



October 23, 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**

Tuesday, October 23, 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 Tuesday, October 23, 2012

**Meeting was called to order at 7:36 P.M. by Chairman M. Herde**

**ATTENDANCE ROLL CALL:**

**COMMISSIONERS** Tom Adamski & Sue Purcella Gibbons and Denise Randall Secretary.

**ABSENT:**

I/W Enforcement Officer A. Ferrillo Jr., Commissioners Ethan Stewart and William Richter

**Motion** made **Commissioner S. Purcella Gibbons** to amend the current agenda to include the 4 items for amendments to the agenda. **Seconded** by **Commissioner T. Adamski**.

**OLD BUSINESS:**

IW 12-74 Garden Homes Management Corp. (9/24/12 Public Hearing)

Chairman M. Herde stated that at the last meeting the Commission was opposed to having it declare outside the jurisdiction of the Commission due to the fact we felt there probable is wetlands impact according to our experts.

Chairman M. Herde commented on Attorney Olson's correspondence and thought it was clear and the rest of the Commission agreed.

Chairman M. Herde then stated: I know the Commission had concerns that this motion cannot be complete in listing everything about the application. It should be entered into the record that the applicant specifically requested that we keep funding for the investigation to whatever was just necessary to make a decision and therefore there could be more investigation during the application. There could be additional impacts and they also withheld a lot of additional

2012

information that was requested, which could show more impacts or even the opposite. It's by their own actions that we can't give them a finite list as to every impact because this was just a fact finding mission as well too. I think this covers it. Would someone like to make a motion to accept this declaratory ruling?

**Commissioner T. Adamski made a motion: I move that we determined that the development described in the Petitioner's Submittals proposes to conduct activities which are likely to impact or affect wetlands or watercourses and are therefore regulated activities as set forth on Section 2.1.30 of the Inland Wetlands and Watercourses Regulations of the Town of Oxford. Our decision and the reasons therefore are more particularly set forth in the written Declaratory Ruling dated October 23, 2012, which I incorporate in this motion by reference. Seconded by Commissioner S. Purcella Gibbons.**

**Chairman M. Herde asked if anyone else had any further discussion on this. The Commission did not have any further input.**

**Chairman M. Herde it's set forth that the applicant will have to put in a full application with a full set of information for further investigation.**

**All in favor 3-0**

Chairman M. Herde stated: We now have a request for an extension of permit for Fox Hollow (IW 07-204) and asked if there is anything in the application from 2007 that needed review?

Commissioner T. Adamski stated: No, I have looked at it and nothing has changed.

Chairman M. Herde then asked for a motion.

**Motion** made by Commissioner S. Purcella Gibbons to extend the permit for IW 07-204, 6 Fox Colony for 5 years. **Seconded** Commissioner S. Purcella Gibbons. All in favor 3-0.

## **NEW BUSINESS:**

### **NEW APPLICATIONS REQUIRING OCCIWA APPROVAL (ACCEPTANCE)**

Chairman M. Herde stated: Accept an application for Belmar Farms (IW 12-115) at 108-120 Oxford Road. The Chairman asked the Secretary if the applicant paid the fees and the surveys were present.

Secretary Denise Randall stated: Yes.

**Motion** made by Commissioner S. Purcella Gibbons to accept (IW 12-115) Belmar Farms at 108-120 Oxford Rd. **Seconded** by Commissioner T. Adamski. All in Favor 3-0

**OTHER BUSINESS:**

None

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

**MOTION** made by Commissioner T. Adamski to approve the regular meeting minutes from 10/9/12 with corrections. **Seconded** by Commissioner S. Purcella Gibbons. Voted 3-0

**ENFORCEMENT OFFICER:****COMPLAINT/CONCERNS:**

Chairman M. Herde stated: Violation (Cease & Desist) to Mr. John Lucas on Freeman Road with machinery in the lake.

Commissioner T. Adamski stated: Yes, a bulldozer pushing around material that has come down from the stream. There is also a catch basin that dumps into it that is pretty much on the wrong side of the street.

Commissioner S. Purcella Gibbons asked: Is that on the corner of French's Cove?

Commissioner T. Adamski replied: Yes. Mr. Lucas does not plan on doing anything more this year but would like to know who he needs to apply to next year.

Chairman M. Herde stated: A letter should go out to Mr. Lucas to let him know who he needs to apply to and that he should come in early and come up with a written description of what he is planning on doing. He also needs a timeframe and has to notify us when he will begin the work and when the machine will be dropped off.

Commissioner T. Adamski stated: I think that it is a machine that he owns, and older tractor.

Chairman M. Herde asked Commissioner Adamski: A blade or a bucket?

Commissioner T. Adamski replied: A blade.

Chairman M. Herde asked: So he is just spreading the material around, right?

