



**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)

**Conservation Commission / Inland Wetlands Agency**

**SPECIAL MEETING PUBLIC HEARING MINUTES**

Tuesday, May 11, 2021

The **Special Meeting** of the Oxford Conservation Commission/Inland Wetlands Agency was held virtually online with Google meets video on Tuesday, May 11, 2021.

**Meeting was called to order at 6:30 P.M. by Chairman Susan Purcella Gibbons**

**PLEDGE OF ALLEGIANCE:**

**Chairman Gibbons read the public hearing procedures:**

It looks like we have some constraints that I wanted to talk about because this public hearing is online and we want to make sure that everyone can hear each other and the record is clear.

**ATTENDANCE ROLL CALL:**

Chairman Gibbons stated: During roll call, each person would state their names and their occupation please as each Commissioners resume will be added into the record. All resumes are on file at the Oxford Town Hall.

**COMMISSIONERS PRESENT:** Chairman Sue Purcella Gibbons and Commission Members Andy Ferrillo, Joe Lanier, Secretary- Ethan Stewart

**STAFF:** Administrative Secretary Denise Randall and I.W. Enforcement Officer Michael Herde, Stenographer- Stephanie Charboneau and Town Council -Attorney Kevin McSherry  
Mr. Ted Hart (SLR Consulting) Mr. John Kovach & Mr. Ernie Lugwig (Trout Unlimited)

**ABSENT:** None

The Chairman asked the secretary to read the call of the meeting and documents that are part of the record.

The following is legal notice for the Oxford Conservation Commission / Inland Wetlands Agency Special Meeting/ Public Hearing continuation. The public hearing is being held **for application on (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) on Monday, May 24, 2021 at 6:30PM by video (Google Meets) or by phone with the following information. Property Co-owners are Town of Oxford/Kim Vaivoda**

The Chairman outlines the intent of the public hearing.

To have the applicant, and/or his authorized representatives present to the Commission and to the Public, all information this is either necessary or pertinent for the application. To hear questions from the Commission members and/or staff relevant to the application, for the applicants' response. To hear questions and/or input from the Public, relevant to the Inland Wetland aspects of this application ONLY. Including comments in favor of or opposed to the application, general comments, or questions which are fielded by the Chairman to the applicant for response if appropriate. Those people wishing to speak are requested to sign in with the Commission. Those who wish to speak may do so upon recognition of the Chairman, upon stating their name, address and interest in the application. All speakers will be allowed a reasonable opportunity to be heard. Speakers may not speak again until all others have had the opportunity to speak. There will be a 3 minute time limit and if necessary, we can continue the meeting so that all voices are heard and there is adequate time to review the record.

Chairman asks if the Commission has a conflict.

No conflict from the Commission.

The chairman asked the applicant if they have reason to believe if any of our commission members have a conflict of interest.

Mr. Brian Baker (Civil One Engineer, representing the applicant) I have no reason to believe there is any conflict.

The Chairman asked if Secretary Ethan Stewart can read the correspondence into the record.

Commission secretary Stewart read the following correspondence into the record:

- 2/8/2021 - APPLICATION RECEIVED BY APPLICANT
- 2/26/2021- APPLICATION ACCEPTED AS COMPLETE BY THE WETLANDS COMMISSION.
- 3/1/2021- REVIEW COMMENTS RECEIVED BY NAFIS & YOUNG (TOWN ENGINEER)
- 3/11/2021- RESPONSE LETTER RECEIVED BY CIVIL ONE (APPLICANT'S ENGINEER)
- 3/18/2021- EMAIL RECEIVED BY APPLICANT'S ENGINEER ON PLANTING PLAN
- 4/6/2021- PROPOSAL QUOTE FROM SLR CONSULTING (FOR REVIEW)
- 4/13/2021- INVOICE FROM TOWN ENGINEER
- 4/23/2021- PUBLIC HEARING LETTER RECEIVED BY CIVIL ONE WITH 19 CERTIFIED "GREEN CARDS" NOTICE TO ABUTTERS
- 4/30/2021- PARTIAL PEER REVIEW FROM SLR CONSULTING
- 5/4/2021 - SOUTHWEST CONSERVATION REPORT WITH USDA CUSTOM SOIL RESOURCE FOR STATE OF CT. AND REPORT ON BEAVERS IN CONN.
- 5/11/2021- 5 COMMISSION MEMBERS RESUME'S ENTERED INTO THE RECORD.

