

MINUTES

Wallingford Inland Wetlands and Watercourses Commission

Regular Meeting
Wednesday, June 7, 2023, 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, June 7, 2023, at 7:05 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 Jeffrey Necio, and Alternate Commissioners James Heilman and Aili McKeen, and Environmental Planner Erin O'Hare.

ABSENT: Commissioner Michael Caruso and Alternate Commissioner Mrs. Caroline Raynis.

There were seven persons in the audience.

A. PLEDGE OF ALLEGIANCE

The Pledge was recited.

B. ROLL CALL - As above.

C. CONSIDERATION OF MINUTES

1. Regular Meeting, May 3, 2023

Chair Vitali made two corrections:

p. 4., where Mr. Vendetto starts speaking, to change "private" to "public", to read, "My front yard is on a public street.

p. 5, paragraph 3, where Chair Vitali is speaking, to change "cement post" to "cement pond".

MS. PHILLIPS: **MOTION THAT THE MINUTES OF THE REGULAR MEETING OF WEDNESDAY, MAY 3, 2023, BE ACCEPTED AS SUBMITTED WITH THE CORRECTIONS ON PAGE 4 AND PAGE 5.**

MR. NECIO: **SECOND.**

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

Chair Vitali affirmed that Alternate Commissioner Heilman will be participating and voting tonight.

2. Special Meeting, May 16, 2023 - Site Visit - 24 Mapleview Road

MS. PHILLIPS: **MOTION THAT THE MINUTES OF THE SPECIAL MEETING OF MAY 16, 2023, BE ACCEPTED AS SUBMITTED.**

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

D. OLD BUSINESS

1. #A18-12.2 / 32 Barnes Road - Rowland Industries - Request for release of bond

Ms. O'Hare said this item is not ready for action.

There were 12 persons in the audience at this time.

2. #A23-2.2 / 86 Barnes Road - 950 North Main Street Wallingford, LLC - (commercial development - storage unit facility)

Appearing were Mr. Zach Georgina, E.I.T., Project Engineer, from Juliano Associates, Yalesville, and Mr. David Lord, P.E., from Soil Resource Consultants of Meriden.

Mr. Lord said, We've addressed the majority of the Environmental Planner's comments in the Wetlands report.

Mr. Georgina said, The plan before the Commission is as it was. Ms. O'Hare has not seen the revision, which is forthcoming. We're starting with the current site at 86 Barnes Road, which is a vacant lot. Over the years it has had a variety of stockpiling. And there are wetlands along North Main Street Extension and north along the border. There's a stream on the neighboring property which is also owned by this Applicant. That stream will be addressed by Mr. Lord. The remainder of the site is existing brush over the decades. It's presently invasives and bushes.

Mr. Georgina continued, We're proposing five buildings of self-storage units with a driveway around the facility. The wetlands are closest at the end of Building 1. We're maintaining a 23.1-foot buffer from the wetlands area and the stream. The project intent is to entirely collect all water on the site and put it into the ground. We'll utilize a system of 121 4'x4'x8' concrete galleys. The area will be collected by catch basins, and we have infiltration capacity up to 16" per hour. The State limit is up to 15" per hour. So we're overdesigned, so we are not going to be sending water off site. We do have a high-level water overflow to the public catch basin. But our system is 38% larger than it needs to be. This wetland at North Main Street Extension is physically above our site. The eastern side will be in cut and the western side will be in fill. Our units will be below this watershed because water does not flow uphill. So this wetland here is being fed from a hydraulic high point or from North Main Street. We have a footing drain on the back of Building 1, to maintain groundwater away from this building, just a collect and bypass. You saw it at our last meeting. Any questions on the site plan?

Chair Vitali said, What's going on along the north part of the site? Is that a clear situation on this map? I understand that additional wetlands were picked up on the north side of the property.

Mr. Georgina said, That situation came up yesterday. I have an overlay for that (copies passed to the Commissioners). Mr. Lord will address that. The erosion is at the area in your drawing, highlighted in blue towards the shadow from a tree. That's what's to be addressed. There's an area that could be considered a wetland; but, if that shadow was wetlands, it would be 25.4 feet away. And we have 21 feet now at this location away from Building #1.

