



# TOWN OF OXFORD

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

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Oxford Conservation Commission / Inland Wetlands Agency

THESE MINUTES ARE  
SUBJECT TO APPROVAL.  
APPROVED ON: \_\_\_\_\_

## REGULAR MEETING MINUTES

MONDAY, MARCH 26, 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, March 12, 2007 and was **CALLED TO ORDER** at 7:42 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):** Andrew Ferrillo, Jr., Inland Wetlands Enforcement Officer, Anna M. Silva, OCCIWA Secretary, 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 that are two (2) amendments to the Regular Meeting agenda.

1. **IW-07-27 (Ref. # 224 Z) Connecticut Concrete Construction, Inc. 97 Willenbrock Road** (Lot 21-8) (6,000 s/f Industrial Building & Parking Lot) (14, 400 s/f of URA Impact).

2. **IW-07-29 John Fitzgerald "Blue Skies Estates, LLC" 663 Chestnut Tree Hill Road** (Lot 8) (Site Plan Modification) (3-36" RCP flared end pipes in lieu of two-box culverts).

**MOTION** made by Commissioner S. P. Gibbons and seconded by Commissioner T. Adamski to **APPROVE** the two (2) amendments to the Regular Meeting agenda on Monday, March 26, 2007. **Voted 5-0 in favor.**

#### **Amendment 1:**

**IW-07-27 (Ref. # 224 Z) Connecticut Concrete Construction, Inc. 97 Willenbrock Road** (Lot 21-8) (6,000 s/f Industrial Building & Parking Lot) (14, 400 s/f of URA Impact). Applicant Mr. Petta of CT Concrete Construction, Inc. of 97 Willenbrock Road, Oxford, CT 06478 present and Jesse Judson, P.E. of Mike Horbal's Office of 52 Main Street, Seymour, CT 06483 present to represent the applicant and to submit plans dated 2/26/07.

**(Continued Amendment 1)**

Jesse Judson introduced himself and stated that this application is for a modification of the original plan that was approved on 3/26/01 and submitted a copy of the approved application. He stated that the project involves construction building “B” in which the footprint remains 6,000 square feet and it was approved but has expired. He stated that the building is now proposed to include a second story in the office area increasing the total floor area by 2,025 square feet. He stated that the approved parking area 60 feet by 56 feet which included eleven parking spaces is proposed to be expanded to 80 feet by 60 feet and included fifteen parking spaces. He stated that the expansion of the parking area will require reshaping the existing detention and the relocation of a rip rap swales and an eighteen inch (18”) pipe inlet.

J. Judson stated that the grading comes within the ten feet (10’) of the wetlands. Chairman M. Herde asked if an oil/water separator is proposed. J. Judson stated that the site does not have one. Chairman M. Herde recommended it for the new area where building “B” is located. Staff gave J. Judson the IW Checklist for Industrial / Commercial sites. Chairman M. Herde suggested the IW Checklist be included in the plans. J. Judson stated that he would revise the plans.

Commissioner L. Hellerich asked about the plantings. Chairman M. Herde stated to not to use invasive species. Commissioner T. Adamski asked J. Judson if the litter control standards are incorporated into the plans. J. Judson stated no and would revise the plans to include the litter control standards.

The commission members agreed that 2 applications should be submitted, one for the site plan modification (\$ 50.00) and the other application for the construction of the 6,000 s/f building and parking lot (\$ 90.00) due to that application expiring. J. Judson stated that he will submit another application on 3/27/07.

Staff noted that this application is complete and submitted copies of the plans to the commission members for review and for an individual site walk. Staff also noted that a copy of the application and plans were submitted to the town engineer for 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 S. P. Gibbons and seconded by Commissioner L. Hellerich to **ACCEPT** application **IW-07-27 (Ref. # 224 Z) Connecticut Concrete Construction, Inc. 97 Willenbrock Road** (Lot 21-8) (6,000 s/f Industrial Building & Parking Lot) (14, 400 s/f of URA Impact) as a **COMPLETE** application. **Voted 5-0 in favor. Exp. 5/30/07.**

**Referred** IW-07-04 to the next Regular Meeting.

**Amendment 2:**

**IW-07-29 John Fitzgerald “Blue Skies Estates, LLC” 663 Chestnut Tree Hill Road** (Lot 8) (Site Plan Modification) (3-36” RCP flared end pipes in lieu of two-box culverts). Applicant John Fitzgerald of Shelton, CT 06484 present.

