

September 24, 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, September 24, 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, September 24, 2013.

Meeting was called to order at 7:33 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. of Nafis & Young, Town Engineer)

ABSENT:

None

AUDIENCE OF CITIZENS (NOT FOR PENDING APPLICATIONS)

None

AMENDMENTS TO AGENDA:

NEW APPLICATION REQUIRING OCCIWA ACCEPTANCE

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

MOTION made by **Commissioner S. Purcella Gibbons** to accept the amendment to the agenda. **Seconded** by **Commissioner B. Richter**. All in favor 5-0

NEW BUSINESS:

None

OLD BUSINESS:

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

Attorney Chris Smith (Shipman & Goodwin, applicant's attorney) thanked the Commission and the Town Engineer for their time and proceeded to explain some of the revisions for Glendale at Oxford based on the comment by Nafis & Young. The information was obtained from Mr. Allan Young and we made changes relative the regulated activity and I will let Mr. Silva (Civil Engineer) explain this in a moment. Essentially we had input from Mr. Young during his Planning and Zoning review half, indicating he had a site line issue and that he was asking us to look at the entrance way on Jack's Hill Road and we relocated it in a westerly direction to accommodate any site line issues. Initially when this was approved this was really an emergency access way. We have made it into a full access point to accommodate the proposed site development. Once again with the prior approval by both Wetlands and Zoning, it was not a full access point. I will now turn this over the Mr. Manny Silva and he will explain the adjustment that was made and Megan Raymond who is our Wetland Scientist (William Kenney Associates) who will also comment on this. As you can see we moved from one side to the other and we are still outside the upland review area (pointing to the plan)

Mr. Manny Silva stated: We are looking at the plan that was previously in front of the Commission and this is the plan that shrunk the impacts around, especially for the easterly wetland area. What we needed to do was modify this driveway (pointing to the driveway on the map) to get a longer site distance which by chance lines up with the industrial driveway that's across the road. Looking over the revise map you will see the difference. You will see the difference and you can see the small radius that turns the road toward Jacks Hill Road which is right across from the driveway in the industrial area. This gives us a site distance of 445 feet that is adhered too. Essentially we went from having some of units within the 100 foot setback area and we pulled them away and actually got further away from this wetland area here (pointing to the plan) and there is a bus stop area here (pointing to the plan). We actually moved it over by 60 feet which in turn pulled this unit, this drop off area away from this wetland area here and as you can see the 100 foot line for this wetland area to the west (pointing to plan) is still well outside where the units are.

Attorney Chris Smith stated: Arguably almost taking it out of the upland review area, eliminates the proposed regulated activity.

Chairman M. Herde asked: Did it take the grading as well as the structures out?

Mr. Manny Silva replied: Yes. The grading, essentially what we did, because it's a lower point in the road, we have made it come down to about 4% slope and further down about 2%. There is no drastic grading around the units and the limit of disturbance is well outside the 100 foot setback.

Mr. Allan Young (Town Engineer) added: Not only did it improve the site line but it also reduced the impact on the regulated area.

Megan Raymond (Wetland Scientist, William Kenney & Assoc) Mr. Silva described the site plan which resulted in less impact to the regulated activities and less work in the upland review area and so there is a net improvement from the previous plan which again is consistent with your regulations. We did actually modify our planting plan to be consistent with the new layout. Some traditional enhancement plantings, just along the limit of disturbance to further protect the wetland system. Our findings remain the same with no adverse impact to the wetland.

Attorney Chris Smith asked Megan Raymond: And does it satisfy the statutory factors for consideration in the 22a-41 and the Town of Oxford Wetland regulations?

Megan Raymond answered: Yes, it does.

Attorney Chris Smith stated: I just want to make sure it is on the record so if the Commission approves it, we have that extra testimony.

Mr. Silva added: I would also like to add, it's still reducing the impact that was in the previous approval in the easterly wetland area.

Attorney Chris Smith stated: From a housekeeping standpoint, we have 2 checks for the full amount made out to Oxford Wetlands and we think maybe Planning & Zoning might have received another check that should have been for Wetlands. Also I would like to put into the record all of the notices to abutting properties.

Attorney Smith handed them to Denise Randall Secretary.

I.W.E. Officer A. Ferrillo stated: The checks are up to date. We won't deposit them until we are sure that the applicant has not already been paid.

Chairman M. Herde replied "good" and asked Mr. Allan Young on the engineering.

