



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, March 28, 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, March 28, 2017.

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

**ATTENDANCE ROLL CALL:**

**COMMISSIONERS PRESENT:** Ethan Stewart, Joe Lanier, Sue Purcella Gibbons

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

**ABSENT:** Bill Richter

**AUDIENCE OF CITIZENS (NOT FOR PENDING APPLICATIONS):** None

**AMENDEMENT TO AGENDA:**

1. MOTION made by **Commissioner E. Stewart** and seconded by **Commissioner S. Purcella Gibbons** to accept the amendment to the agenda to add 2 items **Executive Session** with Attorney Peter Olson (town Council) for pending litigation on notice of Cease and Restore for 10 Park Road violation discussion and update.
2. **Extension of permit** for Oxford Greens- Phase 4 Residential Dev. (IW 12-11) approved on 5/3/12 in a special meeting. The site improvement work and construction is active and ongoing but not yet complete. All in favor 4-0.

**EXECUTIVE SESSION:**

The Commission made a motion to enter into executive session for pending litigation on notice of Cease and Restore for 10 Park Road violation discussion and update and invite the Enforcement Officer Andy Ferrillo Jr. and Administrative Secretary Denise Randall into executive session.

**MOTION** made by **Commissioner S. Purcella Gibbons** and seconded by **Commissioner E. Stewart** to go into Executive session at 7:32 pm and to invite Enforcement Officer Andrew Ferrillo Jr. and Administrative Secretary Denise Randall. All in favor voted **4-0**.

**MOTION** made by **Commissioner J. Lanier** and seconded by **Commissioner E. Stewart** to come out of executive session at 7: 53pm. All in favor voted **4-0**.

**NEW BUSINESS:**

**1) (IW 17-13) Steve Walsh Jr., Quaker Farms Road, constructed shed without a permit**

Mr. Stephen Walsh Jr. was present and explained that he built a 24' X 24' barn without a permit and said that he learned his lesson and that he should have not done that. He would like permission to qualify for an agricultural exemption for an area on his property.

Chairman M. Herde stated: If the Commission orders things to be removed in order to qualify for an agricultural exemption and if you miss it by little bit, then a demolition will be taking place and I don't think you want that. The cows on the property are present, otherwise it would the barn would be coming down. I think in this instance you qualify for an agricultural exemption, I just really feel that with all of the other people that use this exemption in town, follow the regulations.

Mr. Walsh replied: Yes, I've learned my lesson the hard way.

Chairman M. Herde stated: I'm not sure what you still have to do with the building department.

Mr. Walsh replied: I have already spoken to him and I gave him a plan for the construction and once I get an approval from everyone else, then I believe he will go out and check it against the map and then I should be ok.

I.W.E. Officer A. Ferrillo stated: You should go and get a sign off sheet and start with the assessor's office, then the tax collector signatures and the rest down in order.

Mr. Walsh replied: Yes, I already have that and I'm up to wetlands.

I.W.E. Officer A. Ferrillo replied: Ok good.

Chairman M. Herde stated: There is a sizable wetland right below you. Everything from manure piles ect. There are some exemptions in the regulations and it's basically those what you can do and what you shouldn't do. We want the manure piles either off the property or as far away from the wetlands as possible. Even if the wetlands are over the property line because the nitrates and carbon will be still leeching out of there.

Mr. Walsh stated: The only time I have a pile is for winter and otherwise I spread it on the fields.

I.W.E. Officer A. Ferrillo stated: A lot of people that have horses, we have them put the manure in a sealed dumpster so the rain can't get at it.

Chairman M. Herde stated: Just in general, having the animals in a wetland is really an old school thing and this agricultural exemption has held over but it has been proven wrong and the regulation just hasn't changed yet. You're still making it under the wire but one of these days the regulations will be changed to some extent. Just having livestock in a wetland, damages the wetland down below which everything feeds right into a trout brook, which is the exact opposite of having nitrates in it and a high oxygen content and such. Whether you realize it or not, you're doing a little bit of damage every day going downstream. If anyone else has any further questions I guess we are ready to vote.

Commissioner S. Purcella Gibbons asked: Did Ethan have a report on this?

I.W.E. Officer A. Ferrillo replied: Yes, there is a report and photos. Ethan can explain.

