



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, February 13, 2018

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, February 13, 2018.

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

ATTENDANCE ROLL CALL:

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

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

ABSENT:

AUDIENCE OF CITIZENS (NOT FOR PENDING APPLICATIONS):

None

AMENDEMENT TO AGENDA:

EXECUTIVE SESSION:

OLD BUSINESS:

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

NEW BUSINESS:

(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.) An extension letter was received on November 14, 2017 from Alan Shepard, P.E. (Nowakowski, O'Bymachow, Kane & Associates)

(IW 18-03) 589 Investments, Pheasant Run Business Park, Lot 3R (17.41 total acres) proposed Use: Office, warehouse & food processing, Total acres of wetlands = 2.51 acres, (Upland Review area impact = 4,420 sq. ft)

Mr. Ciyuon: stated the plan is to re-grade for future use. (Pointed out where the catch basins on the map are) The only disturbance is in the 100 foot upland review area.

Chairman M. Herde asked: Is there any proposed area where you're going outside of the original plan?

Mr. Ciyuon: The only stretch is the detention basin (pointing to the map).

The Chairman asked if this detention basin was on the original plan.

Mr. Ciyuon: On the original plan, it was a design but not approved. We have our response comments to Jim Galligan that were sent in. I will go over them.

The Secretary stated that there is a conservation easement on the deed which was approved by the town attorney.

Chairman M. Herde stated: It looks like all of the town engineer's comments have been addressed.

The Chairman asked the Commission if anyone has any questions.

The Commission didn't have any more questions.

MOTION made by **Commissioner S. Purcella Gibbons** to approve with conditions **(IW 18-03)**, 589 Investments LLC, Pheasant Run Business Park, Towner Lane, Map 3, Block 29, Lot 3R, Proposed Office, warehouse & food processing (wetlands impact =0) (Upland review area impact = 4,420 sq. ft) no direct impact to wetlands and all engineering concerns by the town engineer have been satisfactory complete. All standard erosion controls shall be in place before, during and after construction. **Seconded by Commissioner E. Stewart. All in favor 5-0. Permit expires 1/23/2023**

(IW 18-02) TCB Ventures, Inc, 20 North Larkey Rd, proposed use: Commercial Recreational, Total size of lot 3.76 acres, (Total wetlands on site = 31,622 sq. ft) (Upland review area impact = 7000 sq. ft)

Mr. Tom Beck (the applicant) is present.

Mr. Beck stated: My engineer (Fred D'Amico) will be not be able to attend tonight.

The Chairman stated: We have the town engineer's letter and it seems a little bit on the negative side here. I want to open up things here to the Commission for discussion. Where does everyone want to go with this? Do you want conditions? Is it favorable or non-favorable?

Commissioner B. Richter stated: It is not favorable to me. It is too close to the wetlands, a lot of close activity.

Chairman M. Herde stated: The town engineer has pointed out that this is continuous activity. It is not as though you're putting in a garage and you're in and out and everything else is graded and done. It is not like we have a lot of chemicals or anything but it's a different use and a destruction of the ground. Do you all feel comfortable with this application or uncomfortable?

Commissioner J. Lanier stated: I mean at the last meeting I had some concerns but now based on what the town engineer's prospective on it with the constant disturbance and what is the threat of the migration of material on a continuous basis. I'm not an expert on that so I can't say but from what I'm reading and understanding that if we heavy rains and stuff like that, there is potential migration.

Chairman M. Herde asked: Because of there will be continuous mud there?

Commissioner J. Lanier stated: Yes if it overtakes the berm and goes off into the wetland. I can't say and maybe if we have experts take a look at that to find out if this is realistic. Maybe we will find out if it's ok or maybe not.

Chairman M. Herde asked: Ok, so you're in favor of more information?

Chairman M. Herde stated: The Commission requested at the last meeting, some berms to maybe see if that is adequate. It seems the town engineer still had some concerns.

I.W.E. Officer A. Ferrillo stated: We can always get an environmental review on this, we are not sure how long this will take but we can ask if we can get this as quickly as possible. If your ok with something like this because the cost would have to be born by you.

Mr. Beck asked about how much it would cost.

I.W.E. Officer A. Ferrillo stated: The last report we had done was about \$1900.

The Chairman suggested we can tell them to do an overview of the property. The Commission does give the bill to you but you're taking a chance that the report may come back with a negative impact too.

