

TOWN OF OXFORD
S.B. Church Memorial Town Hall
486 Oxford Road, Oxford, Connecticut 06478-1298
www.Oxford-CT.gov

Conservation Commission / Inland Wetlands Agency

REGULAR MEETING MINUTES

Tuesday, December 8, 2020

The **Regular Meeting** of the Oxford Conservation Commission/Inland Wetlands Agency was held virtually online with Google meets video on Tuesday, December 8, 2020.

Meeting was called to order at 7:30 P.M. by Chairman Susan Purcella Gibbons

PLEDGE OF ALLEGIANCE:

ATTENDANCE ROLL CALL:

COMMISSIONERS PRESENT: Chairman Sue Purcella Gibbons and Commission Members, & Brian Smith, Andy Ferrillo & Ethan Stewart and Commissioner Joe Lanier

STAFF: Administrative Secretary Denise Randall and I.W. Enforcement Officer Michael Herde

ABSENT: None

AUDIENCE OF CITIZENS (NOT FOR PENDING APPLICATIONS):

Attorney Kevin McSherry

AMENDMENT TO AGENDA:

MOTION made by **Commissioner Andy Ferrillo** and seconded by **Commissioner Brian Smith** to accept the amendment to the agenda to add for 2 complete applications for new business for the next regular Inland Wetlands meeting. All in favor **5-0**.

EXECUTIVE SESSION: None

NEW BUSINESS:

OLD BUSINESS:

RE-APPLICATION:

NEW APPLICATIONS REQUIRING OCCIWA APPROVAL (ACCEPTANCE):

MOTION made by Commissioner A. Ferrillo and seconded by Commissioner B. Smith to accept the following completed applications: (IW 20-116) Oxford Enterprises, LLC, 3 Woodruff Hill Rd, (Map 25, block 22, Lot 13-5) proposed use Industrial building, grading, upgrades of drainage. Total size of site 6.38 acres (Wetlands impact = 0 acres) (Upland review area = 25,485 sq. ft.) (amount of material removed= 405 c.y.) (Deposited= 2225 c.y.) (IW 20-117) Oxford Enterprises, LLC, 7 Woodruff Hill Rd, (Map 25, block 22, Lot 13-6) proposed use Industrial building, grading, storm drainage. Total size of site .75 acres (Wetlands impact = 0 acres) (Upland review area = 15,860 sq. ft.) (amount of material removed= 1200 c.y.) (Deposited= 60 c.y.). All in favor 5-0.

CORRESPONDENCE:

OTHER BUSINESS:

ACCEPTANCE OF APPROVAL MINUTES & CORRECTIONS TO MINUTES (IFANY):

MOTION made by Commissioner A. Ferrillo and seconded by Commissioner E. Stewart special minutes from 11/24/20. All in favor 5-0.

MOTION made by Commissioner E. Stewart and seconded by Commissioner A. Ferrillo to approve the regular meeting minutes from 11/24/20. All in favor 5-0.

ENFORCEMENT OFFICER:

Canterbury Farms:

The Enforcement Officer stated that he checked the site and there is a large volume of water from the recent storm. I let the owner know that the water is going onto a town road. I will be doing a re-check tomorrow.

Commissioner Joe Lanier asked about Chestnut Tree Hill violation.

The Enforcement Officer explained.

COMPLAINT/CONCERN:

REPORTS ON SEMINARS, INSPECTIONS, and OTHER MEETINGS SCHEDULED OR ATTENDED NEWSPAPER ITEMS & P & Z MINUTES:

OTHER ITEMS OF CONCERN:

**COMMENTS FROM THE CHAIRMAN & OTHER COMMISSION MEMBERS
OTHER:**

MOTION made by Commissioner J. Lanier and seconded by Commissioner E. Stewart to accept the regularly scheduled meetings for the year 2021. All in favor 5-0.

MOTION made by Commissioner Joe Lanier and seconded by Commissioner Ethan Stewart to cancel the regularly scheduled meeting for December 22, 2020 due to lack of Quorum. All in favor 5-0.

APPLICATIONS NOT REQUIRING OCCIWA APPROVAL & PERMIT APPROVALS:

MATTERS OF VIOLATIONS/LITIGATIONS:

- **Notice of Cease & Restore -10 Park Road violation** (Ms. Tkacz) (Pending Litigation) 7/26/16 awaiting notice from Attorney. (Update on litigation on 3/28/2017 application denied at 6/27/17 regular meeting) (Return of record received by judge on 7/7/2017)

Notice of Cease & Desist- 5 Crozier Court (Mr. Antunes) Filling in a vernal pool, Letter sent 11/13/20. Hearing held on 11/24/20 at 7pm

Chairman Sue P. Gibbons stated: I believe Mr. & Mrs. Antunes are both present and I know some of our Commission members went out to 5 Crozier Court either on their own or with the Enforcement Officer to discuss a resolution.

Mr. & Mrs. Antunes are both present: Victor Antunes stated: Yes, I currently am waiting for advice from the Commission to be able to restore the area back.

The Chairman asked the Enforcement Officer his advice.

Enf. Officer Herde stated: With the inappropriate fill, I believe 100 percent it should be taken out. With regard to the front, commission needs to make this decision.