Chairman Gibbons asked if the "Green Cards" sent to the abutters of this property were sent to our secretary Denise Randall?

Mr. Baker (Applicant's engineer) stated: Yes, they were scanned and emailed to Denise Randall

Secretary Denise Randall stated: Yes, that is correct.

Chairman Gibbons stated: At this time, we would like to hear a presentation from the applicant's engineer, Mr. Brian Baker.

Mr. Brian Baker stated: For the record, Brian Baker, Civil One, licensed with the State of Connecticut also a certified professional in storm water quality and certified professional in erosion control. We have certified plans that I will go over and I will share my screen now to show you. I also have Mr. Bill Kenny from William Kenny & Associates who will talk about the wetlands and wetland plantings that we have proposed. Showing the most recent plan from March 11<sup>th</sup>. Our initial meeting the application was accepted on February 23<sup>rd</sup> and we did our initial presentation on March 9<sup>th</sup> and we received the report from Nafis & Young (town engineer) which we responded to with many revisions on the March 23<sup>rd</sup> meeting and on the April 13<sup>th</sup> meeting, the Commission set a public hearing which was set for tonight as they wanted time to legal notice this in the newspaper and we had time to notify the property abutters. So, this is the current plan before you shows the parcel and the area of the site. There are actually 3 properties that are a part of the application. This is the existing church that already exist, this is the Vaivoda piece and this is the town of Oxford piece. (pointing to the map on video) These are the existing conditions and the wetlands that were flagged by David Lord that were located in the field. 14.8 acres of property would go to the town, 7.7 would come back to the church so that would be a 7.1 gain acreage to the town and that would create the proposed lot area of 16 acres for the new church. This is a proposed 750 seat church with 334 parking spaces with accesses at the existing curb cut. On far eastern section is the brook. There is a proposed conservation easement which is approx. 13% of the property covered under this easement. There is a grading and drainage plan with the storm water basins. There are 2 series of storm water basins and each of them go to their own hydrodynamic separator and these units on their own are designed to trap over 80% of total suspended solids and renovate storm water prior to even discharging into the renovation basins. All of the catch basins on site will have extra deep 4' sumps for additional sediment storage. The storm water basins themselves have a forebay area for water quality treatment. They will be planted and vegetated. The stormwater detention is designed to lesson storm water flows for all storms up to and thru 100 year design storm. The Town of Oxford recently adopted some criteria where its not only the 100 year, 24 hour storm but also the 100 year 12 hour design storm which is a little more intensity because its over that smaller period and this meets all of the criteria for the town engineer, Nafis & Young. Temporary sediment traps will be constructed in the parking areas. The remainder of the plan has some of the construction details in the center line of the proposed driveway and the dumpster areas. There are adequate site lines. Test holes performed in the area for the septic. There is good well drained material. The remaining sheets are construction details of the outlet structures and catch basins. Construction notes of erosion controls for the site. This is the first presentation for the public hearing but we have been working with the church for over 2 years now. We have been looking at different configurations with this property and the Vaivoda piece and then working with the town on getting approval of the land swap for the additional acreage. With that I can turn this over to Bill Kenny. The report came in for the SLR review and there are a couple of high level items we wanted to address tonight and there are other more technical matters and we will have no problem address and we will submit plans for those in the next few days. I just wanted to gather any information we had for this hearing. There are 2 areas that they asked us to review the soils on to make sure there weren't more wetlands on the site after Bill's speech, I will go into and review alternatives. All of the erosion control are in conformance with the 2004 stormwater quality manual. We will have to apply for a DEEP construction activity permit which will

require weekly inspections during construction, that will go to the town. Those inspection are weekly at a minimum so there will be strict oversight on erosion control during constructions.

