

MINUTES

**Wallingford Inland Wetlands & Watercourses Commission
Regular Meeting
Wednesday, May 1, 2024, 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, May 1, 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, Commissioner Michael Caruso, Commissioner Jeffrey Necio, and Alternate Commissioners Aili McKeen and Mrs. Caroline Raynis.

ABSENT: Alternate Commissioner James Heilman.

A. PLEDGE OF ALLEGIANCE

The Pledge was recited.

B. ROLL CALL

As above.

C. CONSIDERATION OF MINUTES

1. Regular Meeting, Apr. 3, 2024

MS. PHILLIPS: MOTION THAT THE MINUTES OF THE APRIL 3RD, 2024, REGULAR MEETING BE ACCEPTED AS SUBMITTED.

MR. NECIO: SECOND.

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

F. OLD BUSINESS

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

Ms. O'Hare reported they will be installing a larger drainage facility. Chair Vitali said this Item F.1. will be taken up at the next Meeting on June 5.

2. #A24-4.1 / 1 Miles Drive - GEM Property Group, LLC - (electric charging facility)

Appearing for the Applicant were Mr. Tom Daly, SLR Constructing, and Mr. Gerald Verna of GEM Property Group, Owner. They gave a drawing to each Commissioner and for the file.

Mr. Daly said, This is a plan of where electric vehicle charging stations are going. The property is about 2.4 acres, relatively flat, on the corner of Miles Drive and Route 68. Across the street are the hotel and the day care. On this side is undeveloped remaining land. There are no wetlands. Coverage is 20,000 square feet on about 39,000 square feet with proximity to I-91.

Chair Vitali said, This is Wetlands.

Mr. Daly said, This site is in your Watershed Protection Area. We managed the watershed to meet your regulations with sand filters and a sediment basin. So we're oversizing it. One to two months ago DEEP came out with the new water quality volume of 1.3", and we are using that. It goes to Town Engineering and the Water & Sewer Division.

Chair Vitali asked, How does water flow there?

Mr. Daly said, The highest portion is towards 68 and it all flows south. But it's relatively flat and doesn't have wetlands, so it mostly percolates on site. We did test pits and found sand and gravels in there--no shallow groundwater and no rock. So we'll continue taking water to the south with a two-cell basin. First is a sand filter; second is the traditional stormwater detention basin. Prior to discharge, your regulations require a sediment chamber. Drainage comes from the parking lot into the sediment chamber, into the sand filter. That overflows into the basin. We're proposing retaining all the water on the site and going back to the ground as today. We have a small high-level overflow to the drainage system that goes into the road. There's no wetlands on here. It's sandy soil, so we over-designed it to infiltrate back into the ground as it does today. We provided a full drainage study and showed a net decrease in runoff for all storm events.

Chair Vitali said, I don't think anything's running off now.

Mr. Daly said, A net decrease. The numbers are miniscule--what runs off today is 0.5 c.f.s.

Chair Vitali asked for questions, comments.

Commissioner McKeen said, Your plantings are all native--a couple are more southern, which will adapt to cold here?

Mr. Daly said, We think the southern plants are suiting themselves better. The plan was prepared by a landscape architect in our office. That's what we feel are going to be successful.

Commissioner McKeen said, O.K.

Commissioner Necio asked, What will you do about snow removal?

Mr. Daly said, There's plenty of space. There's a green space. Where the EV cars are going to be, there's a canopy above, so it will melt off and go into the gutter system. The canopy is similar to what you'd see at a Hertz rental. There's plenty of perimeter (indicated on the plan).

There were no comments from other Commissioners.

Chair Vitali asked Ms. O'Hare for her comments.

Ms. O'Hare said, The Environmental Planner's Report with conditions went out April 26, which you have. Also, the Water & Sewer Division had a memorandum from April 26, and they copied you, Tom. They commented you didn't submit a Stormwater Management Plan--but you did. It came in the day after. Then we have a memorandum from the Town Engineer. She's good with it. Her only comment was about the test pit locations--so they're on the plan?

Mr. Daly said, Yes, on the sheet.

Ms. O'Hare said, Good. For the Commission, the Town Engineer is routinely asking for test pit locations in drainage basins because of the trouble we've had prior. As to my Conditions of Approval, there were minor revisions to your Stormwater Maintenance Management Plan--things that will need to be submitted to me within one month of approval. Do you want me to read?

Chair Vitali said, No, they know the Conditions.

Ms. O'Hare said, Also, the placards around your storm basin and the erosion controls in place to be inspected. Do we want to add a snow disposal area to be called out?

Chair Vitali said, No.

Ms. O'Hare said, O.K. And then the Water Division asked--

Chair Vitali said, Don't they can take Water requirements to Planning and Zoning? It's their issue.

Ms. O'Hare said, Yes, but now the Water Division wanted it included at this time.

Chair Vitali said, Isn't it a Stormwater Management program?

Ms. O'Hare said, Yes.

Chair Vitali said, So you're in agreement to all Conditions of Approval?

Mr. Daly nodded, Yes.

Chair Vitali requested a vote on Significant Activity.

MS. PHILLIPS: **MOTION THAT APPLICATION #A24-4.1 / 1 MILES DRIVE - GEM PROPERTY GROUP, LLC - (ELECTRIC CHARGING FACILITY) BE DETERMINED NOT A SIGNIFICANT IMPACT ACTIVITY.**

MR. NECIO: **SECOND.**

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

MS. PHILLIPS: **MOTION THAT APPLICATION #A24-4.1 / 1 MILES DRIVE - GEM PROPERTY GROUP, LLC - (ELECTRIC CHARGING FACILITY) BE APPROVED AS SUBMITTED WITH THE THREE CONDITIONS OF APPROVAL IN THE ENVIRONMENTAL PLANNER'S REPORT OF APRIL 26.**

MR. NECIO: **SECOND.**

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

Note: Item F.3. was taken up below.

4. #A24-4.3 / 56 Gaylord Farms Road/Harnish Lane - Water & Sewer Division - (sewer lateral installation)

Appearing were Mr. Neil Amwake, General Manager, Wallingford Water & Sewer Divisions, and Mr.

Peter Hornak, Engineer/Planner with the Water & Sewer Divisions.

Mr. Amwake said, This is the project for Gaylord Hospital to replace their sanitary sewer lateral located just off Gaylord Farms Road. This is to run the sewer lateral from there, across their property, and down toward Harnish Lane. The existing sanitary sewer lateral constructed in 1966 is about 58 years old, and some portions are older. It goes cross country and is difficult to access. We've had in-flow and infiltration from groundwater into that line, which contributes quite a bit to our sewage treatment plant. So we'd replace the existing northeast lateral and run it instead southeast to Harnish Lane.

Mr. Amwake continued, We had David Lord, Certified Soils Scientist, delineate the wetlands, which are dominated by tall silky dogwoods and a few smaller trees. It will run across what used to be farm field that have grown in as shrubs, and this is the wetlands area where we'll run it to Harnish Lane. The portion in the wetlands has to be ductile iron pipe per regulations, and we'd backfill with native material. We show erosion controls for catch basins and inlets and noted the requirements for S&E controls. Impacts to wetlands would be temporary, and we'd confine construction to a 30-foot-wide strip through the wetlands.

Chair Vitali asked, How do you prevent wetlands from being drained after the pipe is put in? You're going to have a pitch-back to Harnish Lane. Will you have stone around the pipe?

Mr. Amwake said, No. That ductile iron pipe doesn't require stone. We'd just put the native material back.

Chair Vitali asked, What's the next type of pipe other than ductile?

Mr. Amwake said, We'd do PVC.

Chair Vitali asked, Will that have stone around it?

Mr. Amwake said, That will.

Chair Vitali asked, How do you make that transition to prevent the wetlands from draining?

Mr. Amwake said, The next manhole is more than 100 feet away from where we're going to transition to PVC. I don't think it'll be a problem.

Mr. Hornak stated, A clay dam can be added to the drawings at the transition.

Chair Vitali said, In the past, we've required a clay plug. We're concerned about the natural flow of water, the wetland, around the pipe.

