

May 14, 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, May 14, 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, May 14, 2013.

Meeting was called to order at 7:31 P.M. by Chairman M. Herde

ATTENDANCE ROLL CALL: Chairman Michael Herde

COMMISSIONERS PRESENT: Tom Adamski, Bill Richter, S. Purcella Gibbons

Also present: I/W Enforcement Officer A. Ferrillo Jr., and Denise Randall Administrative Secretary.

ABSENT:

Commissioner E. Stewart

AUDIENCE OF CITIZENS (NOT FOR PENDING APPLICATIONS)

None

AMENDEMENTS TO AGENDA:

MeadowBrook site plan modification (Hanes Dev.)

OLD BUSINESS:

MOTION made at by Commissioner T. Adamski and **seconded** Commissioner B. Richter to go into Executive Session with entire Inland/Wetlands staff for direction by Land Use Counsel (Attorney Olson) on the previous litigation for Garden Homes. Motion made at 7:31 pm. All in favor 4-0

MOTION made by Commissioner S. Purcella Gibbons at 7:59 pm. to adjourn Executive Session and to go to Amendments of the Agenda. **Seconded** by Commissioner B. Richter. All in favor 4-0

1. **Meadowbrook site plan modification** Ms. Kathy Eckstrom (Representative for Haynes Development) is present with the revised maps, to explain to the Commission what type of modification needs approval. This new phase will be revised according to buyer demands and when getting to this new section we attached and detached some of the homes and in order to accomplish this there was one home that was moved back. If you compare the prior maps, most of the units have not changed. For the units that we decided to split (pointing on the map which ones) we had to abide by Zoning regulations which is 31 feet in between units. The main change is really just one home that had gotten pushed back up the hill. I had spoken with the Zoning and Wetlands Enforcement Officers and both agreed that I should appear and present to the commissions this modification. There is no wetland impact. Nafis & Young has reviewed this and will be making a comment to Zoning as they have asked for Jim Galligan (Town Engineer) for his input on this.

Chairman M. Herde asked if this in the 100 foot review?

I.W.E. Officer A. Ferrillo stated: This was originally approved under 50 foot review area but now if a change is made to a plan and for that particular unit, it would now fall under the 100 foot review. Whenever a plan is approved under a 50 foot and then now you're going to take it out and move it to a different location, it would then come under the 100 foot setback.

I.W.E. Officer A. Ferrillo then pointed out the closest wetland on the map.

Chairman M. Herde stated: It looks as though the entire house is in the review area.

I.W.E. Officer A. Ferrillo stated: let's get a scale and make sure.

The Commission members then measured the area with a scale.

Chairman M. Herde asked if there are any questions regarding this matter.

Commission Member B. Richter decided to recuse himself from this Commission review as he may have a conflict of interest.

Ms. Kathy Eckstrom explained to the Commission that I.W.E. Officer A. Ferrillo has been out a number of times on this as well as the Zoning Officer and when we started this, it was in the winter and I had difficulty identifying this wetland as it is up a hill. This time of year is easily identifiable and is a little patch of green growth up there.

Chairman M. Herde replied: It's a perched water table. It sounds like its pretty minor and we are already in that area.

Chairman M. Herde asked if any Commission Member wanted to perform a site walk on this.

Commission T. Adamski replied and asked: I have already been there. I'm trying to determine what type of topography is there. (pointed out the area on the map)

I.W.E. A. Ferrillo replied: It's ever so slightly lower in that area of the house.

Chairman M. Herde stated: If anything there will be additional fees for the upland review area impact and it appears to be 5000 square feet of impact by scale.

I.W.E. A. Ferrillo replied: Yes, the house is in it and we have calculated for all the activity for the lawn and house. That is \$150.00 per 1000 square feet which is \$700.00.

Ms. Kathy Eckstrom replied: Ok

I.W.E. A. Ferrillo also stated: Initially we received a complaint from a Seymour property owner that they were cutting to close to the property line.

Chairman M. Herde asked: Ok, do we want to a vote on this? Obtain the fees first?

I.W.E. A. Ferrillo replied: I have an application on the modification and it will be an additional fee as a result of moving into to the 100 foot upland review area.

