



September 10, 2012

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

Monday September 10, 2012

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 Monday September 10, 2012

Meeting was called to order at 7:33 P.M. by Chairman M. Herde

ATTENDANCE ROLL CALL:

COMMISSIONERS: William Richter, Sue Purcella Gibbons, Ethan Stewart, Tom Adamski. Also present were I/W Enforcement Officer Andrew Ferrillo, Jr., and Denise Randall Secretary,

ABSENT:

None

AUDIENCE OF CITIZENS (NOT FOR PENDING APPLICATIONS):

None

AMENDMENTS TO AGENDA (IF ANY):

MOTION made by Commissioner S. Purcella Gibbons to add the following 3 amendments to agenda:

1. Approve partial invoice #4453 from Earthworks Excavating for cleaning retention pond at Echo Valley Subdivision.
2. Discuss Kathleen O'Neil "Main Street Project"
3. Discuss change of hours and regular meeting night.

Seconded by Commissioner T. Adamski. All in favor- 5-0

OLD BUSINESS

IW 12-74 Garden Homes Management Corp.
(Schedule for public hearing on 9/24/12)

Chairman M. Herde asked the secretary: Are we all set with the important legal notices that are needed to go out in time for the September 24th, 2012 public hearing?

Chairman M. Herde addressed the Commission: Once again, I would like the Commission to review the certification they are looking for and to review the regulations so we are all on the same page to what we will be voting on.

Denise Randall –Secretary and I.W.E. Officer A. Ferrillo both responded: Yes.

All of the Commission agreed.

IW 12-85 Patriot Business Park (589 Investments LLC)

Mr. Curt Jones (Civil 1 Engineering) and Mark Ozkowski (Earthworks Excavating) are present to address issues from the Town of Oxford engineer (Nafis & Young) - regarding Patriots Business Park.

Mr. Curt Jones states: I would like to thank everyone who attended the site walk last week and I'm glad you got to see the site first and asked the Commission if they had any questions. I did give the revised site plans to Inland Wetlands with some adjustments made and in response to Nafis and Young's letter. The first comment has to do with the horizontal geometry on the roadway which has been added to the plans. The second one is the labeling the site distance and that was also done. Number 3 – clarified the cross section. Number 4 – identified the curbing. The second portion is the drainage and this is keeping with the re-applications and at this time we don't know the specific design of each lot at this time. Nafis & Young asked for 3 feet of cover over the storm drainage pipes and we changed that. We decreased the interval between catch basins from 300 feet to 250 feet. We added a couple of basins. Number 4- we verified we had at least 1% grade around the perimeter of the cul-de-sac and identified the catch basins on the site plan. Number 6- Gutter flow analysis was done. There is also a spreadsheet attached with the gutter flow analysis. As far as erosion control there will be an anti-tracking apron at the end of the temporary cul-de-sac. And there is one more thing to point out; probably the most relevant is the addition of the level spreader.

Chairman M. Herde asked Mr. Jones: Did you go through commercial and industrial checklist? Even though they are going to be up for site re-applications.

Mr. Curt Jones replied: Yes, the big detention basin at the bottom serves that function.

Chairman M. Herde states: Yes, through the site walk, everyone was in agreement that the wetlands were flagged properly.

Chairman M. Herde then asked the Commission: Does anyone else have any questions?

Commissioner T. Adamski asked about the location of the large detention basin in very close proximity to that wetland and what alternatives are there versus what benefits and where it's located?

Mr. Curt Jones replied: There are 2 reasons why it is located there. It starts to take on some of the characteristics of a wetland and many engineers call them storm water wetlands now and they don't serve all the functions of a wetland but they do serve flood mitigation, pollutant mitigation and even some habitat features such as cat tails as the years go on. Also it gets the water down to the bottom of the hill where it reduces potential for erosion. It allows us to get the water in from a couple different directions and it gives us greater flexibility. We try and see what is consistent with best management practices and what is effective and every solution is little bit different.

