

MINUTES

**Wallingford Inland Wetlands & Watercourses Commission
Wednesday, June 5, 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, June 5, 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, Mrs. Caroline Raynis, and James Heilman, and Erin O'Hare, Environmental Planner.

ABSENT: Commissioner Michael Caruso and Alternate Commissioner Aili McKeen.

There were seven persons in the audience.

A. PLEDGE OF ALLEGIANCE

The Pledge was recited.

B. ROLL CALL

As above.

C. CONSIDERATION OF MINUTES

1. Regular Meeting, May 1, 2024

Vice Chair Phillips asked the Recording Secretary to read the proposed Motion here.

MS. PHILLIPS: **MOTION THAT THE MINUTES OF THE REGULAR MEETING OF MAY 1, 2024, BE ACCEPTED AS SUBMITTED WITH THE CHANGES LISTED: ON PAGE 12 IN THE TOP LINE TO CHANGE "2.b." TO "2.d."; ON PAGE 12 IN PARAGRAPH 4 TO CHANGE "2.b." TO "2.d."; AND ON PAGE 24 IN THE DECISION MOTION TO CHANGE "2.b." TO "2.d."**

MR. NECIO: **SECOND.**

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

ABSTAINED: **COMMISSIONER HEILMAN** because he was not at the May Meeting.

D. OLD BUSINESS

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

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

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

Appearing was Mr. David Ziaks, P. E., President of F. A. Hesketh & Associates, Inc., of East Granby.

Mr. Ziaks said, Last meeting, we made a full presentation and answered Commission questions. The Commission tabled it to this evening to let us talk with the contractor about problems with the four existing basins that are on the property, which they have nearly completed as of this evening. We responded to staff comments of last week, which you have, and we made those changes on the plans. There's currently outlet structures and inlet structures. Trash has been picked up. Work is essentially complete, which I saw this evening. Ms. O'Hare completed her inspection/report today, with questions on moving forward. I believe we have addressed everyone's concerns.

Chair Vitali asked for questions.

Commissioners Heilman, Necio, Phillips, Kern, and Raynis had no questions.

Ms. O'Hare said, My Environmental Planner's Report went out Friday to you and the Applicant. You received all the documents Friday in the packet. It needs to be reviewed by the Town Engineer. However, as to what happened over the weekend, I went out to inspect the maintenance, which hadn't been done in years. I have photos. The Water Division is going to look at the sand filter to determine if it's functioning. On the north, the sand filter and the large basin which is referred to as a retention basin, Dave? The plans call the big north basin a "retention basin".

Mr. Ziaks said, It is a retention/infiltration basin. It retains the water and infiltrates the water into the ground.

Ms. O'Hare said, And the other two existing are called detention basins?

Mr. Ziaks said, Right--they are wet detention basins.

Ms. O'Hare said, Then you did the maintenance by opening the whole area that I didn't know existed.

Chair Vitali asked for questions.

Ms. O'Hare said, We discussed this in e-mails and on the phone this week. It appears to be next week that the Town Engineer and Town Planner and myself will go over this.

Chair Vitali said, So it isn't ready to be approved?

Ms. O'Hare said, No. But I would request you to decide on Significant Impact Activity. And the Commission needs to grant an extension to get us to July 17th, whether or not you do a public hearing.

Chair Vitali said, Your recommendation is not to approve tonight, but you want us to determine Significant Activity?

Ms. O'Hare said, They're adding a 54,000-square-foot building and taking out the hillside to do it. It's a lot of earthwork. Almost all the earth is being taken offsite--some to be used for the pads.

Chair Vitali said, Significant Activity, such as wetland impacts?

Ms. O'Hare said, When the water leaves this site it goes under Carpenter Lane to that wetland system at 5 Research Parkway. So, yes, if sediment/dirt comes in there, that's where it ends up. Also, by Carpenter Lane, they referred to both as wet basins. One is with sedges and marsh, 3 feet of water. That's planned to receive the construction flows from the temporary sed traps from this building. We

need to see if it can be routed around. The other basin is a "wet basin" per Dave, but it's dry as a bone and it has broken pipes.

Chair Vitali said, Does the Commission feel it can act on whether this is a Significant Activity or not?

Commissioner Heilman said, Can you give us cubic yards that you're excavating?

