TOWN OF OXFORD

S.B. Church Memorial Town Hall
486 Oxford Road, Oxford, Connecticut 06478-1298
www.Oxford-CT.gov

Oxford Conservation Commission / Inland Wetlands Agency

PUBLIC HEARING MEETING MINUTES

MONDAY, SEPTEMBER 9, 2013

The **Special 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, September 9, 2013 and was called to order at 7:03 PM by Chairman Michael Herde.

CALL TO ORDER/ROLL CALL:

ATTENDANCE: Chairman Michael Herde, Secretary/Commissioner Susan Purcella, Commissioner Tom Adamski, Commissioner Ethan Stewart, Commissioner Bill Richter.

ABSENT:

ATTENDANCE (STAFF): OCCIWA Secretary, Denise Randall, Town Engineer, Allan Young, IWEO, Andrew Ferrillo, Jr., and Land Use Attorney Peter Olson, Soil Scientist, Kenneth Stevens.

ABSENT (STAFF): All Staff Members Present.

ALSO PRESENT: Patricia Gargiulo a Court Reporter - will be the official court stenographer for this hearing.

ALSO PRESENT FOR THE APPLICANT: Applicant Richard Freedman -present. Mark Branse, Attorney at Law of Branse, Willis & Knapp of Glastonbury, CT., Steve Trinkaus, Licensed Professional Engineer and James Cowen, Soil Scientist of North Stonington, CT. present to represent the applicant.

PLEDGE OF ALLEGINACE

Secretary/Commissioner S. Purcella read the Legal Notice for Application **(IW 13-47) Garden Homes Management Corporation Owner:Third Garden Park Limited Partnership- Hurley Road – Map: 2 Block: 36 Lots:2,2B,2A** -(124 units residential development)

Chairman M. Herde then outlined the procedures for the Public Hearing.

Chairman M. Herde stated: The intent of this public hearing is to have the applicant and his authorized representatives present to the Commission, as well as the public, all information that is either necessary and/or pertinent to the application. We will also hear questions from Commission members and staff relevant to the application for the applicant's response. Also, to hear questions or input from the public, relevant to Inland Wetlands aspects of this application only, including comments in favor or opposed to this application. If anyone from the public wishes to address the Commission or applicant, the question comment will be addressed to the Commission Chairman and not directly to the applicant. Those who wish to speak, please come up upon recognition from the Chairman, state your name and address and there

is also a sign in sheet as well. All speakers will be allowed a reasonable amount of time to be heard. Speakers may not speak again until all others have spoken.

Chairman M. Herded asked the Commission members if anyone had a conflict. None stated.

Chairman M. Herded asked if Secretary/Commissioner Sue Purcell Gibbons can now read the correspondence.

CORRESPONDENCE:

Secretary S. Purcella Gibbons stated that the Oxford Inland Wetlands Agency received correspondence regarding this application and they are as follows:

1) Oxford Commons (Garden Homes Decision, Declaratory Ruling from 10/23/2012) dated 10/23/2012.
2) Application letter from Barnes, Willis & Knapp along with 2012 correspondence from Soil Science and Environmental Services dated 6/13/2013, received 6/17/13
3) Test Pit Data by Environmental Planning Services Soil Scientist, dated 10/2/2012, received on 6/17/2013.
4) Wetland Inventory, Evaluation and Impact Assessment from Environmental Planning Services, dated 7/3/12, revised on 6/11/13 and received on 6/17/2013.
5) Oxford Commons Storm water Management Report from Trinkets Engineering, dated 6/10/13, received on 6/17/13.
6) Letter from Nafis & Young regarding estimate for plan review for proposed site plans dated 7/9/13 and received on 7/9/13.
7) Letter from Nafis & Young regarding detailed estimates for professional engineering dated 7/11/13 and received on 7/11/13.
8) Letter from Trinkaus Engineering regarding outlet protection calculations for each of the five stormwater detention systems, dated 7/16/13, received 7/16/13.
9) OCCIWA letter to Middlebury Town Hall to notify them of pending application dated 7/17/13.
10) OCCIWA letter to Naugatuck Town Hall to notify them of pending application dated 7/17/13.
11) OCCIWA letter to Southbury Town Hall to notify them of pending application dated 7/17/13.
12) Letter from Branse, Willis & Knapp regarding representation for the application, public hearing and Connecticut General Statutes, dated 7/22/13.
13) Letter from Nafis & Young regarding estimates for Garden Homes application, dated 8/13/13.

