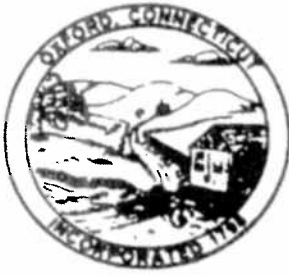


May 12, 2015



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

Oxford Conservation Commission Inland Wetlands Agency

REGULAR MEETING MINUTES

Tuesday, May 12, 2015

The **Regular Meeting** of the Oxford Conservation Commission/Inland Wetlands Agency was held in the Main Meeting Room of the S.B. Church Memorial Town Hall on Tuesday, May 12, 2015.

Meeting was called to order at 7:41 P.M. by Chairman Michael Herde

ATTENDANCE ROLL CALL: Chairman M. Herde

COMMISSIONERS PRESENT: Tom Adamski, Ethan Stewart, Susan Purcella Gibbons and Bill Richter

STAFF: Also present: I/W Enforcement Officer Andy Ferrillo Jr. and Denise Randall Administrative Secretary

ABSENT:

None

AUDIENCE OF CITIZENS (NOT FOR PENDING APPLICATIONS)

None

AMENDEMENT TO AGENDA:

OLD BUSINESS:

1. (IW 13-93) **Cocchiola Paving** -Riverview Subdivision (Discussion and review of environmental report on proposed brook crossing (re-court order)

MOTION made by **Commissioner S. Purcella Gibbons** and seconded by **Commissioner T. Adamski** to accept the amendment to the agenda which is **(IW 13-93) Cocchiola Paving - Riverview Subdivision** (Discussion and review of environmental report on proposed brook crossing (re-court order) All in favor **5-0**).

(PRE-APPLICATION)

None

NEW BUSINESS:

1. **(IW 15-20)** David Steeves, 10 Oxford Rd., Oxford, residential attached garage, 1.59 acres

I.W.E. Officer A. Ferrillo stated: We have Mr. David Steeves present, owner of 10 Oxford Road who has an application in for a residential attached garage but also a violation in a regulated area.

Chairman M. Herde asked: Ok. This violation on Hoadley Pond, cutting trees and didn't realize it was wetlands.

Mr. Steeves stated: I didn't realize it was a regulated area.

Chairman M. Herde asked: Have you built in Oxford before?

Mr. Steeves replied: Yes.

Chairman M. Herde asked: Have you built in Connecticut before?

Mr. Steeves replied: Yes.

Chairman M. Herde asked: Ok. Have you gone to a Wetlands Commission before?

Mr. Steeves replied: We usually hire the architect.

Chairman M. Herde replied: Ok. It is a good idea to start with the Inland Wetland regulations because it starts with cutting trees.

Chairman M. Herde asked: What do we have for a plan at this point?

Mr. Steeves replied: We don't have the architectural plan just yet. We did a site plan and a color rendering, we can pass this around. Shows the garage, cleans it up and whatever is good on slopes. We will also put up this fence (pointing to the artist rendering).

Chairman M. Herde asked: It's commercially zoned right?

I.W.E. Officer A. Ferrillo stated: Well right now it's a house, it is commercial zoned.

Mr. Steeves stated: I want to put up this garage for myself.

I.W.E. Officer A. Ferrillo added: It will still remain residential.

Mr. Steeves pointed out where he would like parking.

I.W.E. Officer A. Ferrillo stated: This is a Zoning issue but they will let you know that you can't mix it so if you're going to have a business it can't be both.

Mr. Steeves stated: Yes, Zoning explained as long as everything is inside, I should be ok.

Chairman M. Herde asked: This is kind of a preliminary meeting, right? Do you have an actual cease & desist?

I.W.E. Officer A. Ferrillo stated: Right now it is a verbal stop order.

Chairman M. Herde stated: Ok, The first thing is you can get some of the stuff cleaned up but do not pull any stumps out until we have an idea of the finished product. There is not a lot of things you can do but we have to do it the right way.

Mr. Steeves agreed.

I.W.E. Officer A. Ferrillo asked: Are you planning on maintaining that fence that is there now?

Mr. Steeves replied: No, that is all coming down.

Chairman M. Herde asked if the wetlands were flagged.

