

SPECIAL JOINT MEETING OF THE
SALISBURY INLAND WETLANDS & WATERCOURSES COMMISSION
AND
PLANNING & ZONING COMMISSION SPECIAL MEETING
FRIDAY, DECEMBER 9, 2022 – 12:00PM

Members Present:

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

Staff Present:

Abby Conroy, Land Use Administrator

Brief Items and Announcements

1. Call to Order. The meeting was called to order at 12:02pm.
Attendance: Vivian Garfein, Peter Neely, Michael Klemens, Maria Grace, Cathy Shyer and Abby Conroy (Land Use Administrator). Debra Allee arrived later during the meeting.
2. Minutes from 01/21/2022
3. Minutes from 02/04/2022
4. Minutes from 02/10/2022
C. Shyer asked for correction on Line 103 to read "...shall be delineated...."
5. Minutes from 02/17/2022
6. Minutes from 02/25/2022
A Motion to Approve the Minutes of 01/21; 02/04; 02/10, as corrected; 02/17 and 02/25 was made by M. Klemens, seconded by P. Neely and **Approved, with one abstention** – C. Shyer was not present at the 02/25/2022 meeting. V. Garfein expressed her appreciation for the completion of these Minutes.
7. Minutes from 03/11/2022 – pending
8. Minutes from 03/25/2022 – pending
9. Minutes from 07/29/2022 – pending

Pending Items

10. Inland Wetlands and Watercourse Commission Referrals
V. Garfein indicated that the recommendations previously sent to the IWWC had been discussed, but no amendments to their regulations had been approved yet. This meeting is to discuss some changes to the Regulated Activity Definition; these suggested changes were drafted by A. Conroy and include comments from Janet Brooks, the IWWC and suggestions from V. Garfein. Major changes are as follows:
 - Instead of 300' measured horizontally from the ordinary high-water mark of any waterbody, the measurement of 150' is now suggested.
 - a) Within 150' measured horizontally from the ordinary high-water mark in the Lake Protection Overlay District (LPOD) is now suggested, instead of 300'.
 - b) & c) Leave distances at 300'.

41 • d) Within 150' measured horizontally from the ordinary high-water mark of a
42 vernal pool, unless it is a documented exemplary vernal pool, in which case the
43 distance is 750'.

44 • New defined term

45 Exemplary Vernal Pool: Any vernal pool that contains two or more vernal pool
46 indicator species (wood frog, spotted salamander) and/or a pool containing
47 one or more State-listed species (Jefferson Salamander, blue-spotted
48 salamander, or spotted turtle) and/or a regionally-rare species (marbled
49 salamander). To be rated as exemplary a vernal pool **must also have** 75% or
50 more of the first 0-100 feet from the high-water mark (the vernal pool
51 envelope) undeveloped and 50% or more of the 101-750 feet (the critical
52 terrestrial habitat) undeveloped.

