

**TOWN OF SOUTH WINDSOR
INLAND WETLANDS AGENCY / CONSERVATION COMMISSION
Regular Meeting 11/03/2021 7:00pm**

MEMBERS PRESENT: Barbara Kelly, Adam Reed, Jack Phillips, Paul Cote, Richard Muller, Arthur Jennings, James Macdonald

ALTERNATES PRESENT: Daniel Katzbek seated for Elizabeth Warren

COUNCIL LIAISON PRESENT:

STAFF PRESENT: Jeff Folger, Sr. Environmental Planner
Jeff Doolittle, Town Engineer
Gina Saccente, Recording Secretary

THE FOLLOWING ARE MOTIONS MADE DURING THE REGULAR MEETING OF THE INLAND WETLANDS AGENCY/ CONSERVATION COMMISSION:

Chairperson Kelly called the meeting to order at 7:01 p.m.

PUBLIC PARTICIPATION: None

PERMIT EXTENSIONS: None

CORRESPONDENCE AND REPORTS: None

BONDS: None

MINUTES: 10-20-21- Use for “reference” purposes will be formatted/revised and approved at next meeting on 11/17/2021.

CONSERVATION COMMISSION: Mr. Folger gave an update on current projects, including the construction of the bridge at Town Hall. Mr. Folger commented that the bridge would most likely be finished this weekend.

Commissioner Phillips commented on construction of the bridge.

Mr. Folger commented on potential future Scout projects. Mr. Folger added that he had a request from the Environmental Club at South Windsor High School to do more tree planting around town. Mr. Folger commented that the school received a grant to purchase trees and plant them around town.

WETLAND OFFICER: Mr. Folger commented that construction sites have been stable.

PUBLIC HEARING:

Appl. 21-49W, Town of South Windsor - 1540 Sullivan Ave. - IWA/CC application for the reconstruction Beelzebub Road, storm water management and associated utilities.
Rural Residential (RR) Zone.

Commission Reed read legal notice posted in the Journal Inquirer.

Town Engineer Jeffrey Doolittle presented the application for Beelzebub Road reconstruction project. Mr. Doolittle commented that the two outfalls that discharge near the Wetlands. Mr. Doolittle commented that one of these would be modified as part of the road reconstruction and the other would not be touched. Mr. Doolittle commented that Nick Depalermo and Raju Vasamasetti from Weston and Sampson were also present on behalf of the project.

Depalermo presented the Beelzebub Rd reconstruction project, overall project area, existing conditions, proposed improvements, Wetland impacts and water quality improvements, questions.

The overall project area starts at the intersection Foster Street running down Beelzebub Road approximately 1 mile. Reconstruction will end about 400 Ft. west of Avery Street and sidewalk construction will continue down Beelzebub Rd to connect to Avery Street.

He showed existing conditions with aerial photos of the first Culvert crossing, a 36 inch Culvert crossing near Norton Lane, that outlets into Avery Brook on the State of CT property. Another existing condition photo in vicinity of second Culvert crossing, also a 36 inch Culvert- which outlets into unnamed brook, which eventually goes down into Avery Brook.

The site photos demonstrate reasons why they're doing this project with the town. Visible utility patches, cracking, unraveling on edge of pavement- mainly due to lack of formal drainage and lack of curbing.

He displayed plans showing overall improvements. Zoomed in photo shows proposed improvements in vicinity of that first 36 inch Culvert crossing, shows proposed energy dissipater which is where Wetland impacts will come into play. At second 36 inch culvert crossing there are flagged Wetlands on both sides of the road, will not be impacting Wetlands at this crossing.

He showed the overall impacts for project. Approx. 6 acres total impacts are impacts with Wetland buffer. Regulated area is about .66 acres, Wetland/Watercourse impacts permanent impacts about 400 sq. ft., temporary impacts around 250 sq. ft. and total impacts are around 650 sq. or .015 acres, which is approximately .25% of the total project area.

Improving overall water quality on the roadway by proposing new curbing which will keep water in roadway and get it into the closed drainage systems and eventually get the water into the hydrodynamic separators. All catch basins will have 2ft sumps to allow for sediment to sit and installing "Riprap" energy dissipator as well as standard erosion and sedimentation prevention measures during construction.

Commissioner Muller asked about replacing the culverts

Depalermo stated they are in good condition, will not be touching either culvert for this project."

Commissioner Philips asked about anticipated flows and the need for a diversion during construction.