MOTION made by Commissioner T. Adamski to approve the site plan modification for Meadowbrook with the condition of additional fees be paid by the applicant and there is no impact to the wetland and is only upland review area. **Seconded** by Commissioner S. Purcella Gibbons. All in favor 4-0.

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

I.W.E. Officer stated: I received a call from the applicant's Attorney Chris Smith who apologized for not calling or showing up at our last regular meeting. He explained that he thought we only met once a month and further more had not received the review from our engineer (Nafis & Young). Upon receipt I.W. Officer A. Ferrillo emailed to both him and to their engineer. Due to the fact the engineer did not have a chance to review Nafis and Young's review, they still were not ready for a second presentation for this meeting. Attorney Smith has asked for an extension to June 13th, 2013.

Motion made by Commissioner S. Purcella Gibbons to approve IW 13-7 (Glendale at Oxford) for an application extension to June 13th, 2013. **Seconded** by Commissioner T. Adamksi. All in favor **4-0**

3. (Coacchiola Paving -IW 13 6) -Riverview Subdivision -(Public Hearing, May 6, 2013) The applicant decided to cancel the public hearing and we have received a letter from the applicant and

applicants (Mike Horbal Land Surveyor) stating that they will re-submit the application at a later date.

4. **(Patriot Business Park)** – 589 Investments, LLC- Christian Street. Mr. Brian Baker (P.E. at Civil 1 Engineering) is here to present a site plan modification. This is the plan previously approved with 9 lots, detention basin adjacent to the wetlands, (Little River).

Chairman M. Herde asked if this is the site walk that we walked with Mark Ozkowski several months back?

Mr. Brian Baker replied –Yes. What we propose to do is build phase 1 which is the short cul-de-sac. (he then pointed out the area on the map). The modified plan for phase 1 has a smaller infiltration basin that is designed to handle the water from the roadway and from the building on lot 15. This is designed to hold and infiltrate the 100 year storm but in the review process of Nafis and Young, they wanted to make sure we had conveyance down to the river in case this does not function or gets clogged or whatever. We therefore have designed a swale that goes down to the outlet near The Little River. This outlet is in exactly the same location and design as approved earlier.

Chairman M. Herde stated: Ok so there is only one impact. Same impacted area that has to be re-addressed at a later date.

Mr. Brian Baker replied: Correct. All that happens is this basin, as Phase 2 comes in, would be re-constructed for the phase 2 storm drainage which will be for the rest of the roadway. Jim Galligan suggested that we come back to the Commission and have you take a look at it because it is a change. We basically eliminated the detention basin and formed a conveyance swale through the regulated area. Other than that there is no change to the regulated activity. We of course still want our current permit for the full build out in place but for the record to add a phase 1 to that permit to indicate what will be constructed first. We will have a permanent erosion control blanket in that swale coming down to the wetland area.

Chairman M. Herde stated: Ok, we are going to have to monitor its performance after installation as it's quite a long swale.

Mr. Brian Baker replied: It is. That's why we have specified the permanent erosion control fabric is a P300 that North American Green makes that states it's designed for up to 15 feet per second of velocity for steep slopes.

I.W.E. Officer A. Ferrillo asked: Does it also have the seed in it?

Mr. Brian Baker replied: No. You lay the seed down over it.

Chairman M. Herde asked: What is the construction order? Does the swale go in first?

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Mr. Brian Baker replied: This will have to part of roadway construction, as they are putting the storm drainage in this basin.

Commissioner B. Richter asked: The memo from Nafis & Young states they recommend a temporary channel?

Chairman M. Herde replied: Well, what they are presenting is they are using permanent practices but it is temporary until Phase 2 is constructed. I believe I'm ok with this. I think that it should go into the motion that due to the length of the swale, this should be re-inspected and maybe have the applicant come in at a later date whether it be 6 months or even 12 months. It should have a definite review in case something were to fail. Do I have a motion on this?

Commissioner T. Adamski suggested for a re-inspection after a significant rainstorm as well.

Chairman M. Herde replied: Well depending on when they put it in. I think a year would do it and this way we then have all 4 seasons. Maybe one year from the beginning of construction and checking it in between construction.