Mr. Ziaks said, It's 8,000 to 10,000 yards of soil that will be removed offsite daily. There's no place to put it. Once we achieve the elevation for the new building, construction will be fairly conventional. I don't see a lot of sediment leaving this site at all. We have a fairly extensive Erosion Control Plan. This site is in the Water Protection Area. Maintenance hasn't been done in five years or more. The new owner is taking it serious and brought in a contractor to clean up. On inspection tonight, I didn't see anything that isn't in our maintenance and computer models for the Town Engineer for drainage. I don't see this as a Significant Impact on any wetlands system.

Commissioner Heilman said, We've seen issues where people guaranteed that nothing would happen. You have an enormous slope to the east. Given a storm--it's traprock underneath that. You said you took it very seriously. I think it has the potential, given unexpected circumstances, to eventually harm wetlands in that area. Considering the amount of exposure until it's finished, the potential for storms hitting that slope--I don't see why you wouldn't consider it a potential Significant Activity.

Commissioner Kern said, Last meeting, I asked about the amount of fill, and you said it all was going to be removed offsite. I have concerns about runoff from storms I don't believe it's a Significant Activity. It's large, but not Significant, because of what you're going to do and how. I don't think you want dirt or mud in your parking areas or construction site. So I don't believe it's a Significant Activity.

Chair Vitali asked for a Motion on Significance of Activity.

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 DEEMED NOT A SIGNIFICANT IMPACT ACTIVITY.

MR. NECIO: SECOND.

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

Chair Vitali asked Mr. Ziaks to grant an extension to the next Meeting on July 17th.

Mr. Ziaks agreed. He said, Yes. We'll meet with staff.

3. #A24-4.5 / 270 Hall Avenue - Gary M. Greenalch, P.E. - (drainage improvement for additions) - Request for Administrative Approval

Chair Vitali said that he and Ms. O'Hare had discussed this request and then he granted Administrative Approval on May 28th.

4. #A24-4.6 / 2 Wheatfield Drive - Deborah Satonik - (addition) - Request for Administrative Approval - Granted 5/15/24

Chair Vitali stated this Administrative Approval was granted on May 15th.

5. #A24-4.7 / 898 Church Street - Vincent Perretta - (Modification to permit IWWC #A23-5.6 - sidewalk installation)

Chair Vitali announced, There is a petition by the neighborhood to have a public hearing, which they have a right to request. So I will set the Public Hearing for July 17th. They also requested a Site Investigation in the area. It's up to the Commission whether we do it. You turn down Highland Avenue, and you see it. The issue is if the Commission feels that installing the sidewalk as a Modification to the Permit has any impact on the Permit that was already granted--or, if no impact to the Permit that was already granted, then the Public Hearing has to be strictly for the sidewalk. So it's related to the permit that's already voted. So that will be on the agenda for the 17th.

Chair Vitali added, Have you notified them that they have to talk to AV/TV?

Ms. O'Hare said, Yes, they're aware. The TV crew has to be notified a week in advance.

No Motion was made here. No Site Investigation was set.

6. #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 as granted, Affirmed 5/1/24

Chair Vitali stated, This Administrative Approval was granted on May 1, 2024.

7. #A24-4.9 / 79 Kondracki Lane / Marcus Briles - (stabilization of stream bank with blocks)

Chair Vitali asked Ms. O'Hare to explain this Application.

Mr. Marcus Briles and Mrs. Kelly Briles went up to the table.

Ms. O'Hare said, Mr. Briles came in yesterday with the drawing you received tonight. It changed from the May packet information because the Building Official said there has to be an engineered drawing. He didn't want to do that, so the Building Official said he has to use interlocking blocks. The Building Official looked at their new design yesterday and said, "O.K. It doesn't have to be engineered." Today the Town Engineer agreed. It's to be one block on the bottom 3 feet wide--2 feet by 3 feet wide--the 3 feet sticks out lying on the bottom in the channel against the bank and then riprap on top of that.

Chair Vitali asked, One or two courses of block?

Mr. Briles said, One level. I plan to do 15 blocks, one row, to cover about 30 feet, and then riprap on top to cover the rest from the block up. The bank is about 45 inches high.

Chair Vitali asked, You were able to get interlocking blocks?

Mr. Briles said, I was going to use standard Mafia blocks. They can stand next to each other.

Chair Vitali said, So 2 to 3 feet is going to stick out into the brook?

Mr. Briles said, It's 15 blocks, 3 feet long, sticking out 2 feet into the brook.