Depalermo stated that no diversions will be necessary, just maintain the existing flows"

Commissioner Muller asked what the maintenance on the separator and will it need to be cleaned out periodically.

Depalermo stated that the town would maintain the hydrodynamic separators.

Chairperson Kelly asked if the Town be doing this work or will it be contracted work?

Mr. Doolittle responds that this will be contracted out, very large project.

Chairperson Kelly asked if the Town will be bonding the erosion and sediment control measures on an ongoing basis.

Mr. Doolittle answered that "We will have our normal construction bonds"

Chairperson Kelly asked "the later ones that are now in effect so that they do ongoing E&S during the course of the project and don't wait until the end to do the soil stabilization?"

Mr. Doolittle responded yes, that's been working well.

Commissioner Philips asked Mr. Folger if he agrees that the E&S measures proposed are adequate.

Mr. Folger answered that they will be installing perimeter controls along the snow shelf itself to maintain some control while they're redoing the road. They are proposing some "Silt Fencing" downstream where the Culvert outfall repair will be effected. Mr. Folger adds that the Wetland area for Culvert # 1 where installation of the energy separator is, would be characterized as a "wooded wetland". The area under construction has seen some impacts in the past with both riprap that was placed and in that general quite a bit of historic road sand in that area,

comprised of a course or medium sand. "It has a vigorous wetland plant component to it and it leads down to the Avery Brook channel which goes into larger wetland, to southeast flood controls dams are, and crosses over into Avery Street." As proposed it will minimize any impacts downstream from it and the result will be an overall benefit to the wetland system, by keeping scouring and sediments to a minimum as water velocity's go through it.

Commissioner Muller asked about the impact to the upland area that occurs when heavy equipment is in there, when all done will that be restored and replanted.

Mr. Doolittle answered yes.

Commissioner Philips went on record that he has visited the site and asks "how fast will you get this done?"

Mr. Doolittle responded "Our plan is to get this out to bid this winter so construction will start in the spring"

Chairperson Kelly asked Mr. Doolittle to describe the restoration for the disturbed areas and Wetlands.

Mr. Doolittle explained the disturbed area within the upland review area is basically the "road area" the road will be restored as a road and the roadside areas will be restored with top soil and turf grass. Wetland area would be restored with native material as needed, working with Town staff.

Chairperson Kelly stated there are no more questions from the commission and asks if there's anyone from the public who would like to speak.

Mr. Holowczak lives on Cody Circle wanted clarification if the hydrodynamic separator going to be designed for a 10 year storm or 25 year storm?

Mr. Depalermo answered when doing the drainage design will look at both 10 year and 25 year. Capacity will not be an issue, hydrodynamic separators look more at water quality volume which has to do with impervious area and types of sediment into the structures, so will sufficient for both a 10 and 25 year storm.

Commissioner Philips motioned to close the public hearing.

Commissioner Jennings seconded the motion.

The motion carried.

NEW BUSINESS:

Appl. #21-36P – 25 Talbot Lane – 25 & 5 Talbot Lane, 475 & 551 Governors Hwy – IWA/Conservation Commission application for the construction of an industrial distribution center, parking and storage areas, storm water structures and associated utilities on property located southerly of Governors Highway and easterly of Talbot Lane - Industrial (I) Zone.

Chairperson Kelly stated that the commission has closed the public hearing and now is the time for the Commission to deliberate on this application. Asks if any commissioners have any thoughts.

Commissioner Philips responded to start with the findings on the intervener's petition.

Chairperson Kelly replied "That would mean to be deciding whether or not the proposed conduct will cause the unreasonable pollution impairment or destruction of air, water or natural resources of this state"

Commissioner Phillips made a motion: that the proposed conduct will cause "unreasonable pollution, impairment or destruction of the air, water or other natural resources of the state, specifically in the jurisdiction of this commission the Wetlands and Watercourses."

Mr. Reed seconded the motion.

Chairperson Kelly asked for discussion from Commissioners about where they stand after what they have heard about that claim. "Speaking now to whether or not the claim was made, and whether or not there's likelihood to be unreasonable harm"

Commissioner Philips started the discussion. "During the earlier portion of the public hearing there was a finding that a properly verified pleading was introduced for a petition to intervene with 5 specific factual allegations. By filing that petition the intervener gained the right to present expert testimony to show there is a reasonable likelihood, that the conduct is reasonably likely to have the effect of unreasonable polluting, impairing or destroying the Wetlands and Watercourses. Key portion is the burden of truth is on the intervener and that the intervener must be presenting expert testimony to document that proof.

