

**Town of Durham**  
**Inland Wetlands and Watercourses Agency**  
Regular Meeting Minutes  
*Monday, June 13, 2005*

**Call to Order:** The meeting was called to order at 7:35 PM by Vice-Chairman Dick Eriksen at the Durham Public Library.

**Roll Call:** Members present: Bob Czarnecki, Dick Eriksen, Joel Labella and Lynn Lawson. Alternates present: Bryan Addy, Trish Dynia and Mike Fumiatti.

**Seating of Alternates:** The three alternates were seated.

**Approval of Agenda:** *A motion was made by Trish Dynia, seconded by Lynn Lawson, to approve the agenda with the following addition: Add as item 7a, Skating Pond Informal Discussion. The motion passed unanimously.*

**Approval of Minutes:** *A motion was made by Bob Czarnecki, seconded by Joel LaBella, to approve the May 15, 2005 minutes with the following changes: 1. Page 2, Joe Palumbo Paragraph, 4<sup>th</sup> line, add the word no, to read, "There will be NO removal of trees or stumps..." 2. Page 3, Romano Amleto Paragraph, last line, change the word "do" to "due". The motion passed unanimously with Trish Dynia abstaining.*

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

**Skating Pond Informal Discussion:** Town Skating Pond Committee member Dave Monroe, spoke to the Commission regarding proposed plans to restore the west side of the existing berm to its original height and width. In recent years, a breach in this area of the berm has reduced the water level as well as the skateable space. In addition to the berm work, the committee would like to install a small concrete wall with weirs to control and change the water level as needed. The work proposed is less than 5,000 square feet, and so it would not require Army Corp of Engineer involvement and there is no dredging planned.

The Commission asked that the Skating Pond Committee return with a permit application and include details of the berm construction and E&S controls. All associated application fees will be waived.

**Mark Paturzo, Proposed Dredging and Maintenance of Pond, 16 Guire Road:** Mr. Paturzo has reviewed his plans with Wetland Enforcement Officer Geoff Colegrove. Mr. Colegrove feels that the biggest issue is where the pond materials will be spread, and installation of appropriate silt fencing. He further indicated that it was imperative that the berm be seeded quickly in order to support its integrity. Mr. Paturzo must return to the Commission with an application and drawings.

**Paul Nicoli, Enforcement Action Update, 151 Tri-Mountain Road:** Mr. Colegrove reported that Mr. Nicoli had removed vehicles and other refuse materials as requested,

but that he still needs to plant vegetation in the cleared area to stabilize it, and place trap rock in the road bed to stabilize that area too. Mr. Nicoli stated that the roadbed was there when he purchased the property. Mr. Nicoli also plans to remove building debris from a steep slope and stabilize with bush plantings. Mr. Eriksen stated that any further work would require a permit and the Cease and Desist order remains in place.

### ***PUBLIC HEARING***

**J&T Route 68 Property Management, Proposed Construction of a Driveway, Septic System and Rental Storage Units within 100' of a Wetland, Ozick Drive:** *A motion was made by Trish Dynia, seconded by Bryan Addy, to open the public hearing. The motion passed unanimously.*

Frank Magnotta distributed copies of staff comments regarding the proposed project and during a brief review stated that he had complied with all items pertinent to an Inland Wetlands review. In response to specific member questions and concerns, Mr. Magnotta stated that storm water would be directed to the fire pond, the plans do not call for an oil/water separator due to the existence of a large detention basin, and he will provide a table of restricted uses to include the fact that there is to be no refueling, washing or maintenance of vehicles on the property. Additionally, Mr. Colegrove requested that there be a design engineer to ensure that proper practices are followed throughout each project phase. Mr. Magnotta agreed to fill this position and report weekly to Town Engineer Brian Curtis and Geoff Colegrove.

No members of the public wished to comment.

*A motion was made by Trish Dynia, seconded by Mike Fumiatti, to close the public hearing. The motion passed unanimously.*

*A motion was made by Bob Czarnecki, seconded by Lynn Lawson, to return to regular session. The motion passed unanimously.*

**J&T Route 68 Property Management, proposed Construction of a Driveway, Septic System and Rental Storage Units within 100' of a Wetland, Ozick Drive:** *A motion was made by Bob Czarnecki, seconded by Trish Dynia, that there is no activity in the wetlands. The motion passed unanimously.*

*A motion was made by Lynn Larson, seconded by Joel LaBella, to approve the proposed driveway construction with the following conditions, A weekly report from Engineer Frank Magnotta to the Town, in accordance with the E&S notes, and with the addition of an oil/water separator and approval of revised plan by the Town Engineer and Sanitarian. The motion passed unanimously.*

**PJM Properties, LLC, Update on Cease and Desist order, 21 Ozick Drive:** Geoff Colegrove reported that all vehicles have been removed, and grading and seeding is being

done now. He also reported that the area toward the wetlands has been restored but debris remains stockpiled in the AT&T Right of Way. That area too must be re-seeded once it's cleared. It was decided that the C & D would be removed at the July meeting if Geoff's inspection warrants it.

