

REGULAR MEETING MINUTES
WINDSOR INLAND WETLANDS & WATERCOURSES COMMISSION
TUESDAY OCTOBER 5TH, 2021 7:00PM

Online webinar, to join via computer please go to the link below
<https://us02web.zoom.us/j/85435818689>

Chairman Morando called the meeting to order at 7:00 PM.

I. ROLL CALL

Present: Chairman L. Morando (virtual), Secretary Towers, Commissioners; A. Schibley, S. Fraysier (virtual), R. Williams (virtual) and D. DeCarlo (virtual).

Also present was Environmental Planner, Chloe Thompson.

II. PUBLIC COMMUNICATIONS (3-minute limit on items other than Public Hearings)

- a. Sarah Faulkner addressed the Commission, and explained she observed wetland violations occurring on 220 Kennedy Road in the wetland area and upland review area. Ms. Faulkner reported this activity to Env. Planner Thompson and received the response that no violation had occurred. Ms. Faulkner asked the Commission to take action on the wetland violations she observed.

III. BUSINESS MEETING

a. MINUTES:

- i. Commissioner Schibley made a **motion to approve the minutes for September 8, 2021**. Commissioner Fraysier seconded the motion. **Vote 6-0-0**

b. NEW BUSINESS

- i. **Application 21-271: 1936 Blue Hills Ave EXT, KGS Realty, Inc. – Waterfront deck construction**

Env. Planner Thompson summarized the details of this application to the Commission, and explained that this was a project that was entirely outside of the wetland area. Due to the late submission of this application, Env. Planner hadn't conducted a site visit until after the meeting documents had been finalized. It was at this site visit that Env. Planner Thompson discovered this would have no significant impact to the wetland, and that an Agent approval for this application would be sufficient.

Commissioner Towers asked if there were any plans to prevent debris and waste from the restaurant from entering the water body directly adjacent to the deck. Savas Karagiannis (Sam), property owner and applicant explained to the Commission that there was already a

patio area next to the water, and this deck is expanding this area and raising the sitting area to the foundation level of the building. Mr. Karagiannis added that there will be a railing going along the deck, and there is a foot path between the deck and the pond which will be maintained; no litter will be entering the pond from the restaurant.

Commissioner Schibley made a **motion to accept and delegate to agent application 21-271: 1936 Blue Hills Ave EXT, KGS Realty, Inc. – Waterfront deck construction.** Commissioner Towers seconded the motion. **Vote 6-0-0**

ii. Application 21-272: 2100 Day Hill Rd, Great Pond Improvement District – Subdivision and infrastructure plan

Jim Petropulos introduced himself to the Commission as a Civil Engineer from Hayner Swanson in Nashua, New Hampshire representing the Great Pond Improvement District. Accompanying him was Linda Costanzo and Wetland Consultant Denis Lowry from AE Com.

Mr. Petropulos explained the general layout of the abutting parcels and their current uses. Mr. Petropulos also explained the history of the site and the current existing conditions, including the wetlands within the Great Pond Improvement District.

Mr. Petropulos explained that there are no wetland impacts associated with this project, but there are four areas where there will be impact to the upland review. One location in particular (Area A) is where a retention basin will have an outfall into a stream on the property which is about 35,000 square feet. Area B is where a multiuse path will connect to an existing path, which is about 3,000 square feet of impact and the area is already cleared. Area C is a 32,000 square foot area east of Groton Road. The activity to occur in this area is primarily to remove pavement and other inorganic debris. Area D is associated with another outlet and is about 9600 square feet. The total upland review area impact area is about 71,000 square feet which will be seeded and vegetated once the project is complete. Mr. Petropulos stated that there will likely be one minor change to this application along the corner of Groton Road and Day Hill Road, where a bridge will likely replace the walking path along the road, which will not have an impact to the wetland areas. Mr. Petropulos explained that this project will provide a significant area of open space, and their team has made an effort to keep all of their impacts to the upland review area at a minimum.

Commissioner Towers stated that there was contamination in this general area years ago that was remediated, and asked if there was a possibility that any of the pavement they plan to remove could be contaminated. Mr. Petropulos stated that there was a history of contamination, and the majority of the contaminated areas have been treated, but there are a few small areas where treatment and monitoring is still necessary. Mr. Petropulos added that none of these areas will be developed or worked within until they have received proper clearance to do so.

