

**TOWN OF SALEM
INLAND WETLANDS & CONSERVATION COMMISSION
REGULAR MEETING MINUTES
MONDAY, AUGUST 12, 2019 – 7:00 P.M.
SALEM TOWN HALL – CONFERENCE ROOM 1**

1. Call to Order

Vice Chairperson Khan-Bureau called the meeting to order at 7:05 p.m.

2. Roll Call/Seating of Alternates

Present were Chairman Natoli (7:20 p.m.), Vice-Chairperson Diba Khan-Bureau, Secretary Roger Phillips, Kimberly Bradley, Jim Mulholland, Linda Wildrick, and Alternate Commissioner Frank Abetti. Absent were Commissioners Gale Balavender and Alternate Commissioner Louis Allen. Also present was Zoning & Wetlands Enforcement Officer (ZWEO) Matthew Allen.

M/S/C: Wildrick/Phillips, to seat Alternate Commissioner Abetti for Full Commissioner Balavender. Discussion: None. Voice vote, 6-0, all in favor.

3. Approval of Minutes: June 10, 2019 Meeting.

M/S/C: Bradley/Phillips, to approve the June 10, 2019 Regular Meeting Minutes with the following amendment:

Add: *Item 9. Other Business*

Move the following paragraph from item 8 to item 9:

At the request of Commissioner Khan-Bureau, the issue at Darling Road, which was discussed at last month's meeting, will be placed on next month's agenda for discussion.

Discussion: None. Voice vote, 4-0-2. Voting in Favor: Commissioners Bradley, Khan-Bureau, Phillips, Wildrick. Voting in Opposition: None. Voting in Abstention: Commissioners Abetti and Mulholland.

4. Public Comment: *none*

5. New Business: *none*

6. Public Hearing(s): *none*

7. Old Business:

A. Grisafe properties restoration

The Commission reviewed the new wetlands delineation map for the property located at 1 Fett Road. The map indicates the original delineation, new delineation, and existing treeline. The disturbed and undisturbed areas were briefly discussed. Applicant Bruce

Grisafe corrected that no more than four loads of fill were placed on the wetlands area, not 6-12, as stated at the last meeting. The Soil Scientist is continuing to research, investigate, and review the information to determine the possibility and feasibility of restoring the area to its original state and/or provide possible alternatives. The Commission requested that the Applicant submit an application and request the presence of the Soil Scientist to attend the Commission's September Regular Meeting to present and discuss the plans.

Chairman Natoli entered the meeting at 7:20 p.m.

8. Wetlands Enforcement Officer's Report

A. Wetlands Complaint Form

Chairman Natoli stated the need for a formal record of the complaint(s) that are received and upon which the ZWEO could act, maintain, and track. To this end, a Wetlands Complaint Form, drafted by ZWEO Allen, for residents to complete regarding any complaints they might have of a given property has been created for review. All complaints should be directed to the ZWEO and not a Commissioner(s). The form may be submitted by telephone.

Extensive discussion ensued regarding whether a complaint could be submitted anonymously. ZWEO Allen stated that the most important information is the address and nature of the potential violation so that the issue can be properly investigated. Should the complainant wish to be informed as to the progress of the violation, he/she may leave their name and contact information. Once the complainant reveals his/her name, the information becomes part of the Freedom of Information Act (FOIA) and may be revealed upon request.

Discussion ensued whether the use of such a form should be included in the Regulations or if it would be an internal administrative policy.

The form was incited by the issue at Darling Road in which a complaint(s) was made. Vice-Chairperson Khan-Bureau stated that she witnessed the violation and reported it to the First Selectman as the violation occurred outside of the ZWEO's working hours. Thereafter, another resident sent a complaint, via e-mail to the First Selectman. As a Commissioner, she did not wish to file a formal complaint and later recuse herself from the matter. It was added that a Commissioner should not confront or discuss the issue with the potential violator(s).

M/S/R: Phillips/Abetti, to approve the Wetlands Complaint Form with slight revisions, including a disclaimer regarding anonymity. Discussion: Chairman Natoli and Commissioner Phillips felt that the complainant should not remain anonymous. Commissioner Bradley stated the importance of protecting the town's resources and felt that a complainant

should be able to remain anonymous. Vice-Chairman Khan-Bureau felt that the Town Attorney should be consulted regarding the legality of the form. ZWEO Allen stated that any issue(s) should not be discussed with the other Commissioners, ZWEO, or the potential violator prior to the meeting should the item be included on the agenda for discussion. Chairman Natoli will consult with the Town Attorney regarding the legalities of receiving an anonymous complaint and requested that any specific questions regarding the form that the Commissioners might have be sent to him. He will also inquire with the Public Works Director regarding the five-year Open Permit and request the First Selectman to retroactively apply for a Wetlands Dumping Permit, which will, then, be presented to the Commission for review and discussion.

Phillips/Abetti, to rescind and table the motion.

M/S/C: Khan-Bureau/Wildrick, to issue a Notice of Violation to the Town of Salem regarding the dumping of fill on Darling Road, per Section 14.4(b) of the Inland Wetlands and Watercourses Commission Regulations.

Discussion: The exact address of the violation is unknown. Voice vote, 6-1.

Voting in Favor: Commissioners Abetti, Bradley, Khan-Bureau, Mulholland, Wildrick. Voting in Opposition: None. Voting in Abstention: Commissioner Phillips.

- B. ZWEO Allen reported that a Buffer Permit was recently issued to a lakeside resident who wished to hand cut two trees on his property, a permitted as-of-right.

9. Correspondence

In response to Commissioner Bradley, ZWEO Allen stated that he would do his best to provide the Commission with copies of the application materials prior to the meeting date for review.

In response to Vice-Chairperson Khan-Bureau, Other Business and Critique will be added to future agendas.

10. Adjournment

M/S/C: Phillips, to adjourn the meeting at 8:28 p.m. Discussion: None. Voice vote, 6-0, all in favor. Meeting Adjourned.

Respectfully Submitted by:

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