Mr. Bill Kenny stated: Good evening. My name is Bill Kenny and I am a wetlands soil scientist and landscape architect and I thought I would start with a review of existing conditions. We did not do the wetland mapping of the property, that was done by David Lord and he did this in 2019. On this map (video presentation) the site runs along the east side of Rte 67 and on the eastern side you have the Little River flowing north to south generally and there is a meadow wetland that borders that wetland and part of that floodplain. It is not frequently flooded but it is time to time. What I mean is it not flooded enough where the soils have developed within alluvial sediments they have developed in glacial outwash sediments. The wetland is formed within and above sand and gravel deposits and has created poorly drained soils and which is a wetland soil and has been marked by David Lord and picked up by the project surveyor. There is another area with an intermittent watercourse that runs in the northern portion of property and flows south along the western portion of the property. The primary upland areas of the property and the areas where the development is a meadow, perhaps an old pasture, there is some hedge rows along a stone wall that divided that meadow into different areas. That hedge row has trees & shrubs with both native and non-native species and due to the fact these areas are not easily mowed so the woody vegetation was allowed to grow over time. There are 2 primary meadow areas one to the south and one to the north. The property does all pitch from west to east down to the wetlands, although the wetlands on the eastern side near the river are primarily ground water driven with the glacial outwash material. Different to that, is the watercourse on the northern end of the site which has some ground water influence and has more of a perched water table seeping out as it makes its way to down to the river. Now I'm going to switch to the piping plan for the property. (pointing out the proposed development area and parking areas) In between the opening of the proposed church building are 2 storm water management basins. Our planting plan was developed, just about 95% of the plants we specified are native to the northeast with a few exceptions for some evergreen screening trees because of primarily due to the deer browsing. The major types of planting that is being proposed on this site are environmental planting on the eastern end of the site that borders the wetlands and is actually within the wetland. There are 2 types here and this is to establish meadow grasses and wildflowers on the bottom and near the basins and on the banks. Those grasses will blend into the meadow that already exists to the east. Bordering the Little River, just to the west, we are proposing to introduce some shade trees that overtime will help to provide shading to the river. There is some woodland on the east that provides shading, particularly on the north side, but otherwise the southern end of the river is quite exposed to sunlight and so in the summer months there is a potential for the water to warm up and it would be beneficial to have some trees to shade that and the trees will also provide habitat for nesting and perching birds and other wildlife. Other plantings proposed are immediately around the building, and the parking lot and parking islands and this includes trees and shrubs. We have some additional planting to help screen the parking lot from the street. This will provide a buffer between the street and the parking lot. We have initiated a formal review of the wetland existing conditions of the wetland and the proposed development and based on our initial findings with the fact that there are no activities proposed in the wetland itself except for enhancement activities which are the planting of trees and with the proposed storm water management and soil erosion sediment control measures, its our professional opinion that this project can be completed in the way it is designed on the engineered plans. This can be completed in a way that avoids adverse impacts to the wetland. We will prepare a written report in time for the next meeting with more specifications regarding that. In getting back to some wetland mapping questions. The town hired SLR Consultant to perform a review site visit and they had some questions regarding 2 areas of wetlands. (pointing out the areas on the map) We did investigate and did some sampling and also went out and did the entire area of the meadow and I found the same conclusions as David Lord did. I didn't find any wetland soils where they asked us to check. We agree with the wetland mapping that was done. I am please to answer any questions.

Chairman Sue P. Gibbons stated: Ok. At this time, I don't know, Brian if you wanted to answer questions from the commissioners or is there something else you would like to say?