I.W.E. Officer A. Ferrillo replied: There are no wetlands flagged. Visually the wetlands start at the water and it's a pretty abrupt change. As you go north on the property, I don't know how much of that property is yours, then there are some wetlands that are not submerged.

Mr. Steeves stated: I own all the way down to the pump house, part of it is in Seymour. (Pointing to the map and showing the property lines) I cleared the area right along the pond that was filled at some point because when we did the perk test, the top soil was 4 feet down. Someone filled it maybe when the highway went in. It was way before my time.

Chairman M. Herde asked about the fee charge.

I.W.E. Officer A. Ferrillo stated: Actually the whole property there, I charged him for 2000 square feet of impact. There should be an adjustment on that.

Chairman M. Herde stated: That's probably good for the tree cutting area but for the disturbance in the parking area, which I think we are going to need an accurate map on. We will need to know what the drainage in the parking area will be; just like the where the bakery is going.

I.W.E. Officer A. Ferrillo asked: You're not paving the parking area, right?

Mr. Steeves replied: No. Maybe some rip rap there.

Chairman M. Herde stated: Something that's going to catch the water before it goes into the pond, such as a rain garden.

I.W.E. Officer A. Ferrillo added: Yes a rain garden. Dig it out and put some appropriate soils there and top off with some type of mulch so the water can seep into it. Fritz it's going to do something similar soon.

Commissioner T. Adamski asked: What is the distance between going to be between parking and the pond?

I.W.E. Officer A. Ferrillo replied: Probably about 10 to 12 feet.

Chairman M. Herde added: It's hard to tell because it's not on a map.

I.W.E. Officer A. Ferrillo stated: Your fence line is down to the water, it pretty much slopes right down to the water.

Chairman M. Herde stated: That bank should be re-planted with something long term that's going to hold. There should be a planting plan on that.

Chairman M. Herde stated: Ok. The Commission is going to need details on the planting and also the parking area, drainage in the parking area and some sort of plan or restoration plan for the banks for stabilization. We will also be checking on it. I think there should be some controlled draining. At this point if you're going to be doing improvements then the drainage should be improved along with it.

I.W.E. Officer A. Ferrillo added: Maybe direct the flow towards the rain garden.

Chairman M. Herde added that there will be additional fees applied that will be adjusted when you come in with a plan.

I.W.E. Officer A. Ferrillo stated: Make sure he puts the plantings on the map.

OLD BUSINESS:

1. **(IW 14-54)** Oxford Towne Center, LLC, 274-300 Oxford Road, (map 34, Block 9, Lot EV6, 31B, 31A, 25) Mixed use development. (Approved at special meeting on August 19, 2014)

2) ONYX France –**(IW 14-92)** 16 N. Larkey Road

I.W.E. Officer A. Ferrillo stated: We have not yet had a response from the applicants engineer. We have informed Jim Galligan (Town Engineer) not to proceed with anymore engineering review until payment for review already performed is paid in full.

3) **(IW-03-298)** Ferris Properties, LLC Prokop Rd (Lot 4 Building & Storage).

I.W.E. Officer A. Ferrillo stated: Mr. Robert Sherwood (applicant Engineer for Ferris Properties) has revised plans for us soon a will be coming in with the revised plans as well as a check for the revised invoice probably in a week or so.

4) **(IW 15-10)** Mark Purington-(Owner) Echo Valley Road (proposed single family home) Map 34, Block 9, Lot EV4

I.W.E. Officer stated: We are still awaiting the bond information on this but Secretary Denise Randall did find out that the applicant received there rebate check already.

5) **(IW 13-93) Cocchiola Paving** -Riverview Subdivision (Discussion and review of environmental report on proposed brook crossing (re-court order)

Mr. Mike Horbal (Mike H. Horbal Land Surveyors) Good Evening, I'm present with Mr. Tony Cocchiola (applicant) and this is parcel D, a 2-lot subdivision off of Punkup Road in Zone A and I think the Commission is quite aware of its location. We are proposing to access those 2 lots by crossing an intermittent watercourse. In the plans that we had drawn back in September of 2012, we had previously met with the Commission and in the process at different times revised the drainage and ultimately settled on crossing the intermittent watercourse with two 36 inch pipes in some drop manholes and some rip rap. We have been asked to look more carefully at the crossing to see if we can improve any of our proposal and for that we have had soil scientist Jen Beno take a look at it. She is a wildlife biologist and will talk about her inspections at the site. You will recall that when we tried to have her do the inspections, the long snowy winter prevented us from performing this. The plans we submitted 2 years ago have stayed the same. The erosion control methods, the slope stabilization are identical to those we proposed in the first subdivision that your commission approved. There has been no changes, no additions to the plans whatsoever. I think at this point, unless there are questions, it would be a good time to have Jen Beno report on her findings, her review of the site and of her plans.

