



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, August 24, 2021

The **Regular Meeting** of the Oxford Conservation Commission/Inland Wetlands Agency was held virtually online with Google meets video on Tuesday, August 24, 2021. 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 Andy Ferrillo, Brian Smith & Ethan Stewart

STAFF: Administrative Secretary Denise Randall and I.W. Enforcement Officer Michael Herde

ABSENT: Commissioner Joe Lanier

AUDIENCE OF CITIZENS (NOT FOR PENDING APPLICATIONS): None

AMENDMENT TO AGENDA:
None

EXECUTIVE SESSION: None

NEW BUSINESS:

(IW 09-86) Kettles Mark, Kovacs Construction, 62 Prokup Rd (Woodruff Hill Industrial Park), Map 25, Block 22, Lot 13, Unit 11 (Proposed use= Construct a 14,800 sf building for office/warehouse) (Total size of property = 7.86 acres) (Total acres of wetlands = 11, 294 sq. ft.)

(Wetlands impact =0) (Upland review area impact = 26,925 sf) (amount of material removed= 2,710 cy) (amount deposited= 210 cy) Previously approved in 2009.

Brian Baker (applicant's engineer from Civil One) stated: So this is the proposed site plan and it almost looks identical to the one approved in 2009. I will go over the minor changes. Kettle's Mark is related to Kovacs Construction Headquarters. They do water supply work that includes water line construction mostly waste water work. There would be storage of machinery in the back and then they have some office area inside for maintenance of vehicles, storage of materials. We have 2 phases, the entire site would be graded as phase 1 and only this portion of the building would be built in phase one (pointing to the map of the proposed constructed building) This is a paved area parking, gravel in the back. We have 2 storm water basins. Smaller one is a rain garden bio retention area, goes into grass line swale and under Prokup Road. The larger basin is a wet bottom basin and is designed as an extension for the detention storm water basin per DEEP guidelines. The water from the majority of this site of this building goes into 3 foot deep sediment forebay. Then there is a secondary 3 foot deep settling pool. The difference between this plan and the previous one is the berm is 6 inches higher because we ran the calculations with the storm data which is rated to the 100 year 12 hour storm. I believe this plan went out to Jim Galligan (town engineer) already. He reviewed it 10 years ago and we responded to his comments. I know it is slightly different from then. We had everything in order 10 years ago. To clarify the wetlands, here is the pond. (Pointing to the other areas of wetlands)

Commissioner Andy Ferrillo asked: Will the building have any vehicle storage?

Ms. Kovacs (Applicant) replied: Most of the it will be at 321 Riggs Street, this is just overflow a little bit.

Enf. Officer Mike Herde asked: Is there anything on water clarification? Oil water separators?

Brian Baker replied: This catch basin as a 4 foot deep sump settling pool. There is a hooded outlet. Once we submitted this, we are going to assume that Jim Galligan would come back with needed oil grit separators.

Enf. Officer Herde asked about the pitch on the piles of materials at the back, is going directly into a catch basin and then into the retention or in the opposite direction?

Brian Baker replied: These stock piles here (pointing to the map) are for just during construction. There is no stock piling for the future. You will have some equipment back there and metal sheets for trench work.

Ms. Kovacs added: We store all of our materials at Marks property.

Commissioner Ethan Stewart asked: Is there any fuel storage?

Ms. Kovacs replied: No.

Commissioner Andy Ferrillo stated: I think you have natural gas there too.

Ms. Kovacs replied: yes.

Enforcement Officer Herde asked about any wetlands in the high land area?

Brian Baker replied: No.

Andy Ferrillo asked: Ok, so we are waiting on Jim Galligan's Comments?

Enf. Officer Herde replied: Yes.

Chairman Sue P. Gibbons stated: I would like to get our attorney advice on the fact that this expired and Planning and Zoning already just extended this.

A discussion on the automatic extension state statute ensued.

Chairman Sue P. Gibbons stated: ok, we will wait to hear from our town council and town engineer for the next meeting.

(IW 21-69) Antonio DaSilva, 63 O'Neill Rd, (Map 13, Block 53, Lot 10) (Proposed use = New house construction) (total acres of the site = 4.435 acres) (Wetlands impact = 0) (Upland review area impact = 24,630) (Amount of material to be removed = 3,700 c.y.) (Amount of material to be deposited = 120 c.y.)

Mr. Bombero (applicant engineer) explained this is a single family home that is proposed on the property and the site is a total of 4.4 acres with the 8 Mile Brook behind it and a paved driveway with it.

Enforcement Officer Herde explained: The footprint is the going to be the same as the old home. I spent a lot of time with the applicant and his engineer and the previous home was on a natural high and dry spot. New test holes were performed and there is reduced runoff with rain gardens that the engineer has proposed. This application was charged out for the upland review impact with everything is in the 100 foot setback. They are proposing a zero carbon footprint.

Commissioner Andy Ferrillo asked: What is the size of the house?

Mr. Bombero replied: Its about 30' x 58'

MOTION made by Commissioner Andy Ferrillo and seconded by Commissioner Ethan Stewart (IW 21-69) Antonio DaSilva, 63 O'Neill Rd, (Map 13, Block 53, Lot 10) (Proposed use = New house construction) (total acres of the site = 4.435 acres) (Wetlands impact = 0) (Upland review area impact = 24,630) (Amount of material to be removed = 3,700 c.y.) (Amount of material to be deposited = 120 c.y.) Voted in favor 4-0.