Chair Vitali asked for questions.

Commissioner Heilman asked, Do you have any data as to seasonal variations in water table for that area?

Mr. Georgina said, A lot of this area is not a typical watershed. What we have here is on plan Sheet 4 with our test pits. The water level drops as we go toward the ravine, indicating that the water disappears into the watershed. Actually, it goes to the surface and down here.

Commissioner Heilman said, What you just described was a valley. What about one side of that?

Mr. Georgina said, Based on what we're looking at, from the deep water testing there isn't enough rainwater here to be measured. It comes in from the industrial park, but it dissipates.

Commissioner Heilman said, Years ago, we had an application north of this area for the Yale Motor Inn across from the Yankee Silversmith, and that area used to receive a volume of water during almost any storm, flushing in from the east down the through that valley setting and disappearing. You'd have torrential rivers of water flow coming to that area, and it would disappear. And you describe first seeing a good flow of water through a very porous situation; but you never addressed what I asked about the seasonal fluctuation. What would that do when this water had to go in there? That, if I recall, is where water is not exiting, with no evidence where seasonal high water would be. Would you do it by monitoring the surface?

Mr. Georgina said, Near the stream, that's where it's 4 to 11 feet in depth. To the west, we found no more data than would be reasonably accepted on any other application.

Commissioner Heilman said, What was your depth during spring?

Mr. Georgina said, It was done on 4/4. Our deepest test pit was 11.5 feet below grade and we had not found evidence of stormwater retention. Currently, it's 3 feet above that elevation. That would be the stone field that is at 88.5 feet, which is 3 feet above where we assumed groundwater would be.

Commissioners Necio and Phillips had no questions.

Commissioner Kern asked, A snow shelf?

Mr. Georgina said, It's located in the blue hatching around the Barnes Road side of this building, between the fence and that paved area.

Commissioner McKeen had no questions.

Chair Vitali said, I have a friend who has storage, and they use no salt, just sand.

Ms. O'Hare said, My EPR went out by e-mail. At the end of Suggested Conditions of Approval, there's one with a Condition of Approval where there appears this tiny area of wetlands that had been overlooked. It was seen in the aerial image.

Ms. O'Hare continued, But David Lord interpreted my words differently, and he didn't realize that I was

talking about a third wetland down by the river. And now we have this handout. I understand Mr. Lord did go out there today, and he can describe what I had seen in April when I took photos. I could see it from across the river. The river actually is located on the 950 North Main Street Extension property. . On Monday, I couldn't see it. On the report, I'll hit the high points. It's around 65,000 square feet of impervious surface on this site, a lot. My concern is, if they pave here, that it's going to dewater the wetland on the north side. It doesn't because he said the groundwater pitches southwest. As you asked, I looked at the riverbank one more time. Everything looks good. The eroded channel is up behind the units on that 950 property.

Ms. O'Hare continued, Mr. Lord's second Wetland report on May 11 talked about the isolated wetlands by North Main Street Extension and restoring their wetland and doing plantings of good wetland plants and making a border there. I worked that out as a Condition of Approval. So I asked Zach, Are you proposing it, or do you want the Commission to put it as Condition of Approval? So Mr. Lord would prepare a Wetland Restoration Plan to be submitted within one month. Is he talking of chemical or mechanical means? But you'd have to wait a while until it can receive new plantings, with chemicals put there.

Chair Vitali said, It would be some herbicides just suited to there. Mr. Georgina, have you gotten the letter of Conditions of Approval?

Mr. Georgina said, Yes. My office went over it. The only thing is to ask you to weigh the benefits of removing the invasives and promoting native species before making that a Condition of Approval.

