

**TOWN OF SALEM  
INLAND WETLANDS & CONSERVATION COMMISSION  
REGULAR MEETING MINUTES  
MONDAY, DECEMBER 4, 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 7:00 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, and Jim Mulholland. Absent were Commissioners Jim Miller and 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: Messervy/Natoli, to approve the Monday, December 4, 2023 Inland Wetlands & Conservation Commission Regular Meeting Agenda, with the following additions:**

**8(a) 10 Music Vale Road**

**10(a) Discussion from CACIWC**

**Discussion: None. Voice vote, 4-1. Voting in Favor: Commissioners Messervy, Mulholland, Natoli, and Khan-Bureau. Voting in Opposition: Commissioner Phillips.**

**4. Approval of Minutes**

**a. Regular Meeting Minutes of Monday, November 6, 2023**

**M/S/C: Miller/Messervy, to approve the Monday, November 6 2023 Inland Wetlands & Conservation Commission Regular Meeting Minutes.**

**Discussion: None. Voice vote, 5-0, all in favor.**

**5. Public Comment**

Gary Kolashuk, 3 Rattlesnake Ledge Road, questioned why the Application for an As-of-Right Determination for the dredging of the pond on his property was denied during the Commission's November meeting, stating that the Commission approved the same Application 17 (seventeen) years ago. He reminded the Commission that the Town took full responsibility at that time and has yet to correct the issue(s), placing the burden on him.

The Commission recommended he speak with the ZEO, complete and submit a Permit Application, and request a fee waiver. Commissioner Mulholland stated that he may also submit a request to the Commission to reconsider the Application with additional information.

**6. Public Hearing – none**

**7. New Business**

**a. Election of Officers**

**M/S/C: Khan-Bureau/Phillips, to nominate and re-elect Chairperson Khan-Bureau and Vice-Chairman Phillips and nominate and elect Commissioner Messervy as Secretary. Discussion: Current Secretary Natoli stated that his term expires in February 2024 and he does not plan to seek re-appointment. Commissioner Mulholland added that his term has also expired. Voice vote, 5-0, all in favor.**

**b. 2024 Meeting Schedule**

**M/S/C: Phillips/Messervy, to approve the 2024 Inland Wetlands & Conservation Commission Regular Meeting Schedule. Discussion: The January 2023 and September 2024 meetings will be held on the first Tuesday of the month due to the New Year and Labor Day holidays. Voice vote, 5-0, all in favor.**

**8. Old Business**

**a. 10 Music Vale Road**

Commissioner Natoli expressed his concerns regarding the work that was conducted, stating that, while the new crossing is adequate, the path now floods during/after heavy rains – a hazard should the water freeze. In addition, he did not feel that the work that was conducted, i.e., re-routing of the waterway and addition of fill, was part of and surpasses the existing As-of-Right Determination. As such, an Application, stating the details of the project, should have been submitted to the Commission for approval. The action not only sets a precedence, but is also disrespectful to the Commission. Chairperson Khan-Bureau understood his concerns and agreed that the As-of-Right Determination was not issued for the location in which the work was conducted. Discussion ensued regarding the possibility of issuing a Cease & Restore Order, establishing a protocol, and working as a team to resolve the issue(s). WEO Allen stated that, per the Town Attorney, the work was conducted under the existing As-of-Right Determination and the Town was open to any suggestions the Commission might have. Commissioner Natoli reiterated that, under an As-of-Right Determination, a watercourse cannot be changed nor can substantial fill be added – both of which were done. As a result, the water is no longer being cleaned, purified, and filtered through the wetlands before reaching a tributary to Harris Brook and, ultimately, to the Eightmile River. In addition, the work that was conducted has caused the water to overflow onto the trail,

which could freeze, causing a safety hazard to those who frequent the trail. Chairperson Khan-Bureau suggested the Commissioners individually walk the trail and determine the severity of the situation.

**8. Wetlands Agent's Report**

WEO Allen reported on the receipt of the following correspondence:

- a. Copy of a Letter of Resignation from Alternate Commissioner MarcAurele, who will be moving out of town.
- b. Copy of an e-mail received from Sue Coffee, dated December 4, 2023, regarding 343-R and 349 Old Colchester Road. WEO Allen recited the letter into the record.

*The Town Attorney has advised Town staff to forward all communications received from Ms. Coffee to him due to the frequency and content of the correspondence.*

**9. Correspondence/Announcements/Critique**

Commissioners Khan-Bureau and Natoli reported on their recent attendance at the CACIWC (Connecticut Association of Conservation and Inland Wetlands Commissions) Annual Conference. Commissioner Natoli, who attended the legal sessions, reported that utilizing drones to view property was not acceptable. It is, however, acceptable to view a property via the window of a neighboring property or utilizing the Fire Company's ladder truck. He also reported on the possibility of engaging the services of a third-party expert rather than accepting the Applicant's expert's findings for large or controversial developments. He also attended a Session regarding Conservation Commissions and their role and suggested the possibility of separating the Conservation Commission, which plays an advisory role, from the Inland Wetlands Conservation, which plays a more legislative role. The lack of volunteers and obtaining a quorum was raised. Commissioner Khan-Bureau also reported on a session she attended regarding conserving amphibian and reptile diversity and their relationship to land use.

A brief discussion ensued regarding the Commission's membership to CACIWC and/or the Conservation District.

**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.**