

**Wallingford Inland Wetlands & Watercourses Commission**

**Regular Meeting**

**Wednesday, March 6, 2024, 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, March 6, 2024, 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, and Commissioners Michael Caruso and Jeffrey Necio, and Alternate Commissioners James Heilman, Aili McKeen, and Mrs. Caroline Raynis.

**ABSENT:** None.

There were 34 persons in the audience. Later on, another 20 persons entered the Chambers.

**A. PLEDGE OF ALLEGIANCE**

The Pledge was recited.

**B. ROLL CALL** - As above. Chair Vitali said the five Members will be voting tonight.

**C. CONSIDERATION OF MINUTES**

1. Regular Meeting, Feb. 7, 2024

**MS. PHILLIPS:** **MOTION THAT THE MINUTES OF THE REGULAR MEETING OF FEBRUARY 7, 2024, BE ACCEPTED AS SUBMITTED.**

**MR. NECIO:** **SECOND.**

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

**D. PUBLIC HEARING ITEM**

1. #A24-1.1 / 1136 Durham Road - Sunwood Development Corp. - (re-subdivision - 13 lots - under 8-30g.)

Chair Vitali opened the Public Hearing.

Ms. O'Hare stated, The Applicant returned the Certificates of Mailing for notices sent to the abutters about this public hearing; and this public hearing notice was posted on the Town website on February 20, and published on February 22 and March 3 in the Record-Journal. This Application comes under our Regulated Activity, Section 2.1.z.2, so it has to be a public hearing tonight.

Appearing were Mr. Robert Wiedenmann of Sunwood Development Corp. in Wallingford, Mr. Christopher Juliano of Juliano Associates, and Attorney Tim Hollister. Also, not present here but assisting was Mr. George Logan, Certified Soils Scientist and Wetlands Scientist, and Registered Soils Scientist, and Certified Senior Ecologist of REMA Ecological Services in Meriden. His report is in the

packet.

Mr. Wiedenmann said, This Application is for a 13-lot residential subdivision. Revised plans submitted were dated 2/26/24. The Stormwater Drainage Report was revised to 2/26/24. The Stormwater Management and Open Space Maintenance Plan was dated 2/26/24. Response from the Town Engineer to Christopher Juliano was dated 2/26/24. The report from George Logan was dated 2/28/24.

Mr. Wiedenmann continued, The property was previously owned by George Mellor. We own it now, at the corner of Durham Road and Grieb Road, about 3.5 acres. It's a lightly wooded parcel, previously used as a Christmas tree farm and a residence. It slopes gently from the rear from the west toward the east toward Durham Road and Grieb Road. There are no wetlands on the property and no wetlands in the proximity of the property. We had to verify that through multiple means.. The single-family house, garage, and barn would be removed. We're developing a 400-foot long public road ending in a cul-de-sac with 13 building lots. Each home will have municipal water and sewer. Water service will be extended from the intersection of Killen Drive. I'll have Christopher Juliano speak, then talk about George Logan's report, and then talk about Erin's comments we received today.

Mr. Juliano said, I'm a Licensed Land Surveyor and Professional Engineer with Juliano Associates, 405 Main Street. As to wetlands on the property, we went to the old subdivision map that developed Killen and Fairlawn behind. There were no wetlands depicted on that subdivision map. Then we went to the Soils Survey, which is the State's wetlands inventory, and we found no types for the property to indicate there were wetlands. Last month, there was discussion about getting Soils Scientist to confirm that. We brought in George Logan to do spade and auger testing on the property, and it was confirmed there are no wetlands on this property.

Chair Vitali asked, Erin, why don't you announce what triggered this Application coming in?

Ms. O'Hare said, Mr. Wiedenmann knew there were no wetlands. I brought to his attention that it trips one of our Regulated Activity provisions, Section 2.1.z.2, the surface area provision, because they're proposing to create about 38,000 square feet of surface area. So Mr. Wiedenmann thought he could apply for Administrative Approval last meeting. For that meeting I produced an Environmental Planner's Report, dated Feb. 2, in which I explained this application wasn't a good candidate for Administrative Approval. So then Mr. Wiedenmann applied by a full Application. Soon after that, we got a petition from at least 25 people in the neighborhood to have a public hearing. That's why at the last meeting on February 7th the Chairman set a Public Hearing for tonight.

Chair Vitali said, Go ahead, Chris.

Mr. Juliano said, I have our Site Grading and Drainage Plan up. You can see where the proposed road is, where the 13 lots are, and where our Stormwater Management Area is. Durham Road is on the right side of the map, the easterly side. The intersection with Grieb is here running north-south. A new entrance for Kyle Court will be right here with the 13-lot cul-de-sac, and our Stormwater Management Area is right here. We do trip the threshold for impervious surface, which is 20,000 square feet. We're around 35-36,000 square feet. That regulation also states that the increased impervious area may have an impact on Wetlands. As indicated and confirmed, there are no wetlands on the property -- actually no wetlands on the other side of either Grieb Road or Durham Road. We've confirmed through both Town and State mapping that the closest wetland is a watercourse on the easterly side of I-91, 800 feet away from our property.

Mr. Juliano continued, Basically, drainage will come out of our detention basin and enter the municipal

stormwater system in Durham Road, flow down Durham Road and discharge into the Right-Of-Way for I-91. From there, it enters a State grass-lined swale, flows north and then under I-91, and reaches a water-course. So per the regulation, while we do trip the requirement for impervious surface increase, whether or not we have an impact on that wetland, and how far it is away, is in question.

Mr. Juliano continued, So we designed the detention basin and did two deep test pits and one percolation test. We tested down 3 to 5 feet. It's on the plan. The reason why I did it so deep for a percolation test at the proposed bottom of the basin was to make sure the results we got would mimic after this was built. We got a rate of 6 inches per hour, which is very decent. Stormwater Regulations only allow us to use a maximum of 5 inches per hour. Through the review by the Town Engineer, there was a question of how the test was done. That's immaterial because we also analyzed this basin with a zero infiltration rate. It works. It holds back the 100-year storm; actually, it could contain a 1,000-year storm--which is 12.5 inches in a 24-hour period. So the basin's oversized. It will not have an impact on the downstream wetland. For impervious surface increase, whether or not we have an impact on that wetland and how far it is away is in question.