Commissioner E. Stewart replied: Yes, I dug anywhere between a half dozen to a dozen holes looking for wetland soils but it was so rocky around three sides that I couldn't get down basically past 12 inches. I did do one in the back about 10 feet off the barn and got down to depth and it was wetland soils about 18 inches but I couldn't prove that the barn itself was in wetland soil.

I.W.E. Officer A. Ferrillo stated: There is a watercourse behind him.

Chairman M. Herde asked: When the original subdivision was done there were no easements with regard to setbacks?

I.W.E. Officer A. Ferrillo replied: No.

Chairman M. Herde stated: That's what is forcing us now when somebody comes in with a subdivision and there are wetlands there and then they show a house over here (pointing to a map) then we tell them that we want an easement to protect someone in the future stretching the rules and it's really tough for us.

Chairman M. Herde asked the Commission if anyone would like to make a motion then to authorize an agricultural exemption specifically for this structure?

**MOTION** made by **Commissioner S. Purcella Gibbons** with conditions; to allow an agricultural exemption for (IW 17-13) Mr. Stephen Walsh at 387 Quaker Farms Road barn for animal and agricultural storage. Any other uses, other than agricultural, are not permitted under this permit. **Seconded** by **Commissioner E. Stewart**. All in favor 4-0.

Chairman M. Herde and I.W.E. Officer A. Ferrillo both stated to Mr. Walsh that any further construction activity on this property will require review from this Commission.

- 2.) (IW 17-17) Ed Belinsky, 92 Punkup Road, 2-lot subdivision, Map 14, Block 55, Lot 28  
Total size 43.1 acres. 4,000 sq. ft of wetlands, 0 wetland impact, Upland review area impacted 2,400 (clearing limit only)

Applicants Ms. Belinsky and Mr. Tom Basco are here to present a 2 lot subdivision on 92 Punkup Road.

Chairman M. Herde stated: Ok give us a brief overview.

Ms. Belinsky stated: My parents have a trust that included 2 lots on Punkup Road with 1 for myself and one for my brother. My lot is on the corner of Silano Dr. and his lot next adjacent on Silano Drive.

Chairman M. Herde asked: Ok, so you're looking to break off 2 lots for building and keep the rest of the property intact?

Ms. Belinsky replied: Yes, it's in a irrevocable trust.

Chairman M. Herde asked: Has the property been subdivided before as part of the other subdivision?

Ms. Belinsky replied: When my grandmother passed away, my brother bought her house just up the road and my parents are up the road from there.

Secretary Denise Randall spread the map out for the Commission to review.

Chairman M. Herde asked: So right now you're coming in with 2 building lots and leaving the remainder of other lands under trust?

Ms. Belinsky stated: Yes, it's just going to remain as forest land. My plan is to build asap and my brother is looking to build with 5 years.

The Chairman reviewed the map as to where the wetlands are.

Chairman M. Herde asked about a line of limit of activity drawn in on the map.

The Commission determined a proposed clearing and the house is within 100 feet. The clearing is actually 50 feet downhill.

Chairman M. Herde asked if the Commission had any input.

Chairman M. Herde asked: So right now this is an application for a split of the 2 lots

I.W.E. Officer A. Ferrillo replied: Correct. You still have to come back with your single lot of the actual house that you want to build with a minimal fee of \$130 if there are no wetlands.

Chairman M. Herde added: Yes and your brother Ed will have to come back to the Commission because he has activity within the 100 feet.

Commissioner J. Lanier asked about the drainage on the driveway or runoff?

Chairman M. Herde explained that with your building plan there needs to be a driveway shown with where the drainage will be.

Ms. Belinsky discussed the driveway area.

**MOTION** with conditions made **Commissioner S. Purcella Gibbons** and seconded to **Commissioner E. Stewart** to approve the split of a 2 lot subdivision for **(IW 17-17)** Ed Belinsky, 92 Punkup Road, 2-lot subdivision, Map 14, Block 55, Lot 28 Total size 43.1 acres. 4,000 sq. ft of wetlands, 0 wetland impact, Upland review area impacted 2,400 (clearing limit only) **Lot 3** is a re-application thru the Enforcement Officer and **lot 4** is a re-application which will be thru the I/W Commission. All in favor **4-0**.

**Extension of permit** for Oxford Greens- Phase 4 Residential Dev. (IW 12-11) approved on 5/3/12 in a special meeting. The site improvement work and construction is active and ongoing but not yet complete

**Motion** made by **Commissioner Susan Purcella Gibbons** seconded by **Commissioner Ethan Stewart** to grant an extension to application **IW 12-11** (Oxford Greens-Phase 4 Residential Development) for completion of construction of Phase 4 residential development. All in favor voted **4-0**.

