

Wallingford Inland Wetlands and Watercourses Commission

**Regular Meeting
Wednesday, April 1, 2026, 7:00 p.m.
Robert F. Parisi Council Chambers
Second Floor, Town Hall
45 South Main Street, Wallingford, CT**

MINUTES

Chair James Vitali called this Regular Meeting of the Wallingford Inland Wetlands and Watercourses Commission to order on Wednesday April 1, 2026, at 7:08 p.m. in the Robert F. Parisi Council Chambers, Second Floor of Town Hall, 45 South Main Street, Wallingford, CT.

PRESENT: Chair Vitali, Secretary Nick Kern, Commissioner Michael Caruso, and Alternate Commissioners Aili McKeen and Mrs. Caroline Raynis, and Environmental Planner Erin O'Hare.

ABSENT: Vice Chair Deborah Phillips, Commissioner Jeffrey Necio, and Alternate Commissioner James Heilman.

There were 8 persons in the audience.

RECEIVED FOR RECORD 4-8-26
AT 12:23 pm AND RECEIVED BY
Kristen Pango TOWN CLERK

A. PLEDGE OF ALLEGIANCE

The Pledge was recited.

B. ROLL CALL

As above.

C. CONSIDERATION OF MINUTES

1. Regular Meeting, February 4, 2026

MR. CARUSO: MOTION TO ACCEPT THE MINUTES OF THE MEETING OF FEBRUARY 4, 2026, WITH NO CORRECTIONS.

MR. KERN: SECOND.

VOTE: MS. MCKEEN – YES; MR. KERN – YES; MR. CARUSO – YES; CHAIR VITALI – YES.

Note: Commissioner Mrs. Raynis had been absent on February 4.

2. Regular Meeting of March 4, 2026 – This Meeting had been cancelled.

Chair Vitali stated that the five Commissioners present would be voting tonight.

D. OLD BUSINESS

1. #A26-3.1 / 110 Leigus Road (aka 108 Leigus Road) - KSCGH Partners, LLC – (under Section 7.2.a., re-subdivision – 4 lots)

Appearing were Attorney Meaghan Miles of Carmody, Torrance, Sandak, and Hennessey of 195 Church Street, New Haven, and Mr. Tom Daly, P.E., of SLR, Cheshire, CT, representing KSCGH Partners, LLC.

Attorney Miles said, The Applicant is watching on YouTube live and can answer any questions. KSCGH Partners recently purchased this property at 110 (also known as 108) Leigus Road. This is a re-subdivision application under Section 7.2.A of your Wetlands Regulations and General Statutes 8-26(e). It's also before Planning and Zoning. It's to divide the property into four lots. We're maintaining existing conditions--no site disturbance or new construction. I gave you the plans of existing conditions, which is on the board, and plans for re-subdivision. Mr. Daly has worked with this site and surrounding area.

Attorney Miles continued, The first aerial by Google shows the 105.8-acre site with frontage on Leigus Road and access also off Miles Drive by a driveway. Frontage is on I-91 and adjacent Route 68/Barnes Road. Nearby are a hotel, KinderCare, and residential uses to the west and south. The site is over 105 acres with about 20 acres of wetlands. Also, there is a flood hazard area. Existing is a 289,000-square-foot office building constructed in 2007 and about 1,450 parking spaces. The stormwater system has four detention basins and improvements, allowed by this Commission and Planning and Zoning in 2007-08 and 2011. Developed are 44 acres out of 105, so a significant portion is undeveloped. Why we're here: The office development is not tenanted and has been financially distressed for some time. My client purchased this in January in order to subdivide it into four lots for future development.

Chair Vitali asked about wetlands.

Attorney Miles went to the board. She said, Wetlands are in yellow on the subdivision map/site plan you have. Lot A will be the office development, 38½ acres. Stormwater infrastructure will be entirely on this site, maintained by the owner, with the exception of one detention basin on Lot D, which will be maintained by the owner of the office development on Lot A by easement. Lot B is under 12.5 acres, undeveloped. Of that, about 2 acres will be wetlands along the western border. This area here has about 10 acres with no wetlands, and it fronts on Miles Drive. So this area has access. Lot C is in orange with a little over 21½ acres and about 6½ acres of wetlands in the southern portion. The developable area is accessed from Miles Drive without crossing wetlands. Last is Lot D in green with 33.4 acres. And this is parking area to the west, which has not been used at all. So the proposal is to cut this property line off here and to close this off until future development. There will be a parking easement to access this way from Lot A into Lot D. A drainage easement will require the owner of Lot A to maintain this detention basin on Lot D. Easements will be conditions of the resubdivision approval. So we propose to cut the PZC property line here and to close this off until there's future development. We have an application to P&Z for a parking waiver and then parking delineation finalized in the resubdivision approval. The intent is to create these four lots to market them. There's a lot of wetlands. Whatever is proposed in the future will have to come back to you, either within the regulated area or if it's 20,000 square feet, for review. So in the future we'll be back to you.

Chair Vitali said, If the present building is 100% occupied, where do you have parking?

Attorney Miles said, That's a zoning issue. But that was the parking standard 20 years ago in 2007--with four spaces per 1000 square feet. Now we're proposing three per 1000 square feet. Since COVID, office space is more hybrid and not used by employees at all times. Sometimes it's for meetings--so it's transformed. Also, this was designed as a single-tenant office building. Now corporate office buildings are more for multiple tenants, which is why the building needs capital investment for multi-tenants. That reduces the parking demand.

