

Wallingford Inland Wetlands & Watercourses Commission

**Regular Meeting
Wednesday, December 3, 2025, 7:00 p.m.
Robert F. Parisi Council Chambers
Second Floor, Town Hall
45 South Main Street
Wallingford, CT**

Chair James Vitali called this Regular Meeting of the Wallingford Inland Wetlands and Watercourses Commission to order on Wednesday, December 3, 2025, at 7:00 p.m. in the Robert F. Parisi Council Chambers, Second Floor of Town Hall, 45 South Main Street, Wallingford, CT

PRESENT: Chair Vitali, Vice Chair Deborah Phillips, Secretary Nick Kern, Commissioner Michael Caruso, and Alternate Commissioners James Heilman and Mrs. Caroline Raynis, and Ms. Erin O'Hare Environmental Planner.

ABSENT: Commissioner Jeffrey Necio and Alternate Commissioner Aili McKeen.

There were 4 persons in the audience.

A. PLEDGE OF ALLEGIANCE

The Pledge was recited.

B. ROLL CALL

As above.

C. CONSIDERATION OF MINUTES

1. Regular Meeting, Nov. 5, 2025

MS. PHILLIPS: MOTION THAT THE MINUTES OF THE REGULAR MEETING OF NOVEMBER 5, 2025, BE ACCEPTED AS SUBMITTED.

MR. CARUSO: SECOND.

Chair Vitali stated that the voters tonight will be himself and Commissioners Kern, Phillips, Caruso, and Alternate Commissioner James Heilman.

VOTE: CHAIR VITALI - YES; MR. KERN - YES; MS. PHILLIPS - YES; MR. CARUSO - YES; MR. HEILMAN - YES.

2. Special Meeting, November 13, 2025, 4:00 p.m.

Chair Vitali said consideration of these Minutes will be taken up on the January agenda.

D. OLD BUSINESS

1. #A19-3.7 / 988 East Center Street - Benchmark Development, LLC - Request for bond release

Ms. O'Hare said this Item D.1. is not ready.

2. #A25-10.1 / 1175 South Broad Street - Joe Lincoln and Cheyenne Santello - (live-work unit and associated improvements by ravine)

Appearing were Applicants Mr. Joseph Lincoln and Ms. Cheyenne Santello along with Mr. Harold Lincoln, Owner.

Chair Vitali acknowledged the Applicants and asked for their presentation.

Mr. Joseph Lincoln said, We started this 10 or 11 months ago, and we are faced with a few challenges. Where we want the property, it sits on the wetlands.

Chair Vitali said, It's sitting on Upland Review Area.

Mr. Joseph Lincoln said, About 18 feet or so. We want to keep it there because we have a second driveway and we don't want to encroach on neighboring properties. That's why we're here.

Chair Vitali said, Where you have the building on your map, from the top of the slope is it 5 or 10 feet?

Mr. Harold Lincoln said, It's five feet.

Chair Vitali said, Some of us had a Special Meeting out there. Your request is to leave it there? (Reference is to Special Meeting to conduct site investigation held November 13, 4:00 p.m.)

Mr. Joseph Lincoln said, Correct.

Chair Vitali said, Erin's request is to move it 10 feet closer to the west, to give that Upland Review Area 15 feet.

Mr. Harold Lincoln said, Yes, Sir.

Ms. O'Hare said, They're requesting to move it to 15 feet from slope.

Chair Vitali asked for comments from the Commissioners.

There were no comments at this time from the Commissioners.

Ms. O'Hare said, The Environmental Planner's Report went out to you last Wednesday, November 26. That and the drawing explain, when you have a very steep slope, how the Upland Review Area is set back additional distance than normal. Normally, our URA is 50 feet. In this case, the URA would be 50 feet back from the top of slope. That's drawn as Figure 1 from our Regulations, which I included in the report. The Commission is asked either to approve the location of the structure or not. Where the structure is, is that structure too close to the top of the ravine? As a Wetlands Commission, your primary consideration would be erosion, not safety. Residents might be interested in safety. But, as a Wetlands Commission, is there cause for erosion to occur with construction activity and residential activity so close to that edge of slope going down, because wetlands are at the bottom of that ravine and a stream? And there's some other minor issues.

