

**TOWN OF SALEM  
INLAND WETLANDS & CONSERVATION COMMISSION  
REGULAR MEETING MINUTES  
MONDAY, AUGUST 2, 2021 – 7:00 P.M.  
SALEM TOWN HALL – CONFERENCE ROOM 1**

**1. Call to Order**

Vice Chairperson Khan-Bureau called the meeting to order at 7:03 p.m.

**2. Roll Call/Seating of Alternates**

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

**3. Approval of Agenda**

The following items were added to the Agenda under Item 6, New Business:

- a. Training Session
- b. Plan of Conservation & Development (POCD)
- c. Protocol for Meeting Cancellations

**4. Approval of Minutes:**

**a. June 7, 2021 Regular Meeting Minutes**

**M/S/C: Natoli/Messervy, to approve the Regular Meeting Minutes of June 7, 2021.**

**Discussion: None. Voice vote, 3-0-1. Voting in Favor: Commissioners Messervy, Natoli, and Khan-Bureau. Voting in Opposition: None. Voting in Abstention: Commissioner Mulholland.**

**5. Public Comment**

ZWEO Allen recited the following e-mail into the record:

Lou Allen, 68 Lake View Avenue, who resides adjacent to the property, wrote in support of the Johnsons' goal to reconstruct the home, but expressed his concerns regarding the current flooding of the property following rainstorms and the potential of flooding on his property following the grading of the property and subsequent reconstruction.

**6. New Business**

**a. Training Session**

Vice Chairperson Khan-Bureau reported that Darcy Winther, Connecticut Department of Energy and Environmental Protection, Inland Water Resources Division, Bureau of

Water Protection and Land Reuse, has offered to provide a training session with Land Use Attorney Michael Zizka to the Commission. Discussion ensued regarding the purpose of the training, other training options, the possibility of inviting the members of the Planning & Zoning Commission, and the funding for the attorney's fees. Ms. Winther would discuss maps for delineation, Gardner Lake, site walks, and other topics, as requested. Ms. Winther would offer the training gratis. Additional details and information will be provided at the next meeting for further discussion.

**b. Plan of Conservation & Development (POCD)**

Vice Chairperson Khan-Bureau distributed Chapters 3 – Natural Resources, and 4 – Agriculture and Forestry, of the POCD and requested the Commissioners review and provide input for any possible updates to the sections.

The possible inclusion of the following items was discussed:

- expanding the Upland Review Area from 75' to 100'
- providing education regarding the agricultural or suburban BMPs (Best Use and Management Practices) (as the Conservation Commission)
- development of new products to help control erosion and nutrient runoff
- growth of invasive pests
- effects of climate change, with respect to changes in hydrology, species, pests, etc.
- overall changes in precipitation

Commissioners Khan-Bureau and Natoli will consult with local farmers and foresters for their input. Per State Statute, the POCD is required to be updated every ten years by the Planning & Zoning Commission. The document will be reviewed and finalized by the Planning & Zoning Commission, under the guidance of the Town Planner.

**c. Protocol for Meeting Cancellations**

Meeting agendas must be posted at least 24 hours prior to the scheduled meeting. Cancellations must be posted prior to the scheduled meeting. Should a meeting be cancelled due to a lack of a quorum, the meeting minutes would indicate as such.

It was requested that the Commissioners RSVP to the ZWEO when the agenda is received to ensure that a quorum will be met.

**7. Public Hearing(s) – none**

**8. Old Business**

**a. IWCC 21-03 – 64 Lake View Ave. – Ross & Darcy Johnson, Owner/Applicant – for a permit to work within the 75' Upland Review Area.**

ZWEO Allen stated that the Owners/Applications are seeking a buffer permit, which does not encroach upon the wetlands, to demolish and rebuild an existing seasonal

cottage on Gardner Lake. The application is being presented to the Commission, per their request to review and approve any applications located in the vicinity of the Lake.

The property is a non-conforming lot and the proposed cottage will be adjusted to correct its existing non-conformity by placing the cottage within the zoning setbacks. Part of the northerly portion of the cottage is located within 75' of the Lake. No work, e.g., dock, boat ramp, etc., will be conducted near or in the Lake. The property is gently sloped. ZWEO Allen felt that the installation of a silt fence, measuring approximately 200 to 300 feet in a semicircle, prior to construction would be sufficient and the placement of hay bales would not be necessary.

With respect to Mr. Allen's concerns, ZWEO Allen felt that stormwater runoff and flooding onto the property or adjacent properties is not wetlands-related and, technically, not under the Commission's purview. Existing building codes would be applied to help prevent such issues from arising.

The following permits and approvals are required prior to construction: Buffer Permit by the Commission, Zoning Permit, Building Permit, and approval from the Uncas Health District.

**M/S/C: Natoli/Messervy, to approve Application IWCC 21-03 – 64 Lake View Ave. – Ross & Darcy Johnson, Owner/Applicant – for a permit to work within the 75' Upland Review Area with the following conditions:**

- 1. Prior to the commencement of any work, silt fencing shall be installed in such a way as to prevent erosion in Gardner Lake or on any of the adjacent properties.**
- 2. Said silt fencing shall not be removed until the site is found to be stabilized per an inspection by the Wetlands Official.**
- 3. Any failures of the silt fencing shall be immediately addressed and the Wetlands Official shall be immediately informed.**

**Discussion: ZWEO Allen will inspect the installation of the silt fence prior to the commencement of work and conduct periodic inspections during construction and following any significant rainfalls. Commissioner Mulholland stated that he would be abstaining from the motion due to his absence during the last meeting. Voice vote, 3-0-1. Voting in Favor: Commissioners Messervy, Natoli, and Khan-Bureau. Voting in Opposition: None. Voting in Abstention: Commissioner Mulholland.**

## **9. Wetlands Enforcement Officer's Report**

ZWEO Allen provided the following updates:

Fett Road Violation – Soil Scientist Richard Snarski has been reminded to submit a written report regarding the status of the restoration of the property to the Commission every November, per the Restoration Order.

Shingle Mill and Witch Meadow Road Violations – ZWEO Allen will contact Consultant George Logan regarding the two violations for any possible updates. It is presumed that the Army Corps of Engineers continue to be involved with the violation on Shingle Mill Road.

**10. Correspondence – *none***

**11. Plus Deltas/Announcements**

Commissioner Natoli commended Vice Chairperson Khan-Bureau on a good meeting.

**12. Adjournment**

**M/S/C: Natoli/Messervy, to adjourn the meeting at 8:40 p.m. Discussion: None. Voice vote, 4-0, all in favor.**

Respectfully Submitted by:

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