

June 27, 2023



**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**

**REGULAR MEETING MINUTES**

Tuesday, June 27, 2023

The **Regular Meeting** of the Oxford Conservation Commission/Inland Wetlands Agency was held **Tuesday, June 27, 2023**. 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 Chairwoman Susan P. Gibbons**

**PLEDGE OF ALLEGIANCE:**

**ATTENDANCE ROLL CALL:**

**COMMISSIONERS PRESENT:** Acting Chairman Ethan Stewart and Commission Members Andrew Ferrillo Jr., Brian Smith & Joe Lanier

**STAFF:** Enforcement Officer Michael Herde & Administrative Secretary Denise Randall

**ABSENT:** Chairman Sue P. Gibbons

**AUDIENCE OF CITIZENS (NOT FOR PENDING APPLICATIONS):**

**AMENDMENT TO AGENDA:** None

**EXECUTIVE SESSION:**

**NEW BUSINESS:**

**(IW 23-34) Borghesi Building & Engineering (Benjamin International) 19 East Commerce Drive** (Map 24, Block 22, Lot 10 A15 & A16) Proposed use = 60,050 sq. ft. warehouse/distribution (Total size of the site = 12.5 acres) (Total sq. ft of wetlands = (45,120 sq. ft) (Wetlands impact= 340 sq. ft at crossing) (Upland review area impact = 49,422 total sq. ft) (\$6967 fee paid)

Mr. Rob Blanchette (Applicant Engineer) This is 2 separate parcels with 2 rip rap areas. The storm drainage on the site has a reduction of runoff and what we did was enlarge the detention basin. There is also a change now underneath Access Road with a bottomless box culvert. The comments from the town engineer are now met as well as the commission's concerns.

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Commissioner Ferrillo asked about a revised map showing the 1 lot.

Enf. Officer Herde stated: yes, a revised map will be received once the town transfers ownership to the applicant.

No more comments from Commission.

**MOTION** made by **Commissioner Brian Smith** and seconded by **Commissioner Joe Lanier** to approve (IW 23-34) Borghesi Building & Engineering (Benjamin International) 19 East Commerce Drive (Map 24, Block 22, Lot 10 A15 & A16) Proposed use = 60,050 sq. ft. warehouse/distribution with the following conditions: Pre-construction conference with Enforcement Officer. Standard erosion controls in place before, during and after construction. **All in favor 4-0. PERMIT EXPIRES ON June 27<sup>th</sup>, 2028.**

**(IW 23-36) David Sippin, (Oxford Commerce Park) 2 Commerce Drive** (Map 25, Block 25, Lot 1AA3) (Proposed Use = Industrial) (Total size of site = 4,784 acres) (Total acres of wetlands = 6,944 sq. ft.) (Wetlands Impact = 0) (Upland Review Area = 9,740) (Amount of material to be removed = 138 cy) (Amount of material deposited = 76 cy)

The acting Chairman Stewart asked if any commissioners had questions on this.

None stated.

Acting Chairman Stewart stated: We have a final letter from the town engineer that all comments have been addressed.

**MOTION** made by **Commissioner Andy Ferrillo** and seconded by **Commissioner Brian Smith** to approve with conditions (IW 20-02) David Sippin, (Oxford Commerce Park) 2 Commerce Drive (Map 25, Block 25, Lot 1AA3) (Proposed Use = Industrial) (Total size of site = 4,784 acres) (Total acres of wetlands = 6,944 sq. ft.) (Wetlands Impact = 0) (Upland Review Area = 9,740) (Amount of material to be removed = 138 cy) (Amount of material deposited = 76 cy) Conditions are applicant would adhere to any minor details requested by the town engineer and applicant is responsible for the invoice from the town engineer. Mandatory notice of commencement of activities. **All in favor 4-0. PERMIT EXPIRES: June 27<sup>th</sup>, 2028**

**OLD BUSINESS:**

**RE-APPLICATION:**

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

**CORRESPONDENCE:**

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

**MOTION** made by

**ENFORCEMENT OFFICER:**

- (Notice of violation- verbal) Mr. Brown, 35 Fiddlehead Rd, clearcutting in a regulated area.
- (Notice of violation- verbal & letter) Mr. Philip George, 423 Oxford Rd, clearcutting
- (Notice of previous violation) 106 Willenbrock, change of use, storage of hazardous materials

