

**DURHAM INLAND WETLANDS  
and  
WATERCOURSES AGENCY**

Regular Meeting Minutes  
Monday, June 8, 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: Pat Dinatale, Dick Eriksen and Al Petrzal. Alternates Present: Mike Fumiatti. Staff: Geoff Colegrove and Trish Dynia.

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

**Approval of Agenda:** *A motion was made by Pat Dinatale, seconded by Mike Fumiatti, to approve the agenda as published. The motion passed unanimously.*

**Approval of Minutes:** *A motion was made by Pat DiNatale, seconded by Mike Fumiatti, to approve the May 11, 2009 minutes as written. The motion passed unanimously.*

**Public Session:** School District Building and Grounds Supervisor Bob Francis introduced Landscape Architect Dick Web, who has been contracted to develop plans for the updated sports complex on Pickett Lane. Utilizing the “as built”, Mr. Web noted that there is a small wetland band at the southeast corner of the existing track and the proposed expanded track would encroach further into this area. He stated that they are in the process of re-flagging the wetlands and developing an environmental habitat report, but he felt that the wetland had limited habitat value and was in fact created by work done several years ago in the area. Once the wetlands have been flagged and the environmental report completed, District 13 would like to come back with an application, hopefully next month.

Vice-Chairman Eriksen agreed that the area had always been a problem, did not support a lot of wild life, and would probably not require a public hearing.

Resident John Corona, 17 John’s Way, Durham, stated that he felt this was a significant activity per the wetland regulations, and that in the past the Commission had always taken the time and trouble to hold a public hearing. He was further concerned that the Vice-Chairman seemed to have a prejudice in the matter because he stated twice that this was not worth the time and trouble to hold a public hearing.

Mr. Eriksen replied that a hearing would or would not be called based on what the Commission sees in the application.

Wetland Enforcement Officer Geoff Colegrove added that the public had the option to force a public hearing with a petition signed by twenty-five or more residents.

**Kurt Bober, Town of Durham, Culvert Cleaning, Various Locations:** Public Works Director Kurt Bober distributed a memo outlining culvert work to be completed on the following town roads: Coe Road, Howd Road, Saw Mill Road, Indian Lane, Parmelee Hill Road, Bear Rock Road, Maiden Lane, Haddam Quarter Road, Meeting House Hill Road and Creamery Road.

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roads: Coe Road, Howd Road, Saw Mill Road, Indian Lane, Parmelee Hill Road, Bear Rock Road, Maiden Lane, Haddam Quarter Road, Meeting House Hill Road and Creamery Road.

Work to be done includes annual culvert cleaning to remove debris and brush at both the inlet and outlet areas. Some areas may require the realignment of water flow and/or recreation of a plunge pool to accept material that may still be in the culverts. All materials will be removed from the sites and soil erosion control methods, rip rap and re-seeding will be utilized to ensure proper bank stabilization. Additionally, all work is to be done from the roadway or immediately adjacent to the waterway and will be performed during low water flow times.

*A motion was made by Pat DiNatale, seconded by Al Petrzal, to approve the annual on-going culvert maintenance as described. 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:** Attorney Joan Molloy was in attendance to answer concerns the Commission expressed at the May 11, 2009 meeting regarding this project. Specifically, the Commission had the following concerns: 1. Is the fuel system DEP approved, 2. What type of containment system would they utilize to protect against spillage, and 3. The Commission would like them to reduce concrete in the non-filling areas and extend concrete in the filling areas from 5' to 10'.

Attorney Molloy stated that a contact at DEP advised her that the EPA was the controlling agency on this matter. She then distributed a memo received from Don Grant, Spill and SPCC Enforcement Coordinator for the Northeast EPA region, which spells out the current regulations. This memo was distributed to Commission members along with a spec sheet on the proposed above ground Highland Tank, UL-142, which does meet EPA standards. She also distributed pictures of other above ground tanks already in use in Durham.

She added that per the Commission's request a containment groove will be created as a precaution in the unlikely event that there is a spill, and the concrete area in the filling area will be extended to 10'. In answer to a question from Commissioner Pat DiNatale regarding an alarm system, Attorney Molloy replied that there is a mechanism which alerts when there is a leak but there is no actual alarm system.

In answer to other concerns regarding what would be stored in the parking area, she explained that the original site plan does not formally call this a parking/storage area, but since business has slowed down, equipment that is normally on work sites needed a new home and the area now designated was not being used otherwise. In answer to a question by Pat Dinatale regarding containers with unknown materials being stored there, Attorney Molloy replied that no such containers would be stored there, only vehicles and miscellaneous equipment.

