THE INLAND WETLANDS COMMISSION OF THE TOWN OF AVON HELD A VIRTUAL SPECIAL MEETING ON TUESDAY, July 20, 2021, AT 7:00 P.M., VIA GOTOMEETING: by web, <https://global.gotomeeting.com/join/571718005>; or by phone, United States: +1 (866) 899-4679, Access Code: 571718005#.

Present were Chair Clifford Thier and Vice-chair Michael Beauchamp; and Commissioners Bob Breckinridge, Martha Dean, Michael Feldman, and Michael Sacks. Also present was John McCahill, Planning and Community Development Specialist/Wetlands Agent.

Chair Thier called the meeting to order at 7:01 p.m. Chair Thier stated that the sign on 425 Waterville Road that Mr. Tran agreed to take down at the last IWC meeting was still there. The sign reads “wood for sale”.

Chair Thier noted that Mr. Tran, owner of 425 Waterville Road, or a representative of Mr. Tran was not present.

John McCahill clarified that Janet Stokesbury is in attendance as the administrative Clerk, despite the screen showing Assistant Town Manager Grace Tiezzi’s name.

John McCahill conducted roll call.

OTHER BUSINESS:

Continued Enforcement Hearing: Mr. Thang Tran - 425 Waterville Road (Assessor’s Map #026, Lot #4500425); removal of mature trees/saplings along, and adjacent to, the banks of a watercourse and/or near wetlands associated with the property.

Thang Tran, owner of 425 Waterville Road, or a representative of Mr. Tran was not present.

Mr. McCahill stated that this meeting was scheduled specifically to hear and continue the Enforcement Order issued regarding 425 Waterville Road for removal of mature trees and saplings along the banks of a watercourse and/or wetlands. The next regularly scheduled IWC meeting will be September 14, 2021. Mr. McCahill showed on the screen the actual Cease and Desist Order which was sent by certified and regular mail to Mr. Tran. We do know that Mr. Tran received it because he acknowledged that. The Cease and Desist Order was filed on the Land Records in Volume 762 at Pages 808-813 on July 12, 2021. Mr. McCahill gave a summary of the violation. The IWC has had a number of discussions since the notice of violation of April 13, 2021 to include meetings on May 6, June 1, and July 6. The IWC decided to issue a formal Cease and Desist Order. Tonight we are holding a formal show cause hearing related to that Order and the process is for the IWC to vote to uphold that Order. Mr. McCahill gave a quick summary of the key points of the Order: to require Mr. Tran to provide an accurate survey of the number, size, location and species of the mature trees that were removed, an evaluation of the environmental impact of this activity, a habitat evaluation, a planting plan to include mitigation or remediation and/or restoration of the areas associated with removal of the mature trees and saplings, a plan to clean out the woody debris from the watercourse (which work was to be done as soon as possible), and a very specific, detailed schedule for the implementation and completion of the work that is required. This information will be required by September 3, and it will be discussed at our next regularly scheduled meeting on September 14, 2021.

Mr. McCahill than showed on the screen a summary of the area where the trees were removed, a plan that shows the extent of the regulated area, and pictures of the subject site. Also part of the packet is a cover Memo dated July 15, 2021, detailing email exchanges with Mr. Tran. In the emails, Mr. Tran stated that he will have the remediation plan submitted prior to September 3. Mr. Tran also asked why there was a meeting required tonight and Mr. McCahill explained the process. Mr. Tran indicated that he would attend.

Mr. McCahill indicated that that should be enough information for the IWC to take the next step.

Chair Thier proceeded to ask the IWC members if they had any questions. Commissioner Breckinridge had no questions. Commissioner Sacks had no questions. Vice Chair Beauchamp asked if Mr. McCahill had ever met with Mr. Tran. Mr. McCahill indicated that he had not.

Commissioner Dean joined the meeting at 7:08. Mr. Tran also joined the meeting by telephone.

Commissioner Feldman asked about the color coding on the first map. Mr. McCahill indicated that the information was from our GIS map. Mr. McCahill explained the color areas on the map and what they meant.

Vice Chair Beauchamp again asked if Mr. McCahill had met with Mr. Tran. Mr. McCahill explained that the Town was in lockdown during the early dates of the violation. The Vice Chair is troubled that no meeting has taken place and that Mr. Tran has not tried to meet with Town Staff.

Commissioner Dean stated that she was not able to hear the meeting before now. Mr. McCahill briefly summarized his presentation up to now.

Mr. Tran indicated that he can have the plan ready for September 3. Chair Thier asked if any Commissioners had questions for Mr. Tran. Commissioner Sacks asked why the signs had not be removed at the property. Mr. Tran indicated that he had removed them on Monday, July 19. Chair Thier said the signs were there this morning. Mr. Tran clarified that he removed the “for rent” sign but the “wood for sale” sign is still there.

Chair Thier asked Mr. McCahill the next step. Mr. McCahill indicated that we need a motion to uphold the Cease and Desist Order. Chair Thier asked Mr. Tran if he had any opposition to upholding the Order. Mr. Tran indicated that he did not.

Vice Chair Beauchamp made a motion to uphold the Cease and Desist Order. Commissioner Sacks seconded the motion.

The motion passed unanimously.

McCahill indicated that we had no further business.

Commissioner Breckinridge motioned to adjourn the meeting.

Commissioner Sacks seconded the motion.

The motion passed unanimously.

There being no further business, the meeting adjourned at 7:19 p.m.

Janet Stokesbury, Clerk

Inland Wetlands Commission

Town of Avon Department of Planning and Community Development