Mr. Juliano continued, So what kind of infiltration rates would we have to have if we were going to not only decrease peak discharges, but what would it take to decrease the peak volume off the property? If we get an inch and a half an hour, we'll actually be decreasing the amount of stormwater runoff that comes off this property, which is a positive. We'll be infiltrating it into the ground, recharging the ground and wetlands wherever they may be. But we won't be putting more water into the stormwater system. In addition to our Town staff meetings, we gave you a Sedimentation & Erosion Control Plan in three phases. First is to build a detention basin and a temporary sidemen trap. The second phase is when we build the road, and the final phase is we're actually building lots. Each lot will have the swale and utilities in, to ensure we can control stormwater from the beginning to the end of the project. I reviewed George's report on the 28th. He backs up my understanding of the project. He did not say we were going to have an impact on downstream wetlands. Are there questions?

Commissioner Kern asked, The existing house, is that city water and sewer or well water and septic?

Mr. Juliano said, Currently on well and city sewer. There are no records of a septic system. I'm not saying there wasn't. If there was, it would have been abandoned in place or abandoned and removed according to Department of Public Health when it was hooked up to city sewer, which it currently has.

Commissioner Kern asked, Is the well capped, or?

Mr. Juliano said, The well will be abandoned in accordance with Department of Public Health. I think it's behind the house. It'll probably be removed entirely and filled.

Commissioner Kern said, And you said you're going to pump any excess water into the storm sewers and bring it along 91? Are the storm sewers sized for this volume of water?

Mr. Juliano said, I looked at the downstream piping. That's one benefit of having high infiltration rates. Even if we get an inch and a half per hour, we're decreasing the amount of stormwater that comes off this property now, so the pipes will actually see less flow coming off the property in the future.

Mr. Kern said, Now I won't have to drive down that road and see the catch basins bubbling with water.

Chair Vitali asked for questions.

Commissioner Phillips said, No questions.

Commissioner Caruso said, No questions.

Commissioner Necio said, No questions.

Commissioner Heilman said, What I'd like to address is concern where this Commission has review, where indeed there's no wetlands on the site. That's an important factor. We built this into our Regulations because we want to know where the water is going to go and what changes will take place in the hydrologic environment. One thing you can note: All the housing around it, where is the detention pond for all of that? I don't see it. It's probably not there because of the distribution. So what makes the Application different is the compaction--the number of homes on the given unit. It requires that there be a detention basin to control that concentration--understood. Our concern as a Commission is where's that going to go and what effect would it have? It's important to note that what's being done is there to protect the wetlands. So there are no wetlands on the property--very important. Where it's going is important. When were the inspection holes made for the percolation testing?

Mr. Juliano said, We did those at the end of November, so it was quite wet at that time.

Commissioner Heilman said, In the REMA report, the saturated hydraulic conductivity is often high. That's a characteristic of the soil we used to call percolation rate, porosity--the amount of water and the rate of flows, what it can handle. So what are those basins receiving from groundwater? You just addressed that, and it's not going to be a concern. This was done at one of the most high-water-table conditions we've had. We have very porous soils here, conveying water extremely well. Across the whole terrain where you folks live, you will see a lot of wetland perched pockets, like around Rock Hill School. It's characteristic of those zones. The high porosity of the soils allows the water across, just below bedrock. That occurs everywhere you have bedrock. So I am happy there's no wetlands. And it's going to a remote area, so it can handle what they're doing here. Since at this time of year they do not see these basins filling with water, it means that you can suspend the water and alleviate problems to where it's going off the property. I'm comfortable with what is happening to wetlands.

Chair Vitali asked, Aili?

Commissioner McKeen said, No questions.

Chair Vitali asked, Caroline?

Commissioner Mrs. Raynis had no questions.

Chair Vitali said, The concern I have: You've got natural flow from the lots west of your project coming onto your property. Correct? Are those flows going into your retention pond?

Mr. Juliano said, Yes, from Fairlawn Drive some of this flow does come off. I analyzed the property and what I'm doing to it. What's happening offsite will continue. So, if I were to take in from Fairlawn Drive all the way down to Durham Road, my percentage of impact would be less because I have a bigger area. I'm concerned with what stops at the property line--to take care of 100% of that. So I designed to what this going to handle. Existing, it's going to come through and continue to go through.

Chair Vitali said, That "continue to go through", is it going to come onto this property and sit? Or is it

going to come onto this property and get into the retention system?

Mr. Juliano said, It's going to flow across, be intercepted by the road or our swale, and get into this detention basin.

Chair Vitali said, So the swale will allow the water to get into the detention system.

Mr. Juliano said, The roadway, if anything comes off, it's intercepted, ends up in our drainage coming down the back of these--through these lots. The swale will pick it up and get it into the detention basin.

Mr. Wiedenmann said, Mr. Heilman questioned about rainfall. We had a National Weather Service report Chris did. It looks at precipitation data monthly and annually for the last couple years. They go by county, so it's not to Wallingford or the site. The last three months of 2023 were 125% of normal. The six-month total, New Haven County, was 167% of total. The one-year total through December 2023 was 130% of total. So this is in very wet conditions--in a normal year we'd see less groundwater than we're seeing today. We saw no groundwater in our test holes.

Mr. Wiedenmann continued, In George Logan's report, we designed to the Connecticut DEEP's 2002 Guidelines for Erosion and Sedimentation Control. As of March 31st this year the guidelines are to be updated to the 2023 standards. I asked him to look at those to see if we meet what will be required soon--we'd be building in that time frame. He did confirm that we also meet those standards. That's important. Last, he stated this will not adversely affect, both during construction and long term, the well-being of the wetlands and watercourses. He's a well-respected environmental scientist. I wanted to make sure we covered all the points in the record. Would you like us to address Erin's comments?

Chair Vitali said, There's so many, I think you've got to address them with her at another time.