Chair Vitali said, Each block is 3'x2'x2'. Suzio block?

Mr. Briles said, Suzio block. I was going to get 15 blocks.

Chair Vitali said, So 15 x 2' is 30 feet, and then the 3' side is going to be into the bank?

Mr. Briles said, A lot of the property washed away. It was going to be right against the bank that used to be there.

Chair Vitali said, I want to be clear that you're not losing an extra foot that you were counting on. So the face of the block is going to be on the old bank that was there before?

Mr. Briles said, Correct.

Ms. O'Hare had no comments.

Chair Vitali asked for Commissioners' comments.

Commissioner Kern said, We were out there upstream doing some work. I walked down in there. That water gets pretty high barreling down through there. Is this riprap stone going to be able to hold the bank back?

Mrs. Briles said, We found that a lot of debris. The problem we're having with the erosion is actually coming from the inlet pipe at 55 Kondracki Lane, which is a bridge that overlaps the road. The new owners had put in a smaller pipe there. Now we're getting all this backing up on our property. It's literally washing it out. We're going to make repair so we don't lose more.

Chair Vitali said, It's a waste to put riprap on top of the block. You may want a second layer of block going the other way?

Mr. Briles said, I can't buy the engineered blocks for stacking. What's happening now is we're getting all this backing up on our property. It's literally washing everything away. We're going to take care of it so we don't lose property and we don't damage wetlands.

Chair Vitali said, I think Mr. Kern doesn't want you to waste your money putting riprap on top of the block. That would roll down the stream. Maybe a second layer of block?

Mr. Briles said, I cannot buy those.

Commissioner Kern said, Even the Mafia blocks that don't interlock would be better than the riprap. The water's going to hit the Mafia block and then go downstream. A tree coming from above would snag on riprap and spread all over the base of your brook. You do have a big elevation difference between a normal day and a rainy day.

Mr. Briles said, I've looked at the water level across on the other side of the bank. I'm thinking that the one-high block (2 feet) would probably be stable and catch the height of the water. When we have massive water, that causeway is not allowing the water to move through, and then it backs up a bit.

Mrs. Briles said, I think the biggest problem is the causeway. It's not going to be only our property.

Chair Vitali said, I think I heard the Town Official/Building Department person was suggesting interlocking blocks. But put in block now and not the riprap, and see how it happens.

Mr. Briles said, I'm looking to get the blocks I initially looked and and not engineered stacking blocks. I

think your Engineer asked me to have Suzio to sign off that those could be stacked.

Chair Vitali said, I can't go to that. This is a different situation. They're going to fix that bridge and open it up by fall, so that should reduce the backup of storage water in your yard. That's the approved plan.

Mr. Briles said, That would be a beautiful thing.

Chair Vitali asked Ms. O'Hare for comments.

Ms. O'Hare said, I have no comment.

Chair Vitali ask for a Motion on Significant Activity.

MS. PHILLIPS: MOTION THAT APPLICATION #A24-4.9 / 79 KONDRACKI LANE / MARCUS BRILES - (STABILIZATION OF STREAM BANK WITH BLOCKS) BE DEEMED NOT A SIGNIFICANT IMPACT ACTIVITY.

MR. NECIO: SECOND.

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

No further Motion was made here.

Chair Vitali proceeded to New Business.

E. NEW BUSINESS

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

Ms. O'Hare said, This item is not ready.

- 2. #A24-1.4 / 195 Long Hill Road - Wallingford Country Club - Request for bond release**

Ms. O'Hare said, They have requested a bond release. But this E.2. is tied to H.2 under Violations, which I recommend you release first. And then you can release the bond. Their engineer failed to submit the report about the change in velocity that the improvements were going to make, but now he has.

The Commission proceeded to Item H.2.

H. VIOLATIONS - discussion and/or action

- 2. Notice of Violation #A24-1.4 / 195 Long Hill Road - Wallingford Country Club - (permit noncompliance: failure to obtain engineering report on stream flow change) - issued 4/26/24**

No one appeared for this Violation.

Chair Vitali asked, Is there any reason to keep the Violation intact?

Ms. O'Hare said, No. One of the Conditions of Approval had a requirement for them to submit an engineer's report that tells the change in stream velocity from the improvements. In the packet, I gave you a copy of Godfrey Hoffman's report which said, "No, it will be decreased velocity slightly."