Mr. Curt Jones continued to point out on the map why changing the location of the detention basin to other areas would have not worked primarily because of slopes.

Chairman M. Herde pointed out: On the outlet when you build a storm that goes out, you're going to start dealing with acceleration of water once it leaves again.

Mr. Curt Jones and Commissioner T. Adamski agreed and Mr. Jones pointed to a flat portion on the map and explained that allows us to keep a flat pipe going out and you put that pipe close to 1% and you get a lot slower velocity coming out of the pipe.

Commissioner B. Richter asked: What has the history been?

Chairman M. Herde replied: That's pretty much the event of getting that design, usually within right around the 50 foot in that vicinity, that's flat just above the wetlands.

Commissioner T. Adamski asked: So due to the topography, there is really no feasible alternative that allows the best management practice, avoiding the steep slopes and everything else?

Mr. Curt Jones replied: In this case, when you add up all the factors that was the best spot. The one up at Fox Hollow as been fine for a number of years and this one is fairly similar to that.

Chairman M. Herde address the Commission: Does anyone have any other questions.

Commissioner B. Richter asked: So what are we going to need?

Chairman M. Herde replied: We are going to need a letter from Nafis & Young that says that Mr. Curt Jones has complied with the recommendations made by Nafis and a motion to accept this.

MOTION made by Commissioner T. Adamski to approve IW 12-85 (Patriots Business Park) and **seconded** by Commissioner B. Richter. All in favor 5-0.

At this time Mr. Curt Jones thanked the Commission and left the meeting.

NEW BUSINESS:

Mr. & Mrs. Checkley Dreves are present to ask the Commission for a 5 year extension on a permit for 224/228 Governors Hill Rd (IW-07-167) re-subdivision (2 building lots)

I.W.E. Officer A. Ferrillo states: This is strictly a renewal of a 5 year permit extension and here is the applicant's letter and there are no wetlands on the property at all. This falls under the new state statute of extension of permits with a maximum of 10 years.

Chairman M. Herde: Ok, there was not anything special on the property.

MOTION made by Commissioner B. Richter to approve a 5 year extension of a permit for 2 building lots for (IW-07-167) -224/228 Governors Hill Rd. **seconded** by Commissioner T. Adamski. All in favor 5-0.

NEW APPLICATIONS REQUIRING OCCIWA APPROVAL (ACCEPTANCE)

Enforcement Officer A. Ferrillo states: I have a tenant located at 97 Willenbrock Rd. (Macton Corp) and they have a large wetland on the property and they are putting up a steel and canvas structure and this map shows where it is going which is excess of 100 feet from the wetland.

MOTION made Commissioner T. Adamski to refer 97 Willenbrock Rd (Macton Corp) back to Enforcement Officer A. Ferrillo to handle. Commissioner S. Purcella Gibbons **seconded** All in favor 5-0.

OTHER BUSINESS:

None

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

Commissioner T. Adamski corrected the following on page 2, third paragraph from the bottom at the very end of the paragraph, the corrected word should read “fore-bay” not four-bay. Also correct the spelling of “cul-de-sac”

MOTION made by Commissioner S. Purcella Gibbons to approve the regular meeting minutes for August 27, 2012 with the 2 spelling corrections above. **Seconded** by Commissioner B. Richter. All in favor 5-0

MOTION made by Commissioner S. Purcella Gibbons to approve the proposed Patriot Business Park site walk minutes from September 5, 2012. **Seconded** Commissioner T. Adamski. All in favor 5-0.

ENFORCEMENT OFFICER:

I.W. Enforcement Officer A. Ferrillo states: A letter was sent to Mr. Crozier at 10 Park Rd and we have not received a response yet. I spoke to Mr. D’Amico (surveyor) who explained that he has not started to work on Mr. Crozier’s property and right now Mr. D’Amico only has a verbal agreement and is waiting to hear from Mr. Crozier about a signed agreement.

Chairman M. Herde suggested: We may want to contact Town Council and have him send a letter to Mr. Crozier and would like to consider placing a caveat on the property.

