

September 23, 2014



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

Oxford Conservation Commission Inland Wetlands Agency

REGULAR MEETING MINUTES

Tuesday, September 23, 2014

The **Regular Meeting** of the Oxford Conservation Commission/Inland Wetlands Agency was held in the Main Meeting Room of the S.B. Church Memorial Town Hall on Tuesday, September 23, 2014.

Meeting was called to order at 7:31 P.M. by Chairman Michael Herde

ATTENDANCE ROLL CALL: Chairman M. Herde

COMMISSIONERS PRESENT: Bill Richter, Tom Adamski, Ethan Stewart, Susan Purcella Gibbons.

STAFF: Also present: Denise Randall Administrative Secretary and I/W Enforcement Officer Andy Ferrillo Jr.

ABSENT:

None

AUDIENCE OF CITIZENS (NOT FOR PENDING APPLICATIONS)

None

AMENDEMENTS TO AGENDA:

None

(PRE-APPLICATION)

ONYX France – pre-application review modification for with ONYX France, Inc. -16 N. Larkey Road – Mr. Adam Bakhtiar.

Mr. Adam Bakhtiar discussed changes done to the plans which made the building smaller than the previous pre-application review in June of 2014. The applicant is proposing a 48,000 sq. ft. building.

Mr. Bakhtiar introduced his engineer Mr. Kiyan and explained some of the changes made from the last pre-application which include a change in the access to the building, the loading dock areas are also in a different area and the parking area will be smaller. Other changes are adding a well for domestic use, propane gas for heating.

NEW BUSINESS:

(IW 14-84) Brian Louise Knies, 29 Fiddlehead Road (Lakeside Estates) Map 11, Block 48, Lot 22 17.

Mr. Brian Knies stated: I have for you an application for a dock and additional work on my shoreline property. Pointing to a map, this area was done a few years ago and we made a rip rap and erosion control wall here and we want to make another one on the other side. The bank is eroding into the lake and so I would like to make steps leading down to the landing, a swim platform and First Light has given permission already.

Commissioner T. Adamski asked: Is that just loose rip rap?

Mr. Knies replied: Yes. First Light explained that loose rip rap will absorb the waves versus a solid wall which would send the wave back out.

Commissioner T. Adamski asked: What is the shoreline like, is it a gradual slope?

Mr. Knies replied: It's kind of steep.

Commissioner B. Richter asked: With the stairs you want to add, will you be cutting any trees?

Mr. Knies replied: It's so steep so maybe some small ones. I'm also kind of hoping to get D.E.E.P.'s approval to make this a swimming area. The boats coming in the area are sort of setting up shop.

Commissioner S. Purcella Gibbons asked: Even though it's a private property?

Chairman M. Herde added: The waterfront here (pointing to map) is still First Light property?

Mr. Knies replied: I guess they own everything up to the 110 mark or something.

I.W.E. Officer A. Ferrillo stated: We recently had a class with First Light and they explained they are really cracking down and demolishing things that people have built on their property.

Chairman M. Herde asked: If you made it a swimming area, do they put buoys up across?

Mr. Knies replied: Yes. They come out and site it for you and rope off the area with buoys in an area. No motor boats would be allowed beyond the buoys. There have been instances where bonfires have been lit on my property.

Commissioner S. Purcella Gibbons asked: No wake zone?

Mr. Knies replied: It's not a not a wake zone but boats have to keep a certain distance. Like what they have at Jacksons Cove.

Chairman M. Herde stated: Is everyone ok with more development down here to protect the shoreline.

Commissioner T. Adamski asked: I guess I'm a little confused; here you already have one swim area?

Mr. Knies replied: Yes, in that cove here (pointing to the map)

Commissioner S. Purcella Gibbons asked: And that has already swim platform and the floating dock here?

Mr. Knies replied: Actually instead of the swim platform, I went with one of those inflatable ones. It's just easier to take in and out.

I.W.E. Officer A. Ferrillo stated: This was 2 lots originally and combined into one.

Commissioner S. Purcella Gibbons replied: Oh, ok.

I.W.E. Officer A. Ferrillo stated: The shoreline erosion is a problem all along there; if this will inhibit it, then it's probably a good thing.

The Commission agreed.

Commissioner S. Purcella Gibbons asked: Do you thing a planting plan is needed?

Mr. Knies stated: Yes. The plan would be to place rip rap to a point and then replace some soil and plants to stabilize the remainder of the bank.

Chairman M. Herde suggested planting native species which is what First Light would want.