53
54 A. Conroy asked how identifying these exemplary vernal pools would be implemented;
55 M. Klemens answered that it could be done spatially, using GIS. He added that the
56 measurements would be either 150' or 750', as defined. C. Shyer and P. Neely asked
57 about the number of exemplary vernal pools; M. Klemens answer was a small sub-set. P.
58 Neely asked who the experts are who can identify exemplary vernal pools; M. Grace
59 suggested hiring an expert, such as a herpetologist to do a survey, and added that this
60 information is not in the NRI. She noted that a map may indicate the presence of a
61 vernal pool on a property, but there haven't been ground inspections of all of them. M.
62 Klemens explained that a vernal pool analysis of individual properties can be done
63 without going onto the property for the landscape details; development would be extra.
64 He noted that a soil scientist is needed to delineate wetlands and someone needs to do a
65 biological assessment. M. Grace commented that there aren't that many controversial
66 vernal pools, but she wants the Conservation Commission to look at potential pools and
67 areas which are proposed for development; with analysis, those could be identified. P.
68 Neely wants to know which vernal pools are exemplary, to determine the level of
69 protection needed. M. Klemens suggested doing the GIS analysis of the landscape details
70 first, as it can be done now; ground inspections wait until spring. C. Shyer agreed with
71 doing the GIS analysis over the winter and wants more information before public input.
72 V. Garfein described the process going forward in 2 ways: having an informational
73 meeting before IWWC decides on the regulation rewrite; or letting IWWC decide on the
74 regulations, send to legal for review, having a noticed public hearing, then making
75 adjustments and having a final vote. She added that there isn't a lot of controversy on
76 the definitions; discussion is needed on regulated activity and vernal pools. C. Shyer
77 suggested that people are interested and there should be further discussion about vernal
78 pools, to let people know what the issues are; she prefers not to make changes to the
79 recommendations now because they are compromises and the resources deserve better
80 protection. During further discussion, M. Klemens, P. Neely, V. Garfein, M. Grace and C.
81 Shyer expressed support for a public information/input session. On the topic of vernal
82 pools, M. Klemens referred to the detailed information available in the spring 2022
83 Newsletter, The Habitat, published by the CT Association of Conservation and Inlands
84 Commissions, Inc. He added that plenty of information is available, now is the time for
85 public input. There was general support for putting some informational documents on
86 the Town website, in advance of a public meeting. M. Klemens indicated that there
87 would be a presentation, with a list of topics and questions, prepared by staff. There was

88 discussion about the possible format for the meeting. M. Klemens commented on the
89 ideas behind expanding URAs; V. Garfein commented that there may be different public
90 opinions, but wants to be realistic about avoiding lawsuits. V. Garfein asked if there was
91 consensus on having a workshop, concentrated on the regulated activities definition; A.
92 Conroy mentioned that she would like more regulated activities recommended for Agent
93 Approval and would like more work done on that. M. Klemens indicated that he would
94 like the workshop held sooner than later; suggested that the 150' URA is a good
95 compromise, like the septic setback; all descriptions of vernal pools require technical
96 expertise, whichever distance is chosen, and supports GIS analysis. V. Garfein asked if
97 there was consensus on holding a workshop, sooner than later, with a focus on
98 Regulated Activity, including the URAs:

99 **Motion: To Have a Public Workshop to Support the Recommendation for a 150' URA**
100 **for Wetlands, Including Lakes, With the Exception of Fens, High Gradient Cold-Water**
101 **Streams and Vernal Pools.**

102 **Motion Made by M. Klemens, seconded by P. Neely. No vote was taken.**

103 Discussion: C. Shyer agreed with having a public workshop; she prefers to go with the
104 higher of the recommended numbers (distance measurements). V. Garfein would like to
105 have a recommended range of no less than 150' and no more than 300' considered
106 under Definitions –Regulated Activity Item 2.1.a. She would like to leave the
107 recommendation in the first paragraph of Item 2.1. at 150'. M. Klemens suggested
108 including both (distance measurement) options that are possible on vernal pools. V.
109 Garfein asked what is most important to discuss at the workshop; C. Shyer suggested
110 there should be 2 major areas of concern.

111 **Motion, Amended: To Hold a Public Workshop to Present the Recommendations, as**
112 **they are now, With the Purpose of Getting Clarity Between 150' and 300' (distance**
113 **measurements) Around the Lakes; and Which Approach to Use to Protect Vernal Pools.**

114 **Motion Made by M. Klemens, seconded by P. Neely and unanimously Approved.**

115 M. Grace offered to help plan the workshop. M. Klemens asked if it is this Subcommittee
116 holding the workshop; V. Garfein answered yes. V. Garfein will notify the IWWC at their
117 next meeting; M. Grace will notify the Conservation Commission at their next meeting.
118 M. Klemens will attend the Conservation Commission meeting on January 5, 2023.

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120 11) Scheduling – No new meetings were scheduled.

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122 12) Organization of Tasks & Topics – Not discussed at this meeting.

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124 **Adjournment.** The meeting was adjourned at 1:17pm.

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129 (Minutes were drafted by Georgia Petry from the Zoom recording of the meeting.)