



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, November 8, 2022

The **Regular Meeting** of the Oxford Conservation Commission/Inland Wetlands Agency was held **Tuesday, November 8, 2022**. Regular Meeting Members of the public can meet at the S.B. Church Memorial Town Hall, 486 Oxford Rd, Oxford, Connecticut 06478 and held in Room B.

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 Andrew Ferillo Jr, Brian Smith, Ethan Stewart

STAFF: Administrative Secretary Denise Randall, Enf. Officer Mike Herde and Land Use Attorney Kevin McSherry

ABSENT: Commissioner Joe Lanier

AUDIENCE OF CITIZENS (NOT FOR PENDING APPLICATIONS):

AMENDMENT TO AGENDA:

EXECUTIVE SESSION:

MOTION made by **Commissioner Ethan Stewart** and seconded by **Commissioner Brian Smith** to go into executive session and invite staff for pending litigation at 8:23 pm. All in favor **voted 5-0**.

MOTION made by **Commissioner Ethan Stewart** and seconded by **Commissioner Andy Ferrillo** to come out of executive session at 8:44pm. All in favor **voted 5-0**.

NEW BUSINESS:

(IW 22-105) Town of Oxford, 462 Oxford Road, (Map 27, Block 15, Lot 7A & 3) Proposed Activity= Stormwater & Grading Improvement for Town Park. (Total size of site= 31.78 acres) (Total wetlands on site = 2.85 acres) (Wetlands Impact = 0) (Upland Review area impact = 44,840 sq. ft) (Amount of material to be removed= 9,500 CY) (Amount deposited = 0)

The Commission had a discussion on the Civil One responses and Commissioner Ferrillo asked about a turbidity meter.

Commissioner Ethan Stewart explained on how to use the turbidity meter and suggested we purchase one as it can be used for other sites.

The Chairman asked about the responsibilities and the construction sequence.

Attorney McSherry explained: You want to have a detailed list and you want to have a construction sequence and what are the contractor's responsibilities and attach that to whatever the sequence is and that way you will have what is proposed as a construction sequence and you will know what responsibilities are in place as you go along.

Mr Curt Jones stated: I would like to make a clarification. Much of what is being discussed are on the plans already so there is a lot of notes on what the contractor is responsible for. The turbidity as you mentioned is really to take baseline measurements to understand what is going on. In doing that periodically, you have to calibrate it with a bottle of distilled water and other things. DEP used to require this. They had it in there for the first general permit but they have since taken it out. Of course your free to do whatever you think is appropriate.

Commissioner Ferrillo suggested a pre-construction meeting.

Commissioner Ethan Stewart stated: As long as everything is on the plan, it should be ok.

Discussion on visual inspections after a significant rainfall.

Enf. Officer Herde stated: I am not as worried about this site, it is a rock site. Typically on the rock sites, we don't have a lot of issues.

Commissioner Ethan Stewart stated: I think the biggest issue would be the trucks tracking mud out onto the road there.

Curt Jones replied: On the south side of that island will be a gate with fencing on both sides and a tracking pad which is all stone.

Enf. Officer stated: We don't want complaints from the neighbors.

Attorney McSherry explained some of the contract information with regard to wetlands.

Commissioner Brian Smith suggested: I think we should vote on these basic conditions and if something happens the commission can still hold the permit up.

The Commission agreed.

MOTION made by **Commissioner Brian Smith** and seconded by **Commissioner Andy Ferrillo** to approve (IW 22-105) Town of Oxford, 462 Oxford Road, (Map 27, Block 15, Lot 7A & 3) Proposed Activity= Stormwater & Grading Improvement for Town Park. (Total size of site= 31.78 acres) (Total wetlands on site = 2.85 acres) (Wetlands Impact = 0) (Upland Review area impact = 44,840 sq. ft) (Amount of material to be removed= 9,500 CY) (Amount deposited = 0).

Conditions are as followed:

Sediment traps shall be maintained to ensure adequate capacity and prevent too much siltation that would cause the sediment trap to be ineffective, a schedule of cleanouts shall be provided to the Wetlands Enforcement Officer.

The representatives of the applicant shall meet weekly with Wetlands Enforcement Officer.

The representatives of the applicant shall meet within 24 hours of any rain episode of 0.5 inch of rain or greater with Wetlands Enforcement Officer.

