



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

Conservation Commission / Inland Wetlands Agency

REGULAR MEETING MINUTES

Tuesday, January 11, 2022

The **Regular Meeting** of the Oxford Conservation Commission/Inland Wetlands Agency was held virtually online with Google meets video on **Tuesday, January 11, 2022**. Regular Meeting Members of the Public that would like to join us online only can access the meeting using the following information and also meeting in person in Room B at the S.B. Church Memorial Town Hall, 486 Oxford Rd, Oxford, Connecticut 06478.

Meeting was called to order at 7:30 P.M. by Chairman Susan Purcella Gibbons

PLEDGE OF ALLEGIANCE:

ATTENDANCE ROLL CALL:

COMMISSIONERS PRESENT: Chairman Sue Purcella Gibbons and Commission Members Ethan Stewart, Andy Ferrillo and Brian Smith,

STAFF: Administrative Secretary Denise Randall & Enforcement Off. Mike Herde, Attorney Kevin McSherry

ABSENT: Commissioner Joe Lanier

AUDIENCE OF CITIZENS (NOT FOR PENDING APPLICATIONS):
None

AMENDMENT TO AGENDA:

EXECUTIVE SESSION:

None

NEW BUSINESS:

(IW 21-118) Becir & Esma Selmani, Lot 1R, 2 Pheasant Run Road, Oxford (Proposed use= Office, warehouse, storage) (Total size of acres = 5.36 acres) (Total wetlands on site =12,144 sq. ft) (Wetlands impact = 0) (upland review area impact = 11,145 sq. ft)

Mr. Michael Lambert, applicant's engineer (Civil One Engineering) is physically present and Mr. and Mrs. Selmani are present online.

Mr. Lambert gave a revised map to the Commission who then reviewed it.

Mr. Lambert stated: I represent the applicants tonight and I am here for my first presentation. It was 2 buildings built further north one is Smashball. This property was before this commission back in April of 2020 for an excavation fill permit to make the pad site for it to actually make it developable. What happened was, when the road was put in, it was a drop off from the road to the site (pointing to the area on the map) here is the existing detention basin and easement. Our intention is developing a 30,000 sq. ft warehouse facility where the driveway will come in at the original proposed during the Pheasant Run business park. To have an 'S' curve into the property, have a main office in the front corner and a circular driveway around the entire property. For this project there is 11,145 sq. ft. of upland review disturbance. Although this was previously disturbed a bit with the filling of the original permit, there is a bit more earthwork that has to be done to really flatten this out. We wanted to have great access all around this building so there is more fill needed. We have a series of catch basins around the parking lot which will collect all the storm water and discharge into the last downstream catch basin, which will be a water quality structure and then discharge into the existing detention basin. The previous calculations, we so still need 0 increase in runoff going off the site without having to do any modifications to the existing detention basin. I know this project was given to Nafis & Young (town engineer) and we did respond to them. I would be happy to take any questions.

Enf. Officer Herde: The existing detention basin takes street drainage?

Mr. Lambert replied: Correct.

Enf. Officer Herde asked: Who's basin is it in the end? Will it be privately owned, who will clean it?

Mr. Lambert replied: I believe it is privately owned. I will double check that.

Enf. Officer Herde stated: Ok, I think we need clarification on that because this department takes care of about 18 basins in the town. We just want to make sure who will maintain them. I have been out there several times so if you each want to take a look at it. The basin itself has been completely built and is fully vegetated. This is the same water system that eventually ends of for the proposed church. This is basically dropping into a red maple swamp several 100 feet before it picks up a little stream about 3 feet wide. I walked it and it actually has a significant distance before it drops into moving water and it quite heavily vegetated. I was really concerned about it, so I walked the entire property. I think if you guys can maybe get a little peak at this to get a better idea of the area.

Commissioner Ethan Stewart asked about having and oil water separated.

Mr. Lambert replied: It is a CDS unit, a water quality structure. It does act as an oil grit basic water quality structure with PSS removals by DEP and is one of the structures on the approved list.

