1. **Call to Order**  
Chairperson Bradley called the meeting to order at 7:02 p.m.

2. **Roll Call/Seating of Alternates**  
Present were Chairperson Kimberley Bradley, Secretary Roger Phillips, Jennifer Messervy, Edward Natoli, Jr., and Alternate Commissioner Jim Miller. Absent were Vice-Chairperson Diba Khan-Bureau and Commissioners Jim Mulholland and Dean Wojcik and Alternate Commissioners Larry Moore and Michael Smith. Also present was Wetlands Enforcement Officer (WEO) Matthew Allen.  

**M/S/C:** Phillips/Natoli, to seat Alternate Commissioner Miller for Full Member Commissioner Khan-Bureau. Discussion: None. Voice vote, 5-0, all in favor.

3. **Approval of Agenda**  
**M/S/C:** Phillips/Messervy, to approve the Inland Wetlands & Conservation Commission Agenda for May 2, 2022, with the following amendment:  
Move Item 5, Public Comment, to follow Item 6, New Business  
Discussion: None. Voice vote, 5-0, all in favor.

4. **Approval of Minutes:**  
a. **April 4, 2022 Regular Meeting Minutes**  
**M/S/C:** Miller/Natoli, to approve the Inland Wetlands & Conservation Commission Regular Meeting Minutes of April 4, 2022. Discussion: None. Voice vote, 5-0, all in favor.

5. **New Business**  
a. **Review of proposed zone change at 45 Forest Drive for referral to Planning & Zoning Commission per Sec. 30.14 of the Zoning Regulations.**  

WEO Allen stated that the proposed Zone Change to the Agricultural Overlay Zone is for the property located at 45 Forest Drive, which includes onsite wetlands and abuts Gardner Lake. Per Section 30.14 of the Salem Zoning Regulations, the Commission’s considerations include:  

1) a review of the application to determine whether the proposed activity is a Regulated Activity that is likely to impact or affect the wetlands or watercourses and would require a Wetlands Permit. (Inland Wetlands and Watercourses Regulations, Section 2, Definitions, “Regulated Activity”)


2) a review of the proposal to provide a comment and/or referral to the Planning & Zoning Commission (PZC) stating their approval, opposition, or neutrality.

In response to Chairperson Bradley regarding the timeframe, WEO Allen stated that any comments the Commission would like to make would need to be received by the PZC before the application is presented at the Public Hearing, which, to the best of his knowledge, has not yet been scheduled. He added that the Commission is not required to make any comments.

Attorney Michael Carey, Suisman-Shapiro Wool Brennan Gray & Greenberg PC, representing 45 Forest Drive, LLC, presented the application. Engineer Philip Katz, Stantec, and Bill Deacon, one of the principals of 45 Forest Drive, LLC, were also present. He clarified that, per the application requirements for the designation of a Special Agriculture Zone, applicants are required to submit an application to the Inland Wetlands Commission, should the property contain wetlands and/or watercourses (Salem Zoning Regulations, Section 30.14). As such, the application pertains to a Zoning, not Wetlands, Regulation. The regulations do not state the reasoning or purpose of the regulation or define the considerations or parameters for the findings. He believed the Commission’s task is to create a report to the PZC as to whether the application would result in any impacts on the wetlands and/or determine whether a permit or action is required. He stated that no activities are being proposed in either the regulated or upland review areas of the property. He disagreed with WEO Allen’s statement and felt that it was not under the purview of the Commission to make a recommendation or any comments regarding the zoning issues the application would raise.

Chairperson Bradley agreed that, as the Inland Wetlands Commission, they would have no jurisdiction to provide any recommendations or comments, adding that any comments to the PZC would be in their role as the Conservation Commission.

Atty. Carey questioned whether this evening’s meeting was an Inland Wetlands or Conservation Commission meeting. He stated that they are present this evening to present the site plan, which shows that the proposed zone change would have no impact(s) on the wetlands and/or watercourses and no activities would take place in either the regulated or upland review areas.

Engineer Katz, Project Manager, Stantec, presented the site plan, which depicts the wetlands, regulated areas, and existing roads. The delineation of the wetlands was recently confirmed/re-delineated. The Applicants are seeking a zone change to the Agricultural Overlay Zone. They are also proposing to make improvements to the driveway at Old Colchester Road and construct a gravel parking area. Both of these activities will occur outside of the regulated area. The proposed driveway will be submitted to the Connecticut Department of Transportation (CTDOT) for a Site Access Permit.
Proposed Activity and Impact on Wetlands (Commissioner Phillips) – It was clarified that no activity is being proposed that would directly impact the wetlands. Should any such activity be proposed, the Applicant would return to the Commission.

Vicinity of Events to/on the Lake (Commissioner Miller) – Events, such as weddings and corporate events, would be occurring on the lakefront. There are no anticipated plans to allow the guests to utilize the water for any activities. Any activities on or in the water would be by the owner.

Manicuring/Maintenance of the Property (Commissioner Bradley) – The property is currently manicured and maintained to the lakefront.

Coordination with the Gardner Lake Authority (Commissioner Bradley) – Owner/Principal Deacon stated that a meeting was held with the Gardner Lake Authority, who expressed their support. Commissioner and Gardner Lake Authority Member Miller stated that he attended their recent meeting and did not recall his presence. Owner/Principal Deacon clarified that the meeting was an informal gathering in which invitations were sent to the neighboring properties. The gathering was also posted on the website. Two to three members of the Authority attended the gathering. The purpose of the invitation was to discuss the best purpose or use of the property. Commissioner Miller recommended he schedule a formal meeting with the Authority. Atty. Carey added that an informal invitation to meet and discuss such matters was not unusual.

