

August 13, 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, August 13, 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, August 13, 2013.

Meeting was called to order at 7:34 P.M. by Chairman Michael Herde

ATTENDANCE ROLL CALL: Chairman Michael Herde

COMMISSIONERS PRESENT: Tom Adamski, Bill Richter, Sue Purcella Gibbons
Also present: I.W.E. Officer A. Ferrillo Jr. and Denise Randall Administrative Secretary

ABSENT:
Commissioner E. Stewart

AUDIENCE OF CITIZENS (NOT FOR PENDING APPLICATIONS)

Suzanne Fattah – (95 Freeman Rd) was present with preconstruction plans and wanted to make sure that she did not need any permits for a waterfall she would like to construct. Mrs. Fattah made a brief presentation with site plans and photos to show the Commission what the plans are to construct. The Commission determined that Mrs. Fattah does not need a wetland permit, as no part of the waterfall being constructed will be in a wetland or watercourse and will not take from either of the 2 brooks or pond that are on her property.

Mrs. Fattah thanked the Commission and exited the meeting at 8:41 pm.

Ms. Cindy McFadden (602 Juniper Court) had some concerns regarding Meadowbrook and the new construction that is being performed currently. Mrs. McFadden wanted to hear the definition of wetlands and was concerned about a swamp area and the fact they had cut down trees near the swamp area.

Chairman M. Herde explained the to Ms. McFadden on how a wetland is identified through types of soils, water and other characteristics.

Ms. McFadden then asked about how the construction company for Meadowbrook was allowed to fill in a swamp and place a condo on it.

Chairman M. Herde replied: The Commission goes by the wetlands regulations. It is within this Commission's jurisdiction to give permission to fill in wetlands as it is part of what we do. I personally don't recall us giving permission to fill in a wetland and place a condo on it. The wetlands were reviewed by a soil scientist and agreed to by a mapping line and by this Commission.

Ms. McFadden replied: I don't see anymore markers.

Chairman M. Herde replied: Well the markers are probably long gone by now as this was done quite a while ago. As I explained before the mapping line, reviewed by the Commission and the soil scientist determines where the wetland is and as defined by what a wetland is according the State Statutes. Then from there, we regulate all the wetlands as well as anything that can affect the wetland. I don't know if at the time this was a 100 or 50 foot regulated area.

I.W.E. Officer A. Ferrillo replied: It was a 50 foot regulated area.

Chairman M. Herde added: Ok. This is basically a line for the Commission to either look left or right at the 50 foot marker. In all honesty, we look at the entire property for anything that can affect the wetland. Then we determine what we feel is allowable for a project and balance and weigh the good and the bad. So yes, they do have permission, in certain situations, to fill in a wetland or work in a wetland area. In another area, we have may have pull them back, in the balance and on a large project, you may see both. So from there, it's up to us and our Enforcement Officer to make sure they stay within their perimeters of what their permit says.

Ms. McFadden asked: And how do you know what that is?

Chairman M. Herde replied: We go out with the maps, on a regular basis and look at where they are. They also have to turn in a finish map that shows they built where they were supposed to build and this map has to be certified by a surveyor.

I.W.E. Officer A. Ferrillo added: I believe Commissioner Adamski and myself and with the Project Engineer, went out to that site right after we found out that they had cut further than they were supposed to and he plotted out right there on the map, where they were, where it was staked too and where the wetlands were. They did agree they cut too many trees, which they will re-plant before they can obtain a C.O. The foundation is about 52 feet from the flagged wetland, shown on the scaled map.

Chairman M. Herde added: So even though we have a regulated area and we said to keep the foundation 52 feet away, and there is going to be a yard around it in the 50 foot area and there are spots we are going to allow them to go right up to the edge of the wetland and there are spots where we are going to say, keep the yard 50 feet away. That was done through a lot of meetings and

deciding where on each road that we were going to allow a little push this way and little hold back in another spot. The project was looked at as a whole. So on individual spots you may see some encroachment but it has to be to what was approved. We have licensed engineers and surveyors to review the plans as well as the As-Built plans before us to make sure everything is in check.

Ms. McFadden asked: What happens if it doesn't?

