

June 11, 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, June 11, 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, June 11, 2013.

Meeting was called to order at 7:42 P.M. by Chairman Michael Herde

ATTENDANCE ROLL CALL: Chairman Michael Herde

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

ABSENT:

AUDIENCE OF CITIZENS (NOT FOR PENDING APPLICATIONS)

Cynthia McFadden (Meadowbrook Rd.) had some concerns regarding the new construction being done at Meadowbrook at this time. Ms. McFadden asked the Commission regarding the tree stumps and monitoring diesel tanker trucks coming up the Meadowbrook private road to fill the heavy equipment.

Chairman M. Herde replied: We usually don't monitor the diesel tanker trucks coming in unless their doing a lot of storage on site which we would look into preventing the possibility of any spills on site. It's not uncommon for an excavator to have 220 or a 300 gallon tank to be refilling from. One of the reasons they haul the diesel, is to not have storage of diesel at a construction site.

Cynthia McFadden replied: Ok. The one other thing is that they were cutting down trees in the swamp and I called about that about 2 months ago.

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I.W.E. Officer A. Ferrillo replied: Yes. I went up there and inspected this and they did cut down more trees than they should have and they agreed to re-plant these.

Chairman M. Herde stated: We regularly inspect Meadowbrook and there is an approved map of what they are supposed to follow.

Cynthia McFadden asked for a copy of the map.

I.W.E. Officer A. Ferrillo explained that Zoning would have the final approved map and you should obtain a copy from them.

Chairman M. Herde added: They have inspections before each unit is given a certificate of occupancy. The Wetlands, Zoning and the Building Dept all do their own inspections that adhere to their guidelines.

Cynthia McFadden stated: I was also concerned about the stumps and whether they were burying them.

Commissioner T. Adamski stated: I have been there twice on this issue and there is no evidence that they are burying stumps. They may be importing stumps but they are not burying them.

I.W.E. Officer A. Ferrillo added: It's not a violation. I had Zoning check their regulations and there is nothing that says you can or can't bring stumps in, only that you can't bury them.

Cynthia McFadden replied: That is ridiculous.

Chairman M. Herde added: There making a pile of stumps to grind them up and reuse as mulch. They had to bring in lumber for your house, is that illegal?

Cynthia McFadden stated: I'm talking about contaminated debris though.

Chairman M. Herde asked: Why would stumps be contaminated?

Cynthia McFadden replied: I don't know, but I can remember Naugatuck River, which was called the "rainbow river" with all the factories down there that heavily polluted the area in Seymour. I know those buildings are gone and Stop and Shop is now there on Franklin Street but I don't believe that water is now clean where I was told these stumps are coming from.

Chairman M. Herde replied: Stumps can come from different construction sites and to set up a grinder takes a lot of work and you only set it up if there is enough to grind. So if a contractor is working at multiple sites, he would bring them all into one place and grind them up at once and use it for mulch.

Cynthia McFadden replied: Ok. If I see any burying going on, I will contact you.

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I.W.E. Officer A. Ferrillo and Chairman M. Herde both replied by all means call us. Periodic checks are also done by our department as well as the Zoning Department.

AMENDMENTS TO AGENDA:

None

OLD BUSINESS:

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

I.W.E. Officer stated: Glendale will not be here this evening as their engineer is still working on the Nafis and Young review. Attorney Smith has informed us his clients should be ready for the revised presentation for the next regular meeting on June 25, 2013. Attorney Chris Smith has asked the Commission for a second extension of 30 days on his application.

MOTION made by Commissioner S. Purcella Gibbons to approve a second 30- day extension on application IW 13-7 Glendale at Oxford. **Seconded** by Commissioner T. Adamski. All in favor 5-0.

(IW 13-27) (207 Christian St) – A Mr. Chris Francis (Licensed P.E.) is present from Civil 1 Engineering with responses to the town engineer's (Nafis & Young) and gave each Commission member the memo's stating the responses which are listed below:

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Michael Herde, Chairman
Oxford Conservation Inland Wetlands Agency
Town of Oxford
486 Oxford Road
Oxford, Connecticut 06478

RE: 207 Christian Street
Oxford, CT

Dear Chairman Herde,

We have received a review letter from Allan S. Young, P.E. of Nafis & Young dated June 10, 2013 for the above referenced project and have provided the following responses:

C1) No test pit data was provided in the area of the proposed infiltration trench.

R1) The proposed infiltration trench consists of 12.5" high CULTEC Contractor 100 HD structures set approximately 18" into existing grade. Results from test pits #2 & #3 indicate that the proposed infiltration trench will be well above any restrictive layer or ledge.

C2) Does the close proximity of the infiltration trench to the existing septic system meet DOH codes?

