



# TOWN OF OXFORD

S.B. Church Memorial Town Hall  
486 Oxford Road, Oxford, Connecticut 06478-1298  
[www.Oxford-CT.gov](http://www.Oxford-CT.gov)

THESE MINUTES ARE  
SUBJECT TO APPROVAL.  
APPROVED ON: \_\_\_\_\_

Oxford Conservation Commission / Inland Wetlands Agency

## PUBLIC HEARING MEETING MINUTES

TUESDAY, NOVEMBER 12, 2013

This **Special Meeting (Public Hearing)** of the Oxford Conservation Commission/ Inland Wetlands Agency was held in the Main Meeting Room of the S.B. Church Memorial Town Hall, Oxford, Connecticut on Tuesday, November 12, 2013 and was **CALLED TO ORDER** at 7:31 PM by Chairman Michael Herde.

**CALL TO ORDER / ATTENDANCE:** Chairman Michael Herde, Secretary/Commissioner Susan P. Gibbons, Commissioner Bill Richter, Commissioner Tom Adamski and Commissioner Ethan Stewart.

**ABSENT (COMMISSION MEMBERS):** All Present.

**ATTENDANCE (STAFF):** Secretary, Denise Randall

**ABSENT (STAFF):** Inland Wetlands Enforcement Officer, Andrew Ferrillo, Jr.

### **PLEDGE OF ALLEGIANCE:**

Chairman M. Herde led the Pledge of Allegiance.

Secretary/Commissioner S. P. Gibbons read the Legal Notice for the record and the Public Hearing agenda.

The Public Hearing is being held for application (IW 13-93) **Cocchiola Paving, Inc. Riverview Subdivision of Parcel D**. Two residential lots with appurtenances (Total size of site 7.618 acres) (6,097 sq. ft. are wetlands/watercourses) (640 s/f of URA impact

**Assessors Map: 15 Block: 57 Lots: 50 & 51**

### **CHAIRMAN OUTLINES INTENT OF PUBLIC HEARING AND PUBLIC HEARING PROCEDURES:**

Chairman M. Herde outlined the Public Hearing procedures as it is relevant to the Inland Wetlands and Watercourses aspects of this application only.

Chairman M. Herde asked the Commission Members if they had any conflicts of interest. None Stated.

Chairman M. Herde asked the applicant and his representatives if they felt the Commission Members had any conflicts. Mike Horbal and Mr. Cocchiola both stated no.

### **SECRETARY TO READ OFF DOCUMENTS THAT WILL BE PART OF RECORD:**

Secretary/Commissioner Sue P. Gibbons read the following new documents that will be part of the record:

- 1) Application received 3/14/13, storm water report inventory, soil report, drainage report, hydro flow summary report.
  - 2) Letter received from Nafis & Young (Town Engineer) regarding slope stabilization dated 5/26/2013.
  - 3) Letter received from Nafis & Young (Town Engineer) regarding inspection of slope stabilization dated 6/11/2012.
  - 4) First Public hearing was cancelled on May 6, 2013
  - 5) Memo from Nafis and Young regarding Box Culvert on East Hill Rd. dated 6/6/13.
  - 6) Letter from Oxford Fire Dept regarding East Hill Bridge dated May 7, 2013
  - 7) Letter from Conservation Southwest District, inspection of vegetation dated 9/12/13
  - 8) Letter to Voices regarding legal Notice for Public Hearing faxed 10/22/13
- Letter from Richard Kopf regarding Riverview Subdivision public hearing dated 10/3/13.
- 9) Letter from Nafis & Young regarding revised reports and revised plans dated 10/8/13.
  - 10) Letter from Nafis & Young regarding comments on review of revised plans dated 10/9/2013.
  - 11) Legal Notice for Public Hearing faxed to The Voices Newspaper dated 10/22/13.
  - 12) Letter from Mike Horbal regarding Notice of public hearing to abutting properties dated 10/24/13.
  - 13) Letter from Cynthia Campbell (595 Roosevelt Dr) regarding her comments on the re-subdivision of Parcel D dated 11/12/13.