Commissioner Schibley stated that he has interest in how the details were decided upon for Stormwater Management area A at the next meeting. Mr. Petropulos briefly explained the drainage design for the site, and that all systems are designed for 25, 50 and 100 year storms. Commissioner Schibley explained that the intensity of recent storm events might be a reason to reevaluate how drainage is constructed moving forward. Mr. Petropulos added that a detailed stormwater report.

Commissioner Fraysier asked if there were any vernal pools on the site. Dennis Lowry, Wetland Ecologist, said that there is a potential for there to be a few adjacent to the site, but there are no vernal pools currently within this project site.

Commissioner Schibley made a **motion to accept application 21-272: 2100 Day Hill Rd, Great Pond Improvement District – Subdivision and infrastructure plan.**

Commissioner Fraysier seconded the motion. **Vote 6-0-0**

c. OLD BUSINESS

i. Amazon Site Sedimentation – Downstream investigation update

Env. Planner Thompson presented photos of the stream taken in on 9.29.21 showing areas where sediment has been recently deposited west of the Stosonis’ farm pond and dam. Env. Planner Thompson introduced the members of the Amazon team.

Dean Gustafson, Wetland Scientist, addressed the Commission and explained the on-site conditions west of the Stosonis pond leading to the Farmington River. Mr. Gustafson explained that the majority of sediment deposition is only located in a few areas, and some areas have such a thin layer of deposition, that removal is likely to have more impact than leaving the material in place. The parcel with the most sediment deposition is owned by the Lowe residence at 385 River Street, which is between River Street and the town’s parcel at 265T River Street. Restoration of this area would be done in two stages; the first to take place this fall in areas A and B (as indicated on presented map), and the second to take place next spring in the two areas labeled ‘C’. Mr. Gustafson explained that the restoration would best be done in the spring so the exposed banks could be vegetated upon sediment removal which will greatly reduce further erosion into the Farmington River. The formal plans for ‘C’ areas would be included in the formal restoration plan that will be submitted at a future date.

Commissioner Schibley asked if the Lowe Family was aware of the situation and approves of the proposed work to be conducted on their property. Attorney Tom Cody responded and said that they have not yet contacted the Lowe Family but they will be soon.

Commissioner Schibley asked for detail on the process for removing sediment from the plunge pools in areas A and B. Mr. Gustafson explained he believes in general, that there will be equipment staged on a nearby road and a hose will reach into the areas (ideally during low-flow) and remove sediment with what essentially could be compared to a vacuum hose. Doing this during low-flow conditions will reduce the re-suspension of sediments, and most material is likely to be deposited in Area C should this occur.

Wetland Agent Thompson stated that while the report presented to the Commission is a preliminary accounting of existing conditions, measurements of the sediment deposition will need to be recorded with actual measuring instruments rather than a person’s hand as pictured. Mr. Gustafson said that the report included in the formal restoration plan will have more comprehensive documentation on the sediment deposition areas. The area will also be re-surveyed for existing conditions prior to the implementation of said plan in Spring 2022.

Attorney Tom Cody asked the Commission to include areas A and B as part of the Immediate Corrective Action Plan, so the work could begin immediately. Env. Planner Thompson reminded the

Commission that written plans need to be submitted for action to be taken. Attorney Cody suggested that a motion be made contingent upon plans be submitted to Env. Planner Thompson for the new restoration areas presented.

Attorney Jackie Reardon, representing Mr. and Mrs. Stosonis, addressed the Commission and asked that all plans be submitted to her client as well as Env. Planner Thompson. Atty. Cody agreed, and said that they will forward the plans to Atty. Reardon as well.

Commissioner Schibley made a **motion to amend the previous motion from 9/21/21 to include immediate corrective action in areas A & B as identified on presented plans with the condition that a report be submitted and approved by the Wetlands Agent prior to work being conducted.** Commissioner Towers seconded the motion. Vote 6-0-0

Motion from 9/21/21:

*Commissioner Schibley made a **motion that the proposed corrective action plan be approved in regard to modifications of outfalls E and D, sediment removal from Mr. Stosonis' sediment pond, sediment removal of Stosonis' farm irrigation pond and orders the following:***

- 1. **Downstream investigation from farm to Farmington River outfall shall be conducted and a report of observations must be submitted to the Commission by October 1st.***
- 2. **Restore all retention basins to previously designed capacities by November 30th.***
- 3. **Install seed mats around outfall D, and any other areas necessary by November 30th.***

Commissioner Towers seconded the motion. Vote 6-0-0

Tim Onderko from Langan Engineering, gave the Commission a brief overview of the restoration activity taking place thus far.

ii. Application 21-264: 37T Canterbury Ln, Hartford Audubon Society - Mowing and maintenance of access path and property boundary

Env. Planner Thompson explained to the Commission her findings on how nearby towns have handled this activity on Audubon owned property as the Commission asked at the previous meeting.

