

August 27, 2013



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, August 27, 2013

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, August 27, 2013.

Meeting was called to order at 7:32 P.M. by Chairman Michael Herde

ATTENDANCE ROLL CALL: Chairman Michael Herde

COMMISSIONERS PRESENT: Tom Adamski, Bill Richter, Sue Purcella Gibbons
Also present: I.W.E. Officer A. Ferrillo Jr. and Denise Randall Administrative Secretary and (Allan Young, P.E. and Part Owner of Nafis & Young, Town Engineer)

ABSENT:

None

AUDIENCE OF CITIZENS (NOT FOR PENDING APPLICATIONS)

None

AMENDMENTS TO AGENDA:

NEW BUSINESS:

I.W.E. Officer A. Ferrillo stated:

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Lot 5, Hart Court (Residential site development) Mr. Dustin Perkins (53 Pisgah Rd) Ms. Lindsay Quaranta (Monroe, Ct.) are both present with survey maps and an application for the building lot they both own. There are no wetlands on the property.

Chairman M. Herde stated: This is just in front of the Commission because it was previously perceived conflict of interest with the Enforcement Officer. For now, we ask any lots on Hart Court are to be signed off in front of the Commission. There are no wetlands and no regulated area and if the Commission wants to process right now, we can.

Commissioner S. Purcella Gibbons asked: Should we just refer this back to the Enforcement Officer?

Chairman M. Herde replied: I think the Commission itself should act on this and then after that we can see if the applicant has any kind of conflicts in the future and then we can put the Enforcement Officer back to process Hart Court permit applications or just deal strictly through the Commission. Can we get a vote on this application?

Commissioner T. Adamski asked if the application is complete and fees are paid.

Mr. Perkins and Ms. Quaranta filled out his application and wrote a check for the \$130.00 fee.

Commissioner S. Purcella Gibbons read the application permit out loud to the Commission.

MOTION made by **Commissioner S. Purcella Gibbons** to approve IW 13-85, Lot 5, Hart Court (residential site development) no impact to the wetlands. **Seconded by Commissioner T. Adamski** All in favor **5-0**.

Chairman M. Herde stated: When it comes time for the Certificate of Occupancy, Commissioner Adamski or myself will come out and do the inspection.

Mr. Perkins stated: Ok and thanked the Commission.

OLD BUSINESS:

1. (IW 13-7) Glendale at Oxford, LLC- Christian St.

I.W.E. Officer A. Ferrillo: Present here tonight is Attorney Chris Smith (Land Use Attorney for Shipman & Goodwin) also present with Mr. Manny Silva (Civil Engineer for Rose Tiso & Co) and Megan Raymond (Soil Scientist with William Kenney Assoc)

Attorney Chris Smith stated: For the record, my name is Attorney Chris Smith (Land Use Attorney with Shipman & Goodwin) and we are here tonight to discuss the Glendale Project that includes 94 single family homes with a road layout, drainage, utilities, sewer and water. There are 9 homes, of the original 94 approved homes only 9 have already been constructed to date. To summarize, this Commission had approved, regulated activity associated with the build-out of the 94 unit, 3 bedroom, single family homes. This is a modified plan that is for 137 dwellings limited to 2

bedrooms as opposed to 3 bedrooms and the goal is to keep the design as it was with the infrastructure as it was, the road layout, the grading and there would not be a substantial or material change relative to the regulated activities that this Commission already found not to have an adverse effect the wetlands and therefore you approved it last time around. So the idea was to keep it as an initial design, especially relative to regulated activities. For the record, I also have Megan Raymond (Registered Soil Scientist and wetland Scientist with William Kenney Assoc) who also submitted a report. I would like to introduce to you Mr. Manny Silva (Civil Engineer with Rose Tiso). Megan Raymond has put in her report that the application does satisfy the statutory factors for consideration that is set forth in 22A-41 which are incorporated into your regulations and one of those is no adverse impact. I would now like to turn it over to Mr. Silva and Megan Raymond, who can answer any questions that the Commission might have. We know that Mr. Allan Young (Town Engineer, Nafis & Young) has requested some additional information and Mr. Silva has some of this information but not all of it. Mr. Silva can let the Commission know how much longer it will take to obtain this information.

Mr. Manny Silva (Civil Engineer, Rose Tiso & Company): The Commission has asked me to expand this to the 100 foot line; previously it was at the 50 foot line. Mr. Silva gave the Commission updated information for each area. There are areas designated on the map of what was upland review impact and what we propose to impact.

