

October 22th, 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, October 22, 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, October 22th, 2013.

Meeting was called to order at 7:31 P.M. by Chairman Michael Herde

ATTENDANCE ROLL CALL: Chairman Michael Herde

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

ABSENT:

None

AUDIENCE OF CITIZENS (NOT FOR PENDING APPLICATIONS)

None

AMENDEMENETS TO AGENDA:

NEW BUSINESS:

- 1) **(IW 13-93) Cocchiola Paving** - Riverview Subdivision Public Hearing set for November 12, 2013 at 6:30 in Main Meeting room at Oxford Town Hall.
- 2) **(IW 13-103) 556 Oxford Road, Oxford, CT.** (Veterinary Hospital) Fred D'Amico (P.E. and owner of D'Amico Associates) stated: The proposal is for a veterinary office/hospital on this site that already has an existing dwelling and they want to convert it to an office and add a building to the south side of the property which will be a veterinary hospital just for cats. The applicant (Erika Ball) currently has a business in Southbury in Southford Center and she wants to move the business to Oxford. The septic system is all bank run sand & gravel and in the ground. The parking lot is at the rear of the building. On the second page of the map, the ultra urban filter with smart sponge is shown and will be placed into the 2 catch basins that will catch all the water from the parking long and will go to 5 galleys to mitigate and distribute very little increase in runoff due to the bank run sand and gravel. Both catch basins empty into that area and right now all the water drains into that one corner, eventually goes to neighbor, Mr. Peck's pond and on the pond is an outlet which will then go across to the Little River.

Chairman M. Herde asked: Are there any wetland soils in the corner?

Mr. D'Amico replied: No, there are no wetland soils, it is just a grass surface.

Commission T. Adamski asked about a maintenance schedule.

Mr. D'Amico replied: The maintenance schedule is on the detail area of the map. The filter on the ultra urban filter should be replaced every 1 to 3 years as required. Also on the septic system there is what's called a "grease trap" because of the animal hair, an extra tank is required because the hair does not degrade and the extra tank is needed so the hair does not get into the bleaching system. Even though the conditions are perfect we would like to put in the extra tank in and that filter also has to be checked every couple of months to make sure it does not get clogged. There should also be a filter at the outlet, especially when you wash linens to make sure hair does not get into it. (Mr. D'Amico pointed to the map and explained) the first tank is the grease trap, then you have the septic tank and then you have a pump chamber.

Chairman M. Herde asked: Right now you have a gravel parking?

Mr. D'Amico replied: The plan is to pave it.

Chairman M. Herde asked: Ok. Your retention and everything is going to be adequate for Veterinarians office in the long run?

Mr. D'Amico replied: I think it is. The perk rate itself is good and it will just seep right into the ground.

Chairman M. Herde: Alright. We might need something on that, but you have the smart sponge.

Chairman M. Herde asked: Is it curbless?

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Mr. D'Amico replied: We going to have to place some curbs to make sure the water goes to the catch basins so we can then direct the water into the smart sponge area.

Allan Young (Town Engineer) asked: The hill will grade down and sheet flow onto the parking lot?

Mr. D'Amico replied: Yes sir. That is what it does right now, without the smart sponge.

Allan Young asked: Have you looked at any numbers regarding quantity of the flow coming down off of there and whether the 2 basins will be adequate?

Mr. D'Amico replied: Right now there is nothing catching it. In a major rain storm, the area in the southwest corner does get some water and that is the reason why we can't put the septic there now, and the puddles right now just dissipate into the ground.

Chairman M. Herde stated: My only concern would be that we collect a lot of water here and then discharge out of this pipe eventually and then cause an issue with the neighbor or whatever.

Allan Young added: Yes, we will have to see some numbers on the quantity.

Chairman M. Herde stated: Just double check that and everything else looks alright. Please touch base on the Town Engineer with that.

MOTION made by Commissioner T. Adamski to refer (IW 13-03) 556 Oxford Rd back to the Enforcement Officer. **Seconded** by Commissioner S. Purcella Gibbons. All in favor **5-0**

3) (IW 13-97) 3 Echo Valley Rd. Tom Haynes- Oxford Town Center

Kyle Bogardus stated his name and: (Langdon Engineering & Environmental Services) Professional Engineer and Certified Erosion and Sediment Control and I'm here on behalf of the Applicant with me is Michael Klein (Environmental Scientist) and I was here 2 weeks ago and since then I have been communicating with the Town Engineer (Allan Young) and we have submitted the revised maps and answered the review comments from Mr. Young and I just wanted to walk you through them.