Chair Vitali continued, You want to maximize the office building. For that, you need people. So if you're 50% occupied right now, you haven't needed 50% of the parking. But, if you maximize the building, where are you going to put parking?

Attorney Miles said, So this parking (on Lot D) isn't going away. My client still has the right to have the owner of Lot A keep the right to use these lots.

Chair Vitali said, That answers the question.

Commissioner Mrs. Raynis asked, Which lot does not impact wetlands? I see wetlands on every lot.

Attorney Miles said, I wanted to describe how you could access each lot without crossing over wetlands. The three proposed new lots, you can all access without going over wetlands.

Commissioner Mrs. Raynis said, O.K. Why is this a re-subdivision?

Attorney Miles said, There's already a subdivision. In 2005, this area here (not outlined) used to be part of this site. In 2005 the PZC approved a subdivision application that carved this not-outlined part out. P&Z asked us to do a re-subdivision to meet their requirements. The only difference is that a re-subdivision requires a public hearing by PZC.

Commissioner Mrs. Raynis asked, About Lot A and what is already built there--by making it smaller, what stress could be put on the wetlands if there were more traffic or parking? What percentage of this lot is impervious now?

Attorney Miles said, We cannot subdivide unless the impervious surface will be at a zoning-compliant level. Where the lot line is located does not impact wetlands. The development itself is not changing; existing conditions are maintaining. Zoning requirements are on the Zoning Table on the subdivision map. I can get that impervious surface number for you.

Commissioner Mrs. Raynis said, I would need that. We sometimes vote based on that. I don't want to work something backwards because of impervious surface and a lot of wetlands.

Attorney Miles said, Recently, the Zoning Commission revamped this as a Watershed Protection Zone, and they capped what the impervious coverage could be on a lot at 50%. Also, they required higher-density stormwater management. So we're still providing 50% open space on that lot because I think they understand this all drains to the reservoir. This is an important area. We had to show that we still met that standard. So we're still providing 50% of open space on that lot. That probably wasn't the threshold when it was approved. Recently, Zoning determined this is a special area and should be treated more sensitively. We're meeting the open space/impervious coverage standard. That's where I drew the line to make that watershed protection coverage calculation with the new lot line.

Commissioner McKeen said, That answered it. It just doesn't look like 50% open space there.

Attorney Miles said, A lot of it is in the regulations, your Upland Review Area. We did calculations for the subdivision map. Also your letter in the file says we have to have dry access to sewer and public water for each lot without crossing the wetlands--important.

Commissioner Kern stated, I believe this should have public input. There's quite a few houses all around this project. And by subdividing it you may sneak away from having the big picture. But I believe that the public should be aware of what you want to do. I don't want to lambaste them, that we approve this six- or seven-lot subdivision, and then they say, "What's going on over there? You're the developer and the designer?"

Attorney Miles said, Not necessarily. If they sell it to somebody else, they have the right to hire their own engineer. We have a public hearing before Planning and Zoning. The neighbors are being noticed for that, for April 13th. We'll be back here with Planning and Zoning for public notice.

Commissioner Kern said, That's after Wetlands decides whether to approve this tonight?

Attorney Miles said, That's required by State statute.

Commissioner Kern said, So, if we table this to next month, they can be notified through the Wetlands Commission through Erin, letting them know they can come forward if there's any joys or concerns about it. Then we can vote on it and feel comfortable that we didn't snowball them with anything else, by doing this subdivision the way you want to do them.

Mr. Daly said, I appreciate that. The only thing I would say is there's no regulated activities for the wetland for the neighbors to speak to. We're just drawing lines on paper to divide the parcels. So, if public comment has to be to Wetlands issues, there is nothing to talk about because we're not proposing activities.

Attorney Miles said, If existing conditions were to change, that's going to trigger your jurisdiction. And you'll have a sense of what's being proposed for this lot, and you could host a public hearing at that time. This application, in itself, is not changing existing conditions at all. Planning and Zoning is already hosting a public hearing.

Commissioner Kern said, You just gave a 15-20 minute spiel. Most of it wasn't on wetlands issues. You talked about the wetlands and how you're going to try to protect it. But the rest of it was all Planning and Zoning issues. So I'm not comfortable voting this tonight until the public knows, is aware of what you want to do. And then they can voice their opinion on what they feel is going to happen out there. You're telling me, one of these lots you're going to put a trucking terminal in there. And they're going to be going in and out on Leigus Road? Are the residential roads now are going to be used for truck transport?

Attorney Miles said, No.

Mr. Daly said, Well, our easement is going to Miles, not to Leigus.

Commissioner Kern asked, So you're going to put all that traffic out on Miles and get out to 68?

Attorney Miles said, There's no proposal, so I can't really answer. We're just subdividing the parcel.

Commissioner Kern said, You're breaking it down, so it makes it easier later. So the public can digest what you're doing on the subdivision here--that's the impression I get. You're not coming in with a 110-acre development--you're coming in with pieces. And then you're going to do whatever you want with those pieces. And the public's going to say, "What happened? We didn't know that." So I'd like to--

Mr. Daly said, Meaghan indicated we have to come back to this Commission for every piece. As normal, industrial parks are made up of small little pieces. And our client sees an opportunity here to market those pieces and potentially sell them off to somebody else. And then they have to come before this Commission with an application.

