



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, October 10, 2017

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, October 10, 2017.

Meeting was called to order at 7:30 P.M. by Chairman Michael G. Herde

ATTENDANCE ROLL CALL:

COMMISSIONERS PRESENT: Ethan Stewart, Susan Purcella Gibbons, Joe Lanier, Bill Richter

STAFF: Also present: Denise Randall Administrative Secretary and I.W. E. Officer A. Ferrillo

ABSENT:

AUDIENCE OF CITIZENS (NOT FOR PENDING APPLICATIONS): None

AMENDEMENT TO AGENDA:

(Application for acceptance):

(IW 17-199) McNamee Construction Corp, 10 Robinson Lane, propose 20ft wide driveway to access rear property. (Wetlands impact =2500 sq. ft.) Upland Review Area = 28,800 sq. ft.)

Discussion on (IW 14-79) Tetlak Park, Bowers Hill Road, (Aggie Park) proposed Athletic Field, Application submitted by Bryan Nesteriak. (map 14, Block 55, lot 22)

MOTION made by **Commissioner S. Purcella Gibbons** and seconded by **Commissioner B. Richter** to accept the 2 amendments to the agenda. **1)** (IW 17-199) McNamee Construction Corp., 10 Robinson Lane, propose 20ft wide driveway to access rear property. (Wetlands impact =2500 sq. ft.) Upland Review Area = 28,800 sq. ft.) **2) Discussion on** (IW 14-79) Tetlak Park, Bowers Hill Road, (Aggie Park) proposed Athletic Field, Application submitted by Bryan Nesteriak. (map 14, Block 55, lot 22) All in favor **5-0**.

EXECUTIVE SESSION:

OLD BUSINESS:

(IW 17-28) Garden Homes, site plan modification for residential units (Lots 2, 2B & 2A) (124-Unit Residential).

Discussion on (IW 14-79) Tetlak Park, Bowers Hill Road, (Aggie Park) proposed Athletic Field, Application submitted by Bryan Nesteriak. (map 14, Block 55, lot 22)

Bryan Nesteriak (Engineer) was present to discuss the progress of the Tetlak Park (athletic field)

Mr. Nesteriak stated: The majority of the work is completed for the most part there are some items on site left, we have been very disappointed in the growth and we have made this clear to the contractor. Some of it is growing, but it has been very dry. There are no plans to play on this field until spring and I hope with full anticipation by spring there will be full growth. The areas down by the wetlands have grown pretty well, they did do a few things by the trails and placed hay bales along side to try and filter any problems they had. Those things have been silted in and they hand removed much of it. Right now its weeding and we are letting that grow in now.

Chairman M. Herde stated: They should probably stay off of those fields for at least another year.

Mr. Nesteriak replied: We can see what it looks like in the spring but no promises on keeping the town off of it for a year

Chairman M. Herde stated: It would be a terrible mistake because then it will never catch up. Once they open up those fields, they will never be able to close them.

Mr. Nesteriak replied: Yea, I mean it was sodded, I'm not sure that you knew that, the town did spring for the sod. The intention was to be able to use it now but the contractor took forever to do a bunch of areas around the fringe of the field itself and we had a bunch of problems. They put in dead sod, then they made them rip it up, then they seeded it, then had to place more sod in. It was all insignificant but you obviously couldn't play on it when its like that. The good

news is that all the sod looks great and where as technically they say you can play on sod within a year it will be a year and half before the fringe areas are good. Its not my call whether they stay off of the fields or not but so far they are.

Mr. Nesteriak asked the Commission for their concerns.

Comissioner S. Purcella Gibbons stated: I was yesterday and took photos.

Commissioner S. Purcella Gibbons passed out the photos and below are her comments:

I was on the site from 1:30-2:45 pm on Monday, October 9, 2017. I started by walking down the path to the Eight-Mile Brook, then walking south about 200 feet along the brook. There seemed to be no evidence of recent siltation; however there was some evidence of older siltation (see picture of submerged leaves covered in silt). As I headed back up toward the site, there was evidence of older siltation (mushy silty ground), but it was covered with leaves, so it not visible). As I approached the site along the stone wall, there was greater evidence of siltation including a breach in the silt fence (see photos) and hay bales that had been washed away. It is my opinion that the silt fence should be repaired in the area of the breach, and the hay bales that were down gradient of the breach should be replaced. Overall, the site looked better that it did during my last site walk in that the grass had grown, some garbage had been removed, and the path to the trail was more accessible. I want to mention that it was raining a little when I did the site walk; however, it has been very dry in the weeks leading up to yesterday's site walk. Please do not hesitate to contact me if you have any further questions.