**PRESENTATION BY APPLICANT/APPLICANTS' REPRESENTATIVE(S):**

Mike Horbal, L.S. of 52 Main Street, Seymour, CT 06483 introduced himself and submitted the return receipts for the letters sent to the abutting properties and handed them to the Secretary. Mr. Horbal then submitted 2 copies of the revised drainage calculations and stated these copies were revised after received the comments from Nafis and Young engineers and also revised the drawing which I will also enter into the record. The only change I made were having to do with the crossing of the intermittent watercourse which my office along with Mr. Don Smith, Professional Engineer, that prepared these drawings. The Commission is well aware that this is the second phase and (pointing to the map) showing lot #5 and #6 on the record subdivision map and the total acres of these parcels is about 7.6 acres and borders Punkup Road and 5 mile Brook. What we are proposing is to create lots #5 and #6 with access ways from our proposed Riverview Road. Your Commission is well aware and for the past 7 years, Mr. Cocchiola has taken, what was an abandoned excavation site and stabilized it to the grades that we have shown on the previous drawings. The Commission is also aware that through the past 6 or 7 years there have been virtually no complaints about erosion or problems with erosion to the Five Mile Brook or Housatonic River. Any minor problems had to do with dust, one day when it was windy and Mr. Cocchiola took care of that by watering it. We have all been out to the site numerous times and we believe it is stable. Your engineers agreed with this as well as the Commission to the point where they agreed to reduce the bond. We are asking permission to cross the intermittent watercourse which is the most direct route from the Riverview Road into the site. We are asking for

that and we think it will be a benefit to the Wetlands Commission as we have noticed in the last 6 or 7 years an increase in the amount of flow up above us, outside of our property coming down this watercourse and causing erosion to that watercourse. Our plan (pointing to the map) would require us to put two 36 inch diameter pipes to cross that watercourse and to construct on top of that, the 2 driveways. When we install those 2 pipes, and the inlet head wall, outlet head wall and rip rap, that will have the effect of slowing down the water coming down the hill and I'm certain that you're all aware of how steep that hill is. If you look at the detail of the pipe crossing, we will oversize the pipes in order to flatten out the grade of the pipes and reduce the velocity of that flow of water. If you look closely, you will notice that the plans contain all of the elements required by the Connecticut soil and Erosion sediment control manual. We have extensive amounts of hay bales, silt fence along with stone check dams and the lots meet the zoning requirements of the town. This will also take traffic off of Punkup and East Hill Road and we are not in favor of putting extra construction traffic on East Hill Rd and we want to avoid crossing that culvert on East Hill Rd. We wrote our concerns to the Town Engineer about crossing that Culvert with construction traffic. This sums up our intentions for this 2 lot subdivision.

Mr. Horbal then stated that he would go into specific details as needed and/or answer any questions the Commission may have.

The Chairman asked if any Commission members had any questions.

Commissioner T. Adamski asked: The right away coming into East Hill Road, as far as crossing the bridge, do you have any engineering studies that show the crossing is structurally deficient?

Mr. Horbal replied: No I do not. I inspected the bridge along with P.E. Don Smith, we walked through the culvert and we observed spalling of the concrete and some leakage through the joints of the box culvert and that was all we can see with a visual inspection and that is what concerned us both.

Commissioner T. Adamski asked: The swale coming down along lot #6, does that increase the flow in the intermittent watercourse or does the flow naturally go that way?

Mr. Horbal replied: It does not increase the flow. Mr. Horbal pointed to the map and showed which way the water flows. I would think that we would be diminishing the flow into that watercourse.

Chairman M. Herde asked: With the construction traffic going thru on the East Hill Bridge, were you concerned about volume or concerned about the bridge being able to support it?

Mr. Horbal replied: We are concerned about the bridge being able to support the weight of the construction loads such as concrete for foundations in particular.

Chairman M. Herde asked: Did you look into doing anything to reduce the weight of those trucks? Maybe coming in with partial loads or maybe even doing cement block foundations? Can this be an alternative?

Mr. Horbal replied: Well if this is an alternative to construction then yes and would it take some of the load off the bridge then yes.

Chairman M. Herde replied: Ok.

