

**Salem Inland Wetlands and Conservation Commission**  
**March 9, 2009**

Present: Balavender, G., Alt.  
Belt, E.  
Chinatti, M. - WEO  
Khan-Bureau, D.  
Leuck, W.  
Phillips, R.  
Snyder, S.  
Wildrick, L.  
Ziegra, G.

Absent: Natoli, E., Alt.  
Vacancy, Alt.

Chairman G. Ziegra called the meeting to order at 7:05 pm.

**PUBLIC HEARINGS:**

- 1) **Proposed amendments to the Salem Inland Wetlands and Watercourses Regulations as follows:**
  - **The addition of new Sections 7.11 a) through d);**
  - **The addition of new Sections 10.8 and 10.9;**
  - **An amendment to Section 11.11; and**
  - **An amendment to Section 19.5 (the addition of Section 19.5f.)**

Legal Notices read.

The proposed amendments were submitted to the Commissioner of Environmental Protection as per the Regulations and the Commission received the DEP's letter of receipt and customary package of information.

G. Ziegra:

These amendments, proposed by the DEP, are up for public hearing so as to include them in the Salem Inland Wetlands and Watercourse Regulations (IWW Regulations) to bring our regulations into compliance with the DEP Model Regulations upon which the Salem regulations are based.

Commission review of the draft *TOWN OF SALEM INLAND WETLANDS AND CONSERVATION COMMISSION PROPOSED TEXT AMENDMENTS to the INLAND WETLANDS AND WATERCOURSES REGULATIONS, Public Hearing Date: March 9, 2009* (see attached to the filed copy of these minutes):

New Sections 7.11 a) through d):

No public comments;  
No Commission comments; and

No Wetlands Enforcement Officer's comments.

New Sections 10.8 and 10.9:

No public comments.

Commission comments:

Concerns as to inconsistencies in the use of .....*the holder of the restriction* ..... in 10.8 and ..... *the party holding the conservation or preservation restriction* ..... in 10.9.

After discussion, it was the Commission's consensus that they should be made consistent by changing 10.8 to read: ..... *the holder of the conservation or preservation restriction* ..... .

No Wetlands Enforcement Officer's comments.

Amendment to Section 11.11:

No public comments.

Commission/ZEO comments:

Adding the option of a waiver:

After Commission discussion, it was the consensus to add Section "11.11.1 The Commission may waive this requirement, provided the applicant submits a request in writing."

The WEO stated that this change was not so significant so as to require another public hearing.

Amendment to Section 19.5 (the addition of Section 19.5f.):

No public comments,

No Commission comments, and

No Wetlands Enforcement Officer's comments.

M/S/C (Phillips/Khan-Bureau) to close the public hearing on:

Proposed amendments to the Salem Inland Wetlands and Watercourses Regulations as follows:

- The addition of new Sections 7.11 a) through d);
- The addition of new Sections 10.8 and 10.9;
- An amendment to Section 11.11; and
- An amendment to Section 19.5 (the addition of Section 19.5f.)

Vote: approved unanimously.

The Commission's consensus was to postpone action on the public hearing items to *NEW BUSINESS* on tonight's agenda and took the action to table them under *ADDITIONS TO THE AGENDA*.

**ADDITIONS TO THE AGENDA:**

M/S/C (Leuck/Wildrick) to add the following to tonight's agenda:

Under *NEW BUSINESS*, "3) Action on public hearing items"

Vote: approved unanimously.

**APPROVAL OF MINUTES OF PREVIOUS MEETING(S):**

**1) February 9, 2009 - Regular Meeting**

M/S/C (Leuck/Wildrick) to approve the minutes of the February 9, 2009 Salem Inland Wetlands and Conservation Commission Regular Meeting as presented. Vote: approved unanimously.

**2) February 16, 2009 - Special Meeting Site Walk**

M/S/C (Leuck/Khan-Bureau) to approve the minutes of the February 16, 2009 Salem Inland Wetlands and Conservation Commission Special Meeting Site Walk amended as follows:

Page 1, in the first bullet, add "W. Leuck" to the list of names.

Vote: approved unanimously.

**OLD BUSINESS:**

- 1) **Salem Center, LLC (T. Zito) - Regulated Activity site plan application (#09-02-01) for a mixed use building with two (2) restaurant spaces, two (2) offices, four (4) retail spaces and five (5) apartments on the second floor and paving within 75 ft. of a wetlands/watercourse at 24 Hartford Road.**
- 2) **Framill Properties (F. Zito) - Regulated Activity site plan application (#09-02-02) for a medical office building with a proposal to fill one (1) isolated wetland consisting of 0.06 acre (2,788 sq. ft.) of wetlands and paving within 75 ft. of a wetlands/watercourse at 15-17 Centre Street.**

E. Bartlett, PE, and R. Russo, Certified Soils Scientist, both of CLA Engineers, appeared for the applicants.

E. Bartlett requested that since the two (2) applications were interrelated, they would like to discuss them together as they did at the previous IWCC meeting.

The Commission agreed.

