



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, June 23, 2020

The **Regular Meeting** of the Oxford Conservation Commission/Inland Wetlands Agency was held virtually online with Google meets video on Tuesday, June 23, 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, Ethan Stewart, Andy Ferrillo and Joe Lanier

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

ABSENT: None

AUDIENCE OF CITIZENS (NOT FOR PENDING APPLICATIONS): None

AMENDMENT TO AGENDA: None

EXECUTIVE SESSION: None

NEW BUSINESS:

(IW20-28) 12 North Larkey Road

The applicant has withdrawn there application with a letter from their engineer (Wolff Engineering) dated 6/19/20.

Chairman S. Purcella Gibbons stated: I'm sure the town engineer had an invoice for the applicant. Please make sure that is sent to them for payment.

OLD BUSINESS:

(IW 20-24) Michael Tarby, 349 Christian Street, proposed building addition 759 sq. ft. site drainage (Total size of acres = 2.566 acres) (Wetlands impact = 0) (Upland Review area impact= 0)

Enforcement Officer Herde stated: The applicant has a 60 day extension in place and we are still waiting for the revised plans at this point.

RE-APPLICATION:

NEW APPLICATIONS REQUIRING OCCIWA APPROVAL (ACCEPTANCE):

CORRESPONDENCE:

Enforcement Officer Herde stated: We received a letter from Attorney Cohen and Thomas who is representing the applicant Mr. Dan McNamee (McNamee Construction Corp) 10 Robinson Lane about the permit (IW 17-199) that was issued on April 10, 2018.

Letter from Attorney Thomas is below:

Attorney Dominick Thomas was present by video and stated: I represent the applicant Mr. Dan McNamee who is present by phone here and I would like to discuss the soil & erosion plan phasing. There was a construction phasing on the plan that was a condition of approval and in phase 1 the bridge was to be installed first before the construction of the building. My Client, Mr. McNamee is a bridge repair company that does work for the state of CT. We are asking the commission for permission to modify the construction sequence to show that the construction of building #1 shall occur simultaneous with construction of the bridge and access way. We would go for a 12 month time frame.

Chairman Sue P. Gibbons stated: From what I recall from April of 2017 and to winter of 2019 that is how long it took for actual permit. We spent numerous meetings with Mr. Alan Shepard (Applicant engineer) and our own town engineer on having the coming up with a way to protect the brook. I believe we need the bridge to stabilize the brook because the traffic would have an adverse reaction.

Chairman S. Gibbons then asked: What it is the reason?

Mr. Dan McNamee stated: We anticipated subbing out work but we didn't realize how busy we were going to be. I want to say that the erosion controls will not be an issue. I will do whatever it takes to protect the stream.

Attorney Thomas agreed

Enf. Officer Mike Herde asked: We have 2 phases of construction on our plan, did Planning & Zoning follow this?

Mr. McNamee replied: The bridge was a prerequisite.

Attorney Thomas replied: Yes, zoning followed the same construction sequence which was included in their approval from wetlands. We were not going to build a building without a bridge. We can absolutely put additional controls on.

The Enforcement Officer asked if the bridge was approved first.

Mr. McNamee replied: At first it was a pipe crossing, which was a steep and narrow crossing. I just can't get the bridge done now.

The Chairman stated: It negates all of our hard work. All of the meetings we had for 18 months.

Attorney Thomas replied: We will put in the proper protections in place.

Commissioner Joe Lanier stated: Would about heavy rains and the high traffic that will be on that farm crossing, these are my concerns.

Mr. McNamee stated: You all just wanted an approved application.

Commissioner J. Lanier replied: It sound to me like it's a P & Z issue. We don't have to follow their regulations, we are following our regulations and what the conditions are.

Attorney Thomas stated: Well, I wasn't there, so I don't know what was presented but we just want to amend the sequence.

Chairman S. Gibbons stated: What your asking us is to take 18 months of hard work by all involved and now you want to change it in 5 minutes.

Attorney Thomas stated: We are not asking to operate the contractors yard without the bridge, just the crossing of an old farm road to build the bridge.

Commissioner Joe Lanier stated: When building the bridge, it was going to contain construction materials.

Mr. McNamee stated: We can add adequate protection for the mitigation.

Attorney Thomas added: We can come in with a re-application just on the wetlands.

Commissioner E. Stewart stated: I believe you would be adding an overuse of the farm bridge which is on the narrow side of the property.

Mr. McNamee replied: The pipe extends 10 feet. I don't think there were be any more volume.

Enforcement Officer Herde stated: We are talking about a dirt farm road vs. a commercial bridge from the initial discussion.

Attorney Thomas replied: We can provide a structural engineer if the commission would like.

Enf. Officer Herde stated: This is an earth crossing versus a commercial bridge in the initial discussion. Now your asking the commission to reverse their decision.

