

**TOWN OF SALEM
INLAND WETLANDS & CONSERVATION COMMISSION
REGULAR MEETING MINUTES
MONDAY, NOVEMBER 6, 2023 – 7:00 P.M.
SALEM TOWN HALL – CONFERENCE ROOM 1**

The minutes submitted below have been filed in accordance with Section 1-225 of the CT General Statutes. They are subject to final approval with or without amendments by a vote of the Inland Wetlands & Conservation Commission. Approval and any such amendments will be detailed in subsequent minutes.

1. Call to Order

Chairperson Khan-Bureau called the meeting to order at 7:01 p.m.

2. Roll Call/Seating of Alternates

Present were Chairperson Diba Khan-Bureau, Vice Chairperson Roger Phillips, Secretary Edward Natoli, Jr., and Commissioners Jennifer Messervy, Jim Miller, and Jim Mulholland. Absent were Commissioner Dean Wojcik and Alternate Commissioners Lisa MarcAurele and Larry Moore. Also present was Wetlands Enforcement Officer (WEO) Matthew Allen.

3. Approval of Agenda

M/S/C: Natoli/Miller, to approve the Monday, November 6, 2023 Inland Wetlands & Conservation Commission Regular Meeting Agenda, with the following addition:

7(a) Statement by Chairperson Khan-Bureau

Discussion: None. Voice vote, 6-0, all in favor.

M/S/C: Khan-Bureau/Phillips to add the following item to the Agenda:

**8(c) 10 Music Vale Road (Multi-purpose Path/Harris Brook Trail)
Bridge**

Discussion: None. Voice vote, 6-0, all in favor.

4. Approval of Minutes

a. Regular Meeting Minutes of Monday, October 2, 2023

M/S/C: Miller/Messervy, to approve the Monday, October 2, 2023 Inland Wetlands & Conservation Commission Regular Meeting Minutes.

Discussion: None. Voice vote, 6-0, all in favor.

5. Public Comment – none

6. Public Hearing – none**7. New Business****a. Statement by Chairperson Khan-Bureau**

Chairperson Khan-Bureau recited her statement regarding the role of the Commission, as a whole, and herself as the Chairperson, in particular. The Commissioners are volunteers appointed by the Board of Selectmen. Their role is to enforce the Inland Wetlands Regulations of the State of Connecticut and the Town of Salem and ensure the protection of the wetlands and watercourses. Decisions are made objectively by the Commission and are not based on their personal relationship(s) with the members of any board, commission, or outside entity. In addition to receiving guidance from the WEO, the Commissioners are trained and/or educated on the subject matter. Individuals may visit the CT DEEP (Connecticut Department of Energy and Environmental Protection) website for information regarding the regulations and alternative options that may be taken to dispute a decision made by the Commission.

A brief background was provided and extensive discussion ensued regarding the issue(s). Commissioner Miller, who has had a similar experience with the individual, concurred with the Chairperson's statement, adding that the Commissioners engage in discussions regarding the matters at hand and each of the Commissioners has an equal vote and there are no unilateral decisions. Commissioner Natoli felt that the individual's comment was "completely out of line" and the matter should be presented to the Board of Selectmen. Based on past and continuing actions, he also felt that there is a lack of respect for the Commission, its role, and the regulations it upholds. He noted that, as opposed to other boards and commissions, the Inland Wetlands Commission must uphold the state's regulations. The resulting lack of consideration deems the Commission non-functional. He expressed his willingness to sign a letter addressed to the Board of Selectmen. Commissioner Messervy agreed. Commissioner Miller also agreed and suggested first inviting the individual to their next meeting to discuss the matter. Commissioner Phillips questioned the need to discuss a matter that has already been resolved, adding that each Commissioner should be able to vote, without recourse. Commissioner Mulholland agreed, stating that he did not feel that the Applicant was treated any differently than any other Applicant who has come before them.

8. Old Business**a. IWCC #23-07 – 3 Rattlesnake Ledge Road – Application of Debra Suchowirsky for an As-of-Right Determination (Sec. 4.2(a)).**

The Applicant was not present. A brief review of the Application was provided and discussion ensued. The Commissioners agreed that the proposed action would disturb the pond's existing aquatic life and discussed its eventual effect on the Eightmile River.

