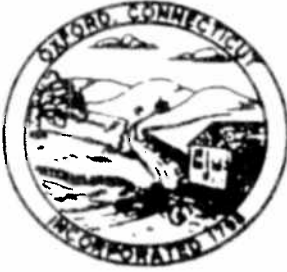


April 14, 2015



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

**Oxford Conservation Commission Inland Wetlands Agency**

**REGULAR MEETING MINUTES**

Tuesday, April 14, 2015

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, April 14, 2015.

**Meeting was called to order at 7:40 P.M. by Chairman M. Herde**

**ATTENDANCE ROLL CALL: Chairman Michael Herde**

**COMMISSIONERS PRESENT:** Sue Purcella Gibbons, Tom Adamski, Ethan Stewart, Bill Richter

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

**ABSENT:**

**AUDIENCE OF CITIZENS (NOT FOR PENDING APPLICATIONS)**

None

**AMENDEMENT TO AGENDA:**

**Motion** made by **Commissioner S. Purcella Gibbons** to add a total of 3 amendments to the agenda accept the following application:

- 1) (IW 15-16) James Toth, 209 Riggs Street, residential, Map 26, Block 17, Lot 22

**ENFORCEMENT OFFICER:**

1. (IW 15-15) Larry Miller, 1 Silano Drive, (Construction of new barn) 28' x 40' with car port 13' x 26'
2. Letter from the First Selectman dated 4/14/15 regarding a land swap with Mr. Neidhart of B.United International.

**Seconded by Commissioner T. Adamski.** All in favor **5-0**.

The Commission discussed with the Enforcement Officer the maps for both 1 Silano Drive (construction of a new barn) and for 209 Riggs Street residential property.

**Motion** made by Commissioner S. Purcella Gibbons to refer (IW 15-16) 209 Riggs Street and (IW 15-15) Larry Miller, 1 Silano Drive back to the Enforcement Officer for processing with the exception of one item needed, limit of clearing line should be placed on the 1 Silano Drive survey map. **Seconded by Commissioner B. Richter.** All in favor **5-0**.

**(PRE-APPLICATION)**

None

**NEW BUSINESS:**

- 1) ONYX France –(IW 14-92) 16 N. Larkey Road

I.W. Officer A. Ferrillo Jr. stated: We have not yet had a response from the applicants engineer from what Jim Galligan (Town Engineer) sent as recommendations.

- 2) (IW-03-298) Ferris Properties, LLC Prokop Rd (Lot 4 Building & Storage).

I.W.E. Officer A. Ferrillo stated: Due to the weather, the environmental review can't be performed at this time. We will wait until the next March regular meeting to see what happens.

- 3) (IW 15-4) Richard Dilley, 79 Barry Road, single family residence, 2000 sq. ft of upland review area impact.

I.W.E. Officer A. Ferrillo stated: Fred D'Amico (D'Amico Engineering) is here for his presentation for 79 Barry Road.

Mr. D'Amico stated: We have the driveway coming in this way (pointing to the map) and now we are not going anywhere near the 50 foot setback and so were going to the 100 foot set back but not going anything past that. Now this was cleared and this was before the snow came. Not sure if you had the chance to walk it but this was all overgrown field. Its all sand and gravel here and we kept it 50 feet away from the wetlands. There is activity, but this system is within the 100 foot but not within the 50 foot. The driveway is existing so there is no need for fill.

Commissioner T. Admaski asked: What do we have for limit of activity in the 50 foot?

Mr. D'Amico replied: There is no activity in the wetlands and no activity in the 50 foot. There was 3000 square feet within the 100 foot. The septic system is in all sand and gravel and is small, it's not an engineered system.

Commissioner B. Richter asked: How big is the house?

Mr. D'Amico replied: 3500 sq. ft.

Chairman M. Herde asked: We need to see the posts up on the 50 foot line.

Mr. D'Amico replied: We could do that. (Pointing where they can be placed) 50 foot intervals on the 50' foot line.

Mr. D'Amico asked: Are fiber glass ones ok to use?

