



TOWN OF OXFORD

S.B. Church Memorial Town Hall
486 Oxford Road, Oxford, Connecticut 06478-1298

www.Oxford-CT.gov

Oxford Conservation Commission / Inland Wetlands Agency

THESE MINUTES ARE
SUBJECT TO APPROVAL.
APPROVED ON: _____

REGULAR MEETING MINUTES

MONDAY, JANUARY 8, 2007

This **Regular Meeting** of the Oxford Conservation Commission/ Inland Wetlands Agency was held in the David T. Schreiber Memorial Meeting Room B of the S.B. Church Memorial Town Hall, Oxford, Connecticut on Monday, January 8, 2007 and was **CALLED TO ORDER** at 7:31 PM by Chairman Michael Herde.

ROLL CALL / ATTENDANCE: Chairman Michael Herde, Secretary/Commissioner Susan Purcella Gibbons, Commissioner Lucas Hellerich, Commissioner Tom Adamski and Commissioner Bill Richter.

ABSENT (COMMISSION MEMBERS): All Present.

ATTENDANCE (STAFF): Anna M. Silva, OCCIWA Secretary, Andrew Ferrillo, Jr., Inland Wetlands Enforcement Officer, and Dave Nafis, Town Engineer of Nafis & Young.

ABSENT (STAFF): All Present.

AUDIENCE OF CITIZENS (NOT FOR PENDING APPLICATIONS):

Chairman M. Herde asked if there was any one in the audience for Audience of Citizens. None stated.

AMENDMENTS TO AGENDA:

Chairman M. Herde asked if there were any amendments to the agenda. Staff noted the following:

1. **IW-06-219 Ziat, LLC 315 Riggs Street** (Lot 4) (Site Plan Approval).

Chairman M. Herde asked the Commission if they had any other questions, comments, or issues that should be addressed. None stated.

MOTION made by Commissioner S. P. Gibbons and seconded by Commissioner T. Adamski to **APPROVE** the one (1) amendment to the Regular Meeting on Monday, January 8, 2007. **Voted 5-0.**

Amendment 1:

IW-06-219 Ziat, LLC 315 Riggs Street (Lot 4) (Site Plan Approval). Applicant not present.

A. Ferrillo noted that this is a site plan modification for Ziat, LLC on 315 Riggs Street. The Commission Member reviewed the site plan. Chairman M. Herde suggested it oil/grit water separators be added to the plans on the parking lot. The Commission Members agreed. A. Ferrillo noted that there is no impact to the wetlands.

(Continued Amendment 1)

The Commission Members agreed to refer this application back to A. Ferrillo for approval.

Chairman M. Herde asked the Commission if they had any other questions, comments, or issues that should be addressed. None stated.

Referred IW-06-219 to the A. Ferrillo, IWEO.

OLD BUSINESS:

1. **IW-06-176 Oxford Supply, LLC Roosevelt Drive (Route 34)** (10-Lot Subdivision) (83,265 s/f of URA Impact).

Staff noted that the OCCIWA acted on this application ON 12/11/06 Regular Meeting and this application should not be on the agenda (clerical error).

2. **IW-06-207 Donna & Alfred Lepri 585 Roosevelt Drive** (Residential Dwelling) (Adjacent to Housatonic River). **Exp.** 1/8/07. Applicants not present.

Staff noted that this application expired on 12/26/06 but was added to the agenda for tonight's Regular Meeting.

Commissioner T. Adamski stated that the applicant should contact Pomperaug Health District to discuss possible alternatives for handling sewage on this site. Chairman M. Herde stated that when the applicant should reapply to the Oxford Conservation Commission / Inland Wetlands Agency for approval once an effective plan is completed by the engineer.

Chairman M. Herde asked the Commission if they had any other questions, comments, or issues that should be addressed. None stated.