Mr. Hornak said, Certainly, that can be added to the drawing at the transition point.

Chair Vitali asked for Commissioners' questions.

Commissioner Kern asked, What pipe is there now?

Mr. Hornak said, The original is vitrified clay pipe, contributing approximately 5.7 million gallons of groundwater per year into the collection system and into the wastewater treatment system. That is the

goal of this project--to eliminate that.

Commissioner Kern asked, What size pipe is it?

Mr. Hornak said, It's 8-inch.

Commissioner Kern asked, What's the new pipe?

Mr. Hornak said, Eight-inch.

Chair Vitali asked for additional questions from the Commissioners. There were none. Erin?

Ms. O'Hare said, I handed out the Environmental Planner's Report tonight.

Chair Vitali asked, Have you got any questions, any issues?

Ms. O'Hare said, No. I did go to the site today with Peter. No, I have no issues.

Chair Vitali said, I think there has to be a condition that the plans have to have a clay dam between the wetlands and the manhole.

Mr. Amwake said, Certainly. That's a standard detail. It'll be added tomorrow.

Chair Vitali said, All right. At this time, I'll entertain a Motion regarding Significant Activity.

MS. PHILLIPS: **MOTION THAT APPLICATION #A24-4.3 / 56 GAYLORD FARMS ROAD / HARNISH LANE - WATER & SEWER DIVISION - (SEWER LATERAL INSTALLATION) BE DECLARED NOT A SIGNIFICANT IMPACT ACTIVITY.**

MR. NECIO: **SECOND.**

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

Chair Vitali requested a Motion to Approve or Deny.

MS. PHILLIPS: **MOTION THAT APPLICATION #A24-4.3 / 56 GAYLORD FARMS ROAD / HARNISH LANE - WATER & SEWER DIVISION - (SEWER LATERAL INSTALLATION) BE APPROVED AS SUBMITTED.**

MR. NECIO: **SECOND.**

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

5. **#A24-4.4 / 929 North Main Street Extension (aka 950 North Main Street Extension) - 950 North Main Street Wallingford, LLC - (high-water overflow depression in stream channel berm)**

No one appeared for the Applicant.

Chair Vitali asked, Is this really a presentation, Erin?

Ms. O'Hare said, Actually this was approved at the March meeting, administratively, as an emergency action. We had them apply--to make it official--even though it was already constructed in February.

Chair Vitali asked, What are we actually approving--the fact that the plan is now permanent instead of temporary?

Ms. O'Hare said, Yes, you're approving its permanence. It was already constructed and you're approving it because it needed an Application because it's a watercourse. It affects the watercourse and the wetlands.

Chair Vitali said, We're approving a change from temporary to permanent.

Ms. Phillips proceeded to make the Motion.

MS. PHILLIPS: **MOTION THAT APPLICATION #A24-4.4 / 929 NORTH MAIN STREET EXTENSION (AKA 950 NORTH MAIN STREET EXTENSION) - 950 NORTH MAIN STREET EXTENSION WALLINGFORD, LLC - (HIGH-WATER OVERFLOW DEPRESSION IN STREAM CHANNEL BERM) BE APPROVED AS A PERMANENT HIGH-WATER OVERFLOW DEPRESSION IN THE STREAM CHANNEL BERM.**

MR. NECIO: **SECOND.**

There was no discussion, and Chair Vitali called for the vote.

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

Chair Vitali returned to Item F.3.

3. #A24-4.2 / 5 Technology Drive (aka 56 Carpenter Lane) - Bio-Tech NE, Corp. - (addition & stormwater management facility modifications and installations)

Appearing was Mr. David Ziaks.,P.E. I'm a principal with the firm of S. A. Hesketh & Associates in East Granby.

Mr. Ziaks said, I'm here representing Bio-Techne Corporation. They recently purchased the firm that was in this building, which was Cytek Technologies. So they and Bio-Techne are the same company.

Mr. Ziaks showed on the screen above. He said, The existing building was constructed in the '70s at 5 Technology Drive, a short cul-de-sac off Research Highway to the east. On the bottom of the drawing it fronts on Carpenter Lane as well. But the address is 5 Technology Drive. The cul-de-sac is just at the top of this aerial photo. It's in the Watershed Interchange Zone, 14 acres. The existing building (white roof) in the center is 52,668 square feet, and there are 214 paved parking spaces now. We're proposing an addition on the east side of the building. It would be 54,989 square feet. We'll add 11 extra spaces to the parking, so 225. And we'll be relocating the loading dock from the north side to into the proposed addition (outlined here).

Mr. Ziaks continued, The minimum open space in this zone is 50%. The current 74.9% open space on the site will drop to 65.9%. Building coverage allowed in the zoning is 20%. We'll be going from 88.6%

to 17.6%--so the net increase in coverage is 54,790 square feet. So we had to improve stormwater management. Currently, there's four stormwater basins. The two on the west side of the building act as infiltrator retention basins. They take the bulk of the parking lot north of the building with oil/grit separators and outlets constructed originally with the building. Then the two basins on the right side of the driveway coming in off Carpenter are more wet-bottom basins. Those take primarily the roof runoff from the existing building and a little of the driveway going up Carpenter and from a moderate slope to the east of us--which, we have to excavate into that slope to build the addition.

Mr. Ziaks continued, So the east wall of the addition will act as a retaining wall, and we'd have the same grade all around the building. So we're proposing to construct a fifth basin left of the driveway coming in off Carpenter, which is grass now. We'd take the existing runoff from the existing building roof to there. After building the addition, we'd reroute that stormwater flow. The new roof addition stormwater will be directed to existing basins on Carpenter Lane--swapping roof runoff from one basin to the other.

Mr. Ziaks continued, There are no natural wetlands on the property. But we identified the seasonal levels of the existing basins and will put a 50-foot regulated area around those for construction purposes. So that's it: the 50-foot area of these basins plus the overall storm-water management plan. We provided an Erosion Control Plan, layout, rating plan, and construction details. Basically, we're doing modifications to the north side of the building for the new loading dock for the expansion. We're swapping roof drainage from one basin to the other. The westerly basins seem to be working fine, and we're not doing anything to those. They take the bulk of the parking lot drainage to the north. There's been changes in ownership of this property. We talked to your staff, and there is basin maintenance to do, particularly on the outlets. We want to uncover the old outlets and inspect those, do maintenance, and clean out the two basins. The outlet from those basins goes to the Town storm drainage system. Right now, the basin flared end has no control structure on it, and it's not in good condition. So we'd remove the flared end and put a bona fide outlet structure on that, which will control the outlets from those ponds much better. Also, to do some vegetation along Carpenter Lane.

Mr. Ziaks said, I looked at other staff comments, and I don't see recommendations for changes. We just need to provide more erosion control information, and I have to address comments from the Town Engineer on stormwater modeling. We got a good report from Water & Sewer. Also, we did first draft of a site management plan, and we received comments. I'd answer questions.

Chair Vitali asked, The new basin you're constructing--is that volume going to be piped to the storm-water system?

Mr. Ziaks said, The overflow from it will, yes; but, given its location and the Cheshire soils out there, I think we'll get a lot of infiltration in that basin.

Chair Vitali asked, Questions? Nick?

Commissioner Kern asked, Where are the spoils going to go?

Mr. Ziaks said, Everything's going to be taken off this site quickly. It's tough. Our footprint is very tiny by the east side of this building. There's manufacturing and laboratory work in the existing building. So we're looking to come in from the north side, prepare a pad site, and then build our building. All the earth material to dig our new basin and to build the foundation has to be hauled out every day--there's no place to stockpile.

Commissioner Kern asked, So you won't be stockpiling anything for backfilling?

Mr. Ziaks said, Maybe within the building footprint there might be a couple thousand yards of good gravel as we're digging--but the bulk of the material is going to have to leave the site every day.

Commissioner Kern asked, How is that addressed, erosion-control-wise?

Mr. Ziaks said, We built that into the plan. I see us basically confined to that 55,000-square-foot footprint, our work area. Employees park in the north parking lot, and there's no room around the existing building--some for construction purposes but not for stockpiling earth or construction materials.

