



Inland Wetlands and Watercourses Agency

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MINUTES

Thursday, May 9th, 2019 7:30 PM
Canoe Brook Senior Center
11 Cherry Hill Road, Branford, CT

1. CALL TO ORDER

- Chairman Peter Bassermann called the regular meeting of Branford's Inland Wetlands & Agency to order at 7:30 p.m.

2. ROLL CALL:

Commissioners Present: Chair Peter Bassermann, Richard Greenalch, James Goggin, Chris Traugh

Commissioners Absent: Rick Ross, Sandra Kraus, Eric Rose, Suzanne Botta

Staff Present: Inland Wetland Enforcement Officer Diana Ross, David McCarthy

3. APPROVAL OF MINUTES:

April 10th Special Meeting Minutes (Site Walk):

- Comm. Greenalch motioned to approve the Special Meeting minutes, Comm. Goggin seconded, Motion passed (in favor - not in favor - abstained) (4,0,0)

April 11th Regular Meeting Minutes:

- Comm. Greenalch motioned to approve the Regular Meeting, Comm. Goggin seconded, Motion passed (4,0,0)

April 25th Special Meeting Minutes Motion passed (IW# 19.03.01):

- Comm. Goggin motioned to approve the Special Meeting minutes under the condition that the date and time is corrected from April 11th at 7:30 PM to April 25th at 7:00 PM, Comm. Greenalch seconded, the Motion passed (3,0,1)
- Comm. Greenalch abstained as he was not present during the Special Meeting

4. PUBLIC HEARINGS:

IW# 19.03.03 | 30 School St. | Construction of Garage – Filling of Wetland

- **Chairman Peter Bassermann** opened the Public Hearing
- **Attorney Chris Smith** of Walter and Pearson spoke on behalf of the owner/applicant, the Peter Hentschel Revocable Trust, then introduced the application team consisting of Applicant Peter Hentschel, Soil Scientist David Lord of Soil Resource Consultants, Civil Engineer Jim Pretti of Crisculo Engineering LLC
- **Attorney Chris Smith** stated that he was seeking approval for regulated activities in association with the construction of a residential garage on behalf of his client (Applicant Peter Hentschel) and asked the Commission to refer to the application booklet/packet that was submitted with the application (Title: *Wetlands Application, 30 School St. Branford, CT, March 12th 2019 Table of Contents*) as well as large image slides on an easel throughout the team's review of the application
- **Attorney Chris Smith** reminded the Commission that the proposed garage is 635 square feet, with a total direct impact area of 735 square feet. He referred to the proposed area of development as a low functioning "wetland lawn area" and stated that the garage was engineered in a way that it will "not have any effect what so ever on the groundwater table

and the flow of the groundwater.” Then, he summarized the project’s six-to-one remediation/wetland enhancement plan that will provide habitat for wildlife.