Attorney Miles said, And our presentation has been zoning issues and reviewing the zoning. That's because we're not doing anything to the wetlands because we're not touching wetlands. I don't have a presentation on Wetlands because everything is remaining exactly the same. The only way to orient you to what's going before Planning and Zoning, is what we're describing. I agree.

Commissioner McKeen asked, So to access Lot D, they're going to have a right-of-way from Miles Drive through the existing driveway all over. There's already a crossing of wetlands from Miles Drive, and then there's another crossing of wetlands to get into that surplus parking area. So that's going to be the primary access in and out of Lot D later on?

Mr. Daly said, Right.

Commissioner McKeen said, I don't know what those crossings look like. Are those bridges going to be able to handle that?

Mr. Daly said, Yes, they're designed for highway standards.

Commissioner McKeen said, O.K.

Mr. Daly said, They get trucks in there now for dumpsters and loading. And when they do--

Commissioner McKeen said, So a garbage truck weighs a lot less than a fully loaded 18-wheeler.

Mr. Daly said, They're designed for a full fire truck, which is as heavy as it gets.

Commissioner McKeen said, If somebody comes in later on and proposes--I know we can say "No" then--say, a warehouse for Lot D, that's going to be rejected because a loaded 18-wheeler still weighs a lot more than a fire truck.

Mr. Daly said, No, they're similar. Actually, from my perspective, fire trucks, especially the tanker trucks, can be extremely heavy. And we find that to be one of the highest loads.

Commissioner McKeen said, O.K.

Chair Vitali asked, Mike?

Commissioner Caruso said, I have no questions.

Ms. O'Hare asked, On what Commissioner Kern's concerned about--I didn't hear about that 35%, that zoning regulation that might enlighten here?

Attorney Miles said, Under the regulation it says you can use no more than 35% of wetlands to meet the minimum lot standard. But in this zone the minimum lot standard is quite small. These lots are all well oversized. Even if we just used the non-wetland area--didn't even use wetland area, we would meet the minimum lot area.

Ms. O'Hare said, Two things. My Environmental Planner's Report went out Friday. It sums up what Attorney Miles said: That there's no proposed wetland impact today because of everything they've just talked about. In the future, of course, there will be several wetland impacts or wetland-related issues. The surface area, but also the stormwater discharge from each of the three new sites--water has to go somewhere. Tonight I handed out a memorandum from the Water & Sewer Division which came in today. (Attorney Miles obtained a copy from Ms. O'Hare.) It's a favorable report. I'll bring your attention to the third-to-last paragraph "There are currently no development plans at this time, only a plan of resubdivision. Please note that access to public water and sewer for Lot B, Lot C, and Lot D could be achieved without crossing any existing mapped wetlands." So that's what's important about this memorandum I handed out.

Chair Vitali said, O.K. You opened the conversation discussing why you're even here tonight. Why don't you refresh about that? Because you have no wetland activity, why are you here?

Attorney Miles said, My understanding is that all subdivision and resubdivision applications for sites that contain wetlands must be reviewed by the local Inland Wetlands Commission pursuant to state statute and Section 7.2.a. of your Regulations.

Chair Vitali said, Of our Regulations. Erin?

Ms. O'Hare said, Yes, and that provision was added because of situations. And we had an example in this town, whereby by subdividing the Wetland Commission got boxed into a corner with an access. There was a subdivision--in order to access this sizable lot, you had to cross like 200 feet of wetlands. That's why this provision was made up in Hartford: "We don't want to box the Wetland Commissions into a corner." So the Wetlands Commission gets to look at this.

Chair Vitali asked, Do you recall what application that was for Wallingford?

Ms. O'Hare said, Yes. Hilton/Ringrose--the three pieces. Access goes off 68--it's a funny access. Hilton has part of it. There was an office park that didn't get developed, right against I-91. And to the south is the Ringrose property.

Chair Vitali asked, It's right near 68 where the hotel is?

Ms. O'Hare said, Yes, south of 68. The Hilton abuts Ringrose, abuts--I don't know who owns that office area. It was approved for hotel and office park--it's undeveloped. But there's a good example of boxed in.

Chair Vitali said, O.K. Has anybody else got questions?

No one spoke.

Chair Vitali said, Is there any reason not to vote on this tonight?

No one spoke.

Chair Vitali said, If there isn't, I'd entertain a Motion regarding Significant Activity.

MR. CARUSO: MOTION THAT APPLICATION #A26-3.1 / 110 LEIGUS ROAD (AKA 108 LEIGUS ROAD) - KSCGH PARTNERS, LLC- (UNDER SECTION 7.2.a., RE-SUBDIVISION - 4 LOTS) BE DEEMED NOT A SIGNIFICANT ACTIVITY.

Chair Vitali said, Is there a Second?

No one spoke.

Chair Vitali said, No second. There's no second. No vote. No decisions tonight. Without a second, there's no Motion to determine Significant Activity; there's no vote tonight.

Commissioner Kern said, I expressed how I feel, and I'm not going any further. When we put the main building in there, there was a lot of opposition. So I think it's just fair to the citizens of Wallingford to let them know what's coming. And the first thing they're going to say is, "What about the wetlands out there?" So if we can get them in here and show them that we're trying to protect and they're not going to be disturbed--.

Chair Vitali said, Well, with no second, no vote on Significant Activity, no approval tonight. So now the question becomes what you choose to do--whether you'll open the Planning and Zoning public hearing and see what happens next month?

Attorney Miles said, I believe we'll open the public hearing before Planning and Zoning.