Mr. Wiedenmann said, She did find some technical and other things to be corrected on the plans. We'd correct for Planning and Zoning. I just received these about five o'clock tonight. We had gotten her the documentation about noon on Thursday.

Chair Vitali said, So I'd invite the public to comment as a public hearing--name and address for the record. It's specifically for Wetlands issues.

Mr. John Wooding, 1131 Durham Road, said, I'd congratulate Juliano Associates for being able to cram 13 houses on a 3 1/2-acre lot. This is moving quickly because of 8-30(g). I do believe this is a Wetlands issue. On Google it says, "A wetland is a place which the land is covered by water--salt, fresh, or somewhere in between--either seasonally or permanently." If any of you walked this property, you'd probably be redefining it as wetlands. We are concerned about the impact of putting in a road with 13 foundations and driveways with between 25 and 40-50 cars. There's been runoff going into this basin to the stormwater drainage, which eventually leads to where the wetlands are. But I do believe this ultimately impacts those wetlands, wherever. Lawn mowers and equipment that this brings to a very small property should be a concern. Watershed does not technically fall under you, but this certainly will have an impact on watershed--which I assume has an impact on wetlands. One thing brought up by the Town Engineer: This basin Mr. Heilman referred to is supposed to be taken care of by an HOA. That's great if the HOA is active and doing their job; but the Engineer's report said, and they answered, is, "What happens if the HOA is discontinued?" And the answer to that was, "It would be up to the private homeowners." What homeowner is going to care for the catch basin in the back yard that's shared by 13 other houses? It doesn't make any sense. There's a lot of holes in this plan, and I hope you consider that.

Mr. Tom Kapis, 4 Killen Road, said, My property abuts this property on the north side of the proposal. I've been there 19 years. One thing I need clarity on, because Mr. Juliano just said he's really confident there's not going to be issues with retainment of water or pooling. Every day for 19 years--and I'd argue this is more of a trend the last couple of years with the rainfall--I go in my back yard with boots right now, and I'm literally touching this property. So I understand there's an easement across my back yard coming from west to east, basically sloping to Grieb Road--so it really mirrors this parcel, what's going on. I have water issues in my back yard. So, if we're putting 13 lots on this increasing impervious surface, it's going to have a really negative impact. It's not going to make it better; it's going to make it worse. My concern is the quantity of the homes and the increased foundations--there's nowhere to disperse this water. I hear this catch basin's going to do that, but I haven't heard how we're going to get the water to the catch basin site. I haven't heard anything tonight, as an owner and taxpayer, that is going to take care of that for me.

Chair Vitali said, I'd comment that I hope that the swale that he made reference to along the southern boundary line would be designed to accept that water coming off of Killen.

Mr. Kapis said, My understanding of that is there's a swale with an easement in my back yard.

Chair Vitali asked, What's the easement?

Mr. Kapis said, So I understand from the slope of the properties from Fairlawn all the way to Grieb Road--so my road runs perpendicular to Fairlawn--that we're guiding the water or dispersing the water because of the elevation to this catch basin that's on the Wallingford Land Trust property on the corner of Grieb and Killen. And I've never, never seen water, in my 19 years as a property owner, in that basin. I'm probably using the improper terminology, but I understand it as a catch basin similar to what Mr. Juliano discussed. And water just pools in my backyard. My little kids and I are out there with boots. Now we're proposing 13 lots on a 3.5-acre parcel in a wooded area. That's going to greatly disrupt the look and feel of the neighborhood as well as increase my challenges with water.

Mr. Jeff Rajunis, 1125 Durham Road, said, I'm a licensed mechanical engineer in Connecticut--not an expert in civil matters, but I have pretty good knowledge of water flow. My wife and I've been in the house 28 years, since prior to the Fairlawn subdivision. We noticed in a short time a couple of factors. The first is we started taking water in our basement once Fairlawn went in--and we don't have any explanation for that. Second, our well was corrupt after Fairlawn. There was some blasting or something during construction, and our well was contaminated. We had hardship to correct that. Other factors: I disagree with the engineer's assumption about not affecting periphery properties. That is a very liberal assumption. We put a significant addition on a number of years back. When we dug, at about 8 feet down we hit red rock, impervious. We had to bring in special equipment to break it up. I understand this area is predominant for that. When we talk about water runoff coming off Fairlawn, which is higher elevation than Durham Road--some of it's going to run off Grieb to catch basins. We're going to try to catch this water as it flows toward this 13-unit subdivision. But what about water that backs up and then starts to find another place to go? That's what's going to affect us, the houses around this subdivision. That water's going to back up, to find its way into these percolation units or whatever, and then another place. Water always finds another way. It's going to my neighbor's property, hit that red rock, and run under and end up in my basement. It's there already from that previous subdivision. This is only going to make it worse, because you're essentially creating a stone wall in this corner, and I'm directly diagonal to this subdivision. So I'd like to be on record saying I firmly disagree with the assumptions this engineer is making. I'm not certified in this type of engineering, but I know how water moves and how fluids behave. Thank you.

Mrs. Kathy Rajunis, 1125 Durham Road, said, We have trucks constantly, when there's rain, that come to our cul-de-sac on Tom's Drive--we're on the corner--and are dumping water that is backed up from somewhere in the neighborhood. And this happens every rainstorm, all night long. So this water is going to magically go to this pit is going to be, like my husband says, in our basement because it can't escape somewhere else. They have to pump it in and drain it into our drains to make it go into the Town system, I'm assuming. I don't know anything about it. but our basement is a Jacuzzi.

Mr. Dean Toscano, 1128 Durham Road, said, My property abuts the southwestern part of this subdivision. The land is wet. Any of you are welcome to walk my property during this time and take a peek at the water. I've been there 32 years. Years ago, my dog went into that property, and I sunk up to my knees on this property. I lost my shoe. To this day, where they want to put this retention catch basin, it's not percolating water. You could drive up there now: That water is 6 inches deep. Going nowhere--it just sits, goes across my driveway. Water in the back comes down because I'm lower. It's ice in winter; I can't stop. It's blowing out my retention wall from that property--Fairlawn, Killen Road, it all comes down. You're free to go to my property and look at it. My basement's wet. I've got pictures on my phone, if you'd like to look at them after the meeting. I oppose it.