Chairman M. Herde replied: If it doesn't then the applicant can't get a certificate of occupancy for that unit until they satisfy the Commission and they have to come back if they have over step their boundaries. We try and prevent this from happening but without standing there and actually running their machines for them, there is no way to prevent 100% something from happening. This can happen on small single family projects such as a garage that once the applicant submits their maps and they start the construction and then decide they wanted to go 20, 30 or 40 feet another way, they think, what is the harm. Typically on the larger sites, we can either make them do re-plantings or if it is something the Commission feels can't be re-worked or fixed and it's too late we might ask them to enhance a wetland in another direction. It's done on an individual basis when it comes in. As of right now, in Meadowbrook, they were told to hold off on tree cutting until they do some re-planting. Otherwise, as far as we know, what they are doing right now is within their permit.

Ms. McFadden stated: It just doesn't seem right, when you're looking at it.

Chairman M. Herde asked: The picture just doesn't look right?

Ms. McFadden replied: It just doesn't make sense in my mind, you know what I mean?

Chairman M. Herde asked: Doesn't make sense it was approved or doesn't make sense that it is in the right spot?

Ms. McFadden replied: It doesn't make sense that there is this waterway that comes down off the hill down to the main pavilion area. The land was carved out for a reason by Mother Nature with little turtles and such living there.

I.W.E. Officer A. Ferrillo stated: There are a couple of separate wetlands there. The water comes down the hill, goes under the road and continues toward Great Hill Road. The wetland that Ms. McFadden is referring to, starts as a ground seep and then goes out into the watercourse, it then comes out of the ground, it then becomes surface water which becomes a watercourse, intermittent, but its sub-surface water that comes out. I remember the Commission questioned it because it was kind of angular, which really doesn't happen in nature to often where the wetland came to a point like that.

Chairman M. Herde stated: It could have been previously man-made.

I.W.E. Officer A. Ferrillo replied: Yes, it could have been. Those were all farm fields back then and there is a lot of ledge and water perches. It didn't look proper but soil scientist looked at it and confirmed that this is where it starts. That is how we allow them to place their structures.

Chairman M. Herde stated: As of right now, they are within their permits and it's within something the Commission did approve and we do go up there on a regular basis.

Ms. McFadden replied: Thank You

Chairman M. Herde added: We go up during construction and a final inspection before anyone can move in.

I.W.E. Officer A. Ferrillo showed a photo of Meadowbrook from the week prior and stated: This is a photo taken last week of some sediment that was deposited in some watercourses. I was there with the foreman and the supervisor and they are going out with shovels and buckets and removing the sediments and sand which is, I think both Commissioner Adamski and I both agree that it is road sand.

Chairman M. Herde stated: At a construction site, any guidelines for either the State or the Town says your responsible for your own erosion controls but unless your building a shed, it's impossible to adhere to 100% of the erosion control methods. You can put up a silt fence and hay bales but the water that leaves is not as clear as the rainfall that came down as it must be carrying something along the way. Especially we have to take into consideration the topography and engineering of roads in how a house sits. There are occasions where an applicant will come in and say I need to fill in 50 feet of wetlands in order to make my project work such as placing a house on a lot or where a driveway goes. This is what the Commission does and why we are here. If it wasn't in that type of format then everyone would have to stay 50 feet away at all times then we would not need a Commission and only an Enforcement Officer, it would be cut and dry and there would be no reason for a Commission.

Commissioner T. Adamski also added: By the same token, a Commission can also expand an upland review area depending on the effect of the wetland.

Chairman M. Herde agreed and added: So for example, if we did give permission and said it's ok to go into to fill in 50 sq. ft, or 100 sq. ft and sometimes there could be 10,000 sq. ft., we would look to another location and say maybe we can do this instead. It takes a lot of watching and that is why we have staff and even the Commission members will also go to projects and periodically check.

Ms. McFadden stated: From my standpoint, I'm trying to understand definitions and trying to use common sense along with that and it just doesn't seem right. But if it's right then it's good enough for me.

Chairman M. Herde stated: In that individual area it may not look right but most likely we had to be compensated in another spot for it.

Ms. McFadden then thanked to Commission for doing their jobs and left the meeting at 7:49 pm.

I.W.E. Officer A. Ferrillo stated: Glendale asked the Commission for another extension on their application until August 28th, 2013.

Chairman M. Herde asked if all their fees are paid?

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I.W.E. Officer A. Ferrillo replied: At this time their fees are current.

