



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, September 22, 2020

The **Regular Meeting** of the Oxford Conservation Commission/Inland Wetlands Agency was held virtually online with Google meets video on Tuesday, September 22, 2020.

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 Brian Smith, & Joe Lanier, Commissioner Andy Ferrillo

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

ABSENT: Commissioner Ethan Stewart

AUDIENCE OF CITIZENS (NOT FOR PENDING APPLICATIONS): None

AMENDMENT TO AGENDA: None

EXECUTIVE SESSION: None

NEW BUSINESS:

(IW 20-93) Chippy's Service Station, 140 Oxford Rd., (Proposed use=Commercial business-leasing existing building for cold storage of 3 wreckers) (Wetlands impact=0)

Chairman Susan P. Gibbons stated: Mr. Barbieri is present to discuss his application.

Mr. Barbieri stated: Currently I have a business located in 136 Wakelee Ave, Ansonia. My plan is to lease this building and to have a police contract and to park 2 tow trucks inside the building for cold storage only. I'm currently waiting for a call from the State Police Troop A so that I know what I need to comply with.

Enf. Officer M. Herde stated: The nature of the lot has a lot of wetlands and there has been violations with prior tenants and so therefore I felt obligated to go to the Commission.

Commissioner Joe Lanier stated: I understand that we don't have your type of business and it is needed locally but I wanted to know where the wreckage that you pick up in an accident going to be stored? Can you bring them to your other business in Ansonia?

Mr. Barbieri replied: Normally in an accident, most of the fluids leak out before I show up on scene to tow away. I am willing to place pads down and the wrecks can be stored inside. No cars will be stored outside.

Commissioner J. Lanier asked: Is it large enough for 3 tow trucks and wreckage? How long would you have to keep the wrecked vehicle inside in Oxford?

Mr. Barbieri replied: I think it depends on the insurance company.

Chairman Susan P. Gibbons asked: Is there any storage of fuel onsite?

Mr. Barbieri stated: There is no storage of fuel.

Chairman Susan P. Gibbons asked how big the building is.

Mr. Barbieri replied: I believe its 60' X 100'

Commissioner J. Lanier asked: Do we have a floor plan showing where you would potentially catch any leaking materials?

Commissioner Andy Ferrillo added: Any floor drains?

Mr. Barbieri replied: There are no floor drains

Commissioner Joe Lanier asked: Ok then, What type of plan do you have in place to contain oils?

Mr. Barbieri replied: I would consider putting in oil/water separators.

The Chairman stated: I thought this was just cold storage. This really changes things now.

Mr. Barbieri replied: I don't know if I can take a wreckage to Ansonia. Right now I have about 5 or 6 calls into Troop A (State Police) who will let me know what the procedures will have to be.

Commissioner Andy Ferrillo stated: We can call the Oxford Police Sgt. to have the wrecker Sgt. from the Troop call you back.

Chairman Susan P. Gibbons stated: I think we will have to wait on this for the next meeting. We will need more information .

Commissioner Brian Smith stated: Yes, having the vehicles brought to Ansonia instead would be better.

Chairman Sue Gibbons asked: We will need a plan as to how the vehicles are maintained? What containment of spillage?

Mr. Barbieri replied: Ok. I will wait for the call back from the State Police.

Commissioner Andy Ferrillo added: We also have the lack of impervious surface as it is not paved at all.

Enf. Officer Mike Herde agreed and added: Maybe a gutter system that goes into a containment system could work. Your volume should be small.

The Chairman asked if anyone else had anything to add.

None

The Commission all agreed to wait for answers to their questions for the next regular meeting on October 13th.

Mr. Barbieri thanked the Commission and left the video meeting.

(IW 20-94) Homes by CSP, dba Paul Ferssola, 532 Quaker Farms Rd., (Proposed use= Single family dwelling) (Total size of acres= 2.74) (Total acres of wetlands = .42) (wetlands impact =0) Amount of material removed= 500 cy

Neither the Applicant or the Applicant's engineer were present.

Enf. Officer Herde explained: This is a small sub-division which is now a re-application

Commissioner Ferrillo had many concerns for the front road which is Quaker Farms Rd which always floods out and in the winter can ice up.

Commissioner A. Ferrillo asked about subterranean infiltrators for leader drains.

Enf. Officer Herde replied: We did not require subterranean drainage. I agree with Andy as we should require it. I spoke to the applicant regarding this issue and he was receptive.

Commissioner A. Ferrillo asked: How about asking the town engineer maybe?

Enf. Officer Herde stated: I will talk to the applicant and let him know.

