



April 9, 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, April 9, 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, April 9, 2013.

Meeting was called to order at 7:33 P.M. by Chairman M. Herde

ATTENDANCE ROLL CALL: Chairman Michael Herde

AUDIENCE OF CITIZENS (NOT FOR PENDING APPLICATIONS)

Chairman M. Herde asked: Is there anyone who wished to speak regarding non agenda items?

Richard Kopf (581 Roosevelt Dr) said he had a question unrelated and stated he had purchased the burnt down house (585 Roosevelt Dr) and there were some approvals from Pomperaug and Zoning and I had spoken to the Zoning Officer a few months ago and she let me know that I should contact Inland Wetlands as well. The approval from this board did not have an expiration date on it. Is there anything I can do to keep that current?

Chairman M. Herde replied: We have a 5 year approval. We wouldn't mind if you did the demolition on that.

Commissioner S. Purcella Gibbons asked I.W. E. Officer A. Ferrillo: Does that fall into that time limit?

I.W.E. Officer A. Ferrillo asked Mr. Kopf: Did you get this permit after 2005?

Mr. Kopf replied: I'm not sure if it was 2005 or 2006.

I.W.E. Officer A. Ferrillo stated: Permits that fall in between 2006 and 2009 were extended by the State for an additional 10 years which in some cases expired 2019. Due to the economy, many

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builders had sub-divisions who were unable to build, so the State passed a Legislation extending all permits.

Mr. Kopf replied: Ok so I should dig out the paperwork and come to see you?

I.W.E. Officer A. Ferrillo replied: Yes. One issue we did would have would be the septic, which was non-existent and the previous owner allowed the septic material slide down the bank into the river.

Ms. Susan Duesing (593 Roosevelt Dr) stated: I have a general question. If someone has submit an application to Planning and Zoning and has a project in town to build, and when they make an application to Wetlands as well. Is there any connection between Zoning and Inland Wetlands in terms of Compliance?

Chairman M. Herde stated: We do automatically check between them, but if there are 2 applications for 2 different properties, the 2 applications are not related. If it's the same property, we will be in touch with one another if there are violations. Out of courtesy for each commission we will notify them, usually it's verbally but on occasion we will send a letter if we have an issue.

Ms. Susan Duesing replied: Ok, good, thanks.

COMMISSIONERS PRESENT: Tom Adamski, Bill Richter, Ethan Stewart, S. Purcella Gibbons
Also present: I/W Enforcement Officer A. Ferrillo Jr., and Denise Randall Administrative Secretary.

ABSENT:

None

AMENDEMENTS TO AGENDA:

None

OLD BUSINESS:

None

NEW BUSINESS:

1. (IW 13-7) Glendale at Oxford, LLC- Christian St.
2. (Coacchiola Paving -IW 13 6) -Riverview Subdivision – Map 15 Block 57 lot 50D

Chairman M. Herde stated: Next we have Riverview Subdivision presentation:

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Mr. Michael H. Horbal (registered Land Surveyor in Seymour) stated: We have previously submitted a re-subdivision of Parcel D for the Riverview Subdivision. This is a 2 lot subdivision at the end of the proposed Riverview Rd. Riverview Rd. is roughed in and is not built and there is no activity taking place at this time due to winter shutdown. The proposal is to create lots #5 and 6, both interior lots that will have a common access way, off of the proposed Riverview Rd. In order to access this, we will cross the intermittent watercourse shown here. (Pointing out on the subdivision map) We turned in a wetland application, the fees, reporting forms, drainage report by Don Smith and subdivision plan. Your Commission is well aware of this subdivision having monitored this progress for the last 5 years. The first page of the map is the record subdivision map and the second one is the site development plan and it shows the grading and erosion controls measures that we propose for the construction of these 2 homes on the North side of the intermittent watercourse. The houses will be located approximately 130 feet away from the wetlands for lot #6 and over 200 feet for lot #5. Both lots are big enough and we had looked at the possibility of accessing lot #5 from Punkup Road, where there is frontage but this is economically and environmentally unfeasible because we would have to cross 5-mile Brook. We also looked at the possibility of using the access way off of East Hill Rd. where there is a right away. We are afraid of the existing bridge and the road condition of East Hill Road. We believe the best access would be through our proposed road. Our proposed road will be finished maybe this year or next year. We have had some stabilization issues and some minor wash outs and you may be aware of them. We have to place more seeding in this area (pointing the area on the map) over the entire site to get better growth and eliminate the erosion.