MOTION made by Commissioner S. Purcella Gibbons to extend the application for IW 13-7 (Glendale at Oxford) to August 28, 2013. Seconded by Commissioner T. Adamski.
All in favor 4-0

I.W.E. Officer A. Ferrillo stated: Mr. Fred D'Amico (D'Amico Engineering) is present regarding 10 Park Rd. (Ms. Vicky Tkacz) and Commissioner Sue Purcella Gibbons read the memo from Mr. D'Amico regarding this property.

Mr. Fred D'Amico spread his revised map to show the Commission and explained where they graded, and placed about a foot of fill and also showed the contours which basically match close to what was there. I believe they dredged the brook because now it is about 6 or 7 ft. deep. The only thing I can say is it should be watched because up along the floodway edge it's only top soil right down to the river and a big rainstorm 2 or 3 times it will move down. Probably rip rap should be placed in about 2 or 3 feet high and about 100 feet long.

Commissioner T. Adamski asked: Now why do you see an issue for them to remove what was placed there?

Mr. Fred D'Amico replied: I guess you can make them remove it but they didn't get a permit to fill this and they only changed it about a foot, then graded it. It certainly doesn't affect the flood; they didn't put anything in the floodway. Due to the fact they only increased by a foot it's not raising the flood more than a foot.

Commissioner T. Adamski stated: Certainly it's going to go down river at some point.

Mr. Fred D'Amico replied: I don't think this will because it is all stabilized. It's basically a foot higher than what it was. My suggestion would be to go back out and look at it. We can schedule it from a couple of weeks from now.

Chairman M. Herde agreed that he wants to look at it. I think we should all agree to look at it.

Mr. Fred D'Amico asked the Chairman to let him know when they will go.

Commissioner S. Purcella Gibbons added maybe we can go out with 2 Commission members at a time.

Mr. Fred D'Amico then left the meeting.

I.W.E. Officer A. Ferrillo stated: We have 138 Coppermine Rd. here for their presentation.

Mr. Jim Swift stated: For the record, I'm Jim Swift (Professional Engineer and Landscape Architect) and here with me is Jason Scheurich (the applicant). We are mindful of the Commissions requests and

requirements that this project will be in 2 phases. I put together one application but delineated it as 2 phases. We understand that the Commission has the right to approve phase 1 and not phase 2 but it is good to show the entire scope of the plan.

Mr. Swift has the map in front of the Commission to then make his presentation.

This is an accurate representation of the canopy lines as to what is going down there. If you look at the slope it is pretty much untouched and there are no trees taken out down there. There are a lot of ferns and types of grass. Once you go down further there are more trees cut and some of the trees left are hemlocks even though they are only 5 or 6 inches but they are there. I broke it down into 3 areas. One is the waterfront and as you walk down the waterline it is all previously disturbed. One way has an old dock, old pipes and junk along the waterfront and the other way is a lot of wave action and erosion. What we would like to do is build a 3 to 4 foot stone wall to get that area stabilized and of course take out all the junk. It stays steep halfway up the stairs and once you get above the wall I would want to place bayberry and a rose type. Both are native species that are good for ground cover and both can handle dryness. That is our plan for the area immediately along the water line. As you come up further on the slope, about the elevation of the top of the stairs, our plan is to stabilize it with Field Juniper and native Juniper that can handle those conditions. Once above that area, the slope becomes more like a 2 to 1 slope. In this area we will try and match the grasses as to what is recommended by the Soil Conservation Services for erosion control. The last item is the dock and if you look underneath, the permanent part is made of 18" concrete drainage pipe and its' set in there and a dock was built on top of it. It's not hard to understand why the dock is moving around so much. What we would like to do is take out the pipes and replace them with a large scale pre-cast concrete block. We will go at least 2 feet below the water line, at its' deepest and that should give us good stability. This will be pretty much the same size as it is now. For construction access, we need a pretty significant type of machinery with extensions to get these things in place.

Chairman M. Herde asked if the plan was to work during the water draw down?

Mr. Swift replied: Yes, which would be October. If for any reason a floating erosion curtain can be placed in if needed for when the water comes back up to prevent disturbance or erosion to protect the lake itself.

Chairman M. Herde asked: Does the side of the lake keep sloping down too, right beyond where your dock is? Just from my experience on the lake, many people have lost their docks. I'm just wondering if 2 feet down, is enough.

