

April 8, 2014



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, April 8, 2014

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, April 8, 2014.

Meeting was called to order at 7:37 P.M. by Chairman Michael Herde

ATTENDANCE ROLL CALL: Chairman Michael Herde

COMMISSIONERS PRESENT: Bill Richter, Tom Adamski, Susan Purcella Gibbons.

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

ABSENT:

Commissioner Ethan Stewart

AUDIENCE OF CITIZENS (NOT FOR PENDING APPLICATIONS)

None

AMENDMENTS TO AGENDA:

None

NEW BUSINESS:

OLD BUSINESS:

10 Park Road violation (Tkacz) Mr. D'Amico is present with Ms. Tkacz and her son Tom Tkacz. Mr. D'Amico (P.E. and Land Surveyor) presented a map to the Commission.

Mr. D'Amico stated: You all are aware of the filling that went on along the stream and you can see where the filling is and the patio, which is still in place and there is actually now a small stone wall here in place up against the side (pointing to the map). Ms. Tkacz actually pulled back the stones and also took a picture which is on her phone for you too see. What they tried to do was protect the side with the stone wall. The wall is located on the right hand side (showing the picture to the Commission)

Mr. D'Amico stated: Basically the wall is built about 5 feet back from the edge of the brook and a couple of feet high.

Ms. Tkacz stated: Since this was done there has been no runoff into the creek at all. There is grass all the way up to the edge and I put flowers all along the edge of the wall

Mr. D'Amico stated: The wall is actually built right about at the flood way boundary on the right side. The other side was left alone. Grading was done around the house but I think this is the area that you are primarily concerned with and this area (pointing to map) was always some type of lawn.

Chairman M. Herde stated: We are concerned about the flood way.

Mr. D'Amico stated: She pulled back the wall back to where the flood way is.

Commissioner T. Adamski added: But it was still filled in.

Mr. D'Amico stated: Yes. It's definitely in the flood zone, flood plain.

Ms. Tkacz asked: Now when you say flood zone, do you mean along the edge there? Because with the Nor'easters and hurricanes we have had, since we have put this in, nothing has gone anywhere near the edge of that water. The only place it comes up and gets a little high on our property now is in the alco which is up further passed.

Commissioner T. Adamski added: There really hasn't been any substantial flooding in the past 5 years now.

Mr. D'Amico and I.W.E. Officer Ferrillo agreed and said yes not in the past couple of years.

Ms. Tkacz stated: But we had a hurricane.

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I.W.E. Officer A. Ferrillo stated: Storms that come down from the north and west are the ones that cause the problem. Hurricanes from the south, does not normally greatly really affect the brook unless it's a long duration.

Mr. Tom Tkacz asked: How long ago was the flooding at Oxford Hardware? That was pretty bad right?

Commissioner T. Adamski replied: That was about a year ago. In some areas along the Little River that are grassed up to the brook, such as the former post office, the lawn there was peeled up by that storm. Grass does not hold anything in a flooding situation.

I.W.E. Officer A. Ferrillo stated: When we do have a storm that is sizeable enough to bring that brook up, everything you put in there will go. The water will just rip it right out.

Chairman M. Herde added: Yes. I think that we have to pull it back to whatever is a safe spot. Because all it does it go back down stream.

Mr. D'Amico asked: Is the floodway a safe spot and maybe fix the wall below it?

Chairman M. Herde asked: What are you labeling as the flood way?

Mr. D'Amico replied: That's the actual boundary shown on the FEMA map.

Chairman M. Herde asked: For the 100 year storm.

Mr. D'Amico replied: For the 100 year storm. And the floodway is shown where this heavy line is and that is basically where she brought that fill up to that line. (Pointing to the map to show the Commission where the edge of the normal river is)

Commissioner T. Adamski asked: Is it at the original level?

Mr. D'Amico replied: This wall is now back to the original location. The level might not be exactly the same, it might be a foot of fill in there because it might have sloped down slightly about the last couple feet. It started sloping down with more of an angle but it might be better with the wall there.

Chairman M. Herde added: It might be better for them but every time someone puts fill in the river it washes to the next guy down to the river.

Commissioner B. Richter stated: Which is you, Fred.

Chairman M. Herde added: The water that doesn't go into your yard goes in someone else's.

Commissioner T. Adamski added: The fill needs to come out.

The Commission all agreed.