Donna Summers, from Hartford Audubon Society (HAS) addressed the Commission, and asked that the restoration plan for 220 Kennedy Road be modified to include this activity so HAS can monitor their property boundaries throughout the restoration process. HAS cannot access their boundary without mowing as they do not have access through the abutting property at 220 Kennedy Road. Ms. Summers also requested that this activity be ruled as a non-regulated activity.

Ms. Summers also requested that approval be given for any activity to occur in the future so that repeated maintenance would not require an additional or renewal of permits for the same activity. Sarah Faulkner of HAS stated that the grass previously cut by HAS a few weeks ago has already started to regrow to the point where they will have to mow again to view the property boundary markers.

Commissioner Schibley stated that he believes it is important for HAS to be able to maintain their property boundary, but the act of mowing and pruning of vegetation in this specific scenario isn't directly related to conservation efforts and therefore should not be considered a non-regulated activity as of right under this section of the regulations. Commissioner Schibley added that he would be in favor of approving a permit to conduct this activity. Commissioner Fraysier stated that he agreed with Commissioner Schibley.

Commissioner Schibley asked HAS if the mowing would occur anywhere near the plantings that were part of the 220 Kennedy Road restoration plan. Ms. Faulkner said that REMA has placed all plantings away from the mowing line that was cut prior to plantings conducted in the area.

Env. Planner Thompson asked what type of machinery was being used to cut this path. Ms. Faulkner said it was a "mower used by landscapers" and that it was not a regular mower; it has a stronger blade and larger tires to cut larger and tougher material.

Commissioner Schibley made a **motion to approve application 21-264: 37T Canterbury Ln, Hartford Audubon Society - Mowing and maintenance of access path and property boundary with the following conditions:**

- Mowing occur no more than three times per year
- Access path no greater than 4ft in width
- Vegetation trimming and/or mowing does not impact plantings of the restoration plan ordered by the Commission

Commissioner Towers seconded the motion. Vote 6-0-0

iii. Application 21-267: 84 Winthrop Rd, Tony Jorgensen – Fencing and regrading of side yard

The Commission briefly recalled the details in the previous meeting about the application. There were no further questions the Commission had. Commissioner Schibley stated that he wished to recuse himself on the decision of this application due to his property being an abutter to the applicant's property.

Commissioner Fraysier made a **motion to approve application 21-267: 84 Winthrop Rd, Tony Jorgensen – Fencing and regrading of side yard, with the condition that all grading be minimal, and that it must take place outside of the forested wetland area.**

Commissioner Williams seconded the motion. **Vote 5-0-1**

iv. Application 21-268: 4 Walters Way, Thomas DeFranzo – Agricultural Exemption for vineyard

Skip Alford addressed the Commission as the engineer representing Thomas DeFranzo. Mr. Alford presented a document on the Connecticut General Statute (CGS) Sec. 22a-40 for "Agricultural Exemptions, Farming and the Inland Wetlands and Watercourses Act".

<https://portal.ct.gov/-/media/DEEP/water/wetlands/SegmentII2008AgricExemppdf.pdf>

Env. Planner Thompson reminded the Commission that jurisdictional rulings can be heavily customized and refer to specific areas and specific activities that may be part of a specific activity. Env. Planner Thompson added to the discussion from the previous meeting, stating that because the term “expansion” in reference to clear-cutting timber for croplands is not defined by the regulations, that we must resort to the dictionary definition of “expansion”. This means that clear-cutting of timber for the expansion of croplands would require that there be croplands pre-existing on the property prior to the clear-cutting of timber.

Commissioner Schibley expressed concern with the previous activity occurring on the property, and the Cease and Desist Order still in effect that specifically addresses the activity the applicant is seeking a jurisdictional ruling on.