The Commission had no questions at this time.

Ms. Beno passed out to the Commission her report. Attorney Olson also has a copy.

Ms. Beno stated: Soil scientist and Environmental Services and I have been with the firm almost 21 years. We first delineated the wetlands way back in 2000, 2001 and a few other times in between. With all the snow this winter it sort of impeded this job and other jobs and so I went out there March 31st, 2015 with a representative from Mike Horbal's office and wanted to double check the intermittent watercourse, the river and also wetland area just to make sure nothing as really changed from my previous site inspections and I found that nothing has really changed. There are some pictures in the report on page 2 which shows the narrow wooded swamp wetland and on page 3; it shows the intermittent watercourse at the driveway crossing for lots 5 and 6. You can see a bit of higher bank undercutting erosion here. (Pointing to the picture) The principal function of the wetland that's on lot 6 is wildlife habitat, its very narrow and very similar to the vegetation to the adjacent upland area. The primary function of the intermittent watercourse is to convey the surface water runoff down the hillside. Finally on page 4, there is a picture of 5-mile Brook. There will be two 36" pipes and rip rap that we placed in the intermittent watercourse that will serve to stabilize the intermittent watercourse where there is actually some erosion occurring and prevents any further erosion and sedimentation to downstream watercourses. The purposed intermittent watercourse crossing will not adversely impact the function by installing the pipes it will allow the continued advanced the storm water down the hillside and the rip rap will provide stabilization. So it's actually an enhancement to the intermittent watercourse. We did make a couple of recommendations and I will hand them out to you. One is for shrub plantings, which is right next the intermittent watercourse crossing which is right next to the driveway.

Ms. Beno then recommended which planting types would be best for tolerating these soil types and provide some soil stabilization and some screening to the intermittent watercourse and some wildlife habitat.

Ms. Beno stated: I think this concludes my report.

Attorney Mark Shipman stated: I represent Mr. Cocchiola and the idea here is that while the court made a decision with respect as to whether or not there was an adverse impact then it was referred back to you or action consistent with that decision, which means that while most of the discussion at the prior meeting was on finding an alternate route that is not the issue anymore and we need to deal with the crossing that we have. By having Jen put together some additional plantings and accessing the impact of the watercourse, making the same determination that Mr. Horbal did that the 36 inch pipes will improve the overall function of the watercourse which is to carry the watercourse down to the stream. I don't know if you have any questions, you have all seen the prior plans already and they haven't changed.

Chairman M. Herde asked: Would the drop manholes impede the travel and/or function of wildlife?

Jen Beno replied: We didn't do a wildlife study but I imagine the only wildlife I have seen in that area are Deer, Coyote and Fox, larger type mammals. There is no issue with amphibians and I didn't see any vernal pools in the area.

Chairman M. Herde stated: I'm thinking with the amphibians, we usually see especially after a storm event.

Jen Beno replied: Yes, there is really no place in that area for a vernal pool.

Chairman M. Herde stated: Well, I wasn't bringing up vernal pools at all, just amphibians.

Jen Beno replied: In an area where you might have had a vernal pool with a plateau little bit and if you know these spotted salamanders have really short legs and they really can't maneuver around too much.

Commissioner Bill Richter asked: The picture show the watercourse, would you say that is almost peak water or low water based on the amount of snow?

Jen Beno replied: I really can't answer that but Mr. Horbal may be able to.

Mr. Horbal replied: With my observation the watercourse is mostly non-existent. It may be a trickle at times but I have hardly seen any at all and I don't think there was any it in last Friday when I was there.

Chairman M. Herde stated: I have been there where you could ride kayak through it.

Mr. Horbal stated: Oh, I believe it.

Chairman M. Herde added: I know it may not be caused by the gravel pit but when that thing runs, you would have trouble walking across it. There is a lot of volume.

