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

Minutes of the May 10, 2010 Regular Meeting

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

Attendance:

Members

Alternates

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

A=Absent

X=Present

Geoffrey Colegrove added an agenda item: the Brancifortes will attend the public session in regard to a pool on Arbutus Street within the 100' review area.

Upon motion and a second, it was unanimously voted to approve the Agenda as amended.

After a motion was made by Robert Czarnecki, seconded by Pat Dinatale, the minutes of the April 12, 2010 meeting were unanimously approved.

Scott and Lori Sawicki, Activity in a Regulated Area, 64 James Road East.

Mr. Sawicki presented a picture of the ballfield he is building and the pile of topsoil that has been slowly decreasing. Geoff Colegrove read the letter that he had sent to Mr. Sawicki on May 4, 2010 when he saw the activity. The letter made reference to the topsoil which was stockpiled adjacent to the brook without any erosion controls. There was no notice of violation sent, but he was just asked to attend this meeting to discuss

the activity. The area is mowed, near Parmelee Brook, and is designated on the map as a wetland, although from the photographs you can see that it has the characteristics of basically a lawn or hay field prior to him acquiring the property for a house. There is a provision in the Town regulations that talks about activities which are not regulated, providing they do not disturb the natural and indigenous character of the wetland or watercourse . . . and that includes outdoor recreational, play and sporting areas. Technically, Mr. Sawicki should have gotten a permit to build the ballfield even though it's not a classic wetland in the sense of the vegetation and other characteristics, but it is classified and Geoff Colegrove did put a map in the file. It is also a flood plain area under the Town's zoning regulations.

Mr. Sawicki explained that what he has removed will be replaced with clay and rolled. Mr. Colegrove explained that there is no fill in the flood plain and he is not concerned about that. The question is should Mr. Sawicki apply for a permit and finish the project. Mr. Sawicki explained that he is spreading the topsoil in the low areas, resurfacing a few areas where there are gullies and removing maybe half of it from the site. No new topsoil or fill will be added. Dick Eriksen did observe the property today and noticed that basically the sod was removed. Mr. Sawicki explained that he will be bringing in a little bit of clay, roll it out and put some bases on for the softball field.

Mr. Eriksen noted that the flood plain issue comes under the purview of Planning & Zoning. Dick Eriksen expressed his concern about the location of the topsoil pile and Mr. Sawicki explained that it would be gone in a couple more weeks. Mr. Eriksen asked that that happen sooner or that bales of hay be placed for erosion control. Geoff Colegrove recommended that any surplus topsoil be taken off the site and that he believes that would address the flood plain issue.

Upon motion of Pat Dinatale and seconded by Peter Cascini, it was unanimously voted that there will be no significant activity in the wetland and to approve the establishment of a softball ballfield at 64 James Road East with the condition that proper erosion controls are in place. Applicants/Owners: Scott and Lori Sawicki. Dick Eriksen stated that no permit was needed from this Commission. Geoff Colegrove stated that he thinks the issue is resolved.

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

Mr. Spallone stated that his comfort level has increased from where they had originally started. If Mr. Xenelis wants to make an improvement, Mr. Spallone would not object. There is a low spot in the road where a culvert once was. The existing culvert is working, but he would not mind improvements being made. Mr. Spallone would be disappointed if the culvert were to get damaged again.

Mr. Eriksen reminded Commission members that the basic situation is that the Commission doesn't really have a problem unless Mr. Xenelis or Mr. Spallone does something in the wetlands, in which case they would have to come for a permit. If someone wants to correct any issues, the Commission is willing to consider a correction. Otherwise, this is a civil issue and this Commission will only get involved when some activity in the wetlands becomes apparent. Mr. Spallone reviewed prior activity and the resulting damage to the culvert. Mr. Spallone asked who has the maintenance responsibility for the existing culvert and Mr. Eriksen answered that he thought that would be the property owner, Nick Xenelis. Mr. Spallone also asked what he is supposed

to do if he gets ponding and there is a mosquito issue. Mr. Eriksen explained that while this Commission would like to help, unless it involves an activity on the wetland that requires a permit, there is really nothing that the Commission can do. Because Mr. Xenelis hasn't shown up at the last two meetings, it can be assumed that he is not applying for any permit.