**PERMIT EXPIRES:** 3/28/2022

**OLD BUSINESS:**

1. **(IW 17-5) Pheasant Run**, 589 Investments, LLC, Towner Lane, 5-lot subdivision, Map 3, Lot 16) total size of site 63.48 acres. Upland review area impact 70,637 sq. ft.

Curt Jones (Civil one Engineer), Mark Oczkowski (owner of property) and Siyaun Cao (Civil one Engineer) are all present.

Siyaun Cao (Civil one Engineer) was here to present a quick overview of the revised plans. The proposal is for a 5 lot commercial/industrial subdivision with detention ponds. The proposed road will be a town road and is about 1318 feet long. We made several revisions since the last meeting. Lot 1 we reduced the building size and lot 2 we reduced the building size. For lot 1 we proposed another 50 feet of landscape buffer between the neighbor and lot 3 we have reduced the building size and proposed 20 feet of landscape buffer on the back site and the detention pond sizing is adjusted accordingly. The Planning & Zoning Commission already closed their public hearing.

Chairman M. Herde stated: At this point there is an environmental study going on and hopefully it won't take extremely long. I know Curt you made a comment the other day that a few years ago were in a 50 foot and things were going thru and since then we have been sued twice.

Curt Jones asked: For what?

Chairman M. Herde replied: For not getting professional testimony. We just had an attorney before you because we have had one in front of us for years.

Curt Jones stated: Yes, but thoughts are things that were denied.

Chairman M. Herde replied: With the direction now we are just getting bombarded lately to get professional testimony. We are not allowed to make decisions for ourselves.

Curt Jones stated: The situation you're probably stuck in is this when an applicant comes in and you have professional testimony and you turn it down without professional testimony to refute it, then you're stuck.

Chairman M. Herde agreed and stated: We also had applicants that didn't have professional testimony on their side either side and we are still getting forced into it.

Curt Jones stated: We hope your not looking turn to us down.

Chairman M. Herde replied: No not at all. We are just looking for any impact here.

Curt Jones stated: You know, this is the 3<sup>rd</sup> or 4<sup>th</sup> subdivision similar to this one and they have all gone well, Patriot Business Park and XAL and I don't remember any problems.

Mark Ozckowski asked: What is it that you're concerned about?

Chairman M. Herde stated: Our important issue and what we are designated to look at is what's going on outside the wetland does it effect what's going on inside the wetland. When you start getting that close with grade changes then we start asking questions. The questions are just not where can these guys pull back, how can these guys change there plan. The question was for the original plan was does it work and does it have a negative impact. This all started out with a concern, not start pulling back.

Curt Jones stated: We got the message twice to pull it back and we did, twice.

Chairman M. Herde stated: Well I really wish the environmental report started several weeks ago.

Curt Jones asked: A couple of concerns we have so that we are on the same page. One is that we don't have full site plans for each lot and I just hope that Ed Pawlak (Wetland Soil Scientist) understands this. Each lot has to come in individually; we haven't designed all the detention basins for each lot with all the plantings and so forth.

Chairman M. Herde agreed.

Chairman M. Herde stated: We are looking just for an overview from him and unless he comes back and finds a really sensitive wetland then of course we would want to protect it.

Curt Jones stated: Yes. The Little River probably has some sensitivity there but we are not crossing and we are keeping out of the buffer except for the detention basins. Lot 4, there is one wetland filling in there right where the center of the building is proposed. We have an interest in 4 of the 5 lots so this can go rather quickly. From a maintenance and erosion control perspective this can be great.

Chairman M. Herde stated: Let's get this study done as quickly as we can.

Curt Jones asked about the report including fish studies.

I.W.E. Officer A. Ferrillo stated: Here is the big thing here, you have a lot of land on the other side of that wetland and what we do here, will be expected to do on the other site. Its going to impact the same wetland. This is something to think about for the future.

The Commission discussed similar type projects in town.

Chairman M. Herde discussed the calculation of the fees which is clarified to be just for the wetland impact for the proposed road near lot 4.

Chairman M. Herde asked about the road layout.

Curt Jones explained.

I.W.E. Officer A. Ferrillo suggested to maybe getting together with the soil scientist and the Chairman so we can let him know what we are looking for. We probably need an extension.