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I.W.E. Officer A. Ferrillo stated: It's all wetland. Under State law, flood plain is considered a wetland. The house is in a flood plain. That house would never be built today.

Mr. D'Amico added: Correct. Its not the flood way, it's in the flood plain.

Commissioner B. Richter asked: Should it be pulled out?

Chairman M. Herde stated: You get the same thing on the Housatonic River, everybody goes another 6 inches, another 12 inches then the guy at the end of the river is the one holding the bag and he loses everything. That is what is causing the flooding; everyone is taking a little piece.

Commissioner T. Adamski stated: The point is, this was all done without any permit, no application.

Mr. D'Amico asked: Did you ever get an application?

I.W.E. Officer A. Ferrillo replied: Yes, after the fact we received the basic application with a basic fee.

Mr. D'Amico asked: I was curious what was the fee amount paid?

I.W.E. Officer A. Ferrillo replied: It was \$130.00. (showing Mr. D'Amico the application).

Chairman M. Herde asked: What is the square footage that was filled in the flood zone?

Mr. D'Amico replied: Probably about 250 feet.

Commissioner T. Adamski asked: You are just talking about the floodway, right?

Mr. D'Amico replied: The total area that was filled in. Some of this area (pointing to map) was graded and re-filled but there was always lawn mostly in this whole area here. It's hard to tell. Then top soil was brought in and clean up, is that filling it? Certainly it is regulated area.

Commissioner T. Adamski added: Well it doesn't make any difference whether it was top soil or re-grade, it was deposition of material in the wetland.

Chairman M. Herde agreed and asked: Where do you think it should go back to Tom?

Commissioner B. Richter asked: You couldn't tell by different soils?

I.W.E. Officer A. Ferrillo stated: No, not really. Its all disturbed soils.

Mr. D'Amico added: It's all disturbed, probably for the last 100 years.

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I.W.E. Officer A. Ferrillo asked: If the elevation was greatly raised up to the brook then we can see that, the area is pretty much level with your driveway now, right?

Mr. D'Amico replied: No. Its way down below the driveway. There are some trees at the edge of the brook that you can see that have been there for about 20 years.

Commissioner T. Adamski stated: Can a soil scientist check to see what was there before and what is there now.

I.W.E. Officer A. Ferrillo replied: It will probably be the same problem we had with Haynes Corp in the Little River when we along with D.E.E.P. required him to remove that soil build up and there were multiple layers and no way to tell where it came from and how long it had been there.

Commissioner T. Adamski asked the Chairman what he thought.

Chairman M. Herde replied: I'm thinking that would should go back to this line (Pointing to the map).

I.W.E. Officer A. Ferrillo stated: Here is another problem. Whatever you bring it back to, then you have to get something growing on it rather quickly. Or a good size rain will wash it out.

Chairman M. Herde agreed and added: Yes. You should probably have to add a wall there (pointing to the map) and pull the wall that is there back to the existing lawn mark is appropriate.

Mr. Tom Tkacz asked: How far is that?

Mr. D'Amico replied: Probably about 5 feet.

Chairman M. Herde asked if the Commission is satisfied. Can we make a motion for a new line. that way the applicant knows what to remove.

Ms. Tkacz stated: I was informed by my attorney if the Commission was going to make changes then I should let my attorney know.

Chairman M. Herde replied: Actually I think were going to give you a direct order to do it and its up to your attorney if he wants to appeal it.

MOTION made by **Commissioner T. Adamski** to issue a cease and restore order for the direct line which is to be to the existing lawn area marked on a map and this shall also be staked, so that it is clear in the field as well. This order is to be complied with and finished prior to July 30th, 2014. Preferably during low water level. **Seconded** by **Commissioner B. Richter**. All in favor **4-0**.

Chairman M. Herde asked: Any further discussion?

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Commissioner T. Adamski stated: I would just like to say that I think its pretty cut and dry filling in a wetland/floodway without a permit.

Chairman M. Herde agreed.

Mr. D'Amico thanked the Commission and exited the meeting.

Chairman M. Herde asked: We have to look at what the application was for and did the application cover what they did and does it require a denial and then a cease and restore order. I just want to Make sure we have the right format.

I.W.E. Officer A. Ferrillo stated: Application reads: Armored with stone and graded then seeded restored deck.

Commissioner S. Purcella Gibbons asked: Did we ever approve that?

Chairman M. Herde replied: No. That is the application that is still open.