Chairman M. Herde asked: How long do you think it will take to seed? That area is really dry.

Mr. Horbal replied: I understand that. I'm here tonight with Mr. Ray Bartomeli who is Mr. Cocchiola's paving representative who has been at the site and he is trying to be there in a couple of week to start to repair on the wash outs that are there.

Chairman M. Herde replied: They all look like there repairable but it's pretty brown.

Commissioner T. Adamski asked: As far as re-vegetation, what is the plan to keep it from failing? Every time I have been there, all I see is dead crab grass.

Mr. Horbal replied: Well, that is predominately what I have seen grow too. But they have been using the standard contractor mix. Which is a mixture of Rye grass fast growing and slow growing mix.

Chairman M. Herde also added: I think you have to use a dry condition grass mix. Something that will have tap roots on it. Rye grass is for Golf Courses.

Mr. Horbal stated: In the lower, flatter area, Rye grass would be suitable. It will have to be done again. This town still has a Bond for the road and for the entire subdivision. I have to believe that if market conditions were better, he would have built some homes there.

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Chairman M. Herde stated: Something will really have to going to be addressed here. I know some of the neighbors surrounding the area have complained. I myself have been on the properties and there are places where the dust is a ½ inch thick on cars. That's a form of erosion, not just erosion from the rain, but wind erosion. Some of the neighbor's lawns are dying from what's coming right off the hillside.

Mr. Horbal replied: In the past, when there was a problem, the Enforcement Officer would call me and we would all meet up there. Mr. Cocchiola has been generally quick to respond.

Chairman M. Herde replied: I hope you can address it soon as I do receive many calls for it.

Mr. Horbal stated: Ok, we will.

Mr. Horbal went on to discuss the third sheet of the plans that shows the storm water and leeching systems, sediment pond and erosion areas. This has all been designed based on the State of Connecticut erosion and sediment controls requirements. The last sheet is the detailed and the narrative of the construction sequence on how the project would take place. I would be so bold to assume that the Commissions largest concern would be with any work in the area of this intermittent watercourse. Even though it is an intermittent watercourse, we have all seen at times there has been substantial flow through there. I personally believe there has been an increasing flow up above and that is why we had some erosion in that course. This is why we are asking for approval of this subdivision plan.

Chairman M. Herde: Ok. Any comments from the Commission at this time?

Commissioner T. Adamski asked: On the surface it certainly seems to be a reasonable and prudent alternative not to cross the intermittent watercourse and come across the established crossing on East Hill Rd into the right away. Now you explained you are afraid of the bridge. Is there any documentation as to the unsuitability of the bridge for crossing of heavy construction trucks?

Mr. Horbal replied: I do not have any written documentation to that effect. We also didn't like the condition of East Hill Road which is approximately 18 feet wide, which is quite narrow for large trucks and is poorly paved.

Chairman M. Herde asked: Ok. Does anybody have any input or does anyone have any interest on going to a Public Hearing on this? Since this is part of the subdivision that already went through a Public Hearing should we have another.

Commission T. Adamksi replied: I would say there is potential for impact here.

Chairman M. Herde replied: Significant impact would you say as well as significant public interest? Does everyone agree on that?

The Commission agreed

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Chairman M. Herde replied: Alright then. If there is significant impact, then we should make a motion now for Public Hearing based on Potential significant impact.

MOTION made by Commissioner T. Adamski for (Coacchiola Paving -IW 13 6)-Riverview Subdivision to go to a Public Hearing due to significant impact and significant public interest. **Seconded** by Commissioner W. Richter. All in favor **5-0**

Chairman M. Herde suggested that we set a date right now for the Public Hearing. Public Hearing date is set for Monday, May 6th, 2013 at Oxford Town Hall in Main meeting room.

I.W.E. Officer A. Ferrillo stated to Mr. Horbal that the Town Engineer has the plans and as soon as I receive a report back, I will fax it over to you.

Mr. Horbal replied: Ok. We will keep you posted on the restoration efforts.

I.W.E. Officer A. Ferrillo asked: As well as the bank restoration on the 5-Mile Brook?

Mr. Horbal replied: Yes. There are boulders in that temporary sediment pond and we will need them to build basically a rip rap armor on the south side of the brook to restore the bank. I'm not sure how long it will hold out. The washing out had nothing to do with our project.

