



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, APRIL 11, 2005

This **Regular Meeting** of the Oxford Conservation Commission/ Inland Wetlands Agency was held in the Meeting Room B of the S.B. Church Memorial Town Hall on Monday, April 11, 2005 and was **CALLED TO ORDER** at 7:33 PM by Chairman Mike Herde.

CALL TO ORDER / ATTENDANCE: Chairman Mike Herde, Commissioner Tom Adamski, Secretary/Commission Susan Purcella and Commissioner Lucas Hellerich.

ABSENT (COMMISSION MEMBERS): Commissioner David Schreiber.

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

ABSENT (STAFF): All staff members present.

AUDIENCE OF CITIZENS:

Vincent Vizzo of 7 Old Good Hill Road, Oxford, CT 06478 present because he's concerned about a wetlands violation on Rycor Estates Subdivision, Mulberry Lane (Lot 5) owned by Nil Guillet Forest Construction. He stated that there has been numerous Cease & Desist Orders placed on the property. He stated that he understood that a remediation plan was to be submitted and no plan was submitted to date. Therefore, no action was taken and there was heavy disturbance.

Chairman M. Herde suggested to A. Ferrillo to draft a letter from the Oxford Conservation Commission / Inland Wetlands Agency requesting Nil Guillet (Forest Construction) to attend the next Regular Meeting with a remediation plan. The Commission agreed and also suggested to contact Town Counsel, Attorney R. Uskevich on this matter.

AMENDMENTS TO AGENDA:

1. Lisa Low, Town of Oxford Grant Writer – Open Space Grant.
2. IW-05-52 Mike Yannes 10 Davis Road (Lot 6A) (Residential Dwelling).
3. IW-05-42 Mike Yannes 14 Davis Road (Lot 2-4A) (Residential Dwelling).
4. IW-05-43 Mike Yannes 12 Davis Road (Lot 2-5A) (Residential Dwelling).
5. Inland Wetlands Regulations.

MOTION made by Commissioner S. Purcella and seconded by Commissioner T. Adamski to **APPROVE** the four (5) amendments to the Regular Meeting agenda for Monday, April 11, 2005. **Voted 4-0.**

Amendment 1:

Lisa Low, Town of Oxford Grant Writer – Open Space Grant. Lisa Low not present to discuss the Open Space Grant but Commissioner T. Adamski stated that he spoke with L. Low and she stated that the Commission will have to get a “Yellow Book Appraisal” on the property they would like to purchase. He also stated that multiple applications can be submitted at the same time and letters of support from Planning & Zoning, Inland Wetlands, Conservation Commission, and Board of Selectmen.

Commissioner S. Purcella volunteered to write a letter of support. The Commission agreed.

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

Amendment 2, 3, & 4:

IW-05-52 Mike Yannes 10 Davis Road (Lot 6A) (Residential Dwelling).

IW-05-42 Mike Yannes 14 Davis Road (Lot 2-4A) (Residential Dwelling).

IW-05-43 Mike Yannes 12 Davis Road (Lot 2-5A) (Residential Dwelling).

Fred D’Amico a P.E., L.S. of 9 Park Road, Oxford, CT 06478 present and applicant Mike Yannes of 142 Tremont Street, Ansonia, CT 06401 both present to discuss applications IW-05-42, 43, and 52.

F. D’Amico introduced himself and explained that Lots 4, 5 & 6 have detention ponds and he stated that the temporary sediment ponds will be cleaned out when the subdivision is completed. Discussion ensued between the Commission Members and they agreed on an individual site walk prior to any approval issued for Lots 4, 5 & 6 for Davis Road.

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

Referred to the next Regular Meeting. .

Amendment 5:

Inland Wetlands Regulations. Staff noted that the General Statutes of Connecticut have been revised to January 1, 2005 and have to schedule a Public Hearing to revise the Inland Wetlands & Watercourses Regulations. The Commission stated that they would review the regulations.

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

Referred to the next Regular Meeting. .

OLD BUSINESS:

1. **IW-04-350 Berkshire Road, LLC 52 Donovan Road** (Lot 13) (Commercial building & wetlands crossing for driveway). **Exp.** 4/13/05. Applicant and owners Lou Segneri of Sweetbriar Lane Sandy Hood, CT and Bill Valentine of 52 Donovan Road Oxford, CT both present and to submit revised plans dated 4/11/05.