Mr. Beck stated: Let me just comment, if I may. The area that is being driven over now, it hasn't been driven over in 10 years or more without any impact on the wetlands pursuant, without a berm. So my intention was to place a berm there. My application would be weekends only which currently it is used as a 7 day a week business.

I.W.E. Officer A. Ferrillo stated: I don't think it has been used in a long while.

Mr. Beck stated: So before it was tractors and trailers and whatever else. I'm a little perplexed to be honest with you. We propose a berm, along with vegetation to stabilize the soil so I don't understand your objections or where your concerns are.

I.W.E. Officer A. Ferrillo stated: Well the biggest concern is a lot of your activity is well within the regulated area and we rarely ever do that accept maybe a driveway going in and then everything is stabilized. What you're doing is proposing continual activity.

Mr. Beck replied: The activity that was there prior was driving back and forth, back and forth and I'm in affect doing the same thing.

I.W.E. Officer A. Ferrillo stated: The other thing is that prior use for that site would never be approved today.

Chairman M. Herde stated: So we are going to need to make our decision, especially when the town engineer seems to not be in favor, but we have to make our decision based on professional advice. You feel very strongly that your impact is low and I don't mind like if we hire an environmental review that they have some contact with you as to what your use is. I think at this point, is that the way the Commission would like to go?

Mr. Beck stated: But I am not physically in the wetland.

Chairman M. Herde stated: Right, but so we need to know what you're doing outside of the wetland and how much does it impact the actual wetlands. It looks like we need a professional to tell us this so that we are not surmising this ourselves.

Mr. Beck stated: Try to understand that our severity of the impact is...

Chairman M. Herde replied: That's exactly what's up in the air right now because I know you feel passionate about the impact being low and it may very well be but now we need a third party to tell us their scientific view of the impact.

Mr. Beck stated: But I'm not in the wetlands area.

Chairman M. Herde replied: Right but everything upland, is a regulated area. So whatever you do, anywhere whether it's immediate or mile above a wetlands, whatever

you do on site, if it physically makes a change or an impact on the wetland itself, it's a regulated activity. We use 100 feet as our "heads up" area and then within this 100 foot area, we tend to look a little closer and ask ourselves what is the impact and it can be immediate and then this triggers to the next stage as to needing a professional to let us know what the impact is.

Mr. Beck asked: Is the impact the same to an uplands area as it is to a wetlands area. Would if I wanted to take my track thru the wetlands and came out into need, would that be the same? If I came with a backhoe and ripped out all the stumps, would that be the same?

Chairman M. Herde replied: Well that's a direct physical impact and we are wondering about the indirect physical impact. This is an indirect physical impact and that is within the Commission's purview to say yes or no to that based on professional's advice. So we can theoretically let you build a hotel in the wetlands but we can also say don't build the hotel 100 feet out. That's why there is a Commission, were a jury.

Mr. Beck stated: Ok, I didn't understand that. I hope you can see where I'm coming from.

Chairman M. Herde replied: Yes. We are just as regulated outside the wetland as we are inside the wetlands. No 2 applications are the same. We have to have professional advice and it looks like everyone is on board with an environmental review and you don't have to answer this tonight because this is an expense on you. We can get an estimate if you need to.

Mr. Beck stated: Yes, I would be ok with this.

I.W.E. Officer A. Ferrillo stated: The other thing is, we always have to consider what comes down the road and now if we establish precedence here someone doing some activity continually in a regulated area, and it's tricky.

A small discussion ensued.

The Chairman asked about an extension.

The Secretary stated January 9, 2018 so we are still ok.

I.W.E. Officer A. Ferrillo stated: Ok we will be in touch.

(IW 18-04) Jay Basu dba Natural Sourcing, LLC, 341 Christian Street, proposed addition, Total size of site 84,951 sq. ft, (Wetlands impact = 0) Upland review area impact = 0

Mr. Petroccia (engineer) is present and stated: This is an 11,136 sq. foot addition to this organic cosmetic business and the plan is to have loading docks and incoming and outgoing trucks. There are no wetlands and the addition is on the paved area. The

existing drainage will remain the same. The addition will be for material storage from deliveries. No hazardous materials.

Chairman M. Herde asked about the water quality clarity and litter control.