- **Attorney Chris Smith** stated that there were no feasible alternatives
- **Attorney Chris Smith** apprised the Commission that the proposed garage will have no adverse impact on the wetland and the functions that it serves and that in theory, feasible and prudent alternatives need not be addressed. Nonetheless, he informed the Commission that the team would review why the alternative locations are not feasible.
- **Jim Pretti (project engineer)** walked the Commission through the site plan, and how the proposed garage would be constructed: retaining walls to limit grading, 21-cubic-yards of fill in the upland area, three-cubic-yards of fill in the wetlands, flood ports in the foundations walls designed for four-square-inches per square foot of floor area, crushed stone under the foundation.
- **Chairman Peter Bassermann** asked how many ports the proposed garage would have
- **Peter Hentschel:** six total
- **Comm. Goggin** asked how the port sizes were determined and how much water would flow through them
- **Jim Pretti** informed the Commission that you could not know about the volume of flow without monitorization, that typical flood ports/vents are one square inch per one square foot of floor area, and this was designed for four square inches per one square foot of floor area
- **Jim Pretti** reviewed alternative locations and stated that the only upland option on the property was on the other side of the house, but it would require traversing other wetland areas and possibly impact the septic system.
- **Jim Pretti** stated that the most feasible and prudent option is near the road where the impacts are the least
- **Chairman Peter Bassermann** asked where the collected rainwater on the property goes off property
- **Jim Pretti:** a pipe that runs off the property
- **David Lord (Soil Scientist)** of Soil Resource Consultants introduced himself and reviewed his credentials. Then, he referred the Commission to the 2010 wetland delineation as he walked through wetland functions, alternative garage locations, and their impacts, feasibilities, and declared all but the proposed location to be not prudent. Then, he stated that the alternative location near the home was potentially feasible, but not prudent due to a need for a longer driveway that would potentially impact the wetland and septic system.
- **Chairman Peter Bassermann:** what’s the age of the existing septic system?
- **Peter Hentschel:** approximately 25 years
- **David Lord** stated that the proposed location was chosen because it impacts the least amount of wetland and will allow them to function in their present form
- **Chairman Peter Bassermann:** could you put a slab over the existing pull off area, over the drainage pipe, without disturbing the pipe?
- **David Lord:** that would be an engineering requirement
- **David Lord** stated that water coming into this wetland is isolated to this property and a little from the neighboring Branford Land Trust (BLT) property
- **David Lord** summarized the primary function of this grass/lawn wetland area to be the passage of shallow subsurface and surface water flow, that habitat functions of this wetland are very low, and that the proposed garage’s construction will mimic the movement of water onsite and enhance wetland function with a planting plan.
- **David Lord** read a past report (a statement he made March 12th, 2019) for the record: *“The proposed regulated activities do not represent a significant or measurable adverse impact to the physical characteristics of functioning of the onsite wetland and watercourse resources, or their long-term functioning and present levels.”*

- **David Lord** shared that his proposed six-to-one mitigation/enhancement planting plan (exhibit three of the booklet, March 12th, 2019) would: bring areas of the wetland back to a woody tree and shrub wetland, elevate wetland functions and nutrient removal, bring the wetland above present functioning levels, does not adversely affect its current primary function, and enhances its lacking wildlife habitat function. He stated that planting would begin 30 days after the commencement of construction.
- **Chairman Peter Bassermann** asked EO Ross if the plant species were sufficient
- **EO Ross:** yes
- **David Lord** walked the Commission through the planting plan: species, materials, invasive species removal, as well as his plan to report inspections to the Agency
- **Peter Hentschel** thanked the Commission for hearing his application and explained that, as an architect, he considers himself a good custodian of the environment. He stated that he chose this design and location on the property for three reasons, it has limited impact on the wetland, no alternative locations, and leaves the site in better conditions than it is now.
- **Chairman Peter Bassermann:** what will go in the garage?
- **Peter Hentschel:** primarily vehicles and yard equipment
- **Chairman Peter Bassermann:** any fuel or chemicals?
- **Peter Hentschel:** no, and nine out of ten of my abutters all have garage structures. It's the norm in this neighborhood.
- **Chairman Peter Bassermann** asked if the Commission had any other questions, they shook their heads no. Then, he opened the floor to the Public.
- **Linda Reed** introduced herself and a consultant, Sigrun Gadwa, who represents 32 neighbors.
- **Sigrun Gadwa** introduced herself, handed out her report, and reviewed the site plan stating that there are prudent and feasible alternative sites for the proposed garage. She directed the Commission's attention to a photograph of a Black Willow tree within her report and stated that this tree's root system spread out into the wetland. She informed the Commission that willow trees have the longest list of associated insects and they serve the wildlife of the area. Then, she explained that because the tree is growing in wetland soils, its leaves/shoots are softer and more desirable to wildlife.
- **Sigrun Gadwa** stated that there are wetland functions that have been forgotten/left out of David Lord's report. She explained that wetlands have multiple layers and that their soils contain a lot of fungi, microbes, and creatures that work to denitrify bacteria. She shared a concern that the treatment plan to remove the invasive species with herbicides could cause harm to the subsoil ecosystem, as well as David Lord's wetland mitigation planting and seed mix.
- **Sigrun Gadwa** stated that the rising and lowering of the water table within this wetland is ideal for the process of denitrification. Then, she explained that septic systems don't remove more than 50% of nitrogen, that the tree roots and phragmites can help take up the rest, and that Soil Scientists David Lord did not address this.
- **Sigrun Gadwa:** in reference to alternative area four, she stated that it would not require crossing the wetland. That the Department of Public Health only requires 5 feet of distance between driveways and septic systems. She stated that development there would have less impact on the wetland than the proposed location. She noted that this location would require a property line variance, but in her and her team's professional opinion, that there is space for a driveway that can lead to the garage in an upland area.
- **Sigrun Gadwa:** "The ecological integrity, is not as Mr. Lord wrote in his report, severely compromised by the urban landscape setting."
- **Sigrun Gadwa** stated that nutrient removal function is the most important part of this wetland
- **Sigrun Gadwa** noted that the application was missing a calculation of direct impacts to the upland review area