The Chairman asked should we talk with the applicant or refer this to Jim Galligan (town engineer)?

The Enf. Officer said he will have a conversation with him tomorrow.

MOTION made by **Commissioner A. Ferrillo** and seconded by **Commissioner B. Smith** to refer the following application back to the Enforcement Officer to handle internally with conditions of adding a subterranean infiltrators & leader drains. Minimal runoff from driveway into highway easement. Standard erosion controls in place on site before, during and after construction. **(IW 20-94) Homes by CSP, dba Paul Ferssola, 532 Quaker Farms Rd.,** (Proposed use= Single family dwelling) (Total size of acres= 2.74) (Total acres of wetlands = .42) (wetlands impact =0) Amount of material removed= 500 cy. Permit expires 9/22/2025. All in favor **4-0**.

(IW 20-95) A & A Brothers, 46 Peach Farm Rd. (Proposed use is residential home)(Total size in acres= 8.174 acres) (Total wetlands = 16,383 sq.ft.) (Wetlands impact = 0) (Upland review area= 3600 sq. ft.) (amount of material removed= 0) (amount of material deposited= 0)

Applicant or engineer not present for application.

Enf. Officer Herde stated: This too needs a subterranean infiltration system. The water goes down hill and leads all the way into Hoadley Pond and I spoke with the applicant about the issues.

Commissioner A. Ferrillo suggested: Maybe we can refer back to Enforcement Officer with a caveat as to a requirement for underground infiltration as a condition of approval.

The Chairman stated that maybe we should put the subterranean drainage on all of these applications.

The Chairman stated: I used to not believe in having the subterranean drainage but now I do.

MOTION made by **Commissioner A. Ferrillo** and seconded by **Commissioner B. Smith** to refer the following application back to the Enforcement Officer to handle internally with conditions of adding foundation drains and roof leaders. Standard erosion controls in place on site before, during and after construction. **(IW 20-95) A & A Brothers, 46 Peach Farm Rd.** (Proposed use is residential home)(Total size in acres= 8.174 acres) (Total wetlands = 16,383 sq.ft.) (Wetlands impact = 0) (Upland review area= 3600 sq. ft.) (amount of material removed= 0) (amount of material deposited= 0). Permit expires 9/22/2025. All in favor **4-0**.

(IW 20-96) Donald Kessler, 10 Fiddlehead Rd, (Proposed single family dwelling) (Total size of acres = 3.30 acres) (Total acres of wetlands =.30 acres) (Wetlands impact = 0) (Upland review area impact= 4,000 Sq. ft.)

Neither the applicant or applicant's engineer were not present.

A small discussion ensued regarding applicants drainage.

MOTION made by **Commissioner A. Ferrillo** and seconded by **Commissioner B. Smith** to refer the following application back to the Enforcement Officer to handle internally with conditions of adding foundation drains and roof leaders. Standard erosion controls in place on site before, during and after construction. **(IW 20-96) Donald Kessler, 10 Fiddlehead Rd,** (Proposed single family dwelling) (Total size of acres = 3.30 acres) (Total acres of wetlands =.30 acres) (Wetlands impact = 0) (Upland review area impact= 4,000 Sq. ft.) Permit expires 9/22/2025. All in favor **4-0**.

(IW 20-97) Michael Lodice, 402 Quaker Farms Rd, (Lot line revision) (Total acres = 15.6 acres) (Wetlands impact = 0) (Upland review impact =0)

Neither the applicant or applicant's engineer were not present.

Enf. Officer Herde stated: I looked at the map for the lot line revision and the conservation easement is missing but is on the separate proposed map. I will call Mr. D'Amico (engineer) tomorrow and let him know.

MOTION made by **Commissioner A. Ferrillo** and seconded by **Commissioner B. Smith** to refer the following application back to the Enforcement Officer to handle internally with conditions. **(IW 20-97) Michael Lodice, 402 Quaker Farms Rd, (Lot line revision) (Total acres = 15.6 acres) (Wetlands impact = 0) (Upland review impact = 0).** Condition requirement to have the conservation easement to show in the revised plan. Permit expires 9/22/2025. All in favor **4-0**.

(IW 20-98) Michael Lodice, 402 Quaker Farms Rd, (Proposed single family dwelling) (Total acres = 2.09 acres) (Wetlands impact = 0) (Total acres of wetlands= .31 acres) (Upland review impact =12,000 sq. ft.)

Either the applicant nor applicant engineer were not present.

The Commission and Enforcement Officer discussed the need for foundation drains and roof leaders.

