

**DURHAM INLAND WETLANDS  
and  
WATERCOURSES AGENCY**

Regular Meeting Minutes  
Monday, October 6, 2008

**Call to Order:** The meeting was called to order at 7:35 PM by Vice-Chairman Richard Eriksen at the Durham Public Library.

**Roll Call:** Members present: Pat DiNatale and Dick Eriksen. Alternates Present: Karen Cheyney and Mike Fumiatti. Staff: Trish Dynia. Others: Applicants and/or their agents.

**Seating of Alternates:** Karen Cheyney was seated for George Zeeb and Mike Fumiatti was seated for Bob Czarnecki.

**Approval of Agenda:** *A motion was made by Pat DiNatale, seconded by Karen Cheyney, 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 September 8, 2008 minutes as written. The motion passed unanimously.*

**Public Session:** None.

**Bill Lyons, Activity within 100' of a Wetland to Dredge Edge of Existing Pond, 258 Blue Hills Road:** *A motion was made by Mike Fumiatti, seconded by Pat DiNatale, to approve the application as presented at the August meeting. The motion passed unanimously. (The application was scheduled for a vote in September but the Commission inadvertently skipped the step.)*

**Deborah Ericksen, Proposed Activity within 100' of a Wetland for a 1 Lot Subdivision Review, Cream Pot Road:** Land Surveyor Robert Gerard spoke for the applicant who wishes to build a three bedroom house with associated well, septic and access driveway on this 5.6 acre lot. The wetland lines were delineated by Soil Scientist Eric Davison and flags located by Bascom and Benjamin. Mr. Gerard presented an aerial map showing the wetlands delineation, demonstrating that the house, well and septic will be 300 feet from the review area, while a portion of the end of the driveway would fall within 90 feet of the review area. The driveway location was chosen due to land topography and there did not appear to be any reasonable alternate locations. The map also shows appropriate silt fencing placement during construction.

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

*A motion was made by Pat DiNatale, seconded by Mike Fumiatti, to approve the application was presented. The motion passed unanimously.*

**Wetlands Enforcement Officer's Report:** Mr. Eriksen distributed a memorandum from Wetland Enforcement Officer Geoff Colegrove regarding his recent site inspection of property owned by John Marotta at the corner of Routes 68 and 157. At a meeting earlier this year the Commission approved the site plan for this project. Mr. Colegrove states that a silt fence had been installed at the toe of the slope and the filling activity is confined to the upland review area. However, it is necessary for the applicant to adhere to winter guidelines, as stated in his approved site plan, that an erosion control blanket be placed on the exposed slopes for the winter. In addition, Mr. Colegrove suggests that the applicant post a \$500 cash E & S bond.

The applicant's attorney, John Corona, noted that the status of this lot was brought up at a recent Planning & Zoning Commission meeting and that it was Mr. Corona who requested that the wetland enforcement officer conduct a site inspection of the property.

Mr. Marotta stated that construction of the building will not take place until spring, he will plans to comply with the approved site plan proviso that the area be blanketed for the winter, and he will by and that he will submit the bond money to the Town Hall. The Commission thanked the applicant for taking care of these matters as soon as possible.

At the September meeting, the Commission asked that member Pat DiNatale speak personally with the owners of J&C Farm on Route 68 regarding the filing of subordination papers to complete all legal requirements for the approved easement. Mr. DiNatale reported that he had spoken with the owners, who assured him that they would call their attorney and request that he complete this paperwork. At this meeting the recording secretary was asked to send the owners a certified letter stating that the Commission would be forced to rescind the easement approval if these papers were not filed within 60 days. Subsequently, the secretary contacted Midstate Regional Planning Agency, who normally takes care of such matters. Geoff Colegrove asked that she hold off on sending the letter until further notice. Mr. Eriksen requested that the secretary contact Midstate again and ask them to send the letter. If there is any problem with this request they should contact Mr. Eriksen directly.

**Payment of Bills:** *A motion was made by Pat DiNatale, seconded by Mike Fumiatti, to approve payment of the following bill: Patricia Dynia, secretarial services, 7/14/08 to 10/5/08, \$255.00. The motion passed unanimously.*

**Miscellaneous:** None

**Adjournment:** Dick Eriksen adjourned the meeting at 7:55 PM.

Respectfully submitted,

Patricia Dynia  
Recording Secretary

Cc: Town Clerk, Midstate Regional Planning Agency

Received October 7, 2008  
Kim Garvis, Town Clerk