



November 13, 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

Tuesday, November 13, 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 Tuesday, November 13, 2012

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

ATTENDANCE ROLL CALL: Chairman Michael M. Herde

COMMISSIONERS Tom Adamski, Bill Richter, Ethan Steward & Sue Purcella Gibbons and I/W Enforcement Officer A. Ferrillo Jr., and Denise Randall Secretary.

ABSENT:

None

AMENDMENTS TO AGENDA:

None

OLD BUSINESS:

NEW BUSINESS:

Belmar Farms, LLC (IW 12-115) 108-120 Oxford Rd.

Attorney Tom Welch stated his name and business address as 375 Bridgeport Ave., Shelton and thanked the Commission for their time and stated that he represents Salton Enterprises and Belmar Farms the owner of the property located at 108-120 Oxford Road, Oxford, Ct. This is a site that consists of approximately 14.1 acres and our proposal is for the construction of 3 commercial buildings to the front of the property along Oxford Rd. We submitted to Inland Wetlands and in terms of regulations of section 7 and 8 the application we submitted that consist of 23 pages, which includes in 10/22/2012 the impact assessments from William Kenney Associates along with the prior wetlands studies done in the previous application in June 2, 2009, August 13, 2008 and December 10, 2007. You will see from this project, what has occurred, we received a permit from

the Commission back in 2008 and we have basically stayed in the perimeters of the prior permit and the approval that you have provided at that time. What has occurred is that my client has obtained 3 additional parcels. Here to provide a presentation are Megan Raymond (Senior Ecologist with William Kenney Associates) and Keith Buda from Pereira Engineering. At this point, I will turn it over to Keith.

Keith Buda (Licensed Professional Engineer with Pereira Engineering) located in Shelton, CT. Keith went on to state the site consists of 4 separate properties that include numbers 116, 118, 120 and 108 Oxford Road. Keith then pointed out on his survey where the properties were located and explained the total area for all 4 properties combined is approximately 14.1 acres and is across directly opposite to Oxford Lumber Company. As Attorney Tom Welch had mentioned, the previous application was improved back in 2008 and was strictly focused on this area, he then pointed to the map for this information. As you can see the total project site is split into 2 zones, commercial district comprises the Western section of the site and the remainder is a residential district A, comprises the Eastern section of the site. Our application tonight will only focus on the commercial portion of the site. The majority of the site is undeveloped. Several residential structures have been removed from the site. Primarily the property consists of wooded areas. The topography of the land consists of hills, and a grade goes up from Oxford Road and rises gradually towards the East. There is an existing man-made pond located on this property and that pond is fed from the North and also is fed from drainage that comes from the East and from the West on the site itself. That pond ultimately discharges into an un-named brook, which is a tributary to the Little River. The property contains 3 wetland areas and those are highlighted in green on this map. Keith went on to point out the wetlands areas of the map. All the runoff from the site, makes its way into the pond and then into the stream and discharges through that stream. The applicant is purposing to construct 3 separate buildings, a 2-story medical office building, a 2-story retail/office building and a one story bank with 2 drive-up windows. The new driveway will be constructed off of Oxford Road and bring it to the site directly opposite the driveway to Oxford Lumber. The site will consist of paved parking areas, bituminous curbing, concrete curbing in some areas and concrete sidewalks. The building themselves, will be served by public utilities, public water, sanitary sewer, underground electric, gas and telecommunications. Storm water runoff that is generated from the development on site will be collected through the use of catch basins and conveyed to 2 detention systems to piping. It will consist of 4 X 4 concrete galleries, open bottoms sitting on stone. The discharge from those 2 detention systems will ultimately combine in the structure and then be discharged through a grass swale located between the existing wetlands and the parking area. One thing to note is on the previous application there was a similar type of drainage collection system where their discharge point was to a grass swale in the same exact location. We have essentially kept the back and did not change it. One thing to note different from the prior application, we will maintain a 50 foot separation from the edge of the wetlands to the paved areas where the building is. What we are trying to do is be consistent with that. The open bottoms on the galleries will allow for ground water re-charge. We did do some test holes on the site to determine the elevation of ground water and we designed the system so that the bottom of our system, including the stone is above the elevation of ground water. The system has been designed consistent with engineering requirements such that our post developed peak runoff is less than the pre-developed flows. They are either equal or less for the 2 through 100 year storm events. There is a small portion of runoff that comes currently off Oxford Road and there is no curb along that makes its way onto the site and ultimately feeds into the wetland. The runoff

