

SPECIAL JOINT MEETING OF THE  
SALISBURY INLAND WETLANDS & WATERCOURSES COMMISSION  
AND  
PLANNING & ZONING COMMISSION SPECIAL MEETING AGENDA  
FRIDAY, JANUARY 14, 2022 – 8:30AM

1 **Members Present:**

2 Vivian Garfein (Chairman)  
3 Peter Neely  
4 Michael Klemens  
5 Cathy Shyer  
6 Debra Allee  
7 Maria Grace

**Staff Present:**

Abby Conroy, Land Use Administrator  
Alison Forman, Land Use Assistant

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9 **Brief Items and Announcements**

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11 1. Call to Order. The meeting was called to order at 8:35am.

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13 2. Attendance – All Members were present.

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15 3. Minutes of 12/10/2021 – Tabled

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17 4. Minutes of 1/7/2022 – Tabled.

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19 Commissioner Comments – There were brief comments by P. Neely and M. Klemens concerning the  
20 definition of wetlands, wetland soils and the setting up of a Conservation Commission; both agreed  
21 that setting up the Conservation Commission shouldn't be delayed until after the regulation  
22 rewrites are finished.

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24 **Pending Items**

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26 5. Establish Definitions – Jurisdictions: "Setback", "Upland Review Area", "Buffer", "Regulated Area"  
27 There was no immediate discussion of these items.

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29 6. "Declaratory Ruling" / "As-of-Right Activities" / "De Minimis"

30 The Chairman directed the discussion to Regulated Activities and "De Minimis" Activities; she noted  
31 "De Minimis" is not defined in the CT General Statutes being referenced here and the term is not  
32 known to most people. Referring to the Regulated Activity Draft, dated 1/13/2022, the Chairman  
33 read the following list of routine activities occurring in the Upland Review Area (URA) which do not  
34 require application to the Inland Wetlands & Watercourses Commission (IWWC):

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- 36 • Mowing an existing lawn
- 37 • Leaf raking of an existing lawn so long as the leaves are not blown or deposited in or onto a  
38 wetland or watercourse
- 39 • Weeding, planting or mulching of existing gardens
- Care and maintenance of existing shrubs and trees including pruning or removal of dead limbs

- 40 • Removal of dead or dying trees that threaten structures or access ways ( not including stump  
41 grinding or grubbing)
- 42 • Maintenance and repair of existing structures including painting, roofing, cleaning and septic  
43 pump-out
- 44 • Temporary storage of personal, water dependent structures and equipment including boats
- 45 • Activities that require earth moving and disturbance such as driveways and septic repairs require  
46 application to the Commission

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48 The Chairman indicated that this list clearly defines what homeowners can do. The Commission then  
49 had a discussion about: possible confusion; clarifying activities requiring earth moving; applicability to  
50 residential and/or commercial property; eliminating the word “personal” from “temporary storage of  
51 personal, water dependent structures...” and eliminating the term “De Minimis.”

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53 Regulated Activity: The Chairman began the discussion with a 7-point list of URAs, taken from model  
54 regulations previously considered.

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56 #1 Within \_\_\_\_\_ feet measured horizontally from the Ordinary High-Water Mark (OHWM) of Lake  
57 Wononscopomuc, Lake Wononpakook, Lake Washining and Lake Washinee or measure horizontally  
58 from the edge of wetland, whichever is greater.

59 This URA refers to the Lake Protection Overlay District (LPOD). The Chairman mentioned a memo  
60 dated 9/9/2020 from Engineer Tom Grimaldi to A. Conroy, including his recommendation for a 300’  
61 URA which would be in keeping with the LPOD; she proposed that the 300’ measurement be used.  
62 P. Neely indicated that he is not in favor of the 300’ URA. V. Garfein responded that she likes  
63 pairing the IWWC with the PZC regulations because it gives the ability to look at activities; there  
64 won’t necessarily be regulated activities to review. C. Shyer supports the increase to a 300’ URA  
65 because of impacts that can occur, such as from roads. M. Grace is in favor of the 300’ URA  
66 because it would be in line with the LPOD; she suggests educating people about why it is needed.  
67 D. Allee has no problem with the 300’, as suggested. M. Klemens supports the 300’ URA for a  
68 number of reasons: the regulation of activity comes from the LPOD, this would just be  
69 corresponding; it would be helpful to the PZC to have input from the IWWC by using the 300’  
70 measurement; the 300’ URA would not create a whole new class of people to be regulated, they  
71 are already regulated by being in the LPOD and the application process. He added that the PZC is  
72 trying to have more flexibility in making decisions and in partnership with the IWWC. There was a  
73 general discussion about impervious surface calculations, vegetative buffers and LPOD specifics. A.  
74 Conroy suggested that Agent Determinations could help resolve some of the issues.