Commissioner S. Purcella Gibbons stated: There was a silt fence blowout here (pointing to the picture.

Mr. Nesteriak asked where exactly this was and Commissioner S. Purcella Gibbons explained it.

I.W. E. Officer A. Ferrillo asked: Do you think that water quality swale is deep enough?

Mr. Nesteriak replied: Yea, its just the design, its kind of passed the 100 year but designed for the 25 year. That swale is really wide.

Commissioner J. Lanier asked about the swale at the top.

Mr. Nesteriak replied: That was designed to treat the water off of the parking area. The bio-retention basin looks good and there is going to be touch ups in the fall and the contractors have to maintain this for 90 days which brings us into winter.

The Chairman asked how the payment schedule for maintenance in the winter will be.

Mr. Nesteriak explained the contact of how they will get paid and there are performance bonds by the Inland Wetlands and the Town of Oxford.

Chairman M. Herde stated: It's just been so many phone calls and so many problems.

Mr. Nesteriak stated how disappointed he was in the contactor.

The Chairman asked about looking at a water retention polymer in the soil?

Mr. Nesteriak stated: No. I don't think the problem is the soil retention, just the fact there is no water. We didn't get rain for about 6 weeks at one point.

Chairman M. Herde suggested bringing in a water truck once a week or a 10 or 20 gallon tank.

Mr. Nesteriak replied: There has been lots of discussion on bringing water up there but there wasn't extra money for that. I did a full design for a 50 gallon tank but the finances were not there. There is a steady supply of ground water up there.

Mr. Nesteriak and the Commission then discussed the surveying on the open space area behind Wisteria Lane and the northern boundary of Aggie Park.

Mr. Nesteriak stated: He wouldn't charge for going in when it's closer to winter with a GPS which would be easier and take less time to stake out.

Chairman M. Herde stated: Ok, why don't we wait until the leaves are down and we can then discuss how much it would be if it will now take less time. We can keep the dialogue open.

NEW BUSINESS:

(IW 17-192) RS Site and Sports – Lot 2RA Pheasant Run Road, Pheasant Run Business Park, (proposed Fitness Club Center and Warehouse) Map 3, Lot 16, (Total Acres of wetlands = 1.3 acres) (Wetlands Impact = 0) (Upland Review Area impact in sq. ft. = 15,940)

Mr. Nesteriak stated: I have Tim Sadick and Dave Rich who are the purchasers of this lot which you guys went thru with Marc Oczkowski for Lot 2R which was subdivided into Lot 2RA and Lot 2RB. So this is the 4 lot acre of Lot 2RA which is the most western portion of the site. There plan is to put up a 16,500 warehouse building that will be used for pickle ball. Two thirds of it will be for pickle ball and the remaining will be used for the rest of their operation, they build these things for a living, concrete slabs, tennis courts and stuff like that. The building will be surrounded by parking, storage area, retail section here (pointing). There operation will be access from the back. We designed it Civil One's preliminary with storm water retentions. We did put a storm water pond in the back here which is designed for the 100 year storm with some water quality features.

I.W.E. Officer A. Ferrillo asked: Can you explain the issue that arose when apparently in the original subdivision they indicated that pond may be used for the second lot also.

Mr. Nesteriak replied: I can bring that up. I will start by saying Jim Galligan had a couple of comments but endorsed the overall plan.

Mr. Nesteriak continued: This is just the subdivision which is all conceptual but it had the 2 buildings here (pointing to map) again conceptual, both of them drained into the storm water pond. I'm not sure if this map is the most current but I guess the intention of the design was them to share the storm water pond and there is an easement to allow this. Now we have designed this pond to handle this. So if that easement remains when they come to you their going to either have to show they are not effecting the drainage or they are going to have to include the new owners to provide them permission. I don't know any other way to do it. I can make it bigger but how much bigger.

Chairman M. Herde stated: Actually the whole deal was on the subdivision which was taken into account as to encroaching on the wetlands on that lot

Mr. Nesteriak asked: Which lot?

Chairman M. Herde replied: On the lot not being used yet. Just overall looked at as a big plan and to say put the retention on there that is not in the subdivision approval so that could actually knock that lot out. It's a little late to knock a lot out.

