

SPECIAL JOINT MEETING OF THE
SALISBURY INLAND WETLANDS & WATERCOURSES COMMISSION
AND
PLANNING & ZONING COMMISSION
FRIDAY, FEBRUARY 4, 2022 – 8:30AM

Members Present:

Vivian Garfein (Chair)
Peter Neely (Vice-Chair)
Michael Klemens
Cathy Shyer
Maria Grace
Debra Allee

Staff Present:

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

Brief Items and Announcements

1. Call to Order. The meeting was called to order at 8:31am.
2. Attendance. All Members were present.
3. **Minutes from 01/07/2022.** M. Klemens questioned “Special Meetings”; A. Conroy answered, yes, due to the 30-day notice period. C. Shyer asked for a correction on Pg. 2, Line 74 to read: “The Chair suggested that the definition...” D. Allee asked for a correction on Line 83 to read: “and (remove: 2) pertain...” D. Allee and M. Klemens asked for Line 110 to read: “It was suggested by the LUA, that the PZC consider...” **A Motion to Approve the Minutes of 01/07/2022, as corrected,** was made by M. Klemens, seconded by P. Neely and unanimously **Approved.**
4. Minutes from 01/14/2022 – Pending
5. Minutes from 01/21/2022 – pending
6. Scheduling: Thursday 2/10; Friday 2/18, Friday 2/25. The Joint Committee agreed to meet on those dates.

Pending Items

7. Feedback from IWWC & PZC on Draft Land Use Complaint Form.
V. Garfein reported that both Commissions objected to the language “no acceptance of drone evidence.” She suggested taking that language off of the complaint form. M. Klemens offered “Remain silent.” V. Garfein and M. Klemens suggested that discretion could be used to determine what evidence could be used; V. Garfein proposed alternative language. A Motion to Table Further Discussion until the Next Meeting, was made by M. Klemens, seconded by D. Allee and unanimously Approved. A. Conroy will send the edited version for review on 2/10/2022.

42 8. Definitions – “Regulated Activity”

43 V. Garfein directed the discussion to issues on “Regulated Activity” and “Upland Review
44 Area.”

45 1) Within 300’ measured horizontally from the ordinary high-water mark of Lake
46 Wononscopomuc, Lake Wononpakook, Lake Washining and Lake Washinee, or measured
47 horizontally from the edge of fringing wetland, whichever is greater.

48 2) Within 150’ measured horizontally from the ordinary high-water mark of any other
49 lake, watercourse or the boundary of any wetland. (Except that, if the proposed activity
50 is the installation of any portion of a subsurface waste disposal system, the upland
51 review area shall extend 150’ from the ordinary high-water mark of any watercourse.)

52 It was noted by A. Conroy that the language may need to be changed, if the
53 measurement changes.

54 3) Within 150’ measured horizontally from the edge of hydric and alluvial soils of the
55 Housatonic and Salmon Kill Rivers. A. Conroy mentioned that M. Grace had reached out
56 to the Housatonic Valley Association, but they do not have stream order maps. M.
57 Klemens suggested that the real question is those (streams) whose flood plains flow over
58 alluvial soils, which looks like land. There was a brief discussion of soil types. A. Conroy
59 and M. Grace suggested looking at the NRCS map for information on brooks, for the next
60 meeting.

61 4) Within 750’ measured from the ordinary high-water mark of a vernal pool. The pool
62 and envelope must be analyzed and some development is permitted depending on the
63 pool envelope and surrounding critical terrestrial habitat. M. Klemens did not like the
64 language and proposed an edit: “The pool’s biological value must first be determined.
65 Based on those data, the envelope and critical terrestrial habitat are analyzed, to
66 determine the amount of development that may be permitted.

67 5) Within 300’ measured from the edge of a calcareous fen. Groundwater withdrawals
68 within ½ mile pose a threat to the resource. Require a 300’ buffer per USFWS. V. Garfein
69 suggested leaving the language and information “as is” for now.

70 6) Within 300’ measured from either side of a high-gradient cold water seepage fed
71 stream originating from the Taconic Plateau. It was noted that those streams will be
72 either mapped or identified.

73
74 As the discussion moved on, V. Garfein read the existing statutory language, for the benefit
75 of a new caller attending the meeting. She then read the new language, regarding the
76 following list of routine activities occurring in the Upland Review Area (URA) which do not
77 require application to the Inland Wetlands & Watercourses Commission (IWWC):

- 78 • Mowing an existing lawn
- 79 • Leaf raking of an existing lawn so long as the leaves are not blown or deposited in or
80 onto a wetland or watercourse
- 81 • Weeding, planting or mulching of existing gardens
- 82 • Care and maintenance of existing shrubs and trees including pruning or removal of
83 dead limbs
- 84 • Removal of dead or dying trees that threaten structures or access ways (not including
85 stump grinding or grubbing). There were comments from P. Neely and M. Klemens
86 about stump grinding. P. Neely also pointed out that there should be some reference
87 to the planting of trees; discussion be continued under “Declaratory Ruling”.