Chair Vitali asked, Aili? Caroline?

Commissioner McKeen had no questions.

Commissioner Mrs. Raynis said, When I read this interoffice memorandum from the Water & Sewer Divisions, it states that all of the land on this property is a tributary to the Town's public water drinking supply. Then I look at your Maintenance Best Management Plan and Practices--and it talks about fertilizer management, pesticide management, emergency spill containment. And it all just concerns me a little bit, because this says that all of the land on the property is a tributary to the Town's public drinking water supply. So?

Mr. Ziaks said, This whole industrial area is. It's not unique to this property. I understand your concern. That's why you write the Site Management Plan, to instruct everybody what they can and cannot do. Fertilizing out here should be the absolute minimum.

Mrs. Raynis said, Right.

Mr. Ziaks said, There is always necessary to have a Spill Prevention Plan in place--hopefully minor spills, nothing major. There's vehicles on the site, etc. That's why you have it built in. They offered a few comments, but it doesn't require a total rewrite--basically, addressing their concerns.

Mrs. Raynis said, Thank you.

Chair Vitali asked, Debbie?

Commissioner Phillips said, No comment.

Chair Vitali asked, Mike?

Commissioner Caruso said, No comments.

Chair Vitali asked, Jeff?

Commissioner Necio said, No questions.

Chair Vitali asked, Erin?

Ms. O'Hare said, The Environmental Planner's Report went out in your packet on Friday dated Friday. And Mr. Ziaks is willing to work with me on a few things we want: sizing of the temporary sediment traps (not in yet). David, did you do deep test pits for that new basin?

Mr. Ziaks said, No, we'll do that when we do the maintenance in the next couple weeks.

Ms. O'Hare said, O.K. I did go out there, and those two basins by Carpenter Lane are wet-bottom basins. The whole flat area on the bottom supports wetland plants, which is nice to see. They won't be mowing that. One thing we are missing is the impact area of 50 feet around the Upland Review Area. Of that area, are you disturbing or impacting anything around the wet basins? We can talk about that. My last comment was with the Stormwater Management Plan. I'll work with you--give you an example of another project. We've got five basins going on here. So I wrote a checklist for a quarterly schedule, monthly schedule, twice a year, and to check after every storm--for all the five basins and their locations. It's a big site. Other than that, looks good.

Chair Vitali said, You're recommending this be tabled till next month?

Ms. O'Hare said, Yes--and we'll work together to get it going.

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

MS. PHILLIPS: MOTION THAT APPLICATION #A24-4.2 / 5 TECHNOLOGY DRIVE (AKA 56 CARPENTER LANE) - BIO-TECH NE, CORP. - (ADDITION & STORMWATER MANAGEMENT FACILITY MODIFICATIONS AND INSTALLATIONS) BE TABLED UNTIL NEXT MONTH'S MEETING, JUNE 5, 2024.

MR. NECIO: SECOND.

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

D. PUBLIC HEARING ITEM - CONTINUATION

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

Chair Vitali asked if all the Commissioners had read the interoffice memos from the Town Planner and the Engineering Department and the comments from Erin O'Hare, Environmental Planner, on May 1st? We could take a couple minutes now to read them, and I'd open up the Public Hearing after that.

Appearing were Applicant Mr. Robert Wiedenmann, President of Sunwood Development Corp., Attorney Andrea Gomes, of Hinckley Allen of Hartford, and Mr. Christopher Juliano, P.E., L.L.S., of Juliano Associates, Wallingford.

Chair Vitali reopened this continued Public Hearing for Application #A24-1.1 for Sunwood Development at 7:50 p.m. He said, the first item of business: I don't think it made it into the record last time that you granted us an extension to tonight's meeting. So officially, on the record, you did grant that, correct?

Attorney Gomes said, Correct, Mr. Chairman, yes, to confirm our extension up to tonight.

Chair Vitali said, This is probably a first for the Commission, where we have a continued public hearing and a site without flagged wetlands. We have a stormwater management situation and impervious surface--all together to create this project. The issues they're making is that we don't really have the authority to dictate any stormwater management issues, and we've been working that out over the last three or four months. So that's supposedly a Planning and Zoning item, to deal with the stormwater management as well as some of the engineering. I know the inter-office memorandums are in the file for the Application; but I'm not sure if the public is aware of the interoffice memorandums. So I'm going to read them into the record.

Chair Vitali proceeded, This is dated May 1, 2024, to Erin O'Hare, Environmental Planner, from Kevin Pagini, Town Planner, re 1136 Durham Road: "Any outstanding details regarding the Watershed Protection District regulation requirements or the Stormwater Management System and Maintenance will be addressed during the Planning and Zoning process between the Engineering Department, Public Works, and Water & Sewer Division. The Application must conform to all requirements in Section 4.12 Stormwater Management and Section 4.13 Watershed Protection Overlay District." And this is dated also May 1st, 2024, to Erin O'Hare, Wetlands Commission. This is from the Department of Engineering: "We are in receipt of the following materials for the referenced Application: Applicant's Final Supplemental Materials package dated April 26, 2024, for the Wallingford Inland Wetlands and Watercourses Commission. The Engineering Department is comfortable addressing any outstanding comments, including comments made in the April 19th, 2024 memorandum from Engineering, during the Planning and Zoning application review process. The fine-tuning of the stormwater quality treatment train and maintenance responsibility can be handled through the Planning and Zoning process in coordination with the Water Division and Department of Public Works. If you have any questions or require any additional information, please let me know."

Chair Vitali said, So that's an interesting part of the record. Many of the public that had comments. Their issues were not negative impacts to inland wetlands, as much as the negative impacts they had to their own property--whether it's water in the basement or water in their yard and water in their back yard. So Erin has generated a final Environmental Planner's Report. They've worked--everybody has worked very hard on trying to incorporate everything. And we will try to go through this as thorough as we can.

Chair Vitali continued, Now at the end of this, if the Commission so sees fit that we can close the public hearing--if there's some specific item that you want to look at, we can ask for that item, and that can be brought back into the next meeting. We can vote on it tonight, or we have 35 days to vote on it. Those are some of the different options. So I don't know if the Commissioners had any comments and questions on this. I was trying to fill everybody in on what's going on, and they say there's been a lot of work done. So at this time we'll turn it over to you.

Attorney Gomes said, Good evening, Mr. Chairman, Commissioners. My name is Andrea Gomes. I'm an attorney at Hinckley Allen here tonight on behalf of the Applicant. With me are Bob Wiedenmann from Sunwood Development and Christopher Juliano, our Consulting Civil Engineer, from Juliano Associates. Mr. Chairman, we've put together a sequence of events. I'm going to go try and go through them, both for the Commission's benefit but also for members of the public to understand the work to date. And I'll say we have "No adverse impacts to Wetlands", so we will be requesting an approval tonight.

Attorney Gomes continued, So the Commission has seen a flurry of papers. Even since the packets were submitted, we submitted supplemental materials on the 17th responding to the Triton letter and a

couple of outstanding comments from the Commission. Then on April 23rd we received two staff memos from Engineering and Water & Sewer--we responded to those on the 26th. On the 25th, when our 26th memo had already been finalized, we received the final Environmental Planner's Report. We couldn't get a response in writing to that by the time the packets went out; so we got something in in writing. There's been a lot of back and forth. So I contacted the Town Planner, and I asked them if we could just get everyone in a room together to kind of hash all of these issues out. A lot of comments to date from Town staff really just have to do with stormwater. And it's about compliance with 4.13 of the Zoning Regulations, not Wetlands, which is the Watershed Protection District regulation. So we did have that meeting yesterday. It was quite amazing to get everyone together so quickly. Miss O'Hare joined for part of the meeting. We had the Town Planner, the Town Engineer, and the Senior Engineer, Scott Shipman, from the Water and Sewer Division. We met for three hours and hashed out pretty much everything having to do with the plan. We went through Ms. O'Hare's final EPR from last week, and that was really helpful. The big thing that came out of that meeting was that we had staff--and I'm not speaking for Miss O'Hare--but we had Engineering, Water & Sewer, and Planning agreeing that the details that are brought up in the April 19th Engineering memo and I think it's the April 23rd Water & Sewer Division memo--those can be addressed during the Planning and Zoning process. So all of those details--the sand filter, the basin, and all of that--that's going to be worked out during the Planning and Zoning process; and those staff members. I explicitly asked if they would be comfortable with myself representing to the Commission that they agreed with that tactic, and they said, "Yes". And Alison, the Town Engineer, and Kevin, the Town Planner, were kind enough to put those memos into the record confirming their agreement. Really, what it comes down to is we believe we're fulfilling the intent of 4.13 to protect the watershed. We're just going about it in a different engineering path. And the Commission also has in its packet a Memorandum from Corporation Counsel Attorney Small for the Town, and she essentially says the same thing. She says that the Town Engineer is not approving plans, the Town Engineer is commenting on plans. And "Engineers may have differing views of how to accomplish the same tasks." So that's really what we're working out with staff now on the stormwater.

