

DURHAM INLAND WETLANDS and WATERCOURSES AGENCY

Regular Meeting Minutes
Monday, February 9, 2009

Call to Order: The meeting was called to order at 7:30 PM by Vice-Chairman Dick Eriksen at the Durham Public Library.

Roll Call: Members present: Bob Czarnecki (7:45), Pat Dinatale, Dick Eriksen, Joel LaBella, Chris Meisenkothen and Al Petrzal. Alternates Present: Mike Fumiatti and Karen Cheyney Staff: Geoff Colegrove and Trish Dynia. Others: Frank and Debra DeFelice, Pat Gorman, Frank Dworak and Robert MacDuff.

Seating of Alternates: Mike Fumiatti was initially seated for Bob Czarnecki. Karen Cheney was seated for George Zeeb.

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

Approval of Minutes: *A motion was made by Chris Meisenkothen, seconded by Pat Dinatale, to approve the January 12, 2009 minutes as written. The motion passed unanimously.*

Public Session: None.

Hobson and Motzer, LLC, Proposed Activity within 100' in the Upland Review Area for Lots 11 and 19, Air Line Drive: Company president Frank Dworak was on hand to answer any questions. Dick Eriksen reported that Commission members attended a site walk of the property on Saturday, February 27, 2009, and attendees were satisfied with the comprehensive plan submitted to the Commission in January. Mr. Eriksen added that it was a great thing for Durham to have a trouble free, good neighbor operation expanding in this area. Geoff Colegrove added that the 1,320 square feet of wetland fill was in a manmade wetland caused by drainage issues. The area was not pristine as it had been disturbed before and the filling would not cause an environmental impact. Mr. Colegrove also stated that the \$1,300 fee paid by the applicant should be sufficient to cover his agency's oversight of the project.

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

A motion was made by Pat DiNatale, seconded by Joel LaBella, to approve the project as presented on maps 1 through 6 and dated June 27, 2008, revised thru 12/2/08. The motion passed unanimously.

At this point in the meeting, Regular Member Bob Czarnecki arrived and Alternate Mike Fumiatti was unseated.

Frank DeFelice, proposed activity within a regulated area and in the 100' upland review area for improvements to existing driveway access and construction of a culvert, New Haven Road: Applicant Frank DeFelice presented his application for improvements to an existing access driveway on the southern side of Route 17, just passed the billboards south of Time Out Tavern. The access is to an 11 acre property formerly owned by a water company which built the temporary access driveway in order to look for a water source on the property. Mr. DeFelice plans to eventually hay the property and create a Christmas tree farm.

The applicant wishes to build the driveway up to grade with the existing highway and install a 36" culvert filled halfway with sand in order to create a "critter crossing." The driveway already crosses an existing wetland which is believed to have been created by runoff from Route 17. He noted that he is raising the driveway and there are no plans to add to its length or width.

Professional Engineer Pat Gorman of Land Resource Consultants, Inc. of Cromwell, CT added that there are no plans for tree and shrub clearing as the majority of the area has already been cleared. A green line on the display map indicating the limit of clearing is simply there to indicate that there may be some additional grass and plants removed during construction if necessary.

Pat Dinatale asked why an application was necessary to maintain an existing driveway. Geoff Colegrove explained that when the water company (previous owner) came to the commission several years ago it was for a temporary access only. The activities being presented by the applicant are of a more permanent nature.

In answer to several questions by Commission members, Mr. Gorman added that the limits of clearing reach back from 30 to 50 feet at various locations on the property and the total fill is 4,392 square feet, or approximately .16 acres. The drawings show a bituminous surface but the applicant would prefer gravel.

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

A motion was made by Chris Meisenkothen, seconded by Pat DiNatale, to approve the project as described on the site plan, pages 1 through 3, dated 9/04/08, with the proviso that the effective date be 15 days from today/February 24th, 2009, and hay bales, wood chips or other appropriate e&s controls as described on the map be put in place. The motion passed unanimously.

A motion was made by Chris Meisenkothen, seconded by Pat DiNatale, to open the public hearing at 8:05 PM. The motion passed unanimously.

Proposed Text Amendments to the Inland Wetlands and Watercourses Regulations, Section 7, "Application Requirements" add new subsection 7.11 and renumber remainder of section. Section 10 "Considerations for Decisions" add new subsections 10.8 and 10.9: Geoff Colegrove read the call of the public hearing. Dick Eriksen noted that members had received copies of the suggested language change and asked if there were any questions.

Member Karen Cheney asked if a local issue had triggered this change. Mr. Colegrove explained that the changes were based on 2005 State Legislation and our designed to improve communications between local land use agencies and property owners regarding property easements. It was noted that the state DEP did not react to the legislation until submitting the suggested IWA language change in a fall, 2008 bulletin to land use commissions state wide.

In response to a question by Bob Czarnecki, Geoff explained that the legislation and bulletins affect several agencies, including wetlands, conservation, etc. The language change proposed is for wetlands only.

A motion was made by Chris Meisenkothen, seconded by Bob Czarnecki, to close the public hearing. The motion passed unanimously.

A motion was made by Pat DiNatale, seconded by Joel LaBella, to return to the regular meeting. The motion passed unanimously.

A motion was made by Bob Czarnecki, seconded by Pat DiNatale, to approve the amendments as published with an effective date of March 1, 2009. The motion passed unanimously.

Wetlands Enforcement Officer's Report: Geoff Colegrove reported that Midstate Regional Planning Agency has hired Al Johannsen to replace Geoff as Wetland Enforcement Officer in the field. Geoff will continue to attend meetings but the field work will be conducted by Mr. Johannsen under his supervision. This action was taken as one measure in MRPA's quest to reduce its budget to the Town of Durham. Geoff assured the Commission that Mr. Johannsen is well qualified for this position, having served as zoning and wetland enforcement officer in the Towns of Haddam and East Haddam, and he has taken all appropriate courses.

Election of Officers: A motion was made by Bob Czarnecki, seconded by Karen Cheney, to elect the following officers: George Zeeb, Chairman, Dick Eriksen, Vice-Chairman, Joel LaBella, Secretary. The motion passed unanimously.

Payment of Bills: None

Miscellaneous: None

Adjournment: Chairman Eriksen adjourned the meeting at 8:25 PM.

Respectfully submitted,

Patricia Dynia
Recording Secretary

cc: Town Clerk, Midstate Regional Planning Agency