I.W.E. Officer A. Ferrillo replied: Wood posts are recommended.

Chairman M. Herde asked about a limit of disturbance label on the map.

Mr. D'Amico replied: Ok. I will label that.

Mr. D'Amico stated: Ok. Posts, limit of disturbance and conservation easement.

- 4) **(IW 15-5)** Timothy Butterworth, 105 O'Neill Road, (Proposed garage and pool) 1,000 sq. ft of upland review area impacted.

Mr. Butterworth did not show up for meeting.

- 5) **(IW 15-11)** Enterpot BUI, LLC, Lot 3, Fox Hollow (construction of Industrial Bldg) Mr. Brian Baker (Applicant Engineer from Civil 1) and Mr. Matteis Neidhardt (Applicant) are both present. A letter from the First Selectman was received today and handed out to the Commission members.

Mr. Brian Baker stated: We are here regarding Lot 3, Fox Hollow and I am the engineer that has provided the site plan. BUI, International is currently on lot 4 and they are looking to develop on lot 3, (pointing to the map the lot 3 area and the area the town owns) which is a small piece 1.27 acres and when we looked to develop there we realized not only are there

wetlands but a vernal pool in this area. We approached the town with the idea of buying the open space piece to push the development away from the wetland area. By purchasing this piece and by moving the parking area, which was located adjacent to the wetlands area and now we would be able to flip it to the southern side of the property and just have the building itself in the northern portion with the roof leaders coming into a rain garden area. The proposed building is a 29,000 square foot building. The parking itself, we are going to treat with a contact oil grid separator and we have analyzed the storm drainage system which was designed to accommodate the development on the lot. There is an existing detention basin down in the subdivision where the water goes to. So the quote unquote "dirty water" from the parking area would get cleaned in the oil grid separator, then go into the storm drainage system and then go out to the east where the only thing that would go into the wetland area, would be the clean water from the roof and again be treated with the rain garden adjacent to the wetlands and the other thing we are proposing is this purple line (pointing to the map) is the conservation easement that was established when the subdivision was created. By flipping this over we are able to expand that conservation easement to include the entire 100 foot setback from the wetlands which is greater than 100 feet from the vernal pool. Overall it's a better plan, we have met with the First Selectman and he is agreement with the project this way. We did the original subdivision and this open space parcel was for a certain percentage of open space to have I place for this subdivision but it just makes more sense to provide more protection with a conservation easement adjacent to the wetlands then to have the useless open space piece here. (pointing) The only regulated activity would be for the creation of the rain garden. Everything else would be well over 100 feet away.

Chairman M. Herde asked: (pointing to the map) is there a connection up here with this spot to the rain garden?

Mr. Brian Baker replied: That is just the overflow spillway. It's actually the water gets through here; there is a rip rap spillway.

Chairman M. Herde asked: Ok but eventually is that going to go into the vernal pool?

Mr. Brian Baker replied: Into the wetlands but eventually down into the pool. But this would only be in the large storm events. Really the rain garden itself, for this particular building your talking about thermal impacts because there is no pollutant loading from the roof itself so the thermal impacts would be that initial inch of runoff.

Chairman M. Herde replied: I would also be just a little concerned that the rain garden is sized big enough that the water is not going over there with multiple storms because with the vernal pool, it has to dry up.

Mr. Brian Baker replied: right.

Chairman M. Herde added: You don't want to be feeding it when it is supposed to be time it should be dry.

Mr. Brian Baker replied: Right, right. With the soils that we have here, I wouldn't expect to have a significant impact on keeping this thing wet all year around but I understand what you're saying. This was sized for the water quality volume off of the entire and we are going to construct this in 3 phases of 10,000 square foot each. This is a pretty flat area here and that area could be expanded.

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Chairman M. Herde stated: We just want some sort of assurance that it's not feeding that vernal pool.

Mr. Brian Baker replied: Yes, I understand that.

Chairman M. Herde added: You know just a discussion of some of the species that live in there have to dry up for a period of time otherwise they won't hatch.