- **Sigrun Gadwa** requested that Commission look into what's happened in the past on this property and to reference Regulation sections 7.8e,f to help inform their decision
- **Sigrun Gadwa** indicated that the loss of the Black Willow tree would result in excess water in the water table and perhaps flooding due to the lack of water uptake. Then, she pointed to an area on the property where a Black Willow tree used to stand and stated that that area is now too soft to mow.
- **Lynn Clements** introduced herself and thanked the Commission for the opportunity to comment on the proposed garage. Then, she read from a prepared letter addressing three considerations that are useful to discuss the impact of development on a wetland: wetland functions, alternatives, wetland invasion. She stated that this wetland should not be discounted as a 'low value' wetland. She asked that small urban wetlands like this one, not be discounted as invaluable because they are in the perfect location to protect water quality.
- **Lynn Clements said that** alternative 4 should not be discounted and suggested that it would impact fewer wetland soils and should be explored more thoroughly
- **Linda Reed** introduced herself and reviewed her credentials
- **Linda Reed** reminded the Commission of the plan of Conservation and Development and the preservation of wetland and watercourses
- **Linda Reed** referenced CT's Department of Energy and Environmental Protection's natural diversity database map and questioned if there were relevant species living in the area. She also noted that this proposed development is in the Coastal Area Management zone (CAM).
- **Linda Reed** stated that her research into East Shore District Health identified that there was filling on the wetlands back in 2011
- **Linda Reed** said that if there is a feasible and prudent alternative, that reduces wetland impacts, that it should be considered. Then, she suggested that alternative 4, being closer to the home would be far more convenient for the tenant and would have less impact on the wetland.
- **Sandy Fisher** informed the Commission that she's lived in the area for 49 years and the area used to be very swampy with 'squashy yards.' It was so wet that her kids could skate on the frozen water. However, there are houses there now.
- **Sandy Fisher** informed the Commission that herself, and neighbors, have had to use sub-pumps frequently because the area is very wet. Then, she stated that some of her neighbors have above ground septic systems because the water table is high. "It's a very wet area."
- **Sandy Fisher** stated that she's concerned that the proposed garage would impact water flow in the area
- **Chairman Peter Bassermann:** are there storm drains in the area?
- **Sandy Fisher:** yes, but the water table is extremely high there
- **Chairman Peter Bassermann:** the applicant has stated that alternative 4 does not appear to be feasible. Then, he stated that the members of the public have stated that it was and asked the applicant for their response.
- **Jim Pretti:** yes, the property is in a CAM zone, but "residential accessory structures are exempt if they're not within 100' of a critical coastal resource."
- **Jim Pretti:** zoning regulations 612c.1 require all-weather passable surfaces not less than 10 feet wide, what passes for a car does not pass Branford's Zoning Regulations.
- **Comm. Goggin** asked about the zoning regulation on building setbacks for alternative 4
- **Jim Pretti:** 20-feet and 10-feet for this structure
- **Comm. Goggin:** it looks like there is not a lot of room, the engineering would need to be redesigned, and it would need a variance
- **The Commission** and the applicant discussed the possibility of building the garage smaller to fit in alternative 4
- **Peter Hentschel** informed the Commission that the old Black Willow tree was taken down because it was old and falling down. He said he wants to take down the existing Black

Willow tree for safety because it's so old that its chances of surviving even a few years, with or without this project is moot. He stated that all his neighbors are insisting that the Black Willow tree be removed.

