



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

**Planning & Zoning Commission**

**PUBLIC HEARING MINUTES**

**Tuesday, May 5, 2015**

**7:00 PM**

**Main Meeting Room**

**CALL TO ORDER**

**Chairman Carver** called the Public Hearing to order at 7:02 PM.

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

**Present:** Harold Cosgrove, Pat Cocchiarella, Pete Zbras, Arnie Jensen, Glen Persson, Todd Romagna and Tanya Carver.

**Staff Present:** Steven S. Macary, ZEO.

**Not Present:** Jeff Luff, John Kerwin and Ed Rowland.

**SEATING OF ALTERNATES**

**Chairman Carver** seated **Alternate Pete Zbras**.

**APPLICATION:**

**Z-15-008 [IND] – Prokop Road (Lot #4) Map: 25 Block: 19 Lot: 4B – Owner & Applicant: Ferris Properties** (Special Exception – Excavation – remove approximately 3,200 cubic yards of material) (Site Plan)

**PUBLIC HEARING PROCEDURES**

**Chairman Carver** outlined the Public Hearing Procedures.

**Chairman Carver** called for any conflicts of interest from the Commission members. No conflicts.

**Chairman Carver** called for any conflicts of interest from the applicant. No conflicts.

**Commission Secretary Cocchiarella** read the Call of the Meeting and the Legal Notice into the record.

**CORRESPONDENCE**

**Commission Secretary Cocchiarella** read a Memorandum from the Turner Miller Group dated May 5, 2015.

**Chairman Carver** stated that the applicant needed to submit the Public Hearing notifications and a picture of the sign that was posted on the property.

**Robert Sherwood, Landscape Architect for the applicant** handed the notifications and picture of the sign to **Steven S. Macary, ZEO**.

**APPLICANT PRESENTATION**

**Robert Sherwood** Landscape Architect for Percy Ferris, owner, stated that the property is on Prokop Road and is referred to as Lots A & B. He noted that Mr. Ferris originally bought the property from the Town of Oxford back in 2003-2004, and that he did complete the approval process for the same use in 2004. He explained that Mr. Ferris received his approvals on application Z-04-039, but the property was never developed. He stated that they are now coming to the Commission with the same application and looking for the same approval. He noted that they are currently working with the Wetlands Agency for approvals.

**Mr. Sherwood** stated that there is one entrance driveway coming in with employee parking set up in front of the building. The proposed building is 50x75 square feet and would be used for office space and storage of trucks. He noted that there would be bays in the back of the building, and pointed out the areas on the site plan for material processing and storage areas. He stated that the bin locations on the plan depict the areas where products that are ready for shipment/delivery will be located.

**Mr. Sherwood** stated that Mr. Ferris owns a land clearing company that takes the by products, the wood chips and stumps and turns it into a sellable mulch. He explained that in that process, if he is taking in stumps there is a by product of topsoil and stone which is screened and sold as well.

**Mr. Sherwood** went on to further explain the use of the site. He stated that the stockpile areas would be used for raw materials. He noted that during the application process in 2004, they had a traffic engineer and an acoustical engineer review the plans. He stated that the acoustical engineer reviewed the decibel level of the grinder and made the recommendation that there be a square that is 120 feet from the property lines because at that distance the decibel reading would be 55 decibels which is an acceptable standard. He also noted that in 2004 they went over the MSDS sheets for the color process and explained that they are water based dyes. He commented that the site plan shows that they are in compliance with the appropriate setback requirements. He stated that they will be installing landscaping in the front of the building and per the Wetlands Agency they will be planting more wetlands species on the back side of the large water quality and detention basin located in the rear of the site.

**Commissioner Cosgrove** questioned an area on the plans.

**Mr. Sherwood** stated that the area the Commissioner Cosgrove is referring to is the outlet control structure. He then went on to address the comments from Brian Miller, Town Planner.

**Mr. Sherwood** stated the following regarding Brian Miller's memorandum:

1. There will be no retail sales, this is a wholesale operation. The planned height of the walls and the storage bins would be 4 feet high and they would be using mafia blocks to control the mulch.

**Mr. Sherwood** stated that they had also received comments from Nafis & Young regarding the engineering and the applicant's engineer has gone through and met all the requirements.

**Chairman Carver** commented that the Commission will need to see the written comments from P&Z Engineer, Jim Galligan.

**Mr. Sherwood** noted that Jim Galligan did do a review for the Wetlands Agency.

**Chairman Carver** stated that the Commission will need to obtain the Wetlands approval before acting on this application.

**Mr. Sherwood** shared an architectural rendering of the building and stated that it would be a metal building with some timber aspects in front. He noted that they would like to try to dress up the area of the building where the offices would be located. He mentioned that they were possibly going with a green and taupe color.

