

LAND USE OFFICE

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Town Hall
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Memo to:

Brian Thompson, Director of DEEP Land & Water Resources Division
79 Elm Street, Hartford, CT 06106-5127

From: Abby Conroy, Land Use Director and Chair Vivian Garfein on behalf of the Salisbury Inland Wetlands & Watercourses Commission

Date: April 3, 2025

Re: Proposed Amendments to the Inland Wetlands and Watercourses Commission Regulations of the Town of Salisbury, Connecticut

Applicant: Town of Salisbury Inland Wetlands & Watercourses Commission

Location: 27 Main Street, Salisbury CT 06068

Proposal: Comprehensive revision of the Inland Wetlands and Watercourses' (formerly Conservation Commission) Regulations of the Town of Salisbury

Dear Director Thompson,

In accordance with Connecticut General Statutes Section 22a-42a, enclosed herein is a draft comprehensive rewrite of the Inland Wetlands and Watercourses Commission Regulations (Regulations) being submitted for review by your agency. This is a work product of many years of Commission time. The draft relies on the framework provided by the fourth edition of the DEEP Inland Wetlands and Watercourses Model Municipal Regulations (May 1, 2006).

There are many reasons for the proposal to amend the Regulations; new ordinances and legislation, concerns that the current URA does not adequately protect sensitive resources, inconsistent and unclear terms, and a confusing fee schedule. The proposed changes reflected in the draft include:

- A. New Agency name
- B. Alignment with legislative updates
- C. Revised approach to Upland Review Areas (URA)
- D. New and revised definitions
- E. Fee Schedule

New Agency Name

In 1972, the Town of Salisbury established by ordinance the Conservation Commission to carry out the responsibilities of the Inland Wetlands and Watercourses Act. In 2020, the Town adopted an ordinance establishing separate Conservation (CC) and Inland Wetlands & Watercourses Commissions (IWWC).

Since that time, none of the regulations or documents have been updated to reflect the new Agency name. This draft reflects that change, including reference to the 2020 ordinance. Other outdated Agency names referenced in the document have also been updated.

Alignment with Legislative Updates

The draft Regulations reflect the legislation and regulation advisories provided by DEEP. No DEEP advisories have been posted since 2016. The language proposed in this draft is also intended to make the Regulations consistent with recent legislation including but not limited to the updated definition of agriculture and changed permit durations.

Revised Approach to Upland Review Areas (URA)

The Commission has elected to take a resource-based approach to the URA. Section 1.7 of the draft Regulations provides a summary of some of the unique and important wetland resources in the Town. This summary provides the basis for many of the new defined terms and carves out resource types which feature varying URAs. Some of the more sensitive resources such as fens and high-gradient coldwater streams have an expansive URA (300'). See the "Regulated Activity" definition for specifics.

In this draft the IWWC has elected not to modify the existing URA of 75' (150' for active portions of a septic system) around four lakes in Town. Public comments and opinions regarding what would be an appropriate URA have been extensive. These discussions have distracted from conversation around the other resources. Thus, the IWWC is seeking to move forward with the attached draft with the intention of revisiting the lakes individually. The four lakes have intentionally been carved out, each being assigned their own subsection to facilitate future amendments. Two of the lakes are the focal point of an ongoing watershed study under the direction of the Housatonic River Association (HVA). The results of that study, in addition to several monitoring projects, would be exceptional resources to help guide future discussion about potentially expanded URAs.

Additionally, these four lakes are encompassed within a 300' zoning overlay district. The Lake Protection Overlay District imposes additional review standards and limitations on development activities within the overlay. In the fiscal year 2025-2026, the Salisbury Planning & Zoning Commission (PZC) will be undertaking its own comprehensive Regulation rewrite at which point the PZC and IWWC will be collaborating on future changes.

New and Revised Definitions

The Commission has introduced several new definitions with the goal of making the Regulations and permit process more accessible and transparent to the general public.

Fee Schedule

One area in which the proposed regulations vary from the DEEP model is in Section 19. The IWWC has proposed removing the fee schedule from the Regulations with the intent of adopting a revised schedule in their Bylaws. Application fees are almost never submitted correctly because of the confusing nature

of the schedule. Therefore, this has been removed from the draft and will be adopted separately upon successful adoption of revised Regulations.

Public Hearing

The public hearing to consider these amendments is scheduled for Monday May 12th, 2025 at 6:35PM. The hearing will be held via Zoom.

Meeting Link

<https://us06web.zoom.us/j/86195755870?pwd=Lz0JgTUy0hN9Sa7WibQ52nbm71Zznr.1>

Webinar ID: 861 9575 5870

Passcode:058177

1 646 558 8656 US (New York)

International numbers available: <https://us06web.zoom.us/u/kNxgPGcHw>

Should you have any questions or concerns, please contact this office Monday through Thursday 8am-4pm

Thank you,

Abby Conroy

Abby Conroy
Director of Land Use

Vivian Garfein

Vivian Garfein
Chair, Salisbury Inland Wetlands & Watercourses Commission