

Town of Durham
Inland Wetlands and Watercourses Agency
Regular Meeting Minutes
Monday, May 16, 2005
REVISED

* Revisions in ALL CAPS

Call to Order: The meeting was called to order at 7:30 PM by Vice-Chairman Dick Eriksen at the Durham Public Library.

Roll Call: Members present: Bob Czarnecki, Dick Eriksen, Joel Labella, Lynn Lawson and Al Petrzal. Alternates present: Trish Dynia.

Seating of Alternates: Trish Dynia was seated for George Zeeb.

Approval of Agenda: *A motion was made by Bob Czarnecki, seconded by Lynn Lawson, to approve the agenda as presented. The motion passed unanimously.*

Approval of Minutes: *A motion was made by Joel LaBella, seconded by Bob Czarnecki, to approve the April 11, 2005 minutes as presented. The motion passed unanimously with Trish Dynia abstaining.*

Public Session: No one present wished to speak regarding non-agenda items.

J&T Route 68 Property Management, proposed construction of a Driveway, Septic System and Rental Storage Units within 100' of a Wetland, Ozick Drive: Frank Magnotta presented plans which call for building a 10,000 sf storage building and a 15,000 sf manufacturing building, along with affiliated parking and drainage systems. on Three acres of the 6.9 acre lot are planned for development and the balance is primarily wetlands.

Mr. Magnotta noted the existing silt fence, hay bale and stone check dams, which appear on the proposed site plan. There will be a single well for the entire site and 2 septic systems. A portion of the storage building, driveway and one septic system fall within 100 feet of the wetlands.

Vice-Chairman Eriksen stated that the Town Engineer is still reviewing the site plan and no decision will be made prior receiving his report. The Commission scheduled a site walk for Saturday, June 11th. Members will meet on site at 9:00 AM. The Commission also scheduled a public hearing for the June meeting.

Mark Paturzo, Proposed Dredging and Maintenance of Pond, 16 Guire Road: Mr. Paturzo presented plans for Phase Two of his project. (Phase one was completed in 2004). The next phase consists of the following: 1. Placing a silt fence along side the brook perpendicular to the pool to eliminate any possibility of silt running into the brook;

2. Placing hay bails alongside the silt fence if the board deems this necessary; 3. Remove approximately 100-125 yards of fill to be spread and leveled behind and to the side of the pool, and 4. Once leveled, plant seed to produce a lawn.

The commission recommended that the applicant hire a legitimate contractor rather than someone with a backhoe in order to better ensure that the berm is not breached. The applicant should also speak to Geoff Colegrove about posting a bond.

It was noted that at the February meeting Mr. Paturzo had agreed to withdraw his application and resubmit when he had a plan. Mr. Paturzo presented a written plan but not an application. Therefore the commission could not vote on it. Mr. Paturzo must return to the Commission with the appropriate paperwork filled out before the commission can take any action.

PJM Properties, LLC, Update on Cease and Desist order, 21 Ozick Drive: In a letter dated April 18, 2005, Wetland Enforcement Officer Geoff Colegrove informed PJM Properties LLC that the Commission voted on the following at the April meeting: 1. All vehicles and other materials stored on the graveled area east of the AT&T easement are to be removed by April 30, 2005, and 2. Within 60 days of receipt of this letter, gravel and fill are to be removed from the inland wetland area to the natural elevation of the wetland prior to filling along with gravel placed within 100 feet of the wetland. The area is also to be graded, seeded and mulched.

Attorney Ray Lemley spoke for the applicant, stating that the applicant had moved all but one of the vehicles in question. Vice-Chairman Eriksen presented a photo, taken on 5/16 (the day of this meeting) which showed that there were actually four vehicles still to be removed. Attorney Lemley assured the Commission that, "The vehicles would be gone by tomorrow." He stated that the applicant would continue to work on complying with the points of the cease and desist order. Once that has been completed, the applicant will apply for "some sort of" activity within 100 feet of the wetlands.

Joe Palumbo, Discussion of Site Inspection Conducted April 16th, 1135 New Haven Road: After a lengthy discussion it was decided that Mr. Palumbo would not need an application, provided he abide by the following criteria: 1. There will be no dredging, clearing of brush only; 2. All clearing to be done by hand; 3. There will be NO removal of trees or stumps, and 4. No chipping in the wetlands or upland review area. Mr. Palumbo agreed to comply with the points above.

Paul Nicoli, Enforcement Action, 151 Tri-Mountain Road: Mr. Nicoli submitted pictures which depict work he has been doing in and around the wetlands on his property. Activities include tree cutting, heavy machinery left in the area and a road/driveway which has been extended into the wetlands. Mr. Nicoli stated that he was not aware that his activities required a wetland permit.

A motion was made by Trish Dynia, seconded by Bob Czarnecki, to issue a Cease and Desist order, applicant to remove machinery only, pending site walk. The motion passed unanimously.

The commission will conduct a site walk on June 11th subsequent to the 9AM site walk at J&T Properties.

Foot Hills Road: Mr. Amleto noted that the term "Rerouting of Wetlands was not entirely accurate. Upon purchasing the property in the Fall of 2003, he was unaware that extensive landscaping masked wetland problems on the property. It seems that the main problem was the developer's failure to properly install a curtain drain. Subsequently, Mr. Amleto dug around the foundation, installed riprap, and hooked that into the footing drains to drain the water away from the house. He then removed landscaping to seed the area and found the "masked" damage. The landscape has been saturated, and the curtain drain is running beyond capacity. Mr. Amleto noted that this has become a health and safety issue. He cannot allow his young children in the home's yard DUE to the water level and mosquito breeding ground.

The applicant wishes to work with the Town of Durham to alleviate this problem. The Commission will conduct a June 11th site walk following the first two scheduled above. Approximate arrival time is 10AM.

Wetland Enforcement Officer's Report: Vice-Chairman Eriksen reported that Greenland Realty's site plan now includes two fuel tanks. He stated that the company did not have permission for these tanks and that approval was given with the proviso that there be no repairs or re-fueling operations on the premises.

A motion was made by Bob Czarnecki, seconded by Lynn Lawson to issue and Cease and Desist order on the commercial operation, to remove fuel tanks in violation of approved site plan, bring drainage into compliance with the approved site plan. The motion passed unanimously.

Vice-Chairman Eriksen distributed pictures of an apparent wetlands violation at 179 Parmelee Hill Road. A portion of the lies 37 feet from a wetland. Mr. Colegrove will notify the owner that he must apply for a review.

Payment of Bills: *A motion was made by Al Petrzal, seconded by Joel LaBella, to pay the following bill: Trish Dynia, Secretarial Services, \$97.50, Lynn Lawson, fruit basket purchase, \$42.36. The motion passed unanimously with Trish Dynia abstaining.*

Miscellaneous: Vice-Chairman Eriksen stated that the Public Session above was to be used for new items only, and was not the place for discussion of agenda items. He stated that State law also prohibited members of the public from speaking on Agenda items which were not part of a public hearing.

Town Road Foreman Kurt Bober described maintenance work the crew had recently undertaken in a pond near the corner of Green Lane and Pine Ledge Trail. Specifically, they have installed an 18" pipe for fire protection, but still need to dig out several feet of silt and rip rap the area. Mr. Bober stated that he would return to the Commission with an application.

Mr. Bober then described work to be done in the Berten Farm development area on Haddam Quarter Road. The Commission agreed that the work described came under general town maintenance and an application was not required.

Adjournment: The meeting was adjourned at 8:55 PM.

Respectfully submitted,

Patricia Dynia
Recording Secretary

Cc: Town Clerk, Midstate Regional Planning Agency