Mr. Brian Baker stated: While I present you with the alternates that we did from the SLR review, I wanted to address these and I will pull that up now. This sort of goes back to where I mentioned that I mentioned before to get the impervious surface, the building and parking areas out of the wetland regulated areas and out of the wetlands totally to the greatest extent possible. When the church first looked at this we looked at just using the Vaivoda piece and did a feasibility study and looked at it and it really only accomplished about a third of what the church is looking to do. The building and parking would have been significantly in regulated area and additionally based upon the grading, there is no room for above ground storm water renovation basins. Therefore, we felt it was not a prudent and feasible alternative compared to our preferred alternate which is the full set of plans which we prepared for you. I will go thru the summary table with the 2 alternates and then our preferred alternate. With the area here, also known as the Vaivoda piece that's open, grass field next to the pond, have a driveway come across the river and what we can fit on the other side in that upland area. With pushing this to the maximum, as far as minimal fill of wetlands, this would have been a 500 seat church with 220 parking spaces and obviously would require a wetland crossing. Not only is this a flood plain, but a flood way in that area. Flood ways are areas of high velocity. We would have had to place some kind of bridge which would require filling about 3800 sq. ft of wetlands of the meadow, before you got across. The only advantage in this one, comparison to the alternate one, there would be area for the above ground storm water renovation areas, but again, you can see the parking and building would have to get much closer to the wetland area and not achieve the needs of the church. This is what drove the church to negotiate with the town to come up with an agreement to obtain additional area along Rte 67 to do our preferred alternate. You can see the 3 alternates on this sheet (pointing to the presentation) I think these are important to point out. The goal for the 750 seating, neither alternates 1 and 2 meet that requirement. The preferred alternate option does, which is the one we are proposing. Does it provide an area for above ground storm water renovation and additional wildlife habitat in those basins? Alternate 1 does not. Alternate #2 and our preferred alternate, yes they would. I think this is important when we look at distance to the wetlands and to the river itself from the proposed layouts. Alternate #1- parking to wetlands = 40 feet. Alternate #2- parking to wetlands = 30 feet. Our preferred alternate is parking to wetlands = 72 feet. From the building to the wetland comparisons: Alternate #1 = within 15 feet from the wetlands. Alternate #2 = within 73 feet from the wetlands. The preferred alternate is 99 feet from the wetlands. Distances from river itself which runs all along the east side, from parking to the river. Alternate #1 = 195 feet, Alternate #2- the one crossing the wetlands = 51 feet and obviously the driveway would be in the wetlands and our preferred alternate 205 feet. The distance between the building to the river- Alternate #1 = 102 feet, Alternate #2 = 155 feet and our preferred alternate = 260 feet from the river. Does the alternative require activity in the wetlands? Alternate #1 = and our preferred do not. Alternate #2- which would require a crossing, yes. As you can see from this table is that our proposal to you is the most prudent and feasible alternative to achieve the goal of the church. We feel it is protective of the wetlands. All standard erosion controls have been designed in accordance with best management practices and it is our professional opinion that the proposed activity, if the plans our followed and as I mentioned there will be strict supervision, that there won't be any negative impact to the wetlands resource due to the preferred alternative. With that I will turn it back over to the Chairman and take any questions from the commission.

Attorney McSherry stated: Madame Chair, if I may. Just for clarification, the applicant is the church and the town of Oxford is not an applicant. Your acting pursuant, regarding as to what we call the land swap and I just want to be clear that the town does not have an application by basis of the contract agreement you have going forward. Is this correct Mr. Baker?

Mr. Brian Baker responded: Yes.

There are many people on this call and on video, who don't always come to meetings and may not understand process so just so we are clear.

Chairman Sue P. Gibbons asked Attorney McSherry: I'm looking at the time and also looking at the number of people from the public on here, which is around 60 persons. We do have our regularly scheduled meeting at 7:30 and it is pretty close to that now. I'm thinking at this time I might have to solicit a motion to continue this meeting because I don't think we can accomplish everything that we need to in 10 minutes.

Attorney McSherry replied: I think that is correct. The time is very short and I think that the commissioners themselves have questions and that will probably use up the rest of the time and we should probably start fresh. We should probably schedule a date now and see what is best for everyone.

Chairman Sue Gibbons stated: I know people want to talk and I don't want to cut anyone off and also make our commissioners feel stressed. I was thinking instead of having the continued hearing on a meeting night we can maybe do this on an off meeting night and what works for our staff and commission members and the applicants. Maybe the Monday before our regular meeting, May 24<sup>th</sup> at 6:30 which is the day before our regular meeting day.

Everyone agreed on this date.

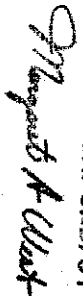
**MOTION** made by **Commissioner Brian Smith** and seconded by **Commissioner Joe Lanier** to continue this public hearing for **(IW 21-10)** Cornerstone Assembly of God, Inc., 656 Oxford Rd, Oxford (Map 19, block 28, Lot 10,13,22) to May 24<sup>th</sup> at 6:30 pm by Google meets video and/or by phone. All in favor 5-0.

#### **ADJOURNMENT:**

**MOTION** made by **Commissioner A. Ferrillo** to adjourn at 7:25 p.m. **Seconded by Commissioner E. Stewart.** All in Favor **5-0.**

Respectfully Submitted,

  
Denise Randall  
I/W Administrative Secretary

21 JUN -2 AM 11:51  
TOWN OF OXFORD, CT  
  
TOWN CLERK