Mr. Horbal then exited the meeting.

Chairman M. Herde stated: We will now here a presentation regarding Glendale at Oxford on Christian Street.

Attorney Chris Smith (Land Use Attorney and a Partner at the Law Firm of Shipman & Goodwin located in Hartford) I appear for you on behalf of Glendale at Oxford, LLC who is the owner/developer of this residential community that is partially built and for the moment is known as Glendale at Oxford. As far as the team representing Glendale at Oxford, LLC, we have Manuel Montino, who is the member of the LLC and our engineer, Manny Silva, from Rose Tiso and Bill Kenney –Wetland Scientist of William Kenny Associates from Fairfield. This is an application to modify an existing permit. About 1 and half years ago the Public Act came out to extend permits for this type of development. I appear before you as we did extend the existing wetlands permit out to December of 2018. That permit was for regulated activities (shown on the board) that are associated with a 94 residential, 3 bedroom dwellings known as Glendale at Oxford. Out of the 94 approved, in phase 1 there were 14 three bedroom residences and what we are proposing to do with this modification is to essentially keep the same development format and the same footprint and the same regulated activities but instead of having 94 three bedrooms, we propose to have 128 two-bedroom units. We are going to keep the 9 three bedrooms that have already been constructed and the remaining 5 to be constructed in the first phase.

Chairman M. Herde asked: Impervious surfaces will increase, correct?

Attorney Chris Smith replied: Our engineer will address this. Mr. Silva will walk you through this and will include some enhancements that have also been done. Since the initial approval in 2003, we now have 2004 D.E.E.P. storm water manual guidelines and all of those, including the Best Management Practices have been incorporated. We will also comply with the 2002 soil and erosion control guidelines.

Mr. Manny Silva Engineer for Rose. Tiso stated: The project has been constructed to about the high voltage lines and the impacts on the previous application has been completed (pointing to area on map). The focus is really on the wetland area to the South and to the East. Mr. Silva then handed out a smaller lay out map as well as a comparison chart showing the regulated activities of disturbance of what was approved. Mr. Silva then pointed out what the changes are in reducing the impact on the wetland areas. We have added a nature walk/boardwalk that will bridge across the 2 wetlands. By doing that, we have increased a little bit of impact where before there was going to be a detention pond but by adding the boardwalk we are not disturbing this area. Area A13 is completely eliminated because with these units, they are not as deep as the units originally proposed so are footprint was able to contract somewhat. We essentially tried to keep the storm drainage system, piping and catch basins, the same and all the discharge points are in the same place. The thing modified, was every single unit has a rain garden in the front yard and this will also be a landscape feature. This runoff will offset the increase and make the discharge indirect. These are private streets and the drainage would flow to the secondary treatment which has the oil/water separators and the grit separators prior to being discharged into the detention ponds. Another modification which is bringing it up to code with D.E.E.P. is a meandering trail within the pond to further treat the water before actually exiting or overflowing the pond into the adjacent wetlands. The existing discharge to a meadow with a 2 year storm at 29 C.F.S., 10 year storm at 74 C.F.S. and 50 year storm at 139 C.F.S. with the modifications, the 2 year storm goes from 29 C.F.S. down to 27 C.F.S., the 10 year storm goes from 74 C.F.S. to 66 C.F.S. and the 50 years storm drops from 139 to 121 C.F.S. We have a treatment train that goes from primary to secondary treatment and back to a primary treatment. There is also bio-metric storage at the rain gardens in the detention pond themselves which will actually, over time act as a wetland themselves and that will actually reduce the bio-metric discharge that is going into the wetlands today. It will help re-charge the ground water which will feed the wetlands via ground water and will replenish them with the proper water which is the ground water versus surface runoff. One more thing, we actually reduced the upland review area impacts by 12,463 square feet. Are there any questions?