Mr. Young stated: I have to say, since the last meeting, now that the plan was completely revised with an entire new drainage report and all of the issues have been addressed. I really give him credit for this, he put a whole new plan together in a month and that was a lot of work. They addressed every issue we had. They re-worked all the drainage report to make it consistent to what was needed. We received the new survey map and basically the final conclusion at this time; we have no further comments from an engineering perspective.

Chairman M. Herde stated: We are still on a basic layout on what we went through several years ago. It's just been tidied up and has come in with a different concept.

Chairman M. Herde asked the Commission and staff if anyone had any comments or questions.

Mr. Young stated: One of the differences from the plan that was approved is the drainage is much more significant. A lot more drainage to get the water off the road and grading has been drastically improved from the last plan as far as handling any erosion issues. There really were a lot of issues which have been addressed and I think this plan is markedly better from an erosion, drainage and detention discharge issue.

I.W.E. Officer A. Ferrillo asked: Do you think it's a possibility that Zoning may require additional sidewalks and if they did, would it have any impact?

Mr. Young replied: If they require sidewalks on both sides of the roads, it would definitely have an impact. They would have to come back in again. I have been at most of the Planning and Zoning meetings and there has been no mention of it, but if they all of a sudden wanted sidewalks on both sides of the road, then it would have an impact.

Attorney Chris Smith stated: We do have a proposed text amendment and incorporates some other regulations they wanted us to incorporate that requires sidewalks on one side. If they were to approve it, it can be as a condition of approval. As Mr. Young was pointing out, on the original approval, remember this is a request to modify the underlying permit that is valid to December 2019, with the changes that have been made, now this proposal can comply with and will incorporate the 2002 D.E.E.P guidelines for soil and erosion as well as the 2004 stormwater manual guidelines that didn't even exist and were not part of the original application that was approved by the Commission.

Chairman M. Herde asked: Is the plan, with regard to impervious surface, to go through in one phase or are there different phases?

Mr. Silva replied: The project has 5 phases. We have in the drawing set, how we deal with the phases for the soil and erosion control.

Mr. Silva then read 2 of the 5 phases and showed the stock pile areas.

Mr. Young added: We like to see one stock pile for every 5 acres and they did add that to the plan. The phasing plan and soil and erosion plan has addressed the phasing of the project.

Chairman M. Herde asked: So it can be permanently stabilized as they proceed forward.

Mr. Young replied: After phase 1, after phase 2, it can be permanently stabilized and if they don't finish the project, it can be stabilized at that point.

Chairman M. Herde stated: That's my concern, if there is a stall at some point, we have seen it in prior projects, is there a spot we can stop at for a year or 5 years say and then we are wondering if silt fences degrade and not hold up for that period of time and no one does any repairs.

Mr. Allan Young stated: In a project this size, the work is done in 5 phases. It's really based on them completing a phase. If they do phase 2, the erosion control measures are there to handle phase 2, by itself. They can not do 3, 4 and 5 until each is stabilized on its own.

Chairman M. Herde stated: Any approval should then include approval of each phase of stabilization and requiring the Commission to allow them to proceed. Any kind of an approval will need conditions to come back into the Commission before proceeding into the next phases. We would require adequate notice.

Attorney Smith asked: Would that be through the administration, Mr. Chairman. I have seen other towns do this, if it is like 80% finished and the Enforcement Officer has any misgivings, then the applicant should go back to the Commission.

Mr. Allan Young stated: I think it would be reasonable to make a condition of approval that an entire phase be proposed at a time, because that is how the erosion control is laid out. There are enough phases there so it won't be that much of a hardship to do a full phase.

Chairman M. Herde stated: I would say if we want to do it with the Commission, it doesn't have to be done by an application, just notification to Commission who will then approve it and give it back to the Enforcement officer. As long as you know a couple of weeks ahead of time, what you're doing, then you would be alright.

Megan Raymond added: As far as the vegetation here, it helps, it's not as if we are going to clear cut a forest and then open up a site and it's a meadow environment and its working well.

Chairman M. Herde also added: Then the Commission will have more correspondence with the Enforcement Officer as to what phase the project is in and if there are any questions that come up or there is an issue with it.

I.W.E. Officer A. Ferrillo asked: A couple of week's notification prior to proceeding to the next phase?

Attorney Smith stated: I'm sure you want everything stabilized.

