

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

1. Call to Order

Chairman Natoli called the meeting to order at 7:00 p.m.

2. Roll Call/Seating of Alternates

Present were Chairman Edward Natoli, Jr., Vice-Chairperson Diba Khan-Bureau (7:02 p.m.), Secretary Roger Phillips, Commissioners Jim Mulholland, Linda Wildrick, and Alternate Member Frank Abetti. Absent were Commissioners Gale Balavender and Kimberly Bradley and Alternate Commissioners Lou Allen, Jr. and Larry Moore. Also present was Zoning & Wetlands Enforcement Officer (ZWEO) Matthew Allen.

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

3. Approval of Agenda

M/S/C: Wildrick/Abetti, to approve the agenda, as presented. Discussion: None. Voice vote, 6-0, all in favor.

4. Approval of Minutes:

A. September 16, 2019

ZWEO Allen presented the Commissioners with an amended copy of the September 16, 2019 Meeting Minutes which indicate the abstentions that were made by Commissioner Bradley for two of the motions.

M/S/C: Abetti/Wildrick, to approve the Special Meeting Minutes of September 16, 2019, with the following amendments:

Item 2:

Present: Linda Wildrick, Roger ~~Philips~~ *Phillips*, Ed Natoli, Frank Abetti, Diba ~~Kahn-Bureau~~ *Khan-Bureau*, Kim Bradley

Absent: Gale Balavender, Jim ~~Muholland~~ *Mulholland*, Lou Allen, Larry Moore

Discussion: None. Voice vote, 5-0-1. Voting in Favor: Commissioners Abetti, Khan-Bureau, Natoli, Phillips, and Wildrick. Voting in Opposition: None. Voting in Abstention: Commissioner Mulholland.

B. October 15, 2019

M/S/C: Phillips/Mulholland, to approve the Regular Meeting Minutes of October 15, 2019. Discussion: None. Voice vote, 5-0-1. Voting in Favor: Commissioners Abetti, Mulholland, Natoli, Phillips, and Wildrick. Voting in Opposition: None. Voting in Abstention: Commissioner Khan-Bureau.

5. Public Comment – none

6. New Business

A. IWCC#19-11 – 1 Fett Rd. (22-023-000, 0.61 AC) – Applicants/Owners Bruce & Cecelia Grisafe, for a fence in a wetland

Applicant/Owner Cecelia Grisafe stated their wish to install a permanent split rail fence in the wetlands area to delineate/establish the property line. The posts would be directly inserted into the earth and no concrete will be utilized to stabilize them. The fencing will not be pressure-treated.

ZWEO Allen recommended that the Applicants/Owners to submit an engineering detail of the fence that includes the depth of the post holes, materials, dimensions, and other pertinent information.

The application will be further discussed and voted upon at the next regular meeting.

C. Violation at 76 Shingle Mill Road

ZWEO Allen reported that a number of complaints regarding possible activity taking place at the property were received. Complaints included the entrance and exit of trucks and equipment to/from the property. Upon inspection of the property from the public right-of-way, it appeared that a significant amount of site work was being conducted. A photograph of the site from his vantage point, a copy of the Notice of Violation, and a map of the Town's GIS indicating the wetlands was presented to the Commission. No permitted applications were submitted for the work being conducted within the wetlands area. In addition, the disturbed area is part of the federally-protected Eight Mile River Watershed (Riparian Corridor Overlay Zone). As such, in accordance to Section 14 of the Wetlands Regulations, a Notice of Violation and a Cease and Desist Order was sent, via certified mail, to the Property Owner(s). Per Section 14.4(a), the Property Owner(s) are provided with the opportunity to speak with and present their case to the Commission.

Rebecca Maurice, 76 Shingle Mill Road, stated that, following the death of a horse that was being stabled on their property from EEE (Eastern Equine Encephalitis) in August, they conducted extensive research on ways to naturally control the mosquito population. One of the options included the removal of brush and undergrowth and opening the area to sunlight. As such, approximately 20 trees, most of which were either dead or heavily intertwined by vines and restricting the sunlight, were cut down and approximately one acre of has been disturbed. Silt fencing was installed prior to any work being conducted. Because the horse is from Granby, its death from EEE was not publicized in the Town of Salem, but was publicized in the Town of Granby. She did her best to inform the public by posting a notice on the community forum and going door-to-door to inform the neighboring properties.