Chair Vitali said, And ride with that. O.K. So this Application is postponed till next month, or is it tabled?

Ms. O'Hare said, Let me say something about what we started with 10 minutes ago. The wetland--this is state law that the Planning and Zoning has to wait for a--

Chair Vitali said, I don't care because there's no vote here tonight.

Ms. O'Hare said, The report doesn't have to be favorable. It's just a report. So I could write a Wetland report that's not favorable.

Chair Vitali said, There's no vote tonight on it.

Ms. O'Hare said, O.K. I understand.

Chair Vitali said, O.K. We'll see you next month.

Attorney Miles said, Thank you.

Ms. O'Hare said, Mr. Chairman, between now and next month, what can the Applicant do to make this--?

Chair Vitali said, I have no idea.

Commissioner Kern said, Invite the public to the next meeting, that's what they can do. If you look, I think most of that is out of bounds of the 500-foot restrict--or notification area because they're so far away from residential areas. Probably half of them, they don't have to notify. But out of public concern and peace of mind to the citizens of Wallingford, I think they should know what's going to happen in their neighborhood. When they did the big project out front, we had opposition coming out of the woodwork. So I think it's only fair that we let the citizens know through Wetlands first, and then if they want to go to Planning and Zoning, they can. But this isn't a minor adjustment.

Ms. O'Hare said, Right.

Commissioner Kern said, When you sub-lot a project like this, and they're not sure what they're going to put in there. That's the part that scares me. I've seen too many FedEx's and Amazon and other big companies come in and just swallow up everything. Miles Drive can't handle any more industrial. That road's not made for it. When you intersection Miles Road and 68, it's a cluster. I go by there two or three times a week to New Haven. If you don't get by in a certain amount of time, you're backed up for half a mile. So them coming out of Miles Road is just going to add to all that. If the public doesn't have any concern next month, well, then we'll vote on it. That's all.

Chair Vitali said, I think you ought to express some of these concerns at your public hearing with Planning and Zoning. Have a Wetlands Meeting at your Planning and Zoning Meeting.

Attorney Miles said, I'm going to come to your next meeting, probably the first Wednesday of May, and report back to this Commission how it went at the public hearing before Planning and Zoning.

Commissioner Kern asked, So are you denying that you're going to notify the public that you're doing this in through the Wetlands meeting? You're telling me that you're just going to have Planning and Zoning notification?

Attorney Miles said, Notification is required for wetlands hearings when there is a finding of Significant Impact of regulated activities. Our position is that we have no regulated activities, let alone a Significant Impact to them. What we have is a subdivision application that's required to be reviewed by this Commission, pursuant to State statute. We are having a public hearing. If we were not having a public hearing on this Application, I think I might be a little more amenable to that. But we are having a full public hearing. I sent out 50 notices yesterday to abutters. And notices in the paper and in the paper a second time. It's going to happen before your next meeting. So we are going to have the benefit of coming back next month, being able to report how it went. At that Planning and Zoning Commission hearing, I will let the public know when I'm at the podium that we have a Wetlands Meeting on May 6th. I'll have the exact date and time.

But, as a matter of law, I don't believe that we have a Significant Impact of regulated activities that necessitates triggering the public hearing requirements for Wetlands and hosting a public hearing that requires newspaper notices, all of that. So I'm really hesitant to start using that language and triggering those notices. But I understand your concern. We are having a public hearing, and I will make sure that it's known. You know, we have a companion Wetlands Application that is an open item. And my final point is that, as Erin noted, by statute, Planning and Zoning cannot approve this subdivision until you make a decision. So Planning and Zoning can't approve on the 13th, no matter what. They have to wait for us to come back in May for this Commission to make a decision. And then we would have to wait for the May hearing of Planning and Zoning for their decision.

Commissioner Kern asked, So your staffing only found 50 notifications in this area?

Attorney Miles said, Yes, 50.

Commissioner Kern said, Out of 500 houses.

Attorney Miles said, And the vast majority of them were those residential homes. Otherwise, it's, I think, DOT owns all to the north, and then it's the commercial properties to the east. So it was all the residential abutters.

Commissioner Mrs. Raynis said, Mr. Chairman, may I say something, please? I just wanted to make a comment, because while I do appreciate the public having an opportunity to speak at a Planning and Zoning hearing, as we've said many times, that is very separate than having them speak at Wetlands. And I know from being up here that the public does have a lot to say about impact to wetlands--wetlands only--which can't be addressed at Planning and Zoning because they'll say something similar to what we said. We don't want to hear Planning and Zoning. We want to hear Wetlands. And they want to hear Planning and Zoning; they don't want to hear Wetlands--and to the public. So I do completely agree with Commissioner Kern's sentiment. I do think that if they have wetland concerns, there needs to be a forum where they, the public, can properly address that. And I'm not sure that it's at a Planning and Zoning hearing. While I do appreciate a hearing happening with Planning and Zoning, and it's nice for you to come back and tell us what happened at Planning and Zoning, it doesn't afford the same opportunity as it does for the public to come out and say, you know, maybe somebody walks and sees a bald eagle on that. I don't know. But these are things that the public might want to comment on, specific to wetlands. And, you know, they seep into our drinking water, and there's the water. There's all different layers to it. So I don't want to take away that opportunity and that voice just by saying, "Well, they had a chance at Planning and Zoning."