Chair Vitali said, So your major concern is just the erosion on that?

Ms. O'Hare said, The potential for erosion. Today, there's no erosion.

Chair Vitali said, Well, after construction, what erosion after construction are you worried about?

Ms. O'Hare said, They're proposing an erosion control line of silt fence during construction. Primarily, you have your roof drain. So they propose roof flows coming down in a flexible 4-inch pipe underground, and then it daylight at the top at the crest of slope within three feet.

Mr. Harold Lincoln said, It's 3 feet.

Chair Vitali said, But, if they move the house structure 10 feet further west, where are they going to daylight the roof drains?

Ms. O'Hare said, No, they daylight a little further away from the top.

Chair Vitali said, But it's going to daylight at the top of the slope again?

Ms. O'Hare said, Right. That's why in my Conditions of Approval I recommended that they provide a stone protection area to dissipate the force as it comes off the roof in big storms.

Chair Vitali said, All I'm saying it doesn't change the outlet to the pipe, whether the structure is 5 feet to top of slope or 15 feet to top of slope.

Ms. O'Hare said, You can move that discharge outlet back further to the west. Yes, it does affect that. I've never seen a new structure so close to such a steep ravine.

Chair Vitali said, I don't know.

Ms. O'Hare said, Normally, there would be trees there. But trees have been cleared over the past several years. So it is an open area today, where they're going to put the structure. They don't have to cut any trees down. But tree roots help hold that ravine in. That's why I included the photograph in the back, where I'm requesting some of that material be taken off the slope. It's suffocating those tree roots of this big oak tree. Just to take some earthen material and leaves that were dumped--and the Owners indicated that they would do that, clear that off. They want that tree to live because the tree roots are holding that steep bank.

Chair Vitali said, Your arguments are good for the bank as being held by that mature growth. Any comments, Caroline?

Commissioner Mrs. Raynis said, I was there. I do agree with what Chair Vitali is saying, how far at the back. To me, I think it would be fine as is, but that's my opinion.

Commissioner Kern said, This "future septic system" on your print, has that been engineered or is that something you drew in?

Mr. Harold Lincoln said, Yes, it was looked at and engineered by Ernie. He's our septic guy.

Commissioner Kern asked, Ernie Martino?

Mr. Harold Lincoln said, Martino, Yes, to see what the soil--.

Commissioner Kern asked, Did he do a deep-hole test?

Mr. Harold Lincoln said, Yes, because we have our swimming pool there. And he said it's better to get it resolved and then come out and see where the septic system could go. Because there was one issue where we might have had to get hooked up to the Town sewer.

Commissioner Kern said, Right. I don't see the water service. Where is it going in? You're going to have water in this building?

Mr. Harold Lincoln said, Yes, it's Town water.

Commissioner Kern asked, Is it coming up the driveway?

Mr. Harold Lincoln said, Yes, up the driveway. Or we could have it come off our house, because we had the water installed to all five houses in 2018. They just ran the main into the beginning of the ravine. From there, they broke each house off to a two-inch pipe going to each house. And they said we could tap off near the house and go right out to the new structure.

Commissioner Kern said, The only thing I'm concerned with is the type of soil material up there. Mr. Martino should have told you that. One of the first things when you're going to spec out a building like this with a septic system is to do deep-hole testing and see how many square feet of leaching fields you need.

Mr. Harold Lincoln said, In there, sure.

Commissioner Kern said, It's obvious he didn't do that. So I'm a little worried--I'd feel more comfortable if you had more information on that, with a deep-hole test and the type of soil that's there that can handle the septic system. Because we don't want to have it purge down the ravine and go to your neighbors.

Mr. Harold Lincoln said, It was going to be towards the middle of the property, nowhere near the ravine.

Commissioner Kern said, Right.

Mr. Harold Lincoln said, Actually, where it shows the pool is, it would be probably 8 feet away from the pool. Ernie was talking about that.