Commissioner T. Adamski asked what fee was paid.

I.W.E. Officer A. Ferrillo replied: Not any impact fees, just the basic \$130 fee.

Commissioner S. Purcella Gibbons stated: It's also after the fact request for a permit.

Commissioner T. Adamski stated: I saw at least 2 tri axles going into the property so approximately 32 yards of fill.

Chairman M. Herde asked: Do we want to keep the minimum fee or charge for impact fees.

I.W.E. Officer A. Ferrillo stated: If were charging her for an impact fee that would indicate to somebody that we are allowing the impact. We didn't charge her for any impact fees and now we go ahead and charge \$2000, because it is all wetland, flood plain area and then one can reasonably conclude that we are going to let her do that impact.

Commissioner T. Adamski stated: Well, wait a minute. If they put in an application and they put \$10,000 feet of wetland impact on the application we would charge a fee. If we deny it, it's ours.

I.W.E. Officer A. Ferrillo replied: Well, it's a different scenario. The work was done without a permit. I would think we can tell her to remove it, we can probably fine her for filling in a wetland but charging her an impact fee, might be creating another problem.

Chairman M. Herde added: I would keep the fee as is because it was storm damage but then give a cease and restore order.

Commissioner B. Richter agreed: Make it simple as possible.

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Discussion by Commission and all agreed that the Commission has tried to work with the applicant since July of 2012 to work out a fair line and the applicant failed to come in many times and chose her own line and chose it wrong.

MOTION made by **Commissioner T. Adamski** for denial of permit for application (IW 12-82) 10 Park Road dated July 23, 2012 for filling in a flood plain/flood way, after the fact beyond the original lawn line prior to the storm of April 2012. Therefore, further fees are waived. Restoration will be between May 1st to July 30th. **Seconded** by **Commissioner S. Purcella Gibbons**. All in favor **4-0**.

I.W.E. Officer A. Ferrillo stated: Brian Baker (Civil 1 engineer) is present with his response to the Nafis and Young report for IW 14-4.

(IW 14-14) The Hurley Group (lots 5R & 8R Morse Road, 2 buildings)

Brian Baker – (Civil One Engineer) and introduced Mr. Tom Picagli (General Manager of Hurley Group) passed out the response to the Commission (scanned below) and opened up the revised maps.

Mr. Baker stated: I will go through my letter and at the end hit on some highlights and reference some of the previous applications. Here are 3 new sets of maps which will look similar to the previous set, not huge revisions but enough that warranted a revised set.

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Michael Herde, Chairman
Oxford Conservation Commission, Inland Wetlands Agency
Town of Oxford
486 Oxford Road
Oxford, Connecticut 06478

RE: The Hurley Group
Lots 5R & 8R
8 Morse Road &
119 Hurley Road

Dear Chairman Herde,

We have received a review letter from James Galligan, P.E. of Nafis & Young dated March 17, 2014 for the above referenced project. Accordingly please find three sets of revised site plans and three sets of an Engineering Report Addendum dated April 8, 2014.

We offer the following responses to each of Mr. Galligan's comments;

C1. The address in the titles of the submitted documents should be identical.

R1. The address in the titles of all submitted documents has been revised to be identical per the recommendation.

C2. Catch basins 6, 8, 9, and 12 should be tied into the oil separators before discharging into the detention ponds.

R2. The plans have been revised so that all of the proposed catch basins on the site will be routed through hydrodynamic oil & grit separators prior to discharging into the detention ponds.

C3. There should be information showing how the oil separators meet the CT DEEP requirement of > 80% removal of suspended solids and floatable debris including oil.

R3. The oil separators have been revised to Contech CDS hydrodynamic separators. The removal efficiencies for the two units we have specified are predicted at 87.7% and 87.3 %. Details for the proposed units have been included in the plan set. Additional details as well as removal efficiency calculations have been included in the Engineering Report Addendum dated April 8, 2014.

C4. A certified A-2 survey should be provided with the plan.

R4. Three copies the A-2 survey have been included along with this response letter.



C5. The dimensions of the appurtenances inside the oil separator should be indicated.

R5. The dimensions of the oil separators are contained in the details referenced above in response #3.

C6. Please include the proposed flows for a 1-yr storm in the Engineering Report.

R6. The existing and proposed 1 year flows have been included in the Engineering Report Addendum dated April 8, 2014.