MOTION made by Commissioner T. Adamski to approve the site plan modification on (IW 13-28) Patriot Business Park with the following condition: a re-inspection of the swale one year after the beginning of construction. **Seconded** by Commissioner B. Richter. All in favor 4-0

AUDIENCE OF CITIZENS (NOT FOR PENDING APPLICATIONS)

None

NEW BUSINESS:

None

NEW APPLICATIONS REQUIRING OCCIWA APPROVAL (ACCEPTANCE)

MOTION made by Commissioner S. Purcella Gibbons to receive new application for IW 13-27 -207 Oxford, LLC, 207 Christian Street.

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 April 23, 2013. **Seconded** by Commissioner S. Purcella Gibbons
All in Favor 4-0

ENFORCEMENT OFFICER:

I.W.E. Officer A. Ferrillo stated: Here is a copy of the latest invoice from Attorney Olson regarding Garden Homes. This has been referred to the Selectman's legal line item to be paid.

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

I.W.E. Officer A. Ferrillo let the Commission know that we received a 12 page report from Nafis & Young on the status of the bridge from Punkup Road to East Hill Road (Riverview subdivision) and the Commission can now review this report and then decide if there a need for further study on this bridge.

I.W.E. Officer A. Ferrillo & Commissioner T. Adamski have recently seen the color of the Von Wettberg Pond turned to a greenish/blue color. D.E.E.P. was contacted by T. Adamski and was told there is not a concern for any toxicity. Commissioner T. Adamski has a concern regarding with one of the dyes used in hydroseeding process which is called Malachite green.

Chairman M. Herde stated he did not think that the hydroseeding had toxic chemicals as it is used for a lot of erosion controls and suggested to put in lime to see if the pond would go back to normal.

I.W.E. Officer stated: The research on the internet showed some toxicity in certain hydroseeding and both he and Commissioner T. Adamski suggested we maybe ban the use of it or specify the type being used in the Town.

Chairman M. Herde stated: Keep it in mind for future modifications for our regulations and erosion control methods.

I.W.E. Officer A. Ferrillo agreed: Maybe going forward, we can get the formula of what they use. Most of the builders are using hydroseeding these days as it is quicker.

COMPLAINT/CONCERN:

None

APPLICATIONS NOT REQUIRING OCCIWA APPROVAL:

4/1/2013	John Declaze	13 Rolling Hill Dr.	Bsmt Rec Room
4/1/2013	Mt. Road Estates	135 Meadowbrook	C.O.-Res-A

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		Rd.	
4/3/2013	Charles Famularo	130 Chestnut Treet Hill Rd.	C.O.- Ext/Int Alteration
		137 Coppermine	
4/4/2013	Pietro Guerrera	Rd.	Enclosing a porch
4/4/2013	Sylvia Hynos	66 Old Country Rd.	Cottage Biz
	Oxford		
4/4/2013	Oaks/D'Amico	360 Oxford Road	Fixing up Bldg and adding second floor
	Woodbury Supply		
4/8/2013	Co	103 Willenbrock Rd.	Extend Showroom- No ext of foot.
4/11/2013	Lou Coppola	44 Pisgah Rd.	Remodel Bsmt.
	WFS Properties,		
4/18/2013	LLC	91 Willenbrock Rd.	New Biz- Willa Radiology Systems
	Pyramid Asset		
4/22/2013	Mgt.	297 Oxford Rd.	Use Permit -No change of use
	Donald & Beth		
4/23/2013	Hunt	1 Deanna Dr.	2 Decks rebuild- No extension

MATTERS OF VIOLATIONS/LITIGATIONS:

1. Michael Ligi -501 Roosevelt (Town Engineeres 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 structure and retaining berm. 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.)
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 her and Commissioner Adamski will be soon drawing names for the prizes with the pledge sheets that were collected and prizes will be distributed by the end of May.

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Commissioner S. Purcella Gibbons stated that she received a call from Mr. Lustig regarding the Americorp Grant letter sent to him. Mr. Lustig and Commissioner S. Purcella Gibbons discussed dates and trail areas in need. I believe its going to be later in August. I gave him Commissioner Adamski's phone number to get the specific 3 days available and we can all help in guiding the volunteers on needed areas.

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 to adjourn by Commissioner T. Adamski and **seconded** by Commissioner B. Richter at 8:20 p.m. Voted **4-0**

Respectfully Submitted,



Denise Randall
Administrative OCCIWA Secretary

13 MAY 24 PM 2:55
TOWN OF OXFORD, CT
Margaret A. Clark
TOWN CLERK