coming off from the road, we would be collecting in a swale and piping it under the driveway and then it will discharge into a rip rap apron just above the wetland. This feature was also in the prior application proposal. A sediment and erosion control has been prepared. The control for this particular application includes a construction entrance, an erosion control blanket, outlet protection, general notes that describe the site, describe the maintenance and the sequence of construction phasing, temporary stock pile areas, geo textile silt fence, inlet protection and temporary sediment traps. Also included are controls for storm water runoff during construction. Prior to submitting our application, we had an informal pre-application meeting here with the Zoning and Inland Wetlands officer and one Commission member. There were a number of suggestions and recommendations made for the development of the site and we did incorporate these into the site plans. One item discussed was a dumpster area and there are 3 areas for each building and these will be fully enclosed and screened. We have added a loading space for each building. We have included the Inland Wetlands litter control standards directly onto the site plan and this pertains to both retail and commercial use. There is plenty of area on site here, for snow piling. One of the items mentioned was to incorporate signage on the site in the vicinity of the wetlands to prohibit the piling of snow. As part of the low impact development strategy, we have incorporated a rain guard into the site plan. We prefer it to have openings in the curb and put an actual small catch basin structure with a sump on it, so water will sheet flow off the pavement, enter into the structure, which has a flush curve at structure, the sediment will get trapped in the sump then the water is allowed to overflow into the rain garden area itself. We have also included a storm water operations and maintenance manual which has been included in the engineering report.

Megan Raymond (Soil Scientist & Ecologist) stated: I'm in charge of evaluating potential impacts to wetlands on the site and in preparing mitigation. This site is comprised of upland and wetlands and primary wetland corridor is the pond and outlet watercourse system that flows to the Little River and then onto the Naugatuck River then to the Housatonic and on down to the Long Island Sound. The other wetland areas extend from this outlet watercourse (pointing to an area on the map). Then there are 2 isolated features, one just off of Oxford Road to the East and another larger system on the Eastern most section of the property where there is no work proposed. In order to fill the development of plan at this location, there are 2 areas of direct wetland impact. One is a portion of this wetland finger (pointed to an area on the map) and the other is an isolated wetland in the central portion of this site. The isolated wetland just off of Oxford Road is currently vegetated by Japanese barberry, very little hydrologic renovation of water, as it is not doing a lot in terms of contributing to known important wetland functions. This small area, north of that southern property line, if you were there taking a walk around and other than the upper portion and the disturbed near the upland surrounding it and it's basically the vegetated pallet is upland dominating. There is a little bit of water renovation that gets downgraded. These are 2 lower functioning wetland areas in contrast to the high functioning primary wetland corridor. Total wetland direct impact is 3,082 square feet that would be filled. The highest function wetland on the site is definitely the pond and watercourse corridor in the middle portion of the site. In order to maintain the high function of this wetland we have proposed mitigation.

Number 1: We propose a free standing masonry wall, just off of the medical building, in order to provide permit demarcation to that wetland. This will also provide some type of passive recreation for people that will be utilizing the facility or sitting along and so forth. Just on the downgrading side of the wall, there is a number of plants that are being proposed within the existing meadow to

provide some needed trees and shade as well as fruit bearing shrubs to enhance the wild habitat in that location. The vegetated pallet is pretty consistent with some of the plants you see today which are choke berry, American elm and swamp white oak and some diversity to enhance the habitat along this primary wetland corridor. In the pre-application meeting, we also discussed the potential for mitigation options. They do have some direct fill and it was decided that, the re-creation in this location can only minimize or take away the upland habitat that is going to remain and so it was decided to enhance the interface with the buffer between the wetland resources and the development, rather than create wetlands to compensate for the direct disturbance. Our wetland impact report summarizes this location and also runs thru the functional assessment of the existing wetland resources on the site. We properly maintained sedimentation and erosion control in the mitigation plans that are proposed and will have no impact or effect on the existing function of the primary wetland resources on the site and the small wetland impact.