MOTION made by Commissioner T. Adamski and seconded by Commissioner B. Richter to **DENY WITH PREJUDICE** application **IW-06-207 Donna & Alfred Lepri 585 Roosevelt Drive** (Residential Dwelling) (Adjacent to Housatonic River) based on the plans dated *August 17, 2006* last revised *October 12, 2006*. The reason and findings to **DENY WITH PREJUDICE** are as follows:

The applicant has been unable to show that there is a functional system on site to treat sewage. Visual inspection by the Commission found that there was no evidence of a system on site which appears capable of providing proper sewage treatment. Without proper treatment, or removal of sewage, effluent is likely to flow, or be washed down the very steep slope, into the Housatonic River, resulting in unacceptable harm to the water quality of the river. For these reasons, IW-06-207 is denied with prejudice.

Applicant should reapply to the Oxford Conservation Commission / Inland Wetlands Agency when a revised plan is complete and approved by the State of CT Health Department. **Voted 5-0.**

3. **IW-06-214 Mark Oczkowski Jacks Hill Road "Fox Hollow Industrial Park"** (9-Lot Subdivision) (Road & Water Quality Basins Construction) (2,886 s/f of WL Impact) (50,577 s/f of URA Impact). **Exp.** 1/17/07. Applicant not present. Curtis Jones, P.E. of Civil 1 Engineers of 43 Sherman Hill Road, Woodbury, CT 06798 present to represent the applicant and to submit revised plans dated 1/8/07.

Staff noted that Nafis & Young's comments dated 1/8/07 were received and a copy was submitted to the Commission for review. It stated the following:

(Continued Old Business - IW-06-45)

RE: IW-06-214 Fox Hollow Industrial Park

Dear Mr. Herde,

I have reviewed the plans for the Fox Hollow Industrial Park and offer the following comments:

1. An "A-2" boundary survey signed and sealed by a Licensed Land Surveyor should be provided.
2. A Licensed Land Surveyor should certify the topography.
3. A Licensed Land Surveyor should certify the wetland flag locations.
4. Larger turning radii should be provided at Jack's Hill Road to accommodate large trucks.
5. The lot layouts on the plans are only conceptual. I believe some of the upland review area and wetlands encroachments can be minimized. Therefore, I recommend each lot should be resubmitted to the Commission for final approval.

Respectfully submitted,

NAFIS AND YOUNG ENGINEERS

Chairman M. Herde asked C. Jones if he received a copy of the report. Curtis Jones, P.E. introduced himself and stated yes and has addressed all of Nafis & Young's comments. He stated and submitted the following:

1. Note added to the plans (Notes 3) that states topography and wetland flag locations were taken from the map entitled "Record Subdivision Map-Industrial Subdivision, Jacks Hill Road" prepared for the Town of Oxford by Fred D'Amico, P.E., L.S. dated 3/22/06.
2. Note added to the plans (Notes 3) that states topography and wetland flag locations were taken from the map entitled "Record Subdivision Map-Industrial Subdivision, Jacks Hill Road" prepared for the Town of Oxford by Fred D'Amico, P.E., L.S. dated 3/22/06.
3. Note added to the plans (Notes 3) that states topography and wetland flag locations were taken from the map entitled "Record Subdivision Map-Industrial Subdivision, Jacks Hill Road" prepared for the Town of Oxford by Fred D'Amico, P.E., L.S. dated 3/22/06.
4. 30' Scale Drawing showing The Turning Movement for SU-30 Vehicle dated 1/8/07.
5. This is normal practice.

Chairman M. Herde asked if there are conservation easements on the property as requested by the Commission. C. Jones stated that the plans have been revised by adding a fifty (50') feet conservation easements and a note has been added to the plans. He stated the notes stated (Notes 3) that the conservation easement areas on each lot may be revised upon approval by the Oxford Conservation Commission / Inland Wetlands Agency. The Commission Members reviewed the plans with the conservation easements. C. Jones stated that some lots have been combined.

Commissioner T. Adamski suggested that each lot is subject to reapplication for site plan approval and recommended that be a condition of approval. The Commission Members agreed.

Chairman M. Herde asked the Commission if they had any other questions, comments, or issues that should be addressed. None stated.

