

**TOWN OF SALEM  
INLAND WETLANDS & CONSERVATION COMMISSION  
REGULAR MEETING MINUTES  
MONDAY, JANUARY 2, 2024 – 7:00 P.M.  
SALEM TOWN HALL – CONFERENCE ROOM 1**

**The minutes submitted below have been filed in accordance with  
Section 1-225 of the CT General Statutes. They are subject to final approval with or  
without amendments by a vote of the Inland Wetlands & Conservation Commission.  
Approval and any such amendments will be detailed in subsequent minutes.**

**1. Call to Order**

Chairperson Khan-Bureau called the meeting to order at 7:00 p.m.

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

Present were Chairperson Diba Khan-Bureau, Vice Chairperson Roger Phillips, Secretary Edward Natoli, Jr., and Commissioner Jim Mulholland. Absent were Commissioners Jennifer Messervy, Jim Miller and Dean Wojcik and Alternate Commissioner Larry Moore. Absent was Wetlands Enforcement Officer (WEO) Matthew Allen.

**3. Approval of Agenda**

**M/S/C: Mulholland/Natoli, to approve the Tuesday, January 2, 2024 Inland Wetlands & Conservation Commission Regular Meeting Agenda. Discussion: None.  
Voice vote, 4-0, all in favor.**

**4. Approval of Minutes**

**a. Regular Meeting Minutes of Monday, December 4, 2023**

**M/S/C: Mulholland/Natoli, to approve the Monday, December 4, 2023, Inland Wetlands & Conservation Commission Regular Meeting Minutes.  
Discussion: None. Voice vote, 4-0, all in favor.**

**5. Public Comment**

Sue Coffee, owner of 365 Old Colchester Road, 10 Saunders Hollow Lane, presented a written copy of her comment to the Commissioners. She stated that she was appalled by the comments made by WEO Allen, which she quoted, following his reading of her correspondence for the record during the Commission's December 4, 2023, Regular Meeting. She is a large taxpayer whose property has been and continues to be negatively affected by the erosion and runoff created by the unpermitted motocross track and excavation at 343 and 343-R Old Colchester Road. The Erosion & Sedimentation (E&S) Control Reports and supporting documentation provided by a third-party Registered Soil Scientist who is required to inspect the property following each rain event measuring 1" or

more per 24-hour period reflect the ongoing failures of the E&S Control Measures. She questioned whether the Commissioners are receiving copies of the reports and the exclusion of the item on their Agendas regarding any possible enforcement actions. Seven (7) reports, each of which documents the issues, have been submitted, since September 11, 2023.

*Chairperson Khan-Bureau stated that she received a copy of the reports this afternoon from the Town Planner. In response to Commissioner Natoli, she added that an e-mail containing the Reports was also sent to the Planning & Zoning Commission Chairman and WEO; she believed that the WEO has been receiving the Reports.*

John Hummel, Orchard Drive, Uncasville, commented on the possibility that such excessive rainstorms may be the “new normal” and reported that he has visited Ms. Coffee’s property either during or immediately following the heavy rainstorms. The damage is much more severe than what is reflected in the Reports, which document the damage within 48 hours following each event. The effects, he felt, should be viewed in person either during or immediately after each occurrence. He also noted that the EPA’s (Environmental Protection Agency) website states that silt fences are temporary, last-resort solutions that require ongoing maintenance.

*Discussion ensued regarding the issue. Commissioner Natoli questioned whether the issue warrants a Public Hearing. Chairperson Khan-Bureau proposed adding the item to this evening’s Agenda under Old Business. Commissioner Mulholland proposed including the item on their February Agenda after the Commissioners have had the opportunity to review the Reports. Commissioner Phillips concurred and expressed his discomfort with discussing the item without having reviewed the Reports and questioned whether it would be proper to add an item to the Agenda based on a Public Comment. Commissioner Natoli concurred that it would be difficult to discuss the matter without having reviewed the Reports and suggested the possibility of hiring an independent Soil Scientist to review the property and added that an official complaint should be submitted to allow them to move forward and, possibly, conduct a site visit. He also raised the issue of a taxpayer’s inability to speak with a designated staff member and suggested, based on the Wetlands Official’s comments during the previous meeting, that Ms. Coffee file an official complaint with either the First Selectmen or Board of Selectmen.*

**M/S/C: Natoli/Mulholland, to add the following item to the Agenda, under Old Business:**

**8(a) 343-R Old Colchester Road Erosion & Sedimentation Controls**

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

**6. Public Hearing – none**

**7. New Business**

**a. IWCC #24-01 – 3 Rattlesnake Ledge Road – Application of Debra Suchowirsky for a permit for a regulated activity related to dredging of an existing pond.**

Chairperson Khan-Bureau corrected that the Applicant is seeking a permit for a regulated activity related to the dredging of a river, which contains a brook through which the water flows into and out of the area, rather than a pond, which is more isolated.