Mr. Silva pointed out on his map the original approval and its upland review area, based on 100 year upland review area, which was not in place with the 50 foot upland review area. Now I want to show you on the map what we propose for reducing the impact. One of the ways we did this was eliminated the grading in this area for the nature walk. Instead of grading, it will be a boardwalk. In wetland area 9, we were able to bring the units closer to the road and get the disturbance line outside of the wetland area and not impact the wetland at all and reducing the upland review area impact. Most areas stayed the same. Mr. Silva pointed out the units that are built already which are already in the 100 foot upland review area. There is a retention pond to reduce impact.

Attorney Chris Smith and Chairman M. Herde asked Allan Young (Town Engineer) where we are at and what is still needed from the applicant.

Mr. Allan Young stated: On a status report as of August 26, 2013, the Storm Water Management Plan submitted to us on 8/19/13 basically utilizes data from 2003 and is not representative of the current project being proposed. We have asked them to update all that information to what is being proposed here. We have a lot of outstanding Planning and Zoning issues and those issues can very well affect the storm water management plan and how the storm water is handled on the site. For example, the Town Planner had recommended and the Commission has not decided either way that sidewalks are to be installed on the project because of the bus stop that will be there and that will certainly affect the storm water flows when you add that much impervious material. It may affect the 24 foot road proposal, if you put sidewalks in or they may have to add snow shelves if they don't. These are all things Planning and Zoning has under consideration. The other issue is the site line at the exit; it may be advantageous for them to move the second access road in order to get an adequate site line in both directions. In effect, the reviews between Inland Wetlands and Planning and Zoning are really co-dependant at this point and there are a lot of issues that need to be resolved. Some decisions really need to be made by the Planning and

Zoning Commission before things can really be wrapped up. The other thing, which doesn't involve Wetlands, is the traffic report which is still outstanding. We are not going to have total answers on storm water management plan until Planning and Zoning decides if they are going to require sidewalks, if the 24 foot road is adequate, if that entrance way should be moved and therefore a lot of outstanding issues which are co-dependent.

Chairman M. Herde asked Mr. Young: How are you with regards to calculations on storm water. As it stands right now, do you have adequate engineering and backing on it for the plan that sits before us.

Mr. Allan Young replied: We need from them, the updated drainage numbers for the proposal as it stands. Mr. Smith is saying that you're looking at a couple of weeks to get this information. Until we receive this we can't really do anything. The big issue is storm water management, grading and erosion controls.

Chairman M. Herde asked Mr. Young: About when did you ask the applicant for this information?

Mr. Allan Young replied: We reviewed this back in May of this year and brought up several issues and then we said we could not complete the review until they re-submitted another report which we received last Monday. Some of these comments are from last Monday's report. We also need an A-2 survey as well.

Chairman M. Herde stated: So as of today we are still waiting for accurate drainage reports and such.

Mr. Allan Young replied: Exactly.

Attorney Smith responded: We do have sidewalks and we do have the 24 foot wide road and one of the issues that Mr. Young referencing was the access at Jack's Hill Rd and mostly because of the site line issue and maybe having another turn here (pointing to the map) in a westerly direction which may go into the upland a little but differently. If the Commission would give us the extra time to get this done and have you act on this with the other as an alternative depending on what is going on and hopefully Mr. Young will agree with the calculations. For the next meeting, Planning and Zoning is going first and if they change something than we can ask the Chairman to come back to here.

Mr. Allan Young replied: Right, we are going to need a revised drainage report with all the current numbers that we can review. One other item we will need with an application this size is an A-2 boundary survey with the current conditions on the property. They have submitted one from 2003 with conditions existing at that time. I have asked for an A-2, signed by an L.S. at the beginning of this application. 2003 is too old. That is standard application stuff. These are the things outstanding.

Chairman M. Herde stated and asked: So it looks like a positive application, from my point of view, the overall proposal is that we have a lot of housekeeping to do. How are we at on our timeline?

I.W.E. Officer A. Ferrillo replied: We are well outside statutory legal limits. We have no statutory extensions we can grant.

Attorney Chris Smith stated: Of course the Commission is aware if we do go beyond the Legislative time frame, it doesn't result in an automatic approval it only enables an applicant to go and file with D.E.E.P. and rest assured, we do not want to do that. We are just trying to work with the Commission and trying to get this information generated. I do apologize for taking so long. I know you need the information to make that decision.

Chairman M. Herde stated: Yes, I have to say, we are a little frustrated with the information that has been being requested has not been produced and we are not used to that format and extensions just are ongoing.

Chairman M. Herde asked the Commission if anyone wanted to give their opinion on how to deal with this at this point? Where are we at with fees?