I.W. Enforcement Officer A. Ferrillo replied: Yes, maybe just a letter from the Town Council can get him to respond. If we do not receive the certified green card by the end of the week then I will contact the Sheriff and have him served.

I.W. Enforcement Officer A. Ferrillo states: We have the invoice from Earthworks Excavating for partial cleaning the retention pond at Echo Valley and we need approval from the Commission. I checked and they did a good job.

MOTION made by Commissioner S. Purcella Gibbons to approve invoice #4453 from Earthworks Excavating for the partial cleaning of the retention pond on Echo Valley Rd. **Seconded** by Commissioner T. Adamski. All in favor 5-0

Commissioner T. Adamski asked Enforcement Officer A. Ferrillo: Now what is going on with the catch basin down by Haynes. It's the last catch basin further down on Echo Valley Rd. that has tree branches stuck in it from beavers. This is located on the road itself.

I.W.E. Officer A. Ferrillo replied: I'm not sure; I will have to go down and take a look at it.

Chairman M. Herde asked: What is going on with the Lisa Drive Property?

I.W.E. Office A. Ferrillo replied: Right now nothing, but if they come in for a house, they will have to go through the correct procedures.

Chairman M. Herde asked: Haynes detention pond looks good?

I.W.E. Office A. Ferrillo replied: Yes, there finishing up the one they had to repair. They cleaned out the pond at 22 Mountain Rd. and I spoke with Eric Swift from Nafis and Young who has been monitoring it and will continue to monitor it.

Chairman M. Herde asked: How about Mr. Cocchiola's property?

I.W.E. Office A. Ferrillo replied: I have a letter here requesting a bond reduction from Dave Nafis who has been inspecting the property on a regular basis.

Chairman M. Herde asked: Who is requesting a bond reduction?

I.W.E. Office A. Ferrillo replied: Mike Horbal.

Chairman M. Herde asked: Has Mr. Horbal put in a formal request?

I.W.E. Office A. Ferrillo replied: Yes. We have \$100,000 bond and they want to reduce it to \$50,000. It does look pretty good. The slopes are stable and growing grass except for the stone face.

Commissioner S. Purcella Gibbons states: I have a complaint from a neighbor in that area. Dust is still periodically a problem.

Chairman M. Herde asked: They haven't paved the road yet?

I.W.E. Office A. Ferrillo replied: They have not even done the road yet. The permit they issued allowed them to not build the road until they are done grading the property to avoid damaging the road with heavy equipment.

Commissioner S. Purcella Gibbons states: These are people who don't normally complain to.

Chairman M. Herde asked: Should we even be agreeing to reduce this bond, if they haven't put the road in yet?

I.W.E. Office A. Ferrillo replied: We agreed that we wouldn't make them put the road in because they would be to be taken heavy equipment back and forth across it. So we agreed to let him stabilize the site and not put the road in, so they don't have to destroy it.

I.W.E. Office A. Ferrillo suggested: I can talk with Mr. Horbal tomorrow and ask him what he can do to keep the dust down.

Commissioner B. Richter states: I don't think it should be reduced because it says in the letter that says it's "fairly" stabilized.

I.W.E. Office A. Ferrillo replied: Well, I'm not sure what that means. Does it mean almost stabilized.

Commissioner S. Purcella Gibbons agreed: The word "fair" is like the word "poor".

Chairman M. Herde asked: Do we have a separate bond from Zoning on this right now?

I.W.E. Office A. Ferrillo replied: Zoning actually has all the bonds. This was put in the name of wetlands. Normally all the soil erosion bonds are always zoning.

Chairman M. Herde states: I'm trying to organize this in regards to this road because typically in a subdivision which this was presented as, you get your first bond reduction after the road is put in.

I.W.E. Office A. Ferrillo replied: That may be zoning bond. We wanted a wetlands bond because of that brook.

Commissioner T. Adamski asked: Can we look at it again before we vote?