14) Ten letters from Branse, Willis & Knapp to abutting property owners of proposed project all dated 8/19/2013.

15) Proof of Legal Notice for Garden Homes Public Hearing from Republican American newspaper, dated 8/23/13.

16) Letter from Branse, Willis & Knapp regarding Freedom of Information, Act request for Marcus Dairy proposed project dated 8/27/13.

17) OCCIWA response letter to Branse, Willis & Knapp regarding F.O.I. request for Marcus Dairy dated 8/28/13.

18) Letter from Soil Science and Environmental Services regarding review fees, dated 7/1/13, received on 8/28/13.

19) Review from Soil Science and Environmental Services dated 8/23/13, received 9/5/13.

20) Added at the public hearing, memo from Enforcement Officer A. Ferrillo, memo to files regarding comments received from Tom Pietras, regarding his draft report. (As noted by Attorney M. Branse)

Chairman M. Herde asked Attorney Mark Branse if he believed any of the Commission members had a reason to believe they had a conflict. Attorney Mark Branse replied with a no.

Chairman M. Herde asked Attorney Mark Branse to proceed with applicant's presentation.

PRESENTATION BY APPLICANT AND/OR REPRESENTATIVES:

Mark Branse an Attorney at Law for the applicant introduced himself and submitted the green cards from the noticed letters that were sent to the property abutters. The addresses are as follows:

1. J & N Leasing & Bldg Materials, 154 E. Boston Post Rd., Mamaroneck, NY. 10543
2. David B. Sippin, 234 Main St., Monroe, CT. 06468
3. Connecticut Office of Attorney General, 55 Elm St., Hartford, CT. 06106
4. Ruth Ann Ferigno & Olive Mastrianni, 319 Huntington Street, Shelton, CT. 06484
5. Airport Properties, LLC, P.O. Box 4047, Stamford, CT. 06907
6. Pilots Mall, LLC, P.O. Box 4047, Stamford, CT. 06905
7. Jennifer Yonka, 48 Donovan Rd., Oxford, CT. 06478
8. R. Mastrianni and J. Ferigno, 319 Huntington Street, Shelton, CT. 06478
9. HF Industrial Park Limited Partnership, 55 Church Street, New Haven, CT. 06510
10. George R. Temple, First Selectman, Town of Oxford, 486 Oxford Rd., Oxford, CT. 06478

Attorney Branse to state one other housekeeping matter, we have just received a September 5, 2013 document from Mr. Andrew Ferrillo (I.W. Enforcement Officer).

Attorney P. Olson stated it may have been a timing issue with the preparation of the list and I'm not sure the Commission has seen the memo or not but they are in the record as of tonight but will be for the next meeting.

Attorney M. Branse stated Ok and thanked Attorney Olson.

Attorney M. Branse stated: This public hearing was set tonight by the Wetlands Commission and although we are not objecting to the public hearing, we are glad the Commission has determined that the hearing, this at our last meeting with them and we are certainly glad to hear what the public has to say, as we have done in the past. This is not a significant activity, which of course is the defined term in your regulations, although in the past it was a hearing due to significant public interest. Although the Commission has seen this application in a number of iterations, including about a year ago when we had a request of determination of jurisdiction, this is a new record and we will be asking our presenters to present all of the information even though you have probably heard a great deal of it. I think those are my only introductory comments at this time. I am going to ask Steve Trinkaus, our Civil Engineer, to review the plans and review them in total and also to highlight for you, how they are different from what you have seen in the past. Particularly with regard to the determination of jurisdiction and your record includes that your findings on jurisdiction. The Commission knows from my application letter that we have a pending appeal, which we question the scope of that, but as to the four identified items, we stipulated at the time of the determination, that we felt those were issues that could effect wetlands and watercourses and issues we felt we could address and un-address and that's what we are hoping to here. To look at those more possible impacts of this development as to wetlands and watercourses. I will now turn it over to Mr. Trinkaus and it will be followed by Jim Cowen who is here is lieu of Michael Klein. Mr. Klein had a schedule conflict.