Gary Kolashuk, 3 Rattlesnake Ledge Road, stated that, due to the passage of time, the company he was planning to hire to dredge the area may no longer be available to conduct the work. As a result, he is proposing dredging the pond in a similar manner as was done 17 (seventeen) years ago. Discussion ensued regarding the changes that have occurred over the past 17 years, including the designation of the Eightmile River as a Federally-recognized Wild & Scenic Watershed, and, as such, the need for the application to be approved by the Planning & Zoning Commission, per the Regulations. The Commissioners recommended he speak with the Wetlands Officer for assistance in submitting an application to the Army Corps of Engineers and CT DEEP (Connecticut Department of Energy and Environmental Protection).

**M/S/C: Natoli/Mulholland, to deny Application IWCC #24-01 – 3 Rattlesnake Ledge Road – Application of Debra Suchowirsky for a permit for a regulated activity related to dredging of an existing pond, due to the submission of an incomplete permit application packet, without prejudice. Discussion: None. Voice vote, 4-0, all in favor.**

**8. Old Business**

**a. 343-R Old Colchester Road Erosion & Sedimentation (E&S) Controls**

Chairperson Khan-Bureau apologized to Ms. Coffee on behalf of the Town of Salem for the comments that were made during the previous meeting. Commissioner Mulholland also felt that the comments were very unprofessional. She reported on the receipt of the E&S Control Reports from CLA Engineers, Inc., Soil Scientist/Environmental Scientist Bob Russo, C.S.S. The Reports were required as part of the conditions of the approval of the subdivision application for the property located at 343 Old Colchester Road, which states that: “Reports shall be submitted to the Planning and Zoning Commission after a rain event of 1” per a 24-hour period or more, as measured by a local rain gauge, and inspected within 48-hours or sooner.” To date, seven (7) Reports have been submitted, each stating the failure of the E&S Controls. As a result, the property is washing out their property as well as the backroad and wetlands

of the property located on 365 Old Colchester Road and Harris Brook. The Commissioners questioned who was receiving the Reports.

Ms. Coffee stated that she filed a formal complaint during the December 4, 2023, Inland Wetlands & Conservation Commission Regular Meeting. She stated that the property owner is continuing to conduct work on the motocross track further exacerbating the issues and commented on the lack of enforcement.

Discussion ensued regarding the issues. As a result of the work that was conducted, including the clearing of the property, the water that originally infiltrated into and through the earth has been diverted, forming a new watercourse. Commissioner Natoli recommended that, because Ms. Coffee is unable to speak with the staff members, she speak with the First Selectman and/or Board of Selectmen. The issues would involve the Commission if the motocross track is located within the Upland Review Area and/or if the activity is found to be negatively affecting the quality of the wetlands. He recommended the Commission engage the services of an Independent Soil Scientist to inspect the area and provide a Report. In addition, a Cease & Desist and/or Restore Order should be issued by the Town, and a Site Walk be conducted to review the damage. He also requested that a wetlands map showing the locations of the activity and disturbed area be submitted.

Chairperson Khan-Bureau will request the WEO to e-mail a copy of the Reports to the Commissioners, confirm his receipt of the Reports, and question whether the Cease & Desist Orders are in effect.

**8. Wetlands Agent's Report** – *not present; no report*

**9. Correspondence/Announcements/Critique** – *none*

**11. Adjournment**

**M/S/C: Natoli/Phillips, to adjourn the meeting at 8:09 p.m. Discussion: None. Voice vote, 6-0, all in favor.**

Respectfully Submitted by: Agnes T. Miyuki, Recording Secretary for the Town of Salem

**A VIDEO RECORD OF THE MEETING CAN BE FOUND ON THE TOWN'S WEBSITE UNDER BOARDS & COMMISSIONS – INLAND WETLANDS & CONSERVATION COMMISSION – MEETING VIDEOS.**