Mr. Nesteriak stated: I understand but they can put a storm water retention system on theirs, they may have to make the building smaller or put it underground, under the parking lot there are a lot of options.

I.W.E. Officer A. Ferrillo stated: Well and you don't want the developer coming back to us and saying well you approved it this way and now your telling me we you can't use it.

Mr. Nesteriak stated: Let me just preficit by, the storm water calculations that were submitted with this plan don't have any detention calculations, zero. There is no detention or flows designed it just says there is an area big enough, which it wasn't but that is the way they designed it. I typically don't do it that way. So when I saw it, it doesn't take into account room for grading, berm so it's preliminary as it gets.

Chairman M. Herde stated: We have to send a note to Jim Galligan (Town Engineer)

I.W.E. Officer A. Ferrillo replied: He is aware of it, he is the one who brought it to my attention. It's not sized to handle the 2 lots, you don't know what is going to be on that lot.

Mr. Nesteriak stated: I didn't actually re-design to this calculation but looking at what I had designed and looking at what this is, that area that was put on there is not big enough, unless its 25 feet deep.

Chairman M. Herde stated: Send a note to the Town Attorney and let him know if the deed reads the right to allow this to happen or not before we go any further.

Mr. Nesteriak asked: Allow what?

Chairman M. Herde replied: If this gets declined for his retention over there and they find out that they can't do their retention.

Mr. Nesteriak replied: They are allowed to do their retention though. They have to get approved by you, they have to get approved by the town. They can come in with a permit to expand this at a later time.

Chairman M. Herde stated: Well that's what I'm saying, we want to find out from the attorney if these guys have the right to deny it.

Mr. Nesteriak replied: Why wouldn't they? There is no inhering right you can put all your storm water on there.

Chairman M. Herde stated: Well that's what was represented here. That's the way the subdivision was approved here. If this Commission says here, you're not going anywhere's near those wetlands on that other lot, do we get in a tangle.

Mr. Nesteriak replied: I don't think there would be a tangle, there is nothing saying that they can't.

Chairman M. Herde stated: Ask the town attorney.

Commissioner E. Stewart stated: Well the whole idea is we didn't want to put anything right over here (pointing). So if you can't go there, where are you going to put it on this lot?

Mr. Nesteriak replied: You can put it under this parking lot, you can do pervious pavement.

Chairman M. Herde stated: Right now it's showing going that way (pointing to the map) and if they come to us and say, we can't get what we want and we want to sue the wetlands commission over it.

Mr. Nesteriak replied: I don't think they could.

Chairman M. Herde stated: I will ask an attorney.

Mr. Nesteriak replied: As you should. I mean these are all preliminaries and there is nothing to say that they can come in and say, I want to put in a detention pond in the middle of the wetlands, your allowed to deny that.

Chairman M. Herde stated I.W.E. Officer: Put the Town Attorney and the Town Engineer together.

I.W.E. Officer A. Ferrillo replied: Well first I'm going to call Mr. Curt Jones (Civil One, engineer for subdivision) and let him explain first.

Chairman M. Herde replied: Ok.

Chairman M. Herde asked: Tell us about how the water gets cleaned?

Mr. Nesteriak replied: The water is collected in front with a conventional catch basin and pipe system and that would take care of some of the sediments obviously.

Chairman M. Herde asked: Impervious surface?

Mr. Nesteriak replied: Yes and that gets drained back to the bottom detention pond.

The Chairman asked about oil water separators.

Mr. Nesteriak stated: We have not proposed any oil water separators. Is this standard thing you want? even though it's not an industrial project?

Chairman M. Herde replied: We do it actually on retail and all commercial sites.

Mr. Nesteriak stated: Well alright, let me just keep going. The rest of the site drains then over to rip rap swales which also provides treatment as well to rip rap aprons to the bottom are basins which are about 5 feet deep. It will flow over to an outlet structure which has an outlet about a foot above grade, in the base itself and eventually once it comes out it will spill into the outlet flow structure and out to a further rip rap apron that will discharge to the wetlands.

Commissioner J. Lanier asked about the storage area.

Mr. Nesteriak replied: A set down area, storage trailers, pick up trucks, there is not a lot of big equipment.

Mr. Sadick stated: It's basically going to be a temporary lay down area. A lot of times we will get a delivery of steel and we just want to get the equipment off loaded and get them out of there.