R2) Per our previous response to comment #8 of the May 23, 2013 comment letter by Nafis & Young, the minimum separation from the leaching field to the proposed infiltration trench is 25'. The provided separation is 40'. Additionally, the proposed plans have been reviewed and approved by the Pomperaug District Department of Health.

C3) The drainage calculations do not account for the runoff coefficient in the existing gravel surface area, this may require revision to the storage volume requirements.

R3) Per our previous response to comment #6 of the May 23, 2013 comment letter by Nafis & Young, the stormwater from the proposed roof leaders will be detained and recharged into the ground through the proposed infiltration system. The parking area, which will be decreased by 2,260 sf will continue to sheet flow towards off-site grass and wooded areas to the south and southwest as it currently does before entering any wetlands areas.



C4) The percolation rate of 20 min/in does not appear to match the percolation tests.

R4) The percolation rates for perc test locations 1 & 2 are 1-10 minutes per inch. A percolation rate of 20 minutes per inch was used to conservatively design the infiltration trench.

C5) NYE recommends that a void ratio of 25% be used stone volume calculation.

R5) The use of a 25% void ratio for the stone in the infiltration trench will reduce the total provided stormwater volume capacity by 13.5 cubic feet from 1,413.6 cubic feet to 1,400.1 cubic feet which still exceeds the required storage volume of 1,043 cubic feet.

C6) No provisions for overflow of the infiltration trench have been provided.

R6) Per our previous response to comment #4 of the May 23, 2013 comment letter by Nafis & Young, the infiltration trench has been designed with placing stone to grade. This will allow the trench to overflow and function as a level spreader in the unlikely event that it was to fill completely with stormwater.

C7) Overflow runoff should be directed to the existing wetlands.

R7) Overflow runoff has been directed towards the existing wetlands to the extent practical per the proposed grading and the placement of the proposed infiltration trench.

C8) Where does the existing 15" HDPE in the existing paved drive go?

R8) The existing 15" HDPE storm sewer in the existing paved drive connects to the existing storm sewer system within Christian Street.

C9) Are there any provisions for surface water runoff other than existing drains in the existing paved drive?

R9) Per our previous response to comment #6 of the May 23, 2013 comment letter by Nafis & Young, the stormwater from the proposed roof leaders will be detained and recharged into the ground through the proposed infiltration system. The parking area, which will be decreased by 2,260 sf will continue to sheet flow towards off-site grass and wooded areas to the south and southwest as it currently does before entering any wetlands areas.

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C10) What will be the maximum travel length of overland flow in the paved areas?

R10) The maximum travel length of overland flow in the paved areas will be approximately 150' from the corner of the parking lot at the northeast corner of the proposed building out to the south edge of the existing paved drive at approximately 1.67% slope.

Please feel free to contact us if you have any questions regarding these responses or any other issues related to this project.

Sincerely,


Christopher A. Francis
Project Manager

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Chairman M. Herde asked: Ok. Do we have anything else to review here?

Chris Francis also asked if anyone had anymore comments, he would be happy to address them.

I.W. E. Officer A. Ferrillo stated: We will await a final letter from Allan Young (Town Engineer) at this point. We will fax and email Nafis and Young this review.

Chris Francis thanked the Commission and left the meeting.

NEW BUSINESS:

None

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 May 28, 2013. **Seconded** by Commissioner B. Richter with the following corrections on page 4 correction of spelling on "Mr. Cocchiola". On page 7 correct the word "hatcheries". All in Favor 4-0

ENFORCEMENT OFFICER:

I.W.E. Officer A. Ferrillo stated that Jim Swift (Professional Engineer & Landscape Architect) and the property owner for 138 Coppermine Rd (Jason Scheurick) are both present and are here to discuss a wetlands violation at 138 Coppermine Rd. Originally you spoke with Wetlands back in December to cut down some trees at the rear of the property and Commissioner Adamski and myself went out and we discussed the dead and leaning trees that were ok to cut. We did make it quite clear that we had no authority to clear cut and as this can't be done without the Commissions approval.

Mr. Scheurick explained he thought it was a complete misunderstanding and didn't mean to do that.

I.W.E. Officer A. Ferrillo then showed photos of Mr. Scheurick's property which is located on Lake Zoar showing the area that was clear cut.

Chairman M. Herde asked if Mr. Scheurick filled out an application and explained that the Commission is really concerned as the hillside has a sandy/gravelly soil and without the trees on that hillside there is always potential for erosion. Now everything has changed even with lighting as to what will now grow on the hillside and you have definitely changed the environment in that location.

I think the best thing is start off with an application for restoration of the site and then the Commission can review and possibly approve. It looks as though the entire lot is in a regulated area and just about anything you do on that lot, could affect the wetlands. You should pick up a copy of the Inland Wetland regulations.