I.W.E. Officer A. Ferrillo stated: I asked Mr. Young to bring the latest invoice as to what is owed, at least up until tonight. I know you paid 3,030.00 so far.

Chairman M. Herde stated: Maybe we should just reset and start over.

Attorney Chris Smith stated: If we were to withdraw here, we would have to withdraw to Planning and Zoning as well and re-submit to both at the same time., we would like to wrap this up as to what is owed and if you can just give us a little more time. When is your next meeting?

I.W.E. Officer A. Ferrillo stated: We will get the exact amount that is owed to date and send this to you tomorrow. Our next meeting is September 10 and the following one will be September 24th.

Chairman M. Herde stated: I know it is hard to re-invent the wheel on this especially with all of the hard work on both sides that went into this application.

Mr. Allan Young asked the Applicant: Is it feasible to get the survey data we requested, the current A-2 and T-2 of all existing conditions and the revised storm management plan? What is a reasonable timeframe for this information?

Mr. Silva replied: Well the issue I have with answering that question is it is basically revisiting one of the appendices from the previous engineer's calculations.

Mr. Allan Young added: And the detention ponds.

Mr. Silva replied: Right, the detention ponds are a little bigger and we have more catch basins so we have to update this information and this should take maybe a week or two. One thing I don't have an answer for is updating the Cotis Spody map. Cotis Spody did an As-Built survey in 2009 for the town on the previous application.

Mr. Allan Young asked if there were contours?

Mr. Silva replied: He may have it but it is not on this map.

Mr. Young asked what the date is of the map.

Mr. Silva replied: 1/29/09

Mr. Young stated: This is the As-built for the nine lots. Normally within 3 months of the application date is usually standard. He should update the map. Four years is quite a span and the Commission probably wants to see the existing conditions relatively as of the date of the application.

Mr. Silva replied: I put in a request but I don't yet have a date. He is going to look at the site.

Mr. Young asked: 2 weeks is optimistic for you for the survey work, correct?

Commissioner T. Adamski stated: Really we don't have a final date for having all the data.

Chairman M. Herde asked: I understand about letting an application lapse but where are we on extensions.

I.W.E. Officer A. Ferrillo replied: We are outside the statutory limit. September 10th is the next meeting and September 24th is the last meeting in September.

Chairman asked the Commission for their opinion.

Commissioner B. Richter stated: It does not sound like 2 weeks will be enough time.

The Commission agreed to September 24th, 2013 date for a final vote.

Chairman M. Herde stated: This is not an extension; we are just not acting on it.

Attorney Smith stated: Ok, we will have all the information for you.

Chairman M. Herde asked Mr. Allan Young: Final engineering review, what, where and when?

Mr. Allan Young: We are planning to meet with Attorney Smith and Manny Silva and follow up information to be reviewed which will be an additional bill.

Chairman M. Herde stated: I want the bill in advance and paid before September 24th.

Mr. Allan Young replied: After we meet, I can obtain an estimate.

Attorney Chris Smith thanked the Commission and exited the meeting.

2. (IW 13-47) Garden Homes, Hurley Road.

A September 9, 2013 public hearing is still scheduled we have received a response from the applicant on the acceptance of the Town Engineer's review breakdown of Garden Homes.

Note: Nafis and Young have not started the review process for Garden Homes due the applicant's non-acceptance of the review fee to date.

NEW APPLICATIONS REQUIRING OCCIWA APPROVAL (ACCEPTANCE)

None

OTHER BUSINESS:

Jason Scheurick (138 Coppermine Rd.)

Mr. Jim Swift stated: For the record, I'm Jim Swift (Professional Engineer and Landscape Architect) and here with me is Jason Scheurich (the applicant for 138 Coppermine Rd.)

Chairman M. Herde read the recent review from Nafis and Young (Town Engineer) for 138 Coppermine Road.

Mr. Swift brought a revised map and a revised review to Nafis and Young's comments.

Mr. Swift stated: I wanted to let the Commission know that we have submitted to First Light and they seem to not have any issues but will review the application. Two things we have addressed and one is we had the site walk and the Commissioners made some comments about that. I added some larger plant materials at the bottom. They are a small tree version of Viburnum and there are 7 of those to beef up of the root mass. I took care of the Nafis and Young issues. I identified the high water elevation on Lake Zoar which is 100 based on the dam elevation. We did go with placing the base of the wall above the elevation of the water and wave action by 6 to 8 inches. So you will have the base of the wall and have a series of 8 inch cobbles above the elevation. We are clarifying the grade of the cross section of the cabana which is graded 2 to 1. We have now applied a legend to the map to clarify where the high water is, the wall and the cabana. There is one more request we would like to make, we did have a conversation with the contractor and we would like to get the Commissions opinion on the wall that goes all the way along the waterline. We did a little research and we would like the Commission to consider going with a large block, pre-cast concrete piece.