Mr. David Lord of Soil Resource Consultants in Meriden spoke: I have several documents that I prepared. I was not able to make the Meeting last month. I have been working on this project. The small area of wetland is along the north central portion. You will see in the center there's an angle of property line that comes to a point, and that's the area I found this afternoon. It's on this photograph as a gray shadow. With 3D enhancement, you can actually see the tree. What is there is about 6 to 8 feet away from the main channel. Beginning at a point where that property line bends, there's an area where drainage conditions occur. It goes out the channel and into a ditch that's probably 3-4 feet deep with no outlet on the western side. What appears to happen is that in storm flows, the water jumps out of the channel, goes parallel to the existing fence, is trapped and is ponded and soaks into the ground. Today I had to cut with a machete to find this. I used my staff to find the ground. Once I got to it with the machete, I actually found this condition. That area is limited to this corridor feature under your regulations. It has no persistent water table condition. That area we marked it and survey-located it on the map as a reference, being about 6 to 8 feet away from where the existing channel is now.

Chair Vitali said, It sounds like you have a retention pond.

Mr. Lord said, When water comes down, that area acts as a convergent basin. It's about 15 feet long and from 4 to 8 feet back to a closed depressional area. It's dry right now.

Chair Vitali said, So it's hard to call it wetlands.

Mr. Lord said, The soil in the bottom is moist, and there's a couple of wetland ferns. The Commission has the ability to say it's a wetland or not. There's a similar area that retains more. Now to identify and put it on the map for the future, it's probably 10 feet closer than the area defined by flags 3 and 4. But it's still 20 feet away from the closest alteration. This area flows parallel to the existing channel--

just opposite.

Mr. Lord continued, In reference to the eastern pocket back to 2019, I cannot find a direct water flow to this pocket. It's likely to disappear. There's some clearing around the eastern/northern rocks at the sides of it. It appears to hold water. Going to the eastern North Main Street side of it, it seems to go to the bank. I walked the entire perimeter, and there's no indications of overflow. Any water that comes into it resides in the bottom and resides in the ground--very permeable, high infiltration rates. And there's no consistent water table connection to it. It does not relate to your definition of watercourse, but sometimes it has water in it and is associated with a wetland. That area is very heavily controlled by Japanese knotweed and some multiflora rose, invasives. Those plants we propose to take out and put in a mitigation effort. Mitigation does not always entail wetland conditions. We're proposing a wetland enhancement corridor restoration that changes from invasives to native focus, for natural vegetation and to increase wildlife habitat down in there. I realize it's a 30-day time frame to submit a plan stating species, numbers, diversity of the plants to be put in--and to run to three years as a mitigation/conservation plan if we have were to take the Japanese knotweed and other invasives out.

Commissioner McKeen asked, How do you plan to take it out?

Mr. Lord said, A number of methods are used. It generally takes three to five years as the root system can regenerate. Japanese knotweed has to be disposed of properly. Small and systematic is the way to deal with it. We paint it on the growing edges of the plant to kill the system. It takes a number of repetitions to clear it.

Commissioner Kern said, It sounds like there are two areas: the first one and 2) this last area where you have to put fencing around those to segregate that from construction. Could we put protection up?

Mr. Lord said, My focus for the mitigation is the eastern side. That area should be ringed by construction fence because, if you trek through Japanese knotweed, it will go somewhere else. The area we're going to be working in is outside of the fence of the storage facility. So the people who use it would not have access to it.

Mr. Georgina said, Ms. O'Hare recommended flags every 50 feet to indicate the clearing limits. The wetland and watercourse limits are going to be marked. There's to be two separate areas.

Commissioner Heilman said, I find your description in that wetlands area almost matching a vernal pond, but no water to it.

Mr. Lord said, Since 2019, I have never seen any standing water in it.

Commissioner Heilman said, Are you doing any excavation leading up to that toward where that hillside wetland is? Is there any excavation to take place west of the high pond? Would high groundwater have any effect on a portion of that wetland? So could excavation affect what would be dewatered?

Mr. Lord said, That was one of my focuses with this wetland and to the west, to see if there's any hydraulic connection. There isn't any.

Commissioner Heilman said, There's a vernal pond, but no wetland?

Mr. Lord said, This is in no way a vernal pool/spring. It's just seasonal. It's standing water. It's wet here in springtime.

