the presentation was the Upland Review Area (URA), including a brief history of how it was established in the Statutes over a number of years. She talked the role of municipal agencies in regulating activities which may impact wetland or watercourse resources; and discussed, in detail, the definition of regulated activities. She referred to the DEEP Upland Review Area Guidance Document, which offers guidance on how to create a review area in the wetlands and has 3 different models. One of the models is to have a standard town-wide URA of 100’. There are other approaches and the IWWC can consider many variables to factor in for greater or lesser distance. She mentioned that the URA concept is added to the definition of Regulated Activity, in the DEEP Guidance Document. She referred to having a “catch-all” sentence in the regulations which is important to allow reaching out to include activities which may be deemed of concern beyond the URA; it is a trigger for review by the IWWC. Other considerations include: relying on experts to figure out adverse impacts in technically complex cases, balancing town resources with the amount of work involved and duly authorizing an agent for minimal activities for approvals. The Commission had many questions. V. Garfein asked if there could be different URAs in specific areas of town; Ms. Winther answered yes, have a sound basis for the decision. P. Neely asked how to calculate risk; Ms. Winther answered to apply likely factors – mirror the statute and determine case-by-case – it depends on features to determine adverse risks. She added that the ‘catch-all’ sentence in the regulations is important in order to trigger a review; any decisions are based on substantial evidence which must be in the record. R. Conklin had questions about the application of regulations, rights and the inclusion of the URA. Ms. Winther explained that the

Commission must do fact-finding and that the same regulations/responsibilities apply in the URA. She added that there must be written regulations that establish and include the URA. She mentioned again the importance of a “catch-all” sentence in the regulations. R. Conklin asked how to measure vernal pools; Ms. Winther answered that the distance is usually measured by a set distance around the pools. S. Spillane indicated that she would reserve her questions for another time.

6. 2021-IW-016 / Faucher / 52 Preston Lane / Develop Single Family Residential Lot / Map 66 / Lot 3 / DOR: 04/26/2021.

The Engineering Review had not been received yet. A Motion to Table this Application was made by S. Belter, seconded by S. Spillane and unanimously Approved.

7. 2021-IW-029 / Ramcharran (LRC Group - Wagenblatt) / 24 Cleaveland Street / Addition to Single Family Residence and Associated Site Improvements / Map 49 / Lot 116 / DOR: 07/12/2021.

The Engineering Review had not been received yet. A Motion to Table this Application was made by S. Belter, seconded by J. Landon and unanimously Approved.

8. 2021-IW-030D / Primoff / 105 Interlaken Road / New 4’x50’ dock with attached 6’x10’ platform / Map 38 / Lot 11 / DOR: 07/26/2021 / Declaratory Ruling.

Abby Conroy reviewed the specifics of the application; Mr. Primoff, the owner, answered several questions. There was a brief discussion. A Motion for Declaratory Ruling for 2021-IW-030D, as an exempt activity, was made by P. Neely, seconded by S. Belter and unanimously Approved.

9. 2021-IW-030 / Primoff / 105 Interlaken Road / New 4’x50’ dock with attached 6’x10’ platform / Map 38 / Lot 11 / DOR: 07/26/2021.

Withdrawn.

10. Staff Updates --

- a. Webinar versus meeting format. Some of the Commissioners prefer the Webinar format. S. Belter commented that he would prefer having in-person meetings again. A. Conroy pointed out that “hybrid” meetings are not a technical option yet. There was a brief discussion. The Webinar format will be continued, for now.

11. Regulation Discussion

- a. Janet Brooks letter. In general, the Commission expressed the need for more time, possibly on every agenda, to discuss the regulations. They would like more information and clarification about recommendations, as well as many other things to discuss. There was a suggestion to discuss issues one at a time. A. Conroy listed some of the points: having a discussion with someone from PZC about the LPOD, erodible soils, fens/vernal pools, variable setbacks and having Janet Brooks in attendance again. R. Conklin mentioned 2 things that he thought had been left out of the consideration so far: the letter from the PZC and the letter from Curtis Rand. J. Landon asked for

the “to-do” list from the 2012 POCD to be sent to the IWWC to read. A. Conroy will try to schedule someone to come to the next meeting.

- b. Additional correspondence received. A. Conroy mentioned: An informational notice from the DEEP regarding the Hotchkiss Pond; a new letter from Michael Klemens, Janet Brooks’s letter and an email from Bruce Palmer. There was a brief discussion about the Hotchkiss Pond problem and the pesticides/herbicides used.
- c. Next steps – Next meeting is August 9, 2021.

12. Public Comment – None

- a. Bruce Palmer asked the Commission to read the email letter he sent.

13. Adjournment. So Moved by S. Spillane, seconded by J. Landon and unanimously Approved.