In response to Commissioner Phillips, she stated that brush was cut and some of the remaining tree stumps from the cut trees were excavated. ZWEO Allen added that the activity appears to have been conducted within the wetlands area, itself, and not the 75' upland

review area. He recommended that the Commission schedule a site visit and, subsequently, require a restoration plan created by a certified soil/wetlands scientist. Chairman Natoli noted that the violation is two-fold as it is not only a wetlands violation, but also a zoning violation with respect to Planning & Zoning's RCOZ (Riparian Corridor Overlay Zone) Regulation. In response to Commissioner Khan-Bureau, following the clearing, the animals did not graze in the area and are housed on the neighboring property, which she also owns. The trees were cut down by the property owner. ZWEO Allen noted that any and all trees, regardless of size or livelihood, especially within the riparian zone, are extremely important for stabilization and serve as an ecological basis for habitat. In addition, Commissioner Khan-Bureau stated that such activity also may cause erosion and sedimentation compromising, as ZWEO Allen stated, the stabilization of the area. The Commission requested that hay be laid down in the disturbed area so as to avoid any (further) sedimentation or erosion from occurring and stabilize the area.

The Commissioners and property owners agreed to set the date of Saturday, November 23, 2019 at 10:00 a.m. for a Special Meeting for a Site Walk of the property. The meeting will be a fact finding visit during which discussions regarding the work that was conducted will take place. Photographs may be taken for the record. The meeting will be open to the public, but no public discussion will take place.

7. Public Hearing(s): *None*

8. Old Business:

A. IWWC#19-10 – 40 Lake View Ave. (004-000, 0.42 AC) – Applicant & owner John Diamantini, for home renovation work in the 75 ft. Upland Review Area.

M/S/C: Khan-Bureau, to deny the application due to lack of the property owner's presence and the lack of information regarding the work to be conducted.

M/S/C: Khan-Bureau/Mulholland, to deny the application, without prejudice, due to lack of the property owner's presence and the lack of information regarding the work to be conducted. Discussion: None. Voice vote, 6-0, all in favor.

B. Grisafe properties restoration

Commissioner Mulholland recused himself from the item.

The Commissioners reviewed and approved a draft of a Notice of Violation letter ordering the restoration plan as submitted by Certified Soil Scientist Richard Snarski and accepted by the Commission. It was confirmed that no pesticides would be utilized in the eradication of the invasive species.

9. Wetlands Enforcement Officer's Report

A. Public Works standing permit

ZWEO Allen reported that neither he nor the Public Works Department have been able to locate the five-year standing permit allowing wetlands activity to be conducted by the Public

Works Department. Commissioners Natoli, Phillips, and Khan-Bureau recall approving such a permit in the past. ZWEO Allen presented a copy of the standing permit for the Town of Montville which may be used as a template. The Commissioners will review, revisit, and vote on the standing permit at the next regular meeting.

10. Correspondence

- A. A copy of the recent issue of *Connecticut Wildlife Magazine*

11. Plus Deltas

- A. Due to a recent opportunity, the Recording Secretary has requested the possibility of changing the meeting date of the Commission. The Commissioners agreed to change their meeting date from the second Monday of the month to the first Monday of the month. The Commission will vote on the meeting dates for 2020 at their next meeting.

- B. ZWEO Allen noted that Section 4.1(a) of the Wetlands Regulations, states that:

- 4.1 The following operations and uses shall be permitted in inland wetlands and watercourses as of right:

- a) Grazing, farming, nurseries, gardening and harvesting of crops, and farm ponds of three (3) acres or less essential to the farming operation and activities conducted by, or under the authority of, the Department of Energy and Environmental Protection for the purposes of wetland or watercourse restoration or enhancement or mosquito control....

As such, the activity of the property owners located at 76 Shingle Mill Road appears to be under the purview of the State had they have been aware of the process.

Chairman Natoli proposed the possibility of the Commissioners to review such matters in the near future, citing the growing cases of mosquito-borne illnesses in the U.S.

- C. Commissioner Khan-Bureau reported that she and her students conducted a Rapid Bio-Assessment/Water Quality Assessment along the Eight Mile River for the towns of Lyme, Salem, and East Haddam in October. With the exception of one area, the results were very good. The one questionable area is the dam located along the trails at the Salem Community Park; dams are known to cause issues with water quality. She and Eight Mile River Wild & Scenic Watershed Program Director Patricia Young will revisit the area in the near future.

12. Adjournment

**M/S/C: Phillips/Khan-Bureau, to adjourn the meeting at 7:55 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