**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 16<sup>th</sup>, 2021.

**(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:**

Enforcement Officer Mike Herde stated: I was charged by the Commission, a request from the Land Trust to inspect Rockhouse for suspected violations that they felt. I did walk it twice, once with Mr. Lanier and once with Mr. Zanowiak and went to pretty much the same locations. There was some piles of bridge debris from when elevated walkways had been dismantled. I discussed this in the field that in the future to maybe try to get some of the debris out of there faster. When I was with Mr. Zanowiak, I explained that the trail system is a dynamic thing that is ever changing and long term things and its not like we go in and do a project for 30 days and don't come back for 2 years. There is something going on at all times and as man power and volunteer power comes then we can get debris out of the woods at a faster rate possibly but on the plan right now, there is something to re-build and until we have to people to get this out of the woods then sometimes it will be neatly stacked and it might stay there for a period of time. He kind of understood but did state that he wished it could go out of the woods a bit faster. I don't view this as a violation. It is not like garbage that was put there to stay. It was not under the wetlands regulation under polluting a wetland. It wasn't filling a wetland. It was debris from ongoing maintenance and the intent was for it to come out. There is a couple of piles of gravel out there but again, when you get materials for a particular project, you move as much as you can out into the woods and sometimes there is a little bit of a surplus but it is for future maintenance and its already staged in the woods. We agreed that really couldn't be a violation and obviously wasn't in a wetland either. The piles of gravel were on a bare piece of ledge in an opening of the woods. I tried to address things right on the spot. One of their biggest concerns is that there is a bridge an intermittent watercourse that is a very low bridge. It is 12"- 18" inches off and it's a bare ledge dry watercourse and at times it does flood and during real heavy storms, the water goes over the top of the bridge and Dave showed me pictures of the water really churning and going over it.

We had a discussion about the fact that there is more than one way to build a bridge and the funding that is available the lower bridge is the safe bridge. Occasionally the water does go over it. Some bridges of this type do get knocked out and they have to be replaced. The alternative is, to build a bridge that is way above the flood levels, like how a commercial or residential bridges are done, but the difference in funding would be phenomenal. You have to go all the way to railings and the walkway has to be better because if someone falls off, they are going to get hurt. So the discussion there was that large rocks were moved to make abutments for it. I still did not consider it to be filling in a wetland. The Commission has previously said to that the trail system is a recreational thing that is exempt and the way it is written on our regulations is that recreational activities are exempt as long as they do not severely change the character of the wetland. I didn't think it really changed it. There was a small amount of erosion at one end. I felt it was negligible. I am not going to classify it under my jurisdiction as a violation. To me it is part of the system that is going on there. I consider it very minor but I just wanted it in the record to the Commission. I didn't find any violations. I didn't find anything there that I can call a true violation. I did find that there were exemptions and it was all stuff that was already previously presented to the Commission that this is where the trail system is going. I thought it was all negligible and well within the recreational activity.

Commissioner Brian Smith asked if Mr. Zanowiak agreed?

Enf. Officer replied: He just said that he would love to see that particular bridge higher. It would be a huge project because when you go up hire, you have to go wider. To put that bridge 4 feet off the ground, it can be thousands of dollars you can end up with and I don't think you can accomplish anything. The amount of erosion that I saw amounted to some gravel about the size of a wheel barrow but in other spots not far, I saw the same amount of erosion naturally. To me a couple of wheel barrows of erosion is not a violation and we had to call all of these violations around time, we would need a staff of about 30 people.

Commissioner Brian Smith suggested sending a this information to the Land Trust.

The Commission agreed.

Enf. Officer Herde stated: What I also did was walk the other Land Trust properties and I found the same exact technics that were used and I photographed them. Over the years the Land Trust has come to me and said we have a project coming, is it ok? This is the same procedure that Mr. Lanier uses. If there is a project, do I need a special permit. At the Matthies property they did a small parking lot and they also built special bridges 8 inches tall. It's the same procedure. I feel that both are using the proper technique. It's not that anyone is doing anything wrong but both groups are using the same methods. The same methods as applying, the same methods as construction. Am I supposed to do selective enforcement on the trail crew?

Commissioner Ferrillo suggested asking the town engineer to see if this is the proper procedure for a crossing?

Enf. Officer Herde replied: I don't think we need to because actually the trail builders which are Joe and Dave Herde have taken DEEP classes on trail building. This is the technique in most open space across the state. Occasionally you do get a river crossing where you get a big grant and you do an elevated bridge but they are big money.

Commissioner Joe Lanier stated: To give you an example this bridge (showing a picture) is on town property in the Blue Blaze trail at Jacksons Cove and Mr. Dave Vernooy, who is on the Land Trust but is also on Connecticut parks association, he is the volunteer maintainer of the Oxford section that connects into the Land Trust on Fiddlehead. You will see the same type of things.

Acting Chairman Ethan Stewart asked: Do we have documentation of these training manuals.


Enf. Officer Herde replied: It is actually field training, my brother did it for NEMBA because he also does trails in other towns. They do the same techniques. First you flag it and then go look at it and it is recreational exempt. Mr. Vernooy, he is doing an excellent job and is using the same techniques and he is also using the same requests and it's the proper way to do it. Again, they are using the same techniques as the trail is using. The tree cutting for the new handicap parking will have no wetland impact. The location was picked for accessibility. This location will require minimal grading and land disturbance.


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**ADJOURNMENT:**

**MOTION** made by **Commissioner Andy Ferrillo** to adjourn at 8:21 pm  
**Seconded** by **Commissioner Brian Smith**. All in favor, voted **3-0**.

Respectfully Submitted,

  
Denise Randall  
I/W Administrative Secretary

2023 AUG 17 P 4:21  
TOWN OF OXFORD, CT  
  
TOWN CLERK