

**PORTLAND INLAND WETLANDS COMMISSION (IWC)
MINUTES OF PUBLIC HEARINGS AND REGULAR MEETING June 1, 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

Members Absent: Robert Hetrick; Keith Knauerhase; Laura Burgess

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

3. ACCEPT AGENDA

The agenda was amended to add Application #09-20: Vacant lot at the corner of Freestone Avenue and High Street. Request to develop site and construct office building and parking lot within regulated area. Application of Walter J. Smith, c/o Du-Lite Co., Middletown. Map 20, Lot 183.

Motion by Jay Asikainen to accept the agenda of the June 1, 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: May 4, 2010

Motion by Christopher Flood to approve the minutes of the May 4, 2010 Portland Inland Wetlands Commission meeting. Jay Asikainen seconded the motion and it was unanimously approved. Motion carried.

5. PUBLIC HEARING AND POSSIBLE ACTION ON THE FOLLOWING:

Application #09-10: 154 South Road. Request to install culvert in wetlands to create driveway within the 100' regulated area. Application of Peter Filanda. Property of David Sundell. Map 93 Lot 11.

Motion by Jay Asikainen to open the public hearing for Application #09-10. Christopher Flood seconded the motion and it was unanimously approved. Motion carried.

Ms. Jennifer Farrell from Michael Dowley & Associates of Middletown spoke first on behalf of the applicant. As requested by the IWC at the last meeting, an alternative plan

for the driveway access was proposed from South Road. Ms. Farrell shared 25 photos depicting different vantage points.

It was noted that the plans currently before the IWC were done by a different engineer. Mr. Finlanda stated that a letter would be sent to Mr. White noting the change in the engineer block on the plan.

Mr. Finlanda noted two additional letters to be included as part of the application: the May 27, 2010 letter from Heather Kurshman, and the May 24, 2010 letter from Jim Proudman. Mr. Michael Kleine, Biologist and Soil Scientist, spoke next on behalf of the applicant. He referenced Mr. Jacobson's report which indicated that the 90 degree angles proposed on the alternative access would not be safe. He explained that in order to adjust the sharp angles, it would be necessary to cut into the wetlands even more. There would be a small environmental loss to do the alternative plan, however the Old Marlborough Turnpike access results in no significant impact to the wetland. A letter received by the Connecticut River Conservation District was noted for the record as well.

Mr. Finlanda noted that a maintenance schedule can be drafted as a condition of approval, and added that he would have no problem maintaining both the town culvert and the proposed culvert (also as a condition of approval). It was noted that the alternative access proposed impacts wildlife, as well as other property owners. Pictures were distributed showing the route with the alternative driveway. Pictures of the actual grade to driveway were entered into the record as well.

It was noted that drainage calculations were included in the proposed site development plans. Mr. White noted that the drainage calculations need to be updated in the current plans.

Mr. Sundell, applicant, noted that the pictures of the driveway grade submitted were taken from a retired policeman. He noted that the grade now up South Road and the current driveway is 12 degrees. The grade from Old Marlborough Turnpike is 10.9 degrees. He reiterated that the Old Marlborough Turnpike access is very level, with good site lines, and is the best option.

Mr. White noted for the record receipt of the following exhibits:

1. 2/23/10 application received.
2. 3/1/10 memorandum from Jacobson.
3. 4/27/10 Becker drainage calculations.
4. 5/27/10 Jacobson report.
5. 5/1/10 Portland Fire Chief letter
6. Snarski Report/Profile
7. Griswolds letter.
8. Bauer photos.
9. LeShane letter.

10. Snarski report.
11. Email from White to Finlanda regarding no special meeting.
12. Public notice of June meeting, continuation of Public Hearing
13. Health District Note.
14. 5/12/10 Jacobson memorandum
15. 6/1/10 Jacobson memorandum
16. 5/24/10 Jim Proudman letter.
17. 5/27/10 Kurshmans letter.
18. 6/1/10 Connecticut River Coastal Conservation District letter.
19. Photos submitted at 6/1/10 meeting.
20. Existing driveway grade information at 6/1/10 meeting.
21. Associated maps for Application #09-10.

Motion by Jay Asikainen to close the public hearing on Application #09-10. Christopher Flood seconded the motion and it was unanimously approved. Motion carried.

While a quorum was present for the meeting, as Mr. Flood recused himself from voting on this application, a quorum was not present to vote on the application. As a result, further discussion and a decision on this application would occur at the next IWC meeting. At the applicant's request, Mr. White indicated that he would poll IWC members to determine if it would be possible to schedule a special meeting within the next two weeks.

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 open the public hearing for Application #09-08. Christopher Flood seconded the motion and it was unanimously approved. Motion carried.

It was noted that the applicant was not present. Mr. White reported that an engineer has been hired, and a mitigation plan has been developed. 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 was noted that E&S control locations are missing from the plans. IWC members also questioned why a wetland mix is not being used in the disturbed area. After discussion, it was determined that the public hearing on this application would be kept open until next month.

