

Town of Durham
Inland Wetlands and Watercourses Agency
Regular Meeting Minutes
Monday, September 12, 2005

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, Lynn Lawson, Joel LaBella and Al Petrzal. Alternates present: Trish Dynia. Others Present, Applicants, agents, Skating Pond Committee members and Town Engineer Brian Curtis.

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

Approval of Agenda: *A motion was made by Trish Dynia, seconded by Lynn Lawson, to approve the agenda with the following change: Items 12 and 13 became items 7a & 7b. The motion passed unanimously.*

Approval of Minutes: *A motion was made by Al Petrzal, seconded by Joel LaBella, to approve the August minutes as published. The motion passed unanimously with Trish Dynia abstaining.*

Public Session: None.

Greenland Realty, LLC, Modification to Site Plan for Proposed Activity within 100' of a Wetland, 10 Mountain Road: Subsequent to the August meeting, the Commission attended a joint site walk with the Planning & Zoning Commission on August 10th.

Attorney Joan Molloy reviewed modifications to the site plan, including Sanitarian Bill Milardo's request to move the septic, and Commission requests for additional tree buffers for the neighbors and a gated entrance to limit access. Additionally, lighting will shine downward to avoid neighborhood light pollution and a temporary stockpile has been added. Attorney Molloy further explained that the gravel parking area will be edged with boulders found on the property and there is no longer a need for a retaining wall as it was discovered the area was entirely trap rock. She indicated that a time frame for removing materials is not yet known but the Planning & Zoning Commission will tackle that issue with the upcoming application.

A motion was made by Trish Dynia, seconded by Joel LaBella, to approve the modifications as described with the proviso that the Town Engineer be involved with ensuring that the erosion controls are in place. The motion passed unanimously.

Greenland Realty, LLC, Proposed Activity within 100' of a Wetland for Removal of Excess materials, 10 Mountain Road: A motion was made by Bob Czarnecki, seconded by Trish Dynia, that the site plan be changed to show the temporary storage areas of spoils, erosion and sedimentation controls to be supervised by Town Engineer. The motion passed unanimously.

Mark Paturzo, Proposed Dredging & Maintenance of Pond, 16 Guire Road: Dick Eriksen reported that per the Commission's request earlier this year, the applicant, working with Town Planner Geoff Colegrove, has come up with a viable plan which includes the dredging of the pond

during a dry month, as well as cleaning the pipe connection with Herzig Brook. The applicant will either remove the spoils completely or place in a section outside the review area.

Commission member Joel LaBella inquired as to whether or not the Commission could require some sort of bond for the project. Chairman Eriksen indicated that the project did not fit the bonding criteria.

A motion was made by Trish Dynia, seconded by Lynn Lawson, to approve the plan as described. The motion passed unanimously.

PJM Properties, LLC, Update on Cease and Desist Order, 21 Ozick Drive: At the August meeting, it was determined that the fill had been removed and the area leveled, graded and seeded, but the gravel had not been removed from the upland review area. Attorney Ray Lemley assured the Commission this situation has been remedied and the property is now in complete compliance. The Commission has not yet verified this information with the Town Planner.

A motion was made by Joel LaBella, seconded by Bob Czarnecki, to lift the Cease and Desist order pending verification from the Town Planner. The motion passed unanimously.

Jay Cusak, Subdivision Review and Proposed Grading within 100' of a Wetland, Pisgah Road: Professional Engineer John Adams spoke for the applicant, who wishes to conduct grading activities within 50 feet of a wetland drainage swale. This is a 2-lot subdivision with a total of 5.86 acres just east of Laurel Brook Road. Plans call for building a house on each lot. Both would use an existing driveway. Commission members felt that since some of the grading would be within 12 feet of a wetland with intermittent drainage to Pisgah Road, there is the possibility of significant impact to the wetlands. The Commission will conduct a joint site walk with Planning & Zoning at a time to be announced within a couple of weeks.

Beatrice, Rita and Cathy Valley, Subdivision Review with Wetlands on the Property, Old Blue Hills Road: The applicants wish to deed a 1.7-acre portion of their 4-acre lot to a cousin who owns property adjacent to this parcel. The 1.7 acres would be incorporated into the cousin's existing parcel. There is no wetland activity planned, as this is simply a paperwork transaction to subdivide a piece of land.

A motion was made by Trish Dynia, seconded by Lynn Lawson, that there is no activity in the wetland. The motion passed unanimously.

Bryant and Margo Esparo, Proposed Clearing of Trees for a Horse Pasture within Wetlands, 36 Bailey Road: The Commission conducted a site walk of the property on 8/20 and determined that the applicant should hire a soil scientist to flag the wetlands prior to the Commission making any decisions on his proposal to selectively thin trees in order to provide food and shade in his horse pasture.

At the September meeting, the applicant's attorney, Joseph Porto, presented a topographic map completed some years ago by Bob Bascom. He described the property, which slopes moderately toward the front and contains many dead trees. The applicant wishes to place a split rail and electric fence at the perimeter of the property.

The commission scheduled a public hearing for the October meeting. The applicant was asked to provide proof at that time that registered letters had been sent to abutting land owners informing them of the pending public hearing, and was again asked to hire a soil scientist and flag the wetlands.

White's Farm, Skating Pond Improvements, CT Route 768, West of Maple Avenue: Town Engineer Brian Curtis reviewed the history of the project and submitted changes made subsequent to the August meeting. Those changes include, shifting the light poles for uniform spacing, additional details and changes to rip-rap scour protector and concrete weir, extension of erosion control silt fence, minor grading of the north bank for berm maintenance, resurfacing the southeast corner for a gravel parking area, installation of timber steps and wood whip paths and additional sediment control notes on the seed mixtures and erosion control measures. Mr. Curtis also reported that the State Department of Transportation is reviewing their request to extend the guardrail to provide additional protection for skaters. Also, the committee hopes to have enough money and space left over to provide a fire pit, portable sideline benches/gazebo and a portable shed. In response to Commission member's questions, Mr. Curtis provided details on the control of water level via the weir system.

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

A motion was made by Bob Czarnecki, seconded by Trish Dynia, to approve the plan as presented. The motion passed unanimously.

Wetland Enforcement Officer's Report: Mr. Eriksen distributed pictures taken by Geoff Colegrove in the area surrounding the billboards just south of Time Out Taverne on Route 17. The area is a designated wetlands which has recently been cleared without permission. Mr. Colegrove will send a letter of violation to the landowner and the Commission will conduct a public hearing on the matter in October.

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

Miscellaneous: Mr. Eriksen read a letter of resignation received from Commission member Steve Comen. Mr. Comen stated in his letter that out of state travel for work conflicts with his meeting attendance. The Commission accepted his resignation with regret.

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

Respectfully submitted,

Patricia Dynia
Recording Secretary

Cc: Town Clerk, Midstate Regional Planning Agency