

**DURHAM INLAND WETLANDS
and
WATERCOURSES AGENCY**

Regular Meeting Minutes
Monday, July 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, Pat Dinatale, Dick Eriksen, Joel LaBella, Chris Meisenkothen and Al Petrzal. Alternates Present: Karen Cheney and Mike Fumiatti. Staff: Geoff Colegrove and Trish Dynia.

Seating of Alternates: Mike Fumiatti was seated for George Zeeb. (Karen Cheney asked not to be seated as she would be required to recuse herself during the District Thirteen Sports Complex discussion.)

Approval of Agenda: *A motion was made by Pat Dinatale, seconded by Bob Czarnecki, to approve the agenda with the following additions: Add as Item 8A, Harry Hall, Durham Fire Department, Fire Pond Maintenance, and add as Item 9A, Antonio Cuomo, Driveway Expansion, Trout Lily Drive. The motion passed unanimously.*

Approval of Minutes: *A motion was made by Pat DiNatale, seconded by Mike Fumiatti, to approve the June 8, 2009 minutes with the following correction: Page 4, paragraph 2, line 5, change flanged to flared. The motion passed unanimously.*

Public Session: None

Harry Hall, Durham Fire Department, Routine Maintenance of Fire Ponds: The Durham Fire Company, in conjunction with the Durham Public Works Department, would like to perform routine maintenance on three fire ponds located as follows: Durham Fair Association property off Canfield Lane, 350/360 Main Street (Adams Commons/Durham Dental), and 628 New Haven Road (Demusis property). He explained that there is money in the Fire Company budget for the work, which is normally performed by the town crew or by a contractor supervised by the Public Works Department.

Geoff Colegrove stated that two of the ponds listed already have open areas adjacent to them (Fairgrounds and Adam Commons). He emphasized the need for erosion controls to be in place during maintenance, which should be done at low water time. It was determined that Geoff Colegrove, Kurt Bober and Harry Hall would view the properties over the next few weeks and Mr. Bober would be asked to attend the August meeting for possible additions/amendments to the June 8, 2009 culvert maintenance plan.

He also reported that the fire pond at the corner of Higganum Road and Cherry Lane on property owned by Nick Xenelis does not flow to capacity and they are looking into creating a new fire pond across the street on the Arrigoni Property. If this location is feasible and agreeable to the two parties, the Fire Company would make a formal application to this Commission.

Commission member Joel LaBella questioned the need for another pond so close to the first one, asking how much water they really needed in this area. Mr. Hall replied that it was prudent to have as much water available as possible, especially if there are problems with one of the ponds.

Mr. Hall also reported that in April the fire company encountered a problem while conducting a water supply drill at the fire pond located off Ozick Drive. Further inspection revealed that silt had collected in the area of the inlet pipe to the manhole which rendered the manhole useless for firefighting activities. The pond was taken out of service, routine maintenance was performed by Public Works and the pond is now back in service as the primary water source for the businesses and homes located in the Ozick Drive area.

Giuseppe and Vivian Caturano, Request to Clear a 12' Wide Path Through the Wetlands to Install 5,000 feet of Deer Fence, 385R & 389R Wallingford Road: Mr. & Mrs. Caturano reviewed plans to install a deer mesh fence at the property line around their planted fields. This would entail removal of a number of trees in one section but for the most part the 12' path would entail removal of tall grass and occasional mowing to keep the area clear for fence inspection and repair. The wetland crossing is in an area containing wetland soils and unless there is a heavy rain the area is dry. Ten foot tall posts would be pounded two feet into the ground and the only machinery to be used is a bobcat. There are no plans to fill or remove any materials from the wetlands.

Mr. Dinatale noted that the project described is a legitimate agricultural activity and the fencing is part of a federal program recently put in place.

Mr. Eriksen inquired where the working area would be since the fence will be on the property line. The applicant stated that the 12' swath is to be created and worked from his side of the property line and would not be filled with stone or paving material.

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 Pat DiNatale, seconded by Chris Meisenkothen, to approve the fence installation as described. The motion passed unanimously.