Mr. Swift then showed photos of the pre-cast concrete to the Commission.

Mr. Swift added: We understand that you may want to run this by Nafis & Young as well. It is a lot more massive and has key ways in it and would go in the same area. It will be little less time consuming.

Chairman M. Herde stated: That's a little more coarse on the architecture for the environment right there. Not sure if anyone else feels the same about that. It's different from natural materials that are there now.

Mr. Scheurick asked: How about if I had it faced?

Chairman M. Herde replied: Yes, that could work.

Mr. Scheurick asked: Could I get a 2 year time frame to get it faced?

Chairman M. Herde replied: Yes, that is a possibility.

Mr. Scheurick stated: Aesthetically, I would rather have it faced myself.

Chairman M. Herde replied: Yes, with facing it though, you want to make sure you use large enough stuff so that it's not something that comes down every year with the ice.

Mr. Swift agreed and asked: Is there any other type of wall the Commission would consider?

Chairman M. Herde replied: I was really anticipating a natural stone wall as there is a lot of stone along the lake there. Trying to keep the environment as natural as it can be.

Chairman M. Herde asked how late in the season is the draw down?

Mr. Swift replied the second week in October.

Mr. Swift then stated: For the record, we would welcome an action by the Commission for the plans as they stand and possibly and understanding if we come up with something, we will come back to the Commission. The draw down will help us quite a bit. It's pretty firm and flat down in that area.

Chairman M. Herde replied: Yes, I would be in favor of getting a small machine down there to do much neater work.

Mr. Scheurick stated: We have, with the draw down, about 12 days to get it done. We have the interlock and have the stone ready. I spoke with Mr. Galligan the other day, he said I should come out further do prevent wash coming underneath the wall so in deeper water, there would be less erosion under the wall. Maybe that would work.

Commissioner T. Adamski asked: So you're talking about having the interlock with the large stone in front of it?

Mr. Scheurick replied: No, I would get the regular interlock block and place the stone in front of it.

Mr. Swift showed on the map where the length of the wall and what the appearance of the wall would be.

Mr. Swift stated: We would appreciate and action from the Commission as it stands now.

Chairman M. Herde asked: Your high water mark, do you have the 100' elevation? There are other places that say elevation is 101'.

Mr. Scheurick replied: My deed says 100'

Mr. Swift added: That according to First Light is the data that should be used on all of these.

Chairman M. Herde replied: Ok. I would go by what First Light data says.

Mr. Swift stated: We will get the cobbles then, rather than having the water come up right to the wall, I would rather see it dryer.

Chairman M. Herde agreed and stated: Yes, I don't want to lose shoreline. However narrow that piece of shoreline is, it is a shoreline. From our regards, there are different environments in that river and something different lives in each depth and to me that is crucial to the lake.

Commissioner T. Adamski asked: If there is a facing in front of the interlock, I'm worried about it falling off?

Chairman M. Herde agreed and added: The wall has to be done the right way. Many walls and facing on walls on the lake, have fallen off.

Mr. Swift replied: It will be up to us to come back then.

I.W.E. Officer A. Ferrillo asked: Don't they make these walls with some type of a facing stamped into it?

The Commission and Mr. Swift all agreed they do and Mr. Swift showed photos of them.

Chairman M. Herde added and asked: It's definitely a tough spot; I'm still leaning toward something of a natural face. The time span on getting the plants in on the hillside and there are sections that can be planted in advance or in tandem with this excavation being done? I'm worried about the length of your growing season as well; it's a pretty harsh environment on that hillside during the winter.

Mr. Swift replied: I wouldn't want to do the plantings that are closest to the wall but we can do the upper ones.

Chairman M. Herde stated: Ok. I'm in favor of giving you permission to do the wall and place a foundation in and get all the excavation done as one lump sum as it makes sense.

Mr. Swift stated: If we get that work done in the beginning of October. I don't have any reservations about planting in November. Most of it is evergreen.

Chairman M. Herde stated: You should probably buy the plants ahead of time and putting the anti-transplant on them.

Mr. Swift replied: I think that is a good idea.

Chairman M. Herde asked: I was still wondering if there were any Alpine Pine Trees or anything as the hillside is kind of a Hemlock forest with mixed oaks and Conifers and maybe you can add Swiss Stone Pines.