Attorney Miles said, I know, but all of those concerns you just addressed relate to development of the parcels, which would come before you at a future date. You would have the opportunity to review those issues. So this isn't a situation where you're approving a lot division for unfettered development going forward. It's solely existing conditions, and you--this town is extremely strict, regulations that trigger your review. So anything over 20,000 square feet is going to have to come to this Commission--anything within the regulated area.

Chair Vitali said, O.K. We'd like to move on.

Ms. O'Hare said, Mr. Chairman, you do have--you as Chairman have the, or the Commission does--the opportunity to hold a public hearing if you find it's in the public interest. So you can do that tonight. You can set a public hearing for May 6, finding it's in the public interest, if you choose to do so.

Commissioner Kern said, Well, out of 300 houses, she found 50 letters to go to 50 people.

Chair Vitali said, Well, don't. She's got the abutters. If you call for a public hearing, how many people need to be notified?

Commissioner Kern said, Everybody by the paper, right? You have to notify people.

Commissioner Mrs. Raynis said, Abutters?

Ms. O'Hare said, Well, yeah. It goes in the paper.

Chair Vitali asked, No, but how many people? What's the requirements for notification of a public hearing?

Ms. O'Hare said, I have to look that up. I don't know that off the--We don't have that come up too often. Let's see.

Chair Vitali said, I think it might--I think it's a little different than just the abutters.

Commissioner McKeen said, You don't have it come up.

Ms. O'Hare said, Let's see. It has to be mailed to one owner of record of abutting land. That's it.

Attorney Miles said, So it's the same as Planning and Zoning.

Ms. O'Hare said, So it's just the abutters, yeah. And then in the paper--twice it gets published in the Record-Journal.

Commissioner Kern said, Well then, I think it's our duty to boldly print it in the public paper that we're inviting them to the next Wetlands meeting to voice their concerns about the--this project.

Attorney Miles said, Also, I just want to stress that if you host a public hearing on this, we're essentially restarting it. And so, at the next meeting, I have to redo the whole presentation, all of that, um, for an application that maintains existing conditions to the property.

Chair Vitali said, Well, let's leave it till next month and see if we can get this whole thing under control.

Attorney Miles said, Understood. Thank you for your time today.

Ms. O'Hare said, O.K. So we're not--I'm not setting a public hearing?

Chair Vitali said, Not setting anything. No public hearing.

2. #A26-3.2 / Quinnipiac Street / Wallace Raceway - Keegan-Elder, WMC Consulting Engineers - (bridge demolition, replacement with culvert installation, and road work)

Chair Vitali asked, Erin, do we have anybody from the Town on the Wallace Raceway tonight?

Ms. O'Hare said, No. They asked to be tabled.

Chair Vitali said, This is tabled.

E. NEW BUSINESS - There was no New Business.

Chair Vitali proceeded to Item J.1.

J. VIOLATIONS - pending (no action requested at this time)

- 1. Cease & Correct Order Remains - 55 Kondracki Lane - Fifty-five, LLC - (correction plan to comply with 6/5/18 Order) approved 12/6/23; almost complete; Order affirmed 12/3/25**

Chair Vitali said, There are new Owners of 55 Kondracki Lane. Are you for Kondracki Lane?

Appearing was Ms. Amy Raup, Member, of Fifty-five, LLC, the current Owner of 55 Kondracki Lane. She said, Three years ago we were here getting our final approvals. We have been in long-term contact with new buyers. We still own this property, and we're requesting a lift of this Cease & Correct Order in order to move on the sale process that other Town parties have endorsed and would like to see for affordable housing opportunities.

Chair Vitali said, Hold on. Erin, she wants to lift the Cease & Correct Order. You've been involved in the Legal Department. I believe they've done the bulk of the work for the Order. What's the bottom line?

Ms. O'Hare said, Yes.

Chair Vitali said, We can lift the Order, but they still need a permit for running utilities down the driveway.

Ms. O'Hare said, Right. The reason they need that is it's part of the Order.

Chair Vitali said, So they just need a separate permit for that?

Ms. O'Hare said, It remains, but the new owner won't buy it with a Cease & Desist Order on the land. I'm going to ask Amy Raup, because I didn't get an answer yet on who's going to do that.

Ms. Raup said, The holdup here is that the plans that were approved through Wetlands and went to Planning and Zoning terminated with a paved driveway. In the last 10 minutes of that final P&Z meeting, we got a letter from Wallingford Electric saying that we needed to do underground electricity for the property. So there was no way to adjust the plans in the last 10 minutes to revise for that. Technically, it's unfinished because the driveway isn't paved. But we're still discussing with Wallingford Electric on what that underground utility pipeway needs to be, the route, and what the Town would require. So there's no sense paving the long driveway and to rip

it up again to install underground utilities. I'm not going to file for that permit as a current Owner because I'm not doing the work.

Chair Vitali asked, You're going to sell the property regardless of the electric requirement?

Ms. Raup said, Correct. They're buying it, knowing that they'll need that to finish their project.

Chair Vitali said, So it comes down to, if the new Owners need to run electricity down the driveway underground, they need a permit.

Ms. O'Hare said, Even if they decide to go overhead, they still need a permit to work in that zone around the river. That's part of our Cease & Correct Order--to finish off the driveway embankments, to do the subgrade, and do the final paving as part of our Order. So we hope the Order will be lifted tonight. But we have assurances they will come in because they have to develop that site--and everything goes over that river.