### **QUESTIONS/COMMENTS FROM THE COMMISSION**

**Chairman Carver** questioned the number of employees and the parking.

**Mr. Sherwood** stated that there are going to be 6 parking spaces for employees and guests.

**Commissioner Cosgrove** questioned that if they are selling wholesale, someone will come in with a truck and where are they going to be parking the trucks; in front of the storage bins to be loaded?

**Mr. Sherwood** stated that at another business owned by Mr. Ferris they have a queue line where the trucks pull in and there is a small office, they would park and speak to someone through a small window and receive a ticket for the product to be picked up.

**Chairman Carver** stated that if it is wholesale, they will be big trucks.

**Mr. Sherwood** stated that classically it is wholesale, but you may get some local landscapers coming in with their trucks. He noted that Mr. Ferris ships out a lot of mulch, he explained that he delivers it to garden centers, etc.

**Commissioner Cosgrove** questioned how many trucks will the owner have and where they would be parked.

**Mr. Sherwood** stated that the owner has a couple of small delivery trucks, which are about 20 yard capacity and they could be parked inside the building. He also stated that Mr. Ferris has tractor trailer trucks and those he typically parks in the yard facility.

**Commission Secretary Cocchiarella** questioned how the dyes are handled.

**Mr. Sherwood** explained that the dyes come in large totes, which are shipped in by tractor trailer and removed from the trucks with pallet forks. He stated that they store the totes onsite, when used, the dye is suctioned out of there to the dye machine and then the mulch comes out the desired color.

**Commission Secretary Cocchiarella** questioned waste materials, overflow, etc. and how it is retained.

**Percy Ferris, owner**, stated that the totes are 250 gallons that are in metal frames which are loaded and unloaded with pallet forks. He stated that they are hooked up to the dye unit with a ball valve on the bottom of the machine, an on/off valve. He explained that when you hook that up to the machine, it drains itself completely and before it is disconnected the ball valve is turned off and so it is completely closed and sealed off and then the empty totes are stored off site by the manufacturer.

**Commission Secretary Cocchiarella** stated that he assumes that in the dye machine, it is some kind of tumbler.

**Mr. Ferris** stated that it is.

**Commission Secretary Cocchiarella** questioned if they are dyeing something red and then brown, how they get all of the red out of the machine.

**Mr. Ferris** stated that they run the red out until the material comes out of the machine and it is no longer red.

**Commission Secretary Cocchiarella** stated that there is no drain off or waste, it is all used up and that they use the mulch itself to soak up any extra dye.

**Mr. Ferris** confirmed Commission Secretary Cocchiarella's statement.

**Commission Alternate Zbras** questioned the number of stumps to be ground and how long they sit until they are ground up.

**Mr. Ferris** stated that the stumps, depending on the economy and what is going on in the industry, are usually stockpiled and then processed on a week to two week basis depending on the volume that they have. He stated that they try to wait until there is anywhere from 200 to 500 yards to process. He commented that they prep everything and then grind them at one time.

**Commission Alternate Zbras** questioned if prepping included washing them.

**Mr. Ferris** stated that they shear them off and break them into smaller pieces.

**Commission Alternate Zbras** questioned if there are any homes near this site.

**Mr. Ferris** stated "no", there are wetlands around 3 parts of the site, Prokop Road is on the industrial side, and there is an industrial building across the street.

**Commission Alternate Zbras** stated that a company named Walsh in Newtown has a similar business and they would up with a rat problem. He questioned if there would be any pest control.

**Mr. Ferris** explained that he has been running a facility in Danbury Connecticut for 10 years and they have never had a rat problem. He commented that he thinks if you turn your product over and keep it moving, if it is not sitting stagnant, there should not be a problem.

**Commission Alternate Zbras** stated that the homes around the company in Newtown developed a rat problem.

**Mr. Ferris** stated that if any debris sits long enough anything will live in it.

**Commissioner Jensen** questioned the feature on the south side of the building.

**Mr. Sherwood** stated that in 2004 the Wetlands Agency wanted a concrete fueling pad and it was still depicted on the map. He noted that this time when they were before the Wetlands Agency they were asked why they had a concrete fueling pad. He stated that the plan before the Commission is the one that was done before going before wetlands, prior to removing the concrete fueling pad. He commented that there is no fueling pad proposed with this plan.