The Chairman stated he needed a description of the business on the plans and if there is on site fuel or no onsite fuel then that needs to be on the map.

Mr. Nesteriak replied: Ok. Can I get a list of what is needed on these plans.

The secretary gave a copy to Mr. Nesteriak.

The Chairman explained we are trying to keep a standard procedure for all Commercial and Industrial applications.

Mr. Nesteriak thanked the Commission and exited the meeting.

NEW APPLICATIONS REQUIRING OCCIWA APPROVAL (ACCEPTANCE):

MOTION made by **Commissioner S. Purcella Gibbons** and seconded by **Commissioner J. Lanier** to accept new application (IW 17-199) McNamee Construction Corp, 10 Robinson Lane, propose 20ft wide driveway to access rear property. (Wetlands impact =2500 sq. ft.) Upland Review Area = 28,800 sq. ft.) All in favor **5-0**.

CORRESPONDENCE:

OTHER BUSINESS:

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

MOTION made by **Commissioner S. Purcella Gibbons** and seconded by **Commissioner E. Stewart** to approve the minutes for September 12, 2017 and September 26, 2017. All in favor 3-0.

ENFORCEMENT OFFICER :

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:**

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

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

Jul-17

7/5/2017	Kevin Mullen	43 Cortland Place	App for Inground pool
7/5/2017	Victor Rosado	18 Deerwood Road	App for Residence
7/5/2017	Corey Cirillo	5 Lantern Ridge Road	App for Barn
7/6/2017	Eric Raspet	23 White Gate	App for addition with indoor

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		Road	pool
7/7/2017	Herde Construction	6 Georges Hill Rd	C.O. -no extension
7/7/2017	Robert Weiner	Roosevelt Drive	Trailer Under the Rock
7/10/2017	Geoffrey English	6 Cortland Place	App for addition to outbuilding
		16 Nancy Lynn	
7/10/2017	Lee Clifford	Lane	App for A/G pool & Deck
7/10/2017	Joseph Dargenio	221 Good Hill Road	C.O. for Residence
		34 Wedge Hill	
7/12/2017	John Mazza	Road	app for deck Replacement
7/12/2017	Jeff Weaver	94 Oxford Road	App for pool deck
7/12/2017	Unknown	unknown	Copy
7/12/2017	Stephen Onofrio	125 Hawley Road	app for deck Replacement
7/17/2017	Ryan Solanch	20 Wyant Road	Addition- no extension
7/17/2017	Corbo Associates	33 Fiddlehead Rd	C.O. for Residence
7/17/2017	Mountain Rd Estates	207 Meadowbrook Rd	C.O. for Residence
7/19/2017	Howard Russ	571 Oxford Road	Copies
7/24/2017	John Santoro	162 Newgate Road	App for Garage for storage
7/24/2017	Bryan Finch	14 N. Mark Drive	App for shed
7/24/2017	Julianna James	1 Evergreen Lane	C.O. for Garden Shed
7/27/2017	BBL Enterprises	319 Riggs Street	C.O. Addition
		583 Putting Green	
7/31/2017	Alan Mohr	La	C.O. Screened Deck
		1013 Turnberry	
7/31/2017	Pulte Homes	Court	App for Residence
		1011 Turnberry	
7/31/2017	Pulte Homes	Court	App for Residence
7/31/2017	Pulte Homes	720 Championship Dr	App for Residence
7/31/2017	Pulte Homes	722 Championship Dr	App for Residence
7/31/2017	Pulte Homes	724 Championship Dr	App for Residence
7/31/2017	Pulte Homes	726 Championship Dr	App for Residence
7/31/2017	Pulte Homes	728 Championship Dr	App for Residence
7/31/2017	Pulte Homes	730 Championship Dr	App for Residence
7/31/2017	Pulte Homes	732 Championship Dr	App for Residence
		Pulte	
7/31/2017	Homes	734 Championship Dr	App for Residence
		583 Putting Green	
7/31/2017	Alan Mohr	La	C.O. for Screen porcht-no extension

17-Aug

8/2/2017	Christopher Porto	156 Great Hill Road	App for addition
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Respectfully Submitted,

Denise Randall
Denise Randall
Administrative OCCIWA Secretary

17 OCT 18 AM 11:44
TOWN OF OXFORD, CT
Margaret A. West
TOWN CLERK