

**PORTLAND INLAND WETLANDS COMMISSION (IWC)
MINUTES OF PUBLIC HEARING AND REGULAR MEETING May 4, 2010**

1. CALL MEETING TO ORDER

Chairman Richard Morin called the Portland Inland Wetlands Commission Meeting to order at 7:07 p.m.

2. ROLL CALL AND SEATING OF ALTERNATES

Members Present: Richard Morin, Chair; Jay Asikainen; Christopher Flood; Keith Knauerhase

Members Absent: Robert Hetrick

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

3. ACCEPT AGENDA

The agenda was amended to add Application #09-08: 26 Riverview Street. Request to disturb a watercourse to create a maintenance area for periodic removal of sediment. Application and property of Peter Sulinski. Map 11 Lot 114.

Motion by Jay Asikainen to accept the agenda of the May 4, 2010 Portland Inland Wetlands Commission meeting, as amended above. Christopher Flood seconded the motion and it was unanimously approved. Motion carried.

4. APPROVAL OF MINUTES: April 6, 2010

Motion by Jay Asikainen to approve the minutes of the April 6, 2010 Portland Inland Wetlands Commission meeting. Christopher Flood seconded the motion and it was approved. [Keith Knauerhase abstained]. Motion carried.

5. PUBLIC HEARING AND POSSIBLE ACTION ON THE FOLLOWING:

Application #09-10: 154 South Road. Request to install metal pipe and create driveway for future building lot. Application of Peter Filanda. Property of David Sundell. Map 93 Lot 11.

Mr. Morin opened the public hearing on the above application. Mr. White distributed the latest version of the map to IWC members, which was received by his office on April 29th. Reports delivered this evening by the applicant were also distributed to IWC members.

Peter Filanda spoke on behalf of the applicant, and reviewed the proposed activity with IWC members. The proposed grades and erosion control measures were noted on the second page of the map, as requested at the last IWC meeting. It was noted that the entire site will be surrounded by a silt fence, with three layers of hay bales to minimize any sediment going into the water. The analysis of the wetland area done by Richard Starsky was reviewed (Exhibit A-1). Mr. Filanda noted that for the purpose of this application, the area of impact was analyzed only and the report does not include the upper area wetland located on this site. A letter from Portland's Fire Chief was reviewed with IWC members (Exhibit B). The Chief concurs with the applicant, that it would be better to have the driveway access from Old Marlborough Turnpike. It was noted that some excavation of the area would be needed to install the metal pipe. It was also noted that there is no subdivision application before the IWC at this time, so the property should be considered one lot.

Mr. Morin opened up the discussion for public comment.

David Sundell, property owner, indicated that the existing driveway presents a safety hazard, as there would be difficulty getting more than one fire truck down in the event of an emergency.

Andy Bauer, 256 Old Marlborough Turnpike, asked for clarification regarding the process for notifying property owners regarding public hearings. Mr. White responded that the legal requirement for notification of a public hearing is via the newspaper. Letters to surrounding property owners are no longer sent by the town. Mr. Bauer expressed concern with drainage issues currently experienced by some of his neighbors. He questioned if it would be possible to upgrade the existing driveway on South Road to meet the life safety code, and indicated that he would like to see this option pursued.

Bob Griswold, 245 Old Marlborough Turnpike, shared pictures (Exhibit D) with IWC members that he has taken which show protruding roots on his property as a result of the ongoing drainage issues that currently exist. He fears that the proposed activity will worsen conditions. He also questions the proposed access from Old Marlborough Turnpike, and believes it would be more feasible to go from South Road than interrupt the wetland area and cause additional problems on the property.

Randy Becker, the engineer of record, noted the letter received from the Fire Chief (Exhibit B). He believes the Fire Chief would be the best person qualified to make the determination in terms of which access point would be best.

David Sundell, property owner, noted that it is feasible within the zoning regulations for a road to be put in, however he is not interested in doing this. He feels the sight lines on Old Marlborough Turnpike are excellent, while this is not the case on South Road. The grade is steep and dangerous, particularly in bad weather. The best solution is to go with the access providing good sight lines and level road, which is from Old Marlborough Turnpike.

In responding to the concerns expressed above, Mr. Filanda noted that the curtain drains would not be altered. The proposed activity will not change or fill the pipe in any way, and the grades will not be dramatically altered. There would be minimal clearing to allow for the driveway access. The upland review area would not be affected.

Mr. White noted that soils in the area have become increasingly erodible, and the heavy rains have changed the hydrology of property in town. One consideration may be to relocate the property line from South Road approximately 176.75 feet, which would then result in equidistant access points from either Old Marlborough Turnpike or South Road. The existing lot and access from South Road could simply be screened in, while the rear lot access from Old Marlborough Turnpike would require a special permit from zoning. But from an enforcement standpoint, Mr. White believes Mr. Filanda would still get the potential for a lot from Planning and Zoning by coming in from South Road and staying completely out of the wetlands area altogether.