(Continued IW-04-350)

Staff noted that a Conservation Easement description dated 4/6/05 was received and gave a copy to the Commission Members to review. Staff also noted that a letter from Town Attorney, R. Uskevich dated 4/5/05 was received and stated that he reviewed the Conservation Easement and finds it to be in order. A copy was given to the Commission Members to review.

Chairman M. Herde suggested to **DELETE** on page 2, paragraph 2, sentence 2 and add No cutting of trees and vegetation in the "*Conservation Area*" without permission by the OCCIWA. The Commission agreed. Commissioner S. Purcella suggested to **CHANGE** on page 1, paragraph 2, sentence 1 by deleting March 18, 2005 to April 11, 2005. The Commission agreed. Staff asked L. Segneri to initial page 1 and 2 with the changes and L. Segneri and B. Valentine to sign and date page 3 as revised.

D. Nafis stated that Note 4 on Sheet 1 of 2 has to be revised to state:

Note 4. Provide 4' x 15' x 0.5' for a **36.5 cu. ft.** containment are for a total of 3 to 5 – 55 gallon drums (i.e. 1 to 2 motor oil, 1 to 2 hydraulic fluid, 1 waste drum) 55 gallon = 7.35 cu. ft.

L. Segneri stated that he would have A. Shepherd submit the revised plans to reflect the change. The Commission 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 Commissioner T. Adamski and seconded by Commissioner S. Purcella to **APPROVE** IW-04-350 Berkshire Road, LLC 52 Donovan Road (Lot 13) (Commercial building & wetlands crossing for driveway) based on the final approved plans dated *June 10, 2004* last revised *April 11, 2005* with a condition of approval and the Conservation Easement dated *April 11, 2005*. The condition of approval is as follows:

1. Change **Note 4** to: Provide 4' x 15' x 0.5' for a **36.5 cu. ft.** containment are for a total of 3 to 5 – 55 gallon drums (i.e. 1 to 2 motor oil, 1 to 2 hydraulic fluid, 1 waste drum) 55 gallon = 7.35 cu. ft. (To be submitted to the Inland Wetlands Agency).

The reason for approval is mitigation provided for disturbance in the upland review area and minimal long-term impact to the wetlands and pond. **Voted 4-0.**

2. **IW-05-5 (Ref # IW-03-237) James Nemergut Old Country Road** (Carriage Estates, Phase III) (Lot 55) (Site Plan Modification) (Box Culvert in lieu of Original Bridge proposal). **Exp.** 4/13/05. Applicant James Nemergut of 50 Birdseye Street, Stratford CT present. Fred D'Amico a Professional Engineer and Land Surveyor present to represent the applicant.

A. Ferrillo submitted 8 pictures of the site taken on 3/29/05 for the record and the Commission to review. Commissioner L. Hellerich submitted 7 pictures of the site taken on 4/5/05 for the record and the Commission to review. The Commission reviewed all the pictures. The Commission stated that they walked the site on 4/5/05.

J. Nemergut introduced himself and stated that the Commission should reconsider the original bridge proposal because the bridge was an overload. He explained that the proposed box culvert will be an open bottom.

Fred D'Amico introduced himself and submitted a letter dated 3/11/05 for the Commission to review. The letter is a summary of the potential impacts to the proposed wetland crossing at the subject project including as it is currently accepted and as is proposed. Below is the chart:

(Continued IW-05-5)

CROSSING TYPE	FILL AREA OF WETLANDS	VOLUME FILLED
Bridge (Original Approval)	5,000 SF	1,050 CY
4' Box Culvert	4,900 SF	1,250 CY
6' Box Culvert	4,970 SF	1,230 CY
8' Box Culvert	4,640 SF	1,210 CY

Commissioner T. Adamski asked F. D'Amico what the height of the bridge was on the original proposal. F. D'Amico stated that it would've been 10 feet. Commissioner T. Adamski suggested to the Commission suggested a height between the bridge and box culvert. Commissioner L. Hellerich suggested an 8 feet high box culvert because the wildlife would be impacted if there is low light. J. Nemergut stated that the box culvert would be 50' long. Chairman M. Herde suggested 12 feet span wide arched box culvert with a minimum height of 6 feet and retaining walls at the end. The Commission agreed. F. D'Amico stated he would revise the plans and submit it to the Commission at the next Regular Meeting.