Chair Vitali said, I'll entertain a Motion to lift the Cease & Correct Order in its entirety and with the note being that any additional work going down the driveway will need an Inland Wetland Permit. There's no Application number because this is a Cease & Correct Order.

Ms. O'Hare said, Yes.

MR. CARUSO: MOTION THAT WE REMOVE THE CEASE & CORRECT ORDER ON 55 KONDRACKI LANE - FIFTY-FIVE, LLC - (CORRECTION PLAN TO COMPLY WITH 6//5/18 ORDER) APPROVED 12/6/23; ALMOST COMPLETE; ORDER AFFIRMED 12/3/25 WITH THE UNDERSTANDING THAT THE NEW OWNERS WILL BE COMING BACK FOR THE PERMIT TO FINISH THE PROJECT AND THE POWER LINES.

MR. KERN: SECOND.

Chair Vitali asked for any discussion.

Commissioner Kern said, Erin, the young lady just said that Wallingford Electric told them they have to go underground. So there's not going to be telephone poles or overhead electricity.

Ms. O'Hare said, Even if they decide to have electricity come from the sky remotely or wherever, they still need a permit to complete that driveway embankment, the subgrade, and to put the asphalt on over where it goes over the river. This is because we're lifting the Order--normally, it would have been done under the Order. But we're out of time. So that's why we're going to lift the Order and trust that they will come in and make a Wetland Application to get permission just to do that work in that 70 or 100 feet over that river, with the driveway. It's not all about the electric. They're regulated activities.

Chair Vitali said, Any other discussion? I'll call for a vote. Caroline?

VOTE: MRS. RAYNIS - YES; MS. MCKEEN - YES; MR. KERN - YES; MR. CARUSO - YES; CHAIR VITALI - YES.

Ms. O'Hare asked, Who seconded?

Commissioner Kern said he seconded.

J. VIOLATIONS - pending (no action requested at this time)

These items 2-5 remain.

2. **Notice of Violation - IWWC #A18-1.2 / 801 North Colony Road & 6 Beaumont Road / Padens Brook - IAmTheWalrus, LLC - (violations regarding implementation of the Padens Brook Corridor Restoration Plan) issued 3/4/24; remediation planting plan approved 6/5/24; pending installation; NOV affirmed 12/3/25**
3. **Notice of Violation Remains - 1245 Old Colony Road & Quinnipiac River - Jerzy Pytel - (unpermitted clearing & filling near river) issued 6/4/19; NOV to be recorded on Land Records per 10/4/23 action; NOV affirmed 12/3/25**
4. **Cease & Correct Order Remains - 67 Schoolhouse Road - Karl Kieslich - (new filling over prior filling) issued 4/25/23; Order affirmed 12/3/25**
5. **Notice of Violation Remains - 24 Mapleview Road - Patricia Clarke c/o James W. & Patricia Clarke, Trustee of The Clarke 2022 Living Trust - (alteration & filling within wetlands and in Upland Review Area on 24 Mapleview Rd. & on 13 Rolling Meadow Dr.) issued 4/21/23; NOV affirmed 12/3/25**

Chair Vitali proceeded to I. Violations.

I. VIOLATIONS - discussion, hearing, and/or action

1. **360 Woodhouse Avenue - Nerio Tello - (structures, depositions, and ditching in wetlands) - Letter regarding violations - issued 5/28/24**
2. **Notice of Violation - 360 Woodhouse Avenue - Nerio Tello - (noncompliance with IWWC #A24-5.1 approved plan & installation of drainage facility across URA and wetlands with discharge to wetlands) - issued 4/15/25**
3. **Cease & Desist Order (Amended) - 360 Woodhouse Avenue - Nerio Tello - (new unpermitted activities & noncompliance with permit &, etc.) issued 5/30/25; Hearing 6/4/25; Order amended 7/30/25 & 10/1/25; Order affirmed 12/3/25**

Appearing were Ms. Aricela Tello and Mr. Romeo Valentin, Project Engineer with Juliano Associates in Wallingford. Owner Mr. Nerio Tello was in the audience with Mr. David Lord, Soils Scientist.

Chair Vitali said, Do you want to bring us up to where we are now on this project?

Mr. Valentin went to the board and moved it closer to the table. He said, I made it clear in color for different areas. Dark green is the wetland; light green is the Upland Review Area. Previously, the chicken coop was here, shed here. They have been relocated last week. The chicken coop is in this area, and the shed is over here. We are proposing this 4-inch PVC pipe that currently outlets onto 2 Wheatfield Drive meadow area. We'll abandon it in place, or we'll connect it to come out to the southern portion of the swale. There's a riprap apron here, sized correctly, and outside the wetland area so it has time to disperse before entering wetlands. This pipe in green is the groundwater pipe, which we'd leave as is because we don't know its exact location or the depth. We're adding riprap within the wetland area inside the swale to reduce velocity of flows before going into the culvert and passes through to the wetlands where it would go anyways.

Mr. Valentin said, We got comments from Water & Sewer Division asking us to include the water and sanitary lines, and we added those approximate locations based on the map. The contractor is to locate that before construction. Silt fence is around here and here for the coop, which is already in place. A fence will go around for the chickens. Fence has been put around the pool area along the wall. At a previous meeting, I believe a comment was if the pipe drains go around the pool. So we actually located another drain going around the pool, so not to worry about the pressure issue.

