

**PORTLAND INLAND WETLANDS COMMISSION (IWC)
MINUTES OF REGULAR MEETING January 5, 2010**

1. CALL MEETING TO ORDER

Vice Chairman Jay Asikainen called the Inland Wetlands Commission Meeting to order at 7:02 p.m.

2. ROLL CALL AND SEATING OF ALTERNATES

Members Present: Jay Asikainen, Vice Chair; Keith Knauerhase; Robert Hetrick; Christopher Flood

Members Absent: Richard Morin

Staff Present: Lincoln White, Portland Building Official (IWC Agent)

3. ACCEPT AGENDA

Motion by Christopher Flood to accept the agenda of the January 5, 2010 Portland Inland Wetlands Commission meeting. Robert Hetrick seconded the motion and it was unanimously approved. Motion carried.

4. APPROVAL OF MINUTES: October 13, 2009

Motion by Christopher Flood to approve the minutes of the October 13, 2009 Portland Inland Wetlands Commission meeting. Robert Hetrick seconded the motion and it was unanimously approved. Motion carried.

5. OLD BUSINESS: N/A

6. ACTION ON ABOVE: N/A

7. NEW BUSINESS

Application #09-06: 105 Gospel Lane. For temporary crossing and to replace/repair bridge within upland review area. Application and property of Portland Golf West. Map 40 & 49 Lot 2, 15, 56, 52.

Mr. White noted the temporary relocation of a bridge, and the installation of a new bridge as he was driving by the property. As no permit for this activity was on file, this is an enforcement action application. It was noted that sediment and erosion control measures have been taken. Mr. White has suggested the golf course cut back on mowing in the area around the wetlands. His recommendation is for the IWC to do an agent approval for the application, with the condition that the town have oversight of the final embankment stabilization design. It was recommended by IWC members that in

the course of this application approval, it should be made clear to the property owners for the future what requires a permit, and what does not. Mr. White noted that the town engineer did not feel the activity was significant enough for him to write a memo based on his observation of the site.

It was suggested that the language regarding application approvals be clarified, and that the Town Attorney be asked to assist with this process. One option would be to receive and approve the application, but date it sixteen days out with the condition that the approval is subsequent to no petition coming through. If a condition comes in, this changes its status, and it would go on the agenda for approval at the next meeting.

Motion by Robert Hetrick to table the application until the February IWC meeting. Christopher Flood seconded the motion, and it was approved. [Keith Knauerhase abstained]

Application #09-07: Jobs Pond Gate II. To construct single family residence leaching trench/system within 90 feet of Jobs Pond. Application and property of Larry Whitmore. Map 24 Lot 3.

Frank Magnotta spoke on behalf of the property owner. Since he last spoke to the IWC, the property has been surveyed. He highlighted again the design plans. The activity is for the installation of the primary leaching trench system at the residence. The project itself is fairly straight forward, with very little excavation. Mr. Magnotta has recommended to the owner that the primary reserve be built now, as this will be more difficult once the other construction is done later on. Mr. White noted that the septic system allows for a maximum of two bedrooms on the site. The sanitarian has provided a conditional approval, and has noted that a more definitive house plan will be needed before a permit will be issued. No wetland soils are being regulated at this point.

Mr. White noted that the abutting property owners have contacted him with great concerns about the disposition of the projects being implemented on this property.

It was noted that the construction of the septic system is the only matter the IWC is considering, as it does not have authority over ground water.

Motion by Keith Knauerhase to approve Application #09-07: Jobs Pond Gate II, to construct single family residence leaching trench/system within 90 feet of Jobs Pond, application and property of Larry Whitmore, map 24 Lot 3 with the following conditions:

1. The Applicant shall **notify the Inland Wetland Agent three (3) days prior to start** of regulated activity.
2. That this permit shall expire 5 Years from the date of approval unless extended by this Agency.
3. Permits are not transferable without the prior written consent of the Agency.
4. That a Bond for E&S controls be paid in an amount determined by the Town Engineer prior to the permit becoming effective.

5. That all E&S controls be installed by the applicant and approved by Town Staff prior to the start of any demolition or construction activity.
6. The Agency has relied in whole or in part on information provided by the applicant and if such information subsequently proves to be false, deceptive, incomplete or inaccurate the permit may be modified, suspended or revoked.
7. In constructing the authorized activities, the permittee shall implement all management practices consistent with the terms and conditions of the permit as needed to control erosion and sedimentation and to otherwise prevent pollution of wetlands and watercourses. The applicant should be familiar with, and implement the protective measures outlined in the 2004 CT Stormwater Quality Manual and 2002 Erosion & Sedimentation Control Guidelines inclusive.
8. All permits issued by the Agency are subject to and do not derogate any present or future rights or powers of the Agency or the Town of Portland, and convey no rights in real estate or material nor any exclusive privileges, and are further subject to any and all public and private rights and to any federal, state, and municipal laws or regulations pertinent to the subject land or activity.
9. If the activity authorized by the Agency's permit also involves an activity which requires zoning or subdivision approval, special permit, variance special exception under sections 8.3(g), 8-3c, or 8-26 of the CT General Statutes, no work pursuant to the wetland permit may begin until such approval is obtained.
10. That the plans be changed to show the wetland line as the historic high water mark and the 100' buffer to include most of the site improvements as submitted.

Bob Hetrick seconded the motion, and it was unanimously approved. Motion carried.

9. PUBLIC COMMENT AND GENERAL QUESTIONS

Carl Chudzik addressed IWC members regarding his concerns about the well being of Jobs Pond. Mr. White acknowledged Mr. Chudzik's concerns, and noted that an open dialog with property owners around the pond will continue.

IWC members asked Mr. White to take research whether there were mechanisms that the IWC could consider that would enable them to consider the cumulative effect, which would enable them to consider the quality of the wetland, uniqueness of the surrounding area and the impacts of the surrounding area.

10. REPORTS OF OFFICERS, STAFF AND COMMITTEES

No agent report was given.

Election of Officers:

Motion by Keith Knauerhase to nominate and elect Richard Morin as Chair, and Jay Asikainen as Vice Chair, of the Portland Inland Wetlands Commission. Robert Hetrick seconded the motion and it was unanimously approved. Motion carried.

11. CORRESPONDENCE

The 2010 meeting schedule was reviewed. It was noted that with the exception of the November meeting date, the schedule looked fine.

Motion by Keith Knauerhase to approve the 2010 Portland Inland Wetlands Commission schedule of meetings, with the exception of the November meeting date which will need to be rescheduled. Christopher Flood seconded the motion and it was unanimously approved. Motion carried.

A discussion ensued regarding whether language could be added to the regulations that would enable agent approval to be used in the event of small site changes. This would eliminate the need for the applicant to appear before the IWC twice for a minimal change in the plan. Mr. White noted that he currently has authority to approve, extend or modify an application with minimal impact. In these cases, this would require the agent changing something that the IWC has previously approved, therefore very specific guidelines will need to be developed.

12. ADJOURN

Motion by Keith Knauerhase to adjourn the meeting at 9:05 p.m. Chris Flood seconded the motion and it was unanimously approved. Motion carried.

Respectfully submitted,

Susan Matterazzo
Recording Secretary