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DURHAM INLAND WETLANDS
and
WATERCOURSES AGENCY
Durham Town Hall
Durham, Connecticut 06422

Minutes of the April 12, 2010 Regular Meeting

Mr. Eriksen opened the meeting at 7:30 p.m.

Attendance:

Members

Alternates

X	Casini, Peter	X	Cheyney, Karen (seated for G. Riotte)
X	Czarnecki, Robert	X	Fumiatti, Michael (seated for A. Petrzal)
X	Dinatale, Pat	A	MacDuff, Rob
X	Eriksen, Richard	Others	
X	Meisenkothen, Chris	X	Colegrove, Geoffrey
A	Petrzal, Alois		
A	Riotte, Gene		

A=Absent

X=Present

There were no amendments to the Agenda.

Upon motion of Bob Czarnecki and seconded by Chris Meisenkothen, it was unanimously voted to approve the Agenda as submitted.

After a motion was made by Pat Dinatale, seconded by Chris Meisenkothen, the minutes of the March 8, 2010 meeting were unanimously approved.

Ken and Cheryl Howland, Proposed Activity within 100' of a Wetland to Add Additional Piping Under Driveway for Drainage and Dredge Out Brook, 157 Tuttle Road.

Mr. Eriksen added that this item is interconnected with the next agenda item, #10, Robert and Mary Benko, Proposed Activity within 100' of a Wetland to Add Additional Piping Under Driveway for Drainage and Degrade North Side Due to Erosion, 147 Tuttle Road.

Mrs. Howland stated that the property is actually a town-owned easement that has not been maintained by the Town, although it is written in the easement that they are to do that.

Mr. Colegrove explained that the Town has no obligation to maintain this property, though they have a right if they wish to maintain it. He also made it clear that this is not an issue for this Commission and is actually a dead issue as it has already been dealt with.

Pictures were shown of the flooding that occurs on the property that is just a little bit south of Brewster School and the brook in its normal state. The Howland's driveway is just about washed away by the brook. The Benko's backyard has a pipe that comes from underneath the Boord's property and out onto their property.

Mr. Colegrove provided additional background on the properties which is a subdivision from the late 50s or early 60s. The wetland and the watercourse goes between Tuttle Road and the houses. When they get a fair amount of water, it floods over their driveways. The pipes are inadequate in size. The brook was cleaned out some years ago when Mary Ann Boord was in office. The issue was never adequate to begin with and has become less adequate with time. There is more than just a stream associated with this wetland, but the stream is the issue. The wetland itself is maintained as a yard and has been maintained that way since the houses were built which was before wetlands' regulations were in effect, as the subdivision predates 1973.

The question arose as to what happens when these folks put a pipe in. Is somebody else going to feel the effects? Will there be a ripple effect from this project?

Mrs. Howland pointed out that right outside her door is her septic tank and the leaching field is down next to the brook.

Mrs. Benko pointed out that her neighbors had all new drainage pipes put in last year that all face directly into her yard and she now gets every drop of water off of their house. She went to the Town and was told that her neighbors didn't need a permit to do this.

Mr. Eriksen asked if the Town has put in any culverts or drainage. Mrs. Howland stated that all of the drainage from the road drains onto her property. Mr. Colegrove explained that Mary Ann Boord had the Town crew go down and clean out one or both of these properties. The neighbors agreed that they did in fact do that on both properties, about 10 years ago. Mr. Colegrove detailed the catch basin system that goes past the Howland property and underneath one driveway, down to the tree farm. It then goes under Tuttle Road, heading to the large wetland area in the east. Mr. Colegrove suspects that the Leigus's culvert is not larger than 36". The pipes under these two properties are 18" and they propose to leave it there and add an additional 18" pipe.

In response to a question from Mr. Eriksen, Mr. Colegrove explained that this is a Town easement on the property granted by the subdivider and the Town has the right, privilege and authority to perpetually maintain a 15' drainage easement across the land of the grantor. The conclusion from the attorney is that the easement would not be exercised unless it involved the Town road or some Town structure.

A Commissioner, acting as a private citizen, suggested that maybe the applicants put in two additional drainage pipes. The applicants explained that there was no room to do that and that they also can't take out what is there and put in a 36" pipe.