Commissioner E. Stewart suggested to maybe letting the soil scientist know to concentrate on the roadway and the detention basins you won't need to do a fish study until later on.

The applicants thanked the Commission and left the meeting.

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

### **Oct-16**

10/3/2016	Newtown Pools	64 Old Country Road	App for I.G. Pool
10/3/2016	Richard Kopf	585 Roosevelt Drive	C.O. for Residential
10/5/2016	Prospect Pools	15 Apple Drive	App for I.G. Pool
10/11/2016	Chris Kelly	661 Championship Dr	App for addition to deck/patio
10/12/2016	Dollar Tree	300 Oxford Road	C.O. for foundation
10/12/2016	Mountain Rd Estates	801 Sage Hill Road	App for Residence
10/17/2016	Charles W. Kindle	6 Split Rail Court	App for deck Extension
10/19/2016	Mountain Rd Estates	805 Sage Hill Road	C.O. for Residence
10/19/2016	Mountain Rd Estates	803 Sage Hill Road	C.O. for Residence
10/19/2016	Mountain Rd Estates	192 Meadowbrook Road	App for Residence
10/19/2016	GoodWill	274 Oxford Road	C.O. Bldg
10/24/2016	Goodman Bldg Co	15 Silano Drive	Bathroom Remodeling
10/24/2016	Patriot Nutrition	316 Oxford Road	New Use Tenant Fit-up

Regular Meeting Min.  
March 28, 2017

10/24/2016	Entrepot BUI	5 Fox Hollow	C.O. Bldg Phase 1
10/24/2016	Charles Curtis	639 Chestnut Tree Hill	App for Barn
10/24/2016	Earnie Nieves	7 Shagbark Drive	App for deck Extension
10/24/2016	Jeffrey Quagliata	125 Governors Hill Rd	App for I.G. Pool
	A-1		
10/24/2016	Pools	15 Larkey Road	App for I.G. Pool
10/24/2016	Riverside Cemetary	Freeman/Coppermine	App for Sign
10/24/2016	Paul Tozzolino	188 Governors Hill Rd	App for Barn
		19 Fiddlehead	
		Road	
10/25/2016	Vincent Recine		App for removal of millings
10/27/2016	Charles Curtis	639 Chestnut Tree Hill	additional fee due
	Oxford Town		Retail Internal fit
10/27/2016	Center	160 Main Street	up
10/28/2016	Craig Cordon	35 Old State Road	Bar
10/31/2016	Marianne Tkacz	9 Greenbriar Road	C.O. for addition
		43 Long Meadow	
10/31/2016	Margaret Bell	Rd	App for Residence

## 16-Nov

11/1/2016	Edward Magera	66 Perkins	Permit for Driveway
11/1/2016	J. Soss	25 Hogsback	Permit for subdivision
11/2/2016	Pulte Homes	690 Championship	CO for Residence
11/2/2016	Pulte Homes	692 Championship	CO for Residence
11/2/2016	Pulte Homes	694 Championship	CO for Residence
11/4/2016	Macton Corp	Lot 7 Fox Hollow	Permit for site plan mod
11/7/2016	John Peterson	54 Towantic Hill Road	App for shed
11/7/2016	Glendale at Oxford	8 Rowland Farm Road	App for Residence
		10 Rowland Farm	
11/14/2016	Glendale at Oxford	Rd	App for Residence
		12 Rowland Farm	
11/14/2016	Glendale at Oxford	Rd	App for Residence
		14 Rowland Farm	
11/14/2016	Glendale at Oxford	Rd	App for Residence
11/15/2016	Quarry Walk	Main St	Sign
11/15/2016	Gary Franco	5 Pine Street	App for Barn
11/15/2016	Jeff Quagliata	125 Governors Hill Rd	CO for Deck
11/16/2016	Mountain Rd Estates	203 Meadowbrook Rd	App for Residence
11/16/2016	Mountain Rd Estates	205 Meadowbrook Rd	App for Residence
11/21/2016	John K Fitzgerald	lot 1 5 Lantern Rd	CO for Residence
		220 Hogsback	
		Road	
11/21/2016	Joseph Ungrady		Build one wall
11/21/2016	Roses Family Rest	35 Old State Road	Extension of Use
			addition with closing in flat roof sitting area
11/28/2016	Todd Orner	17 Silva Terrace	Add showing to exist 1/2 Bath Laundry r
11/28/2016	Lawrence Cole	126 Pisgah Road	Tenant Fit Up/ Use Permit
11/30/2016	Roland Bomova	340 Oxford Road	
11/31/2016	Bozena Szkurat	117 Shelton Road	CO for Barn