For the record, my name is **Steven Trinkaus** (licensed professional engineer in Southbury, CT.) The site is a 40 plus acre site bounded by roads on 3 sides which are Hurley Road on the South, Airport access Road on the North, Donovan Road on the East. The 13 acre wetland is predominately in the eastern portion of the site and is a tail that comes up to Airport Road and then it goes to a man made pond with a culvert under Hurley Road to the South. All of the development will be in the Western side of the site. The site originally consisted of fields and has over the past few years, has not been mowed and has grown into brush with a lot of Autumn Olive which has colonized much of the open areas. The Northeastern corner of the site, has an up hill knoll which is more wooded and a few ledge areas. This plan highlights 25% slopes on the site and as well as all of the deep test pits that have been done by my office. Some which have been witnessed by Environmental Planning Services. We also have outlined 5 of the various stormwater basins. Four basins and one underground gallery system and an overlay to the test pit data on the plan. The proposal is for 124 units of manufactured housing with a road network. The access is from Hurley road with 2 access points. There is one little cul-de-sac in the Northwest corner, toward the detention basin at that end, (pointing to the map) All of the other roads loop onto themselves and come back out to Hurley Road. With the 5 storm water basins, there is zero increase in runoff. The next map is the existing conditions map, pointing out the larger scale on sheet 4 of 16 on the project plan set and this shows the Northern half of the site basically in the northwest corner of the site, is one of the detention system which is designed to provide zero increase in runoff in a two year storm up to the 100 year storm event as requested by your engineering consultant (Nafis & Young) and that information is the storm water management report. In the northeast corner of the site, there is another small basin here which discharges up to the north, outside the 100 foot upland review. All of the construction activities associated with the site development and the stormwater basins are all located outside the 100 foot upland review area from all of the wetland areas on this site. In addition to addressing the peak rate control water quality, per our 2004 Connecticut D.E.E.P. stormwater quality manual, is being addressed by the use of bio swales which are linear bio retention systems along all the roads. We are going back to what was most commonly done in the 1950's with basically grass swales along both sides of the roads. There is no curve in gutter, the road has a crown which goes into the grass swales, under every driveway there is a pipe so that the water flows through them. There are low points within the swales and that is where we do have catch basins that will convey water from the swales, primarily in the middle of the site to one of the storm water basins for detention. For the common rainfall events, which is 1 inch of rainfall in a 24 hour period or less, this water will infiltrate within those swale systems, so for those small storm events, you will not have any water running toward the detention basins. For a larger storm event, 2 year event, which is 3.3