Jim Swift stated: I think this is where I come in as I am a professional engineer and landscape architect and Mr. Scheurick has retained me to look at the property as a whole. I have been out there and have looked at the property and it is not stumped but trees are cut. Down at the waterfront, there is some old pipes and other disturbances that are causing some erosion. Some of the trees taken down, looked as if they would have toppled over.

Chairman M. Herde stated: Yes, a lot of stuff can be considered maintenance and we understand that.

Jim Swift stated: Basically, what he has asked me to take a look at is to maybe build a cabana and I have preliminary plans to show the commission. This is just a starting point.

The Commission then looked over the plans.

The idea is to get the structure as close to the water as they can. I don't know how far down the hill we will be able to go. I just didn't want to bring something in that was going to be a complete surprise. I don't think we will need a huge retaining wall, like it is shown on here.

Mr. Swift then explained where he would like to stabilize and plant in the restoration plan.

Chairman M. Herde stated: The Commission does have a history of being very cautious in that vicinity along the lake. There are a lot of gravelly soils underneath and it is a fairly unstable environment and it is also a very dry environment which is really hard to get plants re-established. We have had several people in the immediate vicinity try clearing and try re-planting unsuccessfully. It's really hard to re-produce what Mother Nature is doing on its own.

Mr. Swift explained yes, on this waterfront, the stabilization I had in mind was sort of a natural re-growth to hold the soils.

Chairman M. Herde replied: We do understand that you have 2 environments here and you're at the widest point of the Lake and have continuous boat action as well as the wind creating waves.

Jim Swift stated: Above that is fairly steep and I'm a little hesitant to touch the bank immediately above and was thinking something natural like blueberries.

Chairman M. Herde suggested that if the Commission was favorable on this, we would like to do it in phases. The first phase will be restoration and stabilization. Any construction and/or excavation of buildings would be in the second phase. We understand and encourage cleaning up of metal and debris on the shoreline.

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I.W.E. Officer A. Ferrillo stated: This is all a regulated area due to the steep slopes down to the water. So first you can come in for an application and re-stabilization.

Chairman M. Herde stated be conservative with your plants. I will go out there and take a look at it myself so that I'm really familiar with that particular area. In fact in any Commission members should go out and look at it so they will be familiar with what we will be discussing.

I.W.E. Officer A. Ferrillo & Commissioner T. Adamski have both been checking on the Von Wettberg pond color and have been in touch with the Guerrera Construction Company as to what type of dye is used in the hydro seeding. A letter from the First Selectman was sent to the construction company. We will wait for a response.

COMPLAINT/CONCERN:

None

APPLICATIONS NOT REQUIRING OCCIWA APPROVAL:

4/20/2013	Jacki Halpern	56 Jackson Cove Rd.	Interior alteration - no ext of foot.
4/29/2013	Edwards Realty	16 Edwards Drive	Cottage Biz
5/6/2013	Richard Hoeppner	9 Owl Ridge Rd.	CO for enclosed sunroom
5/7/2013	Chris Kelly	505 Traditions Court	Bathroom remodel
5/13/2013	Larry Sims	621 Championship Dr.	partial finish bsmt for closet
5/14/2013	Pheonix Propane	268 Oxford Road	CO for Office
5/20/2013	Gary Hylinski	71 Oxford Road	Remodel for Velvet Hair Salon
5/21/2013	David Giovanetti	549 Putting Green In	Bathroom in bsmt.
6/5/2013	Ed Cirella	575 invernness ct	Bsmt. Remodel

MATTERS OF VIOLATIONS/LITIGATIONS:

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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 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 T. Adamski requested the Commission a recommendation to appropriate fund from the Conservation be used for the purpose of surveying and documenting approximately 40 acres of property. The property is West of and abutting the Von Wettberg Preserve so that the property can be claimed by the town. The land is currently claimed by no other abutters, and doesn't exist on the assessors map. The properties are not appropriate for development, but make a valuable addition to existing open space, at a low cost. Completing a survey of the unknown ownership lands will also determine the boundary of Town of Oxford open space. Knowledge of the western boundary of the Von Wettberg preserve is currently incomplete due to the lack of proper A2 drawings. We are awaiting an estimate from Mr. Horbal to survey this property which should be here by the end of this week.

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:

ADJOURNMENT:

MOTION to adjourn by Commissioner T. Adamski and **seconded** by Commissioner B. Richter at 8:20 p.m. Voted **5-0**

Respectfully Submitted,



Denise Randall
Administrative OCCIWA Secretary

13 JUN 21 PM 3:14
TOWN OF OXFORD, CT
TOWN CLERK
Shirley H. Clark