Mr. Horbal stated: That's its function. I would like to say something in my observation without detailed study, I think since the development at the top of the hill with Old Country Road and such, we seem to get flash flooding. That's why we wanted to place in the those drop man holes to knock down the velocity of the energy of the water coming through because otherwise downstream we are going to try and minimize the erosion that goes into the brook and ultimately into the river.

Mr. Shipman added: That is the primary function on the uplands and it does that in dry times and in heavy rains it serves a lot of purpose.

Commissioner B. Richter asked: How much pipe and how long?

Commissioner T. Adamski replied: With the drop manholes, there isn't any pipe.

Mr. Horbal added: The overall length of it inlet to outlet is 70 feet.

Commissioner T. Adamski asked: Is there any alternative to an open bottom box and what we have here?

Mr. Horbal replied: There are different types of culvert pipes but on that grade how would it hold.

Commissioner T. Adamski asked: This raises the other question I have. Does this provide any habitat that would be disruptive?

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Jen Beno replied: To the intermittent watercourse no. It's dry most of the year.

Commissioner T. Adamski stated: So you're also implying that because of this design, there will be less disruption of habitat further down to the siltation.

Jen Beno replied: Correct. By correcting the erosion problem here we can prevent it.

Commissioner T. Adamski asked: Has Nafis and Young seen this?

I.W.E. Officer A. Ferrillo replied: The plan has not changed since he last inspected this site.

Mr. Horbal agreed and stated: Yes, just the plantings he has not seen.

Chairman M. Herde asked if anyone had anymore questions.

None asked.

MOTION made by **Commissioner S. Purcella Gibbons** to approve with conditions (**IW 13-93**) with the Soil Scientist and Environmental Report, including the plantings. Refer to planting plan and map dated 9/12/2012. **Seconded** by **Commissioner T. Adamski**. All in favor **5-0**.

Permit expires **5/12/20**

EXECUTIVE SESSION:

NEW APPLICATIONS REQUIRING OCCIWA APPROVAL (ACCEPTANCE)

CORRESPONDENCE:

OTHER BUSINESS:

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

MOTION made by **Commissioner S. Purcella Gibbons** to approve the minutes from April 14, 2015 and April 28, 2015 with the following corrections: April 14th minutes, page 4 second sentence should state BUI purchasing grit separator. Page 5 should read "made bigger" and the statement from the Chairman should read: Second paragraph: "very critical area as to how the

eco system works. The motion on Jason Scheurick's bond: the word "slop" should read "slope". **Seconded by Commissioner T. Adamski.** All in favor **5-0**.

ENFORCEMENT OFFICER:

I.W.E. Officer A. Ferrillo stated: I went to Global gas and spoke with the owners and I called the main office and spoke with them as well about the maintenance that is not kept up with.

I.W.E. Officer A. Ferrillo spoke about Riggs Street cease and desist (Mr. Mondo's property). I spoke to the Town Attorney regarding this matter that will include a caveat with fees going back to the beginning.

COMPLAINT/CONCERN:

APPLICATIONS NOT REQUIRING OCCIWA APPROVAL:

1/27/2014	Crystal Chandler	543 Quaker Farms Rd		finished Basement
1/29/2014	Matthew Zaloumis	315 Riggs Street		CO- Gen Repair, used car permit
2/24/2014	Eri Amyloid Lab	315 Riggs Street		Use Permit Tenant Fit up
2/19/2014	Master Brands CT	325 Riggs Street		Use Permit Tenant Fit up
3/10/2014	Brian Walsh	39 O'Neil Road		Interior work
3/13/2014	LLc	441 Oxford Rd.		Tenant separation, Exit stairs accessibility
3/17/2014	Crystal Holick	42 Highland Rd.		Finish bsmt
4/7/2014	Jeff Haney	244 Oxford Rd.		Expansion of Liquor Store
	David & Loreen			
4/9/2014	Rado	619 Championship Dr		Finish bsmt
4/22/2014	Hirschbeck	134 Oneil Road		Adding 780 sq. ft.
5/9/2014	441 Oxford Road	441 Oxford Rd.		rebuild barn roof
	John & Cheryl			
5/21/2014	Stephen	35 N. Mark Rd.		Addition over current family room
5/22/2014	Woodwork Design	84 Oxford Road		Tenant fit up
6/2/2014	Gyre 9, LLC	1 Jack's Hill Road		Warehousing, light assembly
		545 Putting Green	Green	Bath/shower
6/2/2014	Chris Kelly	In	Ln	remodel
6/4/2014	Gyre 9, LLC	1 Jack's Hill Road		wharehousing
6/18/2014	Stacy Hudson	43 Rolling Hills Dr		Interior repairs
6/18/2014	John Lavorgna & Co	31 Charter Oak Dr.		Complete Kitchen Renovation
6/18/2014	Erin Eglinton	63 Old Church Road		Finish bsmt
6/23/2014	Gen Quip, LLC	119 Hawley Road		Generator Sales & Service
	American			
6/24/2014	Restoration	176 Oxford Road		Replace 3 porches
6/25/2014	A. Smalis-Ct. bsmt	19 Riverbend Dr		Finish bsmt
6/25/2014	Adam Kinkel	17 Douglas Drive		heating system conversion
6/26/2014	CED Services, Inc.	3 Fox Hollow Road		Interior Fit-up offices