Commissioner Kern said, I believe it's got to be 25 feet from the swimming pool, doesn't it? State regulation is 25.

Mr. Harold Lincoln said, Yeah, 25.

Ms. Santello said, The pool will be coming down.

Mr. Harold Lincoln said, We're taking that pool down.

Commissioner Kern asked, You say the water line was just put in in 2018?

Mr. Harold Lincoln said, Correct.

Commissioner Kern said, O.K. Oh, they didn't put dams in where they put the water line in. I'd feel more comfortable knowing what's going on with the septic system as far as what he's going to use for material. Is he going to use infiltrators, or is it just going to be pipe and stone, or galleys--what he'll use? And what type of material is there? Jim and I know that property pretty well from the last 50 years. We know a little bit about what's been buried there or dumped. That's the only concern I had.

Mr. Harold Lincoln said, Sure.

Ms. O'Hare said, To comment on what Commissioner Kern said: So these folks have been trying to move their project forward for many months. It was decided to go forward with the Wetland application. The septic system area they've drawn is outside even the extended Upland Review Area--it's outside. If it needs to be moved inside our jurisdiction for wetlands, they would have to come back to us. Today, they have it drawn outside our extended URA.

Commissioner Kern said, I see that. But wouldn't you want, if you're building a house, where the septic system--?

Ms. O'Hare said, Oh, totally. That's in the Conditions of Approval: They'd have to come back. Planning and Zoning, right this minute, wants them to connect to sewers. And they are trying to negotiate a settlement or to get it back to septic system, so it might take a while. So they at least wanted to see if this situation, the concept of this house, is amenable to Wetlands. Then, if they have to come back for the sewer connection and/or a different-style septic system, they will have to do that.

Chair Vitali asked, Where is the sewer line in that area? Up the driveway?

Mr. Harold Lincoln said, No, it isn't.

Chair Vitali said, So where would you have to connect, out to Broad Street?

Mr. Harold Lincoln said, Yes, Sir. And it's not even close to our driveway. Because the road coming into the place, from my understanding, is lower, down towards the junkyards, sort of near Staples Plaza where it starts. So the engineer in the Town said there would have to be a pump coming up.

Commissioner Kern said, Yes. They want you to pay to have the pipe run from the middle of the road up to your property.

Mr. Harold Lincoln said, Yes, Sir.

Commissioner Kern asked, Now, does Mr. Cohen live to the west of you on this piece?

Mr. Harold Lincoln said, Yes, Sir.

Commissioner Kern said, Yes. That's why there's no sewer there. You're talking about double digits to put a sewer line in, if he needs to hook in. You're going to have two dwellings, right? The house you live in now and the new house?

Mr. Harold Lincoln said, Correct.

Commissioner Kern said, And Mr. Chen's got one, and he lives in the back?

Mr. Harold Lincoln said, He lives across the street.

Commissioner Kern said, So there's three that's got to be tied in.

Chair Vitali said, I think he talked about five, right?

Mr. Harold Lincoln said, Yeah. Five total.

Commissioner Kern said, Five residences. So that's going to be a commercial six-inch pipe for sewer. I would look into that further, too, before I started my project.

Mr. Harold Lincoln said, When we were trying to get the water hooked up, we found out we were contaminated years ago. When they finally got the go-ahead to install the water lines, like I said earlier, they connected each one separate with a 2-inch line. They opened the road five times for each house. And we kept asking the Town if we can get sewer at that time, and they said there was no possible way. That was 2018--because we wanted to somehow get sewer up there.

Chair Vitali said, They're having trouble hearing you, so you have to talk closely into the mic.

Mr. Harold Lincoln said, Yes. It was 2018 when we tried to get the Town--we wanted to hook up to sewer at that time when they had the road open so many times. And the Town said it wasn't feasible and they couldn't connect us.

Mr. Joseph Lincoln said, And we also had everybody on the street on board to get that done.

Mr. Harold Lincoln said, We we're all willing to pay to hook up.

