

SPECIAL JOINT MEETING OF THE  
SALISBURY INLAND WETLANDS & WATERCOURSES COMMISSION  
AND  
PLANNING & ZONING COMMISSION SPECIAL MEETING  
THURSDAY, FEBRUARY 17, 2022 – 8:30AM

**Members Present:**

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

**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 8:32am.
2. Attendance. All Members were present; Debra Allee arrived after the meeting was called to order.
3. Minutes from 01/14/2022 –pending
4. Minutes from 01/21/2022 – pending
5. Minutes from 02/04/2022 – pending
6. Minutes from 02/10/2022 – pending
7. Scheduling: February 25, March 11 & March 25, 2022

**Pending Items**

8. Update on Draft Land Use Report of Violation Form – V. Garfein noted that the form came back before the Wetlands Commission. A. Conroy noted, in accordance with legal recommendations from Attorney Janet Brooks (IWWC Counsel), the form would remain silent on the issue of drones. As needed, drone footage documenting potential violations would be referred to counsel. Regarding the “Hold Harmless” waiver to enter property, verbal consent will be allowed.
9. Discussion of “Agent Determinations”  
V. Garfein noted that Section 12.2 is important; any person receiving an Agent Approval shall publish, at the applicant’s expense, notice of the approval in the newspaper. A document from M. Klemens regarding Agent Determinations was reviewed; it included the following points:
  - Any landscaping within 25’ of the watercourse or wetland that would be determined by the Agent to be buffer improvement and maintenance.
  - Beyond 25’ any new disturbance up to an aggregate of 500sq.ft. for planting trees, shrubs or creation of a garden; except in the case of vernal pools or calcareous fens.
  - Structures beyond 75’ from the wetland or watercourse, as long as they met all requirements of P&Z, including the LPOD.

- 40 There was a lengthy discussion about the possible parameters including:
- 41 • Minimal activities – no need to ask
  - 42 • “As-of-Right” Exemptions / Declaratory Rulings – only the IWWC can determine
  - 43 • Agent Approvals – no greater than minimal activities
  - 44 • Activities requiring permits

45 M. Klemens and A. Conroy pointed out that Agent Determinations are in writing and  
46 sent out by mail.

47 10. Discussion of “Declaratory Ruling” / “As-of-Right Activities”

48 11. Draft Application Forms

49 These 2 Items were discussed at the same time. A. Conroy gave a detailed description of  
50 the new draft form. There were lengthy comments and suggestions from the Members;  
51 A. Conroy provided the rationale. V. Garfein suggested that perhaps the narratives  
52 should come back in; A. Conroy indicated that the statutory language needs to stay in.  
53 The final product would be implemented in the new online permit system. P. Neely  
54 suggested that the questions on the form could be tried out on the next application  
55 before the IWWC. V. Garfein suggested that this is a “worksheet” for the Commission;  
56 she noted that “As-of-Right” activities require permission, those are not the same as  
57 routine maintenance. A. Conroy pointed out that all “As-of-Right” Agent Determinations  
58 require applications.

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60 12. Sections 11.1, 12.1, 12.2, 13.1, & 13.2 of the Conservation/Inland Wetland Regulations  
61 Not considered at this meeting.

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63 13. Definitions – “Calcareous Fen”, “Cumulative Impacts”, “Headwaters”, “High Gradient  
64 Cold Water Streams”, “Intermittent Watercourses”, “Regulated Activity”, “Upland  
65 Review Area”, “Vernal Pools”, “Watercourses”, “Wetlands and Watercourses Buffer  
66 Area”, “Wetlands”  
67 Not considered at this meeting.

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69 14. Organization of Topics & Tasks  
70 The Members were asked to review and comment on the draft application form, with  
71 and without the explanations, for the next meeting.

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73 **Adjournment. So Moved** by C. Shyer, seconded by P. Neely and unanimously **Approved**.  
74 The meeting was adjourned at 10:00am.

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

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