inches, at least with that initial inch, if not more, depending on the intensity of that storm, will also infiltrate into these systems. In some cases, if the storm is a 24 hour period, it's a very light rain; again you will not even see discharge. The only time that you will see discharge from the swales into the actual detention basins, are when the swales are saturated with more with a very high intensity rainfall where you're getting a lot of water in a short period of time. Each of the basins have a fore bay to trap sediments on the inlet side as it is a dry retention pond, it is not designed to hold water as a permanent pool of any kind. The water quality is contained within the swale system; staged orifices are being used to provide zero increase from the 2 year storm, which is a small storm event up to the 100 year event which is 7.2 inches in 24 hours. So the largest basin is the one kind of in the middle (pointing to the map) on the eastern portion of the site. We have water coming in on the north end with the runoff coming out toward the south. One the western side of the site, where we have suitable soils, instead of being a detention basin per say, it is an underground gallery system with also a control structure also providing zero increase in runoff going to the west. So whether we are draining as overlay flow to the west, we are draining to the central wetland system, we will have zero increase in runoff for all of the storm events. Sheet number 5 of 16 on the plan set shows the southern area of the site, we have another inlet side for drainage on this end (pointing to the map) there is another basin on the south central portion of the development. The southern and eastern most basins, we are going to have a low berm running down the center of it so as the water comes in at the end of it, goes to the forebay and then has to go up and come back out to the outlet. At the outlet locations, we are placing a series of stone arcs across this and way wider than the pad itself is. In between the pad, will also be rip rap and what we are doing is encouraging that water to flare out in a wider pattern to maintain an overlay flow and not to have a concentrated flow, at any point. With a standard rip rap pad, there is a possibility that you would get some concentrated flow because the water is flowing thru the rocks. What we are doing is spreading it out over a life 2 or 3 times longer than what the erosion guidelines actually say. We have provided that calculation and the supplemental letter along with a detail showing how the required minimum rip rap pad fits into the whole process. One section of the plan shows a cross section of the stone berms that will radiate out to dissipate the flow and allow it to be more uniform as an overland flow. Each of the basins has an outlet structure and each of them are detailed on this plan. It's a staged orifice because for small storm events, you have a smaller orifice and as the storm gets bigger, and the water surface moves up, you increase all the outlet capacity. The net result is for the 2 year to the 100 year storm event we have less than the zero increase. So therefore, we actually have less peak rate runoff coming off this site than we have under current conditions today. So clearly compliant with the 2 year to the 100 year storm requirement. We also have, as part of the project plan is a set of comprehensive erosion and sedimentation control plan phasing for this and this will all be part of the construction plan.

Mr. Trinkaus asked if anyone had any questions, he would be happy to answer them now or later.

Commissioner T. Adamski asked: What the significant life span of the infiltration galleries?

Mr. Trinkaus answered: By trapping the sediment before them, 30 or 40 years. There is no reason they shouldn't last any shorter than what a septic system should last as the water is clean in this case.

Commissioner B. Richter asked: Are there garages and rain gutters?

Mr. Trinkaus replied: There are no gutters; the water falls off the roof and drains ultimately to the bio swales. The driveways which are 20' X 20' and we also figured into the stormwater calculations that each lot has a 10' X 10' shed. Even though it does not show on the map, each shed was calculated into the report on the assumption that everyone has a 10x10 shed somewhere down the road.

Attorney Branse also stated: Commissioner Richter also asked about garages.

Mr. Trinkaus and Mr. Friedman both stated: There are no garages.

Commissioner S. Purcella Gibbons asked how snow removal would be handled.

Mr. Trinkaus replied that there are designated snow storage areas on one of the project plan sheets but I did not bring that with me.

Mr. Trinkaus pointed on the map where the snow storage areas are and explained that this information was in the original plans that are with the Inland Wetlands Department. He explained these snow storage areas are well away from any wetlands areas.

Chairman M. Herde asked: So any meltdown of the snow with contaminates has a potential to go back into the retention areas, will they be treated?

Mr. Trinkaus replied: The snow piles melt from the bottom up and as it melts the water infiltrates through the soil and the soil processes in the bio swales and are the same that are in the natural soils so it will be filtered.

Chairman M. Herde asked: So there is no direct route to the wetland?

Mr. Trinkaus replied: That is absolutely correct.

Commissioner T. Adamski asked: What is the provision for parking? How many automobiles can fit?

Mr. Trinkaus replied: The driveway area is 20' X 20' which would allow 2 spaces in each driveway. There is also designated parking with 9 spaces in the north end and another 7 (Pointing to the map area) in total there are 16 additional spaces.

Commissioner T. Adamski asked: Is parking prohibited along the road?

Mr. Trinkaus replied: It's not prohibited but the roads are 24' wide so if you had parking on one side and your car is 8' wide, you still have a 16' foot span.

Commissioner T. Adamski stated: My concern more addresses the bio swales.

Mr. Trinkaus replied: You're not going to park in those, because you would be driving in a ditch.

Commissioner T. Adamski asked: So they are deep enough?