Tom DeFranzo addressed the Commission as the property owner of 4 Walters Way. Mr. DeFranzo explained that the activity is outside of the wetland areas and is within the upland review area and within non-regulated upland area [greater than 150 feet from wetland the boundary]. Commissioner Schibley stated that the Commission has the ability to regulate activity outside of the upland review area if there is reason to believe the activity will have a significant impact on wetlands or watercourses. Mr. Alford stated that he believes the Commission’s only duty is to determine if the activity is or is not for a farm, and should not consider previous activity as part of their decision process. Commissioner Schibley expressed concern with Mr. Alford’s statement, and said that the activity that would make this a farm was done without the proper permits or jurisdictional ruling by the Commission. Mr. Alford stated that the details of the Cease and Desist should be considered a separate matter. Commissioner DeCarlo asked the rest of the Commission if the ruling on the agricultural exemption would negate the Cease and Desist. Mr. Alford said that even if the Commission granted the agricultural exemption, the Cease and Desist would still be in effect, thus preventing any work from transpiring on the property. Commissioner Fraysier stated that the resolution of the Cease and Desist may require remediation within the proposed farming area.

Env. Planner Thompson asked Mr. DeFranzo and Mr. Alford if any of the activity proposed in the application was able to be conducted prior to the spring, asking if there was time to settle the Cease and Desist before acting on this application.

Mr. DeFranzo stated that he purchased this portion of his property in May of 2021, and trees were cut prior to him owning the property. He purchased this property because of a property line dispute where he was conducting activity in this area, and is the reason for this purchase. Mr. DeFranzo stated that the area has been since been seeded and hayed, with the placement of sod around the grape vines.

Mr. DeFranzo stated that there is flooding and sediment deposition on other areas of his property in relation to the southern stream near the “carriage house”. Mr. DeFranzo also stated that he has grape vines growing on his property and the Commission simply has to decide if this activity constitutes a farm.

Commissioner Towers stated that this application involves the active Cease and Desist Order, and the reason for this order was, in-part, due to the creation of berms along the property boundary and erosion of sediment into the boat launch parking lot and the Farmington River/Rainbow Reservoir. Mr. Alford stated that the sediment did not go into the Farmington River, and that the sediment was

only deposited into the parking lot, which Mr. DeFranzo cleaned up. Mr. DeFranzo added that there was a truck that eroded the sediment that deposited into the parking lot.

Commissioner Schibley stated that there are two matters facing the Commission that should be treated separately. Commissioner Schibley added that if he were to consider this application completely independent from the Cease & Desist, he would not agree that this non-regulated and permitted activity as of right due to the fact that the clear-cutting of timber occurred to create crops, rather than to expand the crop lands. This is specifically in reference to Section 4.1a in the Town of Windsor Inland Wetland and Watercourse Regulations that is as follows:

4.1 The following operations and uses **shall be permitted in inland wetlands and watercourses, as of right:**

- a. Grazing, farming, nurseries, gardening and harvesting of crops and farm ponds of three acres or less essential to the farming operation, and activities conducted by, or under the authority of, the Department of Energy and Environmental Protection for the purposes of wetland or watercourse restoration or enhancement or mosquito control. The provisions of this subdivision shall not be construed to include the following: road construction or the erection of buildings not directly related to the farming operation, relocation of watercourses with continual flow, filling or reclamation of wetlands or watercourses, **clear cutting of timber except for the expansion of agricultural crop land**, or the mining of top soil, peat, sand, gravel or similar material from wetlands or watercourses for the purposes of sale.

Mr. Alford presented a map titled “Farming Operation Area” dated 2010, revised September 30, 2021, which includes some verified and current elevations, as well as those referred to in the map notes as “Old MDC datum”. Mr. Alford described the location of the berms created along the boat launch road and the parking lot. Mr. Alford explained that the surface water run-off for the road previously drained onto the applicant’s property, but now the drainage pattern has been altered and water runs alongside the berms into the parking lot into the upland review area. Mr. Alford added that Mr. DeFranzo cleaned the parking lot of sediment at one point. Mr. Alford then pointed to the northern most boundary of the “Proposed Farming Operation area” and stated that there is a line of vegetation that was left during the clearing, and there is no evidence of erosion into the wetlands in this location. Mr. Alford stated that the soils are well-draining, therefore, most of the surface water “goes into the ground”, and erosion has only been noted in one area just south of the gravel drive that crosses the stream. Mr. Alford stated that Mr. DeFranzo has attempted to seed this area three times, but has had difficulty getting vegetation to establish. Mr. Alford said this was likely a result of heavy machinery compacting the soil, and repeatedly disturbing the area where water would normally have percolated into the ground. Mr. Alford stated that this area has since been stabilized as Mr. DeFranzo has gotten grass to grow since the Commission was on-site for a site visit, and any erosion of sediment into the stream to the north is from the swale on the western portion of the property.