*A motion was made by Pat DiNatale, seconded by Mike Fumiatti, that there is no activity in the wetlands. The motion passed unanimously.*

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*A motion was made by Pat DiNatale, seconded by Mike Fumiatti, to approve the activity with the following provisos: in the review area, only trucks, trailers and heavy equipment can be stored, and the following are prohibited: roll off containers and trailers containing construction debris or solid waste. The motion passed unanimously.*

**Lisa Harness, Prancing Pony, LLC, Discussion of Recent Activity in the Regulated and Upland Review Area, 58R Fowler Avenue:** Mr. Eriksen noted that the site inspection was done in May and the May minutes reflect that it is now a first class operation. Mr. Colegrove added that all fencing is now up. Co-business owner Roger Passavant noted that seeding is just about complete and stated that he had planned to work on the second bridge the following weekend but had just become aware that this was a problem due to state laws regarding flood zones. Mr. Colegrove explained that since the existing bridge is in a flood zone, it will be inspected by FEMA and must be flood proof, anchored, and not liable to cause water elevations. He added that most people accomplish this by raising the bridge itself. The current bridge is not constructed to withstand a 100 year flood event, which is another requirement.

Although there may be some leeway in this matter since the bridge was probably constructed prior to FEMA regulations in the 1970's, Mr. Colegrove suggested that the applicant contact a professional engineer for further advice.

It was noted that the applicant is now in compliance with town and state wetlands regulations.

**John Eames, Preliminary Discussion of Regulated Activity and Scheduling of Site Inspection, 190 Blue Hills Road:** Property owner John Eames distributed pictures of flooding which occurred on his property during December, 2008 when a culvert which runs across Blue Hills Road backed up during torrential rains. At that time the fire department was needed to pump out Mr. Eames' garage. Public Works Director Kurt Bober noted that there is either a 30" or 36" culvert there, and that cords of wood passed through the culvert during the December storm and may have caused the back up. Mr. Eames added that he had lost one cord of wood during the storm and felt that the culvert is undersized compared to those that have been installed down the street from him for the same body of water.

Mr. Eames presented a proposal which calls for building a retention pond in his septic reserve area. After a brief discussion, Commission members advised against going forward with the proposal at this time because the fault may lie with the Town. Professional Engineer Pat Benjamin added that he was in the area earlier in the week on an unrelated matter and agreed that the culvert may be too small.

It was agreed that Mr. Colegrove will write a letter to the Board of Selectmen requesting that the Town Engineer look into this matter.

**Sudesh Kumar, Drainage Improvements, Indian Lane:** Professional Engineer Pat Benjamin spoke on behalf of the applicant, who wishes to fill the paved driveway south of the existing garage, fill the drainage swale and pipe the storm water with a 30” storm pipe. The total regulated area of disturbance would be 0.09 acres. The proposal is being put forward due to **Town of Durham, Inland Wetlands and Watercourses Agency Minutes, Page 4 of 4**

severe flooding and associated damage which has plagued the property twice in the past two years, most recently during the December, 2008 torrential rains.

Mr. Benjamin noted that bricking up of the garage entrances and filling and grading back toward the stream would prevent flooding in all but a 100 year storm event. A permanent sump pump will also be put in place. He added that currently the Saw Mill pipe flows at about 3,000 gallons per day, and a few weeks ago it was flowing at about 8,000 gallons per day. The proposed 30” pipe would have scour pads and be flanged at both ends. He also noted three areas of silt fencing to be in place during construction. He further noted that the only alternative would be to cul de sac the road or replace the culvert. Mr. Bober agreed that culvert replacement would not help in this situation.

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

*A motion was made by Pat DiNatale, seconded by Mike Fumiatti, to approve the site plan as presented and dated May, 2009. The motion passed unanimously.*

**Wetland Enforcement Officer’s Report:** Mr. Colegrove briefed the Commission on upcoming activities regarding the Wallingford Reservoir and a possible July application by J.C. Farms on Route 68.

**Payment of Bills:** The Commission reviewed a recent bill received from the Middletown Press for legal ad publication and asked the secretary to check into its accuracy.

**Miscellaneous:** None

**Adjournment:** There being no further business, Vice-chairman Dick Eriksen adjourned the meeting at 9:10 PM.

Respectfully submitted,

Patricia Dynia  
Recording Secretary

cc: Town Clerk, Midstate Regional Planning Agency