MOTION made by **Commissioner A. Ferrillo** and seconded by **Commissioner B. Smith** to refer the following application back to the Enforcement Officer to handle internally with conditions. Condition of adding foundation drains and roof leaders. Standard erosion controls should be in place on site before, during and after construction. **(IW 20-98) Michael Lodice, 402 Quaker Farms Rd, (Proposed single family dwelling) (Total acres = 2.09 acres) (Wetlands impact = 0) (Total acres of wetlands= .31 acres) (Upland review impact =12,000 sq. ft.)** Permit expires 9/22/2025. All in favor **4-0**.

OLD BUSINESS:

- **48 Jacksons Cove Rd-** Verbal violation, discussion with permission, separate site walks
Permission (site walk performed) (Still awaiting revised plan from Fred D'Amico)

Mr. Ryan Kocsis and his engineer Mr. Fred D'Amico are not present.

Chairman Sue P. Gibbons stated: We now have the revised plan but it is very vague. The map was not specific and did not have a narrative. What are we going to do?

Enf. Officer Herde stated: I'm frustrated. The applicant is very amenable. Does the Commission want to start placing a fine on this? He still has a lot of work to do and now he has missed the dry season.

Chairman Gibbons stated: Maybe the applicant can hire a different engineer.

Commissioner Lanier asked if we can levy a fine.

Enf. Officer Herde replied: The fine is \$120.

Commissioner Ferrillo stated: I think we should have our own engineer take a look at it.

Chairman Gibbons suggested: I think we should give him one more chance and send out a letter that we need a plan by the next meeting and then fine him. Mike, can you call them both and let them know.

The Enf. Officer stated: Yes.

Commissioner Lanier suggested: I think we should give him a 1 week deadline and hope to see a plan in 2 weeks.

Commissioner Brian Smith agreed.

MOTION made by **Commissioner Brian Smith** and seconded by **Commissioner Joe Lanier** to send a letter to the applicant and engineer to have a completed certified plan that should include drainage by October 6th, 2020. All in favor **4-0**.

RE-APPLICATION:

NEW APPLICATIONS REQUIRING OCCIWA APPROVAL (ACCEPTANCE):

CORRESPONDENCE:

Chairman Sue P. Gibbons asked Commissioner Joe Lanier to explain the memo regarding "Sustainable CT. Resolution" appointed advisory team.

Commissioner Joe Lanier stated the following: This Sustainable CT mission is a voluntary Certification program to recognize thriving Connecticut municipalities, an independently funded Grassroots, municipal effort. Sustainable CT also provides opportunities for grant funding to help communities promote economic well-being and enhance equity all while respecting the finite capacity of the natural environment. Students such as the Youth Conservation Corp, which can be project based, can raise funds and thru this community foundation grant, and they will match the fund raising dollar for dollar. A great example is the increase traffic of users in Rockhouse Hill Trail can give back to the students. Our main focus as an appointed team thru the Conservation Commission is of course open space and passive recreation.

OTHER BUSINESS:

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

MOTION made by **Commissioner A. Ferrillo** and seconded by **Commissioner B. Smith** to table the regular meeting minutes from 9/8/20. All in favor **4-0**.

ENFORCEMENT OFFICER:

10 Robinson Lane:

Enf. Officer stated: Right after the last regular meeting I gave them a fine for being right in the river. The fine was paid within hours. The check went directly to the Board of Finance.

Enforcement Officer stated: I have been checking almost daily and making sure the river is up right now. They are very lucky that it hasn't rained. The site is really clean right now.

89 Chestnut Tree Hill Rd extension:

Commissioner Smith and Commissioner Ferrillo did a site walk on September 10th.

Commissioner Smith stated: I did see a lot of dead trees in a pile on site. I don't think it would be beneficial to have him disturb the area where the watercourse is.

Commissioner Ferrillo stated: Take out the small dirt piles at the top of the edge.

Enf. Officer stated: He pulled a fair amount of material out.

The Chairman asked if he was in compliant

Commissioner A. Ferrillo asked: Are you satisfied with what he has done to date?

Enf. Officer Herde replied: He does have a little bit more to move.

Chairman Gibbons stated: I think we should wait until the next meeting and in the meantime we can check it and discuss. He did do what he was supposed to do.

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: Will update**

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)

MATTERS OF CONSERVATION:

ADJOURNMENT:

MOTION made by **Commissioner A. Ferrillo** to adjourn at 8:32 p.m.
Seconded by **Commissioner J. Lanier**. All in Favor **4-0**.

Respectfully Submitted,



Denise Randall
I/W Administrative Secretary

20 OCT 22 PM 12:40
10/19/2017 12:40 PM
OFFICE OF THE CLERK