Mr. Bogardus (Pointing to an area on the map) regarding the construction entrance on Echo Valley and Route 67 and there were concerns raised about tracking and washing material off the site and we previously extended the construction entrance and made it a little bit wider and also added a diversion swale and sediment trap at the entrance. We also back graded the entrance where the sediment collects in the rocks and when you get a rain event it works its way back onto the site and not down into the catch basins and then into the watercourses. Mr. Bogardus showed on the map where it is back pitched to a low point on the construction entrance and this shows the flow pattern. The sediment gets trapped in the entrance with the vehicles leaving the site during a rain event, works its way back. If you go there now that was put in, it's small, but effective for the limit of activity and we thought it was a good idea to enhance it as the activity increases.

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Allan Young added: I would also like to mention that you did increase the size of the stone in the anti-tracking pad, which I think will help a lot in also keeping the stone dust down.

Mr. Bogardus asked if anyone had any questions.

Chairman M. Herde asked Allan Young (Town Engineer) for his input.

Allan Young (Town Engineer for Nafis & Young) replied: They have done everything we asked for and it was done in a very timely manner.

I.W.E. Officer A. Ferrillo added: The engineering review fees have been paid up to and including tonight. The only other issue is the bond that the Commission is requesting. The Town Engineer recommended a \$250,000 bond strictly for temporary erosion controls. When the site plans comes in with the permanent sediment plan and erosion controls then the bond can probably be reduced or eliminated.

Allan Young stated: I don't want to speak for the Commission but I think the intent for the Bond was to ensure if the work stops on the site and goes not further the commission will have the funds necessary to for the bond to be put in control. This bond can be used and put into permanent measures. When a site plan is submitted to Planning and Zoning and they approve it, that will have more permanent erosion and control measures and that would roll over into their bond. So this is a temporary thing until you get an approval of a site plan. I spoke with Attorney Dominick Thomas, and I know he is not here and I can't speak for him, but he seemed to think it was not unreasonable.

Mr. Tom Haynes: You are aware we do have a bond with Planning and Zoning?

Allan Young: Yes.

MOTION made by **Commissioner S. Purcella Gibbons** to approve (IW 13-97) Oxford Town Center, LLC, 268 Oxford Road earth excavation project, as no feasible or prudent alternatives exist for the wetland impacts, with the following conditions: The posting of the \$250,000 bond with the Town of Oxford in the name of the Inland Wetlands Agency, to ensure the temporary soil and erosion control measures will be maintained throughout the project for protection of the adjacent wetland. The \$250,000 bond, which will include the "Evergreen Clause", should be posted to the finance director (Jim Hliva) for the Town of Oxford.

Seconded by **Commissioner B. Richter**. All in favor **5-0**

Permit Expires: 10/22/2018.

MOTION made by Commissioner B. Richter to forward \$1,590.00 check for payment for review work performed by the Town Engineer (Nafis & Young) from the applicant Oxford Town Center (IW 13-97). **Seconded** by Commissioner S. Purcella Gibbons. All in favor **5-0**.

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OLD BUSINESS:

1.) IW 13-47 Garden Homes, Hurley Road.

A September 9, 2013 public hearing was held and will be continued on October 17th, 2013, 7 pm at Oxford Town Hall and now the continuation of the public hearing to be continued on November 14, 2013 at 7pm.

NEW APPLICATIONS REQUIRING OCCIWA APPROVAL (ACCEPTANCE)

None

OTHER BUSINESS:

ACCEPTANCE OF APPROVAL MINUTES & CORRECTIONS TO MINUTES (IFANY):

MOTION made by **Commissioner T. Adamski** to approve the regular meeting minutes for October 8th, 2013. **Seconded** by **Commissioner S. Purcella Gibbons**. **All in Favor 5-0**

ENFORCEMENT OFFICER:

I.W.E. Officer A. Ferrillo stated: Mr. Ligi from 501 Roosevelt Drive is present to discuss a wall that was constructed without a permit and it is in a flood zone. As it stands now, the engineer has submitted some of the plans which are not complete yet. Part of the issue is with the our building department (Gordon Gramolini) who explained that the wall has to come down before he can give you a permit to rebuild one but a FEMA coordinator has to give the ok first. This is a safety issue and FEMA says this wall needs to be built without impacting any of the water flow above or below you. The building department is concerned the wall can come down which then would be a liability issue for the Town of Oxford.

