



**TOWN OF OXFORD**  
S.B. Church Memorial Town Hall  
486 Oxford Road, Oxford, Connecticut 06478-1298  
[www.Oxford-CT.gov](http://www.Oxford-CT.gov)

**Conservation Commission / Inland Wetlands Agency**

**REGULAR MEETING MINUTES**

**Tuesday, July 14, 2020**

The **Regular Meeting** of the Oxford Conservation Commission/Inland Wetlands Agency was held virtually online with Google meets video on Tuesday, July 14, 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, Ethan Stewart, Andy Ferrillo and Joe Lanier

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

**ABSENT:** None

**AUDIENCE OF CITIZENS (NOT FOR PENDING APPLICATIONS):** None

**AMENDMENT TO AGENDA:** None

**EXECUTIVE SESSION:** None

**NEW BUSINESS:**

**OLD BUSINESS:**

**(IW 20-24)** Michael Tarby, 349 Christian Street, proposed building addition 759 sq. ft. site drainage (Total size of acres = 2,566 acres) (Wetlands impact = 0) (Upland Review area impact = 0)

The applicant has withdrawn there application with a letter from their engineer (Wolff Engineering) dated 6/19/20.

Chairman S. Purcella Gibbons stated: I'm sure the town engineer had an invoice for the applicant. Please make sure that is sent to them for payment.

#### **RE-APPLICATION:**

#### **NEW APPLICATIONS REQUIRING OCCIWA APPROVAL (ACCEPTANCE):**

#### **CORRESPONDENCE:**

The Chairman stated: Attorney Thomas is here to discuss a request for modification in the construction sequence of a permit which had already been approved for 10 Robinson Lane. There are a couple of things that have come up since we last met.

Attorney Dominick Thomas was present by video and stated: There are a couple of things since we last spoke. As you are aware, I was not involved in the wetlands application and I have reviewed the minutes from that. It's my understanding now that I have interviewed Mr. Shepard (Applicant's engineer) and others that the initial effort in the application for the McNamee special exception was that, for lack of the a better direction, the bridle path side of the site and early on probably in 2016 that was the focus. In 2017 the focus changed to not doing it on that side as it was too much impact on the wetlands. At that point the application came in with 2 things, 1 with the bridge crossing and that application was filed and accepted in October of 2017 which referenced the fact your commission with the agency with a wetland report. Although I saw no evidence of the report in the minutes. Also at that point I think by reading it correctly, Michael was the acting enforcement officer, that he had a portion of the document inserted into the record which focused on the bridge. That document was about an open box culvert and the recommendation of this commission was to use this for the bridge. I found no discussion in this time relative to the existing crossing. There was a January meeting where there was a presentation where Mr. Shepard presented a plans for an open bottom culvert. It was decided by your agency to get input from Mr. Galligan (town engineer) and then there were series of extensions due to weather and there was no discussions there on. Finally on October of 2018, there was at that point a REMA report and Galligan had approved it and the commission discussed a revised bridge and the town engineer looked over the revised plans and had no further comments. At that point it was approved finding minimal impact on the wetland. But to address your concerns, we did 2 more things and we have letters from professionals. Mr. Shepard (my clients engineer) was asked to our and meet with F & F Concrete. Now its my understanding that the single day pour, because it has to be a continues pour, so it would about 10 trucks. At that point we wanted to be sure that the temporary crossing with a 54" steel to be more than sufficient and Mr. Shepard, who is an engineer, provided a certain situations to be done to address the commissions concerns on the temporary crossing. In addition to that, we provided a timeline, with no unusual weather or any shutdown that would effect his work, in the timeline you will see would be able to finish the construction of the bridge, if they get started in the next few weeks and simultaneously he would be able to complete the construction of the bridge somewhere around November to December timeframe. I checked the records back to who was the soil scientist that designated the wetlands and it was Mr. James McManus. We then contacted Mr. McNanus and met him out at the site and he took photographs and provided us with a letter to say that the temporary crossing would not have an impact on the wetlands. He did however, make suggestions to further protect the area and we will further enhance protection and address these issues. He took pictures of the gravel and the

suggestions included orange construction fence along the driveway and silt fence on the north edge. So with this information and the timeframe and the monitoring of the project, we would like to have permission to go forward.

Chairman Sue P. Gibbons stated: Ok. I want to address some of the photos and in particular, photo #3 that shows the Japanese Knotweed, there is a very steep slope about a 14 foot drop. I wanted to mention that the steep slopes are on both sides of this road.