C7. Please identify the soil and groundwater conditions at the rain garden locations with field-testing.

R7. Test holes done in the area of the rain garden in 2009 and 2014 indicate seasonal high groundwater elevations of 28", 29 and 26" for an average of 27.7". The locations and the results have been added to sheet 2 of the site plans. The rain garden design has been modified and raised 24" to ensure at least 18" of separation to seasonal high groundwater. This meets the separation requirement to seasonal high groundwater for a septic system leaching field and along with the proposed hydrodynamic oil separators will provide adequate treatment of post development storm water.

C8. A description of the site activities should be included.

R8. A "Statement of Use" describing the proposed activities has been included along with the response letter. The end users of the proposed buildings are not known at this time but the uses will be a mixture of warehousing, distribution, manufacturing and product development.

C9. Approximately 10,000 square feet of the parking and loading area is located within the 100' wetland review area. What alternatives are available to remove the parking and loading activities beyond the review area?

R9. Prior to submission to the Town land use agencies a number of iterations of the plans were considered. One of which included the loading docks to the east and the parking areas to the west of the proposed buildings. This layout would have required additional fill in the wetlands regulated area due to the fact that the parking areas are typically 4' higher than the loading areas.

The current design was chosen because it works well with existing topography by establishing the higher elevations along the eastern property line and the lower elevations adjacent to the wetlands area, minimizing the fill that is required.

The property owner has also gone through the time, effort and expense of obtaining a grading easement over the property to the east. This grading easement has allowed us to push the entire design further to the east, away from the wetlands area than would have been possible without the easement.

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It should be noted that applications for a proposed warehousing and distribution center on Lot 8R were approved in November 2009 by all of the Town's land use boards. That proposal contained a smaller building at 27,500 sf but a much larger paved parking area. Overall lot coverage for this proposal is 46.7% vs. 64.1% for the previously approved project. The proposed paved parking area for this proposal is 102,205 sf vs. 122,750 sf for the previously approved project, a 16.7 % decrease.

Overall impact in the 100' wetlands regulated area for this proposal is 28,400 sf vs. 35,600 sf for the previously approved project, a 20.2% decrease. The current proposal is a less intensive use of the property than has been previously approved.

If you have any questions please feel free to contact us.

Sincerely,
CIVIL 1

A handwritten signature in black ink, appearing to read "BJB".

Brian J. Baker, P.E., CPSWQ, CPESC

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Mr. Baker stated: I believe this plan is better, there is less use and it's a slightly better storm drainage design now because we have added the swirl concentrator to capture everything on site. I think we have done our homework and due diligence and Hurley Group has been a good neighbor in town and this is something that will work out well for us.

Chairman M. Herde replied: Ok. We are going to need a letter from Nafis and Young regarding your responses.

Commissioner B. Richter asked: When you're in that 100 foot area, just how close is it to the wetland?

Mr. Baker replied: Your closest point is approximately 35 feet (here, pointing to map) and that's where the edge of parking is that is curbed so that drainage or the runoff won't go into the wetland directly its going to go back through this catch basin, thru the oil grit chamber and into the rain gardens.

Commissioner B. Richter asked: When you say parking, is that where trucks are going to park?

Mr. Baker replied: This is the loading area (pointing to the map). The cars will be in the upper area and the truck traffic will come in off of Morse Road where they can park and unload and then go back out the Hurley Road exit.

Commissioner T. Adamski asked if we had anything from Mr. Logan (Ecologist reviewing the site) as of yet.

I.W.E. Officer A. Ferrillo replied: No, we do not. We will now have to get these revise plans to him.

Chairman M. Herde added: We also have to get this information to the Town Engineer to get his final response as well.

Chairman M. Herde asked if anyone else had any other questions.

I.W.E. Officer A. Ferrillo asked: This will enter and exit on both streets?

Mr. Baker replied: Yes. Your cars can enter or exit either way. Truck access will be entered thru Morse Road. I don't know what George Logan will say, we know he is very thorough.

Chairman M. Herde asked: Are the fees all paid?

I.W.E. Officer A. Ferrillo replied: Yes.

Chairman M. Herde stated: Ok. Once where here back from our consultants, we will let you know immediately.

Mr. Baker thanked the Commission.