Mr. Horbal also added that he was concerned with the width of the road which is 18 feet.

Chairman M. Herde added that he thought there are still a fair amount of roads in town that are still on the old standard and only slightly expanded from the old one rod roads and such.

Mr. Horbal stated: When you consider that the standard for a travel lane is 12 foot wide. Now we have 18 feet. Two cars passing, is tight. It's not the best road, we want to avoid it.

Chairman M. Herde asked: Ok. But it's not a through road right? East Hill Road is a dead end?

Mr. Horbal replied: Right.

Chairman M. Herde added: I know Coppermine Road is nearby and is a high traffic road and sometimes you have to pull over to let someone by or be real careful.

Mr. Horbal added: I don't think it helps to add traffic to either road.

Chairman M. Herde stated: I don't think its an issue with traffic, other than the short term while the homes are being built and they are in the beginning of the road.

Mr. Horbal stated: There is also the possibility of them coming in from Punkup Road to our frontage on lot #5 will cause us to create a larger wetland impact by building a bridge and the cost of that would be quite a bit more and was easy to eliminate that as a possibility.

Chairman M. Herde stated: I think that I would have to agree with you on that, it was definitely not a great alternative. Your right, it's not really feasible.

Commissioner T. Adamski added: A much larger impact.

Mr. Horbal stated: The crossing of the intermittent watercourse was the best way.

Commissioner B. Richter asked: Just the 36" pipes are sufficient?

Mr. Horbal replied: Two 36 inches pipes, at different levels so one takes the regular flow and the other takes the storm flow or flood flows.

Commissioner E. Stewart asked: Would it be an option to shrink up the crossing, so that is was like a one lane crossing and just have allowed one car to pass over the bridge to minimize.

Mr. Horbal replied: Well that becomes a Zoning issue and then we wouldn't meet the Zoning requirements. As it is we graded a common driveway to lessen the impact as much as we could.

Chairman M. Herde asked: What do they require a 14 feet of paved surface for a common driveway?

Mr. Horbal replied: I think your right. I would have to look.

Chairman M. Herde asked if anyone had anymore questions then we should now open it up to the public.

#### **COMMENTS & QUESTIONS FROM THE PUBLIC:**

Chairman M. Herde asked if there is anyone in the Public who would like to address the applicant and/or the Commission and once again, please sign in and state your name and address.

Richard Kopf of 581 Roosevelt Drive, Oxford, CT 06478 introduced himself and stated that when he was preparing his statements he was thinking how thankful for the fact that this Commission has been here so long and

understands the history of this project and without sounding like I'm blowing smoke, I really appreciate all you do for the town.

Chairman M. Herde thanked him.

R. Kopf continued and asked about the criteria of the abutting letters and stated that he lives across the street and did not receive a letter.

R. Kopf asked: My first question is there was no mention of any excavation and/or blasting and I wanted to know what the extent of that was. The application I saw only listed 40 yards of material being disturbed.

Chairman M. Herde replied: I think it was specifically in a wetland area that we list on our applications. There could be another explanation on the property which would be shown with the topo lines on the maps themselves and that would show what the excavation will be and whether its cut or fill. The line applications ask the question about fills or cuts in a wetland area and does not ask about non-wetland areas.

R. Kopf stated: Well, I think it certainly has some bearing on the wetlands. Off the bat, I don't think, at least the reasons that I heard exclude the prudent alternative of East Hill Road and not to push this project on East Hill Road at all but I'm not sure how the Commission can consider this project at all on the basis of the road on the previous project. The condition's for approval on the first part, which has not been completed is that the lots cannot be approved until after the excavation has been completed and all those lots are re-tested for septic and well. So there is no guarantee that the Riverview Road is even going to be approved and to allow digging and upset in the wetlands in a new area based on something that isn't approved yet, is a problem in my mind. We know the first phase, part of the property there certainly turned out differently then what we were originally presented with so I'm not sure what the future of this property will be. The area of the maps I saw, in particular on lot #6, has extensive excavation with no test pits. On lot 5, there were some test pits, test pit #32 in the septic system had mottling at 3 feet and water at 8 feet and at the other end is test pit #1 found water at 7.3 feet. That was done in March of 2006 when the state was in a 5 to 6 inch deficit of rainfall. Boring #3, right next to lot #6, based in 2000 record, that boring hit ledge at 37.5 feet and the corner of the house next to it, the proposed contours go to 40 feet. Basically, with the proposed excavation, you're stripping that area of the property to ledge. I know there was a big concern by the Southwest Conservation District that stripping that area of the property down to the intermittent wetlands and basically drain them. There was talk about dye studies and being able to substantiate that but essentially where all this major excavation with the deepest at 40 foot cuts on the corner house of lot #6. Blasting hasn't been mentioned but I'm not sure how foundations can be placed without that activity. There was also talk about the permeability of the soils and the upland review area, sounds like that may have been addressed recently as well, not being quite accurate. In particular the questionable aspect is whether or not Riverview Road will ever be approved and I don't think this is really a reliable application. Thank You.