Chair Vitali asked for any next speakers to come to the front.

Mr. Brian Delaney, 1191 Durham Road, said, I'm on the other side of 91. I bought my house 25 years ago, and the water has gotten nothing but worse. You're talking about dumping that water on 91, State property. All that water drains to Spring Lake, which is now filled with silt from Bristol Myers, along with Muddy River which is also filled with silt, which is coming right down at my property. Every time it rains I live in a castle. My whole house is surrounded by water. This has been going on for 12-13 years.

Chair Vitali said, Now Erin's report that you received tonight indicates that this should be tabled to next month so these things in her report are reviewed. Erin, do you change your mind on that?

Ms. O'Hare said, We want the materials on file to be correct, yes. I think that is important.

Chair Vitali said, O.K. I'll entertain a Motion to table it.

Commissioner Kern said, The elevations of the foundations you're going to pour, are they level with the ground contours there now, or are you going to raise them up? The other thing is, where is the excess material going to go when you dig the foundations out? On site or removed? Those are two key things that the audience is listening for. Because, if they have problems with water, you're going to have problems with water. If your foundation is going to be at ground level now-- You're going to raise them up, then? Great, you don't care about them. All you care about is keeping the water out of your foundation. So I'd like to know where the elevations to foundations are going to be and where the excess material on this site is going to be. And are you going to change the swale that comes off from the west to the east, where the water now tends to drift over toward his property? Is there any way to shut this off and have the water go somewhere else? Those three things I'm concerned with.

Mr. Juliano said, With respect to the swale that the gentleman talked about who's on Killen: That is on the Killen properties, and it comes from Fairlawn down there. We are not touching that swale because it's not on our property. I've provided computations and information to the Town Engineer that proves that we are going to have less peak discharge going to the north and less volume to the north. Any water that currently flows from our property to the north, and there is a slight bit, we'd decrease that with the plan. We will not exasperate the issue they are seeing. We're not creating it. We're going to

pull water away from the northern properties. Second, about material. This is a balanced job. Bob and I went through a number of iterations: phase and design, elevations of road, to balance the site out so he did not have to take material off site or bring material on site. Foundation elevations vary by lot. Over the next month, I will get you finished floors, driveway slabs, and bottom-of-footing elevations on the plan. Some are raised; some are not. We fit everything in there to keep driveways at a reasonable slope. I'll get you the exact numbers and make sure they're on the plan next month.

Commissioner Kern said, You heard testimony from the audience tonight about their problem out there with the foundations. Are you still going to attempt to create this 13-lot subdivision and not have water in your foundations?

Mr. Juliano said, We dug down the two test pits where we are at the lowest part of the property, and we did not hit water at the end of November last year.

Audience comments off microphone.

Chair Vitali said, Go ahead, Chris.

Mr. Juliano said, We did those deep test pits. We didn't hit water at that time. It was very wet out there at that time, just like now. There's no question: I'm not surprised that some people have water in their basements. We had Killen Road going; we had Fairlawn. Back in the 90s, were they taking care of the water the way we have to now? Probably not. Everything we're doing, Alison, the Town Engineer, has reviewed. She wanted me to look at discharge points going off various parts of the property to make sure that my peak discharges and volumes were less to these people's properties. And we do that; we meet that. Information regarding the elevations and foundations, I will get you that, Mr. Kern.

Ms. O'Hare said, Mr. Chairman? To Mr. Juliano, one thing germane here is the fact that the Natural Resources Conservation Service mapping, and your Stormwater report agreed with it, says the predominant soil on the site is the Cheshire, where your basin's going; but in the back and on the southern tip it's Wachaug. Wachaug soil has a high seasonable water table. But that's not the predominant area you're utilizing. That would explain some comments. It's a different soil type. Perhaps what they're talking about is the Wachaug soil that sort of rims your site.

Chair Vitali said. O.K. All right. I'll entertain a Motion to table.

Commissioner Phillips said, Continue?

Chair Vitali said, Table this and continue the public hearing.

**MS. PHILLIPS: MOTION TO CONTINUE THE PUBLIC HEARING FOR SUNWOOD DEVELOPMENT TO NEXT MONTH (APRIL 3, 2024).**  
**MR. NECIO: SECOND.**  
**VOTE: MR. KERN - YES; MS. PHILLIPS - YES; MR. CARUSO - YES; MR. NECIO - YES; CHAIR VITALI - YES.**

Mr. Wiedenmann said, Mr. Chairman, so I'm clear. We're going to address Erin's comments, and I think we could probably address a couple of the comments from the public tonight.

Chair Vitali said, That would be good.



Mr. Wiedenmann said, Is there anything else that I'm not aware of that we need for information? I want to make sure we're properly prepared.

Chair Vitali said, Other than Erin's comments, I think everyone here gave you their concerns. I'd like to see if that swale can--you mentioned that you should be able to draw some of the water off of Killen Road or the other ones that are right in back of you, Fairlawn Farms project. This swale is beneficial, it'd benefit everybody.

#### **E. CONSIDERATION OF PUBLIC HEARING ITEM**

- 1. #A24-1.1 / 1136 Durham Road - Sunwood Development Corp. - (re-subdivision - 13 lots - under 8-30g.) - NO ACTION.**

The Public Hearing at D.1. was continued by Motion above.

#### **F. OLD BUSINESS**

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

Ms. O'Hare said there is nothing to report tonight.

Chair Vitali said this Item #A18-12.2 will remain on the agenda for the April 3 Regular Meeting.

- 2. #A18-1.2 / 801 North Colony Road & 6 Beaumont Road / Padens Brook - IAmTheWalrus, LLC - River Corridor Restoration - Request for release of bond - WITHDRAWN**

Chair Vitali acknowledged this Item F.2. as Withdrawn. This matter will be taken up under Violations, Item K.10, below.