Attorney Thomas stated: Its not going to have an adverse effect.

Chairman S. Gibbons stated: After almost 2 years of working on this, its now going to be delayed with engineering from both sides and maybe biologists. What do you think Andrew?

Commissioner A. Ferrillo stated: My concerns are

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June 16, 2020

Chairman Susan P. Gibbons
Oxford Conservation Commission/Inland Wetlands Agency
486 Oxford Road
Oxford, CT 06478
VIA EMAIL: iwofficer@oxford-ct.gov

RE: IW 17-199 / INLAND WETLANDS PERMIT
ACCESS DRIVEWAY / 10 ROBINSON LANE

Dear Chairman Gibbons:

Please be advised that the undersigned represents McNamee Construction Corp. that received the above captioned Inland Wetlands Permit on April 10, 2018.

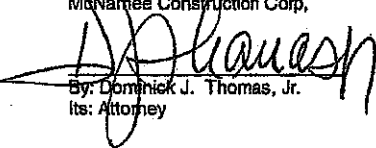
The approval conditions referenced the plans submitted before the Conservation Commission/Inland Wetlands Agency (CC/IWA). The plan entitled "Soil and Erosion Control and Phase Plan" contains "Section F. Construction Sequence - Phases." The initial requirement in Phase One is "Construction can start after the bridge and driveway are installed and driveway and disturbance is stabilized." (See notes attached hereto)

The applicant, McNamee Construction Corp. requests that the CC/IWA modify of the Construction Sequence in the said construction sequencing condition as follows:

Construction can start and a building permit issued for Building 1 which construction shall occur simultaneous with the construction of the bridge and access driveway. The certificate of occupancy for Building 1 cannot be issued and Phase 2 of the construction sequence cannot commence until the bridge and access driveway are installed and the existing temporary access road closed and stabilized per the Inland Wetlands Permit.

I was unable to determine a fee for this type of application. Once advised, I will remit the fee to the agency.

Respectfully Submitted
McNamee Construction Corp.


By: Dominick J. Thomas, Jr.
Its: Attorney

DJT:d
encl.
cc: McNamee Construction Corp.

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OTHER BUSINESS:

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

MOTION made by **Commissioner A. Ferrillo** and **seconded** by **Commissioner B. Smith** to accept regular meeting minutes for 6/9/20. All in favor **4-0**.

ENFORCEMENT OFFICER:

48 Jacksons Cove Rd- Discussion on violation

The Enforcement Officer stated: A Cease & Restore order is working with Mr. D'Amico (applicant's Engineer) I went by to check on it and it has started.

Commissioner Joe Lanier stated: He needs to leave the functionality of what he was trying to do.

The Commission agreed and the Enforcement Officer replied: that keep planting ferns and placing erosion mats down and will see him tomorrow.

Canterbury Woods/Glendale update:

Enforcement Officer Herde stated: I have been checking weekly on this property and I met with Mr. Montinho who was very pleasant and he explained it took him a year to get the gas company to come out and install a gas main. If the gas main goes in, then he can finish paving the road. There needs to be seed and woodchip. We still need a plan on paper.

The Chairman stated: We need to keep a log in case of future litigation.

The commission agreed.

The chairman stated: I had a discussion with Wayne Watt (Public works) on using conservation money for some tree work being performed.

A small discussion on winter & summer bonds for lawns ensued.

The commission agreed there needs to be a final stabilization of a construction site.

MOTION made by Commissioner Andy Ferrillo and seconded by Commissioner Brian Smith for a final stabilization of a construction site which includes seeding and hayed should be in between April 30th to November 1st. All erosion controls should be in place before a CO is given. All in favor 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: 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)
- **Notice of Cease & Desist -368 Oxford Road** (Mr. Vorfi & Ms. Suilda) digging, tree cutting & grading in a regulated area. (Letter sent to property owner on Jan 6, 2020)

The Commission had a small discussion on 368 Oxford Rd violation. h


- **Notice of Cease & Desist, Glendale at Oxford/Canterbury Estates, Rowland Farms Rd,** Erosion controls on site are inadequate. (letter to property owner Mr. Manuel Moutinho, Registered certified mail on 1/6/2020)
- **Notice of Cease & Desist, 25 Lisa Drive,** verbal violation with separate site walks performed by the commission.

MATTERS OF CONSERVATION:

ADJOURNMENT:

MOTION made by **Commissioner A. Ferrillo** to adjourn at 8:56 p.m.
Seconded by Commissioner Ethan Stewart. All in Favor **5-0.**

Respectfully Submitted,


Denise Randall
I/W Administrative Secretary

20 JUL 20 PM 1:27
TOWN OF OXFORD, CT
TOWN CLERK
