

**DURHAM INLAND WETLANDS
and
WATERCOURSES AGENCY**

Regular Meeting Minutes
Monday, April 13, 2009

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: Bob Czarnecki, Dick Eriksen and Joel LaBella. Alternates Present: Mike Fumiatti. Staff: Geoff Colegrove and Trish Dynia. Others: Professional Engineer Pat Benjamin, Attorney John Corona and applicants.

Seating of Alternates: Mike Fumiatti was seated for George Zeeb.

Approval of Agenda: *A motion was made by Bob Czarnecki, seconded by Joel Labella, to approve the agenda as written. The motion passed unanimously.*

Approval of Minutes: *A motion was made by Joel LaBella, seconded by Mike Fumiatti, to approve the March 9, 2009 minutes as written. The motion passed unanimously.*

Public Session: None.

Kurt Bober, Town of Durham, Culvert Cleaning, Various Locations: Public Works Director Kurt Bober reviewed numerous locations in town where culvert cleaning must be done, often above and beyond normal annual maintenance due to significant winter storms and subsequent flooding.

Large culverts must be cleaned on Indian Lane, Parmelee Hill Road, Maiden Lane, Coe Road, Guire Road, Pisgah Road, Johnson Lane, Haddam Quarter Road, Stage Coach Road, Howd Road and Bear Rock Road. Guire Road was hit particularly hard, with 700 yards of material, 70' long and 5' high.

In addition, a December 12, 2008 storm flooded White's Farm and distributed two hundred yards of sand and gravel on the grass. At Alan Brook Park several trees were knocked over and need to be removed from the brook.

Mr. Bober distributed pictures of damage at the various locations.

Geoff Colegrove asked what the immediate priorities would be. Mr. Bober replied that those would be White's Farm and Guire Road.

Dick Eriksen noted that Mr. Bober comes to Inland Wetlands each year for permission to conduct normal spring maintenance. Historically, the Commission has given a blanket okay for such maintenance and he noted that there have been no problems. Mr. Bober and his crew perform the work utilizing appropriate, established erosion and sedimentation control measures. However, the damage from this past winter is more extensive and sensitive; therefore multilevel coordination and reporting are in order. Specifically, the Commission requested that Public Works Director Kurt Bober, Wetland Enforcement Officer Geoff Colegrove, Town Engineer Brian Curtis, and First Selectman Laura Francis meet to review, prioritize and schedule each significant project, and request site walks if needed. Basic annual maintenance normally covered under the “blanket go-ahead” should be done as soon as possible. However, Guire Road and White’s Farm are sensitive areas which need to be dealt with immediately.

A motion was made by Bob Czarnecki, seconded by Joel LaBella, to remove sediment adjacent to Allan Brook at White’s Farm, replace outlet rip rap on Guire Road, remove trees and other vegetation in front of inlet, also on Guire Road. The motion passed unanimously.

Greenland Realty, Proposed Activity within the Upland Review Area for Parking and Fuel Tanks, Possible Scheduling of Site Inspection, Mountain Road: The Commission received a letter from the applicant’s attorney, Joan Molloy, stating that she was unable to attend this evening’s meeting. She requested that the application be accepted, and if the Commission deemed it appropriate, a date and time for a site walk should be scheduled. She further stated that she intends to make a presentation at the May 11, 2009 meeting.

The Commission determined that a site walk was advisable and scheduled one for Saturday May 9, 2009. Members will meet on site at 9:00 AM.

Lisa Harness, Prancing Pony, LLC, Discussion of Recent Activity in the Regulated and Upland Review Area, 58R Fowler Avenue: The applicant’s husband and co-business owner Roger Passavant was in attendance to answer questions. Geoff Colegrove explained that the landowner was here this evening because during the past year the entire east side of the stream adjacent to the Field property has been clear cut of trees, there is a crossing over the stream for the horses to access adjacent fields, and there is no vegetation buffer to trap the sediment.

Mr. Colegrove noted that although there is an issue regarding agricultural exemption and rights, the land owner is still required to come before the Commission to ensure that what they are doing is a permitted activity by right when the activity is to take place in the upland review area and wetlands itself.

Mr. Passavant stated that he has already created a grass buffer along the stream by re-seeding the area, as requested by Mr. Colegrove during a recent visit on an un-related matter. However, he questioned Mr. Colegrove’s suggestion regarding the placement of woodchips because during a rainstorm in August 2008 he observed that the normally six foot stream “becomes huge” and woodchips would not hold in place. Mr. Colegrove replied that his suggestion regarding woodchips was upland of the stream in order to prevent erosion from coming down.