Commissioner Heilman said, I see no connection of this wetland to anything to the system that's channeled to the system that's down there. I would not look to preserve it. As to the pond that's down below, Mr. Vitali, I remember long ago when the location north of this property was being developed, and that applicant was asked to address the concerns for that stream going down toward here. I remember saying at that meeting that you're opening us to create a wetland which would allow this channel to overflow, and that the stream is to go through an area that was never wet before. It was the place of the property owner to say "No."

Chair Vitali said, But Mr. Mezzi refused to allow the northern side to be linked to the southern side.

Commissioner Heilman said, It's a channel that's been allowed to overflow there, and now creates a flow pocket. It's not critical to the rest of the overall system. Yes, protect it, stay out of it. But it should be protected in terms of the environment out there.

Mr. Lord said, That southern side, the existing source channel, does have some protective measures in place. Where the water flows out of the channel into this pocket, there's a geotech "mattress" almost that has stone on top of it, so there has been some historic placement of channel protection in that area where this bumps out. The fence makes a bend to the north and comes into the channel. Now, we're not doing anything to it. We can show the rapped overlay of this pocket on the site plan drawing, if the Commission wants that.

Chair Vitali said, I don't want to remove the invasive species. That's a massive undertaking. I don't know about putting a wetland plan in the area. Erin?

Ms. O'Hare said, A lot of the vegetation there is phragmites by the road. That's hard to get out.

Mr. Lord proposed cutting it in the late summer and treating it. With phragmites, it works. For Japanese knotweed, it's recurring.

Chair Vitali said, It's hard to remove.

Commissioner McKeen said, For phragmites, DEEP advises using a broad spectracide. They spray it, and it seems to work.

Mr. Lord said, There's a formula systemic herbicide that's labeled for use in Connecticut when you're dealing with water. It has to be done by a licensed applicator with supervision as to how and when to do it.

Commissioner Heilman said, I think a professional would be very important. Also, that you would not use a substance which has been banned.

Chair Vitali said, It's removal of invasive species on a hilly piece of land.

Ms. O'Hare said, There's an Engineering Department comment in your packet. Basically, Zach has to fix the four things that the Town Engineer said.

Mr. Georgina said, I'll have the answer to the Town Engineer in time for the Planning and Zoning meeting.

Ms. O'Hare said, About the Conditions of Approval and the revised plans to be submitted, that includes demarcation of the wetlands corridor area, which was submitted to the Commission tonight. In my Conditions of Approval, on page 4 to add to #6 to allow a three-year monitoring period. And with a #7, to add a silt fence, because there is no silt fence on the site plan for near the eastern wetland. Orange snow fence would be better.

Mr. Lord said, Those points are in mine, to mitigate the removal.

Chair Vitali said, You're in agreement with the Conditions of Approval and placards, etc.?

Mr. Lord said, Yes.

Chair Vitali asked for a Motion on Significant Activity.

MS. PHILLIPS: **MOTION THAT APPLICATION #A23-2.2 / 86 BARNES ROAD - 950 NORTH MAIN STREET WALLINGFORD, LLC - (COMMERCIAL DEVELOPMENT - BE DECLARED NOT A SIGNIFICANT IMPACT ACTIVITY.**

MR. NECIO: **SECOND.**

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

MS. PHILLIPS: **MOTION THAT APPLICATION #A23-2.2 / 86 BARNES ROAD - 950 NORTH MAIN STREET WALLINGFORD, LLC - (COMMERCIAL DEVELOPMENT - STORAGE UNIT FACILITY) BE APPROVED WITH:**

1) THE CONDITIONS OF APPROVAL IN THE ENVIRONMENTAL PLANNER'S REPORT OF 6/6/2023 - #1-5;

2) THE ADDITION OF EXTRA CONDITION #6 - THAT THE REVISED FINAL PLAN TO BE SUBMITTED INCLUDES THE DEPICTION OF THE OMITTED WETLAND/WATERCOURSE AREA THAT WAS SUBMITTED ON A DRAWING TO THE IWWC AT THE JUNE 7TH MEETING, AND MONITORING OF THE (EASTERN WETLAND) AREA FOR THREE (3) YEARS;

3) AND PLACING OF THE ORANGE SNOW FENCE AROUND THE (EASTERN WETLAND) AREA.