John Fitzgerald introduced himself and stated that this application is for a site plan modification to allow the use (3) 36” RCP flared end pipes in lieu of the previously approved two-box culverts. He stated that Alan B. Shepard, P.E. has recalculated the drainage calculations and find that the 36” pipes can adequately handle the 100-year design flows.

**(Continued Amendment 2)**

J. Fitzgerald stated that there is no net change in the wetlands impact with the exception of 40 feet to 44 feet therefore, 4 more feet. Commissioner L. Hellerich stated that he would prefer the open bottom box culvert. Commissioner T. Adamski stated that he suggested no pipes. The Commission Members agreed. J. Fitzgerald stated that he would redesign the plans and resubmit.

Chairman M. Herde stated that the town engineer will have to review this application. Staff noted that this application is complete and submitted a copy of the application and plans to the town engineer for review.

**MOTION** made by Commissioner T. Adamski and seconded by Commissioner S. P. Gibbons to **ACCEPT** application **IW-07-29 John Fitzgerald “Blue Skies Estates, LLC” 663 Chestnut Tree Hill Road** (Lot 8) (Site Plan Modification) (3-36” RCP flared end pipes in lieu of two-box culverts) as a **COMPLETE** application. **Voted 5-0 in favor. Exp. 5/30/07.**

**OLD BUSINESS:**

**1. IW-07-04 (Ref # IW-06-183) Monserrate Llantín 150 Jacks Hill Road** (Reapplication) (3-Lot Subdivision) (three Residential Dwellings) (4,300 s/f of WL Impact) (22,500 s/f of URA Impact) (Site Plan Modification). Applicant not present. Fred D’Amico, P.E., L.S. of 9 Park Road, Oxford, CT 06478 present to represent the applicant and to submit revised plans dated 3/21/07.

Fred D’Amico introduced himself and stated we changed the grading on the crossing for the box culvert located near wetland flag location 2.2 and 2.3 and for the second crossing near wetland flag location 4.3 and 3.8. He stated that we changed the crossings to open bottom box culverts and added retaining walls to minimize the fill and impact to the stream. He stated that the total fill of the wetlands is 5,000 square feet. A. Ferrillo asked if that figure includes what’s been built. F. D’Amico stated yes for the whole subdivision. A. Ferrillo presented the previous subdivision plans approval for “Jack Hill Estates” from 1979 and the commission members reviewed the plans. F. D’Amico stated that this is an improvement because the OCCIWA approved 9,000 square feet and are now proposing 5,000 square feet of wetland impact.

Commissioner L. Hellerich asked F. D’Amico if he did research on pavements that are Storm water Management friendly. F. D’Amico submitted documentation on land development today on pavements that are storm water management friendly. Commissioner L. Hellerich reviewed the documents. F. D’Amico stated that the Planning & Zoning are not fond of the porous pavements because they require special care and some changes to normal practices and scheduling.

F. D’Amico stated that the applicant is proposing a private road and the Home Owner’s Association (HOA) will have to maintain the road. D. Nafis asked if this is the closing stages of this subdivision. F. D’Amico stated yes. F. D’Amico stated that the lots are 3-4 acres and they have conservation easements. Commissioner S. P. Gibbons asked if the conservation easement language is on the plans. F. D’Amico stated no. Commissioner S. P. Gibbons suggested revising the plans to reflect the conservation easement language and the markers at 75 feet intervals. The commission members agreed. Commissioner T. Adamski stated that it is an improvement through the impact and mitigation with the conservation easements. F. D’Amico stated that he would revise the plans.

F. D’Amico stated that the applicant is also proposing to clean up the side slopes as part of mitigation too.

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

**(Continued Old Business – IW-07-04)**

**Referred** IW-07-04 to the next Regular Meeting.

**2. IW-07-05 Pentino-Mancini Holdings 323 Riggs Street** (Lot 4-5) (Aboveground Diesel Fuel Storage Tank). **Exp.** 4/18/07. Applicants not present.

Staff presented the IW-04-92 plans approval for the site and stated that there is an oil/grit water separator on site.

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

**Referred** IW-07-05 to the next Regular Meeting.

**3. IW-07-14 Algonquin Gas Transmission, LLC 40 Woodruff Hill Road** (Lot 9) (Natural Gas Compressor Station) (118,484 s/f of URA Impact). **Exp.** 5/30/07. Applicant not present.