Mr. Neidhardt asked: How should this happen if the pond is between this area where is elevated. (Pointing)

Chairman M. Herde replied: Yes, it is between these areas (pointing) but overall it's a great plan.

Mr. Brian Baker explained why the overflow may go into the wetland area with the elevations. It's only going to be fed by rainwater and you're not going to have that kind of rain other than spring time.

Commissioner T. Adamski asked: Any chance of doing something else with the outlet?

Mr. Brian Baker replied: You could but I would rather see the water get treated and re-charge the ground water that's going to feed it and I still think that July and August, its going to dry up anyway because your not going to have significant re-charge from the building in July and August.

Commissioner B. Richter asked if they rain garden can be make bigger.

Mr. Brain Baker replied: You can in the flatter area here.

Chairman M. Herde stated: I have to tell you that I wouldn't mind seeing that because out of all the wetlands in this state, the vernal pools are the most critical. It is very critical onto how the eco system works and if you could do that. I agree this idea is a great move because it my opinion, when this subdivision was layed out, we should have been no where near this vernal pool.

Mr. Neidardt asked: Was it snowing at that time?

I.W.E. Enforcement Officer A. Ferrillo stated: No, but the surveys that were done at that time didn't pick it up.

Chairman M. Herde asked if this was a full application.

MOTION made for approval of IW 15-11 Enterpot BUI, LLC, Lot 3, Fox Hollow (construction of Industrial Bldg) Mr. Brian Baker (Applicant Engineer from Civil 1) revision of site plan to include an increase in the rain garden and approval of a land swap. Seconded by Commissioner B. Richter. All in favor 5-0.

I.W.E. Officer A. Ferrillo discussed having a walking trail.

Chairman M. Herde talked about the a book written that explains what vernal pools are called "Wicked Big Puddles".

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Letter from First Selectman George Temple below included in minutes:

April 14, 2015



## TOWN OF OXFORD

S.B. Church Memorial Town Hall  
486 Oxford Road, Oxford, Connecticut 06478-1298  
Phone: 203-888-2543 • Fax: 203-888-2136

*Office of the First Selectman*  
George R. Temple, Esquire

*Selectmen*  
Jeffrey J. Haney  
David W. McKane

April 14 2015

Mr. Michael Herde, Chairman  
Oxford Conservation Commission Inland Wetlands Agency  
486 Oxford Road  
Oxford, CT 06478

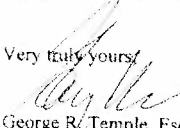
Dear Chairman Herde:

Please be advised that the town has been discussing the possibility of a land swap with Mr. Neidhart of B. United International. We believe that such a transaction would be beneficial to the town and would insure future protection of the vernal wetland on Fox Hollow Road. I am particularly impressed with Mr. Neidhart's commitment to environmental sanctity and he has shown to be an exemplary corporate citizen.

We will seek your guidance in resolving the details of this transaction.

If you have any questions please do not hesitate to contact me.

Very truly yours,

  
George R. Temple, Esq.  
First Selectman

6) (IW 15-8) Glenn Fritz, 72 Oxford Road (Parking Lot extension, lights, car show)

Fred D'Amico (Applicant engineer) stated: I have the revised map with the rain garden detail and there is a planting list on the map as well.

**MOTION** made by **Commissioner S. Purcella Gibbons** to approve (IW 15-8) Glenn Fritz, 72 Oxford Road, Oxford, CT. Propose parking lot extension, Map 35, Block 8, Lot 3. with no direct impact to wetland or watercourse, removal of all invasive species currently on site. Final revised plan dated 4/7/15 has listed planted plan. **Seconded** by **Commissioner T. Adamski**. All in favor **5-0**.

