



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, April 11, 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, April 11, 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, 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:

1. MOTION made by **Commissioner S. Purcella Gibbons** and seconded by **Commissioner B. Richter** to accept the amendment to the agenda to add 1 item (IW 17-28) Garden Homes, site plan modification for residential units (Lots 2, 2B & 2A) (124-Unit Residential).

EXECUTIVE SESSION:

NEW BUSINESS:

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) David Lord (Soil Scientist) 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 2 detention ponds. The proposed road will be a town road and is about 1318 feet long and 2 detention ponds. 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.

Curt Jones added: On the easterly side along The Little River, the activity shown there is at least 100 feet off the wetlands. So that's entirely out of the buffer. On the lower side of the map, it's the detention areas. The one on the left and the one on the right are the 2 detention ponds for the road. The one in the middle would be for the lot. We have present David Lord, our soil scientist, and we have been working with him for many years and he has been on the site a least a couple of times and he is going to talk about this from his perspective as a soil scientist.

Chairman M. Herde replied: ok.

Mr. David Lord introduced himself and stated: My company is Soil Resources located in Meriden, CT. and I will try and make this as brief as possible.

Mr. Lord passed out a function and values assessment and other documents to the Commission members.

Mr. Lord stated: This memo is dated April 9th and is a function and values assessment which is basically describing a description of the wetlands and watercourse resources on the property. It uses a protocol recognized by the Connecticut DEEP and the Army Corp of Engineers. A bit of the description on the first page and talks about the size of the property, what is being proposed on lot 4 and then goes into a description of the vegetation for 3 separate areas on the property.

Mr. Lord explained the resource areas and primary function details and the characteristics of the soils.

Mr. Lord stated: I have some responses to Mr. Pawlak (Town Soil Scientist) First was the March 30th observation and more recent was the April 8th response.

Chairman M. Herde asked: Did you feel there were any vernal pool characteristics on the property?

Mr. Lord replied: Yes, in this area here (pointing to the map) the presence of wood frogs does indicate a vernal pool. Wood frogs are the most opportunistic vernal pool obligate species there are. I have found them literally in an old tire that has water in it leaning up against a tree. They lay their egg masses in there. They do not only breed in vernal pools. This one started out as a man made pond and has gotten shallow over the years with cat tails in here. Any fish population that may have been in there, may still be but its so shallow that fish would have a harder time to survive. I did a fish population as well.

Chairman M. Herde stated: Well then it does disqualify it as a vernal pool.

Mr. Lord replied: But it would qualify it as a vernal pool because of the wood frogs. If we were to find a fish population then it would knock it out. Or a bull frog or snapping turtle population then that would kick it out because that would pre-date the egg masses in that area.

Mr. Lord continued and stated: The important thing to note is that this vernal pool is in this case we are about 250 feet away from the tow of the slope of the development pad. We have preservation of the entire wetland upland review zone existing tree and the portion of the area I presently grass. The protection level afforded to this pool, whether or not it is a vernal pool, is there. In it's present condition, with its conceptual proposed for the development pad and potential storm water basin. The other vernal pool that was in Mr. Pawlak's report is located flag number 109 and is actually about 3 feet off the property and is on the neighbors property. There is a barb wired fence that you have to walk over. There is a picture of this pool on page 81 of my report, there is a house higher up on the north. That again looks like something man made and almost looks like it was maybe dug to make a skating pond maybe. It's a significant area away from the storm water areas. I don't see any negative effect on this pool if in fact it is a vernal pool.

Mr. Lord talked about the channel flows to Towner Lane and soil characteristics and impervious surfaces.

Mr. Lord stated: I believe I talked about the main items but I did touch on other things in the report but I'm happy to answer any questions.

Commissioner E. Stewart asked: You mention how close the detention basins were to the wetlands so will there be more of a vegetative buffer? Do you agree with that?

Mr. Lord replied: I do have some support for that but I also take into account that we have one activity here with a large amount of undisturbed buffer that is considerably far away. The basins themselves will have vegetation on the outside of them. So while we are altering some of the tree cover in here (pointing to the map), this is open field and its grass now and it will be grass after the basins are placed in. I don't see those 3 elements as a significant factor in altering the protection in this wetland system. These basins can certainly be constructed from the inside, the side away from the wetland to construct what ever berms are required without having to go along the edge of the basin or go into the wetland certainly. There is a significant

level of protection on the land to the north. Certainly the encroachments that we are proposing are not, in my opinion, a threat to the long term function.

Mr. Lord explained why he doesn't like to use the word buffer versus upland review zone.

Commissioner E. Stewart asked: You might have already talked about this but the detention basin is designed to flow out during any rain event or is it designed to infiltrate and be more uses as an overflow?

Mr. Cao replied: All of the design is to flows to the bottom of the detention basin which will flow into the wetland, slowly.

Chairman M. Herde asked: Any soil test pits performed?

Curt Jones replied: Yes, there were test pits done and the soil is all gravelly soil and once you get passed the top soil, its all sand and gravel so your never going to see much standing water in a big storm. It will be absorbed and any of the pollutants are going to be trapped there and the water will soak in and recharge to the wetlands. The big storms, you will get some flow out of the pipe. It's mostly going to be a recharge in those areas.

Mr. Lord added: In the smaller, more frequent storms, is when the infiltration thru the bottom of the size of the basins will be operating at there peak efficiency especially in the summer months.