MS. PHILLIPS: MOTION TO RELEASE THE NOTICE OF VIOLATION #A24-1.4 / 195 LONG HILL ROAD - WALLINGFORD COUNTRY CLUB - (PERMIT NONCOMPLIANCE:

FAILURE TO OBTAIN ENGINEERING REPORT ON STREAM FLOW CHANGE) - ISSUED 4/26/24) - THAT IT BE REMOVED.

MR. NECIO: SECOND.

There was no discussion.

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

Then the Commission moved to E. New Business, Item 2.

E. NEW BUSINESS

2. #A24-1.4 / 195 Long Hill Road - Wallingford Country Club - Request for bond release

MS. PHILLIPS: MOTION THAT THE BOND BE RELEASED FOR #A24-1.4 / 195 LONG HILL ROAD / WALLINGFORD COUNTRY CLUB.

MR. NECIO: SECOND.

There was no discussion.

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

Ms. O'Hare will notify Wallingford Country Club of the two actions taken tonight.

Then the Commission took up E.1. under New Business.

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

Ms. O'Hare said, There is minor dumping in the wetlands. They got a PZC permit to build. They started but never finished. No stormwater management has been installed. I have to meet with Planning and Zoning to get this worked out.

Chair Vitali received this Item E.1. for the July 17th Meeting agenda.

F. RECEIPT OF NEW APPLICATIONS

1. #A24-5.1 / 360 Woodhouse Avenue - Nerio Tello - (in-ground pool, pool house, fencing, patio)

This Item F. 1. was received by Chair Vitali for the July 17th Meeting agenda. (Reference is made to the related Violation H.4. below.)

2. #A24-6.1 / 160 North Turnpike Road - Wallingford Sewer Division, Scott Shipman, Senior Engineer - (sewer installation)

Ms. O'Hare reported that earlier tonight Chair Vitali had given Administrative Approval for this Application #A24-6.1 for the Wallingford Sewer Division. It is Approved. The Water Division will put in 200 feet of pipe on the easterly side. It is near the building owned by SNET.

The Commissioners had no comment on this Administrative Approval.

3. #A24-6.2 / 380 Main Street, Yalesville - Town of Wallingford, c/o Alison Kapushinski, P.E. - (Quinnipiac Linear Trail pedestrian bridge installation over Quinnipiac Raceway, elevated boardwalk, trail construction)

This Item F.3. was received by Chair Vitali for the July 17th Meeting agenda.

G. REPORTS & COMMUNICATIONS

- 1. Discussion of proposal to adopt fines for violations** - Not discussed.
- 2. Farm Hill Road Detention Basin** - Not discussed.
- 3. Letter to Mr. James Vitali, Chairman, IWWC, from Katelyn Wheeler, SWCA Environmental Permitting Specialist, SWCA Environmental Consultants, Re: Algonquin Gas Transmission, LLC - Quinnipiac River Armoring project - Wallingford and North Haven, Connecticut; with attachments; submitted via email, 5/20/24**
Ms. O'Hare explained this activity briefly.

H. VIOLATIONS - discussion and/or action

- 1. 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**

Chair Vitali asked to begin with Item H.2 and to return to H.1. later.

- 2. Notice of Violation - #A24-1.4 / 195 Long Hill Road - Wallingford Country Club - (permit noncompliance: failure to obtain engineering report on stream flow change) - issued 4/26/24** This Item H.2. was voted to be eliminated above before Item E.2. was taken up earlier tonight.
- 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**
This Violation remains.
- 4. Notice of Violation - 360 Woodhouse Avenue - Nerio Tello - (structures, depositions, and ditching in wetlands) - issued 5/28/24**

Ms. O'Hare explained that this Violation H.4. is related to New Application F.1., which was received tonight for the July 17th Meeting agenda.

Chair Vitali stated the Commission is not going to act now because we need more information. The Commission discussed the unpermitted activities located in the wet meadow/marsh, and consensus was the structures are to be removed out of the wetlands.

Ms. O'Hare will request the Applicant to respond to the items outlined in the Notice of Violation.

At this time Chair Vitali asked for a Motion in order to add a new Violation 5. under H. to the agenda. He described it briefly.