**Permit Expires:** 4/14/2020

7) (IW 15-10) Mark Purington-(Owner) Echo Valley Road (proposed single family home)  
Map 34, Block 9, Lot EV4

Mr. Don Smith (Don Smith Engineering) This property on Echo Valley Road and Oxford Road which is approximately a 19 acre parcel and has frontage on Echo Valley and Oxford Road which is extremely steep and extremely challenging. We had this property surveyed and flagged for wetlands back in 2005 and nothing was done at this point. A portion of the property to the north is zoned commercial and the rest is residential. We have an application pending with zoning to leave the commercial portion off of this section and we are proposing a single 4 bedroom home. A 750 foot long driveway and a 50 x 50 turn-around. A septic system with 30,000 upland review area disturbance and just under 1000 sq. feet of direct wetland impacts with one crossing. We did look at a second group more or less coming down lower (pointing to map) and this did not offer any benefits and ended up with a longer driveway too. We are maxed out now with the driveway. (pointing to the map driveway area).

Chairman M. Herde asked: Is there a woods road too?

Mr. Don Smith replied: This woods road up along the property is in excess of 20%. The driveway as we have it now is coming in at 2%, coming up to 15%, flattening a little at the crossing and then another 15% going over the second crossing. The total site activity is about 1800 yards, 600 yards cut and 1200 yards fill so we are about 600 yards short that we have to import to make the driveway work.

Chairman M. Herde asked: Is there not cut at the top of the hill in the house yard area to bring that down to here? (Pointing to map)

Mr. Don Smith replied: Not too bad. The house is actually going in one of the flatter spots on the property so there is not too much activity to get the house in. There is some ledge up there we are going to try and sneak by. When Tall Pines was put in there was a diversion swale about 50 feet up slope on the property line and I haven't been there since the snow but it is very dry.

Chairman M. Herde asked: Isn't there still a little trout brook there?



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Mr. Don Smith replied: Yes, there are 3 ponds there and not sure there is much trout in them right now. I did have 3 of the some of the wetland points re-flagged and we have some steaks at where the activity will be for the house.

Chairman M. Herde asked: Is there any schedule on the construction?

Mr. Don Smith stated: This home will be owner occupied and he wants to get started right away on it.

Chairman M. Herde stated: The only reason I'm asking is because they have to go through a couple of sensitive areas here so therefore we might put a couple of conditions on an approval. Just so it doesn't get all roughed out and then it takes a couple of years for construction.

Mr. Don Smith replied: I don't believe this will happen.

Chairman M. Herde asked the commission to think about what condition to place on the approval.

Commission T. Adamski asked: Can we put a timeframe on the completion of the driveway?

Chairman M. Herde replied: I'm sure he wants to culvert put in before starting the excavation at the top. Maybe putting a comment of full stabilization of the driveway during the entire construction of the project and to finish paving asap afterwards. I just would like something on here in case something changes as it is a long driveway. Maybe a bond?

I.W.E. Officer A. Ferrillo stated: I don't know If it would be to restrictive to say before you get into any depth of the house have that driveway as completed at least process down.

Chairman M. Herde stated: Yes and that is why I asked about fill coming from the top because we don't want to say, don't do anything up at the top and that is where your material is going.

Mr. Don Smith stated: Generally that's where they will construct the turn around area.

Chairman M. Herde stated: We can probably write it as the driveway shall be in fully stabilized condition by the time of construction of house begins. Especially with concrete trucks going up and down that area.

Mr. Don Smith agreed.

Chairman M. Herde asked if the Commission had any more concerns.

I.W.E. Officer A. Ferrillo asked if anyone wanted to maybe walk the site.

Chairman M. Herde stated he had seen this site already but his main concerns were the driveway.

Commissioner T. Adamski and Commissioner Sue Purcella Gibbons both stated that they have in the past walked the property.

Mr. Don Smith asked: One other question I have is that the applicant has already paid a fee of just under \$5,000 already because of the prior 30,000 square feet of upland review area disturbance. Is there any consideration that you might have on this?

Chairman M. Herde asked: How big is the actual wetland activity?

Mr. Don Smith replied: 1,000.

I.W.E. Officer A. Ferrillo added: It's the upland review activity that raised it up.

Chairman M. Herde stated: I'm in favor of reducing this. What does everyone else think?

The Commission agreed.