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- Maintenance and repair of existing structures including painting, roofing, cleaning and septic pump-out
 - Temporary storage of personal, water dependent structures and equipment including boats

93 Activities that require earth moving and disturbance such as driveways and septic
94 repairs, or that include stump grinding or grubbing require application to the
95 Commission.

96

97 There was discussion about the temporary storage of personal water dependent
98 structures which the PZC will consider at their planning meeting.

99 There was brief discussion about whether or not to have a 500 sq. ft. area of disturbance
100 apply to the planting of trees and shrubs in the IWWC regulations; there will be further
101 consideration of the matter.

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103 Definitions for Discussion:

104

105 V. Garfein read the definitions of “Intermittent Watercourses” (Statutory); “Upland
106 Review Area”; “Wetlands & Watercourses Buffer Area”. There were no changes made.
107 The definition of “Cumulative Impact” was commented on by P. Neely as speculative; C.
108 Shyer as to the historical aspect; D. Allee on the environmental impact of proposals; M.
109 Klemens talked about the cumulative impact and how to mitigate the harm to wetlands
110 and watercourses. There was general agreement that the definition remains, as written.
111 “Headwaters” definition will be left in, as written.

112 “High gradient cold-water streams” language will remain, as written, for now.

113 “Calcareous Fens” – there was a very lengthy discussion about this definition. D. Allee
114 indicated that she would like user-friendly parentheticals within the same paragraph that
115 explain the reasoning. The draft language follows:

116 “Calcareous Fens” are a very rare type of wetland occurring at the intersection of
117 circumneutral (calcareous) bedrock and glacial till deposits. Calcareous fens are located
118 on the upper slopes (edges) of larger wetlands, where they are fed by cold groundwater
119 breaking out of glacial terraces coalescing into rivulets. The steady seepage of clean cold
120 water creates a condition that supports a unique assemblage of plants and animals,
121 many of these are quite rare, and include the Federally-threatened and State-
122 endangered bog turtle (*Glyptemys muhlenbergii*) which occurs in only three towns in CT
123 (including Salisbury). The USFWS recommends a 300-foot undeveloped buffer
124 surrounding wetlands inhabited by bog turtles. Groundwater withdrawals within 0.5
125 miles threaten sloping calcareous fens. Salisbury has several prime examples of sloping
126 calcareous fens and a single example of the much rarer ombrotrophic fen which occurs
127 on or adjacent to a bog mat in West Twin Lake.

128 “Vernal pools”: (language changes, after discussion, as follows)

129 Vernal pools are seasonally inundated and are determined by the presence of
130 indicator/obligate species. If a vernal pool does not support indicator species, it is
131 treated as an ordinary wetland.

132

133 Classic vernal pools are temporary or semi-permanent depressional wetlands that do
134 not support breeding populations of fish; therefore, they are prime breeding habitats

135 for a group of amphibians, termed indicator/obligate species that have evolved to
136 exploit these habitats.

137
138 Cryptic vernal pools are seasonally flooded areas in larger wetlands including riparian
139 flood plains. While more difficult to detect and map, these pools make up a majority
140 of vernal pools.

141
142 Regulation of vernal pools is a multi-step process. First, the biological value of a pool
143 must be established. Second, if there is significant biological value, the envelope and
144 critical terrestrial habitat are analyzed. Based on the results of the analysis, the
145 optimal amount of development is determined.

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147 9. Discussion of “Declaratory Ruling” / “As-Of-Right Activities” – Not discussed at this time.

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

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151 11. Organization of Topics & Tasks – A. Conroy noted that questions about Declaratory
152 Rulings and Agent Determinations will be addressed at the next meeting. She will send
153 around the latest changes in the definitions and regulated activity for review. A resource
154 for the brooks and streams will be researched; M. Grace will review the NRC map link. A.
155 Conroy will send around Danella Schiffer’s language for the Complaint Form; that will
156 also be discussed at the next meeting. P. Neely had a question about “proactive
157 enforcement programs” which A. Conroy answered. M. Klemens asked about the
158 priorities listed on the Complaint Form; that Form will be discussed at the next meeting.

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160 **Adjournment. So Moved** by D. Allee, seconded by C. Shyer and unanimously **Approved.**
161 Meeting adjourned at 10:47 am.

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164 (Minutes drafted by Georgia Petry from the Zoom recording of the meeting)