The Interveners in this case presented a large amount of data, much of that data was not in the purview of this Commission. Such as data on possible air pollution from truck idling, factual allegation on wildlife was accepted and the finding of the initial pleading because there could be a chance that the expert testimony could have shown how that could have had reasonable likelihood of unreasonable pollution, impairment or destruction. Lighting, the need to have other permits from other agencies is not within the purview of this agency. Other general items presented were possible pollution from truck washing. The applicant assured us they will not be any truck washing.

The Commission is required to accept that at face-value unless there is specific evidence showing that is not true. In regards to Wetland mapping, the Intervener has shown there have been different Wetlands mappings for this plot of land. Mapping was done by the applicant and was confirmed by a 3rd disinterested party, that the current mapping shown is accurate.

We don't why or how old maps were done, and it has been shown and confirmed in court cases the current reality is what we must deal with. The current reality mapping was confirmed and shown by the applicant with minor changes made by the 3rd party.

The Intervener did not have their own soil scientist present at the site meeting. The timing of meeting was done at their request, and failed to show up at the time that they requested. This does not render the work that was done invalid. Specific allegations were made. The pleading proposed activities will directly introduce pollutant into the Wetlands through the use of equipment, and leakage of various fuels, oils, lubricants and other man made waste products on proposed site. The Applicant has proposed methods to mitigate that.

There was no expert testimony given that the proposed methods by applicants would fail or proposed activities would have the effect of unreasonable polluting, impairing or destroying. "Alteration of topography on this proposed site will cause direct alteration of hydrology on the site." The hydrology on site was looked at, and the conclusion from the experts was there will not be a significant impact, and will not be significantly changed due to the presence of the ponding. No expert testimony was presented to refute that or show how any proposed activities on alteration to the hydrology would be reasonably likely to have the effect of unreasonable polluting, impairing or destroying.

The alteration to the topography of the site will directly impact certain species of vegetation, mammals, birds, reptiles, amphibians and insects which may be protected by state and federal law." It is not within the purview of this Commission that other permits may be necessary, that would be within the purview of whatever the appropriate agencies.

"Industrial use and increased runoff from construction activities will increase impervious surface area, decrease the vegetation which may directly alter the water temperature in the Wetlands. There was no expert testimony given showing what the effect will be and how that would cause unreasonable harm.

No information was provided on what temperature changes were to be expected and how that would cause damage.

Feasible alternatives to Applicant's proposed activity which would be less detrimental to the wetlands and watercourses present on site: There may be other feasible alternatives. For the purposes of this Commission, there must be Prudent and Feasible alternatives shown. There was no expert testimony showing that the alternatives proposed and any feasible and prudent alternatives would have the likely effect of unreasonable polluting, impairment or destroying the natural resource.

Therefore on this finding I intend to vote Nay"

Chairperson Kelly asked for input or comments from commissioners.

Commissioner Muller spoke on upholding regulations of watercourses and wetlands.

"We focus in on the wetlands aspect of this project and what the impact is, eliminating a little over 2/10th of an acre. As mitigation applicant has offered a little over 3/10th of acre. The drainage ditch has lost its purpose. It was put in 30-40 years ago. If you observe it during rain the ditch rarely had any water in it and if it did it was over a short period of time during the storm. We had ecologist reports, wetland scientist reports, and all came to same conclusion the functionality of that ditch as a wetlands source of value is near zero. We consider mitigation.

“Development is a right and protection of wetlands is our job and have to balance the two. Offering to put create wetlands in the western portion of the property, next to a current, viable, existing wetlands, at a consistent elevation, is going to give us something more valuable then what we’re giving up.”

Chairperson Kelly stated that there will be 3 motions. “The first motion for discussion on whether or not the intervener proved that the proposed activity is reasonably likely to have the effect of unreasonable polluting, impairing or destroying of a public trust. The second motion on whether the proposed impact is significant or not. The third motion, if Commission goes that far, up or down on the application itself.”

Commissioner Muller stated that overall, the storm water management system is more robust then what is required. He liked the idea of the detention basin for sediment to settle out, and travel down. The underground storage areas aid with filtration. This plan “has a lot going for it as far as minimizing impact on downstream water courses and pollution.”