MR. NECIO: **SECOND.**

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

3. **#A23-5.1 / 415 North Branford Road - 415NBranford LLC, Deborah Woessner Lyman, sole member - (filling & grading for driveway construction in wetlands & in Upland Review Area & grading for residential construction in Upland Review Area)**

Appearing for the Applicant was Christopher Zibbideo, P.E., L.S., of Close, Jensen and Miller, P.C., of Wethersfield.

Mr. Zibbideo said, This is for 415 North Branford Road for a single-family residence in R-120. It's on the east side of North Branford Road. You can see the upper portion of this property to the left is under construction. So the eastern portion of the property is wetlands. The middle portion is heavily forested with pockets of wetlands that we're trying to maintain. So we are looking at the three-acre portion down here (shown on map). Additional limitations to this site are: the zoning setback and how the site plan for the house is on the property. This is the property line and fence toward the reservoir. The Zoning Regulations have an 80-foot setback. Our Soils Scientist, George Logan, could not be here tonight. This is the Upland Review Area. The house lot is hemmed in between the zoning regulation and the URA and the septic area. So the existing driveway is not safe.

Mr. Zibbideo discussed alternative locations for the proposed driveway. The house is to be 2,350 square feet. The guardrail is by the present driveway now. Stormwater flows out from this driveway system to four catch basins, only when it's raining. I went out with Ms. O'Hare. For a safe driveway, we propose a 12-foot landing spot and we'd grade the driveway from here, which grading goes into the wetland. So a small portion of the fill from the driveway is to come to this wetland, with a wetlands disturbance of 253 square feet.

Chair Vitali said, If the driveway was not the problem, could you go directly from the house to North Branford Road?

Mr. Zibbideo said, Not directly, offset. The farther north you go, the steeper it gets. The road lies so that you can't have a safe viewing distance.

Chair Vitali said, But there's no wetland between the house and the road.

Mr. Zibbideo said, But, if we go elsewhere, Mr. George Logan said it was a potential wetland pocket in that forested area.

Commissioner Kern asked, Has this been approved by the Fire Department? What is the distance you have to have for the emergency vehicles and Fire Department?

Mr. Zibbideo said, The plan has not been reviewed from the Fire Department, but I spoke to the Sanitarian.

Commissioner Heilman said, Was this 200 feet from the brook?

Mr. Zibbideo said, It's over 700 feet from the brook and 629 feet from the reservoir.

Commissioner Phillips had no questions.

Ms. O'Hare said, So you will get all needed permits from Planning and Zoning and a Special Permit for the fill?

Mr. Zibbideo said, Correct.

Commissioner Kern said, The reservoir, isn't there a regulation?

Ms. O'Hare said, Yes. See my EPR on page 2 to clarify. The distances from Spring Brook and from the reservoir must be over 250 feet to septic systems. The Water Division comments are on page 5 in my Environmental Planner's Report. The site is in the Wallingford Watershed Protection District, so there are additional provisions in the Zoning Regulations. Their comments for this area would be: "Erosion controls to be installed before construction, subject to the review of the Water Division." There are other conditions that they wanted to see, which I put in my Suggested Conditions of Approval. And the Engineering Department looked at this, and the Town Engineer called for an erosion control blanket on the slopes adjacent to the wetland and the driveway embankment.

Ms. O'Hare continued: And their comments are on page 5 of my EPR: "Areas to be excavated shall be protected against erosion with the proper controls." So before anyone starts moving the fill out there, the erosion controls would have to be in on site, and the Water Division would have to be on site and would be looking at these things. "The Water Division reserves the right to inspect the premises within the watershed in order to monitor the construction and to direct the owner to abate any nuisance likely to pollute such water." So we'd fold these in as a Condition of Approval as noted in the final plan.

Ms. O'Hare continued, The Engineering Department's comment was, "The Town Engineer called for erosion control blanket on the slopes adjacent to the wetland and the driveway embankment."

Mr. Zibbideo said, We did meet with the Town Engineer and the Water Division.

Chair Vitali said, You're going 250 feet northwesterly in the URA. I don't think a contractor in this state would do 250 feet.

Mr. Zibbideo said, We can't go too much further down here because of the line. And putting in a retaining wall would cause more damage to the wetland.

