

SALISBURY INLAND WETLANDS & WATERCOURSES COMMISSION

REGULAR MEETING

MARCH 13, 2023 – 6:30 (VIA ZOOM)

- 1 1. Call to Order. The meeting was called to order at 6:32pm.
- 2
- 3 2. Roll Call & Seating of Alternates. Present: Larry Burcroff, Peter Neely, Sally Spillane, John
- 4 Landon, Vivian Garfein (Alternate), Russ Conklin (Alternate), John Harney (Alternate), Abby
- 5 Conroy Land Use Director) and Georgia Petry (Recording Secretary). Maria Grace arrived later in
- 6 the meeting. Absent: Steve Belter and Cary Ullman. V. Garfein was seated as Voting Alternate
- 7 for S. Belter; J. Harney was seated as Voting Alternate for C. Ullman.
- 8
- 9 3. **Approval of Agenda. So Moved** by P. Neely, seconded by J. Landon and unanimously **Approved**.
- 10
- 11 4. **Approval of Minutes of February 27, 2023.** V. Garfein commented that under Item #10, there
- 12 was additional discussion about “as-of-right” activities, versus what was created in the regulated
- 13 activities section of the recommendations and that there will be further discussion about those
- 14 kinds of activities at this meeting. **A Motion to Approve the Minutes of February 27, 2023, as**
- 15 **clarified,** was made by P. Neely, seconded by S. Spillane and unanimously **Approved**.
- 16
- 17 5. Public Comment – None
- 18
- 19 6. Correspondence
- 20 a. Notice to Municipality – A. Conroy explained that a required notice to the IWWC had been
- 21 received, regarding soil borings at the Lakeville Reservoir Dam No. 2 for Aquarion. There
- 22 were a few questions, but no action was needed to be taken.
- 23
- 24 7. 2023-IW-003 / Palmer / 363 Lime Rock Road / Replace Existing Foundation and Add Dormers to
- 25 Second Floor of Existing Multi-Family Residence / Map 218 / Lot 19 / DOR: 02/27/2023
- 26 The applicant was not in attendance. **A Motion to Table the Application until Later in the**
- 27 **Meeting (if Applicant is available),** was made by P. Neely, seconded by J. Landon and
- 28 unanimously **Approved**.
- 29
- 30 8. CT Bar Association Guidance
- 31 An explanation of CGS Section 22a-42(c), regarding conflicts of interest pertaining to IWWC
- 32 members, was offered by A. Conroy. She had spoken with Attorneys Janet Brooks and Chuck
- 33 Andres; their opinions were that no one who owns lake property should be acting on permits for
- 34 any lake property. In the new CT Bar Guidance, there is case law that applies. V. Garfein

35 commented that she had resigned from the Board of Lake Wononskopomuc because of the
36 potential conflict; and noted that the appearance of conflict is bad. A. Conroy suggested
37 members should recuse themselves from discussion and voting on such matters. She pointed
38 out that the Conservation is advisory only, not Regulatory. In the future, R. Conklin will not
39 represent the hydro-raking group application and will recuse himself from that discussion.
40

41 9. Regulation Rewrite Discussion

42 V. Garfein offered the following information, regarding her opinions on the proposed URAs:

- 43 • 150' for the overall general measurement
- 44 • 300' for the Lakes
- 45 • 300' for the High Gradient Cold Water Streams
- 46 • 300' for Fens
- 47 • Vernal Pools: Tiered approach for exemplary and ordinary pools

48 She added that she would like clarification from Attorney Brooks on how the IWWC
49 could look at neighboring property, beyond the vernal pool property. She also
50 pointed out that the URA is not a regulated area – it is a review area, which can be
51 expanded, that the IWWC can look at to review impact or potential impact to the
52 waterbody.

53 S. Spillane commented that the long-held use of the 75' URA has worked; A. Conroy pointed out
54 that Zoning uses 75' for some measurements. A. Conroy noted that Attorney Mike Zizka advised
55 making the URAs larger to make it easier to enable the IWWC legally to look at regulated
56 activities further away.

57 V. Garfein and A. Conroy mentioned that an applicant needs to come to this Commission then
58 open a conversation with neighbors, on a case-by-case basis.

59 S. Spillane asked about participation by the Conservation Commission; A. Conroy explained that
60 they are working on a long-term project, over the next few years, to continue to identify &
61 prioritize vernal pools; perhaps IWWC will be able to ask the Conservation Commission for
62 comments, in the future.

63 R. Conklin asked M. Grace about the 2017 Study (vernal pools); M. Grace responded that it is
64 just a guide, not definitive. She explained that the assessments will include field assessments
65 and GIS & landscape analysis; all will take a while.

66 V. Garfein suggested moving forward with the process, putting some language in about vernal
67 pools, taking a vote and moving on. She would like to have Attorney Brooks' opinion before
68 anything is presented to the public. She also suggested putting in language about the vernal
69 pools being "under study."
70
71

72 General Discussion on other points:

- 73 • General permitting in URAs
- 74 • Determining if seated Alternates can vote on the Regulations
- 75 • Agent Determinations: Needs further discussion, definitions and a list, to be adopted.
- 76 Agent Determinations would be outside of the Regulations, perhaps used as an IWWC
- 77 Guidance Document.
- 78 • “As-of-Right” Activities are in the Statutes; even though those are permitted, an
- 79 application to the IWWC is required for those permissions.
- 80 • Having an informational meeting with the public, to present ideas & get feedback; it
- 81 would not be a public hearing, but comments would be taken in for further review.
- 82 • Routine Activities occurring on the URA that do not require application to the IWWC or
- 83 its Agent. Legal review will determine the exact wording.
- 84 • Consideration of a vote on the Regulations at the next meeting on March 27, 2023, if
- 85 possible. A Motion will be needed to vote on each of the URA measurements, to see if
- 86 there is a majority, not necessarily consensus. All members can vote on the draft.
- 87 • A. Conroy will submit questions to Attorney Brooks, regarding buffers; clarification on
- 88 vernal pools/tiers and asterisk with commentary; agent approvals as an appendix.

89 **Adjournment. So Moved** by S. Spillane, seconded by V. Garfein and unanimously **Approved**.
90 The meeting adjourned at 7:56pm.