Commissioner Kern said, I believe the State regulation is, if the septic system's there, you can revamp it or replace it. But they're not allowing new septic systems put in if there's accessibility to Town sewers. Because if, for some reason, the leaching fields found a crack in the red rock, went down into the ravine, and then everybody downstream of you is going to have that sweet smell in the summer-time. I'm not saying it's not allowed, but I would do a little more investigation to make sure you can put the septic system in.

Mr. Harold Lincoln said, O.K. Because they even tried asking the condominiums at the time, and they wouldn't allow it, either. And the Town said it wasn't feasible to hook us to the condominium sewer. Or there was another option to come out of Tracy, underneath the railroad tracks and up the hill. And they said that wasn't an option, either.

Chair Vitali asked, Debbie?

Commissioner Phillips said, No comment.

Chair Vitali asked, Mike?

Commissioner Caruso said, No questions.

Chair Vitali asked, Jimmy?

Commissioner Heilman said, It's important to point out that we're looking at a potential residence and, as such, one would expect a resident to take a lot more concern about their yard, their property, than what we see happening across the ravine where a commercial establishment just goes in--whether they're allowed to or not--and sets pipes into that ravine. That ravine has been created by activity that goes on on that road. That road's been there a very long time. And the steepness of the ravine on the west side is due to the fact that the water is coming from the east, hitting that west wall, and then it goes south. It's classic erosion. You have the sculptured characteristics. It's 100% erosion of a very erosive material. I think I heard someone at that meeting say that it was down to bedrock. Is that correct at the bottom there? That's a lot of erosive soils--also a great potential for septic.

Commissioner Heilman continued, As the way our regulations work, this is perfect. This has created a condition which we can look at the potential--that's what we are here for. The potential here is we have steep slopes. Now, if we went down that steep slope into a pristine wetland, I'd have a different attitude. That is not the situation here. The bottom of that area is an eroded ditch, with a little bit of trace sediments especially on the south end because it can't escape. The road's there, so it's got a pipe. That containment created a small platform of wetlands at that south end. There's also more to the north because of the way it's been eroded and settled out. I'm happy we're able to look at this.

Commissioner Heilman continued, If it weren't the kind of condition we're looking at, I'd have no doubt but to push everything as far away back from that slope as possible. But we're looking at a residential situation. It's anticipated, when people invest in their property, they take pride in that. It's theirs. They don't want to see erosion taking place. They take care if it starts to happen. I think having that residence there is a good thing, adding an element of pride to the whole project. As the Chairman pointed out, where the pipe leaves from the water drains coming off the building, it's no difference. If you put the building back, the pipe just has to be longer. That's kind of a moot issue, as far as where it comes out as drainage. What is absolutely needed at that point--it's not a huge amount of water, not a huge building--is a way to dissipate that energy and don't allow it to erode. It shouldn't be a difficult situation. Overall, I don't see any harm in what's being asked for. I don't see anything but improvement to potential future stability, at least while you folks are there. Down the road, if there's problems, there should be a commission here to address them. Again, I'm happy we have these kinds of regulations that allow us to look carefully and to have our discretion of that Upland Review Area to say, "Yes, you can," or "No, you can't."

Commissioner Heilman said, In this circumstance, I think everything you are planning to do is basically a benefit to the area. Looking south, you can see that little stream has carved its way on the west side of that main road. I don't think it was ever naturally intended to be that way, but through construction over the years it goes down to the junkyard at the base of the hill, across the road going up the street there--Old Colony Road. I guess it enters somewhere near Frenchy's?

Chair Vitali said, Right through Frenchy's. If you recall, Jim, years ago there was an issue created with that area next to Frenchy's. The channel was filling up, basically, with road sands. All Broad Street--all that funnels down through the junkyard, under the tracks, and through Frenchy's. We allowed an excavator to go in and bail a trench down through, as long as he bailed product on each side of the trench. That was what ended up down there.