Chair Vitali said, That's the URA. Do Commissioners have questions? It's to give access to someone's property.

Commissioner Kern said, The concrete that's on site, would that be removed?

Appearing was Mrs. Deborah Lyman, Owner, and for the LLC. Mrs. Lyman said, They were working on our building on #316, and the contractor didn't like the concrete and we removed it. It's clean concrete, 400 cubic yards. Mr. Zibbideo estimated 385 cubic yards to build the driveway that we're proposing. I'll make sure there will be enough room for emergency vehicles in front of the house.

Chair Vitali asked, So you're O.K. with 400 yards? That's it.

Mr. Zibbideo said, We would remove the waste. It's good driveway area now. They can't pour a concrete foundation without getting that out of the way.

Commissioner Heilman said, Could they have the entrance on the north side where there's nothing? You've got the land.

Mr. Zibbideo said, You'd have to add to the length. The farther north you go, the higher the driveway would be, extremely dangerous. We tried to do it as a 12-foot flat spot where you could see down the

road. And then as it comes down from about here, the grade is at 345', and it's 358' at the driveway entrance. From the north, it's at 364', somewhat better there.

Chair Vitali said, Do you agree with Ms. O'Hare's suggestions?

Commissioner Heilman said, I have no objection.

MS. PHILLIPS: **MOTION THAT APPLICATION #A23-5.1 / 415 NORTH BRANFORD ROAD - 415NBRANFORD LLC, DEBORAH WOESSNER LYMAN, SOLE MEMBER - (FILLING & GRADING FOR DRIVEWAY CONSTRUCTION IN WETLANDS & IN UPLAND REVIEW AREA & GRADING FOR RESIDENTIAL CONSTRUCTION IN UPLAND REVIEW AREA) BE CONSIDERED NOT A SIGNIFICANT IMPACT ACTIVITY.**

MR. NECIO: **SECOND.**

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

MS. PHILLIPS: **MOTION THAT APPLICATION #A23-5.1 / 415 NORTH BRANFORD ROAD - 415NBRANFORD LLC, DEBORAH WOESSNER LYMAN, SOLE MEMBER - (FILLING & GRADING FOR DRIVEWAY CONSTRUCTION IN WETLANDS & IN UPLAND REVIEW AREA & GRADING FOR RESIDENTIAL CONSTRUCTION IN UPLAND REVIEW AREA) BE APPROVED WITH THE CONDITIONS OF APPROVAL IN THE ENVIRONMENTAL PLANNER'S REPORT OF 6/2/23, #1-3.**

MR. NECIO: **SECOND.**

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

Commissioner Kern asked, Has the Fire Department approved this proposed driveway?

Mr. Zibbideo said, They had not, but I will talk to them as soon as possible.

4. #A23-5.2 / 69 Schoolhouse Road - Matt Luis - (top soil & plantings in Upland Review Area) - Administrative Approval granted 5/3/23

Appearing was Mr. Matt Luis, Owner.

Chair said that Administrative Approval was given for the first half of work on the property, which was done. Now the second half is to be graded.

Ms. O'Hare said, Mr. Luis wants to put upland shrubs on the edge of the Upland Review Area and wetland shrubs in the wetland area. He has removed all the bricks from the wetlands..

Chair Vitali said, So there's no reason why he has to have a second Administrative Approval. He asked Ms. O'Hare to view the property again regarding final topsoiling and shrubs.

Mr. Luis left the meeting at this time.

E. NEW BUSINESS - None.

F. RECEIPT OF NEW APPLICATIONS

1. #A23-5.4 / 1760 Tuttle Avenue - Ken Rosengrant - (in-ground pool with patio surround, temporary stockpile & access route) - Request for Administrative Approval

Chair Vitali said it's fairly close to the watercourse. He asked Ms. O'Hare if she sees any impact to the wetland or watercourse.

