

RECV'D: Office of the Town Clerk
October 13, 2009 at 10:57am

**DURHAM INLAND WETLANDS
and
WATERCOURSES AGENCY**

Regular Meeting Minutes
Monday, October 5, 2009

Call to Order: The meeting was called to order at 7:40 PM by Vice-Chairman Dick Eriksen at the Durham Public Library.

Roll Call: Members present: Bob Czarnecki, Pat Dinatale, Dick Eriksen, Chris Meisenkothen, Al Petrzal and Joel LaBella (7:50 PM) Alternates Present: Karen Cheney and Mike Fumiatti. Staff: Geoff Colegrove and Trish Dynia.

Seating of Alternates: Karen Cheney was seated for George Zeeb and Mike Fumiatti was seated for Joel LaBella. (Note: Regular member Joel LaBella participated in discussions but did not vote.

Approval of Agenda: *A motion was made by Al Petrzal, seconded by Karen Cheney, to approve the agenda with the following addition: Add as Item 8a, Joe Pasquale, 94 Parmelee Hill Road, Remove Storm Debris from Brook such as Stumps and Logs, Remove Leaning Trees and Create a garden area. The motion passed unanimously.*

Approval of Minutes: *A motion was made by Bob Czarnecki, seconded by Pat DiNatale, to approve the September 14, 2009 minutes as written. The motion passed unanimously.*

Public Session: None

Nancy Pakech, Proposed Activity within 100' of a Wetland for the Construction of a Pool and Shed, 26 Etzel Drive: The applicant wishes to install an 18' x 36' in-ground pool within the 100' review area, approximately 70 feet from a designated wetland, and a 16' x 8' shed within 50 feet of the wetland. The shed will be built on a concrete slab and will contain pool accessories and lawn equipment.

In answer to a question from Pat DiNatale, the applicant confirmed that the calculations for distance from the wetland did take into account the slope to the brook.

Karen Cheney asked if chlorine leakage was a concern for Connecticut wetland agencies, as it was in the Dallas, Texas area, where she is from. Geoff Colegrove explained that chlorine dissipates before the water enters the wetlands and soil types in Texas, which are 90% clay, is the reason chlorine leakage is of major concern there.

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

A motion was made by Pat DiNatale, seconded by Chris Meisenkothen, to approve the request as presented. The motion passed unanimously.

Joe Pasquale, Proposed Activity in the Wetlands to Remove Storm Debris and Trees from a Brook and Create a Garden Area: The applicant explained that during heavy rainstorms last fall, the area of Parmelee Brook which runs through his property has accumulated debris which is lodged in the trees. He distributed photographs showing two uprooted trees leaning over the brook. The trees have become a collection area which threatens to clog and overflow the brook if not cleaned out. Mr. Pasquale would like to remove the two uprooted trees, a large stump and two large pine tree portions which have travelled down the brook. His plan is to wrap the pieces in heavy chain and remove them using a tractor with a 68" bucket. Utilizing a site plan of his property dated August 30m, 2003, Mr. Pasquale indicated the locations of debris to be removed. In addition he will contact the Middlesex Land Trust prior to removal as they own the adjacent property.

Mr. Pasquale then distributed an aerial photograph of his property and indicated a 30' x 40' area within a designated wetland in which he would like to create a garden. The area is currently covered we grass and is regularly mowed. It was determined that this would be a farming activity.

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

A motion was made by Pat DiNatale, seconded by Chris Meisenkothen, to approve the application as presented for cleaning of brook and establishment of a garden. The motion passed unanimously.

Nick Xenelis, Update on Site Inspection 186 Cherry Lane: Dick Eriksen reported that three people attended the site walk of this property on September 19, 2009. At that time it was determined that work which was done in the fire pond area was "basic housekeeping" which had been previously approved by the Commission. However, in the second area of inspection, the bridge and old gravel pit area, there appeared to have been recent and substantial filling of the wetlands with construction materials such as cinder blocks. The area had also been very recently reseeded as the grass seeds had not yet sprouted.

Geoff Colegrove read into the record a copy of the letter he sent to Mr. Xenelis along with a copy of tonight's agenda. The letter, dated October 1, 2009, reads as follows:

Dear Mr. Xenelis, After you left the September 19th site inspection of the agricultural pond, the attending members of the Durham Inland Wetlands and Watercourses Agency inspected the access road to the old gravel pit on the south side of Higganum Road. The fill area south and east of the bridge crossing was not covered by the Agricultural exemption and a permit should have been applied for. The options are to remove the fill or to have the original wetland boundary located and apply for a permit.

You are on the Inland Wetlands agenda for the October 5, 2009 meeting. You or your representative should be present to discuss your preferred option.”

Mr. Colegrove stated that he had faxed the letter to Mr. Xenelis and also sent it to him in the mail. The Commission asked Mr. Colegrove to send another, more strongly worded letter to the landowner, which will be delivered by a Sheriff to ensure it has been received. If Mr. Xenelis does not attend the next regular meeting of the Agency, a public hearing will be scheduled in order to determine if a Cease and Desist order is warranted.

Wetland Enforcement Officer’s Report: Mr. Colegrove reported that the gravel access road south of the billboards on Route 17, near Time Out Tavernne has been completed as in accordance with the application. He then distributed copies of recent Connecticut court decisions which underscore the fact that although farming is an activity as of right, the landowner is required to appear before the local wetland agency to determine if the planned activity is indeed a farming activity and further, is being done in accordance with regulations.

Payment of Bills: None

Miscellaneous: None

Adjournment: *A motion was made by Karen Cheney, seconded by Chris Meisenkothen, to adjourn the meeting at 8:15 PM. The motion passed unanimously.*

Respectfully submitted,

Patricia Dynia
Recording Secretary

cc: Town Clerk, Midstate Regional Planning Agency