- **Chairman Peter Bassermann:** what's the wetland disturbance with alternative 4?
- **Peter Hentschel** we'd have to redo it to include the driveway, but it's not feasible because of the septic system
- **Chairman Peter Bassermann:** it looks like an 8-9 foot driveway would clear the septic system
- **Peter Hentschel** reminded the Commission that it would have to be built to 10 feet
- **Chairman Peter Bassermann:** bottom line, alternative 4 would not meet town regulations?
- **Peter Hentschel:** no
- **David Lord** discussed wetland functions, denitrification and the impact that the garage will have. Then, he summarized his enhancement plan emphasizing that it will elevate the level of wetland function. Then, he reminded that the engineered design itself is a form of mitigation that will lessen the potential for adverse impacts from the proposed activity.
- **David Lord** stated that from a hydrological standpoint, water will not backup along Watrous Avenue from this proposed activity
- **Attorney Chris Smith** reminded the Commission that the water on this site, falls on the site; "this is a little wetland system on the property."
- **Attorney Chris Smith:** this proposed development will not have any adverse impact on the wetland, and the wetland on the BLT property. Therefore, we don't need to explore alternatives. Furthermore, with the enhancements proposed, this will be a better wetland when everything is said and done.
- **Attorney Chris Smith:** "Everybody knows this is a lawn area."
- **Attorney Chris Smith** respectfully submitted that this proposal will not have an adverse effect on the wetland on this property, and it will be better off in the long run. Then, he stated that there has not been any testimony that this proposal will negatively affect the wetland, that there's nothing unique about this lawn wetland.
- **Attorney Chris Smith:** respectfully requested the Commission approve this application
- **EO Ross** asked David Lord to point to where the plants and shrubs will be planted on the photo
- **David Lord:** based on local topography, I decide what goes where and try to maintain flexibility. The trees will be spaced at a 15-foot diameter, shrubs at a min of 10-foot diameter, and will occasionally clump them. He stated that he inspects all plants for vigor and lays out the planting plan the day before.
- **Chairman Peter Bassermann:** can an as-built be delivered of the plantings to monitor survival rates?
- **Peter Hentschel:** we can submit that, yes.
- **Chairman Peter Bassermann** asked the Commission, Staff, and Public if they had any more questions: there were no more questions or comments.
- **Comm. Greenalch** made a Motion to close the Public Hearing, Comm. Goggin seconded, Motion passed (4,0,0)
- **Chairman Peter Bassermann** asked the Commission if it felt that it had enough information to make a decision
- **Comm. Greenalch:** I do
- **Chairman Peter Bassermann:** the Statues and Regulations state that if there is no adverse effect to the wetlands that we need to approve the application. So, we need to concur that there is no adverse effect to the wetland.
- **Chairman Peter Bassermann:** "Is there anyone that feels that there is?"
- **Comm. Goggin:** no

- **Comm. Greenalch** made a Motion that the Commission approves application IW#19.03.03 on the basis that there is not a substantial impact on the wetland, that the proposed enhancement plan will result in a more beneficial wetland system, and that the alternate locations do not need to be considered because what has been presented is not really feasible for a garage in alternative location 4 and would require variances. As a matter of right, they don't have the right to put it there. Comm. Goggin second it, Motion Carried (4,0,0)