Tom Creed 40 Little Punkup Rd. stated: Basically, over the last several years when they were doing the project, with the blasting that went on, I had a separation in my foundation. The only thing that changed, I have been there since 1982 and house since 1930's.

Chairman M. Herde asked: How far away are you?

Mr. Creed replied: a couple of miles.

Chairman M. Herde stated: I'm not an expert in this field but I would really beg to differ with you on this.

Mr. Creed stated: All I can tell you is that my house was ok for the 25 years, no water going in. Then we had that going on and now I have some separation and I had someone come out to look at it and asked him if that has caused it and he said he really didn't know. It's not the weight bearings but I do have to repair that. Are you calling me a liar or what?

Chairman M. Herde stated: The State does have guidelines on when a seismograph is necessary and it's a lot less than a mile, it's down to hundreds of feet where a blast can travel. You can feel sonic boom for a long ways but its actually traveling through the air, not the ground. We will take this into consideration but I want to let the Commission know that it falls with the Fire Marshall and that's an awful long distance, there would be a lot of homes falling down in the town if a blast from a gravel pit happened.

Mr. Creed stated: Well the only thing that happened in the last 15 years is that. I came home one time and found that my water was frozen.

Chairman M. Herde asked if anyone else from the public would like to speak.

Bill Duesing 593 Roosevelt Drive across the street from this site and I would like to read a letter that is from Cynthia Campbell who was not able to attend tonight.

Oxford Conservation Commission  
Inland Wetland Agency  
Town of Oxford  
486 Oxford Road  
Oxford, CT 06478

RE: # IW-13-93  
Riverview Subdivision - Resubdivision of Parcel "D"

November 12, 2013

Dear Commissioners,

I submit that this current application of Mr. Cocchiola's is also relevant to his long-standing permit # IW-Q6-39 Cocchiola Paving, Inc. Roosevelt Drive & Punkup Road. Please be mindful of the completion of this previous permit before entertaining this next application,

To support my request I would like to quote from the following letter of the Inland Wetlands Agency dated September 21, 2006: Disposition of Application # IW-06-39 Cocchiola Paving, Inc. Roosevelt Drive & Punkup Road

"CONDITIONS:

3. Temporary paved cui-de-sacs shall be constructed at the end of each Phase,

The Town Engineer will approve the construction of the cul-de-sacs prior to the commencement of subsequent Phases,"

I would like to bring your attention to this cul-de-sac because at the moment it does not exist. And yet the watercourse crossing currently being considered is to attach to this cul-de-sac, Therefore I propose that Mr. Cocchiola's existing permit has relevance to, and be completed prior to considering his current application,

The next condition also bears on this situation:

"4, Upon substantial completion of each phase." the applicant Shall appear before the Agency to obtain approval to proceed with the next phase. No work shall be started on the next phase without approval from the Agency. Granting of approval will be contingent upon the previous phase being completed without impact to nearby wetlands and/or watercourses, and stabilized to the satisfaction of the Agency staff."

Mr. Cocchiola's engineer stated at a recent Agency meeting that, "Mr. Cocchiola has chosen at this time to stabilize the slopes but not to build the road or the storm drainage into the road. It may be that a behavior of Mr. Cocchiola's is to simply choose not to meet a requirement. I request, in the way that Condition #4 states it, that the Agency requires the execution of the cul-de-sac and that it meets your approval before moving on to this next application.