- 3. #A24-1.4 / 195 Long Hill Road - Wallingford Country Club - (renovation of two creeks)**

Appearing was Mr. Justin Nash from the Wallingford Country Club Board of Directors.

Chair Vitali asked, Is there a report?

Ms. O'Hare said, I did go out there with Mr. Nash, but the report is not done for tonight. I do have comments tonight. The Town Engineer's comments went to you on February 29th in the packet.

Chair Vitali said, Are we prepared to act on this tonight?

Ms. O'Hare said, I'd like Mr. Nash to present it. The Town Engineer has asked for calculations to see if the water will go faster. He needs an engineer to do those.

Mr. Nash said, I received the Town Engineer's report and had no time to reply. The intent of the project is to restore the creeks to their existing condition, not to change the topography or add any square footage, so in theory not to change the velocity. This was to be a maintenance project. I felt to bring it to you because it's a waterway. The intent is to restore the creeks to their original condition. There's a number of culverts in there that establish the base level and elevation--those are not changing. The elevation of the creeks are not changing. It's to get the silt that's accumulated over 8 to 10 years since they were last dredged. The fabric being installed is a 1" porous natural type of fabric that all the natives will grow up through so maintenance will be far easier.

Chair Vitali said, You're waiting for calculations to give to the Town Engineering Department?

Mr. Nash said, I received that less than a week ago. I have no reservation to providing those. Would you authorize us to do the work and leave the permit open to accommodate any actions at that time?

Chair Vitali said, Erin?

Ms. O'Hare said, I have other issues. I thought some of the creeks were going to get lined with sod. Why do you want a jute bottom?

Mr. Nash said, To establish and firm up the base so it doesn't erode further. The sod lining will only go up to the water line. Detail is presented showing a jute mesh fabric is on the creek base and up the side. Then the sod wraps the top down to basically the water line, or the high point of the water line.

Commissioner Heilman asked, How is that beneficial to the natural biological condition of things that live in the soil?

Mr. Nash said, It creates a 1" x 1" opening where the natural biologics grow up through.

Commissioner Heilman said, No, about the ones that live--zoo plankton--I'm talking about worms, snails, and bugs that live in the soil. My concern is you're doing this for a purpose that has little to do with the botany, the biology that takes place in the creek. It's beautification.

Mr. Nash said, Ninety percent of the year this is a dry swale with little or no water movement through. That creates a firm base that's dry, and it's not going to be filled up with silt. These are not active creeks. Right now, it's active with the unprecedented flow--other times, empty. So I wouldn't say there's life living in these creek beds--no fish. The mesh is not creating an impermeable barrier. It would not be maintained with a mower, hedge trimmer, or fertilizer.

Commissioner Heilman said, I recognize this a part of the recreational purpose within Wetlands. Stay away from the fertilizers, herbicides and pesticides.

Chair Vitali asked, Erin, your comments? To approve or wait for Engineering?

Ms. O'Hare said, The Town Engineer's concern is it's going to increase the velocity in the stream. Also, I think she's talking about outlet protection toward the neighboring property. They have a wooded swamp--that they wouldn't be hit.

Mr. Nash said, I know. We're willing to do whatever is required. During construction, the final culverts on both the creeks have checkdams.

Ms. O'Hare said, I like to see the natural environments, habitats sustained. I would not want to approve it personally.

Chair Vitali said, You asked Engineering to review the plans. We haven't had a response. When are you starting this project?

Mr. Nash said, When this weather subsides. Now is the time to do it--the course is not being utilized.

Chair Vitali said, What if we do grant them approval with \$1,000 bond subject to the release of the Engineering Department?

Mr. Nash said, I'd be appreciative of that.

Ms. O'Hare said, Could your put a higher bond?

Chair Vitali said, The bond is for getting the documentation. Engineering wants calculations.

Ms. O'Hare said, Then put a condition on it.

Mr. Nash said, That's what I was going to recommend: to execute whatever recommendations fall from the calculations.

Ms. O'Hare said, My biggest concern is release of sedimentation. I was out there with Mr. Nash. It's very soggy, about 12 feet on either side of these streams. These streams have zero banks--they're gentle, flat. My concern is they're going to straighten edges and put the material in and lay the sod on the side, so a lot of sediment will be released. It's got to have strong erosion control, especially at the far end by the neighbor. Eight segments they're doing, so it's got to have strong erosion control.

Mr. Nash said, We agree.

Chair Vitali said, Did we get a map?

Mr. Nash said, Yes, I sent a map and detailed pictures of where they lay the erosion control and sediment containment. All material being removed is staying on property with the intent to reuse it.

Ms. O'Hare said, The Erosion Control is hard to see on the documents he turned in. It looked pretty good on the documentation. It's the execution--you'd have to do it not in rain but in a dry forecast.

Mr. Nash said, Yes, we'd have you inspect. I'm Senior Project Manager for a company, so the Board asked me to help. I'm aware of Sediment and Erosion Control. You could come and inspect it.

Chair Vitali said, So they've got a plan of notifying you of Soil and Erosion Controls in effect.

Ms. O'Hare said, Yes, the Environmental Planner should be notified a week in advance to come out and inspect the Erosion Control at commencement of work. That's standard.

Chair Vitali said, Are you saying this should have a bond if their contractor doesn't do it correctly? Is a \$1,000 bond enough to get the calculations?

Ms. O'Hare said, I was out there with the contractor who's done this elsewhere. I'm not afraid he's not going to do a good job.

Chair Vitali said, Make the Motion with the bond to cover the Engineering Department's request and the Soil & Erosion Control necessary.