Mr. Scheurich asked: Should we go deeper than?

Chairman M. Herde replied: Maybe you should really take another look at it as it will also get hit with ice in the winter time. It really needs to be solid.

I.W.E. Officer A. Ferrillo also added to let First Light know about your dock.

Chairman M. Herde added, Yes it will be your responsibility to contact First Light.

Mr. Swift agreed. And showed his ultimate plan and explained that he wanted to also place a Gazebo. Mr. Swift showed where he would place a stone wall near the gazebo and some grass plantings around it. As far as the construction access way, we are calling for as a general note that no trees larger than 6 inch caliper will be cut, so that the 2 larger maples in this area will not be disturbed. As far as the gazebo, it will just be electrical, no bathroom. Once we get in the upper grade area we will do switch grass or blue grass.

I.W.E. Officer A. Ferrillo asked: Other than the pipes, no other material is anticipated to come out, correct?

Mr. Swift replied: Well this is an excavation and the quantity is covered on the application. It seems relatively minor. This concludes phase 1 and phase 2. if anyone has any questions.

Chairman M. Herde asked the Commission if we can go out and take a look at this.

The Commission Agreed and Commissioner Adamski added he had concerns and suggested we send the plan review to the Town Engineer for more expertise on the wall and the dock.

Mr. Swift added: With respect to the Commission, if we get the plantings in and the dock, we would like to try and get the gazebo done this year.

Commissioner T. Adamski asked: Now the area above the plantings above the water, is that basically fertilized lawn?

Mr. Scheurich replied maybe a patio.

Commissioner S. Purcella Gibbons asked the Commission if everyone can make it to the property for a site walk which will be a special meeting on Sunday, August 18, 2013. Commissioner Richter stated he could not make it.

AMENDMENTS TO AGENDA:

NEW BUSINESS:

OLD BUSINESS:

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

I.W.E. Officer A. Ferrillo: Glendale will not be here this evening. The town engineer (Nafis & Young) are in the process of working on the current plans from Glendale. Attorney Smith has requested an extension on application IW 13-7 to August 28, 2013. This brief extension will permit

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the Town's consulting engineer's sufficient time to review recent modifications and provide comment to the Agency.

MOTION made by **Commissioner S. Purcella Gibbons** to accept application IW 13-7 (Glendale at Oxford, LLC, Christian St. extension to August 28, 2013. **Seconded** by **Commissioner T. Adamski. All in favor 4-0.**

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

A September 9, 2013 public hearing is still scheduled and we are awaiting response from the applicant on the acceptance of the Town Engineer's review breakdown of Garden Homes.

Note: Nafis and Young have not started the review process for Garden Homes due the applicant's non-acceptance of the review fee to date.

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 for July 23, 2013 with 2 corrections on page 2 that both should read: 48 inches instead of 38 inches. **Seconded** by **Commissioner S. Purcella Gibbons. All in Favor 4-0**

ENFORCEMENT OFFICER:

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

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5/6/2013	Richard Hoepfner	9 Owl Ridge Rd. 505 Traditions Court	CO for enclosed sunroom Bathroom remodel
5/7/2013	Chris Kelly		
5/13/2013	Larry Sims	621 Championship Dr.	partial finish bsmt for closet
5/14/2013	Pheonix Propane	268 Oxford Road	CO for Office Remodel for Velvet Hair Salon
5/20/2013	Gary Hylinski	71 Oxford Road 549 Putting Green	
5/21/2013	David Giovanetti	In	Bathroom in bsmt.
6/5/2013	Ed Cirella	575 invernness 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.
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

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).

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MATTERS OF CONSERVATION:

Commissioner S. Purcella Gibbons gave an update on when the Americorp team who have been working on the trails this week with direction from myself and Commissioner Adamski. The First Selectman and I.W. Enforcement Officer agreed to buy sandwiches for the hard working team and they were introduced to the different departments in the Town Hall. They are a great bunch of young adults and we are really glad to have them here.

ADJOURNMENT:

MOTION made by **Commissioner B. Richter** to adjourn at 9:49 p.m.
Seconded by **Commissioner T. Adamski**. **All in Favor 4-0.**

Respectfully Submitted,



Denise Randall
Administrative OCCIWA Secretary

13 AUG 23 AM 10:16
TOWN OF OXFORD, CT
Theresa A. West
TOWN CLERK