Mr. Eriksen asked who would maintain the pipe after it is installed and if they had, in fact, had an engineer look at this to see what size pipe is appropriate. Mr. Colegrove confirmed that he thought this would help in most storms. Mr. Eriksen explained that he thought there may be a civil issue involved with the drainage

issues coming from the neighboring property. He also recommended that the applicants consult an engineer. Mrs. Benko reported that they did have engineers come out and the property was re-surveyed and that this area is in a wetland. The applicants presented a map showing the proposed work and the Commissioners reviewed the two projects. The applicant did inform the Commission that there may be a very small cedar tree that may have to come down.

Upon motion of Pat Dinatale and seconded by Michael Fumiatti, it was unanimously voted that there will be no significant activity in the wetlands and to approve the proposal to add additional 18" piping under the driveway, to dredge the brook and stabilize the brook's banks at 157 Tuttle Road. Applicant/Owners: Ken and Cheryl Howland.

The proposed Benko project was discussed and the Commission agreed to schedule a site walk after the water table goes down.

Upon motion of Pat Dinatale and seconded by Michael Fumiatti, it was unanimously voted that there will be no significant activity in the wetlands and to approve the proposal to add additional 18" piping under the driveway for drainage and regrade the area north of the driveway and west of the wetland due to erosion at 147 Tuttle Road. Applicant/Owners: Robert and Mary Benko.

Glen Yates, Activity within 100' of a Wetland for the Field Adjustment of Actual House Location, 155R Harvey Road.

Copies of the project were distributed, showing the original site as well as the proposed location, moving it 65' away from the wetland. The location of the house will be the only thing moved, not the septic or the well. Bill Milardo has seen the plan and has approved the new location.

Upon motion of Robert Czarnecki and seconded by Pat Dinatale, it was unanimously voted that there will be no activity in the wetlands and to approve the field adjustment of the actual house location at 155R Harvey Road. Applicant/Owner: Glen Yates.

James Scott, Replace Culvert Under Driveway, 142R Maiden Lane.

This is a 43-acre farm that was given a conservation easement last month. An elaborate site plan and assessment was made in connection with that easement. There is presently a 20" culvert that is crumbling and the driveway is deteriorating. The applicant would like to replace it with a 24" culvert.

Upon motion of Robert Czarnecki and seconded by Chris Meisenkothen, it was unanimously voted that there will be no significant activity in the wetlands and to approve the replacement of the 20" culvert with a 24" culvert under the driveway at 142R Maiden Lane. Applicant/Owner: James Scott.

Nick Xenelis, Possible Drainage Improvements to Remediate Drainage Problem on Spallone Property, Higganum Road.

Mr. Xenelis was not present at tonight's meeting. Mr. Colegrove related that he spoke to Mr. Xenelis on Saturday and that the improvements done last month are working fairly well, but that there is a severe trench in the road where he would like to put a pipe in.

Mr. Spallone explained that this was an existing problem prior to Mr. Xenelis getting involved in the project. He explained that the work they did opening the crushed pipe helped to alleviate the situation by 80 percent. Mr. Spallone is "comfortably happy," however he would not object to Mr. Xenelis adding another culvert or doing other work. Mr. Spallone did explain that there has not been a debris problem and he does not have the ponding that was there previously.

Mr. Eriksen suggested the matter be tabled until the next meeting and that Mr. Spallone need not be present.

Wetlands Enforcement Officer's Report.

Mr. Colegrove that he had only one complaint since the last meeting which was at James Road East. There is apparently a question of trespass and the property has been surveyed and restaked. The property owner is going to be putting up a fence which should resolve that issue. In the meantime, it looked like he cleared an area about the size of a football field. Mr. Colegrove did take pictures of the area and there is topsoil piled up within 100' of the brook. Mr. Colegrove will send a notice of violation and ask the property owner to explain this to the Commission.

Payment of Bills.

None.

Adjournment.

The meeting was adjourned at 8:47 p.m., with a motion from Pat Dinatale.

Respectfully submitted,

Debi Waz

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Alwaz First