Commissioner Philips spoke on potential motions. “Depending upon how we vote on a finding of significant impact we may have to have a finding on prudent and feasible alternatives.”

Commissioner Reed spoke about the “five points” from Commissioner Philips review. He “did not hear expert testimony.” He agreed with Commissioner Philips points.

Commissioner Jennings spoke and agreed with all the points brought up by Commissioner Philips. “Most commissioners are citizens of this TOSW and all take responsibility of protecting the wetlands very seriously. We depend on science, soil scientists, and engineers, to look at parcels that come before us and have reasonable solutions for problems that affect our wetlands. Although interveners brought up a lot of information and tried to research all the issues that effect this application, none of it countered the science that was brought before us” by the engineers and soil scientists, who we depend on to help guide this Commission through deliberations.” He listened to different facts brought before him, but none of them addressed information brought to us by scientists or engineers, for that reason he concurred with Commissioner Philip’s assessment.”

Commissioner Cote agreed that the applicant has done a lot of work, in taking care of any of the wetland issues. “No one has come forth and said none of what they proposed wouldn’t work. So you have to assume what they proposed to do is going to work and protect the wetlands.”

Commissioner MacDonald spoke, “The main question was how much of this area was wetlands, and I think that the verification that was done showed up to date information of the wetlands. The wetlands area very limited.”

Commissioner Katzbeck agreed with the third party soil scientist. He didn’t see anything other from the intervener’s presentation that changed his opinion.

Chairperson Kelly responded that the Commission has spoken to the relative scope of the wetlands compared to the project. They have spoken to the presence or absence of expert testimony, spoken to the relative value of the existing wetlands vs mitigation. "Any further discussion on the motion as to whether or not the intervener petition made the case for reasonably likely to cause unreasonable harm?" She called for vote.

All Commissioners voted unanimously "NAY"

Chairperson Kelly replied "We have unanimous finding that the Intervener's petition failed to state their case"

Commissioner Philips reads section 11.3 of regulations "In the case of an application which received a public hearing pursuant to a finding by the Agency the proposed activity may have an impact on Wetlands and Watercourses a permit shall not be issued unless the Agency finds on the basis of the record that a prudent or feasible alternative does not exist."

First we need a finding of significant impact on the Wetlands and Watercourses."

Commissioner Phillips: "Move a finding of significant impact on Wetlands and Watercourses."

Commissioner Jennings seconded the motion.

Chairperson Kelly asked for discussion on this motion.

Commissioner Philips started the discussion. "The primary purpose of the watercourses here was groundwater discharge. The proposed activity with the ponding, will still maintain that function. The secondary function was providing hydrology on offsite watercourse, before it flows into a municipal storm sewer system. Use of roof water will be maintain that source of water into that portion of the watercourse. Therefore on this one I again will vote Nay."

Chairperson Kelly verified in the notes that "Wetland # 1 also had the function and value assessment indicated sediment retention and nutrient removal retention or transformation and the existing storm water structures, as proposed, are going to contain the first three inches of runoff. They have a robust proposal for storm water renovation.

Asks if any more comments.

Commissioner Katzbeck agreed "as proposed, the applicant has "Checked all the boxes"

Commissioner Reed agreed "the proposed application relative to what is currently experiencing on the lot, that the proposed wetland mitigation on the west side of the property, and introduction of clean water into existing wetlands that are being maintained on the property, all serve as improvements even though there is an elimination of wetlands occurring on the site."

Commissioner Muller agreed with what Commissioner Reed had stated. "Things are being done to improve the overall health of the wetlands in the area. This application gives us a positive. We are more apt to have wetland wildlife and a better wetlands ecosystem."

Commissioner Jennings speaks about one of the challenges that applicants face coming before the Commissions is "to see if there's way to improve the water quality of the plan that they development. This plan has done an outstanding job to address not only the issues in the definitions of the property that they're developing but also trying to improve the wetlands and quality of the water, and had some great solutions."

Commissioner Cote agrees that the applicant has done "what's necessary to take care of anything, they're not adding to water pollution- actually cleaning it to some extent."

Chairperson Kelly calls for vote on finding whether or not will be a significant impact on the Wetland.

All commissioners voted unanimously "NAY"

Chairperson Kelly asks if anyone would like to make overall motion on this application.

Commissioner Philips makes motion to move to approve **Appl. #21-36P** standard terms and conditions, asks Mr. Folger for bonding recommendations.