Attorney Thomas replied: I think that is why Mr. McManus recommended the orange construction fencing. This suggestion is really not related to wetlands.

Chairman Gibbons stated: For the purpose of making people aware of these steep areas on both sides and for the record, I just wanted to mention that.

Enforcement Officer Herde stated: Excuse me, Madame Chair, I would like to say a couple of minor things to correct. In 2018, I was the Chairman not the Enforcement Officer, no big deal on that. The entry that I did put into the record was a page about wetland crossings that came from the Wetlands Commissioners handbook on training for making decisions. And with the difference here you have a now farm road with no guard rail compared to a fully commercial road that is going to be 20 feet wide versus the top of this road that will be roughly 9 feet or 10 feet wide built for heavy farm equipment with a total of 10,000 pounds, moving at a very slow pace versus 80,000 pound trucks, with multiple trucks coming in. I know you said you have a 10 truck pour with 100 yards of concrete for just the footings but there is also concrete slabs and other construction materials, workers ect. for that building which is not being addressed right now. I just wanted to make mention of that.

Attorney Thomas replied: I would like to just correct you on that, it is my understanding that the slabs and footings or whatever was going to be a 10 truck pour and I may have misinterpreted. The other thing is the road is being used for construction for construction of the bridge.

Enforcement Officer Herde stated: Right. But most of the concrete for the bridge can be pumped instead without bringing any concrete across.

Attorney Thomas replied: Well, Ok that is why we went above and beyond and had a soil scientist look at it. That is why we went ahead with the expert testimony so that we can have it done a lot quicker without having any impact to the wetlands. You can speculate that something may happen but that is why we provided expert testimony. There is going to be traffic but it's not going to be a constant use of traffic. I mean that is why we sent McManus out to look at it and he did make suggestions. He suggested the orange construction fence.

Commissioner Joe Lanier stated: Right the orange construction fence is for a safety issue and our concern is with the mitigation in trying to prevent siltation in the actual wetland itself and that fencing is not going to do that. With those steep areas leaning in and out on both sides of the property there is no place for safely transporting material without potentially transporting silt in the adjacent wetland into the stream itself.

Attorney Thomas replied: But the silt fence was recommended.

Commissioner Joe Lanier replied: I understand there is going to be a silt fence there. What we are saying, based on the steepness of the embankments, and with no place to disperse, even if the silt fence is there, there is a high likelihood of failure. The orange construction fencing is there just as a visual, never mind if a truck rolls, that would be a totally different story. That would have a severe impact on the wetlands. We are looking also the movement of the water on site and I know

you mention the bridge, but that is only a limited pieces of equipment that are actually coming in to actually work on one particular area, not the continues construction of the building itself. Attorney Thomas stated: Umm, we have an expert who is a certified soil scientist, whether your using it for the bridge or using it for that you have appropriate measures which he has designated and it has no impact upon the wetland.

Enforcement Officer Herde: If that were all true, we would just use this temporary crossing for all the construction of the buildings and we wouldn't even be asking for a bridge.

Attorney Thomas replied: Umm, no, I the client is not going back on not building the bridge. We are talking about the temporary use that his commission ask me for finding that there is not going to have an impact on the wetland. The other thing is, this temporary crossing is still going to be used for the construction of the bridge. I believe that we went above and beyond having the concrete company and the soil scientist give their expert testimony. You can't make your decisions on speculations.

Commissioner Joe Lanier stated: And also when we have clients bring in their own professionals and we also have our own professionals take a look and may not come to the same conclusions. I know as a biologist , and when I go and look at the site, that I bring my own professional opinion and I'm not sure if your aware of that so that is why I'm saying that we are looking at the whole picture.

Attorney Thomas replied: Right. That's why I went back to look at the minutes and there is nothing in the record from REMA and nothing from the Galligan in the record to indicate use of the temporary bridge, temporary access during the construction of the bridge. Apparently that is what the intention was, that has any effect on the wetland. I found nothing in the minutes about the use of the temporary access use of the bridge during construction.

The Chairman asked if anyone had anymore questions or would like to add anything.

Chairman Sue P. Gibbons asked if anyone wanted to make a motion to either approve or deny this request for a modification for the construction sequence for 10 Robinson Lane. I just want everyone to remember that this is application that was already approved and it is not looked at as an application as this is just a modification of the construction sequence as requested by the client's attorney.

Attorney Thomas stated: Well it is technically an application for a modification. Mr. Herde and I looked at it and that is why I did it in the form of a letter. There is nothing that pertain to a modification of the conditions.