Commissioner Heilman said, Yeah. It goes flat, and so any velocities coming down the slope, and it spreads out. The same thing happened on a micro scale up at your property there with that southern pipe coming out, sediments. It doesn't take long for sediments to form wetlands soils. What I noticed the other day was where Fred Bowman had his garage, and that the lot next to it is almost all paved, right on the banks of the ravine like we're talking about.

Chair Vitali said, I get the feeling from the Commission that they're happy to leave the house, the structure, where it is. But we want to be very careful for the outlet to the gutter system--is that the right word?--the rainwater gutter system for the roof to be protected with riprap around the outlet to handle whatever flow comes out. Now is this structure an "A" roof or a single-slope roof?

Mr. Joseph Lincoln said, An "A" roof.

Chair Vitali said, So half the roof is going to the front. I don't know what you're going to do with the gutters on that side, whether you're going to tie them together or not. Your area is not that large.

Mr. Harold Lincoln said, No, we could pull them right into one.

Mr. Joseph Lincoln said, We could pull them right into one.

Chair Vitali said, If you pull them together, the outlet--like I say, some riprap on the outlet.

Mr. Harold Lincoln said, O.K.

Chair Vitali said, Other than that, I don't think we've got anything at this moment, because nobody's sure about the septic system.

Ms. O'Hare said, They'll have to come back to us if it's in our jurisdiction area.

Chair Vitali said, So we don't need that in any kind of Motion tonight.

Ms. O'Hare said, Actually, maybe you should, being the septic system on the drawing is not approved yet. I do have that in one of the Conditions, Number 6.

Chair Vitali said, The problem with the drawing is it's outside the Upland Review Area.

Ms. O'Hare said, Correct.

Chair Vitali said, So how does it pertain to us at this point?

Ms. O'Hare said, Let's say they want to do a septic system--they don't want to hook up to sewers. Let's say they work it out with the Town offices and the Health Department. Like Nick said, what if they have to make it bigger, and now it's part of leach--

Chair Vitali said, But what is that to do with tonight's Motion?

Ms. O'Hare said, Nothing. But they might have to come back. I just want folks to know.

Chair Vitali said, That's fine. So I'll entertain a Motion on Significant Activity of this Application.

MS. PHILLIPS: **MOTION THAT APPLICATION #A25-10.1 / 1175 SOUTH BROAD STREET - JOE LINCOLN AND CHEYENNE SANTELLO - (LIVE-WORK UNIT AND ASSOCIATED IMPROVEMENTS BY RAVINE) BE DEEMED NOT A SIGNIFICANT IMPACT ACTIVITY.**

MR. CARUSO: **SECOND.**

VOTE: **MR. KERN - YES; MS. PHILLIPS - YES; MR. CARUSO - YES; MR. HEILMAN - YES; CHAIR VITALI - YES.**

Chair Vitali said, Now I'll entertain a Motion to approve or deny this Application.

MS. PHILLIPS: **MOTION THAT APPLICATION #A25-10.1 / 1175 SOUTH BROAD STREET - JOE LINCOLN AND CHEYENNE SANTELLO - (LIVE-WORK UNIT AND ASSOCIATED IMPROVEMENTS BY RAVINE) BE APPROVED WITH THE SEVEN CONDITIONS OF APPROVAL ON--**

In discussion, Chair Vitali and Commissioner Phillips agreed to remove from the Motion the Conditions #1 and #6 in the Environmental Planner's Report. Commissioner Phillips amended her Motion as follows.

MS. PHILLIPS: **AND TO AMEND THE MOTION REGARDING THE CONDITIONS OF APPROVAL IN THE ENVIRONMENTAL PLANNER'S REPORT OF NOVEMBER 26, 2025, CONDITIONS #2, #3, #4, #5, AND #7.**

MR. CARUSO: **SECOND.**

VOTE: **MR. HEILMAN - YES; MR. CARUSO - YES; MS. PHILLIPS - YES; MR. KERN - YES; CHAIR VITALI - YES.**

Chair Vitali asked Mr. Harold Lincoln, Are you accepting all the Conditions of Approval that area on this list?

Mr. Joseph Lincoln said, Yes.

Mr. Harold Lincoln said, Yes, Sir.