Mr. Trinkaus replied: It's about 1 and half difference. You would know it's there.

Commissioner B. Richter asked: Is the owner responsible for snow removal from their own driveway?

Mr. Trinkaus replied: Garden Homes removes the snow from the common areas only.

Commissioner B. Richter asked: Is it a possibility that everyone living there can use salt on their own driveways?

Mr. Trinkaus replied: I will give you an example of my own driveway. If you use a snow blower or shovel the snow right after it stops snowing. If it becomes a sunny day, with asphalt, you don't have to put any salt on it as it melts. The only time you will need salt is if you get a black ice event.

Commissioner T. Adamski asked: What about the lawn maintenance? Will this be done by the owners?

Mr. Trinkaus replied: By the owners around the units.

Mr. Richard Freedman (Owner and President of Garden Homes) replied: It will depend whether or not the units are owned or rented. If the units are sold, it will be done by the owner of the unit. If the unit is rented, it will be done by the landlord.

Attorney Olson asked: Is this structured as a common interest community?

Attorney M. Branse replied: No. Mobile Home parks do not operate that way. You can sell or rent individual units.

Attorney Olson asked: So the unit is the land?

Attorney M. Branse replied: Essentially, yes.

Attorney Olson asked: Is there a rules and regulations document that goes along with it?

Mr. Richard Freedman replied: Yes. It is part of the lease.

Attorney Olson asked: So presumably restrictions could be included in that rules and regulations document?

Mr. Richard Freedman replied: Yes. Whether you're an owner or renter, you're still subject to a lease.

Attorney M. Branse added: It's essentially like a land lease.

Chairman M. Herde stated: Our there any further comments for Mr. Trinkaus?

There were none.

Chairman M. Herde stated: We can continue on with the presentation.

For the record, my name is **Jim Cowen** (Environmental Planning Services) I am a registered Soil Scientist that is certified with professional wetlands scientist and have been involved in field investigations and reports since the beginning of the project. Our office reviewed the wetland delineation that was done by others and confirmed that the delineation was correct with a few additions. We found a small isolated wetland, in the Northeast corner of the site that receives road drainage. We also found a few wetland flags that had not been located by the original survey that were actually located and placed by the original soil scientist, so those flags were added to complete the delineation. Wetland soils on the site are very poorly drained. Soils such as Ridgebury, light hister, Whitman, demoqua and Watchhaug, were earlier listed as different names so in the report, the prior names are listed. The soils on the site are primarily Canton, Charlton which are well drained soils. In addition, we went back with Steve Trinkaus and examined test pits and log test pits so our profiles in the vicinity of each of the proposed basins, the bio basins and we have the data for each of those test pits. We found that the soils were suitable for the proposed bio filtration and that is documented in that report of those test pits. In addition, we did a functional evaluation using the U.S. Army Corps of Engineers highway method, and you see in the report the 13 different functions and values that the Corp suggests as a guideline. We evaluated the main east central wetland, as being obviously the most significant wetland on the site, it has a high grading for ground water recharge and discharge, flood flow alteration, it's a very large wetland and fairly flat and room for a flood event to store a lot of water and gradually release it. There is a capacity for sediment retention with an extensively vegetated wetland and nutrient removal, keeping retention. Also the combination of the organic to deep organic soils have a high capacity to utilize any nutrients that enter the wetland and transform them. One of the wetland functions is called production export and this is the ability of the wetland to provide food. In this case there is a lot of wood, but more importantly, there is a lot of food that is available to wildlife. There are berries to different types of shrubs that provide seeds, nuts and leaves. All of that food is important for wildlife. The production export is high and as a result, it has high value for wetland wildlife, particular wildlife that make there homes there. So this is highly, in our judgement, significant wetland with a number of significant functions and values. By contrast, the Northwestern wetland is an isolated wetland and due to its small size, has a much more limited value and function. It does provide some ground water recharge but we consider its principal function and its ability to treat nutrients. It does not connect with the main wetland. We conducted an additional excavation at the pond at the South end of the site, where the wetland outlets under Hurley Road. We