Mr. Folger recommends bond for establishment and maintenance of erosion and sediment controls during construction of \$50,000.00 Also recommends a bond for installation of storm water structures and installation of the Wetland mitigation area of \$100,000.00. Bond to be kept for 3 growing seasons to ensure proper establishment of the Wetland mitigation area.

Commissioner Phillips had two other conditions to have added. The created wetlands is proposed to have a lawn area surrounding it. He proposed a condition that those area shall not be cut more than once a year preferably in the fall so it can act properly to protect created wetlands. The second, this approval is based on a specific design, size building, and specific arrangement of impervious areas. If any changes occur when the actual design is done, must come before this Commission to verify that the changes do not alter the findings that were made on this application."

Chairperson Kelly added to the two conditions made by Commissioner Philips. "The area surrounding the created wetland be planted with an appropriate wetland or meadow mix."

Commissioner Philips accepted.

Chairperson Kelly commented on vehicle washing in particular"

Commissioner Philips responded with an additional condition “there shall be no vehicle washing and or vehicle maintenance other than that necessary on an emergency basis for maintenance.”

Mr. Folger stated he would also recommend that the Commission make a recommendation to the Planning and Zoning Commission, that states if P&Z approves this application that it also be a condition of approval, unless a facility specific to truck washing be proposed and constructed on the site.

Commissioner Muller commented to also add to the northerly section of grass mostly in the 80 ft. upland review area that butts against the truck entrance. That no weed killers or chemical fertilizers used in that area, anything eco-friendly is fine.

Carla’s pasta had requested that inspection of detention basin be done more frequently than five years, they suggested three years, and we should stipulate that a the inspection be done by a Firm experienced in the mechanical and environmental aspects of the drainage system, so it gets full analysis every 3 years. The retention basin area is going to be developed into wetland area with wetland plants and could generate some very reasonable wetlands environments for some things to propagate.”

Chairperson Kelly clarified that the inspection frequency and maintenance, that maintenance would include removal of invasive species.

Commissioner Cote seconds the motion.

Chairperson Kelly wants to discuss merits of the application.

Commissioner Philips states “applicant has done a good job of designing a system that will handle the necessary storm water with the created wetlands, recreating some of the functions with the filtrators, storm water ponds, and roof leader systems that enhance the current functions.”

Commissioner Muller agrees that Design Professionals did everything they could to “isolate this project from the residential area it abuts, with berms, buffers and plantings. Moving of all the loading docks to the west side which faces where Carla’s Pasta is the best design for a building of that size.”

Chairperson Kelly “the large basin and berms are towards a residential area rather than toward more industrial areas. And toward a residential area that spoke to appreciating some of the wildlife values that aren’t particularly wetlands but that come with that area.”

Commissioner Muller stated that “zoning regulations call for 50 ft. and its 150 ft. given the residential area it’s the maximum distance away that they could do and still have a viable project.”

Chairperson Kelly asked if anyone wants to re-address wetland delineation. "We need to go with what is currently found on the site and based on the information presented she is very comfortable with the delineation and the effort that went into making that. It's an accurate representation of the wetlands/poorly drained soils we have on the site." She commented about the functions and values that were identified for the wetlands to be eliminated, and the even though they are not natural wetlands, the structural and the best management practices and storm water practices are addressing the primary functions in terms of ground water, nutrient and pathogen removals."

Commissioner Philips stated "no finding of significant impact (referring to prudent and feasible)"

Chairperson Kelly stated finding of prudent and feasible alternatives is not required. Asks "All in favor of the motion as presented?"

Commissioners unanimously vote "AYE"

Chairperson Kelly "The permit is granted for **Appl. #21-36P** with conditions stated in the motion.

Appl. #21-49W, Town of South Windsor - 1540 Sullivan Ave. - IWA/CC application for the reconstruction Beelzebub Road, storm water management and associated utilities. Rural Residential (RR) Zone.

Commissioner Phillips moves to approve applications #21-49W TOSW standard terms and conditions. Bonding not necessary from this Commission. Did not see any need for any additional conditions.

Commissioner Muller seconded the motion. He commented that Beelzebub road is in "rough shape" and it looks like "good plan".

Commissioner Philips agreed with both points. Impact to wetlands is at absolute minimum.

Chairperson Kelly commented that the hydrodynamic separators are a great storm water retrofit that is very good for wetland and watercourse health. Vote all those in favor of the motion. Commissioners voted unanimously "AYE"

Chairperson Kelly states motion carried and application is unanimously granted.