Mr. Swift added: How about Japanese Pine?

Chairman M. Herde stated: Black Pine? Even up on the hill or further, if erosion got started it would just keep going.

Mr. Swift stated: If the Commission is inclined, we would not object.

Mr. Scheurick added: Down further, we are not going to take any of those stumps out so it can't be perfectly aligned.

Mr. Swift pointed out the seeded area for switch grass that would be placed in.

Chairman M. Herde asked: Is there much for stumps in there that were taken out.

I.W.E. Officer A. Ferrillo replied: No, no stumps were taken out. There may be upwards of a half a dozen, if that. (Pictures of the site were then shown by I.W.E. Officer and the applicant).

Mr. Scheurick added: It really wasn't a lot.

Chairmen M. Herde pointed on the map the area of the slope to plant Japanese Pines that have big root systems.

Mr. Swift replied: Ok, if this is a condition of approval then we would not object.

Mr. Scheurick showed photos to the Chairman M. Herde.

Chairman M. Herde discussed certain plantings in certain areas.

Chairman M. Herde then stated and asked: Ok, we have a discussion here about doing a primary wall, out of concrete block with some sort of a face on it. We will request a period of time to put a face on it. You're in a real sensitive area here. Then next thing to ask you is how you feel about bonding?

Mr. Scheurick asked what the bonding would be for?

Chairman M. Herde replied: It would be a performance bond with a time frame on when you have to finish and if you don't, then the town does it for you.

Mr. Scheurick stated: Well the project is going to happen anyway.

Chairman M. Herde stated: We have no control as what happens on your property after the application. Commercial projects and road projects we do a performance bond and there are different ways of doing. One way is you take a bunch of cash, give it to the town and when the project is done, you get it all back. The second way is an insurance bond and usually the going rate is like 1% per year and until you finish there is an insurance company backing you up that says they will pay it and then go after you instead. Sometimes there is a letter of credit from the bank and the bank holds like a home equity loan that you can draw on and there is a charge for it. Typically on a driveway there is a \$1,000 bond to get when you putting the apron on because it is considered part of a town road. So when working in a sensitive area that is a potential for a crises, there can also be bonding.

Mr. Scheurick asked: How much are we talking about?

Chairman M. Herde replied: I don't even want to give you a number here. We will speak to the Town Engineer about this and get back to you.

I.W.E. Officer A. Ferrillo agreed: I will call the Town Engineer tomorrow and workout an agreeable bond.

Chairman M. Herde stated: This is purely hypothetical but we have properties that change hands all the time with wetlands applications afterwards and we have to go into it with an open mind.

Mr. Swift asked is the bonding restricted to the wall and the plantings.

Chairman M. Herde replied: I would want it to encompass the entire project. Especially when our intention is give a permit for the whole project.

Chairman M. Herde then asked the Commission is everyone was in favor of this application?

Commissioner T. Adamski stated: Until we see something as a substitute for the original boulders. I would like to stay with the original boulders and then modify afterwards.

Chairman M. Herde stated: Time is of the essence here and there is not another draw down until next year.

Mr. Swift stated: As long as it is not 100% cash bond, and you have faith in us to finish.

Chairman M. Herde asked I.W. E. Officer: What is the format in the town hall? Is there a bonding agent?

I.W.E. Officer A. Ferrillo replied: All bonds are approved by Jim Hliva. We don't normally take bonds. We refer to Zoning on all bonds and they handle the paperwork.

Chairman M. Herde stated: It is up to you, which type of bond you would like.

Mr. Scheurick stated: Ok, I wasn't really planning on this.

Chairman M. Herde asked about a motion.

MOTION made by **Commissioner T. Adamski** to approve (IW 13-69) 138 Coppermine Rd project, during the October draw down, as presented with a few conditions. Retaining wall and foundation as presented. Any changes in the wall have to be re-addressed by the Commission. Applicant to look into and come back with an increased planting list that includes larger conifers on the hillside and we would like a list within 2 weeks. Some of those plants to be above the steepest section up into the next elevation change. The face of the wall to be above the high water mark and will be staked out ahead of time by the applicant's engineer/surveyor and be marked and witnessed by the Wetlands Enforcement Officer. Bonding to be set by the Town Engineer (Jim Galligan) **Seconded by Commissioner B. Richter.**
All in favor **5-0.**

PRE-APPLICATION:

I.W.E. Officer A. Ferrillo stated: We have a request for a pre-application meeting from B.U.I. Logistics (The Brewery) located at 7 Fox Hollow. They want to put an addition onto their existing building and are also considering buying the lot next door. They want to know the Commissions feelings on the area that is a vernal pool.

