

MINUTES

Wallingford Inland Wetlands & Watercourses Commission
Regular Meeting
Wednesday, July 17, 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, July 17, 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, James Heilman, and Mrs. Caroline Raynis (entered at 7:07 p.m.), and Environmental Planner Erin O'Hare.

ABSENT: None.

A. PLEDGE OF ALLEGIANCE

The pledge was recited.

B. ROLL CALL

As above.

C. CONSIDERATION OF MINUTES

1. Regular Meeting, June 5, 2024, 7:00 p.m.

Chair Vitali asked for consideration of the Minutes.

MS. PHILLIPS: MOTION THAT THE MINUTES OF THE REGULAR MEETING OF JUNE 5, 2024 BE ACCEPTED AS SUBMITTED.

MR. NECIO: SECOND.

VOTE: All voted 'Yes' except Mr. Caruso and Ms. McKeen abstained.

D. PUBLIC HEARING

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

Chairman Vitali opened the hearing at 7:07 p.m.

Ms. O'Hare stated the dates when the Notice was posted in the Town Clerk's on June 25 and published in the Meriden Record Journal on July 5 and July 12, as required.

Christopher Juliano, P.E., L.S., Juliano Associates, stated we are here for the modification to the existing permit to construct a sidewalk along Highland Avenue as required by the PZC. He ran through a detailed chronology of the application process to date citing documents and dates

RECEIVED FOR RECORD
AT 10:50am AND RECEIVED BY
Kristen Sango (16) TOWN CLERK
7/22/24

including documents received from the petitioners. He stated the Certificates of Mailing for Certified Notice letters sent out June 28 were submitted to Ms. O'Hare as required. He stressed that tonight's application pertains to the modification to the original permit relative to the proposed sidewalk installation along the west side of Highland Avenue as stipulated by the PZC as a condition of approval. Approaching the side of the dais, he presented the application using the site plan presentation board. He noted the PZC had added the sidewalk condition for safety purposes. At that time, he had argued that maintenance of the sidewalk would be continual due to wet conditions there. He explained the location of the sidewalk was dictated by the occurrence of electrical poles so it had to be placed on the westerly side of the poles which brings it closer to the wetlands. We are disturbing 932 s.f. of wetlands and there is seasonal inundation that comes close to the edge of the sidewalk. He explained why he is not in favor of the sidewalk but is here due to the PZC.

Chair Vitali asked if filling would be just underneath the sidewalk.

Mr. Julaino responded that the fill area is just the width of the sidewalk, we are in a cut versus a fill situation and there is no fill between the sidewalk and the road.

Commissioner Kern asked who will use the sidewalk.

Mr. Juliano explained how the sidewalk came to be designed along Church Street and on the west side of Highland Avenue rather on the east side which he felt made more sense.

Commissioner Heilman said he viewed the sidewalk as recreational in nature, they are good to promote walking, and, as recreational, may actually allow for the filling of wetlands under certain guidelines per the Regulations which this Commission has allowed to be done in the past for soccer fields. He said the road restricts the historic passage of flows to the east.

Mr. Juliano clarified that flows from the proposed sidewalk would not go to the west as they would actually go north and then to the east. He emphasized that the eastern part of 898 Church Street today flows to the north and that this proposal does not impact anything going on the west.

Commissioner Heilman concurred.

Mr. Juliano stated a Wetlands Impact Plan submitted breaks down the impacts for wetlands – where 932 s.f. of wetlands is proposed to be filled - and upland review area disturbance.

Ms. O'Hare noted that two letters came in today –one from the Applicant's attorney and one from an attorney representing the neighbors. She passed out copies of the letter submitted today by George Logan, Wetlands Scientist for the Applicant.

Chairman Vitali noted that a few documents had been submitted to the IWWC tonight and that he had made it clear a few months ago that documents must be submitted by the Friday before any Meeting so that the IWWC may have time to review them.

The Chair then opened up the hearing to comments from the public noting comments would be restricted discussion to what's on this plan (pointing to the presentation board to his right).

banks is proposed. He described the boardwalk meeting the bridge and the pervious pavement trail that goes from there along the southern edge of the condominium property in an open mowed lawn area located near the units here and then by the parking lot to Main Street.

Mr. Sanford explained the resource areas of the Project Area. The water resources entail the Raceway with its trapezoidal channel and banks conveying flows to the Ordinary High Water mark, and the drainageway/swale in a ravine located on the west side of the Raceway. There are no wetlands along the Raceway itself. No impacts are proposed to the Raceway's FEMA Floodplain/Floodway - which are co-incident through here. The FEMA profile study elevation is 50 feet represented by FEMA's line which we are not allowed to interpolate to match the actual 50-foot elevation on the site. As there are no impacts proposed to wetlands or to watercourses it is not a Significant Impact activity.

Commissioner Kern sought clarification as to who owns the property.