Regional School District Thirteen, Request for Renovations of Existing High School Athletic Complex with Filling, Excavation, Drainage Improvements and Utilities within Wetlands and Upland Review Areas Associated with Reconstruction of Existing Running Track, 144 Picket Lane: Attorney Jim Hollister spoke on behalf of the school district and stated that he had been informed that the Commission received a petition requesting that a public hearing be held on this matter. Vice-Chairman Eriksen confirmed that a petition had been received which appeared to have 25 plus signatures from local residents. Based on this, Mr. Eriksen and Attorney Hollister agreed that there would likely be a public hearing and there was no need to make a full presentation to the Commission this evening, which would have to be repeated at the public hearing.

At this point Attorney Hollister submitted supplemental materials for the Commission to review, including fifteen maps depicting existing conditions, layout, grading, storm water and sanitary plans, as well as a booklet containing the project narrative, wetlands delineation report, impact evaluation, storm water management report and storm water pollution prevention plan.

A site walk was scheduled for Saturday, August 8, 2009. Members will meet on site. In response to an inquiry from Mr. DiNatale regarding access to the property at other times since he would not be able to attend the site walk, Attorney Hollister replied that the supplemental information distributed earlier contained permission to access the site. Also, the wetlands have been prominently flagged.

The public hearing was scheduled for Monday, August 10, 2009 at 8 PM. Attorney Hollister noted that public hearing signs would be in place for the appropriate time period and notices would be sent to abutting landowners.

There was a brief discussion regarding the waiving of fees. General practice has been that municipal and school district applications receive a fee waiver since collecting the fees would primarily entail moving funds around within the town's budget. It was noted that the Agency cannot waive State fees.

A motion was made by Pat DiNatale, seconded by Chris Meisenkothen, to waive the Town of Durham \$20 application fee on this project. The motion passed unanimously.

Antonio Cuomo, Driveway Construction within 100' of a Wetland, Trout Lily Drive: Attorney John Corona and Professional Engineer Pat Benjamin spoke for the applicant, who wishes to widen his driveway and conduct associated grading and tree clearing within 100 feet of a wetland. Attorney Corona noted that the original plans for the Levine Subdivision called for an 18 foot driveway but a portion in the middle of it was subsequently built and paved at 12 feet, a situation which has not served well due to the number of cars utilizing the driveway. An alternate "out of wetland review area" option for widening was considered but ultimately rejected because a neighbor did not wish to allow a waiver for the common driveway area at the street end. The wetland area in question was originally created by former owners, The Levines.

Mr. Benjamin stated that six lots are currently being served by one common driveway, a situation which was allowed by zoning at the time it was built. The wetland area in review is approximately 40'x40', or 1,600 square feet which has become overgrown by six to eight foot high brush and a few saplings. He additionally stated that there will be no filling or disturbance of the wetlands and the grade is appropriate as is, so there will be no grade change.

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

A motion was made by Chris Meisenkothen, seconded by Pat DiNatale, to approve the project as presented effective fourteen days from the publication of the legal notice. The motion passed unanimously.

Wetland Enforcement Officer's Report: Mr. Colegrove is waiting for a report from Nathan Jacobs before signing off on the Prancing Ponies Project. Also, materials dredged from the Ozick Drive fire pond were inadvertently placed in the review area (wetland flags were no longer in place) but will be removed shortly.

Payment of Bills: Vice-Chairman Dick Eriksen reported that on the advice of the town's Finance Director, MaryJane Malavasi, he had approved a Middletown Press bill in the amount of \$597.79. This bill was presented at the June meeting, at which time the Commission asked the Recording Secretary Trish Dynia to look into its validity. Trish added that the Middletown Press billing process had changed which has caused much confusion and a back log of unpaid bills, a situation which Ms. Malavasi is looking into.

Trish also reported that she was submitting a bill for 18 hours this month, an unusually high amount, due to having taken several hours to locate, sort through, and file paperwork left undone by previous recording secretaries. This will likely put the Commission over budget for this line item. However, the line item requested for fiscal year 2008/2009 had been reduced by the Board of Finance by several hundred dollars due to the funds going unused. Lack of attendance by earlier secretaries was the reason why those funds had gone unused. She reported that the Finance Director had assured her there is money in the IWA budget to pay this bill.

A motion was made by Pat DiNatale, seconded by Chris Meisenkothen, to approve the following bill: Trish Dynia, Secretarial Services, \$270.00. The motion passed unanimously.

Miscellaneous: None.

Adjournment: There being no further business, Vice-chairman Dick Eriksen adjourned the meeting at 8:50 PM.

Respectfully submitted,

Patricia Dynia
Recording Secretary

cc: Town Clerk, Midstate Regional Planning Agency