**Commissioner Romagna** questioned if Mr. Ferris's land clearing business is based out of Oxford.

**Mr. Ferris** replied that the business is based out of Newtown.

**Commissioner Romagna** questioned if most of Mr. Ferris's product comes from his business or from other businesses.

**Mr. Ferris** stated that the higher percentage of product comes from other businesses.

**Commissioner Romagna** questioned the hours of operation. He asked if there would be weekend hours for grinding or if they have a time when they will typically do the grinding.

**Mr. Ferris** stated that usually grinding takes place from 7 AM to 4:30 PM, Monday – Friday, but they do some grinding on Saturday's depending on the season.

**Commissioner Cosgrove** questioned if there would be a fuel storage area for the equipment on site.

**Mr. Ferris** stated that at this point there will be no fueling storage on site; the fuel is transported by the fuel company. He explained that they come and fuel the machines once a day, either morning or evening.

**Commissioner Cosgrove** questioned what type of fuel they would be using.

**Mr. Ferris** answered that it would be diesel fuel.

**Commissioner Cosgrove** questioned containment where they would fuel the machines.

**Mr. Ferris** answered "no" because the machines are dispersed throughout the property so the convenience is to have the fueling company drive around to each machine and fill it.

**Commissioner Cosgrove** stated that he is worried about a fuel spill and if there is a way to contain that.

**Mr. Ferris** stated that the fuel company is licensed and insured and they are professionals that do it on a daily basis. He noted that they have not had a problem in 10 years, not that there could not be a problem, but they haven't had an issue up to this point.

**Chairman Carver** informed the applicant that the Commission has regulations regarding hours of operation, she asked that Brian Miller put the hours of operation in the conditions of approval for this application.

**Steven S. Macary, ZEO** stated that regular hours of operation are 7 AM to 5 PM but he does not believe that they have hours of operation for Saturdays.

**Chairman Carver** stated that she also does not think they have Saturday hours and it will be stated in the conditions of approval from the guidelines for noise.

**Commissioner Cosgrove** stated that because they are storing wood chips and they heat up, and they could catch on fire, what plans are in place if a small fire should occur.

**Mr. Ferris** answered that if they did run across that problem, the hot spot would be pulled apart with an excavator, which they will have on site and then wet down with water from water pumps or fire hoses which will also be on site.

**Steven S. Macary, ZEO** stated that he spoke to the Fire Marshal, Scott Pelletier and informed the applicant that Mr. Pelletier would like to see the plans because he may want some type of in ground tank for fire

protection on site. He commented that the application and plans need to go to the Fire Marshal before it can be approved by the Planning & Zoning Commission.

**Mr. Ferris** stated that the site is proposed to have a well and city sewers.

**Commission Secretary Cocchiarella** questioned how long it would take to excavate the site.

**Mr. Ferris** replied that he is hoping to have the site built out within 6 months.

**Mr. Sherwood** commented that there is some ledge, it is 3,500 cubic yards, but it is clear excavation, which is not exported from the site, they are doing a cut and fill. He stated that there is not going to be 3,500 cubic yards removed from the site.

**Commission Secretary Cocchiarella** questioned how much would be leaving the site.

**Mr. Sherwood** stated that the engineer did not provide that information but he will have that information for the next meeting.

**QUESTIONS/COMMENTS FROM THE PUBLIC**

**Andrew McGeever, 204 Flagstick Court** questioned the truck route.

**Mr. Ferris** answered that they would go from Route 84 to Christian Street then to Commerce Drive.

**Andrew McGeever, 204 Flagstick Court** stated that they will be going through some residential areas and questioned how many trucks per day would be traveling back and forth to the site.

**Mr. Ferris** stated that based on a 12 month period, anywhere from 4 to 6 trucks per day.

**CONTINUE/CLOSE**

**MOTION BY Commissioner Jensen** to **CLOSE** the Public Hearing.

**Second by Alternate Commissioner Zbras.**

**VOTE:** All Ayes.

**MOTION BY Commissioner Jensen** to **RESCIND THE MOTION TO CLOSE** the Public Hearing.

**Second by Alternate Commissioner Zbras.**

**VOTE:** All Ayes.

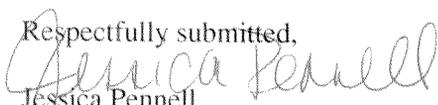
**Chairman Carver** noted that the Public Hearing needs to stay open to receive comments from the Planning & Zoning Engineer, the Fire Marshal and Wetlands approval.

**ADJOURNMENT**

**MOTION BY Commissioner Cosgrove** to **ADJOURN** the meeting at 7:33 PM.

**Second by Commissioner Jensen.**

**VOTE:** All Ayes.

Respectfully submitted,  
  
Jessica Pennell  
Administrative Secretary  
Planning & Zoning Commission

15 MAY 12 PM 4:30  
TOWN CLERK  