Curt Jones stated: The other factor that those basins serve is the mitigation on thermal effects. So there going to be pulling at least that first inch of rain so that you get that summer thunderstorm runoff across the asphalt and into the basins and that warm water isn't going into the wetlands. I'm sure David Lord can speak more about the wildlife effects from that.

Mr. Lord added: And actually your getting a further reduction in thermal effects for the piping. Water that may be at an increase temperature and to get to the storm water renovation, its going to go thru underground pipes which will cool the water temperature. Even in conditions when it's discharged to the wetland, the shaded areas are going to cool that water.

I.W. E. Officer A. Ferrillo asked: During construction, the sediment that's going to come off that road, is it going to discharge immediately out of the pond and into the wetland?

Mr. Cao replied: No. There is a temporary sediment trap.

Curt Jones added: That is the first priority is to get the sediment traps set up and to get the storm water functioning correctly.

Mr. Cao pointed the access roads out on the map.

I.W.E. Officer A. Ferrillo asked: Will the maintenance of these be a town function?

Mr. Oczkowski replied: We can put this on as our maintenance.

Commissioner J. Lanier asked: Are these underground galleries for more water?

Curt Jones replied; They are.

Commissioner J. Lanier asked: Then why do these 2 have them and none of the others do?
(pointing to the map)

Curt Jones replied: So that's because the detention basins are mostly sized for the road runoff and not for the whole building. They do handle part of the building but for that size building, we would anticipate using those underground infiltrators in addition to the detention basins. It depends on the size of the buildings in the future this can change.

Commissioner Joe Lanier asked about surface runoff such as oils.

Curt Jones explained that each individual lots have different size buildings.

Mr. Cao added: Each individual lot is conceptual at this time and in the future each individual lot will have a detailed completion.

Commissioner Joe Lanier had concerns about the amount of fill.

Curt Jones replied: There will be a back field spec for the type of soil used to fill in. We can't use common fill.

Chairman M. Herde asked if anyone else had any comments.

Mr. Oczkowski stated: I would like to add one thing, the sooner I get going on this is better because this is grass growing season and if we wait till July on this, I'm going to have a hell of a time. Not to mention the tenants that you guys already know about.

Chairman M. Herde asked what was changed since Mr. Pawlak's environmental report.

Mr. Cao and Curt Jones explained.

Curt Jones stated: We will be back to you, in fact we will be back to you right away with lot 5 but we have to get passed this first stage with you.

Chairman M. Herde stated: We just received these reports and it takes a little time for the Commission to digest all of this. Does the Commission think we need more time to read over these both reports before a decision is made and we can maybe do a special meeting next week.

I.W.E. Officer A. Ferrillo suggested to give a approval for just the construction of the road and 2 detention ponds.

MOTION made by Commissioner S. Purcella Gibbons and seconded by Commissioner E. Stewart to hold a special meeting in Room B at the Oxford Town Hall on April 17th 2017 on the following application for possible action (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. All in favor **5-0**.

Mr. Cao offered some more revised maps.

Mr. Lord stated his opinion regarding the vernal pools and showed photos.

Chairman M. Herde asked about the potential for mitigation.

Curt Jones and David Lord explained that certain mitigation compensation are already in place.

The Commission looked over the plans.

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
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
10/25/2016	Vincent Recine	19 Fiddlehead	App for removal of millings

Regular Meeting Min.
April 11, 2017

10/27/2016	Charles Curtis	Road	
	Oxford Town	639 Chestnut Tree Hill	additional fee due
10/27/2016	Center	160 Main Street	Retail Internal fit
10/28/2016	Craig Cordon	35 Old State Road	up
10/31/2016	Marianne Tkacz	9 Greenbriar Road	Bar
		43 Long Meadow	C.O. for addition
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	
11/21/2016	Joseph Ungrady	Road	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

Regular Meeting Min.
April 11, 2017

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	CO for Residence
		5 Cedarstone	
1/30/2017	Emily Haynes	Road	CO for Residence
1/30/2017	Jeffrey Doran	170 Main Street	Sign for Quarry Walk

CORRESPONDENCE:

OTHER BUSINESS:

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

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 March 28th, 2017 regular meeting minutes. All in favor voted 4-0.

ENFORCEMENT OFFICER :

I.W.E. Officer A. Ferrillo explained that a Mr. Douglas Heroux (Director of Construction) for Garden Homes came in with the modification plans and documentation which was required by the court. Mr. Heroux wanted to know if he can start clear cutting. I gave this information to the town engineer and we are waiting to here from the town attorneys as to whether work can begin. P & Z is still in litigation at this point and so we can't give authorization until we hear back from the Attorneys. I am going to call him back and see if the area on the property is still flagged because it has been a few years and we want to make sure they know where the silt fence is going to be placed.

MOTION made by **Chairman M. Herde** to give permission to authorize the Inland Wetlands Enforcement Officer to have the modification plans and documentation reviewed by town engineering and to consult with the town attorneys as to issuing of the permit and to follow through on whether trees can be cut or not if the property is not going to be fully developed at this time. Any additional erosion controls should be in place per the wetlands regulations. **Seconded by S. Purcella Gibbons.** All in favor **5-0.**

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 9:40 p.m.
Seconded by **Commissioner J. Lanier**. All in Favor **5-0**.

Respectfully Submitted,

Denise Randall

Denise Randall

Administrative OCCIWA Secretary

17 APR 25 PM 3:03
TOWN OF OXFORD, CT
Margaret A. Wood
TOWN CLERK