## Dec-16

12/1/2016	M.D. Collins, Inc.	154 Main Street	Tenant fit-up
12/1/2016	Tyler Shamaly	6 Benson Road	Industrial/personal Training Studio
12/01/2016	Michael Ferrari	55 Barry Road	Roof & Dormer
12/7/2016	Stephen Kest	318 Oxford Road	Use Permit (Dentist Office)
12/8/2016	Breza Builders	17 Kyle Kourt	Finished Basement
12/14/2016	Charles Kindle	35 Old State Rd	Interior Fit up
12/16/2016	Pulte Homes	711 Championship Dr	CO Residence
12/16/2016	Pulte Homes	709 Championship Dr	CO Residence
12/22/2016	Pulte Homes	Unit 113 Championship	Residence
12/22/2016	Pulte Homes	Unit 114 Championship	Residence
12/22/2016	Master Branis	325 Riggs Street	Interior Fit up
			CO
12/22/2016	Oxford Town Ctr	300 Oxford Road	Retail
12/22/2016	Oxford Town Ctr	144 Main Street	CO for Commercial Bldg
12/22/2016	Oxford Town Ctr	150 Main Street	CO for Commercial Bldg
12/22/2016	Oxford Town Ctr	154 Main Street	CO for Commercial Bldg
12/22/2016	Oxford Town Ctr	160 Main Street	CO for Commercial Bldg
12/22/2016	Oxford Town Ctr	170 Main Street	CO for Commercial Bldg

## Jan-18

1/4/2017	Abounegner	25 Towner Lane	2nd floor addition
1/6/2017	Roses Family Rest Jeff	35 Old State Rd	CO for Extension of use
1/9/2017	Doran	300 Oxford Road	Sign for Supercuts
1/11/2017	Purdy	693 Championship Rd	Alteration to basement
1/11/2017	David Rich	39 Perry Lane	Inground Pool
			Interior Alteration, no extension
1/17/2017	Jeff Gallagher	205 Riggs Street	Deck Extension
1/18/2017	Karen Gardner	645 Championship Dr	Permit for 2-lot subdivision
1/20/2017	James Dytko	Lot 1-A Park Road	Permit for 2-lot subdivision
1/20/2017	Stephen Walsh	Lot 2-A Quaker Farms Rd	Permit for 5-lot subdivision
1/20/2017	Earthworks Excavat	Towner Lane	Enclosed porch- no extension
1/23/2017	Michael Ferrari	55 Barry Road	App for Deck Ext
1/23/2017	R/A Stanton & Co. Gemma Power	17 Bowers Hill Rd	
1/24/2017	System	Woodruff Hill Road	Storage Tent
1/25/2017	James Toth	209 Riggs Street 5 Cedarstone Road	CO for Residence
1/30/2017	Emily Haynes	170 Main Street	CO for Residence
1/30/2017	Jeffrey Doran		Sign for Quarry Walk

## CORRESPONDENCE:

**OTHER BUSINESS:**

Small discussion regarding the Town Wide Clean up for the month of April.

Commissioner Sue Purcella Gibbons handed the secretary printed out pledge forms to distribute to schools and businesses around town.

Commissioner S. Purcella Gibbons stated: We want to make sure that we send a pledge form along with a litter control standard form to the businesses.

The Commission agreed.

Commissioner J. Lanier discussed the NEMBA Trail school trail run being held on May 7<sup>th</sup>.

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

**MOTION** made by **Commissioner E. Stewart** and seconded by **Commissioner S. Purcella Gibbons** to table the February 28, 2017 regular meeting minutes. All in favor voted 4-0.

**ENFORCEMENT OFFICER :**

I.W.E. Officer A. Ferrillo and the commission discussed future purchases of property in town for open space.

**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:**

**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)

**MATTERS OF CONSERVATION:**

**ADJOURNMENT:**

**MOTION** made by **Commissioner E. Stewart** to adjourn at 9:35 p.m.  
**Seconded** by **Commissioner J. Lanier**. All in Favor **4-0**.

Respectfully Submitted,



Denise Randall  
Administrative OCCIWA Secretary

17 APR 25 PM 3:03  
TOWN OF OXFORD, CT  
*Matthew A. West*  
TOWN CLERK