Please insure that your staff enforces all Agency requirements of Mr. Cocchiola's previous permit #IW-06-39.

You don't need reminding but I wish to state that Condition #5 shows the Agency denying a crossing of this intermittent watercourse and nothing of significance has changed since that denial was approved. I am therefore hopeful for a second denial of this watercourse crossing. Also in Condition #5 is the Agency's denial of any development on the uppermost lot of East Hill Road (previously lot #5, now lot #6). Again, nothing has changed on that issue since this condition was approved by the Agency.

What I fear will happen is Mr. Cocchiola will skate over requirements he considers unnecessary when he is simply in pursuit of the extraction of material. Alas, I don't expect to see a temporary paved cul-de-sac built or even a single lot ever prepared while Mr. Cocchiola owns these properties. I DO expect him to take advantage in every way he can, and with every chance he gets, but please don't allow him those opportunities. Thank you.

You will find attached the Inland Wetlands Agency conditions of approval for his previous permit. Please be assured by staff that all requirements of Mr. Cocchiola's previous permit have been met. Thank you.

Sincerely,

A handwritten signature in cursive script that reads "Cynthia Campbell". The ink is dark and the signature is fluid, with a large, stylized 'C' at the beginning.

Cynthia Campbell  
595 Roosevelt Drive  
Oxford, CT 06478

Added into the record is the previous approval letter from 2006 with conditions listed:

September 21, 2006

Cocchiola Paving, Inc.  
Lars Realty, LLC  
18 Falls Avenue  
Oakville, CT 06779

**Re:** Disposition of Application # IW-06-39.

At its **Regular Meeting** on Monday, September 11, 2006 the Oxford Conservation Commission / Inland Wetlands Agency made the following decision on your application:

**IW-06-39 Cocchiola Paving, Inc. Roosevelt Drive & Punkup Road** (Lots 50 & 51) (5-Lot Subdivision) (10,500 s/f of URA Impact).

**MOTION** made by Commissioner L. Hellerich to **APPROVE** application **IW-06-39 Cocchiola Paving, Inc. Roosevelt Drive & Punkup Road** (Lots 50 & 51) (5-Lot Subdivision).

The Oxford Conservation Commission / Inland Wetlands Agency herein after referred to as the “Agency” received a petition with 25 signatures requesting a public hearing. The Agency conducted said public hearings on May 15, 2006, June 19, 2006, and July 11, 2006.

The Oxford Conservation Commission / Inland Wetlands Agency makes a factual finding that the site is in close proximity to the Housatonic River, Five Mile Brook, and an unnamed intermittent watercourse and the excavation of this property poses a direct threat to the environment if improperly developed.

After duly reviewing the facts and evidence presented at said public hearings, and after considering Section 10 of the agency’s regulations, the reason for approval is due solely to the modifications and conditions set forth herein which are each essential to this approval. It will greatly reduce any impacts to the inland wetlands and watercourses of the Town of Oxford, including but not limited to the Housatonic River, Five Mile Brook and all connecting tributaries.

**CONDITIONS:**

1. An irrevocable letter of credit, to ensure the work is performed under the terms and conditions of this approval, in the amount of \$100,000 that shall be acquired by the applicant and held by the Agency c/o Town of Oxford until the completion of the project to the satisfaction of the Agency/staff in a form acceptable to the Agency’s counsel. The Agency will release the letter of credit at such time they deem the project completed and all areas restored to the satisfaction of the Agency/staff. The applicant shall apply in writing to the Agency for release of said letter of credit.
2. Slopes will be graded to 2:1 with six feet (6’) wide, one foot (1’) deep reverse benches every fifteen feet (15’) vertically, to reduce the amount of material to be removed, and control runoff. If ledge is encountered, excavation in that area will cease, and ledge contours will be held at 1:5 or a degree acceptable to the town engineer.
3. Temporary paved cul-de-sacs shall be constructed at the end of each Phase. The Town Engineer shall approve the construction of the cul-de-sac prior to the commencement of subsequent Phases.
4. Upon substantial completion of each phase, (the Agency recognizes that some overlapping may occur between



phases) the applicant shall appear before the Agency to obtain approval to proceed with the next phase. No work shall be started on the next phase without approval from the Agency. Granting of approval will be contingent upon the previous phase being completed without impact to nearby wetlands and/or watercourses, and stabilized to the satisfaction of the Agency/staff.