Chair Vitali said, This has gone back a ways, and various steps have been created. This week I asked Erin to generate a report this week. I think her report shows that 9 out of 10 items--all but one item has been addressed., Erin? The chicken coop was moved, the shed has been moved. There's a fence installed. I think everything has been sort of addressed. Ms. O'Hare wants a few things straightened up. I think the major issue is the drainage pipes, which have been a major factor in this operation, correct, Erin?

Ms. O'Hare said, Yes.

Chair Vitali said, So what's your opinion of the drainage pipes?

Ms. O'Hare said, Not just my opinion--but the Town Engineer looked at this, and she's good with it. She added some riprap, which he did. Water & Sewer had them shift it because it was crossing his water and sewer lines, so they shifted that. Right now, I think the drainage, everything's good. I sent e-mail photos today. They did relocate the shed and the coop--left a lot of mess behind, which has to be tidied up. So I stumbled on one thing tonight that I would like these guys to explain. What's left to be done is for them to submit an application for the drainage plan. I want them to get the leaves out of the swale and to anchor some black plastic in the swale. The new thing, which I didn't have time to tell them, is the hot tub is still there. It's got two feet of patio around it and this tall wrought iron fence. This Commission didn't give permission for the hot tub to be there. So, when they come in with the wetland application for the drainage corrections and improvements, that they also add "and let us keep the hot tub."

Chair Vitali said, Is that understandable?

Mr. Valentin said, Yes.

Chair Vitali said, Now, Erin, it sounds to me like it's O.K. to leave the drainage pipes where they are?

Ms. O'Hare said, For now. They have to come in with an Application, and then they can move them out.

Chair Vitali asked, If they have to move them, why wouldn't the application be to move them?

Ms. O'Hare said, Everything's sitting tight for six months, waiting for this Commission to say, "Yes, we like your proposed drainage plan." Then they come in for the Application and we approve it, and then they can install the new drainage.

Chair Vitali asked, Any comments?

Commissioner Mrs. Raynis said, I have a question for Erin. Did we at one point think there might be an underground spring under this pool?

Ms. O'Hare said, Not a spring. They do have their Wetlands Scientist in the audience. But it's got a lot of groundwater--I don't know if it's a spring.

Mrs. Raynis said, Actually underneath the pool.

Ms. O'Hare said, Now they have drainage pipes, so I hope it's not.

Mrs. Raynis asked, So you think it would be sufficient, whatever's going on, this drainage?

Ms. O'Hare said, That's why they put in the pipes, to protect the integrity of that pool.

Mrs. Raynis said, O.K.

Ms. O'Hare said, When this Commission acts on their next application, soon, is they have to clean up--it's a messy site now, with the photographs.

Chair Vitali asked, Have you seen her recommendations?

Mr. Valentin said, Yes. I'm presenting with the new pipes. They're willing to pay the fee for the application, but do we have to present again what we're proposing right here?

Chair Vitali said, Because this has had so many moving parts, I think an Application saying "This is what we have, and the pipes are staying in the Upland Review Area, and those are the activities." So an Application created to approve what you want. Then everybody understands. And to include the hot tub on your application plan.

Mr. Valentin said, O.K. The only other thing: We are removing the foundation of the chicken coop and the shed.

Chair Vitali said, Take it out.

Mr. Valentin said, O.K.

Chair Vitali acknowledged Mr. David Lord, Soils Scientist, who had approached the desk.

Mr. Lord said, David Lord, soils scientist for the property owner. To answer the Commissioner's question about a spring. The soils under this site are hardpan soils. Water moves downward vertically about three feet and then it tends to run laterally. What you're talking about is not a spring--it's that water flowing over the hardpan. The purpose of the drain to protect the pool area is to go in and collect water off the surface of the hardpan before it moves against the pool.

Mrs. Raynis said, Thank you.

Chair Vitali asked for other questions.

Commissioner Kern said, You say you've got a drain around the pool that's keeping it from popping out of the ground?

Mr. Lord said, Correct.

Commissioner Kern said, Water in that drain pipe is runs to the north? Because without that pipe, you're not going to be able to contain--

Mr. Valentin showed on the board plan, Currently, drainage is with this existing pipe that goes to 2 Wheatfield Drive. Now we'd redirect it into the wetlands--where it would have gone originally-- to avoid going onto the neighbor's property. The watershed map that I provided in February breaks up the existing going to this property and what we're proposing now. The only change is: This area for the pool is currently directed to the neighboring property with this pipe, and now we're redirecting it to the swale as it was supposed to go.

Commissioner Kern asked, What's the other pipe for on the north?

Mr. Valentin said, This is a groundwater pipe.

Commissioner Kern asked, What elevation is that going to be?

Mr. Valentin said, That's existing. We couldn't calculate how much groundwater was coming to here, so we put in riprap to reduce the flow. We'd leave it. It would be more damage to the wetlands to take it out.

Chair Vitali said, So you got your marching orders--application. Any questions?

Mr. Valentin said, No.

Ms. O'Hare said, So the Commission generally approves the proposal, and the next step is they're going to apply, correct?

Chair Vitali said, I think the answer is Yes, but providing in the plan all your suggested directives.

Ms. O'Hare said, Right. They have a month.

Chair Vitali said, O.K.

Commissioner Kern asked, You understand what we want?

Mr. Lord and Mr. Valentin said, Yes.

Note: These Items I.1, I.2, and I.3 remain on the Agenda.