MOTION made by S. P. Gibbons and seconded by Commissioner T. Adamski to **APPROVE** application **IW-06-214 Mark Oczkowski Jacks Hill Road "Fox Hollow Industrial Park"** (9-Lot Subdivision) (Road & Water Quality Basins Construction) (2,886 s/f of WL Impact) (50,577 s/f of URA Impact) based on the final

(Continued Old Business - IW-06-45 MOTION)

approved plans dated *November 7, 2006* last revised *January 8, 2007* with a condition. The condition of approval is as follows:

1. Each lot (Lots 1-9) is subject to reapplication for site plan approval by the Oxford Conservation Commission / Inland Wetlands Agency.

The reason for approval is minimal impact to the wetlands and mitigation provided through Conservation Easements. **Voted 5-0.**

NEW BUSINESS

NEW APPLICATIONS REQUIRING OCCIWA APPROVAL (ACCEPTANCE):

1. **IW-07-001 Town of Oxford Commerce Drive Extension** (14,440 s/f of WL Impact) (18,400 s/f of URA Impact).

Staff noted that the application is complete and a copy was submitted to Nafis & Young, Dave Nafis for review. Staff also noted that the Soil Scientist Report is in question because we are unsure if the report covers the area beyond Commerce Drive.

Chairman M. Herde asked the Commission if they had any other questions, comments, or issues that should be addressed. None stated.

MOTION made by Commissioner L. Hellerich and seconded by Commissioner B. Richter to **ACCEPT** application **IW-07-001 Town of Oxford Commerce Drive Extension** (14,440 s/f of WL Impact) (18,400 s/f of URA Impact) as a **COMPLETE** application. **Voted 5-0. Exp. 3/14/07.**

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

1. Monday, October 16, 2006 Public Hearing Minutes IW-06-95.

MOTION made by Commissioner B. Richter and seconded by Commissioner T. Adamski to **APPROVE** the Monday, October 16, 2006 Public Hearing Minutes IW-06-95. **Voted 5-0.**

2. Monday, October 16, 2006 Public Hearing Minutes Addendum IW-06-95.

MOTION made by Commissioner B. Richter and seconded by Commissioner T. Adamski to **APPROVE** the Monday, October 16, 2006 Public Hearing Minutes Addendum IW-06-95. **Voted 5-0.**

3. Thursday, November 30, 2006 Special Meeting Minutes IW-06-95.

MOTION made by Commissioner B. Richter and seconded by Commissioner T. Adamski to **APPROVE** the Thursday, November 30, 2006 Special Meeting Minutes IW-06-95. **Voted 5-0.**

4. Saturday, December 2, 2006 Special Meeting Minutes (Site Walk) IW-06-214.

MOTION made by Commissioner B. Richter and seconded by Commissioner T. Adamski to **APPROVE** the Saturday, December 2, 2006 Special Meeting Minutes (Site Walk) IW-06-214. **Voted 5-0.**

(Continued Acceptance of Minutes)

5. Monday, December 11, 2006 Regular Meeting Minutes.

MOTION made by Commissioner B. Richter and seconded by Commissioner T. Adamski to **APPROVE** the Monday, December 11, 2006 Regular Meeting Minutes. **Voted 5-0.**

6. Tuesday, December 12, 2006 Special Meeting Minutes IW-06-95.

MOTION made by Commissioner B. Richter and seconded by Commissioner T. Adamski to **APPROVE** the Tuesday, December 12, 2006 Special Meeting Minutes IW-06-95. **Voted 5-0.**

7. Tuesday, December 19, 2006 Special Meeting Minutes IW-06-95.

MOTION made by Commissioner B. Richter and seconded by Commissioner T. Adamski to **APPROVE** the Tuesday, December 19, 2006 Special Meeting Minutes IW-06-95. **Voted 5-0.**

8. Tuesday, January 2, 2007 Special Meeting Minutes IW-06-95.

MOTION made by Commissioner B. Richter and seconded by Commissioner T. Adamski to **APPROVE** the Tuesday, January 2, 2007 Special Meeting Minutes IW-06-95. **Voted 5-0.**

INLAND WETLANDS ENFORCEMENT OFFICER REPORT:

December 2006

Approvals issued No activity in Wetlands.....	5
C.O. Sign Offs.....	14
State Fees.....	\$ 150.00
Town Fees.....	\$ 1,050.00
Total Fees Collected.....	\$ 1,200.00
Inspections.....	46
Complaints.....	0
Violations	0
Total Hours.....	139.25