Mr. Ligi stated: That wall has been there since 1923.

I.W.E. Officer A. Ferrillo corrected Mr. Ligi and stated: Not this wall.

Mr. Ligi stated: Right the one that is buried there.

Chairman M. Herde added: I was one of the first ones to see this wall after you built it and the wall moved immediately after being built.

Mr. Ligi stated: I was unhappy with the work that the mason did as well.

Chairman M. Herde stated: Right. But it's still a dangerous situation.

Mr. Ligi stated: I'm ready to do it. The engineer is working on it now.

Chairman M. Herde asked: So Gordon (Building Inspector) wants the wall down first?

Mr. Ligi replied: He didn't tell me that.

I.W. E. Officer A. Ferrillo stated: There is no quid pro quo here with this. In other words, you can't say, I'm not going to take it down until the new one is approved because that could take a couple of months for the new one to get approved.

Mr. Ligi stated: Well, I can't take it down because there is a septic system behind it.

I.W.E. Officer A. Ferrillo stated: The issue is that Gordon and the prosecutor both want the wall down.

Mr. Ligi replied: Well the prosecutor should know, if I have to get a lawyer and sue the town and sue everybody, I will do what I have to do but I don't want to go that route. Listen, I'm trying to work with you guys and you guys have to work with me and if you don't then we go to court and tie it up there, that's all.

I.W.E. Officer A. Ferrillo stated: It won't be tied up, this is a criminal arrest, you know, not a civil case.

Mr. Ligi stated: Ok. I have been there before. I'm not going to lie to you and I'm not trying to be a wise guy but here is what is going to happen, the lawyer is going in, it will be held up and it will sit and wait, it's the same process. I'm trying to be nice. I'm telling you, I would start tomorrow, if I had permission. Lets be realistic, I can't take that wall down, it's been there since 1923 and I got proof of it and you were there the day it was put up. I don't want to get into he said, she said.

I.W.E. Officer A. Ferrillo stated: You have no permit, that is the bottom line.

Mr. Ligi replied: You're right. In the same token, I'm willing to correct it, whatever has to be done. I'm saying this to your face, I have spent a lot of money to try and correct it.

I.W.E. Officer A. Ferrillo asked: So what you're saying is, so I can relay this to the building inspector, You have no intention of taking that wall down?

Mr. Ligi replied: I do. If they told me today I couldn't do it. The road is there, you can take that land away.

Chairman M. Herde asked: Where is he in position right now with wetlands?

I.W.E. Officer A. Ferrillo replied: We can't approve it until the flood plain issues are resolved and Nafis and Young say it is ok construct a wall there. We have other issues with other properties up and down the river. So FEMA is telling us, do not allow any building of any structures on that side of the River.

Mr. Ligi stated: If I have to go there and place something in to reinforce it. I'm willing to do that.

I.W.E. Officer A. Ferrillo replied: That would be something your engineer and the Town Engineer (Jim Galligan) would have to agree on.

Chairman M. Herde stated: At this point, we are waiting for the flood plain coordinator.

I.W.E. Officer A. Ferrillo added: Yes, and he is waiting for information from Mr. Ligi's engineer.

Mr. Ligi stated: Here is another thing, so we can all be straight. My engineer, Mr. Koda, has spoken to the FEMA office in Hartford and they spoke with her 2 months ago. This is what I was told. My engineer had trouble getting a hold of her and his has not been easy, there located in Mass. She said as long as the Town has no problem with the work being done, they have no problem with the wall being put up.

Chairman M. Herde stated: It's like a catch 22. They approve it, then we can approve it, and we approve so they can approve it.

Mr. Ligi stated: Exactly, that is what I was told.

I.W.E. Officer A. Ferrillo stated: We can do nothing until we get an engineering report. If you want to call the building inspector then call him tomorrow, if the position is that it comes down only when you get approval to build a new one, because there is always the chance you won't get approval and now you have a public safety hazard.

Mr. Ligi replied: I understand that, but what am I going to do.

Chairman M. Herde added: You're going to have to talk to the Building Department about that. This is not the first cement block retaining wall on the river and it's not the first one that has moved. We had one fall down that was only half as high and was almost the same time frame. Everyone is building them and most are not going in the right way. You're really going to have work to [redacted] it out with [redacted] the Building Department.