Commissioner J. Lanier asked about the sheet flow in the rear.

Mr. Petroccia stated: The 3 main basins will collect it.

Commissioner J. Lanier asked about stock piling any materials and this should information should be on the plan and the fire Marshall should also know this.

Chairman M. Herde stated: This is an older building and I believe we should bring the storm water up to speed. We should ask Galligan about the water clarity being improved. Are there sumps in these catch basins? This is an opportunity to do this know. Even the litter control items should be on the plan. We understand that he is trying to expand his business but we would like to have this brought up to our modern techniques for now we would really appreciate it.

Mr. Petroccia thanked the Commission.

(IW 17-218) Garrett Homes, LLC, 126 Oxford Road, retail development, Map 35 Block 7, Lot 4, (Total size of site = 1.35 acres) (Total acres of wetlands= 0) Wetlands impact = 0, (Upland review area impact = 0 sq. ft.) (amount of material being removed) = 415 c.y.

Mr. Matthew Bruton (Applicant's engineer) stated: The litter control standard is now on the plans, grease containment and trash enclosures are also on the plan. I've added the snow stock pile areas and also added a timber guide rail along the whole front area to keep snow contained this is area (pointing to the map). The existing catch basin has been replaced it so that it will have a deep sump and a hood. The catch basin here (pointing) is going to have a storm scepter and will help capture the grit and oils from the parking lot. These are the big changes from the last meeting.

The Chairman asked for a more information on the storm scepter.

Mr. Bruton explained: This system is called a 450I, I'm not sure that you are familiar with this.

Mr. Bruton continued to explain.

Chairman M. Herde asked how big the capacity is.

Mr. Bruton replied: 450 gallons I believe. We can make it bigger or smaller. There is a maintenance plan for multiple times a year and the schedule is listed on the plan.

Commissioner B. Richter asked about the grease containment.

willing to do.

I.W.E. Officer A. Ferrillo suggested a meeting with the Chairman and Mr. DeAngelis on the site to Friday, February 16th at 9am.

All were in agreement to meet up.

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
		23 White Gate	App for addition with indoor
		Road	pool
7/6/2017	Eric Raspet		
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	
		Lane	
7/10/2017	Lee Clifford		App for A/G pool & Deck
7/10/2017	Joseph Dargenio	221 Good Hill Road	C.O. for Residence
		34 Wedge Hill	
		Road	
7/12/2017	John Mazza		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

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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 porch-no extension

17-Aug

		156 Great Hill	
		Road	
8/2/2017	Christopher Porto		App for addition
8/2/2017	Pulte Homes	736 Championship Dr	App for Residence
8/2/2017	Pulte Homes	738 Championship Dr	App for Residence
8/2/2017	Pulte Homes	740 Championship Dr	App for Residence
8/2/2017	Pulte Homes	747 Championship Dr	App for Residence
8/2/2017	Pulte Homes	745 Championship Dr	App for Residence
8/2/2017	Pulte Homes	743 Championship Dr	App for Residence
8/2/2017	Pulte Homes	741 Championship Dr	App for Residence
8/2/2017	Pulte Homes	739 Championship Dr	App for Residence
8/2/2017	Pulte Homes	737 Championship Dr	App for Residence
8/2/2017	Pulte Homes	735 Championship Dr	App for Residence
8/2/2017	Pulte Homes	733 Championship Dr	App for Residence
8/2/2017	Pulte Homes	731 Championship Dr	App for Residence
8/3/2017	Charles Curtiss	646 Chestnut Tree Hill	Acc for Residence
8/4/2017	Stacey Leary	6 Hart Court	App for shed
8/7/2017	Ricardo DaSilva	65 Thorson Road	App for shed
8/7/2017	Meadowbrook Estate	181 Meadowbrook	C.O. Residence
		1010 St. Andrews	
8/8/2017	Pulte Homes	Dr	Retaining walls
		12 Rowland Farm	
8/9/2017	Glendale	Rd	C.O. Residence
8/9/2017	Deanna Souza	29 Dutton Road	App for Shed