5. APPLICATIONS FOR RECEIPT:

- a. IW# 19.04.02 | After-The-Fact | 71 Midwood Rd. | Vegetation Removal - Installation of a Dry Well & Rock Fill | Consideration for Administrative Approval
 - **Mike Barbour (Applicant/owner)** explained to the Commission that his neighbors complained about runoff from his property into theirs, and asked him if he could do something about it. So, he installed an MDS flow well system (dry well). He walked the Commission through its installation.
 - **Comm. Goggin:** did it work?
 - **Mike Barbour:** it has, except for the two-inch rain storm that had just occurred
 - **EO Ross** showed the Commission where the wetlands are on a map
 - **EO Ross:** he started the work not knowing he needed a permit. I went out, he stopped the work and applied for an application.
 - **The Commission:** decided that this application can be approved administratively

- b. IW# 19.04.04 | 834-836 East Main St. aka 8 Notch Hill Rd. (Proposed Force Main and Sewer Extension Plan) | Removal of Fill & Wetland Restoration
 - **Jim Pretti (project engineer)** informed the Commission about the applicant's desire to connect the property to the sewer across the North Branford, and Branford town lines
 - **Jim Pretti** informed the Commission of past fill on the wetland
 - **EO Ross** handed the Commission a wetland delineation map from 2014, that shows the older/larger wetland that existed before the fill
 - **Jim Pretti** noted that the wetland was filled, but that somehow, it got bigger
 - **Jim Pretti** noted that part of the proposal is to remove the fill, plant shrubs, and remove invasive species
 - **Comm. Goggin** commented that this project will have minimal impact on the wetland and that a sewer connection is a good idea
 - **EO Ross** stated that she'd like to walk the site with Jim Pretti and look for places to plant trees

- c. IW# 19.04.05 | 21-23 Business Park Drive | Removal of Trees for Billboard Visibility & Wetland Mitigation | Fee Reduction Requested
 - **Jim Pretti (project engineer)** walked the Commission through the proposal to remove vegetation in the sight triangle to increase billboard visibility from Interstate-95 (I-95)
 - **Jim Pretti** explained that the billboard had not been rented for the past 10-15 years, and that the vegetation has since overgrown, blocking its view from I-95.
 - **Comm. Goggin** asked for clarification of property ownership
 - **Jim Pretti:** part of the property is owned by the State of Connecticut Department of Transportation
 - **Richard Michaud:** we've reached out to the State, but have not heard anything back
 - **Chairman Peter Bassermann:** what will be removed, trees?
 - **Jim Pretti:** yes, quite a few trees. New trees will be planted outside of the sightline
 - **Comm. Goggin** asked about equipment and stated that these are fairly sizable trees
 - **Richard Michaud:** stated that these are second growth from a previously cleared area

- **Richard Michaud** pointed to the map and indicated that there is a watercourse on the site and stated that a lot of the removal will be handwork
 - **Chairman Peter Bassermann:** is there concern for invasive species with a greater amount of sunlight?
 - **Richard Michaud:** part of the provided plan includes an annual removal of the invasive species
 - **Jim Pretti** stated that the fees to remove the trees, according to the fee structure, is over \$27,000. He stated that this seems excessive and requested a fee reduction. He stated that there is no proposed ground disturbance, which it's simply tree removal, and there's no fee schedule for this.
 - **EO Ross:** in the meantime, how can this fee be reduced?
 - **Chairman Bassermann:** a fee reduction should be submitted to the Agency, in writing, with the reasons why it's being requested. Then, that's something the Commission would consider.
- d. BR # 19.05.01 | 45 Short Rocks Rd – Supply Ponds | Placement of Concrete Block on the Edge of Pine Gutter Brook to Repair Bridge
- **Ainsley Highman** introduced himself as the Chair of the Town of Branford Parks and Open Space Authority and informed the Commission that this is a Town of Branford project. Then, he spoke park's history, streams, trails, and foot traffic.
 - **Ainsley Highman** walked the Commission through the bridge drawing
 - **Comm. Greenalch** asked if it was a precast block
 - **Jim Boyd (project contractor)** yes
 - **Comm. Greenalch** suggested grading a base for the blocks, so they set level
 - **EO Ross** reminded the Commission that this project is in a watercourse
 - **Chairman Bassermann:** when does this need to happen?
 - **Ainsley Highman:** the sooner the better, the bridge is currently closed