Commissioner Andy Ferrillo stated: The type of material in that fill, the individual debris, needs to be removed. It should be cleaned up and the Enforcement Officer needs to be on site to witness. It would be violating the law if we let him keep it there.

Enforcement Officer Herde agreed and stated: There is clean fill underneath.

Commissioner Joe Lanier asked about the drainage in the upper front, where is the pipe?

Enf. Officer Herde replied: My recommendation if we allow filling in the front but from a wetlands standpoint, we need a signed letter from a certified engineer on the finished grade. There is a very high water table and in the front area the fill is very close to the septic which could lead to septic failure if its not done right. The town does not want to be liable for this. We need a letter from a professional as to how to proceed.

Mr. Antunes asked about the re-plantings.

Enf. Officer replied: Maybe 3 or 4 hemlocks were taken down. We can suggest native species for protection of the wetland and some extra plantings on the edge of the vernal pool.

Chairman Sue P. Gibbons stated: I did do a drive by and was able to see the area.

Mr. Antunes stated: I want to work with you but this now sounds very expensive. I do wish to place something on the edge there and I can certainly fix some but this sounds pricey.

Enf. Officer stated: I believe it will need a flat out restoration of the backyard and a re-grade to the original grade. The front yard material is large. We are going to need some sort of engineering advice as the septic is close to the fill. A restore/regrade of the front yard.

Chairman Sue P. Gibbons stated: Lets talk about a timeline. I know there is financial restraints and we want to work with you. We know you have a newborn.

Mr. Antunes stated: I have a friend who can do this but he would be working on his off time and with it being winter time, it may take a little longer to do this. I think I can get it done January 1, 2020.

Enf. Officer Herde stated: You can take clean fill from the back and move to the front, at least temporary.

Mr. Antunes stated: I can probably get my friend to move it from the back yard to the front.

Enf. Officer Herde stated: Ok, the material from the back needs to be pulled out and taken away all in one shot. How many truck loads did you receive?

Mr. Antunes replied: I really don't know as I was in the hospital with my daughter while the trucks were delivering the material. Maybe 6 trucks loads. If I have to do this all at once it would require me to pay for the grading and pay for a loader.

Enf. Officer Herde replied: This is a wetland disaster.

Commissioner Joe Lanier added: I do believe your trying to work with us which of course we all want but with much of the material being asphalt and cement close to your septic, we can't have the town be liable and I agree on needing a professional opinion from an engineer.

Chairman Sue P. Gibbons stated: Is there a way to slow this down.

Enf. Officer Herde stated: This is a result of your own actions. Maybe we can give this to next spring if the commission wishes.

Mr. Antunes stated: Again, I want to fix this too but I don't want to lose my home over this. I know I was wrong it wasn't my intention.

Enf. Officer Herde suggested: Maybe getting an estimate to remove it all and start all over again.

Chairman Gibbons stated: We can table this but this will then go into January or we can make a motion for a restoration to get the ball rolling. If someone wants to make a restoration motion.

Enf. Officer Herde suggested: We should start with a restoration order for the back yard.

Commissioner B. Smith stated: We need to take out what's in front.

Mr. Antunes agreed: I can move the material to the front and....

Enf. Officer stated: You have to clarify this.

Chairman Sue P. Gibbons agreed and stated: Ok, yes. The Enforcement Officer will work with you. Please notify the Enforcement Officer during restoration.

MOTION made by **Commissioner B. Smith** to remove the cease & desist and place a cease & restore order on Mr. Victor Antunes, 5 Crozier Court. **Seconded** by **Commissioner J. Lanier**. All I favor **4-0**.

The Chairman asked for another motion for the conditions to apply.

MOTION made by **Commissioner B. Smith** and **seconded** by **Commissioner J. Lanier** to for the following conditions on property located at 5 Crozier Court:

1. Prior to any restoration all demolition material should be removed from the rear yard.
 2. The time frame for the rear yard, will be as of January 1, 2021 for rough restoration & erosion controls complete.
 3. Clean top soil to be used for restored area and properly seeded in future.
 4. Wetland type plantings should be placed in with advice from Enforcement Officer.
 5. Front yard restoration should be at the advice from an engineer, with a signed letter before beginning restoration. Grade design to address existing septic and drainage systems.
 6. Finish restoration as soon as possible, early spring.
- All in favor **4-0**.

MATTERS OF CONSERVATION:

The Chairman & Commissioner Smith ask Commissioner Joe Lanier to speak a little bit about the Ct. Sustainable and about the money that was raised so far.

Commissioner Lanier is very grateful for everyone that has donated money for the YCC to be able to continue working on the trails. Much of the money came from out of town and out of state donors which is incredible.

Commissioner Lanier also discussed the trails at Jackson's Cove.

ADJOURNMENT:

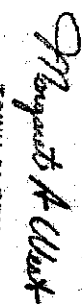
MOTION made by **Commissioner A. Ferrillo** to adjourn at 8:55 p.m.
Seconded by Commissioner J. Lanier. All in Favor **5-0.**

Respectfully Submitted,



Denise Randall

I/W Administrative Secretary

21 JAN 21 PM 12:43
TOWN OF OXFORD, CT

TOWN CLERK