Chair Vitali asked, And with the exception of Number 6?

Mr. Joseph Lincoln said, I don't have the list in front of me.

Chair Vitali read, "The resolution of the sanitary waste aspect for the proposed live-work unit needs to be pursued by the Permittee. Should the outcome indicate work activities will need to occur within the Extended Upland Review Area, then the Applicant will need to file a Modification to Permit in that regard in order to construct the unit."

Mr. Harold Lincoln said, Yeah.

Mr. Joseph Lincoln said, This is basically what you were just talking about. Well, the way I see it, if it does happen to need to be moved into the wetlands area, and we do have to come back, is it an option for me to just approach Erin, contact her and say this is what's going on, and proceed? Or can we leave well-enough alone? If it is the way it is on paper now, and Ernie approves it and the soil test comes back as "Good", then would we be able to move forward?

Chair Vitali said, Where it's drawn on the map now, if that's where it can function as a septic system, you don't need to come back.

Mr. Joseph Lincoln said, O.K.

Ms. Santello said, Only if it's--

Chair Vitali said, If it's got to be moved and moved into the Upland Review Area, that's 50 feet from the top of the slope--

Mr. Harold Lincoln said, Yes.

Chair Vitali said, Then you got to come back and visit. But I don't think it needs--you got something different we haven't explored. We certainly all expect it could be an Administrative Approval; it could be a Modification to the Permit. It doesn't need to have to wait two months. I think you can deal with it in one meeting.

Mr. Harold Lincoln said, O.K., absolutely.

Chair Vitali said, So get rid of 1 and get rid of 6, too.

Commissioner Kern said, To me, it would be easier for you to get Ernie out there and do the deep-hole test. See what you got. He can calculate it, and next month on January 7th when you come back--

Chair Vitali said, They're not coming back.

Commissioner Kern said, Unless the septic system is screwed up.

Chair Vitali said, If between the Health Department or whoever makes the determination--first they got to allow you to put a septic system there and not force you to go down to the junkyard with a sewer line. Second, you need somebody like Ernie to locate the septic field, the size, and see if it's encumbering into the Upland Review Area.

Mr. Harold Lincoln said, Right.

Chair Vitali said, If you can't get all that done before the Friday before the January meeting, you'd be back. Probably get it done.

Mr. Harold Lincoln said, O.K. Because two, three months ago Ernie and Mike were up there. Ernie told us a good area to put it where we want it, outside of wetlands. When Mike was up from the Health Department, he said it was a good area also, but it had to get tested.

Commissioner Kern asked, Where is the existing septic system on the house you're living in?

Ms. Santello said, It's the two boxes, down closer (reference is to the drawing submitted).

Mr. Joseph Lincoln said, Below, adjacent to those two long arrows.

Mr. Harold Lincoln said, To the right of the house towards the street, rectangle lines.

Commissioner Kern asked, How old is that septic system?

Mr. Harold Lincoln said, 1970, I believe.

Commissioner Kern said, O.K. Is the topo, the land where the new septic system is going, higher than

the existing septic system?

Mr. Harold Lincoln said, Yes.

Commissioner Kern said, That's fine. You want to approve it, Jim, I'm not opposed to that. I'd like to see some design and some soil testing on what's going on, with either the Health Department or Ernie.

Chair Vitali said, All right. So you know where we're coming from.

Ms. O'Hare said, Mr. Chairman, I'm confused. I thought the Applicants were not opposed to Condition #1.

Chair Vitali said, It really doesn't make any difference.

MS. PHILLIPS: **AND TO AMEND THE MOTION REGARDING THE CONDITIONS OF APPROVAL IN THE ENVIRONMENTAL PLANNER'S REPORT OF NOVEMBER 26, 2025, CONDITIONS #2, #3, #4, #5, AND #7.**

MR. CARUSO: **SECOND.**

There was no discussion.

VOTE: **MR. HEILMAN - YES; MR. CARUSO - YES; MS. PHILLIPS - YES;**

Commissioner Kern asked, Which ones to eliminate?

