

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

1. Call to Order

Chairperson Bradley called the meeting to order at 7:09 p.m.

2. Roll Call/Seating of Alternates

Present were Chairperson Kimberley Bradley, Vice-Chairperson Diba Khan-Bureau, Commissioners Jennifer Messervy and Edward Natoli, Jr. Absent were Secretary Roger Phillips and Jim Mulholland, 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: Natoli/Khan-Bureau, to approve the Regular Meeting Agenda for Tuesday, September 7, 2021. Voice vote, 4-0, all in favor.

4. Approval of Minutes:

a. August 2, 2021 Regular Meeting Minutes

M/S/C: Messervy/Natoli, to approve the Regular Meeting Minutes of August 2, 2021.

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

5. Public Comment – *none*

6. New Business

a. IWCC 21-04 – 608 West Rd. – Meredith Walker, Owner/Applicant – for a permit to work in a wetland area

ZWEO Allen stated that the property is located in the RUA (Residential Rural A) Zone and is the final remaining lot of a previously approved subdivision. The purpose of the application is to prepare the land for the construction of a new single-family residence on the southwest corner of the property. The original survey for the subdivision indicates the presence of wetlands traveling north-south of the property. The property is not located within the Eightmile River Wild & Scenic Watershed Overlay Zone.

Owners/Applicants Adam Sproul and Meredith Walker, 401 Forsyth Road, presented their application to clear trees, underbrush, and dead brush on part of the property; create a small tote road to transport the trees, and; install culverts for the purpose of constructing a two- to three-bedroom home with a garage and full basement. He also plans to remove some of the

rock to create a nicer grade and move the septic area. Necessary erosion controls will be placed to protect the wetlands while it is being cleared. Part of the work will be conducted during the winter months when the ground is frozen, avoiding the need for the placement of any protective measures on the ground. He has reached an agreement with *WoodFellas* to deliver the harvested timber.

In response to Commissioner Khan-Bureau, he estimated that approximately 30 trees, measuring approximately 1' diameter or more, would be cleared.

ZWEO Allen clarified the delineation between clearing the land for logging for agricultural use and clearing the land for residential use, both of which are allowable in the RUA Zone. Because the property is approximately four (4) acres, it would not be considered logging under State Statute. A permit would be required to conduct any work, including clearing the area, within 75' of the upland review area. The application could be approached in one of the following manners:

- The Commissioners approve the work being proposed within the wetlands area
- The Commissioners receive the application this evening and discuss and decide upon the possibility of scheduling a site walk or a Public Hearing during their next Regular Meeting
- Divide the application as follows:
 - the ZWEO may issue a Buffer Permit for the work being proposed within the 75' Upland Review Area, allowing the Owner/ Applicants to clear and prepare the area for the construction of a single-family residence
 - return to the Commission for an as-of-right determination to clear the area outside of the boundaries for agricultural/forestry use at a later date

In response to Commissioner Natoli, ZWEO Allen stated that there is no minimum lot size requirement for forestry unless heavy machinery is being utilized. Discussion ensued regarding the proposed crossings and culverts; the Owners/Applicants were agreeable to eliminating that portion of the application. Alternative possibilities were discussed, including temporary solutions, e.g. placing matting while the area is being cleared, hiring a soil scientist and/or engineer to design a small bridge for accessibility.

The Commission recommended re-flagging the property and re-delineating the wetlands area as the hydrology could have changed since the property was flagged in 2006. Chairperson Bradley proposed the possibility of considering obtaining a Buffer Permit and consulting with *WoodFellas* to either gain their advice or hire them to obtain an as-of-right determination for forestry.

The Owners/Applicants withdrew their application and will plan to obtain a Buffer Permit to begin clearing the area for the construction of a new single-family residence. They

understood that any work to be conducted outside of the boundaries will require additional information and the Commission's approval.