Chairman M. Herde agreed: Yes, I think we should look again and there should be some sort of correspondence to make sure they are not reducing bonds with both zoning and wetlands and we should make sure we are communicating with each other.

Commissioner T. Adamski also agreed: Ok, the last time I looked it was alright but I didn't think it was great.

I.W.E. Office A. Ferrillo replied: Ok, tomorrow I will check with zoning to see if they still have a bond in place and I will check with Nafis and Young to see what they meant by the word fairly.

Chairman M. Herde suggested: We should ask Mr. Horbal what the proposed schedule for finishing is.

I.W.E. Office A. Ferrillo replied: If we approve this, they want to go work on the other side of the brook.

Chairman M. Herde asked: What is the update on Mr. Ligi?

I.W.E. Office A. Ferrillo replied: The Zoning officer put a caveat on it.

Chairman M. Herde asked: Has Town Council been notified?

I.W.E. Office A. Ferrillo replied: I believe she has been in touch with him. At this point, he has to get flood plain approval and he will also need a wetlands permit too.

Chairman M. Herde states: I'm really concerned about that property changing hands and someone inherits a huge wetlands problem.

I.W.E. Office A. Ferrillo replied: With the caveat on it, no bank will purchase or refinance the property.

Chairman M. Herde asked: I guess zoning voted Susan Kupec's detention pond?

I.W.E. Office A. Ferrillo replied: Yes, they approved the removing of the detention pond and the removal of the tree is a separate zoning issue.

COMPLAINT/CONCERNS:

None

APPLICATIONS NOT REQUIRING OCCIWA APPROVAL

None

MATTERS OF VIOLATIONS/LITIGATIONS:

1. Michael Ligi -501 Roosevelt (Town Engineered 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.

2. Notice of Violation Cease and Restore Order – Susan Kupec-Jutcawitz Randall
Drive Detention Pond Collapsed (Pending repair)
Town engineer has approved inland wetlands applications to remove the detention pond.
Client is now awaiting planning and zoning approval. (Related to tree stabilization)

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

OTHER ITEMS OF CONCERN:

Commissioner S. Purcella Gibbons asked: What is this Main Street Project?

I.W.E. Office A. Ferrillo replied: There will be a sidewalk, from the Town Hall down to Riggs Street and then down Academy Road to Riggs Street.

Commissioner T. Adamski and Chairman M. Herde asked: Can we put something in writing, maybe a recommendation about the down lighting?

I.W.E. Office A. Ferrillo replied: This is not the final plan and when Kathleen O'Neil has the final plan for approval, we can then make the lighting recommendation.

I.W.E. Office A. Ferrillo states: If the Commission does not have a problem with the change of hours and change of the regular meeting will be effective October 1, 2012. OCCIWA secretary Denise will work from Tuesday to Friday 9-5 pm and I will be working Monday from 11 am to 7 pm and Tuesday, Wednesday and Thursday from 9:00 am to 5:00 pm. We have to post this with the Town Clerk.

I.W.E. Office A. Ferrillo replied: I received a call from Mr. Yudkin who owns the property on Christian Street and route 67 and he says that he has owned the property for 50 years and the beavers have turned it into a wetland. I'm meeting with him tomorrow to go over these issues.

COMMENTS FROM THE CHAIRMAN & OTHER COMMISSION MEMBERS
OTHER:

- 1) **Oxford Oak, LLC 360 Oxford Road** (Lot 39) (Stabilization of site).
- 2) **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).
- 3) Town of Oxford Catch Basins (Silt Removal).

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- 4) Storm Drain Marker Program (Phase II).
- 5) .

MATTERS OF CONSERVATION:
None

ADJOURNMENT:

Motion to adjourn made by **Commissioner B. Richter** seconded by **Commissioner T. Adamski** to adjourn the meeting at 8:54 pm. All in favor 5-0

Respectfully Submitted,

Denise Randall
OCCIWA- Secretary

12 SEP 17 PM 3:32
T. Adamski
TOWN CLERK