Staff noted that this application is due to expire on 4/13/05 and an extension is needed. F. D'Amico signed the request form for an extension dated 4/11/05.

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

MOTION made by Commissioner S. Purcella and seconded by Commissioner T. Adamski to **APPROVE** the 35-day extension for application **IW-05-5 (Ref # IW-03-237) James Nemergut Old Country Road** (Carriage Estates, Phase III) (Lot 55) (Site Plan Modification) (Box Culvert in lieu of Original Bridge proposal). **Voted 4-0.** The new expiration date is: **May 18, 2005.**

Staff noted that this is the last extension for this application.

Referred IW-05-5 to the next Regular Meeting.

3. **IW-05-11 (Ref # IW-04-40) D.T.I. Enterprise, LLC 100 Oxford Road** (Lot 11) (Commercial Building) **Exp.** 4/20/05. Applicant not present.

Staff noted that she received a fax for a request for a 65-day extension dated 4/11/05 from Michael Horbal, P.E., L.S.

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

MOTION made by Commissioner S. Purcella and seconded by Commissioner L. Hellerich to **APPROVE** the 65-day extension for application **IW-05-11 (Ref # IW-04-40) D.T.I. Enterprise, LLC 100 Oxford Road** (Lot 11) (Commercial Building). **Voted 4-0.** The next expiration date is: **June 24, 2005.**

Staff noted that this is the last extension for this application.

Referred IW-05-11 to the next Regular Meeting.

1. **IW-05-18 G & F Rentals, LLC 106 Willenbrock Road** (Lot 21-5) (Industrial/Commercial Buildings, Storage, Contractors Yard, Retail, and Wholesale Sales) (21,094 s/f of URA impacted). **Exp.** on 5/4/05. Applicants/Owners not present.

(Continued IW-05-18)

Staff noted that she received a 30-day extension for application IW-05-18 and it's not necessary to vote on because the application is due to expire on 5/4/05 but the extension would remain in the file. Staff also noted that a letter was received on 4/11/05 from G & F Rentals stated that they are currently in the process of schedule the soil scientist to go out to the site but have not been successful.

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

Referred IW-05-18 to the next Regular Meeting.

NEW BUSINESS:

NEW APPLICATIONS REQUIRING OCCIWA APPROVAL (ACCEPTANCE):

1. **IW-05-41 Walter Sorrentino 86 Chestnut Tree Hill Road Ext.** (Lot 14) (6-Lot re-subdivision).

Staff noted that the application is complete and gave a copy to Town Engineer, Dave Nafis to review and submit his comments.

MOTION made by Commissioner L. Hellerich and seconded by Commissioner S. Purcella to **ACCEPT** IW-05-41 Walter Sorrentino 86 Chestnut Tree Hill Road Ext. (Lot 14) (6-Lot re-subdivision) as a **COMPLETE** application. **Exp.** 6/15/05. **Voted 4-0.**

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

1. March 28, 2005 Regular Meeting Minutes.

MOTION made by Commissioner S. Purcella and seconded by Commissioner T. Adamski to **APPROVE** the Regular Meeting Minutes from Monday, March 28, 2005 with the following change(s):

Amendments to Agenda: Pg. 1 of 11, Paragraph 13, **MOTION**, Delete, T. Adamski and

IW-04-350: Pg. 6 of 11, Paragraph 4, **Note 4**, change: are to **area**.

Voted 4-0.

2. April 5, 2005 Special Meeting Minutes for application **IW-05-5 (Ref # IW-03-237) James Nemergut Old Country Road** (Carriage Estates, Phase III) (Lot 55) (Site Plan Modification) (Box Culvert in lieu of Original Bridge proposal).