Motion by Christopher Flood that the public hearing for Application #09-08 be kept open to give the applicant an opportunity to present the full application to IWC members. Jay Asikainen seconded the motion and it was unanimously approved. Motion carried.

Application #09-13: Michele Drive (property located at the southern end of Michele Drive in the vicinity of the cul-de-sac). Request to locate a proposed house, septic and driveway within the wetlands regulated area on an existing lot

**of record. Application of Lynn Riley. Property of Estate of Brian D. Riley.
Assessor's Map 129 Lot 1.**

Motion by Jay Asikainen to open the public hearing on Application #09-13. Christopher Flood seconded the motion and it was unanimously approved. Motion carried.

Mark Friend, engineer and soil scientist, spoke on behalf of the applicant. It was noted that a permit existed at one time for wetland activity, but has since expired. The current plan was reviewed with IWC members. The town sanitarian's memorandum of support was submitted into record, along with Mr. Bascom's memorandum. Mr. Friend noted that this is a prudent and feasible alternative as opposed to the original application. The current application, which is on an approved lot of record, is for a modest two bedroom house, with a condensed septic area.

Motion by Christopher Flood to close the public hearing on Application #09-13. Jay Asikainen seconded the motion and it was unanimously approved. Motion carried.

Motion by Christopher Flood that Application #09-13, Michele Drive (property located at the southern end of Michele Drive in the vicinity of the cul-de-sac), request to locate a proposed house, septic and driveway within the wetlands regulated area on an existing lot of record, application of Lynn Riley, property of Estate of Brian D. Riley, Assessor's Map 129 Lot 1, be approved as presented with the following conditions:

1. That this permit shall expire 5 years from the date of approval unless extended by this Agency;
2. That this permit shall not be assigned or transferred without permission of this Agency;
3. That a bond for E&S controls be submitted in an amount determined by the Town Engineer prior to commencement of activity;
4. That all E&S controls be installed by the applicant and inspected by the Town Engineer and/or Wetlands Officer prior to the start of activity;
5. That the letter of approval supplied by the Town be placed on the final revised plan(s);
6. The applicant address all items referenced in the Town Engineer's review memo dated _____.
7. That 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.
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 or special exception under sections 8.3(g), 8-3c, or 8-26 of the Connecticut General Statutes, no work pursuant to the wetland permit may begin until such approval is obtained.
10. In constructing the authorized activities, the permittee shall implement such management practices consistent with the terms and conditions of the permit as needed to control storm water discharges and to prevent erosion and sedimentation and to otherwise prevent pollution of wetlands and watercourses.

Jay Asikainen seconded the motion and it was unanimously approved. Motion carried.

Application #09-17: Text Amendment to Section 9.2 of the Town of Portland Inland Wetlands and Watercourse Regulations to add requirements relative to posting sign(s) prior to a public hearing. Application of the Town of Portland Inland Wetlands Commission.

Motion by Christopher Flood to open the public hearing for Application #09-17. Jay Asikainen seconded the motion and it was unanimously approved. Motion carried.

There were no public comments.

Motion by Christopher Flood to close the public hearing for Application #09-17. Jay Asikainen seconded the motion and it was unanimously approved. Motion carried.

Motion by Jay Asikainen to approve IWC initiated Application #09-17, text Amendment to Section 9.2 of the Town of Portland Inland Wetlands and Watercourse Regulations to ADD requirements and standards relative to providing notice for a public hearing by requiring the posting of a sign(s). The text amendment as proposed is revised as follows:

Add a new paragraph entitled Section 9.3 stating: "When a Public Hearing is scheduled for an application, the applicant shall post a sign on the subject property giving notice of the proposed public hearing. Where the property is bounded by more than one road, a sign shall be placed on all road frontages of the property. The sign shall be placed at or near the street to be clearly visible to the public. Such sign will be available from the Planning Department and shall be installed by the applicant no less than ten (10) days before the published Hearing date. An affidavit shall be presented at the public hearing by the applicant or their agent certifying that this sign was installed and maintained in accordance with this section."

Christopher Flood seconded the motion and it was unanimously approved. Motion carried.

6. OLD BUSINESS - None.

7. NEW BUSINESS

Application #09-20: Vacant lot at the corner of Freestone Avenue and High Street. Request to develop site and construct office building and parking lot within regulated area. Application of Walter J. Smith, c/o Du-Lite Co., Middletown. Map 20, Lot 183

Mr. Frank Magnotta spoke on behalf of the applicant. The plan is to build an 11,800 square foot office building on this flat parcel located on the corner of High Street and Freestone Avenue. Water discharge was discussed. Mr. White requested that surface runoff calculations be done, along with other attributes that would show the proposed activity would improve the water quality.

Motion by Jay Asikainen to table Application #09-20 until the July 7, 2010 IWC meeting. Christopher Flood seconded the motion and it was unanimously approved. Motion carried.

8. REPORTS OF OFFICERS STAFF AND COMMUNITIES

No report.

10. CORRESPONDENCE

No correspondence.

10. ADJOURN

Motion by Jay Asikainen to adjourn the meeting at 9:33 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