Silt Fences haybales shall be maintained in effective conditions, inspected and repaired and replaced promptly to maintain effectiveness.

The final stabilization of the disturbed areas may require additional details if there is a delay in subsequent construction phases.

Provide a detailed list of contractor's responsibility throughout the project.

Water Turbidity and water temperature shall be measured on a weekly basis and after storm events of 0.5 inch of rain or greater. All in favor **4-0**. Permit Expires: 11/8/27

(IW 22-106) Airamid, LLC, 13E Commerce Drive, (Lot 14 WHIP) (Subdivision name is Woodruff Hill) (Map 25, Block 22, Lot 13-14) (Proposed use=5,330 Sq ft. Ind. Building for Crematorium, Parking, Storm Drainage, Connection to public Utilities) (Wetlands impact =0) (Upland Review Area Impact = 10,684 sq. ft) (Amount of material removed = 105 c.y) (Amount deposited = 0 c.y.)

Curt Jones (Civil One) went over some revised plans regarding housekeeping details.

The Chairman stated: We have the final letter from our town engineer and it looks like all of the recommendations are satisfied.

MOTION made by **Commissioner Andy Ferrillo** and seconded by **Commissioner Brian Smith** to approved with conditions **(IW 22-106) (Airamid, LLC, 13E Commerce Drive, (Lot 14 WHIP) (Subdivision name is Woodruff Hill) (Map 25, Block 22, Lot 13-14)** Proposed use=5,330 Sq ft. Ind. Building for Crematorium, Parking, Storm Drainage, Connection to public Utilities) (Wetlands impact =0) (Upland Review Area Impact = 10,684 sq. ft) (Amount of material removed = 105 c.y) (Amount deposited = 0 c.y.) Conditions are as followed: 1) All soils & erosion controls in place before, during and after construction. 2) Notify Wetlands Enforcement Officer upon commencement. 3) Business operations not to commence before completing all site work. All in favor **4-0**.

Permit Expires: 11/8/27

(IW 22-107) Vesta Modular, 8 Pheasant Run, Lot 3R, (Map 3, Block 29, Lot 163R) Proposed use = Construction of stormwater basin in support of development of site for Commercial/industrial modular storage & repair facility. (Total size of lot = 14.75 ac) (Total acres of wetlands = 1.88 acres) (Upland Review area impact = 9.959 sq ft) (amount of material to remove = 1,922 c.y.) (Amount of material to be deposited = 598 c.y.)

November 8, 2022

Mr. Curt Jones (Civil One) applicant's engineer passed out his response to our town engineer.

November 8, 2022



November 7, 2022

Susan Purcella Gibbons
Chairman, Oxford IWWA
Oxford Town Hall
486 Oxford Road
Oxford, CT 06478

RE: Vesta Modular, Lot 3R Pheasant Run
Nafis & Young Inland Wetlands Application Review

Dear Ms. Gibbons:

We have received a review letter from James Galligan, P.E., of Nafis & Young Engineers, Inc., dated October 27, 2022, for the above referenced application. Enclosed please find two (2) revised full-sized sets of plans with a revision date of November 7, 2022. Additionally, we offer the following responses to each of Mr. Galligan's recommendations.

1) Please provide a Statement of Use.

R1) *The Statement of Use submitted with the application to Planning & Zoning is included with this response for your reference.*

2) Please provide a Stormwater Management Plan and drainage computations.

R2) *The stormwater management plan is submitted with this response and revised plans. It includes a narrative on the overall stormwater management techniques as well as computations for the detention basins, water quality features, pipe sizing, and outlet protection design.*

3) Please clarify proposed surface of open area.

R3) *The open, usable, area of the property shall be compacted gravel except as noted on the plans in the parking lot. The paved parking lot has been hatched and labeled to provide clarity as to the areas of pavement vs. the areas of gravel. All the gravel and paved areas are considered impervious cover within the stormwater runoff calculation.*

4) Please label paved surface area.

R4) *The paved driveway and parking area have been hatched and labeled to clarify the limits of proposed pavement.*

5) Please provide sizing calculations for the 4'D diversion ditches and swales.