6. APPLICATIONS FOR REVIEW:

IW# 19.03.02 | 119 Cedar St. | Installation of Retaining Wall

- **Josh Onofrio (owner/applicant)** reminded the Commission that it's a tight site, and that when the retaining wall was moved out, it resulted in an approximate wetland impact area of 12.5 square-feet. Then, he stated that there his soil scientist David Lord has a mitigation plan to compensate for that.
- **Chairman Bassermann:** the concern of the wall being moved toward the watercourse is erosion over time, how will this be addressed?
- **David Lord:** we addressed erosion in two ways, a planting plan with an erosion control planting seed mix that could stabilize the soil and the reconfiguration of the two splash-pads
- **David Lord** reviewed his plan before the Commission
- **Chairman Bassermann:** in heavy rainstorms, does the force of water cause erosion?
- **Josh Onofrio** stated that he's owned the property for 5-6 years and has never seen it back up
- **Chairman Bassermann:** what's the depth of the water, less than a foot?
- **Josh Onofrio:** yes
- **EO Ross** passed out the originally approved plan including the existing condition map
- **David McCarthy (Inland Wetland Staff)** shared that the splash pads also go into the wetland, and were not part of the encroachment calculations
- **David Lord** agreed that the mitigation area does not include the area of the splash-pads, but stated that they can be moving forward. Then, he spoke of the existing mitigation area to provide compensation of the encroachment of the retaining wall and splash pads.
- **EO Ross:** this is area subject to high flows, will the vegetation be able to handle it?

- **David Lord:** yes
- **Comm. Greenalch** asked if water flow would be high in velocity
- **David Lord:** no, it would be wide and pass over vegetation
- **EO Ross:** what about the follow-up and monitoring process?
- **David Lord** same, my standard policy
- **EO Ross** asked that David Lord take a look at the soils and plants in the rain-garden, because what's in there now is not sufficient and does not seem to be doing well
- **Chairman Bassermann** reminded Josh that he moved the retaining wall without attaining a permit. Then, he asked the Commission if they felt that the walls need to be taken down.
- **EO Ross:** stated that if this application was accepted the old one would need to be Revoked
- **Comm. Greenalch:** there has been a fairly nice job done out there, and with some additional plantings and work to the biofilter area, I would not want to see the walls removed
- **Comm. Goggin:** I think it would create more damage than it would correct by taking them out
- **Comm. Greenalch** made a Motion to Revoke Permit IW# 15.04.01 because it was not fairly executed, Comm. Goggin seconded, Motioned passed (4,0,0)
- **Comm. Greenalch** made a motion that application IW# 19.03.02 be approved with the conditions that the work to the new wetland mitigation/remediation area, around the splash pads, and in the bio-retention area be presented to EO Ross for approval. Comm. Goggin Seconded, Motioned passed (4,0,0)

7. ADMINISTRATIVE APPROVALS ISSUED:

IW# 19.03.05 | 100 Pine Orchard Rd. | Inground Pool

- **EO Ross** reminded the Commission that it gave her approval for this application, and she informed it that it was approved

IW# 19.04.01 | 23 Lomartra Lane | Construction of a Single-Family Home

- **EO Ross** reminded the Commission that it gave her approval for units on the 47 Gould Lane property developments, and informed it that it was approved

IW# 19.04.03 | 32 Beechwood Rd. | Tree Removal

- **EO Ross** informed the Commission made she administratively approved the homeowner to remove the trees

8. OTHER BUSINESS:

5 Fitzgerald Lane | Wetland Replanting

- **EO Ross** informed the Commission that there was a created wetland here back in 2002, and the homeowner recently removed vegetation with the intention of replanting
- **EO Ross** informed the Commission that she is making suggestions for the new plants because the old ones died