Randy Becker, engineer of record, noted that based that based on a 100-year return frequency, with a rainfall intensity of 6.3 inches per hour, flow over the 80-acre watershed area would be about 75 cubic feet per second. Based on the large flow, an elliptical pipe will be used to keep the amount of fill to minimum. The 42 inch diameter round pipe would be installed under the driveway. It will keep the amount of fill to a minimum, and emulates the natural stream shed there now. It would not interfere with the normal flow of the stream. There would be no real impact to the wetlands as far as placement. No drainage patterns would be altered. No more than 100 yards of material would be brought in. Work will be done in the driest part of the year so as not to affect water going through the area. Silt pools will be installed. Wetland seed mix will be used.

Bob Griswold, 245 Old Marlborough Turnpike, noted that if drainage wasn't a problem, he would not have a yard that currently looks the way it does. Water is coming in from the wetland area and upward. There is not proper drainage there now, and he is concerned what this activity will mean in the future.

Randy Becker, engineer of record, noted that the proposed activity will have no positive or negative impact. It simply involves taking the path of water now and putting it into a culvert. It is not harming drainage, and it will not affect curtain drainage.

It was noted that groundwater regulation and water displacement issues fall under Planning and Zoning's purview.

John LeShane, 98 South Road, asked how many grassy areas would need to be added on a driveway of that length to absorb the discharge, and what kind of maintenance will be needed for the culvert?

Mr. Filanda noted on the map where the culverts would be located. Mr. White suggested adding a culvert along the gutter. It was noted that all ascending driveways from a road have to be paved to the high point.

Christopher Flood noted that he would be recusing himself from voting on this application.

Mr. Knauerhase left the meeting at 8:21 p.m. Laura Burgess was seated as an alternate.

Ms. Burgess questioned why another access is needed, when the current plan is only for one house. Mr. Morin indicated that he is not comfortable voting on the application, and would be interested in pursuing Mr. White's suggestion of relocating the property line further to the south. Mr. White noted that the project is a difficult one to undertake, particularly when taking small steps at a time like this. He feels the issue of feasible and prudent alternatives will be difficult to overcome.

Mr. Filanda noted for the record that the applicant has indicated interest in extending and restoring the wetland area, and possibly creating a conservation area on the property.

Motion by Jay Asikainen that the public hearing for Application #09-10: 154 South Road, request to install metal pipe and create driveway for future building lot, application of Peter Filanda, property of David Sundell, Map 93 Lot 11, will be kept open until the June meeting to provide an opportunity for the applicant to provide any feasible and prudent alternatives. Laura Burgess seconded the motion and it was approved. [Christopher Flood abstained]. Motion carried.

6. OLD BUSINESS AND POSSIBLE ACTION ON THE FOLLOWING:

Application #09-08: 26 Riverview Street. Request to disturb a watercourse to create a maintenance area for periodic removal of sediment. Application and property of Peter Sulinski. Map 11 Lot 114.

Mr. White indicated that he received a letter from Mr. Jacobson on March 1, 2010, which he distributed to IWC members. A letter was also received from Environmental Planning Services, which Mr. White read into the record. The plan is much different now from the original application. A complete lawn area along the property is no longer proposed. Soils taken out of the brook will be removed from the site. It is a much clearer map and plan with a professionally detailed design.

Motion by Jay Asikainen that Application #09-08: 26 Riverview Street, request to disturb a watercourse to create a maintenance area for periodic removal of sediment, application and property of Peter Sulinski, Map 11 Lot 114 does present a significant activity to the existing wetland area, and will be tabled until the June 1, 2010 meeting for

a public hearing and decision. Christopher Flood seconded the motion and it was unanimously approved. Motion carried.

Application #09-12: 161 Brownstone Avenue. Modification to existing permit for activities/structures in quarry within regulated area. Application of Brownstone Exploration and Discovery Park.

The applicant was not present. Mr. White briefly reviewed the plans with IWC members, including the proposed locations for the restrooms and floating buildings. One of the buildings is to be used as a changing room/rental room, and the other is a concessions shop. More zip lines are also being added.

Motion by Jay Asikainen that Application #09-12: 161 Brownstone Avenue, modification to existing permit for activities/structures in quarry within regulated area, application of Brownstone Exploration and Discovery Park, does not present a significant activity to the existing wetland area, and should therefore be approved with the condition that the actual amount of washed mason sand to be used be provided when available. Laura Burgess seconded the motion and it was unanimously approved. Motion carried.

7. NEW BUSINESS: Discussion of IW Regulation Section 9: Public Hearing Notification Requirements. Amend Regulation to Include Posting of Signs for Notification

Mr. White noted that notification has been sent regarding the above text change amendment, and the hearing is next month. The proposed language was distributed to IWC members.

8. PUBLIC COMMENT AND GENERAL QUESTIONS

There were no public comments or general questions.

9. REPORTS OF OFFICERS STAFF AND COMMUNITIES

Mr. White briefly updated IWC members on his very positive meeting with representatives from the Connecticut Conservation River District.

10. CORRESPONDENCE

There was no correspondence.

10. ADJOURN

Motion by Jay Asikainen to adjourn the meeting at 9:07 p.m. Christopher Flood seconded the motion and it was unanimously approved. Motion carried.

Respectfully submitted,

Susan Matterazzo
Recording Secretary

TC, FS, BOS, IWC, LW, Book, Library, Planning