R5) *Sizing calculations for the diversion ditches and swales are included with this response. Additional ditches were added as necessary to accommodate the anticipated flows and the depth of the ditches has been increased to 6". The ditches shall be graded with rolling/gentle side slopes so as not to impede traffic.*

November 8, 2022

R6) Minor revisions to the plans were made to comply with all requirements in the referenced conditions list. These revisions include:

- **Maintenance plan for storm drainage system**
- **Litter Control Notes**
- **Note regarding notification to wetlands officer prior to construction**
- **Dumpster location**
- **Notes regarding prohibition of on-site fueling and outdoor fuel storage**

Other items within the list can be accommodated as part of approval conditions (ie posting of bonds, permit expiration date, etc).

Please contact me with any questions or if you need any additional information.

Sincerely yours,

Civil-1

A handwritten signature in black ink, appearing to read 'Emily M. Jones', with a long horizontal flourish extending to the right.

Emily M. Jones, P.E.

A discussion by the Commission regarding any future paving would need a re-application.

MOTION made by **Commissioner Ethan Stewart** and seconded by **Commissioner Brian Smith** to approve (IW 22-107) **Vesta Modular, 8 Pheasant Run, Lot 3R, (Map 3, Block 29, Lot 163R)**

Proposed use = Construction of stormwater basin in support of development of site for Commercial/industrial modular storage & repair facility. (Total size of lot = 14.75 ac) (Total acres of wetlands = 1.88 acres) (Upland Review area impact = 9.959 sq ft) (amount of material to remove = 1,922 c.y.) (Amount of material to be deposited = 598 c.y.)

Conditions are as followed: 1) All soils & erosion controls in place before, during and after construction. 2) Notify Wetlands Enforcement Officer upon commencement.

3) Business operations not to commence before completing all site work.

4) Any Future paving, would need a re-application or applicant can ask for a modification of existing application if expired. **All in favor 4-0. Permit Expires: 11/8/27**

OLD BUSINESS:

None

RE-APPLICATION:

NEW APPLICATIONS REQUIRING OCCIWA APPROVAL (ACCEPTANCE):

CORRESPONDENCE:

ACCEPTANCE OF MINUTES & AMMENDMENTS/CORRECTIONS TO MINUTES (IF ANY)

MOTION made by **Commissioner Brian Smith** and seconded by **Commissioner Ethan Stewart** to approve the 10/25/22 Special meeting minutes. All in favor voted 4-0.

OTHER BUSINESS:

ENFORCEMENT OFFICER:

Enf. Officer discussed an upcoming meeting regarding the Viavoda property.

November 8, 2022

Enforcement Officer stated: We have received no response from Mr. Kimmer and this Friday will be 30 days. We can have our Hearing Officer send a fine and letter to Mr. Kimmer and this can be up to the Commission.

Attorney McSherry discussed placing a recording on the land record and seek further action in court. A judge can ask for enforcement order. Conservation easement has not yet been filed because we are still waiting on a planting plan.

MOTION made by **Commissioner Brian Smith** and seconded by **Commissioner Andy Ferrillo** to appoint our Land Use Attorney to exhaust all legal matters on 40 Hunters Mountain Road. All in favor, **voted 4-0**.

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:

APPLICATIONS NOT REQUIRING OCCIWA APPROVAL & PERMIT APPROVALS:

MATTERS OF VIOLATIONS/LITIGATIONS:

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

(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)

Enf. Officer Herde stated: We are still waiting for a revised plan on this.

NOTICE of Cease & Restore – 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.

Discussion with town attorney on cease and restore order.

November 8, 2022

Attorney McSherry updated the Commission regarding 40 Mountain Rd violation.

(Notice of violation- verbal) Mr. Brown, 35 Fiddlehead Rd, clearcutting in a regulated area.

A small discussion on proposed landscape plan and a timeline.

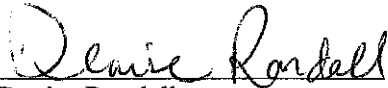
MATTERS OF CONSERVATION:

ADJOURNMENT:

MOTION made by **Commissioner Brian Smith** to adjourn at 9:01 p.m.

Seconded by **Commissioner Andy Ferrillo**. All in favor, voted **4-0**.

Respectfully Submitted,



Denise Randall

I/W Administrative Secretary

22 DEC 21 AM 10:41
TOWN OF OXFORD, CT
TOWN CLERK
Myra H. West