The owner has asked for a reduction on the fee.

A discussion on the fee ensued.

MOTION made by Commissioner Andy Ferrillo and seconded by Commissioner Ethan Stewart to cut fee with a 50% reduction. Voted in favor 4-0.

(IW 21-73) Lars Reality, LLC, Riverview Rd/East Hill Rd, Map 15, Block 57, Lot 50D, Proposed merging of 2 approved lots into one residential building lot with single family home. Total acres of site is .14 acres. (wetlands impact= 0) (Upland Review area impact= 0)

The Chairman gave a history on the prior approved lots.

The Chairman asked if we can officially vote this as an approved application first because a regular meeting was cancelled prior to this meeting.

MOTION made by **Commissioner Ethan Stewart** and seconded by **Commissioner Andy Ferrillo** to accept this application as complete (prior meeting was cancelled) (IW 21-73) **Lars Reality, LLC, Riverview Rd/East Hill Rd, Map 15, Block 57, Lot 50D**, Proposed merging of 2 approved lots into one residential building lot with single family home. Total acres of site is .14 acres. All in favor **4-0**.

Enforcement Officer Herde explained this is a re-subdivision and is an automatic re-application to the Commission no matter what goes on this lot.

Commissioner Brian Smith asked: So this is now 1 lot as opposed to 2 from the prior application?

Chairman Gibbons stated: right, no impact to the wetlands, no upland review area impact as there will not be a crossing. I think this is a win-win situation.

MOTION made by **Commissioner Andy Ferrillo** and seconded by **Commissioner Ethan Stewart** approve (IW 21-73) **Lars Reality, LLC, Riverview Rd/East Hill Rd, Map 15, Block 57, Lot 50D**, Proposed merging of 2 approved lots into one residential building lot with single family home. Conditions are: no impact to the wetlands. Automatic re-application for a building permit. Voted **4-0**.

OLD BUSINESS:

RE-APPLICATION:

NEW APPLICATIONS REQUIRING OCCIWA APPROVAL (ACCEPTANCE):

CORRESPONDENCE:

OTHER BUSINESS:

The Chairman asked about the current appointment expiration dates for the commission.

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

MOTION made by **Commissioner Brian Smith** and seconded by **Commissioner Andy Ferrillo** accept the July 27th meeting minutes. All in favor **4-0**.

A discussion to table the August 3, 2021 meeting ensued. The Commission wanted to wait for Commissioner Joe Lanier

Also, the **June 8, 2021** meetings, we tabled the minutes but maybe did not vote on them.

ENFORCEMENT OFFICER:

Enforcement Officer Herde discussed briefly on open permits.

I went by McNamee and they are in need of long term stabilization, right now it is a little sloppy. We are going to walk this tomorrow and talk about final stabilization. I don't like the pile of fill sitting there that can potentially go into the brook. I explained that 31 inch half caliber trees can be planted there. About 90% of his work in the vicinity of the brook is done. I went today to check what was coming out of the exit pipe and there is almost nothing coming out. Everything is settling out into the retention ponds. The system seems to be working.

Jacksons Cove Rd- he is waiting on the lumber prices to lower.

Commissioner Ferrillo asked about the bank
Enforcement Officer said the bank is still stabilized.

Mr. Curtiss who the Commission voted on for an agricultural exemption, was supposed to notify the Enforcement Officer and he didn't. I know the someone from the state showed up and he was told that an agricultural exemption and they guy said ok and left. I told the owner how and what to do and nothing was done.

Enforcement Officer spoke about the wedding venue that is on 81 Newgate Road and never got any permits for the buildings and filling in of wetlands for about 35 acres. He is done much of the work himself and had done it very well but does not have permits for wetlands. Planning and Zoning does have a cease & desist on the property now. He is going to come in with an application.

Commissioner Andy Ferrillo suggested the state flyover maps from 20 years ago would be a good comparison for what it looks like now.

Enf. Officer Herde agreed and added: Maybe a talk with the town attorney on this as well.

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)

August 24, 2021

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)

MOTION made by **Commissioner Ethan Stewart** and seconded by **Commissioner Brian Smith** make a modification for to the Cease & Desist order already in place on 17 Fiddlehead Rd with the following modifications: 1) no further stumping. 2) No use of excavation equipment other than for stacking the top soil. 3) Only allowed to bring up to 2000 cubic yards on site kept on the high ground. 4) Soil & erosion controls in place during and after construction. 5) need final site plan. All in favor **4-0**.

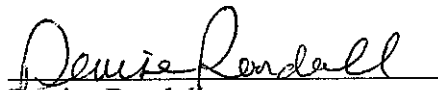
MATTERS OF CONSERVATION:

A discussion on the Vaill Bunny Farm with preparations for a grant.

ADJOURNMENT:

MOTION made by **Commissioner Brian Smith** to adjourn at 8:41 p.m.
Seconded by **Commissioner Andy Ferrillo**. All in Favor **4-0**.

Respectfully Submitted,


Denise Randall
I/W Administrative Secretary

21 SEP 27 AM 10:56
TOWN OF OXFORD, CT
Christopher A. Clark
TOWN CLERK