



August 27, 2012

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

Monday August 27, 2012

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 Monday August 27, 2012

Meeting was called to order at 7:30 P.M. by Chairman M. Herde

ATTENDANCE ROLL CALL:

COMMISSIONERS William Richter, Sue Purcella Gibbons, Ethan Stewart, Tom Adamski. Also present were I/W Enforcement Officer Andrew Ferrillo, Jr., and Denise Randall Secretary,

ABSENT:

AUDIENCE OF CITIZENS (NOT FOR PENDING APPLICATIONS):

None

AMENDMENTS TO AGENDA (IF ANY):

None

OLD BUSINESS

IW 12-74 Garden Homes Management Corp.
(Schedule for public hearing on 9/24/12)

NEW BUSINESS:

IW 12-85 Patriots Business Park (589 Investments LLC)

Chairman M. Herde states: There are 2 gentlemen present to give a brief presentation on Patriots Business Park.

Mr. Curt Jones (Civil 1 Engineering) and Mark Ozkowski (Earthworks Excavating) entered the room and introduced themselves and laid out the proposed plans for Patriots Business Park on the table for the Commission to review.

Mr. Curt Jones states: We have Patriots Business Park that is located at the intersection of Hawley Road and Christian Street in the Southwest area and as you drive by there is a field out in front, right at the corner of Christian Street, which is wooded and generally sloping toward the back with gentle grades. There is one knock out drop in the middle of the property and then as you get to the Southeast is where the wetlands are. The wetlands are associated with the Little River and as a consequence, there is also a 100 year F.E.M.A. flood plain line associated in this area. There is also one isolated pocket in the corner.

Chairman M. Herde asked: Is this flagged according to the flood line or by other definition?

Mr. Curt Jones replied: This is just flagged according to normal soil definition. In addition to the wetlands, you do have this 100 year flood plain line (pointed out to Commission on map)

Chairman M. Herde asked: I just want to clarify, is that where the flags are or aren't?

Mr. Curt Jones replied: No, the flags are independent. This again slopes kind of steeply off to the West. Overall, it's a decent piece for development. We are proposing to develop into 9 industrial lots. We would expect a mix of building sizes, similar to what Mark Ozkowski had done over at Fox Hollow Industrial Park. We have 2 lots out in the field and there is a little bit of a high point about 250 feet in for this drainage that would tend to flow out. We put one set of basins the near side of the high point to control all the drainage and to provide that were not providing decrease in the storm run offs. So we have a series of detention basins somewhere in the lots and the main one for the road is behind lot 3 and there will be a driveway coming down off of lot #3 for maintenance. A typical design for sediment four bay, the main area and emergency spill way and then a level spreader at the end to dissipate the flow as it comes out.

Mr. Curt Jones then explained the colors and meanings on the survey map.

We do have sewer and water on the site and again, the sewer and water will be similar to Fox Hollow Industrial Park. That is the big overview and we have added the notes at the end that include the parking calculations and individual 40 scales that give us a little more detail on everything. We do anticipate breaking this up into 2 phases. Phase 1 will be a short little Culd-a-sac with these 2 lots and you will be able to access the back and will include lots 1, 9 and 8. We think this will break it up a little bit for Mark as there is a little bit of softness in the industrial market now and best not to open up the site all at once. The wetland flags are shown at the bottom and do extend of the hill and there is a little bit of a swale that is hardly noticeable but did show up as wetlands. There also is another isolated pocket in the woods.

Chairman M. Herde asked: The entire hillside pocket?

Mr. Curt Jones replied: Yes, in the woods.

Chairman M. Herde asked: So is this just something that is seeping rather than ponding?

Mr. Curt Jones replied: Exactly. You can see it's got some slope to it so it doesn't pond any water. It's ground water seep. In that area is a conservation easement with storm water facilities. In time we know that this starts to have some of the functions of a wetland and then starts to compliment it a little bit with vegetation and a little bit of habitat. That was the rational behind getting it done next to the wetlands. The rest if the information we have here includes grading and the storm drainage profiles and a storm water renovation area and some cross sections A and B and normal pond elevations and things of that nature. There is also an overall drainage area map and some more standard notes.

Chairman M. Herde asked: Do you have access to the gas main?

Mr. Curt Jones replied: Gas is in Hawley Road.

Chairman M. Herde stated: I think at this point if the Commission has any questions or would like more information I think now would probably be a good time to ask. When you come back in for the individual applications the Commission would like a little more detail on the water separators and any hazard type materials and ect... We should probably have the Commission walk this site.

Chairman M. Herde asked: Does everyone want to do a group walk? Is the area flagged?

Mr. Curt Jones replied: Just the wetlands are flagged at this point.

Chairman M. Herde asked: How does Wednesday September 5th sound, around 5:00 pm?

The Commission agreed to meet and the Secretary will send out an email reminder.

At this time Mr. Curt Jones and Mr. Ozkowski left the meeting.

Chairman M. Herde states: Next is Garden Homes and everybody knows that at the first presentation there was some discussion whether a public hearing was appropriate for the kind of request they have for no activity in a wetland. The mutual decision between the applicant and the Commission was to go ahead with a public hearing. Anybody have any opinion on charging the applicant for the public hearing from our normal fee schedule? I think we can waive the fees at this point since we both don't really have a true legal opinion on whether it's appropriate with the guidelines and are own regulations are a little bit cloudy on that.

Commissioner T. Adamski asked: What did our attorney say?

I.W. Enforcement Officer A. Ferrillo replied: Our attorney thinks it might be wise to waive the fee at this point. They are only asking for a jurisdictional ruling and this is not a land use application.

Commissioner S. Purcella Gibbons asked: How much is the fee?

