

**DURHAM INLAND WETLANDS
and
WATERCOURSES AGENCY
Durham, CT 06422
Durham Town Hall
Minutes of September 9, 2025, Regular Meeting**

Frank DeFelice, Chair, called the meeting to order at 7:00 PM.

Roll Call:

In attendance: Phil Augur, Chris Balay, Frank DeFelice, Mark Laudano, Chris Meisenkothen, Noah Ventola, Joe Carta (WEO), Robin Newton, Town Planner

Absent: Michael Dahlheimer, Gene Riotte, Jim Martinelli, Cory Tyler

Seating of Alternates

N. Ventola was seated for G. Riotte.

Amendments to Agenda

None.

Approval of Agenda

A motion was made by P. Augur, seconded by C. Balay, to approve the agenda. All ayes. Motion passed.

Approval of Minutes

A motion was made by C. Meisenkothen, seconded by C. Balay, to approve the minutes of the May 12, 2025, Regular Meeting. All ayes. Motion passed.

Public Session

Roger Kleeman concerned he cannot find the WEO reports online.

Receipt of Applications:

None.

Show Cause Hearing, Cease and Desist Order, Alfonso & Kimberly Caturano, Map 45, Lot 7, Wallingford Rd.

At the request of F. DeFelice, Town Planner R. Newton attended the meeting. He explained that Show Cause Hearings are rare for IWWA. R. Newton emphasized that the hearing is not a public hearing, but rather a proceeding for the Cease-and-Desist Order issued by J. Carta, Wetlands Enforcement Officer (WEO). The burden of proof rests with the WEO to demonstrate, through field observations and photographs, that a wetlands violation has occurred. The Commission must review the evidence presented, consider rebuttal testimony from the property owner, and decide whether to uphold, modify, or rescind the order. The decision may be made tonight or at another meeting but must occur within ten (10) days of this hearing.

Report of Joe Carta, WEO:

- Complaint of clearing filed in November 2024.
- Site inspections conducted; owner directed to stop clearing (Nov. 13 & 22, 2024).
- Property and wetlands maps reviewed.
- Photographs from November 2024 and August 2025 shared and reviewed.
- Observed multiple piles of fill on the property.
- Directed owner to stop clearing and delineate wetlands.

- Aug. 19, 2025: instructed owner to stop bringing in fill and leave piles in place.
- Aug. 23, 2025: received video and phone call from neighbor; site visited with F. DeFelice; owner again instructed to stop, and he complied.
- Provided recommendations to IWWA.

Alfonso Caturano Response:

- Offered an apology to the Commission.
- Submitted a map from the National Wetlands Inventory showing no wetlands.
- GIS map reviewed.
- R. Newton clarified the distinction between federal and state wetlands delineation, noting that Connecticut does not use federal mapping sources.
- Stated his willingness to work with IWWA to comply.

The Cease-and-Desist Order was read into the record.

Recommendations from J. Carta, WEO:

- Install erosion and sedimentation (E&S) controls, including staked silt fencing, to protect the stream to the south.
- Establish vegetative cover (grass, hay, etc.) over disturbed areas.
- Retain a Connecticut licensed soil scientist to delineate wetlands through fill material down to native soil, within 60 days.
- Provide the total number of truckloads/cubic yards of fill deposited.

Additional Requests from F. DeFelice:

- Identify who deposited the soil, the carrier, and the bulldozer operator.
- Confirm soil scientist will delineate down to native soil.
- Provide a boundary survey of the parcel.

Discussion:

- Cease-and-Desist order to remain in effect until the next meeting.
- Owner may harvest squash provided no soil is disturbed.
- Silt fencing to be installed around piles of fill.
- R. Newton recommended inviting the owner back to the next meeting to report on installation of E&S controls, stabilization cover, and hiring of soil scientist.
- Harvesting of squash is allowed, as long as the soil is not disturbed.

Motion:

Made by P. Augur, seconded by C. Balay, to uphold the Cease-and-Desist order with modifications:

1. Owner to install proper E&S controls, including staked silt fencing to protect the stream to the south and around all piles of gravel, and establish vegetated cover to stabilize disturbed soils.
2. Wetlands to be delineated by a Connecticut licensed soil scientist, through the fill to native soil, and plotted on a survey, within 60 days.
3. Owner to supply the Commission with the number of truckloads (or cubic yards) deposited on site and the identity of the carriers.
4. Owner to provide the identity of the bulldozer operator.

Vote: All ayes. Motion passed.

J. Carta will send the owner a follow-up letter outlining required next steps. To expedite receipt, email delivery, along with Certified mail and regular mail, was suggested.

Enforcement Officer's Report

None.

Payment of Bills

None.

Miscellaneous

None.

Adjournment

A motion was made by P. Augur, seconded by C. Meisenkothen, to adjourn. All ayes. Meeting adjourned at 7:55 p.m.

Respectfully submitted,

Jennifer Perry

To view meeting:

<https://us02web.zoom.us/rec/share/vdU1Pb0HebF7P8dihMwZ1i5yXVV7gNOyNoLj48F8JjM3bX1ufb1B-xdpSFVHYuXY.VdbRuUI9-pMHMKcQ>