Attorney Gomes continued, With that being said, our request to the Commission is that it approve the Application tonight, with the understanding that any of these outstanding details on the stormwater system will be addressed during Planning and Zoning. And this makes good sense--I call this Wetlands 101 because the Commission's looking not at the stormwater, they're looking at adverse impacts to the value or function of a wetland. The Commission may recall my first meeting on this Application was last time, so I've played a little bit of catch-up. When I was reading through the materials, I did not see anything that indicated that the proposed activities on site would adversely impact the value or function of the wetland here, which is located about 800 feet off site. And for that reason we're requesting an approval; and, legally, that is a sound basis. To the extent the Commission is worried that we will somehow be able to skip working out all of these stormwater details and just plow through and develop this plan without working those out with staff, that just wouldn't be possible. If we can't come to an agreement with staff and/or Planning and Zoning Commission denies our Application, then the Application doesn't move forward; we don't build anything. And, if we do come to an agreement with Planning and Zoning and the changes to the plan are so significant that they materially impact what the Commission reviews, then we'd come back to see if the Application needs us to receive an amendment to our Wetlands Permit. So it's a win-win. The Town's protected; the Commission's protected--and ensuring that things are proceeding appropriately.

Attorney Gomes continued, So, Mr. Chairman, you did mention that Ms. O'Hare submitted Proposed Conditions of Approval. We ran through them yesterday, and actually I spoke with Miss O'Hare again today. We've agreed to almost all of the Conditions. There's just three that I'd like to highlight for the Commission that we are respectfully pushing back on. The first--and I'll pull up the Planner's Report right now, just so we can run through it. The first thing that we are asking the Commission to delete is

1.a. and 2.b. It's pretty logical, given what we just discussed. Those provisions ask that the Final Plan set and the Final Maintenance Plan--

Chair Vitali asked, 1.a. on what page of what date of what report?

Ms. Gomes said, So we're looking at Ms. O'Hare's May 1st Environmental Planner's Report, page 2, 1.a.

Chair Vitali said, Yes.

Ms. Gomes continued, And then related to that is 2.b., which is on page 4.

Chair Vitali said, O.K.

Ms. Gomes continued, That asked that the final plans that are submitted to staff within two months of the Commission's approval incorporate the Town Engineer's April 19th comments. But, because of everything we just discussed about how we're going to have to work out the stormwater details in her April 19th memo, that wouldn't be possible because we're pushing that to Planning and Zoning, and the Town Engineer has agreed. So we're asking the Commission that, if it does approve, it strikes those two provisions because that obviously would prevent us from moving forward. The second item is small, the proposed approval Condition C--there's not a number here, but if the Commission looks at page 3, sub-c. It's that first (bullet point or really an arrow), which says: "A note on the appropriate ENS sheet." Ms. O'Hare requested a Condition of Approval requiring "monitoring for Erosion Control purposes from the vantage point of the overpass on I-91." We agree that erosion control should be monitored. We think that requiring it to be monitored specifically from I-91 is a little constricting. So we proposed language in our prior submission that basically says, "Construction site personnel responsible for the E&S Control Plan shall monitor the condition of the discharged flows that leave the site." That gives construction personnel a little bit more flexibility as to what vantage point they're taking when they're monitoring the flow.

Ms. Gomes continued, The last, respectful, pushback is the request for wetlands placards on site. We don't have any wetlands on site. So putting up placards that say "Wetlands" is very confusing for a future owner. So we suggested to put placards around the storm basin saying, "This is a Stormwater Management Area."

Ms. Gomes continued, Other than that, we're in agreement with the rest of Ms. O'Hare's Proposed Conditions. On feasible and prudent alternatives, Connecticut case law is clear--and Attorney Small, Corporation Counsel, confirmed this in her memo that "If there are no adverse impacts to a wetland, you don't have to show feasible and prudent alternatives." That makes sense--how can you reduce impact if you have no impact to begin with? As Ms. O'Hare stated in her April 26 memo, she said the various iterations and changes to the plans since January can be viewed as incorporating feasible and prudent alternatives that, in her estimation, reduced impacts to the plan.

Ms. Gomes continued, So I will hand it back to the Commission for questions. Wetlands 101, the Commission is looking for adverse impact to the wetlands. We have no impacts to the offsite wetland here. And any impact that the Commission would rely on in denying needs to be supported by concrete evidence in the record. Just saying there's a probability of an impact or potential, legally is not enough. So, given everything I've just said, Mr. Chairman, we request the Commission's approval. Should the Commission approve, we ask that it just amend the proposed Conditions by deleting the provisions we discussed and amending the other two regarding the Erosion Control Note and

placards.

Chair Vitali said, I'm not sure I agree with you that you can monitor the offsite flow from just the edge of the pond. Doesn't discharge come back to the daylight until you're down into the 91 area? So the request of standing on the top of the bridge looking down 91, I think, is reasonable to monitor the flow during storm flow. Why don't you think so?

Attorney Gomes said, I'll turn it over to Christopher.

Mr. Juliano said, Christopher Juliano, Juliano Associates. Basically, the reason that I provided additional language is because you're asking us to go onto another person's/entity's property to do monitoring. When the flow's coming out of this basin, most of it's going to be infiltrating anyway. So we're being asked to monitor something that, really, during our first phase of construction, where most of the sediment will be generated--we don't even have an outlet structure. After that, we have a temporary sediment basin to control it, and then we're into the lots. So it seems to give specific language to a specific place to monitor something when we don't have any impacts. It just seems onerous. That's why I propose to push back on that, Sir.

Chair Vitali said, Well, it says "a vantage point from the overpass on 91". It'd be on Town property. So I think you're pushing a little too hard on that one, because looking from the site you're going to say, "Oh, well, the water drained, it's over there in the storm drain. It's all gone. It's a done deal." I think I'm right, don't you?

Attorney Gomes said, Mr. Chairman, we'll say 'Yes' if the Commission wants to keep it as the I-91 language proposed--yes, we'll keep that in the interest of moving things along.

Chair Vitali said, Thank you. Okay--Commissioners, Caroline? Aili? Nick? Debbie?

No one had comments. Commissioner Phillips said, No.

Chair Vitali asked, Mike?

Commissioner Caruso said, No questions.

Chair Vitali asked, Jeff?

Commissioner Necio said, No questions.

Chair Vitali said, All right, Erin?

Ms. O'Hare said, I've got several that have just popped up. Let's go in reverse order. Chris, I'm looking at Sheet 10, it shows the standpipe. That's Phase I of your, or is that--that's Phase II of your Erosion Plan shows the standpipe? You just said nothing would be leaving the property until Phase III. It shows, isn't it going to leave the property in Phase II?

Mr. Juliano said, That's not what I said, Erin. I said during Phase I nothing leaves the site.

Ms. O'Hare said, Right, O.K. Then?

Mr. Juliano said, Then we have the temporary sediment basin, which is going to control the sediment. I

never said there was going to be no flow coming out in Phase II.