5. Recognizing that a feasible and prudent alternative exists, the access to Lot 4 will be via the right-of-way/access way from East Hill Road. Access to Lot 4 and 5 over the intermittent watercourse is denied without prejudice at this time and removal of material from Lot 5 area is not permitted except as required to complete Lot 4 as determined by the Agency/staff. An individual site plan, including the right-of-way/access way must be submitted and approved for Lot 4 to the Agency prior to construction.
6. Prior to commencement of each phase, a monitoring plan shall be developed by the applicant and submitted to the Agency for review. The plan shall include at a minimum, description, frequency, and location of monitoring methods and activities. The work in each phase shall be monitored by staff of the design professional engineer and land surveyor to insure that all State of Connecticut erosion control guidelines are fully complied with, to prevent the discharge of materials, i.e. silt etc., into nearby wetlands/watercourses. Applicant will be responsible for the cost of this monitoring. Monitoring of all sedimentation and erosion control measures shall be performed during both construction and non-construction periods on all phases.
7. The stormwater treatment systems efficiency for total suspended solids from the site runoff shall be a minimum of eighty percent (80 %) on an average monthly basis. The removal efficiency shall be achieved for the water quality volume using representative measurement events to be described in the monitoring plan. The removal efficiency shall be achieved individually for T.S.T. # 1, T.S.T. # 2, and for the combined temporary sediment pond and T.S.T. # 3. A report of the monitoring results shall be submitted to the Agency on a quarterly basis.
8. The use of floc logs is required when determined by the Agency/staff, and the design engineer, that erosion controls are not working as designed. Floc logs are to be maintained in close proximity to the site so as to be readily available as needed.
9. Pursuant to the applicant's representation made at the public hearing, this approval supersedes any previous approvals for the property by the Agency currently in effect.
10. The "Remaining Land of Lars Realty, LLC" as shown on said map has not been represented by the applicant to have an entrance or use. The Agency does not represent this property to be accessible or approved for any future use, other than the excavation shown on the final plans.
11. The applicant shall prepare and submit to the Agency revised maps reflecting all the conditions of approval as granted within fourteen (14) days of the granting of this approval.

Seconded by Commissioner T. Adamski.

**Voted by Roll Call 5-0 Ayes.**

**\* Please Note:** The final approved plans were received on September 20, 2006 and the final approved plans are dated *March 6, 2006* last revised *September 15, 2006* (Sheets 1 of 16) reflecting all the conditions of approval (see Memo to File dated 9/20/06).

**PERMIT EXPIRES:** September 11, 2011.

Permit duration is five (5) years. Additional extension must be requested prior to expiration.

**THIS PERMIT IS TRANSFERABLE THROUGH WRITTEN APPLICATION TO THE COMMISSION  
WITH A SIGNED ACKNOWLEDGEMENT THAT HE/SHE UNDERSTANDS AND ACCEPTS THE  
CONDITIONS OF APPROVAL.**

Attached please find a copy of the application and if you have any questions please call me at the office at (203) 888-2543 ext. 3065 between the hours of 9:00 AM to 5:00 PM Monday to Thursday.

By Direction of the Commission,

Anna M. Silva  
OCCIWA Secretary

OCCIWA/as

**Cc:** Planning & Zoning  
Dave Nafis, L.S., P.E. of Nafis & Young  
Mike Horbal, L.S.  
Don Smith, P.E.  
Matt Willis, Esq.  
Steven Sozensky, Esq.

Chairman M. Herde Thanked Mr. Duesing and asked if anyone else would like to speak.

Mrs. Susan Duesing 593 Roosevelt Drive stated: I would like to reiterate Mr. Kopf's accommodation of the board and dealing patiently and diligently with these issues. I am confused about why we can't address any Zoning issues in this Inland Wetlands public hearing when zoning issues have come up repeatedly during this hearing. I totally understand that one is contingent on the other and ideally what you do here jives with Planning and zoning as there is a long term plan with this town.