Andrew Ferrillo, Jr., I.W. Enforcement Officer

APPLICATIONS NOT REQUIRING OCCIWA APPROVAL:

Number	Date	Name/Property Owner	Purpose	Location	Action
IW-06-217	11/21/2006	Montana Development	Garage	46 Thorson Road	APP
IW-06-218	11/28/2006	Anthony Szerszen	Deck Extension	363 Eagle Court	APP

(Continued Application Not Requiring OCCIWA Approval)

Number	Date	Name/Property Owner	Purpose	Location	Action
IW-06-220	11/29/2006	Frank Munno	Deck Extension	331 Fairway Drive	APP
IW-06-221	11/30/2006	Ken Hogan Const	Addition (In-law Apt.)	138 Jacks Hill Road	APP
IW-05-245	12/4/2006	Pulte Homes	C.O. Sign Off	616 Championship Drive	APP
IW-06-222	12/4/2006	Stephen Walsh	Outdoor Furnace	387 Quaker Farms Road	APP
IW-06-88	12/5/2006	Sydney Spenser	C.O. Sign Off	3 Butternut Ridge Road (Lot 10)	APP
IW-06-223	12/5/2006	Oxford Riverbend, LLC	Site Plan Modification	Roosevelt Drive	APP
IW-06-224	12/7/2006	Ken Venturini	Shed	12 Heather Lane	APP
IW-05-245	12/11/2006	Pulte Homes	C.O. Sign Off	618 Championship Drive	APP
IW-05-247	12/11/2006	Pulte Homes	C.O. Sign Off	628 Troon Court	APP
IW-05-264	12/11/2006	Cole Construction	C.O. Sign Off	154 Hogsback Road	APP
IW-06-222	12/11/2006	Stephen Walsh	C.O. Sign Off	387 Quaker farms Road	APP
IW-05-189	12/11/2006	Jason Domack	C.O. Sign Off	13 Gem Woods Road	APP
IW-06-225	12/11/2006	Michelle Vinci	Outdoor Furnace	29 Old Country Road	APP
IW-06-9	12/14/2006	Blueberry Farms Dev.	C.O. Sign Off	1 Heavenly Lane (lot 35)	APP
IW-06-226	12/15/2006	Back To Right, LLC	Addition 20 x 20	25 Griswold Road (Lot 3A)	APP
IW-05-63	12/14/2006	James O'Connell	C.O. Sign Off	Kyle Court (Lot 1)	APP
IW-06-33	12/20/2006	Prestige Builders, LLC	C.O. Sign Off	9 Butternut Ridge Road	APP
IW-04-78	12/21/2006	Mike & Linda Quoka	C.O. Sign Off (Addition)	158 Good Hill Road	APP
IW-05-196	12/21/2006	Lisa Falcioni	C.O. Sign Off	583 Chestnut Tree Hill Road	APP
IW-06-225	12/21/2006	Thomas C. Schreyer	C.O. Sign Off.	29 Old Country Road	APP
IW-06-226a	12/27/2006	Blueberry Farms Dev.	Residence	Old Country Road (Lot 47)	APP
IW-06-185	12/27/2006	Peter Prowe	C.O. Sign Off	28 Tram Drive	APP
IW-07-2	1/4/2007	John Kay	Addition	138 Coppermine Road	APP
IW-06-145	1/8/2007	Pulte Homes	C.O. Sign Off	Mail Cluster #1 Country Club Drive	APP
IW-06-142	1/8/2007	Pulte Homes	C.O. Sign Off	Mail Cluster # 2 Fairway Drive	APP
IW-06-143	1/8/2007	Pulte Homes	C.O. Sign Off	Mail Cluster # 3 Putting Green	APP
IW-05-245	1/8/2007	Pulte Homes	C.O. Sign Off	614 Championship Drive	APP
IW-05-98	1/9/2007	Agnieszka Borowski	C.O. Sign Off	49 Bee Mountain Road	APP

MATTERS OF VIOLATION:

1. **IW-03-226 Robert & Dawn Magi, 11 Hemlock Trail** (Lot 104) (Violation-activity in a regulated area). (Plans dated 6/1/05 "Existing Conditions" and 6/16/05 "Asbuilt"). Property owner not present.