Enforcement Officer Herde stated: I wanted to discuss something that I am running out on for commercial projects maybe having boiler plate conditions on all commercial and industrial applications

to not occupy or use the property for business until per approved final site plan. We have some businesses that move in as soon as they put their building up but they don't have a CO yet. We have no condition right now that says you can't move in until your final site plan is finished accordingly. We have about 5 businesses right now and it is a really awkward enforcement action. Many are contractor's yards.

Commissioner Lanier agreed and stated: I understand that.

Chairman Sue P. Gibbons stated: Ok we can discuss this and we will table this application until the next meeting.

OLD BUSINESS:

RE-APPLICATION:

NEW APPLICATIONS REQUIRING OCCIWA APPROVAL (ACCEPTANCE):

CORRESPONDENCE:

OTHER BUSINESS:

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

MOTION made by Commissioner Brian Smith and seconded by Commissioner Joe Lanier to approve the December 14, 2021 regular meeting minutes. All in favor 4-0

ENFORCEMENT OFFICER:

Enforcement Officer report:

85 Newgate Rd- waiting on planning and zoning meeting regarding text amendment.

Enf. Officer stated: We received a letter from Oxford Greens regarding the retention ponds. I explained that this has to be taken up with there Homeowners Association .

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:

APPLICATIONS NOT REQUIRING OCCIWA APPROVAL & PERMIT APPROVALS:

MATTERS OF VIOLATIONS/LITIGATIONS:

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)

48 Jacksons Cove Rd- Cease & Restore letter sent in December of 2020.

Notice of Cease & Desist- 5 Crozier Court (Mr. Antunes) Filling in a vernal pool, Letter sent 11/13/20. Hearing scheduled for 11/24/20 at 7pm

(IW 21-10) Cornerstone Assembly of God, Inc., 656 Oxford Rd, Oxford (Map 19, block 28, Lot 10,13,22) proposed use = New Church & parking, Total size of site 16 acres (Total acres of wetlands= 3.77 acres) (wetlands impact = 0 acres) (Upland review area impact = 78,780 sq. ft.) (amount of material removed= 2,455 c.y.) (Deposited= 5,055 c.y.) Summons received

NOTICE of Cease & Desist – 17 Fiddlehead Rd. (Clear cutting of trees and excavation performed without permits) (Certified letter sent 7/22/21) (Show just cause hearing on July 27th meeting)

NOTICE of Cease & desist – 40 Hunters Mountain Rd, Clear cutting in a regulated area. (Show cause hearing on Nov. 9, 2021) Updated map received and dated December 16th, 2021.

Mr. Seth Kimmer and Mark LaForgan are present on behalf of his father Scott Kimmer and would have like to have been here tonight. I know we are waiting on the soil science report but here is a revised map for all of you.

The commission asked about where the tree line was.

Mr. Kimmer pointed it out on the larger map.

The Commission then studied the new revised map with the tree line.

Enf. Officer Herde stated: You guys can see the difference where the regulated areas and where the trees were cut and also where those new wetlands flags went in. Much of the cutting is all in a regulated area.

Mr. Seth Kimmer replied: Yes, we are all in agreement it was a mistake with the trees. I have learned how it went to far. I understand why you wanted to see the tree line on the map.

Commissioner Andrew Ferrillo stated: Actually, everyone is supposed to, before you cut the trees, come in to get an approval so this doesn't happen.

Mr. Seth Kimmer replied: Yes, now we understand that a mistake was made.

Commissioner Joe Lanier discussed the map area of the regulated area extending down almost to the state property.

Mr. Seth Kimmer pointed out a small parcel on the map determined a wetland.

Enf. Officer Herde asked how this line was put on the map (pointing to the map)

Mr. Seth Kimmer replied: The surveyor put it on in conjunction with the soil scientist. The map showed a new property line thru the large parcel.

Enf. Officer Herde stated: The flag line looks pretty accurate. Is the property still one piece of property or is this property line in here?

Mr. Seth Kimmer replied: I believe it is just one property.

Enf. Officer Herde asked: Ok so you haven't filed a map for the first split?

Mr. Seth Kimmer replied: I believe not.

Enf. Officer Herde asked if they saw the soil report?

Secretary Denise responded: Yes, I gave them a copy.

Seth Kimmer stated: The driveway did go back to that back lot and there is a high water table.

Chairman Gibbons asked: I am looking at #4, something about a vernal pool?

