

SALISBURY INLAND WETLANDS AND WATERCOURSES COMMISSION

REGULAR MEETING

AUGUST 8, 2022 – 6:30PM

- 1 1. Call to Order. The meeting was called to order at 6:33pm.
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3 2. Roll Call & Seating of Alternates. Present: Larry Burcroff, Peter Neely, John Landon, Cary
4 Ullman, Sally Spillane, Vivian Garfein (Alternate), John Harney (Alternate), Russ Conklin
5 (Alternate), Abby Conroy (Land Use Administrator) and Georgia Petry (Recording Secretary).
6 Maria Grace arrived after the Roll Call. Absent: Steve Belter. V. Garfein was seated for S.
7 Belter.
8
9 3. **Approval of Agenda. So Moved** by P. Neely, seconded by J. Landon and unanimously **Approved**.
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11 4. **Approval of Minutes of July 25, 2022. So Moved** by J. Landon, seconded by P. Neely and
12 unanimously **Approved**.
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14 5. Public Comment – None

15 **Pending Business**

- 16 6. 2022-IW-073D / 145 TR LLC (Keenan) /145 Taconic Road / Removal of Dead Trees / Map 19 / Lot
17 19 / DOR: 07/25/2022 / Tabled at the Request of the Applicant. A Motion to Table Application
18 2022-IW-073D was made by S. Spillane, seconded by J. Landon and unanimously Approved.

19 **Other Business**

- 20 7. Regulation Rewrite Discussion.
21 The draft of the IWWC Regulations was presented by A. Conroy; it was described as a hybrid
22 document incorporating the draft from 2021, the recommendations from the joint
23 subcommittee, and prior staff changes. The document can be found at:
24 [https://secureservercdn.net/72.167.230.230/j8s.008.myftpupload.com/wp-](https://secureservercdn.net/72.167.230.230/j8s.008.myftpupload.com/wp-content/uploads/2022/08/08042022-IWWC_Regulations-Hybrid-With-Subcommittee-Referrals.pdf)
25 [content/uploads/2022/08/08042022-IWWC_Regulations-Hybrid-With-Subcommittee-](https://secureservercdn.net/72.167.230.230/j8s.008.myftpupload.com/wp-content/uploads/2022/08/08042022-IWWC_Regulations-Hybrid-With-Subcommittee-Referrals.pdf)
26 [Referrals.pdf](https://secureservercdn.net/72.167.230.230/j8s.008.myftpupload.com/wp-content/uploads/2022/08/08042022-IWWC_Regulations-Hybrid-With-Subcommittee-Referrals.pdf) A. Conroy explained that this draft is in-process for IWWC review; changes are
27 anticipated, some questions will need legal review and further research may be required. At
28 some point, when the IWWC comes to a consensus on a draft, it will be forwarded to legal
29 counsel for review. Next it would be referred to CT DEEP and then a Public Hearing would be
30 scheduled, where public comments would be heard. J. Harney asked if preliminary
31 conversations could be held with different groups; A. Conroy responded yes, further steps can

32 be taken. S. Spillane asked for public input questions to be noted in the draft; A. Conroy will
33 summarize the updates and comments/questions from this meeting, in the next draft.

34
35 Section Review:

36 Section 1: 1.1 – 1.6 are Statutory Regulations. Section 1.7 is new and includes
37 recommendations from the joint subcommittee, regarding resources. L. Burcroff suggested a
38 correction in the last line of 1.7.d. to read “...in Salisbury that contain many....” He also pointed
39 out that “a.s.l.” should be clarified to read “above sea level.”

40 Section 2: Definitions

- 41 • P. Neely suggested that 2 additional definitions be added: “Jurisdictional Ruling” and
42 “Agent Approval.” A. Conroy will work on the language to be used for those and
43 suggested that now is the time to adopt new language.
- 44 • “Cumulative Impact” – A. Conroy suggested having commentary and citing an example,
45 for context. S. Spillane and V. Garfein agreed that “Cumulative Impact” should remain
46 an open term.
- 47 • “Grubbing” – language will be left in, as defined.
- 48 • “Headwaters” – There were no objections to the definition stated.
- 49 • “Ordinary High-Water Mark” – The language was recommended by the Joint IWWC/PZC
50 Committee and then adopted by the PZC.
- 51 • “Regulated Activity” -- A. Conroy read the proposed language recommended by the
52 Joint Committee, including the suggested clarifying commentary. There was a lengthy
53 discussion about the Upland Review Area and the suggested measurements to be used.
54 A new baseline URA of 150’ was the recommendation discussed. (The current URA
55 includes 150’ for septic systems.) P. Neely was in favor of a 100’ URA baseline. V.
56 Garfein pointed out that the other 5 members of the Joint Committee all recommended
57 the 150’ URA. A. Conroy suggested that 150’ URA should apply to all activities, not just
58 septic systems. V. Garfein noted that 150’ is not a high benchmark and would give the
59 IWWC the ability to look at activities, without having to make an argument for doing so.
60 She added that more communities are opting for a lengthier URA. A. Conroy suggested
61 the 150’ measure would cover large, important resources. J. Landon pointed out that
62 Salisbury has special resources that deserve strong protection, compared to other
63 towns. R. Conklin commented on moving the regulated activities measurement
64 requirements to a different section; S. Spillane agreed that they need to be in a separate
65 section. It was mentioned that the list of activities which are exceptions can be
66 expanded. J. Landon noted that there was no consensus now and asked how to
67 proceed. A. Conroy indicated the she would ask Attorney Janet Brooks if the URA for
68 septic systems should be treated differently from other activities, such as water
69 treatment discharges.
- 70 a. “Within 300’ measured horizontally from the ordinary high-water mark or measured
71 horizontally from the edge of fringing wetland, whichever is greater of any lake in
72 the Lake Protection Overlay District as defined by the Salisbury Zoning Regulations

