

**The Town of Durham**  
**Inland Wetlands and Watercourses Agency**  
Regular Meeting Minutes  
*Monday, December 12, 2005*

**Call to Order:** The meeting was called to order at 7:32 PM by Chairman George Zeeb, at the Durham Public Library.

**Roll Call:** Members present: George Zeeb, Dick Eriksen, Lynn Lawson, Al Petrzal, Bob Czarnecki, Trish Bradley, Alternative Members; Trish Dynia, Mike Funiatti. Kamey Ahrens, Clerk, applicants and/or their agents.

**Seating of Alternates:**

**Amendments to Agenda:** None.

**Approval of Agenda:** *Motion made by Lynn Lawson, seconded by Mike Funiatti to approve the agenda as published. Motion passed unanimously.*

**Approval of Minutes:** *Motion made by Dick Eriksen, seconded by Lynn Lawson to approve the minutes dated November 15, 2005 as published. Motion passed unanimously.*

**Public Session:** None.

**Jay Cusak, Subdivision Review and Proposed Grading within 100' of a Wetland, Pisgah Rd:**

Denise Lord reported to the committee the current application from Jay Cusak in regards to the Storm water discharge to Adjacent Wetlands, Pisgah Road.

Dick Eriksen stated that the subdivision is currently before Planning and Zoning Commission and didn't show any activity in the wetlands.

George Zeeb stated that the main concern of the committee here tonight is the discharge across the street.

Dick Eriksen agreed and asked the applicant to clean out the culvert. Mr. Cusak replied that he would comply.

*Motion by Dick Eriksen, seconded by Bob Czarnecki, stating there is no significant activity in the wetlands and the applicant will proceed with requirements from the Town and the Town Engineer. Motion passed unanimously.*

*Motion by Dick Eriksen, seconded by Mike Funiatti to approve the application by Jay Cusak. Motion passed unanimously.*

**NextMedia Outdoor, Inc. Violation of Wetlands, Clear-Cutting to Increase View of Billboards, New Haven Road.**

Dick Eriksen reported to the committee that several letters have been addressed to NextMedia without any response, in regards to the activity in the wetlands area on Route 17.

George Zeeb stated a Cease and Desist letter should be the next steps.

Dick Eriksen suggested having Geoff Colegrove, the Towns Zoning Enforcement Officer discuss with the Towns attorney the next steps to take further actions.

*Motion by Dick Eriksen to have the Zoning Enforcement Officer notify NextMedia by certified mail advising them that they are in violation of wetlands in clearing and cutting on Route 17. Motion was seconded by Al Petrzel. Motion passed unanimously.*

### **Continuation of Public Hearing**

#### **Submitted by Bryant and Margo Esparo a request to permit the selectively thinning of trees within 100 feet of a wetland for a horse pasture at 36 Bailey Road.**

Dick Eriksen stated to the committee that it was his understanding that David Lord, Certified Soil Scientist & Environmental Consultant was going to present a report, for further review to Mr. Eric Davis, Registered Soil Scientist for the committee. Mr. Eriksen told the committee that Mr. Davis had just received the report the morning of this meeting and for that reason has not been able to review the documents. Mr. Eriksen advised that although the committee could listen to Mr. Davis we would still need to meet with Eric Davis before any final decisions are made.

David Lord updated the committee on the proposed activity at 36 Bailey Road, Durham and the most recent test results that have been taken on the property. Mr. Lord provided copies for the record.

Bob Czarnecki asked for an opinion from Mr. Lord asking if you have three soil scientists that prepare the same testing, what is the positive or negative variance that one would expect normally between the lines that are drawn.

Mr. Lord replied that it would vary depending on the types of soils that they are defining the wetland boundaries on, the slope of the site that they are defining the wetlands on and the soil scientist themselves. The flatter the soil the more interpretation is required, the greater the variation potential between soil scientist.

Joseph M. Porta, Attorney for the applicant, Bryant & Margo Esparo, 36 Bailey Road, submitted a letter to the committee asking for the public hearing be left open up to and including the next Inland Wetlands meeting which is scheduled to take place on January 9, 2006.