7. Public Hearing(s) – none

8. Old Business

a. Wetlands Training

The Commissioners discussed Vice-Chairperson Khan-Bureau's proposal to take advantage of an offer made by Darcy Winther, Connecticut Department of Energy and Environmental Protection (CT DEEP), Inland Water Resources Division, Bureau of Water Protection and Land Reuse, to provide a training session with Land Use Attorney Michael Zizka. Chairperson Bradley provided Atty. Zizka's experience and his involvement with the Eightmile River Wild & Scenic Watershed Committee. The fee for Atty. Zizka is \$500.00 for a two- to three-hour training session. In addition, because CT DEEP is currently not allowing in-person training, the session might be held as a hybrid meeting. The training would include the Commissioners' rules and responsibilities, regulations, use of the GIS (Geographic Information System), interpretation of wetlands mapping, delineation of wetlands, site walks, and the like. Because no training sessions have been held for the Commission for at least two years, Commissioners Bradley and Khan-Bureau felt that the training would be beneficial for not only this, but other Commissions as well. Commissioner Natoli expressed his concerns regarding the allocation of \$500.00 for a training session that lacked a syllabus and might be held via Zoom. He suggested they, at the very least, wait until an in-person meeting could be held. To help with the expense, Chairperson Bradley stated that the Commission could apply for a grant through the Eightmile River Wild & Scenic Outreach and Education: Community Small Grant Program.

b. Eightmile Small Grant Application

The Commissioners reviewed and discussed a draft of the completed application for the full (\$500.00) or partial funding (\$300.00) of the attorney's fee. Should the Commission agree to apply for partial funding, the remaining amount will derive from their budget.

M/S/C: Khan-Bureau/Messervy, to approve and submit the application for the Eightmile River Wild & Scenic Outreach and Education: Community Small Grant Program in the amount of \$300.00 for a training session with Darcy Winther, Connecticut Department of Energy and Environmental Protection (CT DEEP), Inland Water Resources Division, Bureau of Water Protection and Land Reuse, and Land Use Attorney Michael Zizka. The remaining amount of \$200.00 will be expended out of the Inland Wetlands and Conservation Commission line item 5-610-324, Conferences. Discussion: None. Voice vote, 3-1. Voting in Favor: Commissioners Bradley, Khan-Bureau, and Messervy. Voting in Opposition: Commissioner Natoli.

c. Plan of Conservation and Development (POCD)

Vice Chairperson Khan-Bureau provided a brief recap of the Planning & Zoning Commission's request to the Commission to review and provide updates for Chapter 3, Natural Resources, and Chapter 4, Agriculture & Forestry of the 2012 POCD. The deadline for the updates is November 2021.

Chairperson Bradley requested that the two chapters be uploaded and shared on Google Docs, allowing the members to provide their edits and comments for discussion at their next regular meeting.

Vice Chairperson Khan-Bureau added that she has also requested the input of the Salem Land Trust and has received information from Dr. David Bingham which will be forwarded to the Commissioners.

9. Wetlands Enforcement Officer's Report

ZWEO Allen reported that he is waiting to hear back from Wetlands and Soil Scientist George Logan, REMA Ecological Services, LLC, regarding any updates he might have for the Shingle Mill Road and Witch Meadow Road violations. He also reported that Soil Scientist Richard Snarski plans to review the Gardner Lake property and will be submitting a Restoration Report, as required by the Commission.

In response to Chairperson Bradley, ZWEO Allen stated that he was aware that the Route 82 Bridge Replacement Project was delayed by approximately one month. He did not know the project's completion date.

10. Correspondence – none

11. Plus Deltas/Announcements

Vice Chairperson Khan-Bureau reported that a bridge located along the trail near Round Hill Road was washed out during the recent storm. She questioned who installed the bridge, and the need for a permit. Commissioner Natoli stated that the bridge has been in place for approximately four months and it is unknown as to who constructed/installed the bridge. Discussion ensued regarding the location, removal, permitting, and re-installation of the bridge. ZWEO Allen stated that he will bring the bridge to the First Selectman's attention and the need to obtain a permit to reinstate it.

12. Adjournment

**M/S/C: Messervy/Khan-Bureau, to adjourn the meeting at 8:44 p.m. Discussion: None.
Voice vote, 4-0, all in favor.**