Chairman M. Herde stated: Right. We don't address their issues as if it will effect this particular application but it does in the design has to meet the Zoning requirements. For example, we are not going to deny the application because there road isn't wide enough.

Mrs. Duesing replied: I understand and that is a problem with the system and not to be dealt with this evening. The other remark I would like to make that Mr. Horbal stated that the road was not adequate for their needs and it was pointed out that there are other roads in town that would not meet the requirements for zoning. I wonder with the drive in town for retaining the rural character of the town and that we should really consider making our roads accessible to large dump trucks carrying huge amounts of rocks in a residential zone. I have been made to understand that a special exception is not really what it sounds like; it's basically a higher level of supervision. Is that correct? I was told by a member of the Zoning Commission.

Chairman M. Herde asked: Special Exception in regards to?

Mrs. Duesing replied: In anything. For example Mr. Cocchiola applied for a special exception to do this whole project originally because this is not allowed in a residential zone. It was my understanding that a special exception was to circumvent the rules to hire level of supervision.

Chairman M. Herde replied: It is not necessarily to circumvent. Zoning has different set ups to their requirements and they have special exceptions for things that wouldn't necessarily effect land use specifically. It's a blanket over the entire town and that is how zoning does it but once again it is not our issue.

Mrs. Duesing stated: I understand it is really not our issue but since we are all one town here and all in this together, it would really behoove this Commission to respect the careful work that Cynthia Campbell has done in researching the former issues in this long drawn out nightmare for the residents. I know that is not within the scope of this public hearing and I understand that but because there has been specific inconsistencies and incongruities pointed out, I would really encourage you, and I know you will because you are very thorough, take this into consideration please. Thank you very much.

Mrs. Karen Kopf 581 Roosevelt Drive stated: I never received a letter and my mother in law, who lives next door, never received a letter about it either and I don't know who is responsible for that but it's just a footnote. I do have a question and not sure if it's an Inland Wetland thing so I will keep it short. My concern is just looking at that hill and work that I have done in the past, and it has to do within erosion globally, and its clearly erosion. Does this category fall within the wetland definition?

Chairman M. Herde replied: Yes. We do look at erosion if it specifically effects the wetlands.

Mrs. Duesing stated: ok. Just the erosion that has happened there would undoubtedly affect the wetlands and it trickles across. I have live there for 30 years and there has been a distinct difference already.

Chairman M. Herde asked: Have you seen the erosion going across to the river?

Mrs. Duesing replied: No. I haven't seen it go into the river but have seen it go into the road. And because the road is slightly sloped down closer to Punkup Road, it's slightly sloped but not enough to go across.

Chairman M. Herde replied: There was a berm there in between so I'm not sure that maybe its road sand or something coming off of the berm.

Mrs. Duesing stated: Yes. There is a berm there. There still is enough of a difference from the past 10 to 15 years which probably would have happen to a certain degree in any case. It's an observation I'm making anyway.

Mrs. Madga Drew 586 Roosevelt Drive stated: I'm not that knowledgeable but the concern is during the first phase and talking about logging, the erosion of the water came running down. I'm right on Rte 34, it's a bend that comes right out and during the first time the concern was because of that logging the slate starting splitting and now there is nothing holding it back. It seems that it's just a matter of time before that comes out onto Rte 34 and now with this new phase and how it has changed with the flow of the water coming down and I'm concerned we will have more issues. I really wish someone would take a look at.

Chairman M. Herde asked if she contacted the State D.O.T.?

Mrs. Madga Drew replied: No but should maybe I should. Thank You.

Chairman M. Herde asked if anyone else wanted to speak.