Referred IW-03-226 to the next Regular Meeting.

2. **IW-05-C/V-007 Warren & Linda Richardson 483 Roosevelt Drive** Notice of Violation/Cease & Desist Order dated 10/17/05. Property owner not present.

Referred IW-05-C/V-007 to the next Regular Meeting.

3. **IW-06-C/V-001 Andrew Turmel 20 North Larkey Road** Notice of Violation/Cease & Restore Order dated 3/21/06. Property owner not present.

Referred IW-06-C/V-001 to the next Regular Meeting.

(Continued - Matters of Violations)

4. **IW-06-NOV-CD-03 “Calho Construction” Ken Hogan & John Calderwood Davis Road** Notice of Violation/Cease & Desist Order 4/10/06. Property Owners not present.

Referred to the next Regular Meeting.

5. **IW-06-NOV-CD Robert Bizewski 22 East Street** NOV/Cease & Desist Order dated 7/11/06. Property Owners not present.

Referred to the next Regular Meeting.

6. **IW-06-NOV-CD Lisa French 112 Maple Tree Hill Road** NOV/Cease & Desist Order dated 8/15/06. Property Owners not present.

Referred to the next Regular Meeting.

7. **IW-06-NOV John Bachman 67 Christian Street** NOV dated 8/10/06. Property Owners not present.

Referred to the next Regular Meeting.

8. **IW-06-NOV-CD Glen Persson 124 Hawley Road** NOV/Cease & Desist Order dated 9/26/06.

A copy of the Cease & Desist Order dated 9/26/06 was provided to the Commission Members to review.

Referred to the next Regular Meeting.

MATTERS OF LITIGATION:

1. Citation/Appeal for application **IW-04-195 Mucci Construction, LLC 585 Oxford Road** (Gas Station, Quick Lube, Car Wash, and Convenience Store).

Staff noted that we received correspondence from the State of CT Appellate Court dated 12/13/06 on consideration of the petition by the plaintiff for certification to appeal was denied. A copy was provided to the Commission Members. Staff also noted that she will remove this item from the Agenda for Matters of Litigation.

PUBLIC HEARINGS / SPECIAL MEETINGS: None.

REPORTS ON SEMINARS, INSPECTIONS, AND OTHER MEETINGS ATTENDED: None.

CORRESPONDENCE, INVOICES, NEWSPAPER ITEMS, & P & Z MINUTES:

1. Nafis & Young Invoice # 670-06 dated 11/30/06 for the amount of \$270.00.

A copy was provided to the Commission Members to review. Chairman M. Herde asked the Commission if they had any other questions, comments, or issues that should be addressed. None stated.

MOTION made by Commissioner T. Adamski and seconded by Commissioner B. Richter to **APPROVE** the Nafis & Young Invoice # 670-066 dated 11/30/06 for the amount of \$ 270.00. **Voted 5-0.**

(Continued Correspondence)

2. Land Use Forum Class on Improving Land Use Commission Decision Making Registration 1/29/07.

Staff noted that the Land Use Forum Class is on Improving Land Use Commission Decision Making and is on 1/29/07. She also noted to fill out the registration form if they would like to attend and she would submit the registration fee for the class. A copy was provided to the Commission Members. Commissioner T. Adamski, M. Herde, S. Gibbons, B. Richter and staff A. Ferrillo and A. Silva will be attending the class.

3. Letter from HVA dated 12/22/06 for Guides to Protecting Water Quality.

A copy of the letter from Housatonic Valley Association (HVA) dated 12/22/06 for Guides to Water Quality was given to the Commission Members to review.

4. Letter from J. Hliva, Finance Director dated 1/2/07 for Budget requests.

A copy of the letter from J. Hliva, Finance Director dated 1/2/07 for Budget requests was given to the Commission Members to review.

5. The Habitat Vol. XVIII No. 4 dated Fall 2006.

A copy of the The Habitat Vol. XVIII No. 4 dated Fall 2006 was given to the Commission Members to review.