MS. PHILLIPS: MOTION THAT UNDER H. VIOLATIONS - DISCUSSION AND/OR ACTION, TO ADD ITEM 5. NOTICE OF VIOLATION - 1103 OLD COLONY ROAD, NRWA, LLC, ISSUED 2/24/20, NONCOMPLIANCE WITH DIRECTIVE TO ADD SHALLOW DETENTION BASIN AREA.

MR. NECIO: SECOND.

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

Next, Chair Vitali requested to go to Item H.1. above.

1. 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

Appearing were Ms. Sigrun Gadwa, Wetlands Ecologist, and Mr. George Logan, Professional Wetlands Scientist and Soils Scientist, with REMA Ecological Services, Meriden, CT.

Ms. O'Hare said, There's been a lot of information submitted in the past months. George, could you distill it down?

Mr. Logan said, We came in with the plan which you have. There are colored circles with numbers for what we're recommending. We're adding 11 trees and replacing 21 shrubs that didn't make it. We met at the field--myself, Sigrun, Erin, and Mr. D'Addabbo--and talked about what should happen. We will do control and eradication of invasives in July. Plants will be installed in September.

Ms. Gadwa described the plantings and the invasives control plan.

Chair Vitali said, Your original plan was really aggressive, and it didn't turn out. You drive by now, and you can't even see Tractor Supply. Let's wrap this up.

Mr. Logan said, The plan is to supplement with trees and shrubs on the plan in front of you. The other component is the continuing eradication of invasive species on year six.

Ms. Gadwa said, The invasive species now include Tree of Heaven, which will be treated in July. Other invasives will be treated in September/fall. We have a new landscaper, and I'll train the people doing weeding and control.

Chair Vitali said, This is your final plan submitted tonight that you're going to do, and then you're going to ask for your bond back?

Mr. Logan said, Correct.

Ms. Gadwa said, We talked with Erin about ongoing mowing of the perimeter of knotweed and also putting up a fence. The owner is willing to have that area mowed for the future on the perimeter.

Mr. Logan said, Yes, we'd like to be done by Year 6; however, I think we need to prove this is on the right trajectory. So awhile after planting we'll inspect and have a memo to you, and you hopefully will consider releasing the bond.

Chair Vitali said, Something along those lines. Yes, mowing the knotweed would be for his own benefit. But we have to have some closure. Commissioners, questions?

Commissioner Mrs. Raynis asked about the oil-soluble treatment. What is it?

Ms. Gadwa said, You do cut-and-paint to put it on the sapling of Ailanthus. It doesn't affect grasses or sedges, and it's safe for humans and animals.

Commissioner Kern said, You do the plantings and work over six years, and then all the invasives come back and take over? We're not going to have any maintenance plan.

Mr. Logan said, I understand. At least two invasives came from the watershed. So you do have a density of vegetation so that the invasives don't come in. It's a dynamic system close to the brook, and other things could come in. But we're hoping on the slope and the plateau there's enough dense vegetation to exclude those.

Ms. Gadwa said, It's very dense under the box elder trees. The invasives are shaded out. We're planting 10 floodplain trees which have a thick canopy, and I think mulching will help the trees.

Mr. Logan said, If at the end of this season additional fostering and maintenance needs to happen, we could discuss that. Our client wants his bond back.

Ms. Gadwa asked, Can the Notice of Violation be lifted?

Chair Vitali said, We're not there yet. Hold on to that question.

Commissioner Phillips said, My concern is how many plants are going to make it to the spring?

Mr. Logan said, Usually you can tell in the fall. Landscapers usually warranty their plants.

Commissioners Necio and Heilman had no questions.

Chair Vitali asked, So you're agreeing, Erin, that this plan they submitted will satisfy their bond requirements?

Ms. O'Hare said, I've never heard of a bond being released a month after the trees and shrubs are put in. It was approved as a six-year plan. And the other issue is of invasive maintenance, going forward. I like the planting plan. But, as to releasing the bond in October, I don't foresee that happening.

Chair Vitali said, I think the invasives are going to be there. This bond's got to be taken care of. So I'll entertain a Motion tonight to accept their final plan. I'm not going to say release the bond just yet, but accept their final plan as a possible closeout to the bond situation.

Commissioner Phillips asked, Do you want to release the Notice of Violation?

Chair Vitali asked, Do you recall the specifics of the Violation, Erin?

Ms. O'Hare said, I have the folder downstairs.

Chair Vitali said, We should be able to lift the Violation because we still have the bond.