Ms. O'Hare said, Oh, so it does come out in Phase II, O.K., and then it goes down and--like the Chairman said, nobody has to stand on private property where the State's drainage easement is located. You can see it from standing in the sidewalk of the overpass. Two, as far as Conditions of Approval, let me make sure, Attorney Gomes, that your April 26 report which came in Friday--both on page 6 you are proposing, or as a proposed Condition of Approval on Friday, you're proposing a hydrodynamic separator. And now Wednesday--you're saying now you're no longer proposing that. Or is it already part of your plan? Are you going to propose it, or are you pulling it back off the table as a Condition of Approval?

Attorney Gomes said, I don't believe we're pulling it back, necessarily, as a Condition of Approval. I think what happened was we proposed that as a means of moving the Application along to try and provide additional treatment of stormwater. And then we had this discussion with staff where we said, "We'll just deal with stormwater during Planning and Zoning." What I would recommend to the Commission at this time is that it not impose a requirement that there be a hydrodynamic separator because then that gives us a little bit more flexibility to do whatever Engineering wants during the Planning and Zoning context--whether they want that or something else.

Ms. O'Hare said, Just another thing--Mr. Chairman, when you were going through reading the memorandums from Kevin Pagini, Town Planner, and Alison Kapushinski, Town Engineer--there was another one attached to my report of today. It came in later in the day from Scott Shipman, Water and Sewer Divisions.

Attorney Gomes said, I did not see that. I'm sorry, Erin.

Ms. O'Hare said, Well, because it came in after I sent you a draft. You should have that--everybody should have that. It's the last page on my May 1st.

Chair Vitali said, This is from Senior Engineer, Water & Sewer?

Ms. O'Hare said, Yes, Scott Shipman, who was at the meeting yesterday.

Chair Vitali said, For the record, this is an interoffice memorandum dated May 1st, 2024, to the Wetlands Commission from Scott Shipman, P.E., Senior Engineer, Water & Sewer, regarding this Application. It reads: "Staff of Water Division has previously provided comments concerning the treatment of stormwater as required by Zoning Regulation. It is acceptable to the Water Division that any outstanding issues with the Application as related to stormwater treatment will be addressed during the Planning and Zoning process."

Ms. O'Hare said, Also, I want to address these changes that were offered tonight. "1.a., Town Engineer's comments of 4/19"--which, O.K., now I'm getting the memo of her comments of 4/19. By the way, before we close tonight I need to read into the record all, the like 15, documents that have come in since the April 3rd hearing--if I may, later. We also have to do Significant Activity--just a reminder before we close. O.K., I'm looking at Alison, the Town Engineer's April 19th memo to see what all it contains. It's a page and a half of all the things that she feels are either omitted or do not meet certain standards or whatever--all to do with stormwater. I'm just checking to make sure all of them are stormwater. Yes, they're all--hydrodynamic separator is on--she mentions the proposal of that. That was proposed before April 19th. I guess the Applicant had proposed that a long time ago. So I just wanted to refresh my mind--if we go ahead and eliminate 1.a., what we're eliminating. O.K.,

and it's all to do with stormwater. So, if the Commission wants to eliminate anything to do with stormwater, that's fine. Then the other thing they wanted to eliminate was 2.d. Just for clarity, Attorney Gomes, did you want to eliminate it because of its content or because of the two-month stipulation?

Attorney Gomes said, To be clear, we were eliminating 2.d., which just again references the Town Engineer's April 19th memorandum. So because we're addressing that during Planning and Zoning, 1A and 2D to be stricken altogether.

Ms. O'Hare said, O.K., maybe I'd be O.K. with striking the word--the date on that. In other words, there's no reason for our Commission to approve a Stormwater Management Maintenance Plan if it doesn't talk about stormwater elements and how you manage them and maintain them. So maybe we can manipulate the language so it doesn't become ridiculous for us to have a plan that has no content.

Attorney Gomes said, Mr. Chairman, if I may, we have a plan and it's in the record and it will stay that way until we ultimately get the approval, hopefully, from Planning and Zoning, and then it will necessarily be amended and then resubmitted to everyone on staff. All we're saying is, if the Commission hamstring us by requiring us to amend our plans to comply with April 19th, we can't go forward because we haven't dealt with the April 19th memo. So we're just asking to delete it.

Chair Vitali said, Erin, this looks like it's a stormwater situation, which they're taking over.

Ms. O'Hare asked, Would you like to eliminate the entire Stormwater Management Maintenance Plan?

Chair Vitali said, Probably.

Ms. O'Hare said, That we have approved on every application that came in before us tonight, the three prior ones?

Chair Vitali said, This thing has got to be so crazy, and some of the messages from the Town Attorney Corporate Counsel isn't quite as clear, cut and dry, that we don't have some authority here. Only because we've been doing it for 35 years. And there's a history and a track record in that we've been involved with every Application. Now you come along and, all of a sudden, we don't do this. I don't know.

Attorney Gomes said, Mr. Chairman, if I may: The Commission absolutely has oversight of stormwater to the extent it impacts wetlands. That's where it goes--but that's the necessary bridge here.

Chair Vitali said, Well, that certainly is your bulk of your Application.

Attorney Gomes said, No. What we're saying is that the stormwater here and the issues that Town Engineer--that the Engineering Department has with stormwater do not impact the wetlands here. I mean, all of the memos provided by every department and staff, there has not been any indication that there's any adverse impact to the offsite wetland. So we're just essentially--

Chair Vitali said, This was our duty to provide an impact to the wetlands?

Attorney Gomes said, I'm sorry?

Chair Vitali said, This is--this is our Town's duty to say you're giving negative impact to Wetlands?

Attorney Gomes said, No--no--not at all, our--.

Chair Vitali asked, Did you give any proof we didn't--you don't--you're not creating any negativity?

Attorney Gomes said, Absolutely, in all of our documents, Mr. Chairman. That's the--that's, frankly, the entire point of our Application is how we're not impacting the wetlands. So the details essentially regarding, you know, whether or not there's a sand trap or whatever it may be, that can be worked out with the rest of staff. But, generally speaking, Wetlands does look at stormwater. It just has to do with the impact to the wetland. And here we don't have that situation.

Chair Vitali said, So this suggestion of this catch basin language should be taken out because why?

Attorney Gomes said, What catch basin language?

Chair Vitali said, Isn't it 2.b.?

Attorney Gomes said, 2.d. as in "dog".

Chair Vitali said, Oh "d". I apologize.

Attorney Gomes said, Yeah, 2.d. as in dog, top of page 4.

Ms. O'Hare said, We could just make it "provided", period.

Chair Vitali said, You've got a date of 4/19 for the Town Engineer, Erin. And then you got today's memo said they're handling it all.

Attorney Gomes said, And, Mr. Chairman, if I may: The reality is that the final civil plan set and the final Stormwater Management Maintenance Plan that--not just Sunwood, but every developer who goes through this process--the one that they build on, is always likely going to be changed from the point it gets approved by Wetlands Commission until it goes through Zoning because it gets changed throughout the zoning process. So this is just a file, essentially, from our discussions yesterday with Miss O'Hare.

Chair Vitali said, You know, we vote on something, and you say the developer changed--is that true, Bob? O.K.

Attorney Gomes said, Mr. Chairman, I sit on a Wetlands Commission. I'm just explaining that here, the reason we're asking to delete it is just the storm issue.

Chair Vitali said, Where does this "d." fit into tonight's meeting?

Ms. O'Hare said, I think we can fix the wording because we just approved a Stormwater Management Maintenance Plan for 1 Miles Drive.

Chair Vitali said, That's right, because they didn't contest it.

Ms. O'Hare said, I don't want this to be precedent, where everyone's going to contest it from now on.

Chair Vitali said, Well, the Town Engineer said, "I'll take care of it."

Ms. O'Hare said, Because it's not done in time, because the time has run out.

Chair Vitali said, But the Town Engineer didn't go and say, "I'll take care of Miles Drive."

Ms. O'Hare said, Because the time didn't run out. They were just in--they just came in a month ago. Time's not run out for them, for Miles.

Chair Vitali said, So the time's running out, so the Town Engineer took charge?

Ms. O'Hare said, No. Time's running out for the Applicant.