Chairman Sue P. Gibbons stated: I want to make clear that IW 17-199 was already approved and we are not acting on that application which was approved in April 2018 with the condition of the construction sequence building a bridge first before the construction of the building itself. Your client had no problem with that and I just want to make that very clear. This is not application IW 17-199. We do not have an application in front of us right now.

Commissioner Andrew Ferrillo stated: Madame Chairman, I would like to make a motion regarding this request to alter the construction sequence in this already approved application for 10 Robinson Lane. The Conservation/Inland Wetlands Commission spent many months reviewing the plans for this development. After a thorough review of the site and all the evidence & plans submitted by the applicant as well as professionals employed by the commission, and in consideration of the sensitivity of the site, the Wetlands Commission issued an approval of the development with a feasible and prudent crossing of the watercourse. Which was accepted by the applicant without reservation.

**MOTION** made by **Commissioner A. Ferrillo** to deny the request by the applicant to alter the approved construction sequence in place on this project regarding the bridging of the watercourse on site. Seconded by Commissioner Joe Lanier. All in favor 5-0.

The Chairman stated: The motion passed and your client, if they wish may proceed with the approved plan that was already approved or he is free to go thru a new application process. Just let us know how your client would like to proceed.

Attorney Thomas replied: Ok, again this was an application and I will speak to my client. If Denise can let me know when the motion is published in the newspaper.

**OTHER BUSINESS:**

**ACCEPTANCE OF APPROVAL MINUTES & CORRECTIONS TO MINUTES (IF ANY):**

**MOTION** made by **Commissioner A. Ferrillo** and seconded by **Commissioner B. Smith** to accept regular meeting minutes for 6/9/20. All in favor **4-0**.

**ENFORCEMENT OFFICER:**

**48 Jacksons Cove Rd- Discussion on violation**

The Enforcement Officer stated: A Cease & Restore order is working with Mr. D'Amico (applicant's Engineer) I went by to check on it and it has started.

Commissioner Joe Lanier stated: He needs to leave the functionality of what he was trying to do.

The Commission agreed and the Enforcement Officer replied: that keep planting ferns and placing erosion mats down and will see him tomorrow.

**Canterbury Woods/Glendale update:**

Enforcement Officer Herde stated: I have been checking weekly on this property and I met with Mr. Montinho who was very pleasant and he explained it took him a year to get the gas company to come out and install a gas main. If the gas main goes in, then he can finish paving the road. There needs to be seed and woodchip. We still need a plan on paper.

The Chairman stated: We need to keep a log in case of future litigation.

The commission agreed.

The chairman stated: I had a discussion with Wayne Watt (Public works) on using conservation money for some tree work being performed.

A small discussion on winter & summer bonds for lawns ensued.

The commission agreed there needs to be a final stabilization of a construction site.

**MOTION** made by Commissioner Andy Ferrillo and seconded by Commissioner Brian Smith for a final stabilization of a construction site which includes seeding and hayed should be in between April 30th to November 1st. All erosion controls should be in place before a CO is

given. All in favor 4-0.

**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:**

**APPLICATIONS NOT REQUIRING OCCIWA APPROVAL & PERMIT  
APPROVALS:** Will update

**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 -368 Oxford Road** (Mr. Vorfi & Ms. Suilda) digging, tree cutting & grading in a regulated area. (Letter sent to property owner on Jan 6,2020)

The Commission had a small discussion on 368 Oxford Rd violation. h

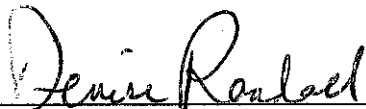
- **Notice of Cease & Desist, Glendale at Oxford/Canterbury Estates, Rowland Farms Rd,** Erosion controls on site are inadequate. (letter to property owner Mr. Manuel Moutinho, Registered certified mail on 1/6/2020)
- **Notice of Cease & Desist, 25 Lisa Drive,** verbal violation with separate site walks performed by the commission.

**MATTERS OF CONSERVATION:**

**ADJOURNMENT:**

**MOTION** made by **Commissioner A. Ferrillo** to adjourn at 8:56 p.m.  
**Seconded by Commissioner Ethan Stewart. All in Favor 5-0.**

Respectfully Submitted,



Denise Randall

I/W Administrative Secretary

20 AUG -4 AM 11:28  
TOWN OF HARTFORD, CT  
Ethan Stewart  
TOWN CLERK