**Greenland Realty, LLC, Enforcement Action Update, Old Mountain Road:** Attorney Joan Malloy reported that substantial progress had been made on the installation of a detention basin and that they hope to have this completed prior to the July meeting. The fuel tank had been moved inside onto a concrete pad, and they are working with the town on the storm drainage system. Progress on the drainage system has been slow because the Road Foreman is busy with the town's move to Adam Commons. Brian Curtis is planning a trip to the site and Attorney Malloy would like to be present for that. The fuel tank must be removed per P & Z. The fuel tank is outside of the wetlands 100-foot review area.

**Foot Hills Road:** Commission members who attended the site walk reported that there is no curbing on the road above, the slope shape has changed as has the sheet flow. Various remediation options have been discussed, most of which require collaboration between the property owner and the town. Mr. Amleto will get together with Kurt Bober on these matters once the Town Hall move is complete. In the meantime, Mr. Eriksen suggested that the applicant withdraw his application and resubmit once a plan is worked out. Mr. Amleto agreed to do this and provided a written withdrawal.

**Town of Durham, Durham Public Water System Wells, Whites Farm Property:** Connecticut Water Company official Al Braig reviewed proposed plans for regrading around the well heads and trench excavation for the installation of piping between wells and the proposed water storage facility. Mr. Braig explained that after several failed attempts to find sufficient water on White's Farm, the Durham Fair Association had agreed to let the town take over ownership of the fair wells for town use. The town will continue to provide water for the fair each year and there is no need for a state diversion permit. Mr. Braig noted that the trenching was the main activity. The 4 ½' deep trenches will only be open for a week or so. Additionally, the Water Commission is under strict time constraints, as the grant money must be used before December 2005.

*A motion was made by Joel LaBella, seconded by Mike Fumiatti, to approve the activity plan as submitted with appropriate erosion and sedimentation controls. The motion passed unanimously.*

**Pat DiNatale, Proposed Driveway Crossing and Subdivision Review, Tri-Mountain Road:** Engineer Pat Benjamin spoke for the applicant, who wishes to construct a driveway crossing with 24" rcp, and fill 9.0517 +/- acres on a 6.2 single family residential lot. The driveway follows the pathway of an existing roadway. Mr. Benjamin explained that he followed criteria used to identify wetlands in disturbed areas, and found that the soil is fairly well drained. Again, due to past disturbance the wetlands are oddly shaped.

They felt it made the most sense to place the house and septic in the areas already disturbed by past construction. The area proposed for the house is on a 10% slope, while the rest of the property has a 20% slope. He further noted that a 24' culvert was needed for 50-year storm, as well as riprap on either side.

The commission scheduled a site walk for July 9<sup>th</sup>. Members will meet on site.

**Donald Bazzini, Proposed Activity within 100' of a Wetland, 11 Schoolhouse Lane:** Mr. Bazzini stated that when he applied for his building permit, there was no mention made of wetlands. Mr. Colegrove added that Mr. Bazzini, did, in fact, receive a building permit prior to being referred to Wetlands. He stated that the application process has been change to avoid a similar mishap in the future. The applicant did stop all work when he received a phone call from Mr. Colegrove stating that an addition to the building extended twelve feet into the buffer. Mr. Colegrove has since inspected the property and did not see E & S problems. The commission then reviewed the site plan for the project.

*A motion was made by Bob Czarnecki, seconded by Lynn Lawson, that there is no activity in the wetlands. The motion passed unanimously.*

*A motion was made by Bob Czarnecki, seconded by Bryan Addy, to approve the project as described. The motion passed unanimously.*

**Nicholas and Joanne Laudano, Update of Wetland's Violation, 179 Parmelee Hill Road:** Engineer Pat Benjamin, who drew the original site plan, spoke for the property owners. He explained that the owners thought an old concrete slab on the east side of the barn was part of the original footprint, thus allowing them to build on it without review. Mr. Benjamin stated that on Thursday (June 16) he would be staking out the wetlands and would return to Wetlands for whatever permits are needed. In the meantime, the applicant will reseed and restore the area of wetlands already filled.

*A motion was made by Lynn Lawson, seconded by Trish Dynia, to issue a Cease and Desist order with the exception of re-seeding and restoring the area of wetlands filled. The motion passed unanimously.*

**Wetland Enforcement Officer's Report:** Mr. Colegrove reported that the contractor for Bertem Heights Subdivision off of Haddam Quarter Road has covered up pipes from a drainage system that the town was to make improvements on this summer. This was done without town supervision and without permission from this Agency.

*A motion was made by Mike Fumiatti, seconded by Lynn Lawson, to issue a Cease and Desist Order on this activity. The motion passed unanimously.*

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

**Town of Durham, Inland Wetlands and Watercourses Agency, June 13, 2005, Minutes, Page 5 of 5**

**Miscellaneous:** Commission members briefly reviewed regulations regarding site walks.

**Adjournment:** The meeting was adjourned at 9:55 PM.

Respectfully submitted,

Patricia Dynia  
Recording Secretary

*Cc: Town Clerk, Midstate Regional Planning Agency*