Chair Vitali asked, So the Town Engineer took charge of the Application?

Ms. O'Hare said, Well, then you tell me why in this particular case it's different. Why is this different from Miles Drive? They didn't have any wetlands.

Chair Vitali said, I think there's a lot of issues going forward here that need to be resolved and some definite guidelines going on. But you've got the Town Engineer who says, "We're going to handle the stormwater management." And what are you asking them to do? To meet the Town Engineer's comments of 4/19.

Ms. O'Hare said, In other words, why have a Stormwater Management Maintenance Plan at all? I know why: because we have had one for 35 years, that's why. But you just want to take out 2.d. Do you also want to take out 2.b and 2.a? I don't get it. I'm a little confused. Maybe we can fix the wording to satisfy the attorney.

Attorney Gomes said, Mr. Chairman, all we have to do is delete D because we still have the Stormwater Management Maintenance Plan that the Commission has seen and has reviewed.

Chair Vitali said, You have. You've given us the Stormwater Management Plan.

Attorney Gomes said, Correct. And that's what the Commission's approving. All we're saying is we're not going to then amend it within two months of the approval to incorporate the Engineer's April 19th comments. That's all we're saying—so strike that provision is what we're requesting.

Ms. O'Hare said, Well, how about just "Address any other stormwater management-related changes to the project"?

Chair Vitali said, I didn't hear it. Go again, Erin. Change it to what?

Ms. O'Hare said, Well, keep the first line--the first line in there: "Address any other stormwater management-related changes to the project."

Mr. Juliano said, The issue with that, Mr. Chairman, is what it says under number 2 is "This information needs to be submitted within two months of approval" by your Commission. If we're dealing with that in Planning and Zoning, we likely won't be done in two months. So that's what we're trying to get through to the Environmental Planner. We can—you have the document in front of you. Once we get through Planning and Zoning, Erin will get a final copy of the drawings and a final copy of the Stormwater Management. We're just saying the two-month provision--that's the problem.

Attorney Gomes said, I apologize, Mr. Chairman. If I may, there was discussion yesterday about whether or not the two months made sense because—and I'm not speaking for Miss O'Hare—but our understanding, our push-back initially on the two months was—doesn't mean we cannot physically submit plans to you that are final—is because we're not going to be done with Planning and Zoning in two months. So it was setting us up to fail. What Miss O'Hare indicated to us was she just wants the final within two months of approval—final plans that this Commission has approved, understanding that what the developer builds on—what the Applicant builds on will probably be slightly different as approved by the Planning and Zoning Commission. So that two months is not an issue here. It's really just the April 19th Engineer's memo.

Chair Vitali asked, What would take you two months to put out a plan for the request that she's made? I'm not sure where it came out the two months. I'm sure that's something that she requested. But what would be on that plan that wouldn't be on there tonight?

Attorney Gomes said, After Planning and Zoning—

Chair Vitali said, No, not after Planning and Zoning, right now.

Attorney Gomes said, Nothing, Mr. Chair. That's the point we're making. That's why we're saying, "Delete 2--2.d."

Chair Vitali said, But why delete 2.d., because you have a plan right now?

Attorney Gomes said, Correct, which does not incorporate the changes that the Town Engineer requested in her April 19th memo.

Chair Vitali said, And you don't want to put those in?

Attorney Gomes said, Correct—is what it comes down to. This is an 8-30g. application, so Zoning Regulations do not apply essentially.

Chair Vitali said, Don't start there.

Attorney Gomes said, Well, I'm just trying to explain why we're pushing back on 4.13.

Chair Vitali said, We're trying to get something resolved here. If the plans you—she has submitted now was your final plan for—submitted right now.

Attorney Gomes said, Correct.

Chair Vitali said, O.K., subject to the other condition now, except it—it's not subject to Town Engineer's comments. And, specifically, what was her comments—what's the Town Engineer's comments?

Ms. O'Hare said, April —19? She goes on and on. I mean, do you want me—it's a page and a half of what they don't have.

Chair Vitali said, Summarizing what?

Ms. O'Hare said, O.K. Let's see. An oil/water separator is, says it's provided but there's not one

provided, I guess. The plans do include a detail for a catch basin but no oil/water separator. And she doesn't like the fact that the catch basin has a sediment chamber. And then the next one is O.K., "Catch basins with hooded outlets are not recognized by the State Stormwater Water Quality Manual, whatever. Next one: First flush—The first flush is not being treated right. She goes on about that. Next page, she wanted a condition of approval that the Applicant submitted in the middle of April saying "We'll put in a Vortechnic or a hydrodynamic separator." But her issue is that she likes hydrodynamic separators, except they wanted to place it in the middle of the rear yard between Lots 12 and 13. She doesn't like it there because it's not accessible for Public Works to go maintain it. So she wanted it moved. And then there's another one.

Chair Vitali said, All right. Commissioners, I think the memorandum dated today from the Engineering Department supersedes the April 19th meeting letter or memorandum. Then she's basically said she's handling all stormwater management issues directly in Planning and Zoning. I don't know how the Commission feels. If that's true, we should be able to eliminate d. How does the Commission feel? Agree?

Commissioner Kern said, The first month Mr. Wiedenmann came here, he came here on good faith. There's no wetlands on the site, and he wasn't—he didn't really need to be here. And ever since then it's been—we came up to a peak of last month—now we've crashed and gone back the other way. My impression of what I just heard tonight is, "You can take your toys and go home, and then we'll see you after you get through with Planning and Zoning." Because we don't have any jurisdiction about what you're doing. I don't care about what Chris has designed—you're telling us you don't have to do anything we're asking you to do, and you're tired of fighting with us. So take your toys and go home, Bob. That's all.

Mr. Robert Wiedenmann spoke, No, Sir, Mr. Kern. My point is, look at this as if it's a draft Stormwater Management Plan. It's complete as much as it can be today, and hopefully it's complete enough so that you guys can make a decision tonight as to whether or not we're impacting the wetlands. But that doesn't mean our plan could not potentially change during the Planning and Zoning process. So when we go through Planning and Zoning, if there are additional changes—for instance, if we put that vortex system in, that unit, the Maintenance Plan needs to be modified to address the maintenance of that unit. It's not in our plan now because that unit is not in our plan. But if that plan goes into our overall design, then our plan would have to address the maintenance of that unit. We will modify our maintenance plan and submit that back to Erin once we're done with the zoning process. And, if she feels that there is something that was changed during the Zoning process that needs to come back before your Commission to look at, we will be back before you to make that change. Like, if Zoning told us to eliminate the detention pond. We'd be back, and we'd have that discussion. But if it's a minor think like an easement that's shown at 10 feet, and we negotiate with the Town Engineer that it should be 20 feet, I don't think that's something you folks would care about. Our plan today—we may change it during the zoning process. But we're not trying to take away your responsibility, your authority—or saying we're here to get your O.K. and then we'd do whatever we want. I don't want anybody to think that's what we're doing. There's constant revisions. If we have a storm and Erin says, "Let's put some more hay bale here," we're going to make that adjustment. We're showing a three-phase Erosion Control Plan now, but it's three points in time during construction. That could change day to day, week to week, depending on the lot, etc.

Commissioner Kern said, I get the impression, the young lady just said the Town Engineer is going to handle the design, and she's going to work with Mr. Juliano on stormwater discharge. It's got nothing to do with us. So you wasted our time?

Mr. Wiedenmann said, I think our attorney pointed out that the potential impact to wetlands or watercourses is under your purview. That's how I understand it. You folks are all here to protect the wetlands and to make sure that we're doing the best job to protect those. But there may be other aspects of our Erosion Control Plan or our Stormwater Plan or Maintenance Plan that may have no impact on wetlands, but other impacts to neighboring properties to be addressed. That's Zoning.

Commissioner Kern said, We have testimony there's a problem when it goes down to 91 property as the impact in wetlands and stormwater discharge down there--about handling the volume and the impact it's got on wetlands. Or am I reading more into it than what we heard from the public?