Chairman M. Herde stated: I am not pre-disposed to anything on the site, but I think the applicant was notified during the last application.

Gary Mead – President of Mead Construction Company and I'm the contractor that built B.U.I. facility.

Jie Liu – My Father-in-law is President of B-United and I run the distribution portion.

Mr. Mead showed the Commission the survey map and stated: The owners asked for more space on the property and I'm proposing this 4000 square feet addition at the rear section of the building. It would be 100 feet long by 45 feet wide and it brings it right to the edge of the conservation easement (pointing to the area on the map) and below is an underground cellar which we were permitted to build. The applicants would like to put a roof over it and have sort of a mezzanine area at a higher level to gain some more storage. I just want to point out a few things that I think are relevant to the wetlands aspect of it. This ground, where we propose to build, has already been disturbed with grading and we have a couple of drives there and so we are not asking to disturb any ground. Secondly, the only area that would have impervious area is the roof. I know the Fire Marshall wanted a driveway, there is a paved driveway coming up from the cul de sac that the Fire Dept asked for when

we did this addition and now he is asking for the driveway to be completely paved all the way to the new addition. I spoke with Scott Pelletier (Fire Marshall) and I knew that the Fire Commission was concerned about this but he said would be ok with pavers that have pervious holes in them so that the driveway would not be like asphalt but would be pervious. One other thing I would like to point out is there is a vernal pool and I have measured from the edge of what we propose to the limits of what I feel are the limits to the vernal pool. It's dry now, but you can see where there is no vegetation. It's about 100' from the closest point from the building. I know there might be concerns about amphibians coming out of this vernal pool. We are not obstructing the amphibians from going this way (pointing to the map) as the already constructed building prevents that and so therefore, it's not like we are preventing another path once they mature and leave the vernal pool. The areas of transit that are open now would remain open. One other thing is (pointing to his map) this area is a funny wetland as it is elevated and down here is lower than the wetland and we do have the option of either running roof drain water into the wetland or run it into an infiltration system and not have it enter the wetland at all. Whatever might be the best alternative.

Chairman M. Herde asked: It looks like the pink shaded area (pointing to the applicant's map) just comes in contact with the conservation easement.

Gary Mead replied: Right. Most of the building is within 50 foot width but this is 45 foot and takes it right to the edge of the conservation easement.

Chairman M. Herde asked: How much area after that though because aren't you still going to need a roadway around the building?

Gary Mead replied: We are going to be able to build this by working our way out. There will be a 13 foot wall as much of this building is down in the ground and we might, with a slope, go out 10 feet. Other than that we won't be intruding in the conservation easement during the construction.

Chairman M. Herde asked: And how about the roadway, won't you still need access for a fire truck back there, is the roadway right up against the building? Don't they want a certain distance between the building and the fire truck?

Gary Mead replied: The fire department already allowed a grassed roadway and it's very hard to drive a truck on and I did mention this to the Fire Department. We actually brought mixers across there for the prior addition and it was not easy. The fire department does want it to be more suitable for passage.

Chairman M. Herde agreed: Yes, especially in the winter.

Gary Mead replied: The fire department is ok with the fact it would end here and they do feel they can still fight a fire with the roadway ending against the building.

Chairman M. Herde asked: I know when you were in here before; that everyone said we were very uncomfortable with even placing the roadway and addition back there for the first addition.

Commissioner T. Adamski added: Yes, and knowing what we know now about vernal pools, the building wouldn't even be there to begin with.

Gary Mead stated: I tried to give you my opinion on why I think there is not so much additional impact for what we are proposing and it's good to get input from you. I believe Jie would like to explain in more detail, what we are proposing.

Jie stated: We are looking to buy the property next door and maybe build a whole new building. The problem with the warehousing space in this building is we can't just say, oh, here is 4000 square feet space here, it needs to be together because there are 53' foot trucks, loading docks and such. The result we think is beneficial to the wetlands and beneficial to us is, if we did 30,000 square feet on the next lot, there is a lot of asphalt. All of this asphalt could potentially drain in the wetlands and then Mr. Mead came up with this idea of just add 4000 sq. feet and it would satisfy the needs we have for warehousing without having to do damage on the lot next door in the area near the vernal pool. Our goal is to purchase the lot next door and we would like to make some greenhouses and plant hops and other things next door, with a lot less asphalt.

Chairman M. Herde asked where on the map is the vernal pool.

Gary Mead showed where the vernal pool, the wetland boundary and the property line is located.