Staff noted that the site walk scheduled for 3/22/07 was cancelled due to weather conditions on site and need to reschedule the site walk. The commission members agreed on Thursday, March 29, 2007 at 5:00 PM. The Commission Members will meet at the intersection of Prokup Road and Woodruff Hill Road. Staff noted that she would post the agenda for the special meeting.

Staff also noted that D. Smith, P.E. submitted a memo dated 3/22/07 that details the Ultra-Urban Filter with Smart Sponge that the applicant proposes to install these devices in the parking area catch basins in lieu of the hydro-dynamic separator.

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 **SCHEDULE** a site walk on Thursday, March 29, 2007 at 5:00 PM for application **IW-07-14 Algonquin Gas Transmission, LLC 40 Woodruff Hill Road** (Lot 9) (Natural Gas Compressor Station) (118,484 s/f of URA Impact). The Commission will be meeting at the intersection of Prokup Road and Woodruff Hill Road. **Voted 5-0 in favor.**

**Referred** IW-07-14 to the next Regular Meeting.

**4. IW-07-18 Aurora Estates, LLC 27 Belinsky Circle** (Lots 11, 12, & 13) (10,488 s/f of URA Impact) (2-Lot Re-subdivision). **Exp.** 5/16/07. Applicant not present. Ed Leavy, P.E. of AM Engineering of 959 Main Street, Stratford, CT 06615 present to represent the applicant and to submit plans dated 3/1/07.

Ed Leavy introduced himself and stated that this application is for a 2-lot re-subdivision. He explained that lots 11 and 12 are 3.49 acres and lot 13 is 3.86 acres. He stated that houses are in the 100 feet setback because when this subdivision was previously approved the setback was 50 feet. He stated that retaining walls are proposed along the driveways because of the steepness of the site. Chairman M. Herde suggested a conservation easement near the brook as mitigation. E. Leavy stated that he would suggest a conservation easement to the applicant. Chairman M. Herde stated that he understands the encroachment in the 100 feet setback as the site is steep.

**(Continued Old Business – IW-07-18)**

Chairman M. Herde also suggested dedicating open space to the Town of Oxford or Oxford Land Trust because there is excess acreage land. E. Leavy stated that in the back of the lots we can expand the conservation easement but would have to consult with the applicant. He stated that access to the open space is a problem.

Chairman M. Herde stated that it's better protection when the land is deeded to someone for preservation. Chairman M. Herde suggested a 10 feet wide easement but the OCCIWA see potential to work with you on the lots.

Commissioner L. Hellerich asked if grading is required for the septic systems in terms of fill. E. Leavy stated there is no anticipated change in terms of fill.

Chairman M. Herde suggested postponing an environmental review on this application. The commission members agreed. E. Leavy stated again that he would consult with the applicant.

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

**Referred** IW-07-18 to the next Regular Meeting.

**NEW BUSINESS**

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

(See **Amendments 1 & 2** above).

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

1. Monday, March 12, 2007 Regular Meeting Minutes.

**MOTION** made by Commissioner L. Hellerich and seconded by Commissioner B. Richter to **APPROVE** the Monday, March 12, 2007 Regular Meeting Minutes. **Voted 5-0 in favor.**

**INLAND WETLANDS ENFORCEMENT OFFICER REPORT:** None.

**APPLICATIONS NOT REQUIRING OCCIWA APPROVAL:**

<b>Number</b>	<b>Date</b>	<b>Name/Property Owner</b>	<b>Purpose</b>	<b>Location</b>	<b>Action</b>
IW-07-26	3/19/2007	Mark Oczkowski	Barn	29-1 Highland Road	APP
IW-05-242	3/21/2007	Pulte Homes	C.O. Sign Off	501 Putting Green Lane	APP
IW-06-93	3/22/2007	Phillips Custom Homes	C.O. Sign Off	3 Little Valley Road (Lot 56)	APP
IW-07-28	3/26/2007	Fawn Meadows Estates	Residence	7 Charles Road (Lot 6)	APP
IW-07-30	3/26/2007	Karen Huber	Deck Extension	9 Coventry Lane	APP
IW-07-32	3/29/2007	Oakbridge Const	Residence	7 Kyle Court	APP
IW-07-33	3/29/2007	Thomas Marshall	A/G Pool	12 Kerski Drive	APP
IW-07-34	3/29/2007	Prospect Pools	I/G Pool	12 Mountainview Court	APP
IW-07-35	4/2/2007	Alfredo Mauriello	I/G Pool	5 Charles Road	APP
IW-07-36	4/2/2007	A-1 Pools	I/G Pool	23 Apple Drive	APP
IW-07-37	4/2/2007	Robert Williams	Shed	6 Marian Lane	APP
IW-07-38	4/2/2007	Baldwin & Wasko	Addition	1 Evergreen Lane	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.