MOTION made by Commissioner T. Adamski and seconded by Commissioner L. Hellerich to **APPROVE** the Special Meeting Minutes from Tuesday, April 5, 2005 for application **IW-05-5 (Ref # IW-03-237) James Nemergut Old Country Road** (Carriage Estates, Phase III) (Lot 55) (Site Plan Modification) (Box Culvert in lieu of Original Bridge proposal). **Voted 4-0.**

ENFORCEMENT OFFICER REPORT:

March 2005

(Continued Enforcement Officer Report – March 2005)

Approvals issued No activity in Wetlands..... 20

State Fees.....\$ 750.00

Town Fees..... \$ 11,910.00

Total Fees Collected..... \$ 12,660.00

Inspections..... 50

Complaints..... 0

Violations 2

- 1. Meadowbrook, S & E Breach.
- 2. Oxford Greens, S & E Controls and debris on site.

C.O. Sign Offs..... 18

Total Hours..... 147.5

Andrew Ferrillo, I.W. Enforcement Officer

APPLICATIONS NOT REQUIRING OCCIWA APPROVAL:

- 1) IW-04-204 Mountain Road Estates, LLC 353 Spruce Hill Drive (Unit 48) (C.O. Sign off).
- 2) IW-04-302 Mountain Road Estates, LLC 348 Spruce Hill Drive (Unit 51) (C.O. Sign off).
- 3) IW-04-302 Mountain Road Estates, LLC 320 Spruce Hill Drive (Unit 69) (C.O. Sign off).
- 4) IW-04-302 Mountain Road Estates, LLC 322 Spruce Hill Drive (Unit 68) (C.O. Sign off).
- 5) IW-05-44 Mike Wasko dba Baldwin Construction 1 Skyline Drive (Addition).
- 6) IW-05-45 Jensen Farm Estates, LLC 25 Jensen Farm Road (Lot 11) (Residential Dwelling).
- 7) IW-05-46 Bud Dale 42 Bowers Hill Road (Barn).
- 8) IW-05-48 Michael & Amy Dolan 65 Larkey Road (Inground pool).
- 9) IW-05-49 Paul Beliveau 157 New Gate Road (Barn).
- 10) IW-05-50 Deanna Swetz 178 Moose Hill Road (Garage).
- 11) IW-05-51 Fawn Meadow Estates, LLC 12 Apple Drive (Garage).
- 12) IW-05-53 Generation II Builders, LLC Carriage Estates (Phase 2) (Crusher/Trailer).
- 13) IW-05-54 Donald Laferriere 15 Larkey Road (Garage).
- 14) IW-05-55 Elizabeth Varga 3 Hemlock Trail (Residential Dwelling).
- 15) IW-05-56 Helena Cole 6 Highland Road (Deck).
- 16) IW-05-57 David Kupec 16 Larkey Road (Lot 1-1B) (Residential Dwelling).
- 17) IW-05-58 David Kupec 18 Larkey Road (Lot 1-2B) (Residential Dwelling).
- 18) IW-04-18 Pulte Homes, Inc. 159 Country Club Drive (Unit 30) (C.O. Sign off).
- 19) IW-05-59 Generation II Builders, LLC 2 Tall Pines Drive (Lot 27) (Residential Dwelling).
- 20) IW-04-302 Mountain Road Estates, LLC 350 Spruce Hill Drive (Lot 50) (C.O. Sign off).
- 21) IW-03-184 Abar Development 12 Chauncey Drive (Lot 20) (C.O. Sign off).
- 22) IW-05-60 Pools by Murphy 14 Tall Pines Drive (Inground pool).
- 23) IW-05-61 Richard Chaffee 32 Coppermine Road (Addition).
- 24) IW-05-62 Town of Oxford Park & Recreation Great Oak Road (Skate Park).
- 25) IW-05-63 Lombardi Building 19 Kyle Court (Lot 1) (Residential Dwelling).

MATTER OF LITIGATION & VIOLATIONS:

1. **IW-03-226 Robert Magi, 11 Hemlock Trail** (Lot 104) (Violation-activity in a regulated area).

Note: Commissioner S. Purcella recused herself from Meeting Room B.

Staff noted a letter dated 3/29/05 was sent to Eric Knapp regarding the proposal submitted by R. Magi's attorney J. Pinheiro. A copy of the letter was given to the Commission Members (excluding Commissioner S. Purcella) to review.