George Zeeb asked if there were any questions or comments by the public that would like to be heard.

Jim Piotrowski, 48 Bailey Road, Durham mentioned a road drain that goes across Bailey Road into the area and Mr. Piotrowski asked about the redirection of that water? In addition to, Mr. Piotrowski asked about the potentials of oils going into the well?

*Motion made by Bob Czarnecki to continue the Bryant and Margo Esparo public hearing until the next meeting. Motion was seconded by Trish Bradley. Motion passed unanimously.*

**Pat DiNatale, Proposed Activity within 100' of a Wetland for Residential Driveway, End of Mauro Drive:**

Pat Benjamin, Professional Engineer, address the committee on the applicants behalf in reporting that Mr. DiNatale is requesting input of a residential driveway that is within 100 feet of wetlands. The lot is 70 acres, Lot 13 which is 52.76 acres and Lot 12 which is 16.27 acres. What this would allow Mr. DiNatale is to take 130 acres and building just 3 lots with one 12 foot wide common driveway to all three houses.

Dick Eriksen commented that Mr. DiNatale has donated 13 acres of primary high and dry land that also connects to Blue Trail to the Town of Durham.

Trish Bradley asked how the 3<sup>rd</sup> lot is accessed.

Pat Benjamin replied that lot has already been approved by Planning and Zoning Commission with the access from Bailey Road.

Lynn Lawson stated that disturbing that very small amount of wetlands for the fact that there is going to be just three lots on that huge parcel and donating that amount to the town is a gift to the town.

*Motion was made by Dick Eriksen, seconded by Bob Czarnecki, that there is no significant activity in the wetland. Motion was passed unanimously.*

*Motion made by Dick Eriksen, seconded by Lynn Lawson for approval of the residential driveway at the end of Mauro Drive, assuming all E&S Controls are in place and the project is overviewed by the Town Engineer. Motion passed unanimously.*

**Election of Officers:**

*Motion made by Bob Czarnecki made a motion to nominate the existing officers being George Zeeb as Chairman, Dick Eriksen as Vice Chairman, and Joel Labella as Secretary for the 2006 Inland Wetland & Watercourses Agency. Hearing no other nominations, motion was seconded by Lynn Lawson. Motion passed unanimously.*

*Motion was made by George Zeeb to elect Trish Dynia as Treasurer for the 2006 Inland Wetland & Watercourses Agency. Hearing no other nominations, motion was seconded by Lynn Lawson. Motion passed unanimously.*

*Motion was made by Lynn Lawson to appoint Kamey Ahrens as the Clerk for the 2006 Inland Wetland & Watercourses Agency. Hearing no other nominations, motion was seconded by Bob Czarnecki. Motion passed unanimously.*

George Zeeb welcomes the new member of Trish Bradley to the Inland Wetland & Watercourse Agency.

**Approval of 2006 Meeting Dates:**

*Motion made by Dick Eriksen, seconded by Lynn Lawson to approve the meeting dates for 2006 with the one change noted: May meeting being held on the 15<sup>th</sup>. Motion passed unanimously.*

**Wetlands Enforcement Officer's Report:**

Dick Eriksen reported an issued that has been referred in regard to some activity that has taken place on the corner of Route 68 & Route 157. There appears to be some dumping of building debris. Mr. Eriksen has notified Geoff Colegrove who has addressed the owner with a letter advising of the wetlands and advised the dumping to stop.

**Payment of Bills:**

*Motion was made by Al Petrzal to approve the bills presented; Middletown Press for advertising in the amount of \$151.42, Kamey Ahrens for secretarial services in the amount of \$86.25, and Kamey Ahrens for reimbursement of office supplies in the amount of \$15.56. Motion was seconded by Trish Bradley. Motion passed unanimously.*

**Miscellaneous:**

**Adjournment:**

The meeting was adjourned at 9:05 PM.

Respectfully submitted,

Kamey Ahrens  
Recording Secretary

*Cc: Town Clerk, Midstate Regional Planning Agency*