Ms. O'Hare said, The Violation was about six things that they were noncompliant with.

Chair Vitali said, No bond release, no lifting of violation.

Mr. Logan asked, Is that tabled to the next meeting?

Ms. Gadwa said, I read the Minutes and the progress reports. Actually, the details of how many trees were cut and why were in those. One of the core accusations in the Notice of Violation was that we had cut 30 trees--and in fact there were 10 damaged Box Elders that were cut, but then all resprouted. And four mature highly invasive Norway maples were cut, that's it--and one tree was falling into the water. So the tree-cutting aspect was based on inaccurate recollection. You should take that into

account because one of the main reasons for the Violation was not based on fact. I found it out after.

Chair Vitali said, That should have been resolved when it went into effect.

Mr. Logan said, We'll work with Erin, point by point, on items in the Violation and see if we can resolve them.

Chair Vitali said, So a Motion that this is their final remediation plan for this site, without releasing bonds or anything just yet.

MS. PHILLIPS: MOTION THAT ON #A18-1.2, 801 NORTH COLONY ROAD AND 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) TO ACCEPT THE FINAL PLANTING PLAN.

MR. NECIO: SECOND.

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

Mr. Logan said, Thank you, Mr. Chairman, Commissioners. We'll see you hopefully next month.

Chair Vitali continued here to name the items in Agenda I. VIOLATIONS - pending (no action requested), which he said remain.

I. VIOLATIONS - pending (no action requested)

Items 1-3 and 5-6 are kept in place.

- 1. Notice of Violation Remains - 1245 Old Colony Road & Quinnipiac River - Jerzy Pytel - (unpermitted clearing & filling near river) issued 6/4/19; NOV to be recorded on Land Records per 10/4/23 action**
- 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 - staff comments**

This Item 4 was discussed briefly. Ms. O'Hare saw the property today, and it looks the best it has in 15 years. Ms. O'Hare also described the low berm that was created between 24 Mapleview Road and the neighboring house at 11 Rolling Meadow Road.

Then Chair Vitali requested Ms. O'Hare to send a letter to Mr. and Mrs. Clarke ordering them to take the last 20 feet down of the low berm between 24 Mapleview Road and that neighboring property because it is impeding the natural flow of water between the two houses. Ms. O'Hare will send this letter. This Item I.4. is kept in place.

- 5. Notice of Violation Remains - 119 Quigley Road - Matt Turner - (clearing & grading in**

- wetlands) issued 9/29/23 - staff comments
6. Cease & Correct Order Remains - 55 Kondracki Lane - Fiftyfive, LLC - (correction plan to comply with 6/5/18 Order) approved 12/6/23

There were no comments here. Items I.5 and I.6 are kept in place.

H. VIOLATIONS - discussion and/or action

Chair Vitali then returned to address H. VIOLATIONS - discussion and/or action above. He asked for a new item to be listed there as number 5.

MS. PHILLIPS: MOTION THAT UNDER H. VIOLATIONS - DISCUSSION OR ACTION, TO ADD ITEM 5. NOTICE OF VIOLATION - 1103 OLD COLONY ROAD - NRWA, LLC, ISSUED 2/24/20, NON-COMPLIANCE WITH DIRECTIVE TO ADD SHALLOW DETENTION BASIN AREA.

MR. NECIO: SECOND.

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

Chair Vitali said the property is a former gas station at 1103 Old Colony Road with an existing Violation that is on the Land Records. The rear area had a wetlands issue and beside the neighbor's property, which the Owner had filled in by the old garage that's not part of the gas station.

Ms. O'Hare said, He wants to open his gas station. That area behind the building is gravel and weeds now. Commissioner Kern may want to go out there to see it now, as he had gone out there last time.

Chair Vitali said, I think the answer is "No" on lifting the Violation until he puts it back the way it's supposed to be--the way we wanted it.

Commissioner Kern agreed.

Ms. O'Hare will add this pending Notice of Violation to the next agenda.

J. ADJOURNMENT

MS. PHILLIPS: MOTION TO ADJOURN THE MEETING.

MR. NECIO: SECOND.

VOTE: ALL COMMISSIONERS SAID "AYE".

The Meeting was adjourned at 8:32 p.m.

K. NEXT SCHEDULED REGULAR MEETING: July 17, 2024 Special Meeting

Respectfully submitted,

Kathleen L. Burns
Recording Secretary