**MOTION** made by **Commissioner T. Adamski** to approve with conditions (IW 15-10) Mark Purington, 1 Echo Valley Road, Oxford, CT., Proposed single family home, driveway and septic system, Map 34, Block 9, Lot EV4 with entire driveway and including wetland crossing be completed, other than paving before construction of the house and in a fully stabilized condition to be maintained during construction. Performance bond to be in place for stabilizing the driveway and erosion controls and bond to be set by town engineer and no further development on this property due to wetland steep slopes. Bond will not be released until driveway is paved. Applicant's fee shall be reduced to \$2500. Applicant already paid \$4990 in fees and therefore the remainder of \$2490 should be rebated back to the applicant. **Seconded by Commissioner B. Richter.** All in favor **5-0.**

#### **OLD BUSINESS:**

1. (IW 14-54) Oxford Towne Center, LLC, 274-300 Oxford Road, (map 34, Block 9, Lot EV6, 31B, 31A, 25) Mixed use development. (Approved at special meeting on August 19, 2014)

2) (IW 13-93)\_Cocchiola (Riverview Subdivision) Bond reduction/removal.

4) (Bond release) violations/restorations for 138 Coppermine Road (Jason Scheurick)

Chairman M. Herde stated: Ok Mr. Scheurick, I know we have waited a few months with not a lot of rain storms and we realize this can't go forever but is everything still in tact?

Mr. Scheurick stated: Yes, it seems we had that one big rain before January and everything stayed in place.

Chairman M. Herde asked if the Enforcement Officer have been out on spring inspections yet.

I.W.E. Officer A. Ferrillo stated: Not a full one but what little bit I took a look at seemed to be holding. I didn't go all the way to the bottom.

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Chairman M. Herde asked the Commission: Should we do a top to bottom inspection?

I.W.E. Officer A. Ferrillo met with 2 Commission members Wednesday and the next 2 on Thursday.

Chairman M. Herde stated: Ok. We will release this immediately after. If there is something wrong, we will let you know right away but I don't anticipate this.

Mr. Scheurick exited the meeting.

**EXECUTIVE SESSION:**

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

(See above)

**CORRESPONDENCE:**

**OTHER BUSINESS:**

-

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

**MOTION** made by **Commissioner T. Adamski** to approve the 3/24/15 regular meeting minutes with 1 correction. **Seconded** by **Commissioner S. Purcella Gibbons**. All in favor 5-0.

**ENFORCEMENT OFFICER:**

I.W.E. Officer A. Ferrillo stated: Regarding the violation on Riggs street with Mr. Mondo with the wood road back in end of November to which Mr. Mondo stated he would come back in with a check and application in January and I have heard nothing since. If the Commission wishes I would like to put a caveat on the property and we will send a letter stating we are patiently waiting for your arrival.