Chairman M. Herde asked: Are the swim areas open to un-motorized boats?

Mr. Knies stated: I'm not sure.

Chairman M. Herde stated: I have to say that I'm not in favor of buoying off a swim area where boats have been mooring for 50 to 60 years and now you want to take possession of public water.

Commissioner S. Purcella Gibbons asked: But isn't it private property?

Chairman M. Herde replied: Not the water. To me the Lake is for everybody.

Commissioner S. Purcella Gibbons asked: What about when someone pulls up to shore and makes a bonfire?

Chairman M. Herde replied: The waterfront is First Lights. If you put a set of buoys here, (pointing to the map) it's an entire piece of water and a really pretty cove that should be open to the public and I know a lot people that will just moor in there. To me it's just an adverse possession.

Mr. Knies stated: To me it's just a safety thing too.

Commissioner S. Purcella Gibbons asked: When you say moor, do you mean drop anchor?

I.W.E. Officer A. Ferrillo replied: Yes.

Chairman M. Herde stated: right, if he gets permission to place buoys there then a piece of the lake becomes his domain and not the publics.

Commissioner S. Purcella Gibbons stated: Ok, so we are not talking about pulling the boat on shore.

Mr. Knies stated: I can pull it in a little bit from this distance. I would like it for safety reasons and to be able to swim here and have the sun and the beach.

Chairman M. Herde replied: And so would the public.

Mr. Knies replied: It's a big lake.

Chairman M. Herde stated: I have used that cove many times and to sort of claim possession of it as a private domain, I strongly disagree.

Commissioner B. Richter stated: I understand what you're saying but it sounds like D.E.E.P. has the final say in this.

Chairman M. Herde stated: I'm ok with developing the waterfront there which is what our domain is. We can approve that, that's ok.

I.W.E. Officer A. Ferrillo stated: I think Susan is right, we really don't have control over the water; it's between D.E.E.P. and First Light.

Commissioner T. Adamski asked: Can we make our feelings known?

I.W.E. Officer A. Ferrillo stated: You can put it in the conditions of approval that you're improving the shoreline stabilization but you're not approving the placement of buoys to create a swim area in open water.

MOTION made by Commissioner T. Adamski for application (IW 14-84), 29 Fiddlehead Road (Lakeside Estates) for approval to stabilize the shoreline area with rip rap and with plantings of native species in the area above the rip rap, removal of existing vegetation as needed for a stairway and this does not constitute a approval to create a buoyed swim area in the open water. Contact the Inland Wetlands Enforcement Officer upon completion. **Seconded by Commissioner B. Richter.** All in favor **5-0.**

OLD BUSINESS:

Tetlak Park, Bowers Hill Rd, (Aggie Park), proposed Athletic Field, Application submitted by Brian Nesteriak , Map 14, Block 55, Lot 122

Mr. Brian Nesteriak (Engineer) stated: I want to go over a quick item that I changed which is I re-did all the drainage and brought it over the water quality swale and so everything going through this water quality swale and it's been designed in accordance with D.E.E.P. and the D.E.E.P. Water Quality Manual.

I.W.E. Officer A. Ferrillo asked: He also did some test borings?

Mr. Nesteriak replied: Yes. At the last meeting, Jim Galligan (Nafis & Young) had some comments and I addressed all items except but that fact that he wanted test pit data in the bio-retention basin and last week we did 3 test pits over here (pointing to the map) and 2 over here (pointing to the map) In the bio-retention basin there were no restrictive layers in tact. We didn't even hit ground water, we did hit ledge. I was able to design in the access road which I should have brought those plans with me. We did receive a letter from Jim Galligan (Nafis & Young) today that says all his concerns were met. That pretty much covers it.

Chairman M. Herde asked: Alright, so you're complete with your plan other than the driveway, correct?

Mr. Nesteriak replied: Yes, I will be happy to drop off those plans tomorrow.

Chairman M. Herde asked if everyone was satisfied and if so, would anyone like to make a motion?

MOTION made by **Commissioner S. Purcella Gibbons** to approve IW 14-79 Tetlak Park, Bowers Hill Road Athletic Field with no impact to wetland. Final revision maps to be dated 9/18/14. **Commissioner T. Adamski** seconded. All in favor **5-0.**

Mr. Nesteriak thanked the Commission and exited the meeting.