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8/11/2017	William Federowicz	16 Middlefield Road	App for Garage
8/14/2017	Joseph Federici	11 Apple Drive	App for Shed
			C.O. to replace deck
8/14/2017	Katz Contracting	4 Wisteria Lane	C.O. rebuilt residential
8/14/2017	Franklin Young	2 Scott Road	App for shed extension
8/14/2017	William Lisiewski	10 Scott Road	
		35 Jem Wood Road	
8/14/2017	Michael Allen	719 Championship Dr	App for 35' X 38' Garage
8/15/2017	Pulte/Peter Schuman	45 Belinsky Circle	C.O. for Residence
8/16/2017	Geoffrey Brennan	387 Quaker Farms Rd	App for deck extension
8/16/2017	Stephen Walsh Jr.	48 Freeman Road	Acc for Storage Barn
8/21/2017	Kristin Cook	29 Oxford Road	App for Deck
8/21/2017	Gary Hylinski		Acc for re-built
	Michelle & Jeff Young	148 O'Neill Road	
8/21/2017	Oxford Riverbend	23 Riverbend Road	App for garage
8/21/2017	James/Mary Carson	36 Pope Road	C.O. for Residence
8/24/2017	Haynes Construction	290 Main Street	C.O.
		90 Rolling Hill Road	C.O. Daycare
8/24/2017	Rita Simmons		C.O. Pavilion
8/28/2017	Mike Wasko	174 Moose Hill Road	App for Residence
8/29/2017	A. Pond LLC	48 Great Oak Road	C.O. for Residence
8/30/2017	Pulte Homes	Phase Four	Mail Center

Sep-17

9/5/2017	Jason Gadsby	47 East Hill Road	Interior alteration of Garage
	Ascension		
9/6/2017	Performance	106 Willenbrock Rd	Fitness Studio
9/7/2017	Michael Flanagan	672 Championship Dr	C.O. Deck extension
9/7/2017	Karen Gardner	645 Championship Dr	C.O. Deck extension
		306/328 Oxford Road	
9/7/2017	Walter Archer 3rd	60 Quaker Farms Rd	Sewer Extension
		438 Roosevelt Drive	Re-dig of farm pond
9/8/2017	John D'Ambruoso		
9/11/2017	Melany Haight	37 Thorson Road	C.O. Deck
9/13/2017	Antoinette Padula	91 Willenbrock Road	C.O. for addition
9/14/2017	Ferrer Properties	725 Championship Dr	Interior approval
9/14/2017	Pulte Homes	723 Championship Dr	C.O. Residence
9/14/2017	Pulte Homes	726 Championship Dr	C.O. Residence
9/14/2017	Keith Dolyak	2 Evergreen Road	C.O. Residence
9/14/2017	Kristin Cook	48 Freeman Road	C.O. for IG Pool
9/18/2017	Frank Coniglio	79 Shelton Road	C.O. Deck
9/18/2017	Nate Wilcox	38 Jenny Lane 2	App for garage & Shed
9/19/2017	Americo Da Silva	3 Lisbon Terrace	C.O. Shed
9/19/2017	Americo Da Silva	Silva Terrace	App for minor regrade
		47 Peach Farm Road	App for minor regrade
9/19/2017	Americo Da Silva		App for minor regrade
			Interior Alteration- no extension
9/19/2017	Josh Mellitz	88 Seth Den Road	App for Residence
9/19/2017	Mountain Rd. Est	219 Meadowbrook Rd	

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9/19/2017	Mountain Rd. Est	221 Meadowbrook Rd	App for Residence
9/20/2017	New England Septic	Nichols Road	map copies
9/25/2017	End Grain Construct	172 Punkup Road	App for Garage/Deck/porch
			Deck replacement- No
			extension
9/25/2017	Hire A Firefighter, llc	10 Charles Road	App for Pool Deck
9/25/2017	Vin Scalo	37 Macintosh	Fit club/Warehouse
9/26/2017	RS Site & Sports	Lot 2RA Pheasant Run	No extension
9/29/2017	John Milligan	253 Quaker Farms Rd	

MATTERS OF VIOLATIONS/LITIGATIONS:


1. 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)


MATTERS OF CONSERVATION:

ADJOURNMENT:

MOTION made by **Commissioner E. Stewart** to adjourn at 9:20 p.m.
Seconded by **Commissioner J. Lanier**. All in Favor **5-0**.

Respectfully Submitted,


Denise Randall
Administrative OCCIWA Secretary

18 MAR - 1 AM 11:19
TOWN OF OXFORD, CT

TOWN CLERK