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

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.

**Referred** to the next Regular Meeting.

9. **IW-07-01 NOV-CR Deborah Kersci 3 Davis Road** (Lot 2) NOV/Cease & Restore Order dated 3/27/07.

A. Ferrillo stated that the home owner failed to stabilize the slope where the excavation has been done and during a rain event soil ends up in the storm drain. He stated that the storm drain is tied in with the Town of Oxford's storm drains and recommended a Cease & Restore Order on the property. 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.

**(Continued Matters of Violation – Item # 9)**

**MOTION** made by Commissioner S. P. Gibbons and seconded by Commissioner T. Adamski to **PLACE** a Cease & Restore Order on **IW-07-01 NOV-CR Deborah Kersci 3 Davis Road** (Lot 2). **Voted 5-0 in favor.**

**MATTERS OF LITIGATION:**

1. **IW-06-95 Garden Homes Management Corporation Hurley Road** (Lots 2, 2B & 2A) (113-Unit Residential Development Mobile Manufactured Housing as revised) (0 s/f of Wetlands Impact as revised) (174,240 s/f of Upland Review Area Impact as revised). (Citation/Appeal dated 1/25/07).

**PUBLIC HEARINGS / SPECIAL MEETINGS:**

1. Monday, April 30, 2007 Public Hearing at 7:00 PM (Main Meeting Room) for application **IW-07-15 Garden Homes Management Corporation Hurley Road** (Lots 2, 2B, & 2A) (113-Unit Residential Development) (50 s/f of WL Impact) (205,643 s/f of URA Impact).

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

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

1. Pomperaug River Watershed Coalition Newsletter dated Winter 2007.

A copy was provided to the Commission Members to review.

2. Connecticut Nemo Newsletter dated Winter 2007.

A copy was provided to the Commission Members to review.

3. National Wetlands Newsletter Volume 29, Number2, dated March-April 2007.

A copy was provided to the Commission Members to review.

4. CACIWC “The Habitat” Vol. XiX No.1 dated Winter 2007.

A copy was provided to the Commission Members to review.

**COMMENTS FROM THE CHAIRMAN & OTHER COMMISSION MEMBERS & STAFF:** None.

**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).

**(Continued Other – Item # 3)**

**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.

**6.** S.B. Church Company 49 Great Hill Road (Removal of DAM) (DEP Permit) Letters dated 2/2/07 & 2/6/07.

**7.** Long Range Plan (10 years).

Commissioner S. P. Gibbons stated that she submitted to the report to Town of Oxford Long Range Plan Committee for the Oxford Conservation Commission / Inland Wetlands Agency long range plan.

**8.** Schedule Special Meeting/Public Hearing for National Geomatica MAP & GIS Processing Fee (Exhibit A).

Staff noted that the OCCIWA will have to schedule a Public Hearing to increase the application fee by \$ 10.00 to include the National Geomatica Mapping & GIS Processing Fee and to revise the Oxford Inland Wetlands and Watercourses Regulations, Section 8.4, replaced with PA 06-53 “An Act Concerning Protection of Public Water Supply Sources” in accordance with the CT General Statutes.

The commission members discussed possible dates for a public hearing. It was agreed on Monday, April 23, 2007 at 7:00 PM in Meeting Room B prior to the Regular Meeting.

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 L. Hellerich to **SCHEDULE** a Public Hearing on Monday, April 23, 2007 at 7:00 PM in Meeting Room B to increase the application fee by \$10.00 to include the National Geomatica Mapping and GIS Process Fee and to revise the regulations Section 8.4, (PA 06-53) “An Act Concerning Protection of Public Water Supply Sources” in accordance with the CT General Statutes. **Voted 5-0 in favor.**

**MATTERS OF CONSERVATION:** None.

**ADJOURNMENT:**

**MOTION** made by Commissioner B. Richter and seconded by Commissioner T. Adamski to **ADJOURN** the Regular Meeting on Monday, March 26, 2007 at 9:30 PM. **Voted 5-0 in favor.**

Respectfully submitted,

Anna M. Silva,  
OCCIWA Secretary