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Keystone Aviation –BL Companies –Present approved plan, construction to start in spring (already approved plan)

I.W.E. Officer A. Ferrillo: On Keystone Aviation, we contacted the Engineer (Kim Lesay) and left a message regarding the need for the revised plans and we were told they would get them to us as soon as possible. We also informed them of our next meeting on April 22 this month.

NEW APPLICATIONS REQUIRING OCCIWA APPROVAL (ACCEPTANCE)

None

CORRESPONDENCE:

None

OTHER BUSINESS:

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

Minutes were tabled till next meeting.

ENFORCEMENT OFFICER:

I.W.E. Officer A. Ferrillo stated: When checking the construction site at the Oxford House I found open dumpsters, tyvek and siding in the river and salt on the side of the brook.

Chairman M. Herde suggested a silt fence around at the end of the parking area.

The Commission made other suggestions on how to keep the construction site more tidy so that the river will not be affected.

I.W.E. Officer A. Ferrillo stated: I will speak with him tomorrow on these issues.

COMPLAINT/CONCERN:

None

APPLICATIONS NOT REQUIRING OCCIWA APPROVAL:

DATE	NAME	ADDRESS	NON-PERMIT REASON
10/7/2013	Paul Duh Brett	16 Sheldon Drive	roof renovations -partial Basement
10/15/2013	Renee&Jackson Colonial Pet	62 Chestnut Tree Hill Rd.	In-law apartment 1700'
10/17/2013	Cremation 66 Hawley Road,	315 Riggs Street	Pet Crematory
10/21/2013	LLC	66 Hawley Rd.	Demo Satellite Dish
10/24/2013	Lou Coppola	44 Pisgah Rd.	Remodel Bsmt
10/28/2013	Donna Masi	47 Newgate Rd.	Partial Finished Bsmt
10/28/2013	Heather Haney	579 Chestnut Tree Hill Rd.	Cottage Business -Xmas Stuff
11/4/2013	Ordinem Ecentric Cortores	7 Fox Hollow	Brewery
11/4/2013	Champion Windows	42 Bowers Hill Rd.	Enclose existing Screen Room
11/5/2013	Margaret Thomas	571 Inverness Ct.	3-Season Porch Finish Two Attic Spaces and covered porch
11/18/2013	Mark I. Hinnau	15 Wychwood Lane	Recreation room
11/19/2013	Margaret Thomas	571 Inverness Ct.	Renovations (Interior)
12/2/2013	Tyler Tucker	76 Bowers Hill Rd.	Screen Porch/mud room
12/5/2013	Ken Hogan Const. ION	471 Roosevelt Dr.	
12/9/2013	Bank	71 Oxford Rd.	Interior work
12/9/2013	John Arnone	42 Highland Rd.	Remodel existing bathroom
12/11/2013	Joe Jackson Brennans Shebeen	108 Country Club	Kitchen & Bath remodeling
12/16/2013	III	441 Oxford Rd.	Use Permit Tenant Fit up
12/18/2013	Margaret Thomas	571 Inverness Ct.	Co for rec room
1/8/2014	Best Wise Assoc George Transport,	441 Oxford Rd.	Professional Office
1/9/2014	LLC	766 Oxford Rd.	Cottage Biz
1/13/2014	Chris Kelly	347 Niblick Lane	Finish bsmt
1/16/2014	Enterprise BUI, LLC	7 Fox Hollow	Mezzanine

MATTERS OF VIOLATIONS/LITIGATIONS:

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1. Notice of Cease & Restore – (88 Perkins Rd) Debris and garbage on property.
2. Notice of violation – (543 Roosevelt Drive), wall constructed in a flood zone without a permit.
3. IW 13-47) Garden Homes, Hurley Road (Permit approved, pending litigation)
4. (IW 13-93) Cocchiola Paving - Riverview Subdivision, (Permit denied, pending litigation) (return of record was completed and presented in court on April 2, 2014)

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

OTHER ITEMS OF CONCERN:

Commissioner S. Purcella Gibbons: The town wide clean up is well underway and Denise will be bringing the football players garbage bags and plastic gloves for their clean up day.

**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:

ADJOURNMENT:

MOTION made by **Commissioner S. Purcella Gibbons** to adjourn at 8:42 p.m.
Seconded by **Commissioner B. Richter**. All in Favor **4-0**.

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Respectfully Submitted,



Denise Randall
Administrative OCCIWA Secretary

14 APR 17 PM 3:35
TOWN OF JAFFORD, CT
Elizabeth A. West
TOWN CLERK