

SPECIAL JOINT MEETING OF THE
SALISBURY INLAND WETLANDS & WATERCOURSES COMMISSION
AND
PLANNING & ZONING COMMISSION SPECIAL MEETING
FRIDAY, JANUARY 21, 2022 – 8:30AM

1 **Members Present:**

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

Staff Present:

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

8
9 **Brief Items and Announcements**

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11 1. Call to Order. The meeting was called to order at 8:32am.

12

13 2. Attendance. All Members were present.

14

15 3. Minutes from 12/10/2021. V. Garfein asked for a correction on line 128 as follows: "... and Attorney Janet
16 Brooks have not done so." C. Shyer asked for a correction on line 141 to read: "...not a regulated area, rather
17 it is a defined area..."; a correction on line 56 to read: "...that there is potential to create maps..."; a
18 correction on line 85 to read: "...pertinent information such as date..."; a correction on line 103 to read:
19 "...activities require permitting." M. Klemens asked for a correction on line 56 to read: "...a comprehensive
20 map." D. Allee pointed out that the correct spelling of "De Minimis" should be used throughout the
21 document. A **Motion to Approve the Minutes of 12/10/2021, as corrected**, was made by P. Neely, seconded
22 by D. Allee and unanimously **Approved**.

23

24 4. Minutes of 01/07/2022. Pending.

25

26 Commissioner Comments – V. Garfein noted the following scheduled meeting dates: February 4, 10, 18 and
27 25, 2022. M. Klemens asked if the duration of continuing this work was known; V. Garfein answered that
28 short-term, they would wrap up the corrections and additions for the IWWC regulations. She suggested that
29 long-term, they could continue to look at issues that come before both P&Z and Wetlands to come up with
30 similar or same definitions. M. Klemens agreed that getting the regulations back to the full IWWC was critical
31 because there is a whole pipeline to go through. He noted that P&Z will be looking at regulation changes
32 very soon; he will discuss those with A. Conroy. A possible pre-application review of complicated
33 applications was mentioned by A. Conroy, similar to simultaneous applications. C. Shyer agreed with the
34 concept of streamlining the applications and suggested having some site visits, as well. M. Klemens noted
35 that site visits are publicly noticed, so anyone can attend, to observe, but not discuss on site. The discussion
36 will be continued at another time.

37

38 **Pending Items**

39

40 5. Establish Definitions – The Chair directed the discussion to "Regulated Activity."

41

42 1) Within 300' measured horizontally from the ordinary high-water mark of Lake Wononscopomuc, Lake
43 Wononpakook, Lake Washining and Lake Washinee, or measured horizontally from the edge of fringing

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- 44 wetland, whichever is greater. The Commission agreed on the use of the wording “fringing wetland.” P.
45 Neely voiced his objection to the 300’ measurement, which was duly noted by the Chair.
46
- 47 2) Within 150’ measured horizontally from the ordinary high-water mark of any other lake, watercourse or
48 the boundary of any wetland. (Except that, if the proposed activity is the installation of any portion of a
49 subsurface waste disposal system, the upland review area shall extend 150’ from the ordinary high-
50 water mark of any watercourse.)
51
- 52 3) Within 150’ measured horizontally from the edge of hydric and alluvial soils of the Housatonic and
53 Salmon Kill Rivers. M. Klemens recommended the 150’ measurement, using the same standard as in
54 Number 2 above. P. Neely and C. Shyer agreed, for the consistency of measurements. M. Grace and A.
55 Conroy will work on the ordination of streams; they will see if Housatonic Valley Association has that
56 information.
57
- 58 4) Within 750’ measured from the ordinary high-water mark of a vernal pool. There was a lengthy
59 discussion on possible additional wording and formatting of this definition, including consideration of
60 the following commentary: *Doesn’t mean that the proposal is prohibited. The pool and envelope must
61 be analyzed and some development is permitted depending on the pool and surrounding landscape. *
62 There was general agreement on eliminating the line “Doesn’t mean that the proposal is prohibited.” It
63 was suggested to include some version of that line in the definition of “Upland Review Area” (URA) or in
64 another place in the “Regulated Activity” section. There was a discussion of the definition of “URA”, as
65 well as a broad discussion of vernal pools and the science used to define them. After those discussions,
66 the following language was suggested: “The pool and envelope must be delineated by a soil scientist and
67 biological analysis conducted by a qualified professional.” A. Conroy will work on clarifying the wording
68 of these definitions for review at the next meeting on February 4, 2022. At that meeting, levels of
69 review will also be discussed, as well as a possible guidance document.
70
- 71 5) Within 2640’ (1/2 mile) measured from the edge of a calcareous fen. (Commentary: Groundwater
72 withdrawals within ½ mile pose a threat to the resource. Require a 300’ buffer per USFW.) P. Neely
73 questioned the ½ mile measurement, indicating it was too encompassing. M. Klemens suggested that
74 the 300’ was the most important measurement, which could be viewed as an URA instead of a buffer.
75 There was general agreement to change the wording, as follows: “Within 300’ measured from the edge
76 of a calcareous fen.”
77 (At this time M. Grace left the meeting.)
- 78 6) Within 300’ measured from either edge of a high-gradient cold-water stream. M. Klemens suggested
79 that those streams could be listed by name. P. Neely and C. Shyer suggested meeting with the Riga
80 Association for a discussion, at some point. M. Klemens suggested adding the following language after
81 “...high-gradient cold-water stream, originating on the Taconic Plateau.” Taconic Plateau will need to be
82 defined; M. Klemens will do so.
83
- 84 6. “Declaratory Ruling” / “As-Of-Right Activities” / “De Minimis”

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- 85 There was brief discussion of exempt routine activities. There was agreement to eliminate the terms “De
86 Minimis” and “As-Of-Right Activities” from the section on Regulated Activities. There will be further
87 discussion on “Declaratory Ruling” and Agent Determinations.
88
- 89 7. Discussion of Bonds and Escrow – Not discussed at this time.
90
- 91 8. Refer Land Use Complaint Form to IWWC/PZC. C. Shyer asked for the status of the Form. A. Conroy
92 indicated that it is going before both IWWC and PZC, before it goes to their attorneys for review.
93
- 94 9. Organization of Topics & Tasks.
95 V. Garfein indicated that at the next meeting on February 4, 2022, they will take one more look at Regulated
96 Activity.
97
- 98 10. **Adjournment. So Moved** by P. Neely, seconded by M. Klemens and unanimously **Approved**. Meeting
99 adjourned at 10:32am.
100
- 101 Respectfully submitted,
102
103 Georgia Petry, Recording Secretary