OTHER BUSINESS: Show Cause Hearing – **40 Sea Pave Road Cease and Desist and Restore Order**

Mr. Folger speaks on Cease and Desist order sent out ten days prior to the show cause hearing per regulations. He showed aerial photos that showed early and late March. He had discussions with Mr. Lombardo during March where verbally he was told to desist and restore the area. At the time he agreed, but efforts to restore the area made it worse. Machinery got caught in the mud. He had another discussion at the end of March and gave him a list of tasks that needed to be done. No response from Mr. Lombardo precipitated the violation letter sent in June and Folger received response to that letter. "At end of August grading resumed on the site, with no effort to contact TOSW and the photos in front of you show the site today. Instead of excavating the area that was initially disturbed (Eastern Wetland side) he completely filled it and graded it smooth."

Chairperson Kelly asks "If it's more filled than it was?"

Mr. Folger confirms more filled.

Chairperson Kelly asks about how many feet back from original wetland line is filled.

Mr. Folger responds "Probably 20-25 ft. and entire length of the lot, area of about 100-120 ft. by 25 was disturbed. " Majority of area disturbed is not on his property, but on the Church property on corner of Long hill and Burnham Street.

Chairperson Kelly asks if there was bond on this.

Mr. Folger responded "No, we don't take the bond until they start work. We never had pre construction meeting on this, he was told two years ago by the director of Planning that a pre-construction meeting was required to initiate work on the site. "

Chairperson Kelly responded with options to rescind or amend the order or to sustain the order. She recommended a motion to leave the order in effect and at some point "escalate and move to more action"

Mr. Folger agreed and added that the Owner is currently attempting to sell the property, and the Planning Dept. has had inquiries from people desiring to purchase the property"

Chairperson Kelly asked if they understand 25 Ft of the property isn't available to be built on.

Mr. Folger responded that he had a person interested, and after he told them about the outstanding violation on the site that would have to be corrected before any building permit would be approved by the town. The person asked if he were to purchase the property "could he effect the repairs on the property?" and Mr. Folger responded "Yes our goal is to have it restored" After this discussion Mr. Folger received a voicemail from Mr. Lombardo to "rectify the situation." Mr. Folger attempted to contact Mr. Lombardo back, leaving a voicemail and had not heard anything back.

Commissioner Phillips moved to “Uphold the cease and desist and restore order of October 26, 2021”

Commissioner Jennings seconds the motion.

Mr. Folger adds that the order he issued to him doesn't not have any dates on it and asks if the Commission would want to amend the Order to put any performance date in it after which time will be revisited to see if “Legal action or relocation of the Wetland permit is another option”

Chairperson Kelly asked “If there's a violation on the land record?”

Mr. Folger responds “We could put a caveat on the land record as well”

Commissioner Phillips asks what would be a reasonable length of time.

Mr. Folger states that he's given the owner since March to fix the problem and he thinks 30 days to at least contact the town with restoration plan or intent is reasonable.

Commissioner Jennings asks if they give him the 30 days and he doesn't comply within the 30 days, can he be fined.

Mr. Folger responds yes, they do have the ability to levy a fine. It starts at \$100 per day and maxes out at \$250 a day if the problem continues to be ignored. He will provide a copy of the ordinance for the commission at the December meeting.

Commissioner Jennings stated “he's had plenty of time since March, and hasn't responded. Now when money is involved and he wants to sell it, now he wants to talk to Mr. Folger.” He thinks with letter for fine, owner will be a bit more “receptive”

Chairperson Kelly asked if the 30 days lines up with December meeting. December 1st meeting will be 28 days, asks Commissioner Philips is he wants to amend his motion and second to include “he needs to initiate action by December 1st, or Town will initiate some form of legal action”

Commissioner Phillips amended original motion to say “work shall be done no later than the end of November 2021”

Chairperson Kelly added that at the December 1st meeting the Commission will consider next steps based upon what action has been taken. “He will need to mulch and cover the ground for winter.” Asks if there's any more discussions. Calls for vote on the motion as updated. “All in favor”

Commissioners unanimously vote “AYE” the motion carried

Chairperson Kelly asks if any other applications have been received.

Mr. Folger responds “no applications”

Commissioner Philips moves to adjourn at 8:38pm

Commissioner Jennings seconds the motion

Commissioners unanimously vote “AYE” the motion carried

Respectfully Submitted, Gina Saccente Recording Secretary