Septic System (Chairperson Bradley) – Should the number of guests exceed the capacity of the home, bathroom trailers would be hired.

Capacity (Commissioner Messervy) – The home and cabins accommodate up to 20 guests.

Pool (Commissioner Miller) – The indoor pool measures 25’ L x 20’ W x 4’ D.

Parking Area(s) (Commissioners Messervy & Natoli) – The purpose of the proposed gravel parking area is to keep the traffic off of Forest Drive. Guests would be shuttled from the area down the driveway to the main area of the property. In response to Commissioner Natoli who questioned whether any mitigative measures have been taken in the parking area to protect the Lake, Owner/Principal Deacon stated that gravel and crushed stone has been placed. Engineer Katz recommended that, rather than installing a catch basin, a vegetative swale be installed to catch and percolate the water into the earth.

Seasonal Usage (Commissioner Messervy) – Events would be held on a seasonal basis.

Chairperson Bradley felt, and the Commissioners agreed, that the application would not constitute a regulated activity requiring a permit at this time. The Commissioners may review and submit their recommendations/comments to the PZC as the Conservation Commission. Her main concern is the existing gravel driveway and any future proposed improvements and/or activity(ies) on/to the driveway.
M/S/C: Natoli/Messervy, during an initial review of the plans, no Wetlands Permit would be required at this time. Discussion: None. Voice vote, 5-0, all in favor.

The Commissioners will review and discuss the information and the public comments and draft any recommendations and/or comments for the PZC during their next Regular Meeting or schedule a Conservation Commission Special Meeting.

6. Public Comment

It was requested that any comments be limited to the wetlands and the protection of natural resources.

Diane Sullivan, 57 Forest Drive, questioned whether Engineer Katz was aware of the curb cut and improvements to the parking area that have already been made to the property prior to the submission of an application to the CTDOT. She expressed her concerns regarding the improvements that have already been made and their unknown impact on the wetlands. She also noted that the narrative does not indicate that guests would be shuttled down the driveway from the parking area to the main house and cabins (page 4). In addition, the narrative indicates that no new work would be conducted in the floodplain area. She questioned the definition of a floodplain area, stating that it was her understanding that floodplains are not protected in a similar manner as wetlands and watercourses. She also felt it was presumptuous of the Applicant to state that their proposed activity would have no negative impact on the wetlands and/or watercourses – a determination that should be made by the Commission, not the Applicant.

Paul Carolan, 26 Forest Drive, reminded the Commission that the Applicants presented an application approximately two years prior that generated four-and-a-half hours of comments from the public. He questioned whether the ZWEO has visited the property to determine whether any unauthorized activities that would compromise the wetlands have taken place since the new owners purchased the property. Contrary to Owner/Principal Deacon’s comments stating that guests would not be engaging in any activities in/on the water, he stated that he has witnessed past guests, numbering in excess of 100 people, swimming in and boating on the Lake. Previous to the holding events on the property, it was rented as an Airbnb. Due to these activities, loud noises have emanated from the property. He also questioned the credibility of the Owner/Principal, based on his statements and responses regarding the support he received from the Gardner Lake Authority during an informal meeting.

William Schultz, 19 Forest Drive, expressed his concerns regarding the application. He recalled that the property was once used as a Boy Scout Camp with a rifle range. Prior to the sale of the property, the State conducted an investigation resulting in the remediation of the earth due to the (lead) contamination of the land. In addition, he believed that the Lake is
included within the Eightmile River Wild & Scenic Watershed Zone, which has a 75’ buffer zone, and any proposed activity would require the approval of the Army Corps of Engineers. He also stated that there are conditions associated with the property in the Deed that states that the property be maintained as a family campground. He questioned the decibel levels that emanate from the property. He also stated the property’s rich Native American history where arrowheads, warclubs, and the like have been found. This rich history requires that the property undergo a Phase I or II Archaeological dig prior to any construction.

7. **Public Hearing(s)** – *none*

8. **Old Business** – *none*

9. **Wetlands Enforcement Officer’s Report** – *no updates; no report*

10. **Correspondence** – *none*

11. **Plus Deltas/Announcements**

Chairperson Bradley reported that she attended the recent PZC Meeting. The Commission continues to discuss Chapters 3 and 4 of the Plan of Conservation & Development (POCD). She encouraged the Commissioners to either watch the meeting videos and/or attend their meetings. She proposed the possibility of organizing a quarterly or bi-annual Conservation Commission Meeting during which the input of the Eightmile River Wild & Scenic Watershed Committee, Salem Land Trust, and other groups could be received. The meetings would also include the completion of their goals and action steps, as outlined in the POCD. The Connecticut Land Conservation Council (CLCC) will be holding its Annual Conference this spring. This year’s Conference will be centered on environmental advocacy and will be hybrid webinar-type sessions with one in-person meeting. Information will be distributed to the Commission.

The Training for Municipal Inland Wetlands Agencies is now available. The free online training program includes the Commission’s regulatory and training duties and is highly recommended for all members.

12. **Adjournment**

*M/S/C*: Phillips/Messervy, to adjourn the meeting at 7:59 p.m. Discussion: None. Voice vote, 5-0, all in favor.

Respectfully Submitted by:

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