**COMPLAINT/CONCERN:**

**APPLICATIONS NOT REQUIRING OCCIWA APPROVAL:**

1/27/2014	Crystal Chandler	543 Quaker Farms Rd		finished Basement
1/29/2014	Matthew Zaloumis	315 Riggs Street		CO- Gen Repair, used car permit
2/24/2014	Eri Amyloid Lab	315 Riggs Street		Use Permit Tenant Fit up
2/19/2014	Master Brands CT	325 Riggs Street		Use Permit Tenant Fit up
3/10/2014	Brian Walsh	39 O'Neil Road		Interior work
3/13/2014	1st Oxford House, LLC	441 Oxford Rd.		Tenant separation, Exit stairs accessibility
3/17/2014	Crystal Holick	42 Highland Rd.		Finish bsmt
4/7/2014	Jeff Haney	244 Oxford Rd.		Expansion of Liquor Store
4/9/2014	David & Loreen Rado	619 Championship Dr		Finish bsmt
4/22/2014	Hirschbeck	134 Oneil Road		Adding 780 sq. ft.
5/9/2014	441 Oxford Road John & Cheryl	441 Oxford Rd.		rebuild barn roof
5/21/2014	Stephen	35 N. Mark Rd.		Addition over current family room
5/22/2014	Woodwork Design	84 Oxford Road		Tenant fit up
6/2/2014	Gyre 9, LLC	1 Jack's Hill Road		Warehousing, light assembly
6/2/2014	Chris Kelly	545 Putting Green Ln	Green Ln	Bath/shower remodel
6/4/2014	Gyre 9, LLC	1 Jack's Hill Road		wharehousing
6/18/2014	Stacy Hudson	43 Rolling Hills Dr		Interior repairs
6/18/2014	John Lavorgna & Co	31 Charter Oak Dr.		Complete Kitchen Renovation
6/18/2014	Erin Eglinton	63 Old Church Road		Finish bsmt
6/23/2014	Gen Quip, LLC American	119 Hawley Road		Generator Sales & Service
6/24/2014	Restoration	176 Oxford Road		Replace 3 porches
6/25/2014	A. Smalis-Ct. bsmt	19 Riverbend Dr		Finish bsmt
6/25/2014	Adam Kinkel	17 Douglas Drive		heating system conversion
6/26/2014	CED Services, Inc.	3 Fox Hollow Road		Interior Fit-up offices
6/30/2014	Dunkin Donuts	71 Oxford Rd.		Interior alteration/face lift
7/2/2014	Haynes Materials	297 Oxford Rd.		USPS
7/7/2014	Oxf Hisorical Society	60 Towner Lane		Sign
7/21/2014	Rachel Falbo	44 Wyant Road		Replace roof, sheet rock, kitchen closet and bathroom
7/22/2014	Great Oak School	50 Great Oak Road		Walk-in cooler
7/28/2014	Brian Greco	20 Sunrise Drive		Bsmt renovation
7/28/2014	Richard DiMauro	30 Tram Drive		Handicapp above garage
7/31/2014	Ken Hogan Const.	471 Roosevelt Dr.		Screen Porch/mud room
8/14/2014	DiGeorgi Roofing	3 Hilltop Ridge Road		Front Porch
8/25/2014	K. Mullen Construct.	470 Quaker Farms Rd		Partition wall 10' X 10'
8/27/2014	Polebuilt, LLC	520 Traditions Court		screen porch over deck
8/21/2014	John Mele	2 Tetlak Terr		Bsmt finish
9/2/2014	Colonial Pet Cremation	207 Christian Street		Cremation

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9/4/2014	Jonathan Benedict	112 Meadowbrook	Basement finish
10/1/2014	Glenn Fritz	72 Oxford Road	Car Show
10/2/2014	Haynes Develop Bill & Marion	305 Spruce Hill Road	4 season porch
10/7/2014	Schrade	340 Niblick Lane	Partiall Finished Bsmt

#### **MATTERS OF VIOLATIONS/LITIGATIONS:**

1. (IW 13-93) Cocchiola Paving - Riverview Subdivision, (Permit denied, pending litigation) (return of record was completed and presented in court on April 2, 2014)
2. Cocchiola Riverview Subdivision review of bond reduction.
3. Notice of Cease & Restore **-10 Park Road violation** (Ms. Tkacz) (Pending Litigation)
4. Violations/restorations/litigations for 138 Coppermine Road (Jason Scheurick)

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

#### **OTHER ITEMS OF CONCERN:**

Secretary Denise Randall & the Commission discussed the Town Wide Cleanup. The football players plan to go out and clean up the Oxford High School, down to the rotary and all of Great Hill Road. There are a couple of other groups, including employees from CPV (Power Plant) also coming down to clean up on Governors Hill Road.

Secretary Denise Randall and Commissioner Sue Purcella Gibbons discussed providing rubber gloves and garbage bags to groups that offer to adopt a main road to clean up.

#### **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).

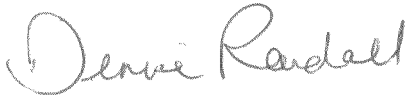
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**MATTERS OF CONSERVATION:**

**ADJOURNMENT:**

**MOTION** made by **Commissioner T. Adamski** to adjourn at 8:14 p.m.  
**Seconded** by **Commissioner E. Stewart**. All in Favor **5-0**

Respectfully Submitted,



Denise Randall  
Administrative OCCIWA Secretary

15 APR 30 AM 11:18  
TOWN CLERK  
*Elizabeth H. West*