Mr. Kimmer replied: It needs to be in the area that would not be disturbed.

Enf. Officer Herde added: But the driveway would have to come in awfully close proximity. This is either a vernal pool or suto vernal pool

Commissioner Lanier stated: We try to minimize any activity within 100 feet away.

Enf. Officer Herde stated: Right.

Commissioner Lanier stated: Then there is no room according to this.

Mr. Kimmer stated: It would be close.

Chairman Herde stated: But to get into the back here (pointing to map) you're going to have to either cross a wetland and/or come in contact with a vernal pool. Maybe even one or two wetlands.

Chairman Gibbons stated: Yes, it seemed awfully wet when we walked it. The water was moving.

Mr. Mark Laforgan stated: We do just want to make everything right and proper and the reason why I have been coming to the meetings is that I grew up in Beacon Falls and Oxford has been a dream of mine to raise my family here and we are in between homes right now. We understand the severity. This is the driest section of the property (pointing to map).

Commissioner Smith asked: I did a little research before I came to the meeting tonight and I wanted to know could the wetlands potentially be moved at all or extended?

Enf. Officer Herde replied: It is really hard to restore a wetland or create one, especially these types of wetlands. If you have more of a grass meadow wetland. With those you can do a little man made type and it would take off on its own. The hardwood forests here are really difficult. Especially when most of it is sitting on ledge and then your putting wetland soils on top of it. The big thing here is that this type of wetland, needs a canopy as well especially with all of the tree cutting done the canopy was messed up there.

Mr. Kimmer asked: Would tree planting be an option.

Enf. Officer Herde replied: Probably. Now that we have this kind of map and soils report then we can start talking to the applicant about restoring some of it before we do anything else.

A discussion on the map wetland flags and where the line of disturbance is.

Enf. Herde stated: The Commission might want to start asking for a planting plan.

Mr. Kimmer asked: In your opinion, is that back lot going to be accessible? We know we made mistakes here and we want to find a solution.

Enf. Officer replied: The obvious prudent and feasible alternative is to put a couple of houses up front and call it a day because then you don't need to go in the regulated area or wetlands. It is a big enough lot and can still be developed and whether it still ends of with two 5 acres lots, it will be the commissions prerogative in between getting a restoration plan and a final.

Commissioner Ferrillo stated: I think the big elephant in the room right now is whether or not this is a vernal pool and we may not be able to determine this until April or May.

The Commission all agreed.

Enf. Officer Herde: I agree, you can't determine until the amphibians are moving.

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Mr. Kimmer asked: I didn't measure the map but it looks like the driveway is within the 100 foot.

Enf. Officer Herde replied: No, its actually almost in it.

Mr. Kimmer asked about moving the driveway.

Enf. Officer Herde replied: It's a possibility but you're definitely running into another wetland. There is a dry spot I the center.

Mr. Kimmer asked about an option of moving away from the vernal pool. How can we purpose that along the other side.

Enf. Officer Herde stated: You're going to have to your engineer and your soil scientist. The obvious is to put the house up front.

Mr. Kimmer asked: Could the driveway be within the 100 foot mark? Is this a decision that you guys can make?

Enf. Officer Herde replied: That is an area that is within the purview of the commission and if they would waive the buffer area.

Mr. Kimmer stated: Ok, so its in your hands on what you want that distance to be.

Commissioner B. Smith stated: I think the key is to come back with your plan and then make a decision.

The Chairman asked for a motion for a restoration plan.

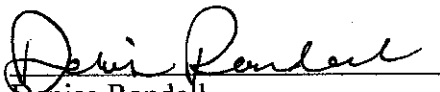
MOTION made by **Commissioner B. Smith** and seconded by **Commissioner J. Lanier** to have the applicant come back with a restoration plan. Voted 5-0.

MATTERS OF CONSERVATION:

ADJOURNMENT:

MOTION made by **Commissioner Andy Ferrillo Jr.** to adjourn at 8:31 p.m.
Seconded by Commissioner Ethan Stewart. All in favor, voted 5-0.

Respectfully Submitted,


Denise Randall
I/W Administrative Secretary

22 FEB -8 PM 2:40
TOWN OF OXFORD, CT
TOWN CLERK
Theresa A. West