

November 26th, 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, November 26, 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, November 26th, 2013.

Meeting was called to order at 7:37 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: Denise Randall Administrative Secretary.

ABSENT:

I.W.E. Officer A. Ferrillo Jr.

AUDIENCE OF CITIZENS (NOT FOR PENDING APPLICATIONS)

None

AMENDMENTS TO AGENDA:

Motion made by **Commissioner S. Purcella Gibbons** to include 2 amendments to the agenda, 1. Discuss ATV damage on Perkins Road and 2- Violation at 543 Roosevelt Drive (Housatonic River) wall constructed in flood zone. **Seconded** by **Commissioner B. Richter**. All in favor 5-0.

NEW BUSINESS:

None

OLD BUSINESS:

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

First Public hearing was held on September 9, 2013 at Oxford Town Hall and now the continuation of the public hearing to be continued on November 26, 2013 at 6:30 pm in room B.

Chairman M. Herde stated that we have just closed the public hearing for Garden Homes and in that regard, I would like the Commission to start looking at all of the paperwork and if the Secretary could get together all the soil scientist reports and engineering reports and give copies to each Commissioner that would be helpful. I don't think we should go into real deliberations tonight.

2.) **(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

Chairman M. Herde stated that we can talk about this project and if the Commission can put their input in.

Commissioner E. Stewart would like to have read the minutes first before he can make any decisions because he had some questions regarding paving first and stabilization areas.

Chairman M. Herde stated: I think for the prior grading, we were pretty happy with that but its more about the final stabilization and the vegetation that were really the issues. Basically what it comes down to is that the Commission needs to review the regulations about prudent and feasible alternatives and whether there is an alternative on the table that was brought up at the public hearing. If the Secretary can get together the correspondence that includes information on the East Hill Road and the Fire Department and such and give that to us for our decisions.

Commissioner T. Adamski stated: My thoughts are there is nothing to show that bridge is substandard as far as being able to bear traffic and our engineers reviewed it and didn't find anything substandard and it seems to be a feasible alternative to crossing the wetland.

Chairman M. Herde added: I also brought it up about the possibility of reducing the size of the trucks, which would quadruple the number of the trips the trucks would have to make.

Commissioner B. Richter stated: I know the Fire Department said there should be some consideration into widening that road.

Commissioner T. Adamski and the Chairman agreed.

Commissioner B. Richter asked about the bridge.

Commissioner T. Adamski stated: Well the Town Engineer inspected the bridge.

Commissioner B. Richter asked: And they said the bridge was sound?

Chairman M. Herde replied: Well they said it was in need of maintenance and that it was not in any kind of condition where it would be hazardous.

Chairman M. Herde suggested that everyone look over the information for a decision at the next regular meeting.

Chairman M. Herde asked what Commissioner S. Purcella Gibbons thought.

Commissioner S. Purcella Gibbons stated: Based on the letters from the Town Engineer and the Fire Department, they are not saying that the bridge is structurally unsound; they just said that it needs maintenance. If this is the case, then maybe we would have to consider another way to get in. There is really no evidence, that it is not a feasible or prudent alternative.

Commissioner B. Richter stated: I think the applicant seems to think that they are going to have a problem with that bridge. I think that the applicant should be responsible for getting an engineer in there.

Chairman M. Herde stated: Well he had an engineer in there and he stated he didn't think it was the greatest and that it might not hold up with all of the traffic.

Chairman M. Herde then stated that he really didn't think that it should be voted on right now and that it should be tables for now.

At this time Mike Horbal left the meeting.

- 3) (IW 13-124) Robert Pettinella - 4 Anthony Pond Rd. (New residential) (house on steep slope down onto Anthony Pond) Mr. Pettinella stated he as site plans for the Commission to look out and explained that is his will be starting construction of his home and the pond is on the down slope on the left hand side. There is some filling that has to go in on the left side of the house. The silt fence is in place. The pond is important to us as well as yourselves.

Chairman M. Herde asked: If this was the final footprint of the house?

Mr. Pettinella stated: Yes. Actually we have a site plan that shows the jogs, and here it is. To be honest, this map is actually shorter with less impact on the downslope. We are going to be 20 feet less going down the slope.

Chairman M. Herde stated: In any event, we should be looking at the one your going to build.

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Mr. Pettinella stated: I wanted show you the drawing that I gave to Andy. This is actual footprint. You can see the silt fence there and our intention is in this area where the most impact is, where the fill will be is to place a double silt fence to protect the pond.

Chairman M. Herde stated: The biggest thing, when your putting up a silt fence and I know you have been in business a long time, but when put it up on a hill and it all runs in one direction it makes a big puddle at the bottom and you need a little retention area or some check dams. Whether is a double silt fence or a triple, all the water goes to one direction and quite often I have been bringing this up lately that too much silt fence is likely to fail, the longer the silt fence is because it is made to help hold back water and concentrate it. All the engineers lately, they put it up hill, up hill, up hill and they put it in an area where it collects erosion but you end up collecting water and then it goes to the bottom.

Mr. Pettinella stated: We have hay bales that will only be in this direction.

Chairman M. Herde stated: All I'm saying is be prepared to have check dams and an excavator make a hole at the bottom.