Chairman M. Herde agreed and stated: Yes, if there is an issue with a section, then proceed after a potential issue is fixed.

I.W.E. Officer A. Ferrillo asked Attorney Smith: Have you taken care of the general permit for Storm Water Management with D.E.E.P., which is required with any site over 5 acres? This is not a requirement of our permit, but the State does periodically check to ensure the permit was issued.

Attorney Smith stated that he would take care of this.

Chairman M. Herde then asked for a motion.

MOTION made by **Commissioner Tom Adamski** to approve (IW-13-7) Glendale at Oxford, Christian St. with conditions. The reason for approval is no direct impact to wetlands or watercourses. The conditions requires: Each phase must be stabilized and inspected by either the Inland Wetlands Enforcement Officer or an Inland Wetlands Commission Member and be signed off before the next phase can proceed. The condition also requires the applicant to provide at least 2 weeks notice to the I/W agency prior to the commencement of the next phase. Permit expires 9/24/2018.

Seconded by Commissioner Sue Purcella Gibbons. Commission voted all in favor 5-0.

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

A September 9, 2013 public hearing was held and will be continued and will be re-open on October 17th, 2013.

The Commission and Allan Young all agreed that the October 17th date for the public hearing was ok.

Mr. Allan Young stated that in the meantime, he would like to be present if there is anymore soil testing performed by either Mr. Trinkaus or Mr. Klein at the proposed site.

I.W.E. Officer A. Ferrillo stated: I will call Attorney Branse tomorrow to let him know.

NEW APPLICATIONS REQUIRING OCCIWA APPROVAL (ACCEPTANCE)

MOTION made by **Commissioner S. Purcella Gibbons** to accept application IW 13-97 (3 Echo Valley Rd. Tom Haynes- Oxford Town Center) minimum fee has been paid. **Seconded** by **Commissioner B. Richter**. All in Favor **5-0**.

MOTION made by **Commissioner T. Adamski** to accept application (IW 13-93) Cocchiola Paving - Riverview Subdivision and forward the previously paid funds for the same parcel for this application. Should there be any further costs for the town for processing the application they will be forwarded to the applicant. **Seconded** by **Commissioner B. Richter**. All in favor **5-0**

OTHER BUSINESS:

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

MOTION made by **Commissioner S. Purcella Gibbons** to approve the regular meeting minutes for September 10, 2013 with the following correction on page 2, last paragraph Roman Rozinski's last name should read; "Mrozinski" s mark. **Seconded** by **Commissioner T. Adamski. All in Favor 5-0**

ENFORCEMENT OFFICER:

I.W.E. Officer A. Ferrillo stated: The area of new home construction on Meadowbrook Road where the developer cut down trees in a regulated area, has now been re-planted with additional trees, primarily hardwoods. Commissioner Tom Adamski and myself have inspected the area.

I.W.E. Officer passed out information for the Commission from D.E.E.P. Freedom of information act as it applies to Wetland procedures.

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 Hoepner	9 Owl Ridge Rd. 505 Traditions Court	CO for enclosed sunroom
5/7/2013	Chris Kelly	621 Championship Dr.	Bathroom remodel
5/13/2013	Larry Sims	268 Oxford Road	partial finish bsmt for closet
5/14/2013	Pheonix Propane	71 Oxford Road	CO for Office
5/20/2013	Gary Hylinski	549 Putting Green In	Remodel for Velvet Hair Salon
5/21/2013	David Giovanetti		Bathroom in bsmt.
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, improvements underway)
- 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:

Complaints about Hemlock Trail- Debris being dumped in 8 mile Brook

September 24, 2013

I.W.E. Officer A. Ferrillo stated: There have been a few anonymous phone calls to us and the Planning and Zoning office with regard to debris being dumped into the 8-mile brook on Hemlock Trail. I spoke to the Police on this matter due to the fact it is a private road and we are not able to go in and check on this. There is another road that runs along the brook that we can possibly be able to see the area of the brook. Will attempt to monitor the brook from the Loughlin Road side.

ADJOURNMENT:

MOTION made by **Commissioner B. Richter** to adjourn at 8:56 p.m.
Seconded by **Commissioner T. Adamski**. All in Favor 5-0.

Respectfully Submitted,



Denise Randall
Administrative OCCIWA Secretary

13 OCT -2 AM 10:52
TOWN OF SAFORD, CT
Margaret A. West
TOWN CLERK