Commissioner Phillips said, Six and one.

Voting proceeded:

MR. KERN - YES; CHAIR VITALI - YES.

Chair Vitali said, You're all set.

Mr. Harold Lincoln said, Thank you very much.

E. NEW BUSINESS - There was no New Business.

F. RECEIPT OF NEW APPLICATIONS

1. #A25-12.1 / Jeremy Wood Drive & 6 Rosick Road - David Bedell, Wallingford Land Trust - ('After-the-Fact' trail system installation)

Chair Vitali received this Application for the January 7th agenda.

G. REPORTS & COMMUNICATIONS

1. Discussion of proposal to adopt fines for violations

Chair Vitali said, Erin submitted a list of surrounding towns with different fee schedules, upon my request. The one I like is from Middletown. It gave the violator some relief to get it done, and then it went on to install fines, etc. The other ones are per day, and I believe you'd need a list of what each fine was going to be.

Commissioner Mrs. Raynis asked, Right now, if there's a violation, at some point the Land Records show that there's a violation?

Chair Vitali said, I think there's only one that ever got to that point. We have to start doing something more serious. You can see applicants come before us, and they just ignore us.

Commissioner Mrs. Raynis said, I would agree with Middletown. I think the \$1,000 fine--I'd feel differently if a corporation or business or an out-of-town person is violating daily, versus the homeowner. I don't want to bankrupt anybody. Maybe to find that balance. Of course, we can't go back once the wetlands are damaged. It affects the Town's drinking water and environment, etc. I am in favor of adopting fines. Something has to be done on after-the-fact permitting, and some people are violating and ignoring. So I would like something to happen.

Commissioner Kern said, I remember six or eight corporate and residential situations that, if they were given notice of a \$1,000 fine, they would have moved faster. We've got one on Center Street, and it's been over two years. Others dragged on for months that could have been cleared up if there was a fine.

Chair Vitali said, I was hoping, as for the Middletown one, there'd be a limit to the first violation; and then, if not corrected, it would escalate up to \$1,000 a day--allowing a way of encouraging them but also some time to deal with it.

Commissioner Phillips said, It was a hot topic at CACIWC (reference was to the Connecticut Association of Conservation and Inland Wetlands Commissions conference held November 15), when I went for the talks. Fines, how much, and how much time. It's time to do it. Ridgefield's fines are \$1,500 per day, and they don't have any trouble with violations, and they don't go to court.

Commissioner Caruso said, I like the Middletown. Hammering residents at \$1,000 a day--that's unreasonable, especially for a residential violation. Most people violate because they just don't know or don't even know they have wetlands on the property. So, with people that have been advised that don't follow the directions about the violation, I have no problem with hitting them with \$100 per day until they correct it. And with a business, I think maybe \$500 per day.

Commissioner Heilman said, I do think that \$1,000 a day is absurd. A graduated payment process, timed, is more relevant. It provides increased impact as you go along. The Middletown is a good platform to start from and tweak it.

Chair Vitali said, I did a tad of research. Even Planning and Zoning in Wallingford has fines, or ZBA. Once the issue is resolved, there's negotiation on the fine--whereas Meriden is very hard-negotiable. So there's the guidance.

Ms. O'Hare said, O.K. I had an idea to call Middletown and see how this works and what could be done better. So, what it didn't say in B., for the first violation, it didn't say that the Commission would have to give the Violator a time frame to comply, such as 30 days, half a year, etc. Then, if the 30 days, or so, comes about, then it goes to the dollar amount fine.

Chair Vitali said, If we could get some bonds involved in the fine. With a bond, they seem to pay attention when they can't get their bond back. Well, there you can work on that, Erin, to draft something.

Commissioner Mrs. Raynis said, First, where does the money go when we collect the fine?

Chair Vitali said, To the General Fund, I think. Is it correct, Erin?

Ms. O'Hare said, I don't know.

Commissioner Mrs. Raynis said, Maybe if you called Middletown, they would share how it works. Second, in terms of enforcement, what happens? Is it court? What happens when we give fines? How are they enforced? People could say, "I can't afford it," or "I'm just not paying." Do you foreclose on their house? I would like to know.