Bill Kenney Wetland Scientist of William Kenny Associates from Fairfield stated: I designed the planting plan not only for the wetland and buffer areas but also the entire property. The existing conditions on the property are fairly the same according to the review from the 2002 -2003 year. Let me say first that there is no wetland or watercourse loss there is no reduction in area of wetlands and watercourses. There was a slight elimination of watercourse with that path that was filled with a pipe that existed in this area (pointing to area on survey) and now with the boardwalk, we have eliminated that loss. The disturbances that we talked about are all in the regulated upland review area, none are occurring in the wetland. On average we are more than 50 feet from a wetland boundary. With regard to the storm water retention basins, there are 2

major basins with the same locations approved in 2003. This one is larger and I believe the major difference is, we've design these now so that they are wetlands. We are increasing the amount of wetland area on the property, with the condition of this by about .9 tenths of an acre. We did this in a specific, meaningful way to enhance the water quality treatment. It will force the water around the barriers and the wetlands will be range from about 6 to 18 inches deep with lots of variations of soils which will help support a diversity of plant and animal life. By increasing that flow path we would provide a great opportunity to slow the water down and prevent any impact or increase from impervious areas.

Mr. Kenney pointed out on the corners where the discharge into the basins and where they will flow. The reduction in disturbance within that upland review area is about 16% less disturbance than the regulated areas overall. With all of these improvements in the storm water design, the addition of wetland area, the removal of the berm and the boardwalk added there is not adverse impact or significant impact and they are all substantially and materially they are the same.

Commissioner T. Adamski asked is this based on a 50 foot upland review area?

Chairman M. Herde also questions the same.

Mr. Manny Silva replied: I'm not sure. Good question. We can get back to you on that. I think there is an offset as there was a conservation easement proposed which is also a wetland boundary.

Attorney Chris Smith stated: We had spoken about that but we are not 100% sure and will get a clarification on that.

Chairman M. Herde asked: How about the footprints of the homes and yards? This would be the area we are worried about. We just need the limit of disturbance.

Chairman M. Herde asked: I understand that you feel you have reduced impacts. Have you increased the impervious area in the total amount of water that has to be displaced before treatment? With the number of buildings you have, is it a bigger footprint now? Driveway? Is it a major increase?

Mr. Manny Silva replied: The roads are the same.

Chairman M. Herde stated: Ok we can establish the roads are same thing. Just in the number of units that are close in size to what they were before.

Mr. Manny Silva replied: Ours are 2-story versus 1 story. We have a slight increase in impervious surface and we tried to offset that with the rain gardens.

Chairman. M. Herde replied: Yes this is a much better treatment system in allowing for an increase.

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Mr. Manny Silva replied: right. The increase in impervious actually becomes a decrease because we took out everything that's outside on the roadways and not having to go through your standard treatment its' going through on site treatments becoming an indirect discharge.

Attorney Smith asked the Commission if they would like to know the number of house structures and driveways and then we can also tally up the total of the rain garden area.

Chairman M. Herde replied: Yes. Also how much better your design is on your treatment as well. We will need the potential number of sheds and driveways on the plan.

Chairman M. Herde asked: Are the exterior of the buildings in common ownership? These are not individual lots, right?

Attorney Smith replied: I think this is a common interest community now and will continue but there will be changes to the by laws. I will speak to Attorney George Adams. Glendale owns the 9 homes that are now rented.

Chairman M. Herde stated: Our concern now is, in the long run, when people are adding on to there driveway and parking spaces that is not in the calculations, and couldn't be right now. Or adding sheds in the future. We are going to need documentation that is not going to happen or give us the proposed calculations as if it will and show it on the plan. It's also so they don't have to come in one at time with shed permits.

Attorney Smith: We can come up with a post condition and incorporate that as well.

Commissioner T. Adamski asked: How about the lawn maintenance? Individual or common?

Attorney Smith: I believe it's going to be common.

Attorney Smith then went on to say: Really what we are asking for is a modification to an existing permit and the modifications themselves we would respectfully submit to the agency are not significant and hopefully avoid a public hearing.

Chairman M. Herde asked the Commission if they were ok with that.

I.W.E. Officer A. Ferrillo replied: As of know there has not been significant public interest generated to our office.

Attorney Smith replied with a thank you and if anyone else has anything more, please feel free to contact me and we will see you at the next meeting.

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 March 26, 2013 with the following corrections: 2 under New Applications requiring OCCIWA Approval (Acceptance) should read: "Cocchiola Paving." Page 6, second paragraph, second sentence the word "trains" should read "trails". **Seconded** by Commissioner E. Stewart.
All in Favor **5-0**

ENFORCEMENT OFFICER:

I.W.E. Officer A. Ferrillo stated: Here is a copy of the latest invoice from Attorney Olson regarding Garden Homes which has already been paid.

I.W.E. Officer A. Ferrillo stated: We are still waiting for the revised maps from Mr. D'Amico for 10 Park Rd.