E. Bartlett:

Discussed changes made to the plans since the last IWCC meeting:

- The DEP has approved the waterline to go southwesterly under the mixed use building and parking lot instead of northerly and then around the perimeter and then southwesterly;
- Parking spaces have been reduced by ten (10) in the upper parking area;

- Four (4) rain gardens were added to the upper area, and
- Three (3) rain gardens to the lower area.

R. Russo:

- There are quite a few invasive species in the construction area. These will be removed during construction and native species will be planted to replace them. Native seed mix will also be used. The areas will be monitored annually for any native species growth to be removed.
- The Natural Diversity Data Base Map shows one (1) state-threatened species and two (2) species of special concern in the area. The large "blobs" on the map show a vast area. The three (3) species may not even be in the area of these lots.
- Regarding the wetland consisting of 0.06 acre (2,788 sq. ft.) for which a request to fill has been made:  
It serves no primary function; it appears that it was created when grading was done on the site back in the 1980s.

Commission comments:

- D. Khan-Bureau - the sites have so much biodiversity; feels that there is too much impervious surface shown on the proposed plans; other methods, such as porous concrete, pavers, etc. should be investigated.
- S. Snyder - In the Harris Brook watershed (east of route 85), what percentage is impervious surface?  
(R. Russo - less than 10%.)  
What effect will the well have on Harris Brook?  
(E. Bartlett - feels there will be no effect, but will calculate gallons per day.)
- D. Khan - Bureau - discussed alternatives to impervious surface coverage.  
(E. Bartlett - talked to batch plant owners in regard to porous concrete; they would be unwilling to supply it for a project this size as they would have to close their entire plants down and reopen with all materials needed to produce the porous concrete. These two building sites would not cover their costs.  
She looked into pavers and felt that they were not practical for this site, but she will investigate them further.
- R. Phillips - feels that the 0.06 acre wetland is not an original wetland; bulldozer work was done on the site in the 1960s and that is how it was disturbed.

M/S/C (Leuck/Khan-Bureau) to table further discussion and possible action on applications #09-02-01 of Salem Center, LLC (T. Zito) and #09-02-02 of Framill Properties (F. Zito) to the April 13, 2009 Salem Inland Wetlands and Conservation Commission Regular Meeting. Vote: approved unanimously.

## NEW BUSINESS:

### 1) Salem Town Center (Mecca) - sign

D. Mecca, manager of the Salem Town Center and business owner in same appeared:  
Would like to place a sign advertising the businesses in the Salem Town Center on Route 82 (East Haddam Road) to encourage the business owners to not place signs along Route 85 in front of the shopping center.  
The sign will be out of the wetlands.

#### Commission comments:

- No application has yet been submitted.
- The plan does not show if there are wetlands on the site.

#### M. Chinatti, WEO:

An application requesting a Non-Jurisdictional Ruling, if wetlands are not involved, needs to be submitted to the IWCC.  
A map with wetlands delineation will be required.  
An application for a site plan modification will have to be submitted to the PZC for approval.

### 2) POC&D

#### G. Ziegra:

A while ago, the PZC formed a POC&D Committee that is charged with the required ten (10) year review of Salem's Plan of Conservation and Development (POC&D).

There are no IWCC representatives on the Committee.

S. Snyder had indicated that she would serve from the IWCC, but she has not been contacted.

He is concerned that the IWCC is not involved with any of the conservation concerns in the Plan, as the IWCC is the Inland Wetlands and CONSERVATION Commission.

Consensus was that the IWCC should be involved; S. Snyder will try to contact F. Abetti, POC&D Committee chairman.

### 3) Action on Public Hearing items

M/S/C (Leuck/Wildrick) to approve the proposed amendments to the Salem Inland Wetlands and Watercourses Regulations as follows:

- The addition of new Sections 7.11 a) through d);
- The addition of new Sections 10.8 and 10.9;
- An amendment to Section 11.11; and
- An amendment to Section 19.5 (the addition of Section 19.5f.)

as amended this evening. Effective Date: April 1, 2009.

Vote: approved unanimously

**CONTINUING BUSINESS:**

1) **Adhoc Conservation Committee report**

E. Belt stated: since he is back, the meetings will now continue.

2) **Adhoc Open Space Inventory Committee report**

S. Snyder: L. Wildrick, M. Chinatti, Town Planner/ZEO/WEO, and she will be meeting.

3) **Adhoc Educational Outreach Committee report**

D. Khan-Bureau: neither she nor G. Ziegler have received any feedback from the public regarding the articles placed in the Salem - Our Town newsletter. She has submitted an article for the April newsletter edition.

**CORRESPONDENCE:**

- 1) Two (2) seminar/workshop notices.

**CRITIQUE:** Commission review of the positive aspects and areas for improvement in regards to the conduct of tonight's meeting.

**ADJOURNMENT:**

M/S/C (Leuck/Belt) to adjourn the meeting at 9:20 pm. Vote: approved unanimously.

D. McTigue, Administrative Assistant/Recording Secretary

D. Khan-Bureau, Secretary