Mr. Pettinella stated: We will have a machine on site at all times and we live right there as well and the last thing we want to do is make a mess.

Commissioner B. Richter asked Mr. Pettinella (Pointing to the site plan) about the road coming in from Route 188.

Mr. Pettinella replied: The road is a cul-de-sac which is a private road coming into the lots.

Chairman M. Herde stated: Your slightly more than 50 foot out of what was the original 50 foot upland review area when the subdivision was approved.

Mr. Pettinella added: Yes. This lot was approved in 2000.

Chairman M. Herde asked if anyone would like to refer this back to the Enforcement Officer for no impact to the wetland. Make sure the limit if clearing stays where it is on the map.

Mr. Pettinella stated: Ok.

MOTION made by **Commissioner B. Richter** to refer (IW 13-124) 4 Anthony Pond Road back to I/W Enforcement Officer A. Ferrillo Jr. for processing. **Seconded** by **Commissioner S. Purcella Gibbons**. All in favor 5-0.

Mr. Pettinella then exited the meeting and thanked the Commission.

NEW APPLICATIONS REQUIRING OCCIWA APPROVAL (ACCEPTANCE)

None

OTHER BUSINESS:

Secretary D. Randall brought up the bond reduction for 138 Coppermine Road. Commissioner Adamski and I.W.E. Officer A. Ferrillo inspected the wall on Thursday and found that the lower wall was completed and done well. The remainder of soil was excavated with unstabalized soil in place and has a minimal amount of silt fence in place. Here are the photos.

Chairman M. Herde stated: I stopped by to take a look at that while the water is still down.

Commissioner B. Richter asked Commissioner Adamski about the inspection.

Chairman M. Herde asked: What was the intent of the bond, to get the whole site planted and stabilized?

Secretary D. Randall replied: Yes. It was in the motion.

Commissioner T. Adamski added: It's certainly not stabilized.

Secretary D. Randall stated: It was bond reduction of \$5,000 off his \$10,000 bond.

Chairman M. Herde asked: Did he do a cash bond?

Secretary D. Randall stated: I'm not sure.

Commissioner T. Adamski stated: I think they did a great job on the wall.

Chairman M. Herde stated: I think we should leave the bond in place for now because the intent was, because it is such a steep hillside to get those plants in. I think that the bond should stay in place.

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

MOTION made by **Commissioner T. Adamski** to approve the regular meeting minutes for November 12, 2013. **Seconded by Commissioner S. Purcella Gibbons. All in Favor 5-0**

ENFORCEMENT OFFICER:

COMPLAINT/CONCERN:

1. Violation at 543 Roosevelt Drive (Housatonic River) wall constructed in flood zone.

Chairman M. Herde asked for some photos of this wall that was built in the flood zone. The Commission then looked over the photos the letter that went to the owner of the above property and asked if they were notified to come into a meeting.

Secretary Denise Randall stated: Yes.

Chairman M. Herde asked: When were they notified?

Secretary D. Randall stated that they were notified last week.

Chairman M. Herde asked: Ok. Any response?

Secretary D. Randall replied: Yes. Just this morning.

Chairman M. Herde asked: What was his response?

Secretary D. Randall replied: He wants to rectify the situation. He explained he and his cousin have just purchased this home.

Chairman M. Herde asked if he constructed the wall.

Secretary D. Randall replied: Yes. The owner stated he didn't know he needed a permit.

Chairman M. Herde asked if notice was sent to the Building Department.

Secretary D. Randall replied: Yes. Notice also went to Zoning.

Chairman M. Herde asked about the second item on the amendment to the agenda which was regarding ATV activity at Rockhouse Hill.

Commissioner T. Adamski stated: Yes. The ATV activity was in parcel C. They came in from Perkins Road and moved a boulder out of the way and in every corner there is berms built up. There is a huge tree with its roots exposed. I wanted to give this information to Sergeant Dan Semosky. We know it was a blue ATV that took a left onto Moose Hill Rd.

Chairman M. Herde asked if there are any cameras.

Commissioner T. Adamski replied: We did discuss this. Maybe put a camera right at Perkins Road.

Chairman M. Herde stated: The other thing is there is a relatively small entrance there so the farm gate that was at the Von Wettberg property maybe should be placed up there so that it is more intimidating.

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 ---Mr. Frank H. & Robert Samuelson (Under the Rock Park) on Roosevelt Drive
2. Notice of Cease & Restore -- (88 Perkins Rd) Debris and garbage on property.
3. Notice of violation --(543 Roosevelt Drive), wall constructed in a flood zone without a permit.

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MOTION made by Commissioner T. Adamski to remove Mr. Ligi- 501 Roosevelt Drive off of the matters of violations. **Seconded** by Commissioner B. Richter. All in favor 5-0.

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).

MATTERS OF CONSERVATION:

ADJOURNMENT:

MOTION made by **Commissioner B. Richter** to adjourn at 8:47 p.m.
Seconded by **Commissioner T. Adamski**. All in Favor 5-0.

13 DEC -9 PM 4:52
 TOWN OF OXFORD, CT
 Margaret A. West
 TOWN CLERK

Respectfully Submitted,



Denise Randall
Administrative OCCIWA Secretary