Commissioner Towers asked Mr. DeFranzo if the hose of water from the pond leading to the vineyard area had been removed. Mr. DeFranzo said he realized that was an infraction and has removed the hose. Env. Planner Thompson stated that the hose was still in place as of September 20th, and this can be seen in the pictures presented to the Commission. Env. Planner Thompson added that this activity requires either a permit, or a jurisdictional ruling from the Commission.

Commissioner Schibley proposed that the Cease and Desist Order be resolved prior to furthering the process with this application/petition. Mr. DeFranzo said that he agreed, but would like to know tonight, if the Commission considers the area a farm or not. Commissioner Schibley stated that the jurisdictional ruling is more specific than that, and they must decide which activities proposed would be appropriate to grant an agricultural exemption to. Commissioner Schibley re-stated that his main concern is that the regulation that allows for this exemption also states that clear-cutting cannot occur to create new croplands, which is what was done in this situation.

Mr. DeFranzo stated that his parcel is zoned as “agriculture”, and that he needed to remove trees for sunlight to establish his vineyard. Commissioner Schibley stated that the zoning of a parcel does not affect the wetland regulations. Mr. Alford stated that the proposed farming area was placed roughly 50 feet away from the wetlands and stream to the north to protect the wetlands. Mr. Alford added that ideally, an application would have been submitted to the Commission for the activity conducted, and the protection of wetlands would have been a priority.

Commissioner Fraysier stated that further clearing is not currently being proposed, and he would vote in favor of this application. Mr. Alford stated that he interprets the regulations to include clear cutting of trees as a permitted activity as of right. Mr. DeFranzo said he is not going to cut down any more trees for the vineyard. Mr. Alford said that an application will be submitted for any further cutting of trees.

Commissioner Schibley explained that he will oppose the motion because of the reasons stated above, drawing attention to the fact that the activity conducted violated the IWWC regulations, and is now seeking an exemption from the regulations for the same activity.

Commissioner Fraysier stated that the Commission still has the open C&D Order, which will address the violations. Commissioner Schibley expressed concern with granting the exemption and the possibility of expanding the cleared area in the future. Mr. Alford suggested that the farming operation area indicated on the map be reduced to the currently cleared area. Commissioner Schibley asked if the clear-cutting that occurred could be re-addressed during the show cause hearing for the C&D. Mr. Alford was amenable to this. Commissioner Fraysier and Chairman Morando stated that they see this application as a separate matter from the C&D Order.

Commissioner Fraysier made a **motion to approve the petition 21-268: 4 Walters Way, Thomas DeFranzo – Agricultural Exemption for vineyard, for the “Farming Operation Area” indicated on the map titled, “Proposed Farming Operation” dated 2010, revised September 30, 2021 for the planting and maintenance of the vineyard.** Commissioner Towers seconded the motion. **Vote 6-0-0**

v. 220 Kennedy Road, Tameka Hewitt – Hartford Audubon – Planting plan updates

Earlier in the meeting, Ms. Summers asked the Commission to consider the comments on the Conditions and Modifications to the restoration plan sent to the Commission initially in July 2021, and accept them as part of the official ordered plan.

Tameka Hewitt, homeowner for 220 Kennedy Road addressed the Commission. Ms. Hewitt stated that the plantings have been completed.

Commissioner Towers asked Ms. Hewitt if the HAS was given a copy of the planting plan. Ms. Hewitt said that HAS has not received the plan yet, and George Logan (REMA) is still updating the plan, but should be ready shortly. Env. Planner Thompson stated that she has been in communication with Mr. Logan and he is in the process of finalizing the plan.

Commissioner Towers stated that one person from HAS should be representing HAS and speaking. Donna Summers from HAS said that the cease and desist be should modified to include HAS comments submitted to the Commission on August 20th.

Ms. Hewitt said that she remembered one of the Commissioners stated that HAS could comment on the plan, but the plan from REMA was already approved. It would be up to Ms. Hewitt's discretion to incorporate whatever HAS comments were made to the plan, if the Commission didn't agree to what was established. Ms. Hewitt said that is how she understood it.

Ms. Summers stated that the Commission gave both party permission to comment what was needed on the plan. Ms. Summers would like the transcription errors to be corrected and the change of species that were both male and female. Ms. Summers attached these comments to what she submitted yesterday.