Megan Raymond then stated that she would be happy to answer any questions from the Commission.

Chairman M. Herde asked Megan Raymond: In the area where you're doing the plantings along the side of the regulated area around the pond. For the long term proposal, is that a maintained area or is it just going in to a native state in your enhancement?

Megan Raymond responded: Well no, it is going to be native. There will be some provisions for meadow maintenance. It is not going to be mowed, maintained or fertilized and so forth. There will basically annual mowing. If you take a look at the site, right now it is a meadow, and you can tell from the Arial view. What we have here within the 14 acres is the 8.49 acres that was subject to the prior 2008 application and then we have 3 other pieces that range from 4.6 to a little over 4 acres, I believe.

Chairman M. Herde asked: Are you thinking about brush hogging about once a year?

Megan Raymond responded: No, not so much brush hogging, this is not the type of species that will be there and just basically mowed once a year. The idea is that anything on the wetland side of the demarcation area, we are not going to touch. It won't be landscaped with red mulch around the roots of the trees, it will be naturalized.

Chairman M. Herde asked Megan Raymond: But if you're mowing it, you're also going to control one of the other native species that would be coming in naturally right?

Megan Raymond respond: The annual mow is pretty standard meadow maintenance. If you start mowing it more frequently than you tend to favor just the golden rods. The idea of the annual mow, allows for suppression of the invasives while allowing the native pallets to diversify somewhat. We are open to your suggestions.

Chairman M. Herde replied: Yes, if we go through with this, we have to be careful. There have been other applicants, in the past, stating their intentions for a once a year mowing that was in the approval and now there is nothing there.

Megan Raymond stated: The thing is that, it is a mowed area and is basically a yard too. I definitely hear what you're saying.

Chairman M. Herde asked: Ok. In doing the plantings, are you going to do any kind of grading or just digging a hole for trees?

Megan Raymond responded: No, just digging holes for the trees.

Chairman M. Herde asked: Do the plants have a limit of disturbance?

Megan Raymond responded: The limit of disturbance is clearly laid out in the plans.

Commissioner B. Richter asked Enforcement Officer A. Ferrillo: Do we know if that pond overflowed?

I.W.E.O. A. Ferrillo responded: Well, it does, to a degree and that is why there is wet meadow above it. The pipe generally accommodates it, except in extreme rainfalls, it may come up over where the crossing which is no where near that area.

Chairman M. Herde asked: Are there any oil separators?

Keith Buda responded: There are prior to each of the 2 detention systems. The storm water will be routed through, hydro-dynamic separators.

Chairman M. Herde asked: Ok, but is there an oil water separator besides the hydro-dynamic?

Keith Buda responded: No

Chairman M. Herde responded: We probably will be looking for something specific that is labeled as an oil water separator.

Keith Buda stated: I think a unit like vortech unit or a stormceptor unit would remove the oils.

Chairman M. Herde responded: They have limited capability. Most of them are not rated for oil and water separators.

I.W.E. Officer A. Ferrillo asked: Are you looking for something on the catch basins?

Chairman M. Herde responded: Something that is specifically labeled as an oil water separator, in the past we have used smart sponge technology as well.

Keith Buda stated: We do have catch basins, and four foot deep sumps, the outlets on all the catch basins will have traps. Then it will be routed through the vortech unit or stormceptor unit. We will look into it. Such as inserts into the catch basins.

Chairman M. Herde responded: We will also need a maintenance schedule with it as well.

Chairman M. Herde asked: Is there a life expectancy to the galleys being used as storm water retention such as fine silts from sanding? At what point do those galleys expire like a septic system?

Keith Buda responded: Well, I think with the 4' foot deep sumps on the catch basins for the outlets. And now we are also considering a smart sponge. I don't think that you're going to find you get a lot of sediment going into these galleys. They are 4 x 4 concrete galleries and they are designed with either 12" or 18" inches of stone. The amount of sediment that you will get, I think is going to be minimal.