looked at this pond, which is an excavated pond, partly retained by loose stones and with steep sides near the outlet with concrete blocks at the outlet and a culvert outlet under the road. We looked at the biology, in terms of the vegetation; it's a combination of open water and water lilies. There is a fairly sizeable sediment delta at the upper end. We did some sampling at the depth of sediments and we had sediments up to 2 feet deep that have accumulated in the pond. We looked at the vegetation and it is extensively vegetated, under the surface with coontail and every sample we took had algae on it. We also took water samples, sent them to a lab and the conclusion is that it's eutrophic, nutrient rich and enhances the wide variety of vegetation. So that pretty much wraps the investigation of existing conditions. In addition to that we have reviewed the current plan of the manufactured housing and as Mr. Trinkaus has stated, there will be no direct impact on the wetland, no filling of wetlands, excavation, draining or clearing. There will be no indirect impact, no activity within 100 feet of the wetlands. There are, however, the potential for indirect impacts to wetlands, even beyond 100 feet. The primary ones that we look at in detail are sediment and erosion and stormwater quality and quantity. The sediment and erosion plan we believe is thorough and appropriate for this development. The sediment and erosion plan is for during construction. When the construction is over, when there are disturbed soils that are open soils so that they won't erode and end up in the wetland. The other aspect is in terms of stormwater, we have reviewed Mr. Trinkaus's report. We look at quality and quantity and whether you're increasing flows that you're going to be causing erosion in the wetland or downstream. Mr. Trinkaus's answer is no. We look at the issue of stormwater quality and the primary place you look at is closest to the source which is the roadside bio swales and those functions in important ways with the plants themselves and organic matter which builds up and charges particles. The third important way, that can also overlooked is the microbes, the bacteria, the fungus which live in the organic matter, particularly in the roots of all the plants so you want good root mass in there. Even when the plants are dormant in the winter the microbes are not. These reside in the entire root mass and are very efficient in taking nutrients and contaminates out of the soil. This is really a fascinating study. There are several mechanisms by which bio filtration works and as Mr. Trinkaus explained, in the water quality volume that carries the most contaminates will not even reach the bio filtration basins. That volume will be treated in the swales. Any additional runoff will go into the bio basins and that additional runoff will be further treated by a fully vegetated basin. When it exits the basin, it will be dispersed, as described, into vegetation through a minimum of 100 feet till it gets to a wetland. There is a multiple train of treatment before it gets to a wetland. It's in our opinion, an efficient treatment train of bests management practices, this plan will prevent any adverse impacts on water quality in excess of what is required by D.E.E.P. To recap, there is no direct impact on wetlands, there is no activity within the 100 foot upland review area and the sediment and erosion control plan is thorough and appropriate, the storm water basin design will maximize water quality treatment and attenuate peak flows and therefore its in our opinion that the proposed design will prevent any direct or indirect adverse impacts. I would be happy to take any questions.

There were no questions for Mr. Cowen.

QUESTIONS FROM COMMISSION MEMBERS TO THE APPLICANT AND/OR REPRESENTATIVES:

Chairman M. Herde asked the Commission if they had any other questions, comments, or issues that should be addressed.

Attorney Mark Branse stated: Mr. Freedman asked me to correct one thing. With regard to mowing the area around the individual units, we have not decided whether that will be occupant or the management company. If there is some foreseeable wetland impact we would be happy to listen but we do it differently in different parks.

Commissioner B. Richter added: It's just going to be every owner using different fertilizers, unless it's regulated.

Attorney Mark Branse replied: Attorney Olson asked with regard to regulations and this is something that can be regulated, certainly something that can be addressed. This is problem within subdivisions as well. We would be happy to listen to any suggestions or any other questions.

Chairman M. Herde added: I'm sure there is a designated area that can be provided where unit owners can place compost and such so it is not dumped at random.

Attorney Olson stated: I don't trust individual lot owners when it's a development of this size. Where there are 10 or 15 it's a lot easier to deal with. It's the variety of different applications, quantity both in the winter and that I'm more comfortable with a comprehensive plan that is managed by one company that does the same thing across the board.