It was noted that the water flows through a swamp area which filters the water before it is deposited into the stream. The amount of material that will be removed should also be considered. Commissioners Khan-Bureau, Natoli, and Phillips proposed the possibility of viewing the property. Commissioner Messervy stated that, if the sediment is a result of the runoff from the road, an alternative option might be to install a diversion along the side of the road to help mitigate the amount of material deposited into the pond. It was clarified that the pond is a watercourse that is located within a flowing stream that is eventually deposited directly into the East Branch of the Eightmile River, i.e., it is not a pond, by definition. As such, the Commissioners agreed that the proposed action exceeds the requirements of an As-of-Right Determination and the Applicant should be requested to return to the Commission for a permit.

M/S/C: Messervy/Mulholland, to deny Application IWCC #23-07 – 3 Rattlesnake Ledge Road – Application of Debra Suchowirsky for an as-of-right determination (Sec. 4.2(a)). Discussion: None. Voice vote, 6-0, all in favor.

b. IWCC #23-08 – 29 East Haddam Road – Application of Jay Johnson for work in the Upland Review Area.

Robert Pfanner, Pfanner & Associates, P.C., representing the Applicant, provided a brief review of the proposed work, which includes the addition of a small bathroom with a shower and associated septic system to an existing building. He added that since their last meeting, the Uncas Health District has approved the well/septic system. One minor change that was made includes the installation of a 4' x 4' concrete pump chamber, rather than a 30" round device which has since been discontinued. Though larger, the chamber will have the same capacity. The building is located within the Upland Review Area and the location of the proposed activity in relation to Harris Brook was noted.

M/S/C: Phillips/Miller, to approve Application IWCC #23-08 – 29 East Haddam Road – Application of Jay Johnson for work in the Upland Review Area. Discussion: None. Voice vote, 6-0, all in favor.

c. 10 Music Vale Road

Discussion ensued regarding the remediation that was conducted at 10 Music Vale Road (Multi-Purpose Path/Harris Brook Trail). Commissioner Natoli stated that the area has been remediated, as instructed by the Commission, and the bridge has been removed. Though the issue remains and water continues to pool in the area, he felt that any additional work in the area could be detrimental. He also felt that the issue was not handled correctly. The Applicant should have presented a remediation plan to the Commission, rather than the reverse. Commissioner Phillips reminded him that the Applicant felt that the work was justified, per the Commission's previously issued As-of-Right Determination.

Commissioner Natoli disagreed, stating that an As-of-Right Determination does not

constitute approval to go beyond the given determination. The Town should work together with the Commission and present any activity within a wetlands area to the Commission. In addition, the work should be reviewed by the Wetlands Officer. In this case, the watercourse was diverted, and fill (gravel) was placed in the wetlands area. He added that millings that were to be originally placed were removed as a result of a complaint made by his wife. He recommended that, in the future, the Commission require detailed plans of the action being proposed, take heed of their future votes for As-of-Right Determinations, and clearly define and/or outline the action(s) that may be taken under an As-of-Right Determination. He also proposed requiring the GPS Coordinates of the proposed activity on the Application and/or Permit.

8. Wetlands Agent's Report:

WEO Allen stated that the Commission's December Regular Meeting will include the Election of Officers and Approval of the 2024 Meeting Dates.

9. Correspondence/Announcements/Critique

Chairperson Khan-Bureau reported that, over the last two Fridays, good specimens/samples were taken during this year's annual rapid water quality bio-assessments of eight (8) tributaries took place over the last two Fridays.

11. Adjournment

M/S/C: Phillips/Natoli, to adjourn the meeting at 7:58 p.m. Discussion: None. Voice vote, 6-0, all in favor.

Respectfully Submitted by:

Agnes T. Miyuki, Recording Secretary for the Town of Salem

A VIDEO RECORD OF THE MEETING CAN BE FOUND ON THE TOWN'S WEBSITE UNDER BOARDS & COMMISSIONS – INLAND WETLANDS & CONSERVATION COMMISSION – MEETING VIDEOS.