COMPLAINT/CONCERN:

None

APPLICATIONS NOT REQUIRING OCCIWA APPROVAL:

JULY 1ST 2012- 2013

DATE	NAME	ADDRESS	USE
7/16/2012	Scott Volpe	19 Scott Rd.	Finish Basement
7/17/2012	Mark & Kim Reynolds	487 Quaker Farms Rd	Remodeled exam room, cage at vet hospital
8/2/2012	David Nash	16 Edgewood Drive 4 Butternut Ridge	Bathroom renovation
8/6/2012	Mathews	Rd	Finish Basement
8/7/2012	Dan Orlovsky	584 Putting Green	Finish Basement
8/8/2012	Richard Kreitner	578 Putting Green	Re-finish Basement
8/9/2012	Entrepot, BUI, LLC	7 Fox Hollow Rd.	Interior Fit-up
8/16/2012	Theodore Dunton	572 Putting Green	Finish Basement
8/20/2012	Robert Stilson	17 Jenson Farm Rd	Finish Basement
8/27/2012	Tom Pellicano	430 Tee Shot Drive	Basement Renovation

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9/17/2012	Michael Krochko	1 Hickory Lane	Addition on existing Garage
10/9/2012	Robert Megara	13 Cherokee Drive	Replace Garage, Deck, Stairs
10/17/2012	Derek Gazda	20 Apple Drive	Shed
10/19/2012	James Biondi	51 Oxford Road	Handi-capp Ramp
10/20/2012	Bruce Palmatier	26 North Mark Drive	Partial basement finish/wood stove insert
10/22/2012	Scott Wolak	31 North Mark Drive	Res-A
10/24/2012	Jeff Bourdoulous	12 Old Country Road	Above Ground pool
11/8/2012	Lenny Assard	21 Towner Lane	Repairs to home from storm damage
11/15/2012	Ahmet Megmet	543 Roosevelt Dr.	Replace existing Deck
11/21/2012	Kevin Shevlin	56 Tram Drive	CO on finish basement
11/28/2012	Rich Marshall	557 Putting Green Ln	Rec Room in basement/bedroom/bathroom
11/28/2012	Wayne/Kath Johnson	68 Dorman Rd.	roof and rebuild -storm damage
11/30/2012	Modern Metal Finish	110 Willenbrook Rd.	Interior non-load bearing wall
12/12/2012	Dennis Jones	24 Dutton Road	Egress Door
12/13/2012	Richard Kreitner	578 Putting Green Ln	CO lot #3
12/17/2012	Buddy's Fuel	187 Christian Street	Use Permit
1/14/2013	Charlie Conway	228 Governors Hill Rd	Master bathroom alteration
1/16/2013	Pulte Homes of N.E.	111 Country Club Dr.	Re-Model
1/17/2013	Rose's Family Rest.	35 Old State Rd.	Tenant Fit-up
1/17/2013	Alex Transportation	187 Christian St.	Use Permit

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. Wetland work to be completed at low flow periods in June/July of 2013.
3. Notice of Violation Cease & Desist--- Ms. V. Tkacz-(10 Park Rd.)

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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. Awaiting revised map from Mr. D'Amico.

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:

Commissioner S. Purcella Gibbons started a discussion regarding the Town Wide Clean-up and stated that the pledge forms have been distributed to the schools and she hoped they were coming home with the children this week.

Commissioner S. Purcella Gibbons asked the secretary if the pledge form can be placed on the Town's website.

Secretary Denise Randall replied: Yes, this was done this morning. I checked to make sure it is on and it is on the first page of the Town website and people can just print it out. Also the letters have all gone out to industrial, retail and commercial properties to enforce litter clean up.

Secretary had an update for Garden Homes and stated that court hearing has now been delayed for 1 year and council will be at our next regular meeting on April 23rd, 2013 to explain.

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:

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Commissioner S. Purcella Gibbons asked if a letter was sent to the Director at Pomperaug Health District for the upcoming Grant

I.W.E. Officer A. Ferrillo responded: Yes, it was sent last week.

ADJOURNMENT:

MOTION to adjourn by Commissioner T. Adamski and **seconded** by Commissioner B. Richter at 9:14 p.m. Voted **5-0**

Respectfully Submitted,



Denise Randall
Administrative OCCIWA Secretary

13 APR 16 PM 1:58
TOWN OF GUNFORD, CT
Margaret A. West
TOWN CLERK