2. Farm Hill Road Detention Basin

Chair Vitali inquired about the status of this item.

Ms. O'Hare said, This is under the Town Planner.

Chair Vitali directed that Ms. O'Hare should take this item off the Commission's agenda until the Town Planner brings a report back.

3. IWWC application form revision

Chair Vitali said, We looked at it last time and decided there's too much--too many pages.

Ms. O'Hare said, Right. I'll bring it back in a shorter form.

4. Memorandum to Kevin Pagini, Town Planner, re: PZC Special Permit #405-25 - 143 Hanover Street - City of Meriden, dated 11/24/25

Chair Vitali asked, What is it, Erin? It's an Application from City of Meriden? What do they want to do, straighten out the gate at the south end of their property?

Ms. O'Hare said, This is not an application for Inland Wetlands. I just put that in there for your information. I wanted the Commission to know how much work the Environmental Planner position--there's a lot of work we do outside of this Meeting and outside of applications and violations. I review all P&Z applications and all ZBA applications, and pool permits and deck permits, etc. I write reports, sometimes when I feel it's needed, to the Planning Department. All the departments respond to Planning and Zoning applications--Fire, Health, us, Water & Sewer--they all reply. Ever since 2009, I review every deck, pool, building addition application that comes through. City of Meriden wants to have a storage area there, which is an 'After-the-Fact' application to the PZC.

Chair Vitali asked, What wetlands are they working with at the end of the airport? Or URA?

Ms. O'Hare said, Almost--if they expand a little more, they will be.

Chair Vitali said, Well, Meriden, if they create a violation--

Ms. O'Hare said, As to decks and so on: Since 2009 the Mayor changed it because someone built their in-ground pool half on somebody else's property. That's what changed it.

Chair Vitali said, We remember. Why do you go out on that?

Ms. O'Hare said, That one did not involve wetlands. But I am required to review it. They don't get their pool until I check it off.

Chair Vitali said, O.K.

Note: See the Motion that was voted below to maintain all the H. and I. Violations in place.

H. 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; Amended 7/30/25 & 10/1/25

Chair Vitali asked about the status.

Ms. O'Hare said, My Environmental Planner's Report went out in the packet. There is some progress. I went out to the property Monday. They had David Lord put red flags. And they asked him to come to an agreement between where he put the 50-foot URA boundary and Ian Cole's. He put red flags in because they want to move the shed and the coop. They planed off an area for the shed at the top of the driveway, outside of David Lord's red flags. On the north side, they're going to put the chicken coop, again respecting the red flags. So they are making some headway. I understand that Juliano was supposed to start this week on the drainage plan.

Chair Vitali said, We're going to leave the violations. Can I have a Motion to leave existing Violations in effect (referring to the H. Violations above and to the I. Violations listed below)?

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

1. Cease & Correct Order Remains - 55 Kondracki Lane - Fifty-five, LLC - (correction plan to comply with the 6/5/18 Order) approved 12/6/23; almost complete
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
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
4. Cease & Correct Order Remains - 67 Schoolhouse Road - Karl Kieslich - (new filling over prior filling) issued 4/25/23
5. Notice of Violation Remains - 24 Maplevue 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 Maplevue Rd. & on 13 Rolling Meadow Dr.) issued 4/21/23

MS. PHILLIPS: MOTION THAT ALL THE VIOLATIONS IN H. AND I. BE AFFIRMED.
MR. CARUSO: SECOND.
VOTE: ALL COMMISSIONERS VOTED AYE IN A VOICE VOTE.

J. NEXT SCHEDULED REGULAR MEETING: January 7, 2026

K. ADJOURNMENT

MS. PHILLIPS: MOTION TO ADJOURN.

MR. CARUSO: SECOND.

VOTE: ALL COMMISSIONERS VOTED AYE IN A VOICE VOTE.

The Meeting was adjourned at 7:54 p.m.

Respectfully submitted,

Kathleen L. Burns
Recording Secretary