2012

Commissioner T. Adamski replied: That is what it appears to be. He was not picking stuff up. He was very cooperative.

Chairman M. Herde stated: Ok, he still has to come in and address this. Maybe in the letter, have him come in at one of the regular meetings before the end of the year and he can let us know what his plan is and we could set him up for next year as to how what to do. I have a feeling that he has the wrong equipment and we are going to tell him that if you really need to do something in the lake and to get the right equipment and that its just not right to keep pushing the material into the lake further so that your beach is correct. If he needs to take material out then we will make a decision on that, so invite him in.

Commissioner T. Adamski stated: He was questioning as to why so much sand & gravel has ended up on their beach. I explained to him that in past years, we have had record rains and there is going to be erosion. There has also been additional development back from that area and so there is more impervious surface.

Chairman M. Herde stated: People don't even realize too that when you have intermittent water courses and as a watercourse moves its way through the ground, there are different layers of ground and it could break through into a layer that moves easier. And it could be just the right year.

Chairman M. Herde asked: What about the Riggs Street Violation?

Commissioner T. Adamski stated: This is the one where they were going to take the pipe out of the driveway and bring in 2 new driveways from Autumn Ridge Road.

Chairman M. Herde asked: Now are these existing houses?

Commissioner T. Adamski replied: There is one home that exist and 2 lots.

Chairman M. Herde stated: What I'm thinking is how much of it is maintenance and enjoyment of an existing house and if it is vacant lots, is it straight up construction.

Commissioner T. Adamski states: Ok, the one driveway into Autumn Ridge Rd. is for the vacant lot. The other driveway on Autumn Ridge is to gain access to the existing house that has existed for years and has always been problematic as my daughters daycare was there and to get up that driveway was never good. I originally went out there to check on the tracking pads and I go up the old driveway and find he has dug a swale from where the new driveways come in and all the way up to the new house almost. It has to be 400 feet long. So now you have got this all this raw earth on the side and when I saw the swale, the swale dead ended on the wrong side of the driveway. Basically I told him, you don't have any permit for all of this work. You now have all this raw earth and then he had spread mud on the driveway at the time, not sure why he was doing that. So the contractor then said he was going to put in a pipe, I then told him, your going to need a pipe because you can't dead end the swale and you also have to get Mike Horbal (Engineer) involved and re-submit the plans with all of the changes on them and he has got to design a plunge pool and so forth. I then went back the next day and he put the pipe in. That is

2012

why I put a cease & desist on there. I was out there today, with Mike Horbal and the only thing that I let them do is they had large piles of process on the driveway and I thought it was better to spread the process and get it packed down then to leave it in piles.

Chairman M. Herde stated: I think a letter needs to go out and have let them know there is a request to come in and address this.

Commissioner T. Adamski stated: Mike Horbal (Engineer) was out there today with the surveyors, documenting everything that has been done and everything that needs to be done. He is going finish that up and we will have something next week.

Chairman M. Herde stated: I see correspondence here from the roads commission that they denied a request to consider making Cedarstone Road a town road as the road does not meet the town road standards. I have to say that I agree with this.

Chairman M. Herde asked: Has there been any response regarding Frank Samuelson (Roosevelt Drive) cease & desist order?

Commissioner T. Adamski replied: Yes, Mr. D'Amico is now taken care of surveying the property.

Chairman M. Herde stated: I think we have to be on top of this and remind him of the rules.

Chairman M. Herde stated: I would like to send a letter over to Zoning regarding the street lights.

Commissioner T. Adamski stated that he would work on a letter and send it to the secretary.

## **APPLICATIONS NOT REQUIRING OCCIWA APPROVAL:**

## **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 approved per town engineer, pending zoning approval.
3. Notice of Violation Cease & Desist--- Mr. Ralph Crozier & 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.
4. Notice of Violation Cease & Desist ---Mr. Frank H. & Robert Samuelson (Under the Rock Park) on Roosevelt Drive

## OTHER ITEMS OF CONCERN:

There is a Connecticut Association of Conservation Meeting being held on Saturday, November 17<sup>th</sup> at Four Points by Sheraton in Meriden, CT.

- 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).
- 4) Town of Oxford Catch Basins (Silt Removal).
- 5) Storm Drain Marker Program (Phase II).
- 6) Meadowbrook Estates Detention Pond/Harrison-Byk

Area to be monitored by Nafis and Young staff for period of 1 year to determine if pond constructed is sufficient.

ADJOURNMENT :

**MOTION** to adjourn by **Commissioner T. Adamski** and seconded by **Commissioner S. Purcella Gibbons** to adjourn the meeting at 8:51 pm. Voted 3-0

Respectfully Submitted,

Denise Randall

Denise Randall  
OCCIWA- Secretary

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M 9:46  
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Clerk