Commission members suggested to Mr. Spallone that he call Mr. Xenelis and work through this situation. Mr. Spallone stated that Mr. Xenelis doesn't return his phone calls. They will wait until August to see if Mr. Xenelis does the work he promised. Mr. Spallone is concerned that the probably will reoccur again in the future.

This item will not be on future agendas unless there is an application for a permit.

Regional School District 13, Activity within 100' of a Wetland to Modify the Existing Site Plan for the Construction of a Sound Barrier, Pickett Lane.

Attorney Tim Hollister reminded the Commission that in August of 2009, they proposed renovation of the athletic fields next to Coginchaug High School and had asked for a minor activity permit for filling wetlands in the location adjacent to the track. He presented a copy of the approval from last year. The four conditions on that permit have been satisfied. In September and October of 2009, Planning & Zoning approved the site plan and a property owner on Guide Road took an appeal to Superior Court which set off a very long, back and forth negotiation over the past eight or nine months. The resolution is that the School District has agreed to install a fence on the eastern side of the parking lot, the foundations of which will be in the 100' review area.

Mr. Webb described that the previous approval activity #2 included the reconstruction of the east parking area within the regulated wetland area which is just inside the eastern property line. With the proposed noise barrier wall, this involves the construction of 100 linear feet of noise barrier wall that is 10' high. These are structurally built where you drill a hole into about six feet into the ground for a 30" diameter footing, a beam is placed in concrete and then acoustic planks are dropped in between the I-beam flanges. As part of that, they will stabilize the disturbed areas after construction with a 4' wide band of crushed stone right at the base of it for ease of future maintenance. The area of vegetation is all deciduous. There are some mature maples tucked back along the property line and there are some boulders back in there also, but there would be some proposed selective clearing of branches and deciduous material to allow the installation of the noise barrier fence.

One of the other components of the approved site plan had some plantings that, due to the installation of this fence, would be relocated just further to the south and to the southeast corner of that eastern parking area. There are no other changes to the original plan, including geometry of the parking lot, grading or drainage.

On the opposite side of the fence, the wetland edge just enters District 13 property. There is a gentle slope more from east to west.

Upon motion of Robert Czarnecki and seconded by Pat Dinatale, it was unanimously voted that there will be no significant activity in the wetlands and to approve the modification to the existing site plan for the construction of a sound barrier, Pickett Lane. Applicants/Owners: Regional School District 13.

Lois and Carmelo Branciforte, Installation of an Above-Ground Pool, Arbutus Street.

Mr. Colegrove reviewed the plans submitted for the Zoning permit for the pool, including the drawing, which shows activity within the 100' area and asked the property owners to file an application. If the Commission chooses to grant approval, the permit will have to wait until 14 days after the legal notice is published. Mr. Branciforte admitted that the construction has already started because he did not know he needed to appear before this Commission. The Commission explained that a legal notice will have to be published and an appeal could, in fact, be filed by a neighbor.

The actual location of the pool is in the buffer, not the wetland.

Upon motion of Robert Czarnecki and seconded by Pat Dinatale, it was unanimously voted that there will be no activity in the wetland and to approve the pool as submitted, with the permit not effective until 14 days after publication of legal notice, Arbutus Street. Applicants/Owners: Lois and Carmelo Branciforte.

Wetlands Enforcement Officer=s Report.

Mr. Colegrove has had no issues or complaints.

There has been discussion with the nominating committee that Rob MacDuff will be moved up to regular member of the Commission, as Alois Petrzal no longer lives in town, though there has been no official notice from the Board of Selectman. Ben Walden is going to be nominated as an alternate member.

Payment of Bills.

The Chairman will authorize the bill from Alwaz First for the minutes from April, 2010.

Miscellaneous.

Mr. Colegrove was on Middlefield Road today at the house across from Willett=s that is under renovation. The house is only nine feet from the taking line of the highway and the entire building is in the front setback. If they receive a variance from ZBA, they will also have to come before this Commission for the proposed deck.

Adjournment.

The meeting was adjourned at 8:30 p.m.

Respectfully submitted,

Debi Waz

Debi Waz
Alwaz First