Ms. O'Hare said, All the impacts to the wetland and the watercourse were done 30 years ago. This gentleman bought the property last year. The stream flows through the forest, then across the rear yard along the lawn--all open to the sun--then flows into a forest again off site. I saw that the stream was dry. I have photographs. I think the area was filled in years ago. For Administrative Approval, he would have to put erosion controls for the area against the metal fence so nothing could get down below. And they are going to use a cartridge-type pool pump filter, meaning that the dirty pool water does not have to be pumped out.

Chair Vitali granted Administrative Approval for this request at 1760 Tuttle Avenue.

Chair Vitali formally received these two Applications tonight for the July 19th agenda:

2. #A23-5.5 / 10 Mansion Road - Joe Flamini (Lost & Found Ventures LLC) - (commercial development - restaurant)

At the Chair's request, Mr. Zach Georgina of Juliano Associates, Yalesville, described the property and Application briefly.

3. #A23-5.6 / 898 Church Street - Vincent Perretta - (apartment complex)

At the Chair's request, Mr. Zach Georgina of Juliano Associates, Yalesville, spoke briefly about the property and proposal.

G. REPORTS & COMMUNICATIONS

1. Discussion of proposal to adopt fines for violations - Not discussed.
2. Farm Hill Road Detention Basin - Not discussed.
3. Notification of pond treatment - 179 Maltby Lane - Murgo - Applicator: The Pond and Lake Connection; dated 5/15/23 - **Noted.**

H. VIOLATIONS

1. **Notice of Violation Remains - 1245 Old Colony Road & Quinnipiac River - Jerzy Pytel - (unpermitted clearing & filling near river).** This Violation remains.
2. **340 & 346 Quinnipiac Street - Southern CT Pallets - (possible violation).** This agenda item remains.

3. CEASE & DESIST - 67 Schoolhouse Road - Michelle Millican & Michael Gerace - (new filling) issued 4/25/23; decision 5/3/23

Ms. O'Hare said the Owner of 67 Schoolhouse Road, Mrs. Gerace, sent in a letter dated May 3rd. The week after, I called Mrs. Gerace and left a message with responses to her letter. She had asked if the Town would assist on costs, and I told her the Town would not do that. Two contractors had talked to me about the matter to gain more information. This afternoon I called Mrs. Gerace, and she

said there was no progress.

Mr. and Mrs. Gerace appeared at this time.

Mr. Gerace said, We did get two quotes from contractors. They said it wouldn't be a good idea to remove the material. In July, we may know where it's going to be put. I don't have the funds now to remove the material. I'll try to find ways to get the material out of there.

Chair Vitali asked, Did someone work with you to figure out where to put the material?

Mr. Gerace said, Yes, to move the material to somewhere at a closer distance.

Chair Vitali asked, Did you get a letter from him that he's working in your best interest?

Mr. Gerace said, Yes.

Chair Vitali said, Give us that on (contractor's) letterhead.

Ms. O'Hare said, It's up in 30 days, but the next meeting is July 19. I suggest moving the deadline to July 19, and you'd bring back that letter. Could you vote on that?

MS. PHILLIPS: **MOTION THAT THE CEASE AND DESIST ORDER TO REMOVE THE FILL ON 67 SCHOOLHOUSE ROAD BE EXTENDED TO JULY 19TH FOR THE REMOVAL OF THE FILL.**

MR. NECIO: **SECOND.**

VOTE: **THE MOTION WAS APPROVED UNANIMOUSLY IN A VOICE VOTE BY COMMISSIONERS PHILLIPS, NECIO, HEILMAN, KERN, AND CHAIR VITALI.**

Ms. O'Hare stated that the Law Department indicated that the Commission would vote to put the Cease & Desist order (Item 3) and the Notice of Violation (Item 5 below) for this property on the Land Records. **Chair Vitali asked Ms. O'Hare to put that note on the Agenda for the July 19 Meeting.**

- 4. CEASE & DESIST - 67 Schoolhouse Road - Karl Kieslich - (new filling) issued 4/25/23; tabled 5/3/23**

Chair Vitali said this Cease & Desist Order remains.

- 5. Notice of Violation Remains - 67 Schoolhouse Road - Michelle Millican & Michael Gerace - new filling); issued 4/19/23**

Chair Vitali said this Notice of Violation remains.