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76 The Chairman skipped points #2, 3 and 4 at this time and directed the discussion to #5.

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78 #5 Within \_\_\_\_\_ feet measured from the OHWM of a vernal pool.

79 V. Garfein recommends 750’ from the OHWM. M. Klemens noted that there would need to be an  
80 analysis of a vernal pool and the envelope; this measurement would give the ability to look at it.

81 P. Neely asked about the analysis process and who could do it; M. Klemens gave an explanation.

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#6 Within \_\_\_\_\_ measured from the \_\_\_\_\_ of a calcareous fen.  
M. Klemens suggested using .5-mile URA and a 300' buffer, as recommended by the U.S. Fish and Wildlife Service. He noted that these measurements are what are needed to maintain any calcareous fen. He added that one of the biggest impacts is groundwater withdrawal. The measurement would be taken from the edge of the wetland; there may be maps of the local fens available. There was a broader conversation, including the formation of a Conservation Commission.

#7 Within \_\_\_\_\_ feet measured from the \_\_\_\_\_ of a high-gradient cold-water stream.  
M. Klemens recommended using 300' on each side of the stream.

The Chairman directed the discussion to return to Item #2.

#2 Within \_\_\_\_\_ feet measure horizontally from the ordinary high-water mark of any other lake, watercourse or the boundary of any wetland, except that, if the proposed activity is the installation of any portion of a subsurface waste disposal system, the upland review area shall extend 150' from the ordinary high-water mark of any watercourse.

V. Garfein asked if 300' should be considered to be consistent throughout the town. P. Neely recommended 100' from the OHWM. M. Klemens suggested 150', which would be adequate to capture the other streams and lakes; the point is to have the ability to look.

There was discussion about considering the Salmon Kill and Moore Brook separately; choosing OHWM versus "edge of wetlands, including Alluvial soils" measurements; and consideration of flood plains.

#3 Within the Inner Corridor of the Housatonic River as defined by the Housatonic River Commission or within \_\_\_\_\_ feet measured horizontally from the ordinary high-water mark of the Housatonic River, whichever is greater.

The Inner Corridor definition and the merit of having a generalized standard were explained by A. Conroy. There was discussion about the merits of flood plain delineation. A. Conroy and M. Klemens suggested changing the language of #3 to read: "Within \_\_\_\_ feet measured horizontally from the edge of hydric and alluvial soils, of the Housatonic River." There was discussion about FEMA flood plain maps. There was discussion about combining Points #3 and #4. V. Garfein indicated that this entire section will be rewritten for the next meeting.

**Pending Items** continued:

7. Establish Definitions – "Cumulative Impacts", "Headwaters", "Calcareous Fen", "High Gradient Cold Water Streams" – Not discussed at this time.

8. Discussion of Bonds and Escrow – Not discussed at this time.

9. Draft Land Use Complaint Form

126 The Land Use Report of Potential Violation Form was reviewed. Changes discussed and suggested  
127 included: the language "Enforcement is Discretionary." "The Land Use Administrator, in  
128 consultation with the appropriate Commission and town staff, will determine whether to pursue  
129 enforcement." "The priority of all enforcement actions is as follows and will be dealt with  
130 according to the availability of resources."  
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132 10. Meeting Schedule

133 Meetings were scheduled for January 21, February 4, 10, 18 and 25, 2022 at 8:30am.  
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136 11. Organization of Topics & Tasks

137 M. Klemens suggested that First Selectman Curtis Rand should be encouraged to form the  
138 Conservation Commission, without waiting for the Committee to finish its work. V. Garfein will  
139 speak to Mr. Rand about this suggestion.

140 V. Garfein brought up the discussion of Item 8 – Bonds and Escrow – this will be continued at the  
141 next meeting.  
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143 **Adjournment. So Moved** by M. Klemens, seconded by C. Shyer and unanimously **Approved**.  
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145 Respectfully submitted,  
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148 Georgia Petry  
149 Recording Secretary