6. Memo from Selectmen's Office dated 1/4/07 for re-appointment of Commissioner S. P. Gibbons.

A copy of the Memo from the Selectmen's Office dated 1/4/07 for re-appointment of Commissioner S. P. Gibbons was given to the Commission Members to review. Commissioner S. P. Gibbons stated that she was sworn in tonight.

7. Letter dated 1/4/07 to P & Z for IW-06-95 Garden Homes "Oxford Commons."

A copy of the letter dated 1/4/07 to Planning & Zoning for application IW-06-95 Garden Homes "Oxford Commons" was given to the Commission Members to review.

COMMENTS FROM THE CHAIRMAN & OTHER COMMISSION MEMBERS & STAFF:

1. Discussion ensued between the Commission Members on canceling the Regular Meeting on Wednesday, December 27, 2006 due to the holidays and a Lack of Quorum.

2. Staff noted that a letter dated 11/30/06 was sent to Robert Owsiany of 179 Hogsback Road (Lot S 9) in regards to dumping of fill material and clear cutting in a wetland/regulated area. Property owner Robert Owsiany of 179 Hogsback Road, Oxford, CT 06478 present.

A copy of the letter dated 11/30/06 from A. Ferrillo, IWEO to Robert Owsiany of 179 Hogsback Road was given to the Commission Members to review. The Commission Members noted that they walked the site individually.

Commissioner T. Adamski asked R. Owsiany what's the intent of the fill that was placed. Robert Owsiany introduced himself and stated that the fill that brought in was to fill in the road because the water running down his property. He stated that it was eroding his property and asked Mark Ockowski for the fill. R. Owsiany stated that he has a farm. Commissioner T. Adamski stated that he had a concern because the fill is in close

(Continued Comments)

proximity to the wetlands. R. Owsiany stated that area is set aside for his animals. Commissioner B. Richter asked R. Owsiany if he planned to clear cut any further on the site. R. Owsiany stated no but the reason he cut down some trees is that tree limbs have fallen on his animals and ultimately killed them. He explained that the area is fenced off. Commissioner B. Richter asked R. Owsiany how close the fence is to the brook. R. Owsiany stated approximately 15 feet. A. Ferrillo asked when the house was built. R. Owsiany stated approximately 1979. A. Ferrillo stated that the wetlands laws came into law in 1974 and all activities should cease. The Oxford Conservation Commission / Inland Wetlands Agency agreed.

It was noted that the activity with the fill and clear cutting should cease and no further activity. The Commission Members agreed. R. Owsiany agreed and apologized to the Commission.

Chairman M. Herde asked the Commission if they had any other questions, comments, or issues that should be addressed. None stated.

OTHER:

1. Review of Open Space Map.

Referred to the next Regular Meeting.

2. Nil. J. Guillet dba Forest Construction Mulberry Lane (Lot 5 aka "other land of") (Letter dated 12/8/05 from Land-Tech Consultants, Inc.).

3. **NOV WR SW 06 007 (Issued 4/10/06) CT DEP Meadow Brook Estates, Great Hill Road** (Remove Sediment from Pond & Stream) (Letter dated 9/27/06) (Memo dated 8/4/06).

Referred to next Regular Meeting.

4. Town of Oxford Catch Basins (Silt Removal).

Referred to next Regular Meeting.

5. Storm Drain Marker Program (Phase II).

Referred to next Regular Meeting.

MATTERS OF CONSERVATION:

Discussion ensued on the Roosevelt Drive Property between the Commission Members and a Land Acquisition Plan.

Discussion also ensued on the Long Range Plan. It was noted to add funding for full-time staff, funding for purchase of open space, and funding for to educate the public. The Commission Members agreed.

Chairman M. Herde asked the Commission if they had any other questions, comments, or issues that should be addressed. None stated.

ADJOURNMENT:

MOTION made by Commissioner S. P. Gibbons and seconded by Commissioner T. Adamski to **ADJOURN** the Regular Meeting on Monday, January 8, 2007 at 8:35 PM. **Voted 5-0.**

Respectfully submitted,

Anna M. Silva,
OCCIWA Secretary