

**TOWN OF SALEM
INLAND WETLANDS & CONSERVATION COMMISSION
REGULAR MEETING MINUTES
MONDAY, MAY 3, 2021 – 7:00 P.M.
SALEM TOWN HALL – VIRTUAL MEETING VIA ZOOM**

Per State of Connecticut, Governor Lamont Executive Order Number 7B, the Town of Salem Inland Wetlands & Conservation Commission Meeting will be following the suspension of in-person open meeting requirements.

Please click the link below to join the webinar:

<https://zoom.us/j/99335604285?pwd=TEdDa0l3Yk03Y2l3VUNlZzFPbktiUT09>

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Please note: **Public Comment** must be submitted prior to the meeting via email to planner.zeoweo@salemct.gov

1. Call to Order

Chairperson Bradley called the meeting to order at 7:03 p.m.

2. Roll Call/Seating of Alternates

Present were Chairperson Kimberly Bradley, Vice-Chairperson Diba Khan-Bureau, Commissioners Jim Mulholland and Edward Natoli, Jr. Absent were Secretary Roger Phillips, and Alternate Commissioners Lou Allen, Jr., Hank Horn, and Larry Moore. Also present was Zoning & Wetlands Enforcement Officer (ZWEO) Matthew Allen.

3. Approval of Agenda

M/S/C: Mulholland/Khan-Bureau, to approve the Agenda, with the following additions; the succeeding numbers will be adjusted accordingly:

Item 4 Introduction of Jennifer Messervy

**Item 11(a) Connecticut River Coastal Conservation Course –
Commissioner Natoli**

Discussion: None. Voice vote, 4-0, all in favor.

4. Approval of Minutes:

a. April 5, 2021 Regular Meeting Minutes

M/S/C: Mulholland/Khan-Bureau, to approve the Regular Meeting Minutes of April 5, 2021. Discussion: None. Voice vote, 4-0, all in favor.

5. Introduction of Jennifer Messervy

A recommendation, along with her qualifications, to appoint Ms. Messervy to the Commission was sent to the First Selectman and the Board of Selectmen will vote to approve her appointment at their Special Meeting this Thursday, May 6. She was thanked for her willingness to serve on the Commission and for attending this evening's meeting.

Ms. Messervy expressed her excitement to work with and learn from the Commission.

5. Public Comment – none

6. New Business

a. IWCC 21-02—89 Norwich Rd.—Town of Salem, owner; Salem Recreation Commission, applicant—for an as-of-right determination (outdoor recreation use).

ZWEO Allen provided a brief overview of the application, stating that there are two types of uses under the as-of-right determination: a permitted use, which includes agricultural uses, e.g., timber harvests, and non-regulated use. The application being presented this evening is for an as-of-right determination for a non-regulated use, which differs from a permitted use in that the Commission may place conditions to the application. Per Section 4.2 of the Inland Wetlands and Watercourses Regulations,

The following operations and uses shall be permitted as nonregulated uses in wetlands and watercourses, provided they do not disturb the natural and indigenous character of the wetland or watercourse by removal or deposition of material, alteration or obstruction of water flow or pollution of the wetland or watercourse:

- a) Conservation of soil, vegetation, water, fish, shellfish, and wildlife.
- b) Outdoor recreation including play and sporting areas, golf courses, field trials, nature study, hiking, horseback riding, swimming, skin diving, camping, boating, water skiing, trapping, hunting, fishing, and shell fishing where otherwise legally permitted and regulated.

The application is to develop a disc golf course on town property for recreational use under the Regulation. He reminded the Commission that their task is to ensure that the proposed use does not disturb the natural and indigenous character of the wetland and watercourses on the site. He also noted that the brook which runs through the property and the course is part of the Eightmile River Watershed with a 100' buffer area.

Commissioner Khan-Bureau recalled a meeting during which information regarding the disc golf course was presented to the Commission. She requested, and Disc Golf Consultant Shawn Callaghan agreed, that concrete or any other permanent material would not be utilized.

Recreation Commission Chairman Alan Maziarz thanked the Commission for allowing them to present their application for an as-of-right determination for a disc golf course

at Salem Community Park. The purpose of the course is to provide a new recreational opportunity to the residents and others, to enjoy the property, and, possibly, support the town's local businesses and offerings. The Commission has been working with Soil Scientist & Disc Golf Consultant Shawn Callaghan and Rob Lemire, who will be constructing the platforms. The goal of the course is to utilize the existing natural habitat to challenge the disc golfers and has been designed in a manner in which it would not disturb the wetlands and/or watercourses on the property. A site plan and aerial topographical map were provided to the Commission. He confirmed that no permanent materials would be used and the elements will be designed such that they may be packaged and (re)moved in the future.

Disc Golf Consultant Callaghan confirmed that the course will not have any impact on the existing wetlands and watercourses. As a Soil Scientist by profession, his main goal is to construct an ecologically sound course that both enhances and protects the property. There will be no fill, excavation, dredging, or the like and all of the regulated resources have been avoided.