Attorney M. Branse asked: Is this something, Mr. Ferrillo that is required elsewhere?

I.W.E. Officer A. Ferrillo: Not generally. To my knowledge, the type of fertilizer has not been a requirement. However, it is certainly discussed in the application process.

Chairman M. Herde added: In the Golf Course Community, the pesticide management program was extensively discussed going through the common phase as well as the golf course itself. Otherwise, most of our subdivisions are on larger lots so everybody does have a spot for compost and everything.

Attorney M. Branse stated: I like the idea of having a designated area for that.

Attorney M. Branse asked: Are there any other questions for me.

None asked.

COMMENTS AND QUESTIONS FROM STAFF TO THE APPLICANT AND/OR REPRESENTATIVES:

Chairman M. Herde asked if the staff had presentations.

Attorney P. Olson stated: Based on my conversations with our engineer, his report is not ready for tonight and my recommendation is to hear from the public now.

AUDIENCE OF CITIZENS:

Chairman M. Herde asked if there are any audience of citizens who would like to speak and if so they can please sign in on the sign-in sheet, please come to the podium and questions must be wetland issues only.

Barbara Austin, a Southbury resident, of 6 Bristol-Town Road, Southbury, CT asked: I own the adjacent property in Oxford and I was wondering how much yard does each person have?

Chairman M. Herde replied and asked: Ok. We will find out that question for you. Do you have any other questions? Does anyone else have any other questions?

Grace Schade a Southbury Resident, 17 Bristol –Town Rd., Southbury, CT. stated: I live in Southbury at the end of Hurley Road and I'm concerned about traffic.

Chairman M. Herde replied: Traffic is not a condition for wetlands, that is for the Zoning Commission, sorry.

Chairman M. Herde then asked if anyone else had any questions or comments.

Mr. Steve Trinkaus stated: The minimum yard area would be around 2000 sq. feet depending on the unit as some are smaller and therefore it would be 2000 to 2500 square feet.

Attorney M. Branse asked Mr. Trinkaus the gross area of each lot.

Mr. Trinkaus replied: The gross area of each lot is roughly 3700 square feet. Two-thirds of it is green space because the swale is green. It's nonstructural.

Attorney M. Branse stated: I think it sounded like you were saying the total lot is 2000 sq. ft.

Mr. Trinkaus explained: No. The green space is a minimum of 2000.

Chairman M. Herde stated: Ok. So it's about 2000 sq. feet excluding the unit itself.

Mr. Trinkaus replied: Correct.

Chairman M. Herde asked if there is anyone else in the audience that would like to speak that's not on the sign-in sheet. None stated.

Chairman M. Herde asked the Commission if they had any other questions, comments, or issues that should be addressed. None stated

CLOSING STATEMENT FROM APPLICANT AND/OR REPRESENTATIVES:

Chairman M. Herde asked the Commission if they had any other questions, comments, or issues that should be addressed.

Attorney P. Olson stated: If we are done with questions from the public, I would like to ask our staff if there any information that either of you need from the applicant to complete your review.

Mr. Allan Young asked Mr. Trinkaus: When we talked about infiltration with smaller storm events, did you actually do the testing or obtain it from standard?

Mr. Trinkaus replied: The Charlton soils by the NRCS stat has a range between .6 and 6 inches per hour. Based on other Charlton soils, the infiltration test that I've done have been 9 inches. I don't think I have done anything specific here but the loam is very sandy. If you're looking for a minimum infiltration rate for bio-retention is a half inch per hour. So if you have soil that is 3 inch per hour and it rains an inch per hour, then you have tripled that capacity for infiltration.

Mr. Allan Young said Thank You and asked Mr. Cowen: In several of the test holes that were hand dug, you showed mottling in it at generally 1 to 2 feet, would you call that Charlton soil or moderately well drained sand Sutton soil?

Mr. Jim Cowen replied: We did find that a few mottles, that was deeper than 2 feet. I don't recall any concentration of reduction less than 2 feet. We do have 10% concentrations but the matrix is still 10 by R44 so I still consider that a Charlton.