Mr. Bill Duesing 593 Roosevelt Drive stated: One of the elephants in the room used to be the amount of excavation and as we said it's only a few yards from the wetlands. The plans say that they are going to set up their

processing equipment once they get across the wetlands and presumably they are going to move stuff out. How much is that and how many trucks? And they are using the East Hill Rd as sort of impediment to coming that way through there right away. If we are talking about 2 cement trucks to pour cement but if we are talking about 40 or 100 or 500 trucks of fill coming off that hillside then we are talking about another kind of impediment. When they are talking about stabilizing, when they start digging, it's going to be unstabalized and make more problems for Five Mile Brook and people living nearby. It's been going on for 7 years, too long. And the other thing, Mr. Horbal talked about getting steep on East Hill Road but where it is steep is after the right of way. That is not a reason to not use that access point. There is a lot of disturbed hill there down to bedrock. I read a lot of about bedrock and it seems they the hillside is all bedrock and now there is so much material moving down there. They really is no sign of doing what they should do and now they are asking for something they really shouldn't do which is disturb a valuable wetland. They probably will cut into that hillside and increase the flow. I think we shouldn't allow them to do it. Thank You.

Mr. Kopf had a question about potential contamination of ground water fall under jurisdiction of this Commission?

Chairman M. Herde asked: Not typically unless it perches out. Are you speaking of the septic systems?

Mr. Kopf replied: Well the septic system test pits within shallow hit water and is in close proximity to Five Mile Brook and to stripping of ledge of lot 6 and undermining the wetlands.

Chairman M. Herde asked: I think those test pits were mottles down in the 30 inch range?

Mr. Kopf replied: Test pit 32 had mottling at 3 feet and water at 8 feet and test pit 31 hit water at 7.3 feet during that water deficit.

Chairman M. Herde stated: I will speak as a septic installer; those are considered really good holes in Connecticut, especially in Oxford for a septic system.

Mr. Kopf asked: Water at 3 feet?

Chairman M. Herde replied: Yes. Mottles at 3 feet.

Mr. Kopf replied: So there is no concern about contaminating ground water?

Chairman M. Herde replied: The state requires the bottom of the septic system to be 24 inches above the high water table and that is where we do sand systems and elevated systems which is about 9 out of 10 systems going in Oxford.

Mr. Kopf asked: Really. So mottling at 3 feet is sufficient to put in a septic system?

Chairman M. Herde replied: 24 inches is sufficient.

Mr. Kopf replied: Ok. Thank you.

Susan Duesing 593 Roosevelt Drive asked about the notice of abutting property notices which she did not receive as well. I have always been notified before and this came out of nowhere.

Chairman M. Herde asked Mr. Horbal to clarify who receives the notices.

Mr. Horbal stated: We had contacted Mr. Andy Ferrillo and he contacted the Town Attorney Kevin Condon and we were informed to only notify adjacent homeowners to all of the Mr. Cocchiola's property. We were not told to notify persons across the street, only adjacent homeowners.

Chairman M. Herde stated that our regulations are adopted from the State regulations but we will double check on that for further clarification.

**MOTION** made by Commissioner S. Purcella Gibbons wanted to make sure that the minutes from September 2006 were included in these minutes as it came up in a letter from Cynthia Campbell earlier. Seconded by Commissioner T. Adamski. All in favor 5-0.

Chairman M. Herde asked if there is anyone in the Public who would like to address the applicant and/or the Commission. None Stated.

**ADDITIONAL COMMENTS & QUESTIONS FROM APPLICANT/APPLICANTS' REPRESENTATIVE(S):**

Chairman M. Herde asked the applicant/applicants' representative(s) if they had any other questions, comments, or issues that should be addressed.

**COMMENTS & QUESTIONS FROM THE CHAIRMAN & OTHER COMMISSION MEMBERS:**

Chairman M. Herde asked the Commission if they had any other questions, comments, or issues that should be addressed. None stated.

Chairman M. Herde asked if there is any reason to extend the public hearing. None stated.

**OTHER:**

**CONTINUANCE:**

**ADJOURNMENT:**

**MOTION** made by Commissioner T. Adamski and seconded by Commissioner S. Purcella Gibbons to **CLOSE** the Public Hearing at 7:30 PM. **Voted 5-0.**

Respectfully Submitted,



Denise Randall  
OCCIWA Secretary

13 DEC -4 PM 3:08  
TOWN OF DANFORD, CT  
Margaret H. West  
TOWN CLERK