Chairman M. Herde asked: I'm just wondering about how much suspended particles go through. We have had a couple of them and honestly I was just wondering about what the real life expectancy is. Since a septic system, very clearly has a life expectancy and the health department monitor's it and says you must have a 100% reserve because of this.

Megan Raymond responded: Yes, but that is a bacterial type.

Chairman M. Herde responded: Yea, but that comes down to the fines going out.

Megan Raymond responded: It does. But then you have the deep sumps.

Chairman M. Herde responded and asked: It depends on the vortech unit. Does anyone else have questions?

Chairman M. Herde asked: Is there a potential for a future road to go through the crossing at the back piece of the property?

Keith Buda responded and pointed out on the map there area. There is not proposal at this time.

Chairman M. Herde asked: I'm just wondering if we are weighing any of that in regards to the disturbance of the wetlands on not using any of the rear property?

Keith Buda responded: We would have to come to first for any additional development first.

Chairman M. Herde stated: Ok, yes. You would have to come in with a new application.

Chairman M. Herde then stated: Unfortunately, we don't have a response from the Town Engineer yet.

I.W.E. Officer A. Ferrillo stated: As soon as I hear from the Town Engineer. I will contact you.

Chairman M. Herde stated: When we hear from the Town Engineer, we can go over it. I think this presentation was nice and thorough and at this time at think we are all set with questions.

November 13, 2012

Keith Buda stated: Thank you all and we certainly appreciate your time tonight and with the pre-application meeting as well.

Megan Raymond stated: Yes, Thank you.

Chairman M. Herde asked Mr. Buda: Can we have somewhere on the plans regarding no hazardous materials? And is there any potential for a restaurant to come in? We have to address the grease storage.

I.W.E. Officer A. Ferrillo asked: And you do have natural gas, correct?

Keith Buda replied: Yes.

NEW APPLICATIONS REQUIRING OCCIWA APPROVAL (ACCEPTANCE)

None

OTHER BUSINESS:

None

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

MOTION made by Commissioner T. Adamski to approve the regular meeting minutes from 10/23/12 with corrections noted below. **Seconded** by Commissioner S. Purcella Gibbons. Voted 5-0

Page 1 Attendance roll all should also include Chairman M. Herde.

Under Old Business: First paragraph, first sentence by Chairman M. Herde should read: The last meeting the Commission was opposed to having it declared outside the jurisdiction of the Commission due to the fact we felt there is probable wetland impacts, according to our experts.

Page 2- Motion seconded by Commissioner T. Adamski.

ENFORCEMENT OFFICER:

Commissioner T. Adamski asked about the logger over on Riggs Street.

I.W.E. Officer A. Ferrillo: I inspected the area today and there were small logs left in there and a lift truck with no activity. The road looked clean.

Commissioner T. Adamski asked I.W.E. Officer A. Ferrillo Jr. about the property on Hogsback.

I.W.E. Officer A. Ferrillo replied: The developer purchased the property and at a pre-application meeting we made it quite clear that he would have to do substantial amount of work to prevent any erosion from going into the brook. This is might include retaining walls. The proposal is for a walk-in clinic and day care center.

COMPLAINT/CONCERNS:

APPLICATIONS NOT REQUIRING OCCIWA APPROVAL:

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) Wetlands and zoning both approved removal of outlet construction and retaining wall. Not yet completed.
3. Notice of Violation Cease & Desist--- Mr. Ralph Crozier & 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.
4. 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:

None

**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).
- 4) Town of Oxford Catch Basins (Silt Removal).
- 5) Storm Drain Marker Program (Phase II).

November 13, 2012

6) Meadowbrook Estates Detention Pond/Harrison-Byk

Area to be monitored by Nafis and Young staff for period of 1 year to determine if pond constructed is sufficient.

MATTERS OF CONSERVATION:

None

ADJOURNMENT :

MOTION to adjourn by **Commissioner T. Adamski** and seconded by **Commissioner S. Purcella Gibbons** to adjourn the meeting at 8:36 pm. Voted 5-0

Respectfully Submitted,

Denise Randall
OCCIWA- Secretary

12 NOV 27 AM 10:28
TOWN OF OXFORD, CT
Margaret A. Clark
TOWN CLERK