**MS. PHILLIPS: MOTION THAT APPLICATION #A24-1.4 - 195 LONG HILL ROAD - WALLINGFORD COUNTRY CLUB - (RENOVATION OF TWO CREEKS) BE APPROVED WITH THE THREE CONDITIONS:**

**1. THAT THE PROPER EROSION CONTROLS ARE PUT IN PLACE.**

- 2. A \$1,000 BOND, TO BE RELEASED WHEN THE TOWN ENGINEER'S REQUESTED CALCULATIONS HAVE BEEN SATISFIED.**
- 3. THAT THE COMMISSION WOULD WANT MS. O'HARE TO INSPECT THE INSTALLATIONS FOR WHATEVER SHE (THE TOWN ENGINEER) RECOMMENDS TO BE PUT NTO THE STREAM TO SLOW THE VELOCITIES.**

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

- 4. #A24-2.1 / 155 East Street - Ferti Management Corp. - (driveway extension/loading area, filling storm basin, installation of new storm basin, and discharge of stormwater)**

Appearing was Mr. Tom Linden of Linden Landscape Architects of Wethersfield along with Mr. Scott Thibodeau, Plant Manager. The Project Manager for Ferti could not be here this evening.

Mr. Linden said, This is a proposal for a new outdoor unloading area for the materials to be used inside the plant for fertilizer. This the existing survey of the property. This is the overall plan. From two years ago when we were here, north is up. This black line is the Ferti property, the building in the center. You come in off the driveway on East Street. Allegheny Ludlum is on this side. The Quinnipiac River and the Merritt are over here. To the north is owned by AT&T; to the south is the energy plant. Everything in blue here: the FEMA floodway line out here for the river; the FEMA AE zone comes in on the west side of the building and on the northeast back corner. We're proposing to work in the north-east rear corner of the building and within the AE zone. The outside dashed blue line is the Upland Review that you have jurisdiction over. The entire project is in FEMA or Upland Review area.

Mr. Linden continued, This larger plan shows the yellow outline for the area of work. The existing driveway comes through the parking lot on the east side of the building and to a paved area in the back. Currently, delivery trucks follow around the building and back up a concrete ramp a hopper/ elevator tower where the material goes up and is dispensed inside the building on the northwest corner. This driveway remains. This pavement in the back remains. We'll take up a small portion of pavement that becomes drainage. Existing pine trees here will be taken down, and this is where the detention system is going to go. So the proposal is to put in a second unloading area. We'd do the same unloading on this side, where a truck would come down in this direction and back into here. The hopper is here, and a conveyor will bring the material to this higher elevation. The elevator tower will bring the material to the roof for distribution.

Mr. Linden continued, So we're adding pavement and creating a detention basin on this side. This is because the existing detention basin in this back corner is where we want to put new pavement. So this detention basin will receive the old volume plus what comes from the impervious surface we're putting here. On grading and drainage, the high point is at the driveway access, and everything slopes down it and toward the building. It's curbed on the east side but not on the west, so water was designed to flow into this detention basin. We'll leave the driveway as is, but we'll create the new detention basin nearby to receive the prior drainage plus additional capacity. It was roughly 5,200 cubic feet of volume before. The new basin will have 9,000 cubic feet of volume, larger than what we need for drainage and to replace what was here. Separately, we have an application to Planning and Zoning for this with more floodplain storage. The outlet structure is designed to handle a 100-year storm. This standard catch basin will also function as a water quality unit with a vortex and filter for what comes off the pavement. We put standard Erosion Controls for the project. This drawing points

out the new elevator tower. It's similar to the approval we were granted two years ago when we had a building addition proposal, but that project stopped. But all the conditions for your approval were done back in 2022. Ms. O'Hare had us put up more placards. We're building the same size detention basin we were approved for before but with less impervious surface.

Chair Vitali asked for questions.

Commissioner Kern asked, Is the loading dock still there on the north side?

Mr. Linden said, Yes, but the doors are closed and they don't use them.

Commissioner Kern asked, Do you have flapper valves on the pipes going out into the woods, so it doesn't backflow? The water gets high. If it backflows, it would get into your new portion.

Mr. Linden said, I don't know--backflow valves.

Chair Vitali asked for questions. There were none.

Then Commissioner Mrs. Raynis asked, What's going on with the pine trees to be taken down. The Engineering report said trees were to be removed in the new basin area, but it seemed contradictory. How many trees are being removed?

Mr. Linden said, Eight pine trees are by the back of the employee parking lot before you go around the building. They're about 25 feet tall, 6" to 8". The Engineering report noted the last time we said "existing trees to remain." They're all coming down.

Commissioner Kern asked, Is this true with Planning and Zoning? I understood those trees were to be the buffer between Wallingford Steel and Ferti's property, that the Town Planner was adamant about.

Mr. Linden said, We met with Planning earlier, and Erin joined us. I haven't received his final report, and it wasn't talked about then. We're going to Planning and Zoning on Monday.

Chair Vitali said, Erin, you have two pages of comments. What's your input?

Ms. O'Hare said, I'll be meeting with Tom Linden on all the concerns in the Environmental Planner's Report.

Chair Vitali said, So we don't want to act on this tonight?

Ms. O'Hare said, No. Please don't act on it tonight.

Chair Vitali said, O.K., you have things to straighten out with Erin. You have activity in the floodplain?

Mr. Linden said, For all the floodplain, we have an application in to Planning and Zoning.

Chair Vitali said, Commissioners, I'll entertain a Motion to table this Application to next month.

**MS. PHILLIPS: MOTION TO TABLE APPLICATION #A24-2.1 / 155 EAST STREET - FERTI**

**MANAGEMENT CORP. TO NEXT MONTH'S MEETING (APRIL 3,2024).**

Ms. O'Hare stated, In my Environmental Planner's Report, I show a picture of their rear storm basin, which was subject of violation about three years ago. They had someone go in and renovate it. Ten shrubs. They are proposing the new storm basin to be located in a floodplain. This one still doesn't work. We really need to take a look. If these things are flooded out and they can't keep their shape, something's wrong. Storm basins have got to hold their shape.

Chair Vitali asked to proceed on the Motion.

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

Commissioner Kern asked Ms. O'Hare to let the Commission know in April an answer to what she had just brought up.

- 5. #A24-2.2 / 100 Barnes Road - Jacunski Humes Architects, LLC - (Modification to permit IWWC #A22-5.5 re: stormwater management and change in total surface area)**

Chair Vitali said, We had a question of a third party reviewing some of the calculations and design. Erin?