Staff also noted that a letter dated 3/30/05 from Branse & Willis, LLC was received regarding Magi 11 Hemlock Trail. A copy was given to the Commission Members (excluding Commissioner S. Purcella) to review.

The Commission agreed on recording the Cease & Restore Order 11/16/05 in the Oxford Land Records.

Chairman M. Herde asked the Commission again 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 **RECORD** the Notice of Violation/Cease & Restore Order for Robert & Dawn & Patricia Magi 11 Hemlock Trail, Map: 15, Block: 55, Lot: 104, Oxford, CT dated *November 16, 2004* in the Oxford Land Records with the Oxford Town Clerk. **Voted 3-0.**

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

Note: Commissioner S. Purcella returned to Meeting Room B.

2. **166 C Brennan/Oxford Supply/Fanotto, Oxford Glen, Roosevelt Drive** (Violation).

Referred 166 C to the next Regular Meeting.

3. **John Calderwood & Ken Hogan Davis Road** (Wetlands Violation).

Referred to the next Regular Meeting.

4. **IW-04-V-163 Alberti Realty 369 Oxford Rd** (Violation/Cease & Desist Order).

Referred IW-04-V-163 to the next Regular Meeting.

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

Referred to the next Regular Meeting.

PUBLIC HEARINGS: None.

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

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

1. Letter from OCCIWA to Branse & Willis, LLC dated 3/29/05 for Robert Magi IW-03-226.

(Continued Correspondence)

Refer to Matter of Litigation & Violations IW-03-226.

2. Letter from Branse & Willis, LLC dated 3/30/05 for Robert Magi IW-03-226.

Refer to Matter of Litigation & Violations IW-03-226.

3. Zoning Bulletin Volume 53, Number 6 dated 3/25/05.

A copy of the Zoning Bulletin Volume 53, Number 6 dated 3/25/05 for the Commission Members to review.

COMMENTS FROM THE CHAIRMAN & OTHER COMMISSION MEMBERS & STAFF:

1. Oxford High School Site.

Staff noted that the Oxford High School Committee will be submitting an application in May 2005.

Referred to the next Regular Meeting.

2. Town Wide Cleanup Oxford, CT.

Commissioner S. Purcella stated that there will be a town wide cleanup to beautify Oxford on Saturday, April 30, 2005, rain or shine, from 8 AM – 4 PM and submitted a pledge form to the Commission Members to review and if interested volunteer.

Commissioner T. Adamski submitted a suggested clean up areas for Oxford Businesses dated 4/11/05 for the Town wide cleanup. A copy was given to the Commission Members to review.

OTHER:

1. **IW-04-270 Richard Ragozzine 1 Oxford Road** (Lot 36) (Mobil Gas Station) (New Store, Parking, Gas Pumps & Islands and replace storage tanks).

Staff noted that she has not received the revised plans to date.

Referred IW-04-270 to the next Regular Meeting.

2. **IW-03-252 Christian Street Associates, L.P. (Glendale) Jacks Hill Road** (94-Unit over 55 Community Housing) (Site Plan Modification).

A letter from Donald Smith Jr., P.E. dated 4/7/05 was received advising the Commission to withdraw the site plan modification application and refund the application fee as may be appropriate. Staff noted that the applicant has paid \$650.00 in application fee and \$30.00 for the state fee. It was explained that the state fee is non-refundable and to date a Nafis & Young invoice has not been received therefore, an appropriate fee can not be configured until the invoice is received. A copy of the letter was given to the Commission Members to review.

A letter from Donald Smith Jr., P.E. dated 4/11/05 was received stating that the revised plans dated 3/21/05 were submitted and reflect the conditions of approval from P & Z. A copy was given to the Commission Members to review. Chairman M. Herde asked staff to contact D. Smith attend the next Regular Meeting to discuss this letter and the revised plans. The Commission agreed.

(Continued IW-03-252)

Referred IW-03-252 to the next Regular Meeting.

ADJOURNMENT:

MOTION made by Commissioner S. Purcella and seconded by Commissioner L. Hellerich to **ADJOURN** the Regular Meeting at 10:06 PM. **Voted 4-0.**

Respectfully Submitted,

Anna M. Silva
OCCIWA Secretary

/as