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6/30/2014	Dunkin Donuts	71 Oxford Rd.	Interior alteration/face lift
7/2/2014	Haynes Materials	297 Oxford Rd.	USPS
7/7/2014	Oxf Historical Society	60 Towner Lane	Sign
7/21/2014	Rachel Falbo	44 Wyant Road	Replace roof, sheet rock, kitchen closet and bathroom
7/22/2014	Great Oak School	50 Great Oak Road	Walk-in cooler
7/28/2014	Brian Greco	20 Sunrise Drive	Bsmt renovation
7/28/2014	Richard DiMauro	30 Tram Drive	Handicapp above garage
7/31/2014	Ken Hogan Const.	471 Roosevelt Dr.	Screen Porch/mud room
8/14/2014	DiGeorgi Roofing	3 Hilltop Ridge Road	Front Porch
8/25/2014	K. Mullen Construct.	470 Quaker Farms Rd	Partition wall 10' X 10'
8/27/2014	Polebuilt, LLC	520 Traditions Court	screen porch over deck
8/21/2014	John Mele	2 Tetlak Terr	Bsmt finish
	Colonial Pet		
9/2/2014	Cremation	207 Christian Street	Cremation
9/4/2014	Jonathan Benedict	112 Meadowbrook	Basement finish
10/1/2014	Glenn Fritz	72 Oxford Road	Car Show
10/2/2014	Haynes Develop	305 Spruce Hill Road	4 season porch
	Bill & Marion		
10/7/2014	Schrade	340 Niblick Lane	Partiall Finished Bsmt

MATTERS OF VIOLATIONS/LITIGATIONS:

1. (IW 13-93) Cocchiola Paving - Riverview Subdivision, (Permit denied, pending litigation) (return of record was completed and presented in court on April 2, 2014)
2. Cocchiola Riverview Subdivision review of bond reduction.
3. Notice of Cease & Restore -**10 Park Road** violation (Ms. Tkacz) (Pending Litigation)
4. Violations/restorations/litigations for 138 Coppermine Road (Jason Scheurick)

REPORTS ON SEMINARS, INSPECTIONS, and OTHER MEETINGS SCHEDULED OR ATTENDED NEWSPAPER ITEMS & P & Z MINUTES:

OTHER ITEMS OF CONCERN:

I.W.E. Officer A. Ferrillo reminded everyone about the email sent out to the Commission regarding a D.E.E.P. Class for Sessions Woods on June 24th which is free for whom ever would like to attend.

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COMMENTS FROM THE CHAIRMAN & OTHER COMMISSION MEMBERS
OTHER:

- 1) **Oxford Oak, LLC 360 Oxford Road** (Lot 39) (Stabilization of site).
- 2) Open Space Inventory Map. Completed by New England Geosystems
- 3) Town of Oxford Catch Basins (Silt Removal).
- 4) Storm Drain Marker Program (Phase II).

MATTERS OF CONSERVATION:

ADJOURNMENT:

MOTION made by **Commissioner T. Adamski** to adjourn at 9:13 p.m.
Seconded by **Commissioner E. Stewart**. All in Favor **5-0**

Respectfully Submitted,



Denise Randall
Administrative OCCIWA Secretary

15 MAY 28 PM 3:30
TOWN OF OXFORD, CT
TOWN CLERK
Christina H. West