EXECUTIVE SESSION:

NEW APPLICATIONS REQUIRING OCCIWA APPROVAL (ACCEPTANCE)

MOTION made by **Commissioner S. Purcella Gibbons** to accept (IW 14 -85) George Nevers (Carpenter) 8 Bice Drive, 30 x 30 addition with breezeway. This property is in the flood plain of 8-mile Brook. **Seconded** by **Commissioner T. Adamski**. All in favor **5-0**

CORRESPONDENCE:

OTHER BUSINESS:

I.W.E. Officer A. Ferrillo stated: Mr. Fred D'Amico (D'Amico Engineering/L.S.) and Scott Volpe (builder) are present to get an opinion from the Commission regarding a property on Barry Road.

Mr. D'Amico stated: I have a map of the property that shows where the wetland flags are located. The property is a beautiful lot. (Pointing the wet areas on the map) There is a culvert and a head wall here (pointing) I would like for the Commission to walk the property. I placed pink flags to show where the wetlands are. Basically it was a lot with a small house on it that is no longer there. We want to place a bigger house on it and we are outside the 50 foot setback. There were tests done for the septic system in the 100 foot regulated area. Scott Volpe (builder) and I also move the driveway around to come in from the other side so now we are actually 70 feet away from the wetlands so we are within the regulated area but 70 feet away.

Chairman M. Herde asked: With the structure or the activity?

Mr. D'Amico replied: The structure. The activity is another 5 feet or so, that's it.

I.W.E. A. Ferrillo asked: That's it, only 5 feet of grass around the house?

Mr. D'Amico replied: On the side that is the closest. If maybe you can walk it again, now that you know where the flags are. It is obvious when you get there, you will see the wetlands.

Commissioner B. Richter stated: I saw the where the wetlands are but that is an awful large house.

Mr. Volpe replied: It's actually not that big of a house. This particular house is a 2700 square foot colonial but it has an attached in-law suite and that's what that building shows here on the right side. The sales ability for a home with in-laws is better now than ever. Yes, we have this structure there and we are over the 50 foot line, but you're not going to see a lot of activity here.

Commissioner T. Adamski stated: You know with something this size, their going to want more and without a conservation easement.

I.W.E. A. Ferrillo agreed: Yes, you have to have a conservation easement when you have wetlands on both sides of the house.

Mr. D'Amico replied: Well, then we can put a conservation easement on it. The other thing is, in the area of where the test were performed its all sand and gravel so there not going to be a whole lot of run off.

Mr. Volpe stated: I think its good soil where the septic will go. (Pointing to where it would be on the map)

I.W.E. A. Ferrillo asked: What does Zoning require yard area?

Mr. D'Amico replied: 25 feet. We have that. You have an H2O septic tank here (pointing) we can push it forward a little bit just to gain more here (pointing to the map) and especially if we have a conservation easement.

Mr. Volpe stated: If we have find that we have 50 to 75 feet of grass, it's ok, with 5' on the side.

Chairman M. Herde stated: Yes but I was wondering with the previous structure, how much of maybe the driveway was filled already.

Mr. D'Amico replied: I don't think so. It was a small house. It is dry from here to here (pointing to the map)

Commissioner S. Purcella Gibbons asked: What is the total size of the lot?

Mr. D'Amico replied: Its almost 5 acres with 3 acres being wetlands. The other thing is, even though it's a 5 bedroom home, the septic system is a small system. Highlighted on the map shows the 50 foot setback and 100 foot setback and I want to show you that nothing is past the 50 foot line but most of the house is within the 100'.

Chairman M. Herde asked: How many acres is the dry area?

Mr. D'Amico replied: 2.2 acres that are dry.

Commissioner S. Purcella Gibbons asked: Contiguous?

Mr. D'Amico replied: No. Some of this is a 1/2 acre here (pointing to map)

Chairman M. Herde asked: What do you have as dry contiguous, probably 1.5 acres?

Mr. D'Amico replied: Yes, easily here (pointing to the map).

Commissioner B. Richter suggested placing markers where the house will be.

The Commission members agreed that would help.

Mr. D'Amico stated: Ok, yes, I will place the 4 corners of the house.

Chairman M. Herde stated: We will try and keep an open mind on this.

I.W.E. A. Ferrillo stated: We need to know how much impact there is in the regulated area to compute the fee and the commission wants an environmental review on this, there will be an additional cost payable by the applicant prior to any decision.

Mr. D'Amico asked: Do we need an outside review on this?

Chairman M. Herde replied: Yes. Just the fact there is so much wetland on this property.