Allan Young stated: I'm not really familiar with this situation (looking at the map).

Mr. Ligi stated: Yes, it's the old stone wall buried behind it. I have pictures that I could show you.

I.W.E. Officer A. Ferrillo stated: The old wall is not the problem.

Mr. Ligi stated: I know, but here is the problem. If I take that wall out, I can take down a section of it but if I take the whole thing out, it's holding the land, which is holding the street. Do you know what I mean?

Chairman M. Herde stated: There is a lot there that can be taken down and it will still stand but your going to have to talk with the building department on that because that is really not a wetlands issue.

Mr. Ligi asked: Can I ask the town engineer that is present?

I.W.E. Officer A. Ferrillo replied: Mr. Young is from the same office but he is not working on this plan.

Mr. Ligi stated: Ok. But can I ask for your opinion?

Mr. Young stated: I think if there is a way to stabilize the older wall until the new wall is put up and then take this one down and then put the new one up.

Chairman M. Herde stated: If you take the old one down, then you're open to erosion. We are going to want the new one put up fast. Maybe you can take it down half way and leave like 30 inches in the ground.

I.W.E. Officer A. Ferrillo stated: If you propose that to the Building Inspector, I don't know if it's acceptable to him but 36" might work. You have to ask the building inspector and check with him tomorrow morning.

Mr. Ligi stated: I saw Gordon last Tuesday and he said continue to do what you're doing. This is news to me. I'm willing to go in there and fix it ASAP.

I.W.E. Officer A. Ferrillo stated: His position today was that the wall has to come down. What you have to do is to check with him that if you remove a couple of courses will that be sufficient but he will have to approve that.

Mr. Young stated: If he is applying for a permit and your engineer is going to have to review it, I would suggest getting the plans in ASAP and if we approve them, this Commission can grant an approval from the Wetlands agency. At least if the Commission approves the plan then you proceed to Zoning and the Building Department. So get those plans ASAP to the town engineer.

Mr. Ligi stated: I will start digging tomorrow morning if I have to.

Mr. Young stated: I would say get the plans in to both agencies as soon as you can.

I.W. E. Officer A. Ferrillo added: Talk with the Building Inspector tomorrow and see what he will accept.

Mr. Ligi stated: I will call the engineer tomorrow morning and hopefully it won't take him too long to finish up.

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I.W.E. Officer A. Ferrillo added: The FEMA approval will come from the Town Engineer (Nafis & Young) and if he is satisfied with the structural integrity of the wall and he says you satisfy the FEMA requirements then it comes to Wetlands and we can approve your plan.

Mr. Ligi asked: Do I have to come to another meeting?

I.W.E. Officer A. Ferrillo replied: I think you probably will but make sure your engineer gets the information in.

The Secretary let him know when the next meeting will be which is November 12, 2013.

Mr. Ligi stated: I just wanted you to know that this has caused a lot of lost sleep. I just want it over with.

Mr. Ligi asked the Enforcement Officer: When I get the plans, do I just bring them to you?

I.W.E. Officer A. Ferrillo replied: Bring them to Zoning and bring a set to me and we will get them to the engineer. Make sure you call the building inspector tomorrow, ok.

Mr. Ligi stated: Ok, I will.

I.W.E. Officer A. Ferrillo reminded the Commission to contact Mr. Fred D'Amico to walk the 10 Park Road property when they have a chance.

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
5/7/2013	Chris Kelly		Bathroom remodel
5/13/2013	Larry Sims	621 Championship Dr.	partial finish bsmt for closet
5/14/2013	Pheonix Propane	268 Oxford Road	CO for Office
5/20/2013	Gary Hylinski	71 Oxford Road 549 Putting Green Ln	Remodel for Velvet Hair Salon
5/21/2013	David Giovanetti		Bathroom in bsmt.

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6/5/2013 Ed Cirella

575 inverness 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
4. Notice of Cease & Restore –(88 Perkins Rd) Debris and garbage on property.

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).

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MATTERS OF CONSERVATION:

ADJOURNMENT:

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

Respectfully Submitted,



Denise Randall
Administrative OCCIWA Secretary

13 OCT 29 AM 9:45
TOWN CLERK, GUILFORD, CT
Denise A. Randall
TOWN CLERK