Ms. O'Hare said, Today we got confirmation from Purchasing Department that we can go ahead. They require three quotes, but they were unable to get a third quote. So, from the two, we're going with the lowest quote that's from OCC, George Cotter. Engineering Department is going to write the requisition. George Cotter said he would have it for the next Meeting. I'll meet with him. Then the Engineer and I will review his report, and you will. Mr. Cotter will present his report, and Juliano Associates will present the modification application.

There was no action. This item will be on the April 3rd agenda.

**G. NEW BUSINESS**

There was no New Business.

**H. RECEIPT OF NEW APPLICATIONS**

Chair Vitali explained that each of these items had been granted Administrative Approval.

- 1. #A24-3.1 / 531 North Branford Road, "Ferguson Woods" - K. Michaels, Director, Parks & Recreation Dept. - bog-bridge installation & portion of trail re-route in wetlands - Minor Plan Revision to Permit IWWC #A23-8.3 - Request for administrative approval - *Granted 3/5/24***
- 2. #A24-3.2 / Northford Road Bridge / Muddy River - Alison Kapushinski, P.E., Town Engineer - bridge reconstruction - (Minor Plan Revision to permit IWWC #A20-11.1) - Request for administrative approval - *Granted 3/5/24***

**I. ELECTIONS** - This item was taken up later in the Meeting.

## J. REPORTS & COMMUNICATIONS

1. **Discussion of Proposal to adopt fines for violations.** Not discussed.
2. **Farm Hill Road Detention Basin.** Not discussed.
3. **Memorandum to Janis Small, Corporation Counsel, from Erin O'Hare, Environmental Planner, Re: Cease & Correct Order, Cease & Desist Order, & Notice of Violation, dated 1/19/24.** Not discussed.
4. **Freedom of Information Act and Ethics Training, Feb. 29, 2024, 6:30 p.m., Town Council Chambers - member reports.** Not discussed.
5. **CT DEEP Notification: Permit Application for the Use of Pesticides in State Waters - Spring Lake - Applicant: Stahl Holdings LLC: DBA The Pond and Lane Connection - 3-year permit - client: Spring Lake Association, 6 Martin Trail, Wallingford.** Noted.
6. **Proposed Budget FY 24-25, Mayoral review, Mar. 13, 3:00 p.m.** Noted.
  
7. **Letter to Erin O'Hare, Environmental Planner, from Domenic Santilli, re: 'Errors and Omissions Noted on Application #A23-5.6, 898 Church Street multifamily apartments', dated 2/29/24; submitted 2/29/24.** Noted.
8. **'Memorandum' to Erin O'Hare, Environmental Planner, from James Allen, Jason Adinolfi, Dom Santilli, the 898 Church St Committee, re: Errors and Omissions noted on application #A23-5.6 (898 Church St. multi-family apartments) See attached Petition; dated 3/4/24; submitted 3/4/24, with attachment.** Noted.

Chair Vitali stated: Regarding Items 7 and 8, pertaining to 898 Church Street, which we approved, this matter is in the Law Department for review.

## K. VIOLATIONS

1. **Notice of Violation Remains - 1245 Old Colony Road & Quinnipiac River - Jerzy Pytel - (unpermitted clearing & filling near river) - NOV issued 6/4/19; NOV to be recorded on Land Records per 10/4/23 action - See combining Motion below.**
2. **Cease & Correct Order Remains - 67 Schoolhouse Road - Michelle Millican & Michael Gerace - (new filling over prior filling); issued 4/25/23; 11/1/23 extended deadline for removal to 9/4/24 - See combining Motion below.**
3. **Cease & Correct Order Remains - 67 Schoolhouse Road - Karl Kieslich - (new filling over prior filling); issued 4/24/23; tabled - See combining Motion below.**
4. **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 - See combining Motion below.**
5. **Notice of Violation Remains - 119 Quigley Road - Matt Turner - (clearing & grading in wetlands); issued 9/29/23 - See combining Motion below.**
6. **Cease & Correct Order Remains - 55 Kondracki Lane - Fifty-five, LLC - (correction plan to comply with 6/5/18 Order approved 12/6/23) - See combining Motion below.**

Chair Vitali now stated that Violations Items 1-6 remain in place.

7. **NOTICE OF VIOLATION REMAINS - 4 Mellor Road - Robert and Rhonda Doolittle - (unpermitted clearing, installation of rock wall in channel, footbridge, drainage pipes, fire pit, seating area, stone path, and fencing); issued 11/29/23**

Chair Vitali set a Special Meeting for the Purpose of a Site Investigation at 4 Mellor Road on Tuesday,

March 19, 2023, at 5:00 p.m. Chair Vitali said this Notice of Violation remains. (See combining Motion below.)

**8. CEASE & DESIST ORDER REMAINS- IWWC #A23-2.2 & IWWC #A23-9.1 / 86 Barnes Road - 950 North Main Street Wallingford, LLC - storage unit facility - (numerous violations & permit non-compliance)**

For Violations #8 and #9, Chair Vitali asked to hear these agenda items together. Appearing for Items #8 and #9 below were Owner Mr. Vincent Perretta and Mr. Zach Georgina of Juliano Associates, 405 Main Street, Yalesville.

Mr. Georgina stated, Since last meeting, Mr. Perretta has done a lot on these properties. He was directed to deal with the stormwater channel on 929 North Main Street Extension (aka 950). We removed the trees and sediment. We addressed a temporary emergency action, which was submitted to you, Mr. Chairman, and Ms. O'Hare to solve a wetlands issue on 86 spilling onto 929 and then being directed onto 970 North Colony Road. So that was corrected with a divot in the bank to the channel to prevent stormwater from going onto 970.

Mr. Georgina continued: We have been directed to clean all catch basins on 970, and that's done. And I understand Mr. Perretta has come to an agreement with the Owners of 970 to settle with a dollar amount on impacts there. I'd report that 86 Barnes Road has been contained and actively monitored. There's no silt escaping the site from there. David Lord produced a report with plantings and timelines to restore that eastern Wetland that was disturbed. In the Upland Review Area, we met all directives issued in both the Cease & Desist and the Notice of Violation for the two properties. Our office submitted a report addressing and outlining what has been provided. I hope the Commission sees fit, at least for 86, to lift the Cease & Desist to allow Mr. Perretta to get back to work, while issuing a Notice of Violation about the eastern wetland to allow the Commission and Ms. O'Hare to make sure that's properly restored for 86.