Dick Eriksen stated that he had walked the property and was disturbed, "That you bull dozed right down to the stream and destabilized the entire stream." He noted that such an activity would not have been allowed. Mr. Eriksen also opined that the stream crossings provide unlimited access by the horses and exposed the banks to erosion.

Mr. Passavant stated that 97% of the trees were removed from the hillside, while only 5 were removed from the stream bed itself. Mr. Colegrove explained that a wetland review does not just encompass the waterway itself, but also anything within 100 feet of the flagged wetland.

In answer to Dick Eriksen's query regarding unlimited access by the horses, Mr. Passavant stated that he had placed "Mafia" barriers to keep the horses from crossing anywhere besides over the covered bridge.

The Commission will conduct a site walk of the property on May 9, 2009, immediately following the Greenland Realty site walk. Members will meet on site at approximately 9:30 AM.

Karen Patterson and Timothy Gastler, Proposed Construction of Driveway within 100' of a Wetland, Snell Road: Professional Engineer Pat Benjamin spoke for the applicant, who wishes to construct a common driveway within 100 feet of a wetland on a seven lot subdivision. Eric Davidson flagged the wetlands along Snell Road. The proposed driveway is 18' wide, slopes 1% to 5% or 6%, and is a common access for lots 3, 4, and 5. The driveway begins at a point 40' from the wetland, connects to an existing dirt road, then veers out of the review area. A catch basin will be established at the corner of Snell Road and the driveway.

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

A motion made by Bob Czarnecki, seconded by Mike Fumiatti, to approve the site plan as submitted. The motion passed unanimously.

Anastia Jameson, Request to Relocate and Replace Floating Dock on the Pond, Construct a Barn/Garage 105' from Wetlands, and Construct a Curtain Drain, DiNatale Drive, Lot #28: Professional Engineer Pat Benjamin spoke for the applicant, who wishes to build a 30' x 40' barn on a 1.88 acre lot, and a 4' x 30' floating dock on the adjacent 11.25 acre lot.

Mr. Benjamin noted that the barn itself would be 105 feet from the wetlands, and out of the review area. However, grading would cut within 80 feet of the established wetland and into a grassed area.

The floating dock would be established when the pond is frozen over. At that time, poles to hold the dock would be pounded into the pond base and the dock would be attached to the poles. Plans also call for installing a 1' x 4' curtain drain with 6" perforated pipe to prevent bleeding out.

Geoff Colegrove and Dick Eriksen had questions regarding the calculation of fees and the fact that the application was for two adjacent properties (owned by the same person). Mr. Benjamin

noted that the fees had been calculated on wetland disturbance and would be the same if there were two separate applications. The only difference being that the State of Connecticut would receive an extra \$30 if two separate applications were filed.

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

A motion was made by Bob Czarnecki, seconded by Joel LaBella, to approve the activities as shown on the site plan. The motion passed unanimously.

Dom DelVecchio, Proposed Activity to Modify Relocation of Driveway within 100' of Wetland, Trevor Lane, Lot #5: Professional Engineer Pat Benjamin spoke for the applicant who wishes to modify the driveway location on this 9.49 acre lot in order to accommodate a garage at house level, rather than the original design, which called for a garage under the first floor of the house. This change would constitute adjusting the driveway grade from 8% to 15%, requiring additional fill 27' from the wetlands.

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

A motion was made by Joel LaBella, seconded by Mike Fumiatti, to approve the site plan with the following provisos: 1. An e & s control blank is to be installed on the fill area, 2. Fill is to be clean structural fill. The motion passed unanimously.

Wetlands Enforcement Officer's Report: Mr. Colegrove reported that Nextmedia is now in compliance after cleaning up billboard areas at both ends of Route 17.

Payment of Bills: None

Miscellaneous: Joel Labella asked if the M&T Properties application approved for the corner of Higganum Road and Cherry Lane in March, 2009 was in compliance with what was approved. Mr. Colegrove replied that he had not seen any problems but would check into the matter.

Adjournment: Chairman Eriksen adjourned the meeting at 9:15 PM.

Respectfully submitted,

Patricia Dynia
Recording Secretary

cc: Town Clerk, Midstate Regional Planning Agency