Gary Mead stated: I'm not sure how far the vernal pool goes onto lot 3 but it looks to be about 70 feet by 40 feet in size and its dry now.

Chairman M. Herde replied: It should be dry right now.

Commissioner T. Adamski asked: Now, are you are planning to buy the other adjacent lot?

Jie replied: Yes, but hopefully not planning on building a 30,000 sq. foot building. We are hoping to do more greenhouses and plant more plants. We will probably build more buildings but smaller in size, it would not be a warehouse.

Chairman M. Herde asked: The sketches that are on the maps are your feasibility study and is one is from the original subdivision and you super imposed over it, correct?

Gary Mead replied: I laid out a 30,000 sq. ft. warehouse and within the setbacks and within the allowable building coverage and parking that might be required.

Chairman M. Herde stated: Bear in mind that the regulated area is not just for the structure, it's for all activities including cutting trees. Just don't misinterpret the regulations to early.

Jie replied: And that is fine, but this is still bigger than what we plan on doing, even if it is a little smaller there is still going to be a lot of asphalt that needs poured in order for trucks to turn around.

Commissioner T. Adamski added: And certainly with the encroachment on the vernal pool at this site you would be looking at less encroachment on the other site.

Jie replied: The hope is, if we are allowed to go forward with this, its only one side of the vernal pool.

Chairman M. Herde stated: If your looking for some off the cuff opinions, my opinion is to stay away from the vernal pool in both directions. You're going to have to give yourself some real distance there and even though we have a 100 foot regulated area, there is no regulated area on distance for anything that affects it. The suggested distance specifically for vernal pools are 300 to 800 feet and you're in a really close proximity already on that side. In general, on both sides, I think we are going to hold you back. I don't think there is going to be 300 to 800 feet but there will be some distance from that vernal pool.

Gary Mead stated: We are 100 feet now. We have done our best to keep it pristine there and I think we have kept it, so that it's still as functional as it ever was. We would try and continue not to affect it.

Chairman M. Herde stated: We have to keep the distance because even the blasting is harmful. Vernal pools exist in a ledge area because it's a natural bowl and its kind of a one of kind situation where it only gets water from that area and its everything that goes in that area. So when you look at your topography, just look out at what the dish is with the ledge and it will follow underneath and everything in that dish is what makes that vernal pool and that entire dish what's facing in that direction. With regard to amphibians and such, technically this Commission does not regulate the animals; we regulate the water they live in. For a guideline, those animals migrate anywhere from 300 to 800 feet every year and live just in that zone. Occasionally, they will go from one vernal pool to another for the most part they just exist, they go out and come back and do that once a year in each direction. They can't go to the next swamp over because they can't exist in that kind of swamp because it is the wrong kind of swamp. So they only live in this environment. That gives you the kind of guidelines that we make our decisions on and that's our training with regard to vernal pools.

Chairman M. Herde asked the Commission for their opinion.

Jie asked: So it's better in some sense, even though we would potentially block the vernal pool on both sides?

Chairman M. Herde replied: Yes, and in some respects, eventually there will be something on that side of the property as it is an approved industrial lot.

Jie replied: Correct, but if we would potentially purchase it, we would actually limit what goes on that side.

Commissioner T. Adamski asked: What about looking at mitigation on the other side in exchange for this?

Chairman M. Herde replied: Yes, the only other thing we can do is further conservation easements on the other lot but there will be some distance with them. You will have to measure that out and it would be ok to come back and discuss this.

Gary Mead replied: Well, it gives us something to work on.

Chairman M. Herde stated: You might want to hire an ecologists to take a look at it. They might advise you somewhere in between what you want to do and what we want.

Jie stated: We will look into that and if we can potentially mitigate on the other side its probably beneficial to both parties here.

Chairman M. Herde replied: Yes and we will definitely keep an open mind here. It's just a matter of us balancing.

Commissioner T. Adamski agreed.

Jie added: I know for a fact my father-in-law is going to purchase this property and so we can actually control what happens on that side. You can you still plant there, right?

Chairman M. Herde replied: We are going to look for it to be natural.

Jie stated: Oh, ok.

Chairman M. Herde stated: We do appreciate you coming in first and I'm sure there is more than one option. We can all keep and open mind

Gary Mead stated: I'm glad Andy Ferrillo suggested this and I'm glad we have your ideas up front.

Gary Mead and Jie thanked the Commission and exited the meeting at 9:16 p.m.