Mr. Volpe stated that he is present to represent the Dilley family (property owners) I'm not going to spec this house, we will look for a buyer.

Mr. Volpe and Mr. D'Amico exited the meeting.

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

MOTION made by **Commissioner B. Richter** and **seconded** by **Commissioner T. Adamksi** to accept the Public Hearing meeting minutes from the 9/9/14 with no changes.
All in favor **4-0**.

ENFORCEMENT OFFICER:

COMPLAINT/CONCERN:

APPLICATIONS NOT REQUIRING OCCIWA APPROVAL:

| DATE | NAME | ADDRESS | NON- PERMIT REASON |
|------|------|---------|--------------------------|
|------|------|---------|--------------------------|

September 23, 2014

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|------------|--------------------------------------|----------------------------|---|
| 10/7/2013 | Paul Duh Brett | 16 Sheldon Drive | roof renovations -partial Basement |
| 10/15/2013 | Renee&Jackson Colonial Pet | 62 Chestnut Tree Hill Rd. | In-law apartment 1700' |
| 10/17/2013 | Cremation 66 Hawley Road, | 315 Riggs Street | Pet Crematory |
| 10/21/2013 | LLC | 66 Hawley Rd. | Demo Satellite Dish |
| 10/24/2013 | Lou Coppola | 44 Pisgah Rd. | Remodel Bsmt |
| 10/28/2013 | Donna Masi | 47 Newgate Rd. | Partial Finished Bsmt |
| 10/28/2013 | Heather Haney | 579 Chestnut Tree Hill Rd. | Cottage Business -Xmas Stuff |
| 11/4/2013 | Ordinem Ecentric Cortores | 7 Fox Hollow | Brewery |
| 11/4/2013 | Champion Windows | 42 Bowers Hill Rd. | Enclose existing Screen Room |
| 11/5/2013 | Margaret Thomas | 571 Inverness Ct. | 3-Season Porch |
| 11/18/2013 | Mark I. Hinnau | 15 Wychwood Lane | Finish Two Attic Spaces and covered porch |
| 11/19/2013 | Margaret Thomas | 571 Inverness Ct. | Recreation room |
| 12/2/2013 | Tyler Tucker | 76 Bowers Hill Rd. | Renovations (Interior) |
| 12/5/2013 | Ken Hogan Const. ION | 471 Roosevelt Dr. | Screen Porch/mud room |
| 12/9/2013 | Bank | 71 Oxford Rd. | Interior work |
| 12/9/2013 | John Arnone | 42 Highland Rd. | Remodel existing bathroom |
| 12/11/2013 | Joe Jackson Brennans Shebeen | 108 Country Club | Kitchen & Bath remodeling |
| 12/16/2013 | III | 441 Oxford Rd. | Use Permit Tenant Fit up |
| 12/18/2013 | Margaret Thomas | 571 Inverness Ct. | Co for rec room |
| 1/8/2014 | Best Wise Assoc George Transport, | 441 Oxford Rd. | Professional Office |
| 1/9/2014 | LLC | 766 Oxford Rd. | Cottage Biz |
| 1/13/2014 | Chris Kelly | 347 Niblick Lane | Finish bsmt |
| 1/16/2014 | Enterprise BUI, LLC | 7 Fox Hollow | Mezzanine |

MATTERS OF VIOLATIONS/LITIGATIONS:

1. Notice of Cease & Restore – (88 Perkins Rd) Debris and garbage on property.
2. Notice of violation –(543 Roosevelt Drive), wall constructed in a flood zone without a permit.
3. (IW 13-93) Cocchiola Paving - Riverview Subdivision, (Permit denied, pending litigation)
(return of record was completed and presented in court on April 2, 2014)
4. Cocchiola Riverview Subdivision review of bond reduction.

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**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:**

- 1) **Oxford Oak, LLC 360 Oxford Road** (Lot 39) (Stabilization of site).
- 2) Open Space Inventory Map. Completed by New England Geosystems
- 3) Town of Oxford Catch Basins (Silt Removal).
- 4) Storm Drain Marker Program (Phase II).

MATTERS OF CONSERVATION:

ADJOURNMENT:

MOTION made by **Commissioner E. Stewart** to adjourn at 9:11 p.m.
Seconded by **Commissioner B. Richter**. All in Favor **5-0**.

Respectfully Submitted,



Denise Randall

Administrative OCCIWA Secretary

14 OCT -2 AM 9:25
TOWN OF OXFORD, CT
Clerk
TOWN CLERK