Attorney P. Olson asked Mr. Allan Young if he needed any additional information.

Mr. Allan Young replied: I will be asking for additional information. As soon as I complete my report I will have itemized information that I need.

Chairman M. Herde stated: Alright. So we need completed reports from our soil scientist and town engineer.

Chairman M. Herde asked: Mr. Stevens, I understand there has been some re-arranging in your office, can you elaborate on this please.

Mr. Ken Stevens replied: Yes. The report was prepared jointly by Tom Pietras and myself and Tom is no longer with our office. I had visited the site in the area of the detention basin. I hate to date myself but I originally mapped all the soils in Oxford and I mapped that area when it was originally a farm. I did note on the original soils of some indication of shallow or bedrock soils on the top. It may or may not be there. Along the edge of the wetlands, without having done extensive borings, it would be my judgment, I just walked the site but it seem to me up in the area of the detention basin, there may be some moderately low drained soils but again that is just information that your engineer and the applicants engineer might want to take into consideration.

Chairman M. Herde asked: Do you think we can get Mr. Pietras back here for the completion of this report?

Mr. Ken Stevens replied: Well the report is complete. If you want him here to testify, I certainly would say that is possible.

Chairman M. Herde stated: I think that would fair to the applicant as well.

Mr. Ken Stevens asked if he should contact him.

Chairman M. Herde stated: Sure, and if you have any issues, then we can contact him.

Attorney M. Branse stated: There is a September 5th memo to the file from Tom Pietras and read the memo and the last statement states storm water information from the town engineer is needed before the report can be completed. You just heard a moment ago from Mr. Stevens that the report is complete and there maybe additional information needed, which we would certainly like to see. One thing the struck me is, we provide the same information, so as far as we know, Mr. Stevens and Mr. Young have all of the same data, so if there is something that Mr. Stevens is missing, please contact Mr. Trinkaus, or Mr. Klein or Mr. Cowen and we would be happy to provide it.

Chairman M. Herde stated: Yes. If there is anything else needed, please make a list ASAP to give the applicant enough time.

Mr. Stevens stated: Just to clarify the applicant has provided all the information and our report we prepared as of August 23rd reflects all that. Now whether there are some minor modifications or some additional information, I can tell until I have seen that report.

Ms. Barbara Austin (Audience of Citizen) again stood up and stated: Ms. Grace Shady and I are really worried about Ms. Shade's pond has become incredibly polluted and we are concerned about taking care of the waterways.

Chairman M. Herde replied: Ok. We can definitely appreciate that and this is exactly why the professionals are here to check all the information about this property.

Carl Weston an Oxford Resident at 76 Donovan Road, Oxford, CT. stated: I'm curious as to how the septic is being handled with these units.

Chairman M. Herde replied: I believe it is city sewers.

Carl Weston replied: Thank You.

CONTINUANCE:

Chairman M. Herde asked what date would be good for a continued hearing.

I.W.E. Officer A. Ferrillo stated: September 23, 2013 would be ok except, one Commission Member may have to leave for a short period of time for another meeting that starts at 7:00.

Attorney P. Olson asked when the next regular meeting is.

I.W.E. Officer A. Ferrillo stated: September 24, 2013.

Chairman M. Herde asked: Can we get motion on the continuance.

MOTION was made by Commissioner B. Richter and seconded by Commissioner S. Purcella to **CONTINUE** the Public Hearing for application IW-13-47 **(IW 13-47) Garden Homes Management Corporation Owner:Third Garden Park Limited Partnership- Hurley Road – Map: 2 Block: 36 Lots:2,2B,2A** -(124 units residential development) to Monday, September 23, 2013 at 8:00 PM at the Oxford Town Hall, Main Meeting Room, 486 Oxford Road, Oxford CT, 06478.
Voted 5-0.

ADJOURNMENT:

The Special Meeting was adjourned at 8:00 PM.

Respectfully submitted,

Denise Randall

Denise Randall, OCCIWA Secretary