Mr. Wiedenmann said, I don't believe anyone brought up any issues of impact to a wetland. That does not mean they don't have impacts from stormwater for a wet basement or wet yards, etc., that could be impacted by stormwater--but it doesn't mean the wetlands are impacted by our stormwater. That's a differential.

Attorney Gomes said, Commissioner, if I may. This absolutely was not a waste of the Commission's time. We came here first because the Commission has the regulation that if any 20,000 square feet of impervious surface--that's why we're here, required to be here. But I also think that the Commission needs to look at this, specific to this property. This is an unusual application--we have a site that has no wetlands on site. In the record thus far, the stormwater here as it's currently designed is not impacting the wetlands. The additional details beyond that are worked out in Planning and Zoning. Stormwater is addressed to the extent it impacts wetlands. If it does not, the devil is in the details before Planning and Zoning.

Commissioner Kern asked, How do you know it's not going to impact the wetlands?

Attorney Gomes said, We have our engineer who submitted memorandums about no adverse impact to wetlands. And we have Environmental Planner Reports and town staff comments commenting on things like sand filters and hydrodynamic separators, etc.--but I have not seen one comment that "This will do X to the wetland." There's not been one comment thus far.

Chair Vitali said, We're back to item 2.d. Go ahead.

Ms. O'Hare said, My comment goes to what Attorney Gomes says, but also for the general public: People forget that it's the Inland Wetlands and Watercourses Commission. So the impact, I feel, from this project--the potential impact was to the water, if dirty water came off the site, which in the construction phase makes dirty water. If it were to leave this site untreated, it would definitely have an adverse impact on water quality--I'm not saying wetlands because the wetlands are 800 feet down the road, but water quality. So, in the water that goes down 91, takes a turn, and dumps into the wetland--that's one reason we have this surface area impact because we get a chance to make sure that water is as clean as this Commission can make it before it leaves the site. That's something we're very interested in in all the projects. It's not unique. The only thing unique to this project is that I can't see it--it's not visible, it goes into a pipe. I can't tell how dirty it is until it comes out--I measured tonight--it's 240 feet down on the gentleman's property, who lives across on Durham Road. It's private property; he has a State of CT easement. The water comes out there, and then we can see how dirty it is. But Chris has changed the plan four times now to get that water as clean as possible. But that's why we go through this, so I'm pleased that it's gotten this far. Frankly, I don't understand why this application is any different from 1 Miles Drive, which we just approved. It's the same--they don't have any wetlands. I see no difference.

Chair Vitali said, We're going to drop Item d., number 2.d. off that request. Has the Commission agreed to drop item d.?

Ms. O'Hare said, Drop it. By the way, because it's going to the next condition, number 3, says, if anything changes at Planning and Zoning that's substantive, they have to come back.

Chair Vitali asked, You're in agreement with 3?

Ms. O'Hare said, Yes, that it will come back to the Commission.

Attorney Gomes said, To confirm, Mr. Chairman, you said 2.d. Does that also include 1.a.? They're kind of the same.

Chair Vitali said, No. 1.a. stays. Excuse me, 1.a. leaves. The Route 91, which is c.--

Attorney Gomes said, Correct, that stays--the 91 stays.

Chair Vitali said, But the Town Engineer leaves. O.K. Commissioners, other comments? There were none. O.K., it is a public hearing. Is there any comment from the public?

Mr. Tom Capps, 4 Killen Road, said, I took down notes. I'm just looking for some clarity. I know Attorney Gomes stated tonight that the Applicant responded to the Triton report. So that Triton report was from the neighbors, paid for by them, to protect our properties and to make sure, just as a check and balance. And I was told that there was response--were responses to that report. Basically, the response was this Commission doesn't have jurisdiction on most of those questions, is what the opinion of the neighbors feel. But I do have some comments and a question. I do feel like there's just constant--we just want to make sure that wetlands aren't impacted, that our properties are secure from, you know, the construction and development of this three-and-a-half-acre parcel. And I don't feel confident that it is; and I trust that this Commission is--you know, obviously appreciate the due diligence. But when it comes to the 91 discharge issue that was again brought up within the Triton report was, I believe, was in multiple memorandums. I think I heard Mr. Juliano say they don't want to, the Applicant doesn't want to go on private property to do the due diligence--and that's a very real concern, you know, because that could impact--

Chair Vitali said, That is not taken out of the equation. That is still--

Mr. Capps said, O.K., good. If the Commission was to vote tonight, a lot of the revisions aren't incorporated. There's real concerns and on the impact to wetlands.

Chair Vitali said, After four months at this, the concerns have been addressed. They are incorporated in it.

Mr. Capps said, O.K. So I also think I missed in the multiple documents the maintenance of the basins. Where was that addressed?

Chair Vitali said, Where's the maintenance on the basin? That's in the Maintenance Plan done by the homeowners association?

Attorney Gomes said, Correct, Mr. Chairman.

Mr. Cappis asked, And the basin itself, is that creating a watercourse?

Chair Vitali said, No.

Mr. Cappis said, O.K. But I do feel the comments around the 91 discharge, I'm really interested to hearing the evaluation of that.

Chair Vitali said, Well, the Environmental Planner said to monitor the discharge from the retention basin at a point from 91: "Construction site personnel responsible for the E&S Control Plan shall monitor the condition of the discharge flows which can be assessed from the vantage point of the overpass on I-91."

Mr. Cappis said, O.K. As far as that being incorporated into the plan, that can happen?

Chair Vitali said, That is in the plan. That is in the Condition of Approvals.

Mr. Cappis said, O.K. So we would have to get results of that discharge going into 91?

Chair Vitali said, No, that's where he's going to monitor it, to inspect to see if it's a negative discharge.

Mr. Cappis said, O.K. My final comment: I think if all the revisions aren't incorporated into the final plan, I don't see the reason why we wouldn't postpone this decision tonight.

Chair Vitali said, I don't think this is one of the applications that, so much has been incorporated in the plan, the Conditions of Approval are relatively minor compared to some of them. The previous Application, Technology Drive, had almost two pages of bullet points to go through. This has got a couple pages, but there's a lot of just words on it. But these are all incorporated in your plan. The only--the memorandum dated May 1st, they're agreeing to all the conditions that Erin O'Hare recommended, with the exception of two, I think, 1.a. and 2.d.

Mr. Cappis said, O.K. So not all the conditions have been agreed to, and you're voting on a final plan without those two conditions?

Chair Vitali said, Not really. I mean, the conditions are going to part of the approval process, if that's what it takes. If this Application is denied, it's denied. If it's approved, maybe it'll be approved with the Environmental Planner's Conditions of Approval and those plans they're agreeing to incorporate in the plan.

Mr. Cappis said, Just one last question, if I may? So what happens if there is a negative result from that I-91 discharge?

Chair Vitali said, Well, you're going to be a bond--somewhere in the neighborhood there's got to be a bond--that's one item. Two, a notice of violation; three, a Cease and Desist. There's various methods of shutting the project down.

Mr. Cappis said, Thank you.

Chair Vitali said, Speaking of a bond, did we think about a bond? And we're bonding the detention pond--not pond, detention basin. Any other questions, Commissioners?

There were none.

Chair Vitali asked, Any other questions from the public? There were none. Erin?

Ms. O'Hare said, We still have to talk about the amount of a bond.

Chair Vitali asked, Do you have a recommendation for the bond? Remember, we're keeping it focused on the retention pond. Do you have a recommendation for a bond? You sat on a Wetlands Commission.

Attorney Gomes said, I don't usually price out bonds. Christopher, do you from the engineering side?

Mr. Juliano did not reply.

Chair Vitali suggested \$10,000.

Attorney Gomes agreed on behalf of the Applicant.

Ms. O'Hare said, Remember you have to do Significant Activity step.

Chair Vitali said, Significant Activity, that's right. You were talking before about prudent and feasible alternatives. Had it been deemed a Significant Activity, that would have kicked in prudent and feasible alternatives. But this project has not, was not determined to be a Significant Activity. When you isolate it to just the retention pond, I think that's one of the reasons that that didn't get pushed.

Chair Vitali said, If there are no more comments, then I will close the public hearing at 8:47 p.m. Public hearing closed.

