

# DURHAM INLAND WETLANDS and WATERCOURSES AGENCY

Regular Meeting Minutes  
Monday, August 11, 2008

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

**Roll Call:** Members present: Pat DiNatale, Dick Eriksen, Joel LaBella and Chris Meisenkothen. Alternates Present: Karen Cheyney. Staff: Geoff Colegrove, Trish Dynia. Others: Applicants and/or their agents.

**Seating of Alternates:** Karen Cheyney was seated for George Zeeb.

**Approval of Agenda:** *A motion was made by Chris Meisenkothen, seconded by Joel LaBella, to approve the agenda with the following addition: Add as Item 12a, Arnold Battista/David and Sharon Cahill, Construction of New Home and Reserve Septic, 79 Madison Road. The motion passed unanimously.*

**Approval of Minutes:** A motion was made by Pat DiNatale, seconded by Chris Meisenkothen, to approve the March 10, 2008 and July 14, 2008 minutes as written. The motion passed unanimously with Karen Cheyney abstaining.

**Public Session:** None.

**Bill Lyons, Activity within 100' of a Wetland to Dredge Edge of Existing Pond, 258 Blue Hills Road:** Professional Engineer Pat Benjamin spoke for the applicant who wishes to dredge the edge of an existing pond. The activity is proposed in order to perform this maintenance which has been neglected for approximately thirty years and the alleviate fish die off. The applicant proposed to run a back hoe along the edge of the 4.5 acre pond. The materials would then be spread and seeded on the rear portion of the property out of the review area. Mr. Benjamin noted that the pond's concrete dam and weir, built in the 1930's, is in excellent shape, but many of the batter boards must be replaced with pressure treated boards to create the shelf.

A lengthy discussion ensued regarding interpretation of the fee schedule for pond maintenance and the Commission decided to continue this item to the September meeting in order to clarify the matter.

**Tyler and Kelly Gerry, Activity within 100' of a Wetland for the Proposed Construction of a Barn, 156 Summer Woods Road:** Professional Engineer Pat Benjamin spoke for the applicant who wishes to construct a 24' x 30' storage barn ten feet from an existing town swale. The proposed construction area is on the back lawn, which is level and grassed, therefore there is no need for brush clearing. The barn is to be constructed on a concrete slab and there will be no oil

RECEIVED: 8-12-08	TIME: 9:20 AM
Kim Garvis, Town Clerk	
OFFICE OF THE TOWN CLERK, DURHAM, CONNECTICUT	

storage, livestock, water or septic connections. The barn is to be used primarily for storage of sports and lawn equipment. Silt fencing is to be used during construction.

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

*A motion was made by Pat DiNatale, seconded by Joel LaBella, to approve construction of barn with the proviso that there be no storage of livestock. The motion passed unanimously.*

**Caturano Property, Remove 5 Trees and Mow Field Area, 389 Wallingford Road:** Professional Engineer Pat Benjamin spoke for the applicant who wishes to remove five trees within the wetland review area, and utilize a tractor and brush hog to mow a wetland area five times per year. The activity is proposed in order to improve site lines for customers entering and exiting the property.

*A motion was made by Joel LaBella, 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 application as submitted. The motion passed unanimously.*

**Lyman Farm, Inc., Install New Irrigation System for Robert Trent Jones Golf Course, 7 Lyman Road:** Pat Benjamin spoke for the applicant who wishes to replace an existing irrigation system, with a new computerized one. The new model is designed to conserve water, as it has the ability to activate individual sprinklers and provide more control of water flow level. Twelve of the eighteen holes are in Durham. Water for the system comes from a pond in Middlefield and the new lines would circle each tee, fairway and green, utilizing lines already in place from the old system. The DEP issued the first diversion permit for the existing system in 1968 and it is still in effect. Lyman is required to provide the DEP with annual reports on water usage, pond level, etc. The applicant wishes to keep the course open during construction of the new system and so the construction will be done in small stages. There will be no digging in or crossing of the wetlands.

*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 application as presented. The motion passed unanimously.*

**Tri Mountain Elk and Bison, Activity within 100' of a Wetland for a Stream Crossing to Construct a 12' Wide Driveway and Barn, Tri Mountain Road:** (Note: Pat DiNatale was unseated during this discussion as he is the property owner.) Professional Engineer Pat Benjamin spoke for the applicant who wishes to cross a stream with a 12' wide driveway, utilizing two 36" PCP culverts to proposed barn site. Total wetland disturbance would be approximately 0.068 acres, or 2,900 square feet. Mr. Benjamin noted that the crossing area was chosen at the narrowest stream point that was feasible. Mr. Benjamin also reviewed activities not requiring a permit as they are not within the review area. Those included clearing brush and existing debris to create additional pasture area for Bison and Elk, installation of a 6' high livestock fence to

replace an existing fence, and the re-direction of two existing intermittent drain ways to their original locations. The area was once used as a minding operation and debris left from that process will also be removed. Mr. Benjamin also reviewed the erosion and sedimentary plan and silt fencing placement during construction.

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

*A motion was made by Joel LaBella, seconded by Chris Meisenkothen, to approve the permit as submitted. The motion passed unanimously.*

**Arnold Battista/David and Sharon Cahill, Construction of New Home and Reserve Septic, 79 Madison Road:** Professional Engineer Scott Poryanda submitted a letter from Soil Scientist James Sipperly, indicating that a portion of the proposed single family dwelling and reserve septic area both fall within 100' of the wetlands. Mr. Poryanda stated that Town Sanitarian Bill Milardo had not yet reviewed the septic area, but based on state health codes, Mr. Poryanda felt there should be no problem with approval. When the applicant submitted the application to the Building Department there was some confusion as to fee amounts. The Commission reviewed regulations regarding fees and determined that Mr. Battista should write a check for \$30.00 for the DEP and one for \$120.00 for the town application. Mr. Battista submitted those checks to the recording secretary.

*A motion was made by Pat DiNatale, seconded by Karen Cheyney, 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 application as presented. The motion passed unanimously.*

**Wetlands Enforcement Officer's Report:** Wetland Enforcement Officer Geoff Colegrove reported that a run off issue on Mauro Drive was resolved with the cooperation of the owners. Hay bales were placed in the trouble areas and wood chips were added to stabilize the hay bales. Mr. Colegrove subsequently inspected the area downstream from the property and found that though there was still some turbidity, there was no visible disturbance to the stream bed. In addition, the property owner has been directed to plant grass in the problem area in order to stabilize it and the site seems to be under control.

**Payment of Bills:** A motion was made by Joel LaBella, seconded by Karen Cheyney, to approve payment of the following bills: Middletown Press for legal ad publications, \$112.33, and annual membership fee in the Connecticut Association of Conservation and Inland Wetlands Commissions, \$90.00. The motion passed unanimously.

**Miscellaneous:** Mr. Eriksen announced that he would request that the Board of Selectmen replace an alternative Commission member who has not attended meetings for at least one year.

Mr. Eriksen also announced that Chairman George Zeeb is currently in a convalescent center due to complications from his recent physical problems. It is not know when he will be able to return. Members expressed concern for his on-going health and wished him a speedy recovery.

**Adjournment:** Dick Eriksen adjourned the meeting at 9:05 PM.

Respectfully submitted,

Patricia Dynia  
Recording Secretary

Cc: Town Clerk, Midstate Regional Planning Agency