

**Town of Durham**  
**Inland Wetlands and Watercourses Agency**  
Regular Meeting Minutes  
*Monday, July 11, 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: Steve Comen, Bob Czarnecki, Dick Eriksen, Joel LaBella (7:45 PM) and Al Petrzal. Alternates present: Trish Dynia. Others Present, Zoning Enforcement Officer Geoff Colegrove, applicants and/or their agents.

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

**Approval of Agenda:** *A motion was made by Al Petrzal, seconded by Bob Czarnecki, to approve the agenda as submitted. The motion passed unanimously.*

**Approval of Minutes:** *A motion was made by Steve Comen, seconded by Bob Czarnecki, to approve the May revised minutes with the following additional revision: Page 2, PJM Properties, 5<sup>th</sup> line, change "e" to "be". The motion passed unanimously with Trish Dynia abstaining.*

*A motion was made by Bob Czarnecki, seconded by Steve Comen, to approve the June minutes as submitted. The motion passed unanimously with Trish Dynia abstaining.*

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

**Mark Paturzo, Proposed Dredging and Maintenance of Pond, 16 Guire Road:** Geoff Colegrove submitted copies of Mr. Paturzo's revised application and map. The item was tabled because the application was not received prior to the meeting and the applicant was not present.

**PJM Properties, LLC, Update on Cease and Desist Order, 21 Ozick Drive:** Geoff Colegrove reported that gravel removal, grading and seeding have still not been completed as stipulated and agreed. Members noted that the cease and desist order has been in effect since April.

*A motion was made by Al Petrzal, seconded by Steve Comen, that Attorney Burns will notify the applicant that the cease and desist order must be complied with within 15 days of receiving this letter or the applicant will receive an injunction. The motion passed unanimously.*

**Paul Nicolai, Enforcement Action Update, 151 Tri-Mountain Road:** The applicant submitted a letter dated July 1, 2005, in which he proposed to remove the dead trees which have fallen over and around the saw mill brook area, remove garbage from the brook, remove building debris from the bank, and replant vegetation in the bank area, as

well as in the disturbed area at the bottom of the bank, to prevent erosion. He would utilize a small rubber-tired machine and a 10hp brush chipper to complete this work.

*A motion was made by Trish Dynia, seconded by Steve Comen, to lift the cease and desist order to allow the applicant to remediate as described in the above referenced letter. Applicant is to notify the Wetland Enforcement Officer when work commences in the next 30 days. The motion passed unanimously.*

## **PUBLIC HEARING**

***Nicholas and Joanne Laudano, Removal of Fill and Restoration of Disturbed Wetlands, 179 Parmelee Hill Road:*** *A motion was made by Joel LaBella, seconded by Bob Czarnecki, to open the public hearing. The motion passed unanimously.*

Professional Engineer Bob Bascom presented plans for a 6-foot retaining wall to be placed at the flagged wetland line as a permanent buffer for the garage. The map also shows a corresponding line of silt fencing to be in place during construction of the retaining wall. Mr. Bascom stated that the wall would likely be built utilizing concrete blocks on a leveled, crushed stone pad. Prior to building the wall, building debris from previous construction will be removed from the wetland.

Geoff Colegrove stated that he is very much in favor of the wall construction, as it would provide a permanent delineation of the buffer area. No members of the public wished to comment on the application.

*A motion was made by Bob Czarnecki, seconded by Joel LaBella, to close the public hearing. The motion passed unanimously.*

***Nicholas and Joanne Laudano, Proposed Construction of a Garage, Driveway, and Retaining Wall within 100' of a Wetland, 179 Parmelee Hill Road:*** *A motion was made by Bob Czarnecki, seconded by Joel LaBella, to lift the cease and desist order. The motion passed unanimously.*

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

*A motion was made by Bob Czarnecki, seconded by Al Petrzal, to approve the project as presented, assuming all appropriate erosion and sedimentation controls are in place, to build a wall, remove fill and restore disturbed wetlands. The motion passed unanimously.*

***Greenland Realty, LLC, Enforcement Action Update, Old Mountain Road:*** Attorney Joan Malloy spoke for the applicant, stating that all tanks have been removed and substantial progress had been made on the detention basin. Geoff Colegrove concurred with this assessment. Attorney Malloy further stated that she has advised her client to complete the work as stipulated in the approved site plan prior to applying for any revisions.

(NOTE: There was a motion and a second, approved unanimously, to lift the cease and desist order. This motion form is currently missing and the secretary is in the process of tracking it down. Once found, the July minutes will be revised to reflect who made and seconded this motion.)

**Pat DiNatale, Proposed Driveway Crossing and Subdivision Review, Tri-Mountain Road:** Engineer Bob Bascom submitted new maps, which utilize the existing roadway to construct a driveway and improve the existing crossing by using 40 feet of 24' reinforced concrete, with flared ends and scrubbers, to stop erosion. Total wetland soils filled would be 240 square feet.

*A motion was made by Joel LaBella, seconded by Al Petrzel, that there is no significant activity in the wetlands. The motion passed unanimously.*

*A motion was made by Joel LaBella, seconded by Bob Czarnecki, that the project be approved as presented. The motion passed unanimously.*

**Fazley Rabbi, Proposed Filling for Parking Area, 1051 New Haven Road:** Engineer Bob Bascom spoke for the applicant, who wishes to fill 566 square feet of wetland soils in order to square off the business' parking lot and allow tractor trailer trucks to safely enter and exit the proposed gasoline pump area. A site plan is pending before the Planning & Zoning Commission for the addition of a gasoline pump island to the existing Quik Stop convenience store.

Mr. Bascom noted that the Commission had approved filling this area several years ago when a previous applicant wished to utilize the site for greenhouses, which were never built. Although the fill was deposited in the area, it was never spread.

Chairman Dick Eriksen countered that the greenhouse fill approval stipulated that the area was to remain pervious to allow natural drainage, but the new applicant wishes to pave the area over. He requested that approval of the fill be contingent upon approval of the site plan by Planning & Zoning. Mr. Bascom objected, stating that the applicant would likely want to square off the parking lot and pave it for tractor trailer access regardless of whether or not the pumps are ultimately approved.

*A motion was made by Joel LaBella, seconded by Bob Czarnecki, to approve the plan as submitted, approval to be effective only if Planning & Zoning approves the site plan for the gas pumps. The motion passed unanimously.*

**Charles Netherland, Proposed Construction of a 2-car Garage within 100' of a Wetland, 214 Tuttle Road:** Kevin Kasick, of Ahearn Builders, spoke for the applicant who wishes to construct an un-attached garage 38 feet from an existing wetland. The applicant and builder noted areas on the map which demonstrated that there is not a reasonable alternative to the location chosen, due to drainage system placement and steep land topography. Plans call for the garage to be built on a four-foot concrete foundation. No bathroom facilities are planned.

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

*A motion was made by Steve Comen, seconded by Bob Czarnecki, that the plan is approved with the following conditions: New map to be submitted showing appropriate erosion and sediment controls and the exact garage location, no closer than 38 feet from the wetlands. Map to be submitted to Wetland Enforcement Officer. The motion passed unanimously.*

**Wetland Enforcement Officer's Report:** None

**Payment of Bills:** *A motion was made by Steve Comen, seconded by Bob Czarnecki, to pay the following bill: Trish Dynia, Secretarial Services, \$97.50. The motion passed unanimously with Trish Dynia abstaining.*

**Miscellaneous:** None.

**Adjournment:** The meeting was adjourned at 9:10 PM.

Respectfully submitted,

Patricia Dynia  
Recording Secretary

*Cc: Town Clerk, Midstate Regional Planning Agency*