- 6. Notice of Violation Remains - 67 Schoolhouse Road - Karl Kieslich, contractor - (new filling); issued 4/20/23**

Chair Vitali said this Notice of Violation remains.

- 7. Notice of Violation - 24 Mapleview Road - Patricia Clarke c/o James W. & Patricia Clarke, Trustee of The Clarke 2022 Living Trust - (alteration and filling within wetlands and within Upland Review Area on 24 Mapleview Road & on 13 Rolling Meadow Drive) -**

issued 4/21/23; Special Meeting held at site 5/16/23.

Ms. O'Hare said the original subdivision map showed wetlands. She said water had flowed across the property and into the wetlands. But Mrs. Clarke did not want the property corner to be wet, so she put a berm on her side to stop the water. A Notice of Violation was issued on April 21 for her to remove the rock and structures and wetland plantings that were installed in the neighbor's wetlands and on her property as well. Ms. O'Hare stated that Mrs. Clarke had brought a video in today showing the flows during a storm.

Mrs. Patricia Clarke was in the audience.

Mr. Tim Clark, Owner of 11 Rolling Meadow, spoke about piping the flows to 15 Rolling Meadow.

Some Commissioners offered alternative ideas to address the issues.

Ms. O'Hare asked about the pipe that goes to the marsh. She said that she checked the Land Records and had talked with the Engineering Department.

Chair Vitali said the pipe should be addressed in an Application. Then he asked Mrs. Clarke and the abutting Owners at 11 Rolling Meadow and 13 Rolling Meadow to talk together with Ms. O'Hare to come to an agreement before the next meeting on July 19th.

Chair Vitali said this Notice of Violation remains.

8. Notice of Violation - 19 Tamarac Swamp Road - William Schubert - (clearing, grading & filling in wetlands and within Upland Area); issued 4/24/23

Mr. Bill Schubert, Owner, appeared.

Chair Vitali asked, Have you been working with Roman Mrozinski?

Mr. Schubert said, Yes.

Ms. O'Hare said, The Commissioners' packets have a copy of the report from Mr. Mrozinski and a map where he delineated the wetlands on the property and probably the Upland Review Area as well. I encourage you to go out there and see what Mr. Schubert has remediated and what Roman directed him to do. Roman is asking how much fill should come out of the URA? I saw it there last week with him. There's tree roots to be protected, so I think 6 inches to 1 1/2 feet of fill there.

Mr. Heilman agreed for the trees.

Ms. O'Hare said, The tree roots extend all the way to the canopy. But he is suggesting a 3:1 slope. Do you want to go out?

Chair Vitali said, I think he and Roman can do it.

Ms. O'Hare said, Mr. Schubert did hire the engineering firm to stake out the eastern line. Their answer will determine how much has to be taken off the neighbor's property.

Mr. Schubert said, I can make some use of it (*reference was to his back property area*).

Chair Vitali advised that Mr. Schubert can work this out in the field without going into the wetlands.

Ms. O'Hare said, It would be a 3:1 slope, and then Mr. Schubert is going to apply for an after-the-fact permit. He intends to keep half of the fill that he put in there.

Chair Vitali said, We can discuss that. Check with Roman.

Ms. O'Hare said, O.K. Also, Public Works has given permission to put a retaining wall on the west side of the driveway.

Mr. Kern asked, Is this the area you're filling behind the house?

Mr. Schubert said, Around the tree line and wood shed--beyond the septic system.

Commissioner Kern said, So the proposed septic system is not present.

Mr. Schubert said, I bought the septic system a year ago as a condition of the closing. The septic system on the property failed the test, and it was rebuilt.

Ms. O'Hare said, I got the plot plan from the Health Department filed over a year ago.

Chair Vitali said that this Notice of Violation remains in place.

I. ADJOURNMENT

MS. PHILLIPS: MOTION TO ADJOURN THE MEETING.

MR. NECIO: SECOND.

VOTE: UNANIMOUS TO ADJOURN.

The Meeting was adjourned at 9:35 p.m.

J. NEXT SCHEDULED REGULAR MEETING: July 19, 2023

Respectfully submitted,

Kathleen L. Burns
Recording Secretary