Commissioner Questions

Crossings (Commissioner Khan-Bureau) – Four of the six crossings are steps over the waterway or a step onto a rock and over the waterway. A bog or wood bridge would be placed at the two remaining crossings, which spans approximately seven to eight feet. The bridge would measure approximately three feet in width.

Commissioners Bradley and Khan-Bureau expressed their concerns regarding the number of crossings over a river that is part of the Federally recognized Eightmile River and Watershed. It was noted that neither of the two existing crossings is being utilized due to their location. Chairperson Bradley expressed her support for bog bridges that would direct the flow of traffic towards the bridges and proposed the possibility of reducing the number of crossings to, possibly, three. She also requested that the applicant(s) provide plans and details regarding the proposed bridge(s).

Army Corps of Engineers (Commissioner Khan-Bureau) – ZWEO Allen stated, following the Commission's approval of the application, the Army Corps of Engineers will be notified of the project for possible review.

Discussion ensued regarding the necessity of informing the Army Corps of Engineers on the project due to its simplicity.

Pathways Connecting the Holes (Chairperson Bradley) – The design of the course is based on the topography of the property and integrates the primary features of the area. Any existing erosion, soil compaction, erosion sedimentation, and the like have been taken into consideration in laying out the course. Holes will be located on the field and in the wooded areas where tee boxes will be constructed for individuals to tee off. The

flow of traffic would be directed along the footpaths and fairways to each of the subsequent tee boxes.

Planning & Zoning Commission (Commissioner Khan-Bureau) – ZWEO Allen stated that, because the proposed project is located along the Eightmile River Watershed Overlay Zone, the application would be forwarded to the Town Planner to be presented and reviewed by the Planning & Zoning Commission for approval.

Chairperson Bradley expressed her support of the project and felt that, because there are very few recreational offerings in town, it could become very popular and, as such, would like to institute the best possible protection for the existing natural resources and limit any potential impacts. Disc Golf Consultant Callaghan concurred.

Commissioner Khan-Bureau also expressed her support for the project, adding her concern for the number of crossings. She also reported that she has been conducting rapid bio-assessments on the waterway for several years and the area exhibits the most degradation for unknown reasons.

Commissioner Mulholland agreed that additional information regarding the crossings is necessary to confidently vote on the project and ensure that Section 4.2 of the Regulations is being adhered to.

Commissioner Bradley encouraged the Commissioners to visit the site while the applicants investigate the possibility of reducing the number of crossings and work on the plans for the crossings. She also requested photographs of the areas along the brook where the bridges are being proposed. Information regarding crossings can be found at the U.S. Forest Service and/or American Trails websites.

7. Public Hearing(s) – none

8. Old Business – none

9. Wetlands Enforcement Officer's Report

ZWEO Allen reported that two buffer permits were recently issued – a septic repair in the Upland Review Area on Rattlesnake Ledge Road and the construction of a swimming pool bordering the Upland Review Area. Both were approved with the condition that protective measures, including the installation of a silt fence, would be placed during construction/installation. Specific information regarding the applications is available upon request.

10. Correspondence – none

11. Plus Deltas/Announcements

a. Connecticut River Coastal Conservation Course – Commissioner Natoli

Commissioner Natoli reported that he attended a very informative course offered by the Connecticut River Coastal Conservation Division. The course reviewed the various

types of applications the Commission reviews, site plan reviews and walks, trespassing, and farm exemptions. He learned the importance of having the representative review the site with the Commissioners during site walks to ensure that the correct area is being reviewed. Commissioner Natoli recommended they ensure that it is stated in their Regulations that it is under the discretion of the Commission to determine whether a permit application requires a public hearing and/or a site walk, per the State's Regulations. He also stated that it is the Commission's responsibility to keep the bar high. A brief discussion ensued regarding the roles of the Inland Wetlands and Conservation Commissions. The organization is also a valuable resource and offers technical assistance, including the review of site plans. He will forward the paperwork he received to Chairperson Bradley for possible distribution to the Commissioners.

b. Inland Wetlands Courses

Commissioner Khan-Bureau recommended that future Commissioner Messervy watch the wetlands video available on the CT DEEP (Connecticut Department of Energy and Environmental Protections) website. Chairperson Bradley also reported that UConn CLEAR (University of Connecticut Center for Land Use Education and Research) will soon be offering courses.

c. Rapid Bio-Assessments

Commissioner Khan-Bureau reported that she is in the midst of conducting the rapid bio-assessments. An area off of Shingle Mill Road and Cedar Pond in Lyme have been added to the list of areas to be assessed.

Plus Deltas

Chairperson Bradley expressed her appreciation to the Commissioners for their contributions during the meeting and expressing the necessity of having adequate details to make informed decision(s). She also thanked ZWEO Allen for all of his efforts. Commissioners Bradley and Khan-Bureau welcomed ZWEO Allen back.

12. Adjournment

**M/S/C: Khan-Bureau/Natoli, to adjourn the meeting at 8:15 p.m. Discussion: None.
Voice vote, 4-0, all in favor.**

Respectfully Submitted by:

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