Env. Planner Thompson explained that HAS comments on the Conditions and Modifications document were sent to the Commission in a packet in preparation for the September 8th meeting, prior to the finalization of the approval of the August minutes, which included the original Conditions and Modifications document. That was when the final portion of the restoration plan was officially approved and finalized. Ms. Summers expressed concern with the accuracy of the Conditions and Modifications document.

Commissioner Schibley asked Ms. Summers to explain which of HAS's comments she feels need to be addressed that will alter the in-progress restoration efforts. Ms. Summers explained that Sarah Faulkner has prepared a report to the Commission on the progress made thus far.

Commissioner Towers stated that Ms. Hewitt has hired a professional to conduct this work, and the Commission has ordered a plan that holds Ms. Hewitt to a survival rate that will be repeatedly monitored and reported on.

Sarah Faulkner presented a report of her on-site observations, and expressed concern with the methodology implemented during the planting and fostering of individuals. Ms. Faulkner stated that she believes the plantings to be incomplete and insufficient.

Commissioner Schibley asked Ms. Hewitt when the Commission should expect the planting plan. Ms. Hewitt said she did not know and could not promise that it be submitted on a specific date without consulting with George Logan first. Commissioner Schibley suggested that once the planting map and list of species is submitted, that Env. Planner Thompson conduct a site visit and present observations to the Commission at the next regularly scheduled meeting. Commissioner Schibley added that the restoration plan does include the requirement that there be an 80% success (survival) rate, and

additional efforts will be required should this requirement not be met. Chairman Morando stated that REMA should certify that the restoration plan has been implemented as ordered by the Commission.

Commissioner Schibley made a **motion to order Tameka Hewitt to submit the planting plan to the Commission by October 12, 2021**. Commissioner Fraysier seconded the motion.
Vote 6-0-0

IV. HEARINGS

a. 130 Merriman Road / 4 Walters Way – Thomas DeFranzo

Skip Alford addressed the Commission as an engineer representing Thomas DeFranzo. Mr. Alford stated that Mr. DeFranzo should have gotten an application from the Commission to do the work conducted on his property, but no damage to the wetlands has occurred. Mr. DeFranzo stated that he would like the C&D Order lifted. Mr. DeFranzo said that he has placed sod between the grape vines, and does not plan on cutting any more trees. Mr. Alford asked what the Commission would expect to see in a restoration plan proposal. Commissioner Fraysier stated that sediment and erosion controls need to be addressed for the site. Commissioner Schibley suggested a 50 foot vegetated buffer around the wetland areas in addition to addressing the risk of sediment erosion. Mr. Alford asked if fruit trees and grass would be sufficient. Mr. DeFranzo said he wanted to add several fruiting trees to the general area. Mr. Alford said that grass has been planted already in a few areas and prevented erosion into the wetland areas.

Commissioner Fraysier stated that he would like Mr. DeFranzo to submit a formal restoration plan to progress with the C&D Order resolution.

Env. Planner Thompson expressed concern with the detail and accuracy of the topographic map presented by Mr. Alford that the Commission ordered Mr. DeFranzo to produce in preparation for this meeting. This map has not yet been verified on-site and Env. Planner Thompson stated she would like to be able to gather more information from Mr. Alford on the map, but the time constraints of the meeting prevent necessary questioning and clarification. Commissioner Williams agreed with Env. Planner Thompson. Mr. Alford said that the issue with waiting until the next meeting in November, is that the weather will prevent Mr. DeFranzo from establishing grass on the exposed soils to prevent erosion.

Commissioner Schibley suggested that the motion from the previous meeting be amended to allow for the seeding which has to occur before frost to ensure survival of grass, and that any further efforts be incorporated into a formal restoration plan submitted to the Commission.

Commissioner Fraysier asked the Commission if they are requiring a restoration plan submitted to the Commission in preparation for the next meeting. Chairman Morando and Commissioner Schibley said, “Yes”. The documents must be submitted a week prior to the meeting on November 3rd to allow for distribution and review.

Commissioner Schibley made a **motion to lift the Cease and Desist Order for 130 Merriman Road/4 Walter’s Way only with respect to allow for the planting of grass seed on exposed soil, no closer than 50 feet from the wetland boundary.** Commissioner Towers seconded the motion. **Vote 5-1-0**

V. AGENT REPORTS

VI. ADJOURNMENT

Commissioner Schibley made a Motion to adjourn at 11:07pm. Commissioner Towers seconded and it passed 6-0-0.

I certify that these minutes were approved on

Marlene Towers, Secretary
Inland Wetlands and Watercourses Commission