E. CONSIDERATION OF PUBLIC HEARING ITEM

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

Chair Vitali asked, Now the question is, Do the Commission feel comfortable about voting on it tonight?

Commissioner Necio said, Yes.

Commissioner Caruso said, In light of the other memorandums, Yes.

Commissioner Phillips said, Yes.

Commissioner Kern said, Yes.

Chair Vitali said, Yes. So at this time I'll entertain a Motion regarding the Significance--

Recording Secretary said, Hello? I didn't hear a response from Mr. Kern. Did he say something?

Chair Vitali said, It was unanimous.

Recording Secretary said, He said Yes? O.K.

Chair Vitali said I'll entertain a Motion regarding significance of this activity.

MS. PHILLIPS: **MOTION THAT APPLICATION #A24-1.1 / 1136 DURHAM ROAD - SUNWOOD DEVELOPMENT CORP. - (RE-SUBDIVISION - 13 LOTS - UNDER 8-30(g.) SHALL BE DEEMED NOT A SIGNIFICANT IMPACT ACTIVITY.**

MR. NECIO: **SECOND.**

VOTE: **MR. KERN - NO; MS. PHILLIPS - YES; MR. CARUSO - YES; MR. NECIO - YES; CHAIR VITALI - YES.**

The Recording Secretary requested that everyone would vote again. She did not hear it.

Chair Vitali said, Nick's vote was "No."

Recording Secretary said, All right. Who else?

Chair Vitali said, Everyone else was "Yes."

Recording Secretary said, All right.

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

MS. PHILLIPS: **MOTION THAT APPLICATION #A24-1.1 / 1136 DURHAM ROAD - SUNWOOD DEVELOPMENT CORP. - (RE-SUBDIVISION - 13 LOTS - UNDER 8-30(g.) BE APPROVED WITH THE CONDITIONS IN THE ENVIRONMENTAL PLANNER'S REPORT OF 5/1/24, BEING CONDITIONS 1-6, WITH THE EXCEPTION OF 1.a. TO BE DELETED, 2.b. TO BE DELETED, AND THE BOND ON #4 TO BE SET FOR \$10,000.**

MR. NECIO: **SECOND.**

MS. PHILLIPS added to her Motion: AND FOR #6, THE PLACARDS TO BE INSTALLED AROUND THE STORMWATER BASIN ARE TO BE LABELED "STORMWATER MANAGEMENT AREA" AND TO BE FURNISHED BY THE DEVELOPER.

MR. NECIO: **SECONDED AGAIN TO ACCEPT MS. PHILLIPS' ADDED LANGUAGE.**

VOTE: **MR. NECIO - YES; MR. CARUSO - YES; MS. PHILLIPS - YES; MR. KERN - NO; CHAIR VITALI - YES.**

H. RECEIPT OF NEW APPLICATIONS

Chair Vitali formally received Applications #1-5 here.

- 1. #A24-4.5 / 270 Hall Avenue - Gary M. Greenalch, P.E. - (drainage improvement for additions) - Request for Administrative Approval**
- 2. #A24-4.6 / 2 Wheatfield Drive - Deborah Satonik - (addition) - Request for Administrative Approval**
- 3. #A24-4.7 / 898 Church Street - Vincent Perretta - (Modification to permit IWWC #A23-5.6 -**

sidewalk installation)

4. #A24-4.8 / 4 Mellor Road - Robert & Rhonda Doolittle - ("After-the-fact" application - installation of footbridge and associated yard improvements) - Administrative approval to be affirmed) - See Motion made tonight at J.1. below.
5. #A24-4.9 / 79 Kondracki Lane / Marcus Briles - (stabilization of stream bank with blocks)

I. REPORTS & COMMUNICATIONS - Commissioners noted these items.

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. Town Council - Proposed Town Budget FY 24-25 - public hearing & workshop, April 29 - 6:00 p.m. - report - Not discussed.
5. Memorandum from Janis M. Small, Corporation Counsel, to James E. Vitali, Chairman, IWWC and Erin O'Hare, Environmental Planner, re: 898 Church Street Application for Modification, dated 4/25/24 - Not discussed.
6. Letter to Town of Wallingford from Embridge-Northeast Region re: Algonquin Gas Transmission Line - Quinnipiac River - access off Toelles Road - (maintenance of line); dated 4/8/24; submitted 4/16/24
7. City of Meriden - Notification of IWWC application within 500 feet of Town Line - 1180 Northrop Road, Wallingford & 850 Murdock Road, Meriden - (two warehouse distribution buildings) - Applicant: Mark Development, LLC; submitted to Town Clerk, 4/18/24
8. City of Meriden - Notification of IWWC application within 500 feet of Town Line - Research Parkway - Applicant: City of Meriden - (installation of a 2.1 mile long multi-use trail and rain gardens in western R.O.W. of Research Parkway between East Street and the Town line - (activities within 100-foot Upland Review Area); submitted to Town Clerk, 4/18/24
9. DEEP Pesticide Application To State Waters: 10 Martin Trail, Spring Lake - The Pond and Lake Connection - notice to treat 4/19/24 - submitted via email 4/11/24

At this time Chair Vitali took up Violations, Item J.1.

J. VIOLATIONS - discussion and/or action

1. 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

Ms. O'Hare reported that the Owner has submitted an After-The-Fact Application, as directed to do so at the last meeting. Chair Vitali granted the Administrative Approval, so the Violation can be released.

MS. PHILLIPS: **MOTION THAT THE NOTICE OF VIOLATION ON 4 MELLOR ROAD, ROBERT AND RHONDA DOOLITTLE, SHALL BE REMOVED.**

MR. NECIO: **SECOND.**

VOTE: **AYE BY ALL IN A VOICE VOTE OF MR. KERN, MR. NECIO, MR. CARUSO, MS. PHILLIPS, AND CHAIR VITALI.**

The following Violations remain:

2. Notice of Violation - IWWC #A18-1.2 / 801 North Colony Road & 6 Beaumont Road / Padens Brook- IAmTheWalrus, LLC - (violations regarding implementation of the Padens Brook Corridor Restoration Plan) - issued 3/4/24; tabled 3/6/24; tabled 4/3/24

3. **Notice of Violation - 2 Wojtasik Drive - Joseph Wojtasik - (unpermitted clearing, grading, removal of trees, re-setting drainage pipes in wetlands and within URA) - issued 3/27/24**
Ms. O'Hare reported she is working with the Owner.
4. **Notice of Violation - 195 Long Hill Road - Wallingford Country Club - (permit non-compliance - failure to obtain engineering report on stream flow change) - issued 4/26/24**
Chair Vitali indicated that the violator has retained an engineering firm per our directive.

K. VIOLATIONS - pending (no action requested)

These Violations remain:

1. **Notice of Violation Remains - 1245 Old Colony Road & Quinnipiac River - Jerzy Pytel - (unpermitted clearing & filling near river) issued 6/4/29; NOV to be recorded on Land Records per 10/4/23 action**
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**
3. **Cease & Correct Order Remains - 67 Schoolhouse Road - Karl Kieslich - (new filling over prior filling); issued 4/25/23; tabled**
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**
Chair Vitali asked Ms. O'Hare to look at this property again.
5. **Notice of Violation Remains - 119 Quigley Road - Matt Turner - (clearing & grading in wetlands); issued 9/29/23**
6. **Cease & Correct Order Remains - 55 Kondracki Lane - Fifty-five, LLC - (correction plan to comply with 6/5/18 Order); approved 12/6/23**
Chair Vitali said this Order stays in effect.

G. NEW BUSINESS

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

This Application was received by Chair Vitali for the June 5 agenda.

L. ADJOURNMENT

MS. PHILLIPS: MOTION FOR ADJOURNMENT.

MR. NECIO: SECOND.

VOTE: UNANIMOUS VOTE OF THE COMMISSIONERS TO ADJOURN.

The Meeting was adjourned at 9:08 p.m.

M. NEXT SCHEDULED REGULAR MEETING: June 5, 2024

Respectfully submitted,
Kathleen L. Burns, Recording Secretary