I.W. Enforcement Officer A. Ferrillo replied: \$500, plus \$200 for every day of continuence.

Commissioner S. Purcella Gibbons asked: I'm curious; do they have to go through Planning and Zoning initially or just us?

I.W. Enforcement Officer A. Ferrillo replied: They have to go to Zoning, only on specified issues approved by the court.

I.W. Enforcement Officer A. Ferrillo states: If the Commission decides if the permit is not needed, then it will be referred back to the enforcement officer for routine approval and then there will be no public hearing. If the Commission denies the jurisdictional ruling then they will be required to submit a full application and the Commission will then have the opportunity for a full public hearing.

Chairman M. Herde asked: At this point, do we have a motion to waive the fee for the September 24, 2012 public hearing?

Motion made by **Commissioner T. Adamski** to waive the fee for the public hearing for the IW-12-74 Garden Homes application on September 24th due to the uncertainty of the requirements for the public hearing. **Seconded** by Commissioner S. Purcella Gibbons. Commission voted all in favor 5-0.

I.W. Enforcement Officer A. Ferrillo states: I contacted Pat Gargiulo (stenographer) who agreed to work at the public hearing. Garden Homes paid the application fees that were agreed upon and Nafis & Young is requesting the drainage calculations which were not given to us initially.

Chairman M. Herde replied: If we are all set with fees. Where are we at with the public hearing posting of legal notices and such?

I.W. Enforcement Officer A. Ferrillo replied: We are going to research this carefully and there has to be 2 notices with one not more than 15 days for the public hearing and the second one not less than 2 days and once the legal notice is typed, we will have it reviewed by Attorney Olson before it is published in the Waterbury Republican and the Voices.

Chairman M. Herde states: Please make sure we are real clear on that.

NEW APPLICATIONS REQUIRING OCCIWA APPROVAL (ACCEPTANCE)

OTHER BUSINESS:

None

ACCEPTANCE OF APPROVAL MINUTES & CORRECTIONS TO MINUTES (IF ANY):

Motion made by Commissioner S. Purcella Gibbons to approve the regular meeting minutes for August 13, 2012 and Commissioner T. Adamski abstained. Seconded by Commissioner B. Richter. All in favor 4-0

ENFORCEMENT OFFICER:

I.W. Enforcement Officer A. Ferrillo states: I have a logging application that is just a routine operation and the only reason that the Commission should know is that it's right behind Town Hall. There crossings will be located on Riggs Street.

Chairman M. Herde asked: Who is the logging operation?

I.W. Enforcement Officer A. Ferrillo replied: The person's name is Mr. Quirk who is not from this area.

Chairman M. Herde states: In any event, ask them for a starting and tell them to notify when they have there crossings and then check on them after they start.

I.W. Enforcement Officer A. Ferrillo states: Ok, will do. Mr. Quirk would like to start when the ground gets hard sometime in November.

I.W. Enforcement Officer A. Ferrillo states: We had a call from Mr. Horbal regarding a tree that had fallen into Five Mile Brook and was a pathway that was clogging the area. It was acted upon immediately and Mr. Wayne Watt (Town Garage) the tree was cut and removed and there will be some rip rap dropped to stabilize the bank. Mr. Watt said there is a lot of trees along that bank and if another one falls, he may have to go in there again.

Chairman M. Herde asked: How is 10 Park Road coming along?

I.W. Enforcement Officer A. Ferrillo replied: Mr. Crozier sent a 4 page letter to address the same issues he addressed at the meeting he attended. I contacted Mr. Fred D'Amico who will be working on the area of 10 Park Rd but has not yet started.

Chairman M. Herde asked: How is his timeline? Did he fill out an application?

I.W. Enforcement Officer A. Ferrillo replied: He did fill out an application but only gave \$100 and we are sending a letter to give him a date to come in. Actually, I think our permit has to come after Planning and Zoning in this case due to the flood plain issue. We can't give him a permit to do something if flood plain says no, you can't and at this point we should hold off on the Wetlands permit until Nafis gives the ruling.

Chairman M. Herde states: I was thinking more like sending him a letter and telling him that it's about to expire and be forced into a denial.

I.W. Enforcement Officer A. Ferrillo states: I think we can tell him that we are getting close to the statutory requirement that we vote and with insufficient information we will just have to deny it. And we can also let him know to be advised that our insurance rating for F.E.M.A. is in jeopardy if we allow this construction to the flood plain to happen.

I.W. Enforcement Officer A. Ferrillo states: The Oxford High School athletic field is under construction and the trees have been cut, tracking pad is in and the silt fence is up.

COMPLAINT/CONCERNS:

None

APPLICATIONS NOT REQUIRING OCCIWA APPROVAL

None

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.

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2. Notice of Violation Cease and Restore Order – Susan Kupec-Jutcawitz Randall
Drive Detention Pond Collapsed (Pending repair)
Town engineer has approved inland wetlands applications to remove the detention pond.
Client is now awaiting planning and zoning approval. (Related to tree stabilization)

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) 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).
- 3) Town of Oxford Catch Basins (Silt Removal).
- 4) Storm Drain Marker Program (Phase II).
- 5) Meadowbrook Estates Detention Pond – Staff and town engineer will continue to monitor the site in accordance with the town engineer's recommendations.

MATTERS OF CONSERVATION:
None

ADJOURNMENT:

Motion to adjourn made by **Commissioner B. Richter** seconded by **Commissioner T. Adamski** to adjourn the meeting at 9:05 pm. All in favor 5-0

Respectfully Submitted,



Denise Randall
OCCIWA- Secretary

12 SEP -5 AM 9:46
T. ADAMS
CLERK
T. ADAMS
CLERK