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

MOTION made by **Commissioner T. Adamski** to approve the regular meeting minutes for August 13, 2013. **Seconded** by **Commissioner S. Purcella Gibbons**. **All in Favor 5-0**

ENFORCEMENT OFFICER:

I.W.E. Officer A. Ferrillo stated: The Zoning Officer and Wetlands have received complaints from nearby neighbors regarding 88 Perkins Rd. The owners are letting someone use there

property to dump items such as cement and other materials. The Zoning officer and myself have now placed a cease and desist on 88 Perkins Rd.

I.W.E. Officer A. Ferrillo stated: There will be utility work performed on Barry Road, Macintosh and down to Scavi's property. The utility company will be taking Russian Olive out and cutting underneath the wires. No herbicides will be used.

Chairman M. Herde replied: Ask the utility company for an escort so they can show you where the work is being performed.

COMPLAINT/CONCERN:

APPLICATIONS NOT REQUIRING OCCIWA APPROVAL:

4/20/2013	Jacki Halpern	56 Jackson Cove Rd.	Interior alteration - no ext of foot.
4/29/2013	Edwards Realty	16 Edwards Drive	Cottage Biz
5/6/2013	Richard Hoeppner	9 Owl Ridge Rd. 505 Traditions Court	CO for enclosed sunroom Bathroom remodel
5/7/2013	Chris Kelly	621 Championship Dr.	partial finish bsmt for closet
5/13/2013	Larry Sims	268 Oxford Road	CO for Office
5/14/2013	Pheonix Propane	71 Oxford Road	Remodel for Velvet Hair Salon
5/20/2013	Gary Hylinski	549 Putting Green In	Bathroom in bsmt.
5/21/2013	David Giovanetti		
6/5/2013	Ed Cirella	575 invernness ct	Bsmt. Remodel

MATTERS OF VIOLATIONS/LITIGATIONS:

1. Michael Ligi -501 Roosevelt (Town Engineers report dated 9-12-2011)
Commission requested the Enforcement Officer to contact Mr. Ligi regarding the current status of the wall constructed without a permit. Mr. Ligi is currently filing reports with all departments under court order. Matter is being reviewed by the State's Attorney.
2. Notice of Violation Cease & Desist--- Ms. V. Tkacz-(10 Park Rd.)
Certified Letter sent on 7/5/12 by I/W and Letter sent by P&Z on 10/1/12. Letter received.
Engineer F. D'Amico engaged by owner to prepare site plan. Site plan received and sent to town

engineer for review. Mr. D'Amico brought in the revised map on 8/13/13 and within the next few weeks the Commission will be walking the property with the new revised map.

3. Notice of Violation Cease & Desist ---Mr. Frank H. & Robert Samuelson (Under the Rock Park) on Roosevelt Drive

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:

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

MATTERS OF CONSERVATION:

I.W.E. Officer A. Ferrillo stated: We have received a report from Nafis and Young regarding the Von Wettberg pond. It appears it needs another analysis to see what type of chemicals are in the pond.

Commissioner T. Adamski stated: This memo is really not clear as to what is leeching in. From everything that I have read, if anything is coming off of the infiltration from the athletic field then the amount that is leeching goes down in time, not up in time. If it is in fact coming from there, it would be less in the future, not more in the future.

Chairman M. Herde asked how we came to know about this.

Commissioner T. Adamski and I.W.E. Officer A. Ferrillo both stated: There was some data about these that sometimes they do leech and zinc is one of the components.

I.W.E. Officer asked what we should do about the signs by the pond. Maybe ask the First Selectman his opinion on taking down the signs that say don't eat the fish from the water?

August 27, 2013

Chairman M. Herde asked about the color of the pond.

Commissioner T. Adamski explained: It is getting better but there still is no real explanation for this.

Chairman M. Herde asked: Any chance someone maybe threw something in there?

I.W.E. Officer A. Ferrillo: Sure.

Chairman M. Herde suggested we get a drinking water test which can be about \$175.00 from Aqua Tech.

Commissioner B. Richter added: Yes, I just had one done by Aqua Tech.

Commissioner E. Stewart has test kits in his car and I can get a list of what can be tested.

I.W.E. Officer A. Ferrillo suggested to ask Aqua Tech what is suitable for swimming not drinking.

Chairman Herde asked Commissioner Stewart if he can get this information for our next meeting.

ADJOURNMENT:

MOTION made by **Commissioner B. Richter** to adjourn at 9:32 p.m.
Seconded by **Commissioner T. Adamski. All in Favor 5-0.**

Respectfully Submitted,

Denise Randall

Denise Randall
Administrative OCCIWA Secretary

13 SEP -4 PM 4:37
TOWN OF OXFORD, CT
Margaret A. West
TOWN CLERK