G. REPORTS & COMMUNICATIONS

1. Discussion of proposal to adopt fines for violations

Chair Vitali said, I met with Erin and the Town Attorney (reference was to Ms. Janis Small, Corporation Counsel) to discuss fines. The Town Attorney advised not to create a difficult, high-

tech procedure. The ordinance for the fine has got to be approved by the Council. So I said the Commission is not looking for a high-tech system. They want to be generous for the first 30 days after a fine. And we came up with a multi-level violation plan for residential. Minor fines in Upland Review Area had one value. Major violations in a URA had another value, and a Wetland Violation had a value all its own. For commercial, we felt that because the owner or contractor did the work, we felt the penalty should be stiffer. We doubled the minor and the major, and we doubled the wetland violation. It also adds a dollar amount for doing it in the beginning. Janis is going to do the wording and present it to the Council.

Ms. O'Hare said, I assumed she will have the draft come back to the Commission before it goes to the Ordinance Committee.

Chair Vitali said, I would think so. I think we tried to protect the Commission's interest in discussing with violators on each issue. Very few towns have Wetland violation fines.

2. IWWC application form revision

Chair Vitali said, This was in our packet. They're trying to incorporate a Town new computer system. That system would allow everybody to submit land use applications, building permits, etc., through the computer.

Commissioner Kern said, I'm opposed to that because the general population is not going to be able to fill out technical questions for the application, and they'll turn to staff for questions. For now, I'd want the applicant to pick up the application, and the staff person can help with procedures, etc. It's a new system for everybody--I don't feel it should be online because it's going to add more workload.

Commissioner Caruso agreed.

Chair Vitali said, We discussed that. We felt if the Commission still wanted paper applications, they could have them. For maps, with the computer system, how are you going to send all the maps out? So Janis says, If the Commission wants paper anything, they're still going to be able to have it.

Commissioner Caruso said, I prefer it.

Chair Vitali said, It's going to take a while. I was reviewing the Application earlier. I think the "N.A." category was going to be checked off by people, non-applicable. But we did talk about having on the Application a notice that "Violations will be fined." But that ordinance is not there yet. So the applicant/developer knows that fines will be established. Anything else, Erin?

Ms. O'Hare said, No. But fines might happen six months from now and then be revised in the application form.

Commissioner Kern asked, Do you think the application being online is not going to add more work for you? They're going to have questions and call you. If they come to you to pick up the application, you can walk them through what they need to fill out.

Ms. O'Hare said, I think, Jim, you were referring to the February 27th version that I sent out? I hope the Smart.gov system will sort the applications and give directions for persons and developers about how to file. So if a person doesn't know if they have a wetland, they should contact me to start. So we're trying to make the on-line system sort them. Developers can go to the developer application. They'll know what they're doing. We'll work it out. And people can come into the office and fill it out. That's what I do now, but I'm retiring May 1st.

Commissioner Kern had concerns that applicants will not know how to fill out the form.

Ms. O'Hare said, It's supposed to be a multi-department system starting this summer with a transition period. At any time, applicants can talk to a staff person by phone or make an appointment. A lot of towns have this already.

Commissioner Mrs. Raynis asked, How do they pay? Can they pay in person to avoid an online fee?

Ms. O'Hare said, That will be online, but they could come in and pay.

Regarding the previous Item #1, Chair Vitali wanted to see the Commission establish fines on the hardcore violators who have not complied. The legal response was that the Commission can establish fines in these instances, but it would have to reissue a violation in order to fine the violator.

3. Notification from Eversource Energy - Scheduled vegetative maintenance activities (herbicide treatments) in cleared R.O.W; dated 3/24/26

This item was not discussed.

4. Staff status report

Ms. O'Hare announced that she is retiring on May 1st. She has served as Environmental Planner and for the Inland Wetlands and Watercourses Commission over 20 years.

Ms. O'Hare said she will write the reports for the May 6 meeting.

Also, Ms. O'Hare announced the Mayor's project to have microfilming of wetland boundaries from the records. Researching wetlands boundaries takes a lot of time. Presently, she uses IWWC and Planning and Zoning records or aerial images. We have databases. The Wetlands Act was adopted in 1972, and this Commission was created in 1988. Until 1988 DEEP handled all wetland applications. Since then, we've had 1,241 permits. From when I began in 2005 until now, I've dealt with 581 permits. The violations, complaints, and inquiries are separate. So all permits will be keyed to the microfilm for accessing. The Commission has to decide how old the wetland information must be for the application.

Additionally, Ms. O'Hare noted that the Environmental Planner assists by reviewing ZBA applications, all P&Z applications, all Building Department applications for pools, decks, additions. She researches inquiries and complaints. She looks at properties for wetlands and watches the open development sites. The new Application form should be ready for Applicants to use soon.

Microfilming of all records is being done by a service. It will connect with the existing database.

Chair Vitali responded, Erin, I wish you luck in your retirement.

F. RECEIPT OF NEW APPLICATIONS

- 1. #A26-3.3 / 368 Church Street, Yalesville & 372 Church Street, Yalesville - SCG, LLC - townhouse complex (21 units)**

Chair Vitali formally received this new Application for the May 6 meeting.

K. NEXT SCHEDULED REGULAR MEETING - May 6, 2026

L. ADJOURNMENT

MR. CARUSO: MOTION TO ADJOURN THE MEETING

MS. MCKEEN: SECOND.

VOTE: ALL COMMISSIONERS VOTED "AYE" IN A VOICE VOTE.

The Meeting was adjourned at 8:36 p.m.

Respectfully submitted, Kathleen L. Burns, Recording Secretary

