

LAND USE OFFICE

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Memo to: Salisbury Inland Wetlands and Watercourses Commission (IWWC)

From: Abby Conroy, Inland Wetlands Agent

Date: November 13, 2024

Subject: #2024-IW-027 / Salisbury Winter Sport Association, c/o Ken Barker / 80 Indian Cave Road / Construct a Farm Pond for Water Supply and Snow Making / Map 15 / Lot 25 / DOR: 7/22/2024

At the October 28, 2024 meeting the IWWC elected to hold a public hearing on application #2024-IW-027 by Salisbury Winter Sport Association c/o Ken Barker to construct a pond for water supply and snow making at 80 Indian Cave Road.

The public hearing was called based on the finding that the proposed activity may have a significant impact on wetlands or watercourses. Application materials submitted to date include:

- An application for a Regulated Activity Permit representing 0.27 acres of direct wetland or watercourse disturbance.
- Plans prepared by Engineer Pat Hackett dated July 18, 2024, revised November 12, 2024
- Hydrogeologic report prepared by Engineer Pat Hackett dated September 23, 2024
- Letter From Jay Fain and Associates LLC dated November 11, 2024
- Engineering Comment Response Letter dated November 12, 2024
- Letter Regarding Prudent and Feasible Alternatives
- Erosion and Sediment control Estimate dated November 12, 2024

According to application materials the proposal involves direct wetland impacts: “converting an existing red maple swamp to an area of open water to serve as a source of water for seasonal snowmaking.”

"Significant impact" means any activity, including, but not limited to, the following activities which may have a major effect:

1. Any activity involving deposition or removal of material which will or may have a substantial effect on the wetland or watercourse or on wetlands or watercourses outside the area for which the activity is proposed.
2. Any activity which substantially changes the natural channel or may inhibit the natural dynamics of a watercourse system.
3. Any activity which substantially diminishes the natural capacity of an inland wetland or watercourse to: support aquatic, plant or animal life and habitats; prevent flooding; supply water; assimilate waste; facilitate drainage; provide recreation or open space; or perform other functions.
4. Any activity which is likely to cause or has the potential to cause substantial turbidity, siltation or sedimentation in a wetland or watercourse.
5. Any activity which causes substantial diminution of flow of a natural watercourse or groundwater levels of the wetland or watercourse.

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6. Any activity which is likely to cause or has the potential to cause pollution of a wetland or watercourse.

7. Any activity which damages or destroys unique wetland or watercourse areas or such areas having demonstrable scientific or educational value.

Per the application requirements under section 7.5.f. the applicant shall provide in writing alternative(s) which would cause less or no environmental impact to wetlands or watercourses and why the alternative as set forth in the application was chosen; all such alternatives shall be diagramed on a site plan or drawing.

The application has also been referred to Town consultants for hydrogeology and engineering review. Rob Good of Weston and Sampson provided a hydrogeology review letter dated October 11, 2024 which identified three recommendations and conclusions. It is important to note that this review only addressed hydrogeology and no other potential impacts. In his professional opinion hydrological impacts will be “limited”, “temporary”, and “should not be significant.” Additionally, because withdrawals will occur in winter months “the significance of potential adverse impacts to wetland and watercourse hydrology is reduced.” In a follow up phone call to Mr. Good, he identified that:

1. The scope of the review did not consider any alternatives as alternatives were not provided. This does not mean that alternatives do not exist.
2. The report should not be construed as certification that the proposed pond will be viable. There is still a possibility that the pond will be no more productive than the well.
3. A State diversion permit is triggered at withdrawals of 50,000 gallons per day (gpd). Therefore, additional recommended conditions would be to meter and report on usage to document that the user is not exceeding 50,000 gpd, and that expanded operations/usage/withdrawals need additional permitting/review through the State and local commission.

In addition to recommendations from the Town consulting professionals, the Commission should evaluate the application, and any conditions based on the factors set forth in Statute and provided on the “IWWC Application Worksheet.”