73 (Lake Wononskopomuc, Lake Wononpakook, Lake Washining and Lake Washinee).”
74 There was discussion about the definition of fringing wetland. S. Spillane suggested
75 that this was an opportunity to protect fringing wetlands outside of the Lake
76 Protection Overlay District (LPOD) and that IWWC is the first stop in the application
77 process; L. Burcroff and C. Ullman agreed. V. Garfein mentioned that Engineer Tom
78 Grimaldi had recommended linking the 300’ LPOD with the IWWC review area, to
79 have the overlap; M. Grace agreed with that recommendation. The discussion
80 continued about the activities that might involve review by either or both
81 Commissions within the 300’ LPOD. A possible standard review area was suggested.
82 C. Ullman pointed out that there are activities other than construction that can have
83 a negative impact. There was discussion about the use of “Agent Determinations.”
84 S. Spillane pointed out that the Regulations need to be written, regardless of who
85 the Agent might be. All Commissioners offered different points of view, as to what
86 the details of a new URA might include; protecting trees, soil and water were
87 mentioned. J. Landon suggested that an extra buffer, beyond the minimum current
88 science suggests is adequate, makes sense; he added that there is a responsibility to
89 future generations to go beyond that. He supports additional footage (in the URA).
90 L. Burcroff suggested protecting as much of valuable resources as possible. A.
91 Conroy brought up the issue of vegetative buffers and pointed out that there would
92 be case-by-case analysis, but the protections don’t always exist. There was no
93 consensus on the recommended distance for the URA.

- 94 b. “Within 300’ measured horizontally from a calcareous fen” – there was consensus
95 on that language.
- 96 c. “Within 300’ measured horizontally from either side of a high-gradient, cold-water
97 stream originating on the Taconic Plateau.” J. Landon pointed out that the high-
98 gradient, cold-water streams are not marked or identified; he suggested that the
99 Conservation Commission could map them, as they are important resources. He
100 favors the 300’ measurement review area (on each side), to look for additional
101 impacts. J. Harney asked about jurisdiction at the Riga Lakes; A. Conroy indicated
102 that IWWC does have jurisdiction covered under the general 150’ URA
103 recommended measurement. There was general consensus on “c.”
- 104 d. “Within 750’ measured horizontally from the ordinary high-water mark of a vernal
105 pool.” J. Landon was in favor of this measurement. S. Spillane and V. Garfein
106 mentioned alternative distances. R. Conklin commented on the possible number of
107 vernal pools and the potential acreage involved. He suggested that there are
108 important high-value pools, but landowners would need to agree to preserve them.
109 S. Spillane pointed out that the regulations re-write need to be done before the
110 vernal pool mapping is complete. L. Burcroff asked if there was consensus on this
111 measurement. P. Neely indicated no, it is too much. M. Grace commented that
112 rare habitats such as fens, high-gradient streams and vernal pools need protection
113 with strong regulations; she favors the bigger measurements for the protection. S.

114 Spillane mentioned that there is some discomfort on the measurements, but there
115 is a need to choose between comfort and science. M. Grace suggested that there
116 will be time later on in the process to discuss other considerations. There was
117 general consensus on the 750' measurement.

118
119 V. Garfein suggested moving on to the list of routine activities occurring in the URA
120 that do not require an application. S. Spillane indicated a problem with the
121 language "weeding, planting, fertilizing, mulching of existing gardens" because of
122 the issue of fertilizing lawns. M. Grace offered that planting trees could be
123 considered a garden. There was discussion about the "Draft Agent Approval Form"
124 which will provide a list of activities eligible for possible Agent Determination.
125 Further discussion will be required.

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127 The next meeting of the Commission will be August 22, 2022.

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129 **Adjournment. So Moved** by S. Spillane, seconded by P. Neely and unanimously
130 **Approved.** The meeting adjourned at 8:38pm.

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