Staff Update on Fee Schedule Research and Analysis

- Tabled till the next meeting

Staff Update on the Farm River Watershed National Water Quality Initiative

- Tabled till the next meeting

Staff Update on Permit Application Fee Reduction Form

- **David McCarthy** gave a brief presentation of the draft fee reduction form
- **Chairman Bassermann** asked for a fee reduction formula/mechanism to be created, included on the form, and be sent out to all Commissioners for input

9. CORRESPONDENCE & ANNOUNCEMENTS

Branford Land Trust & DonMar Development Corp. | Site Walk and Erosion Control

- **EO Ross** informed the Commission that on April 29th, 2019, a site walk with the Inland Wetland Staff, DonMar Development Corp., and the Branford Land Trust (BLT) took place to view the property development's erosion controls, and they observed sediment that washed into the wetland, and pond on Branford Land Trust's property: "A lot of sediment."
- **EO Ross** informed the Commission that there is a lack of good communication from DonMar and Milone and Macbroom in regards to ENS reports, with little to no response about work to repair/maintain erosion controls.
- **EO Ross** stated that she made suggestions to DonMar to improve reporting
- **EO Ross:** DonMar claimed the sediment deposit was from a one-time event, no one told her at the time it occurred and she failed to see it on her site visits
- **EO Ross** informed the Commission that she is no longer administratively approving lots until this is all fixed and recommend that the Commission takes a site walk
- **Lauren Brown (Branford Land Trust)** introduced herself, displayed pictures, and informed the Commission that they had a hired a private consultant
- **EO Ross** told Lauren that the Branford Land Trust's Freedom of Information request (FOI) is in process, and the Town will notify her when it's complete
- **Chairman Bassermann** asked Lauren to file the pictures for the record
- **Lauren Brown** asked EO Ross if seeding had occurred
- **EO Ross** "That's another issue, they're supposed to be doing the seeding."
- **EO Ross** he cleared more than he was supposed to and now he's dealing with the erosion problems
- **Lauren Brown** stated that the BLT is dealing with the mess of DonMar violating their Permit
- **Lauren Brown** read a communication written from BLT's President, Peter Raymond
- **Chairman Bassermann:** is this worthy of a cease and desist?
- **The Commission discussed** a cease and desist?
- **Comm. Goggin** would like to do a site walk, first.
- **Chairman Bassermann:** can we limit his activity to stabilization?
- **EO Ross:** That will get his attention, I can if you want me to. Then, she discussed enforcement and fining.
- **Chairman Bassermann** stated that he'd like to speak with the town attorney
- **Comm. Greenalch:** I think we put a complete halt on any new starts till he gets this squared away
- **EO Ross** asked the Commission for the conditions it would like before she starts signing off on new permits
- **The Commission** stated that all new applications need to come before the Commission
- **EO Ross:** the erosion controls that the engineer is giving him are not working
- **Comm. Greenalch:** I think the work should be complete by the time we do our site walk
- **EO Ross** informed the Commission that Michael Di Gioia, of DonMar Development Corp., emailed a detailed letter earlier today to inform the Commission as to why he could not attend the meeting, addressed the erosion control issues, and laid out a plan to repair the erosion controls
- **Chairman Bassermann** asked EO Ross if his plan would be effective
- **EO Ross:** I don't know, but I have been suggesting the use of erosion control logs that have yet to be used. I also recommend doubling up on the silt fences.
- **Chairman Bassermann** spoke on behalf of the Commission, stating all energy and effort should go into repairing the erosion controls before the Commission's site walk so they can be inspected

- **The Commission** concluded that DonMar Development Corp. has three weeks to complete all items on its plan for inspection by the Commission on the site walk. If not found to be satisfactory, the Commission is considering the issue of a cease and correct.
- **The Commission** scheduled a site walk of 47 Gould Lane for Thursday, June 6th, 2019 at 5:30 P.M.

10. ADJOURNMENT

Chairman Bassermann made a Motion to adjourn the regular meeting at 11:24 P.M., Comm. Goggin seconded, Motioned passed (4,0,0)

Respectfully submitted,



David E. McCarthy