Mr. Georgina continued, At 929 we have gone above and beyond the original Notice by correcting the swale and erosion resulting from that clogged swale and addressing the channel all along 929 to the benefit of everyone in the adjacent properties.

Chair Vitali asked for questions.

Commissioner Kern said, I've been out there twice, last week and today. I want to compliment them on the job that was done on 86 as something professionally installed. On 950, I looked at that and it was restored. I think you've shown corrective action on both properties. If the Commission is so inclined, I feel comfortable removing the Cease & Desist on 86.

Commissioner Caruso said he had driven by and it looked really good. Commissioners Necio and Heilman and Raynis agreed.

Ms. O'Hare recognized the tremendous amount of work done by Mr. Perretta and Mr. Georgina's reports. David Lord sent two reports in recently. So the Town Engineer commented, which I handed out tonight. But how do you lift the Cease & Desist but put on a Violation for the other part, being the Wetland restoration part? It has work to be done. I read Mr. Lord's report which you have, but I don't want that approved yet. Going to the Town Engineer's report which I handed out tonight from February 28th on 86 Barnes Road: The Town Engineer recognized "The Applicant's engineer has revised the Sediment Control Plan to provide additional protections," which he has. We have Zach's drawing and



the revised plan. It you want to lift it, she's supporting it.

Mr. Georgina said, In the last month I've gone out four times, and I'm out there at least twice a week conferring with Mr. Perretta. I would recommend doing S&E inspections after any storm of a half inch or more.

Chair Vitali said, I think we can release the Cease & Desist and go forward with 86 Barnes Road. If he doesn't do the remediation to the wetlands, it will be another Violation. But does this go along with 950? Is there any reason to hold up 950 from being released?

Ms. O'Hare said, The 950 property is looking good. I have not been out since last week when they cleaned the sediment islands, but you could release it.

**Motion as to Violation #8:**

**MS. PHILLIPS: MOTION TO RELEASE THE CEASE & DESIST ORDERS ON IWWC #A23-2.2 AND IWWC #A23-9.1 / 86 BARNES ROAD - 950 NORTH MAIN STREET WALLINGFORD, LLC - STORAGE UNIT FACILITY - (NUMEROUS VIOLATIONS & PERMIT NON-COMPLIANCE) SUBJECT TO THE DIRECTIVES MADE IN THE LETTER FROM TOWN ENGINEER ALISON KAPUSHINSKI DATED FEBRUARY 28, 2024.**

**MR. NECIO: SECOND.**

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

Chair Vitali brought up about Violation #9. That work's been done. Can we lift it?

Ms. O'Hare said Yes.

**9. NOTICE OF VIOLATION REMAINS - 950 North Main Street Extension (aka 929 North Main Street Extension) - 950 North Main Street Wallingford, LLC - storage unit facility - (erosion & stormwater management system failure)**

This Item 9 was discussed above under Item 8, as property owner is same.

**Motion as to Violation #9:**

**MS. PHILLIPS: MOTION TO LIFT THE NOTICE OF VIOLATION ON 950 NORTH MAIN STREET EXTENSION (AKA 929 NORTH MAIN STREET EXTENSION) - 950 NORTH MAIN STREET WALLINGFORD, LLC - STORAGE UNIT FACILITY - (EROSION & STORMWATER MANAGEMENT SYSTEM FAILURE).**

**MR. NECIO: SECOND.**

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

**10. 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**

Appearing was Ms. Sigrun Gadwa of REMA Ecological Services, Meriden.

Chair Vitali stated that this Notice of Violation was brought at the request of the Law Department. Until

it's resolved, you have to work with Erin.

Ms. Gadwa said, Several of the grounds in the letter are wrong. We did replace plantings that were accidentally cut down, as in our memo on August 29. We would be glad to replace others. We had a replacement planting day in May 2022, and some were fine but six or seven trees did not survive. I think it's unfair to give us a violation for cutting down trees on that planting day.

Chair Vitali said, I think your client created this because he submitted the aggressive weed control plan. Now you haven't been able to satisfy your plan and you haven't given a solution to the overall permit and bond. You've got to come back with a solution that satisfies Erin and the Commission.

Ms. Gadwa stated that she will put a planting plan together before April and show it to Ms. O'Hare.

This Notice of Violation remains in place per the combining Motion below.

Combining Motion:

**MS. PHILLIPS:** **MOTION TO REAFFIRM NOTICE OF VIOLATION #1, 4, 5, 7, AND 10 ON OUR AGENDA AND THE CEASE & CORRECT ORDERS #2, 3, AND 6.**  
**MR. NECIO:** **SECOND.**  
**VOTE:** **MR. KERN - YES; MS. PHILLIPS - YES; MR. CARUSO - YES; MR. NECIO - YES; CHAIR VITALI - YES.**

#### **I. ELECTIONS**

Chair Vitali returned to this Item I. Elections. He asked for nominations for the offices of Chair, Vice Chair, and Secretary. There were no separate nominations.

**MR. KERN:** **MOTION TO CAST ONE BALLOT FOR THE CURRENT SLATE OF OFFICERS.**  
**MR. NECIO:** **SECOND.**  
**VOTE:** **UNANIMOUS BY VOICE VOTE OF: MR. KERN, MR. NECIO, MR. CARUSO, MS. PHILLIPS, AND CHAIR VITALI.**

#### **L. ADJOURNMENT**

**MS. PHILLIPS:** **MOTION TO ADJOURN THE MEETING.**  
**MR. NECIO:** **SECOND.**  
**VOTE:** **UNANIMOUS TO ADJOURN.**

The Meeting was adjourned at 9:16 p.m.

**M. NEXT SCHEDULED REGULAR MEETING:** April 3, 2024

Respectfully submitted,

Kathleen L. Burns, Recording Secretary