Attorney Stone stated that Ms. Geil had seen Ms. O'Hare photographing the property and that's how she got word of this application for tonight. She listed her concerns.

Chairman Vitali indicated those concerns may be best directed to the PZC.

Attorney Stone said it warrants a site inspections and that there are impacts to the wetlands and watercourses. My client want a review by its own private soils scientist.

Ms. Geil stated it's a privately owned residential entity with the condominium owners owning the land. Her stated concerns are: The Town does not have a Right-Of-Way as it claims - only an easement, they received no notice, these plans have been modified without notice since the Board met with the Town Engineer to view plans in November, clarification is needed whether the Quinnipiac Linear Trail Committee is "the Town", and runoff from the land will enter the wetlands and the watercourses.

Chairman Vitali, citing that legal issues may be involved, wanted to table it to the Sept. 4 Meeting. He requested an extension from the Applicant to do so which was then granted. The application was then tabled by the Chair.

G. NEW BUSINESS

H. RECEIPT OF NEW APPLICATIONS

- 1. #A24-6.3 / 59 North Elm Street - Choate Rosemary Hall – (modification to permit IWWC #A22-10.1 (detention basin to underground infiltration unit) Request for consideration of an administrative approval**

Chairman Vitali asked Ms. O'Hare the status of this application.

Ms. O'Hare indicted the attorney for the application, Dennis Ceneviva, had contacted her before close of day indicating they would like this to be considered in September.

Chair Vitali 'received' the application to be on September agenda.

Ms. O'Hare indicated no one was here representing the application however she had conducted a second site investigation to view the test pits the pool company had dug to ascertain groundwater levels in the vicinity of the proposed pool. She handed-out a supplement to the application tonight, filed today, of a cross-sectional drawing of the in-ground pool, the dewatering trench on the east side and another page that depicts the property with the pool in the Upland Review Area and a depiction of the route for the drainage pipe which is fitted with a pump to drain off the groundwater with ultimate discharge to the north around the house and to the west discharging out onto the lawn there.

Chairman Vitali inquired if the violation had been corrected.

Ms. O'Hare said no, the chicken coop and the shed have not been re-located out of the wetlands, however David Lord, Soils Scientist, was retained to delineate the existing wetlands boundary so that re-location can proceed.

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

Ms. O'Hare indicated this is not ready to go forward.

6. #A24-6.1 / 160 North Turnpike Road – Wallingford Sewer Division, Scott Shipman, Senior Engineer – (sewer installation) Request for administrative approval - Granted 6/5/24

Chairman Vitali acknowledged this administrative approval.

7. #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)

The Commission had received copies of the letter submitted today to Ms. O'Hare from Attorney Stone for tonight's Meeting.

Attorney Michael E. Stone, Bender, Anderson and Barba, P.C., representing the Yalesville-On-the-Green Condominium Association, and its unit owners, and Sharon Geil, President of the Board of the Yalesville-On-the-Green condominiums, seated before the dais, addressed the Commission briefly about the Application.

Tony Ciriello, P.E., SLR and Matt Sanford, Professional Wetlands Scientist and Registered Soils Scientist, were present representing the Applicant, the Town of Wallingford.

Mr. Ciriello described the history of the Quinnipiac Linear trail from its first phase to Phase II to this 750-footlong extension of the Trail to extend from the existing trail terminus across the Raceway and across the Yalesville-On-the-Green property to Main Street and distributed an 11" x 17" color drawing to the Commission that illustrates the discrete regulated activities seeking approval from the IWWC. He said the 211-foot long trail extension on the east side of the Raceway meets the pedestrian bridge which clear spans not just the Raceway but the FEMA Floodplain/Floodway, as is required, and ,, as such, there is no disturbance to the Raceway or its

Demitrius Tyler, P.E., Project Engineer, F. A. Hesketh & Associates, Inc., the Applicant's representative approached the dais.

Ms. O'Hare indicated no, the IWWC can take action, and she had handed-out an Environmental Planner's Report this evening with suggested conditions of approval.

Chair Vitali asked if the Applicant has agreed to all these conditions.

Mr. Tyler indicated in the affirmative.

MS. PHILLIPS: MOTION THAT IWWC #A24-4.2 / 5 TECHNOLOGY DRIVE (AKA 56 CARPENTER LANE) - BIO-TECHNE, CORP. - (ADDITIONAL STORMWATER MANAGEMENT FACILITY MODIFICATIONS AND INSTALLATIONS) BE APPROVED WITH THE CONDITIONS OF APPROVAL IN THE ENVIRONMENTAL PLANNER'S REPORT DATED JULY 17, 2024.

The Commission then discussed possible bonding.

MS. PHILLIPS: TO AMEND THE MOTION THAT IWWC #A24-4.2 / 5 TECHNOLOGY DRIVE (AKA 56 CARPENTER LANE) - BIO-TECHNE, CORP. - (ADDITIONAL STORMWATER MANAGEMENT FACILITY MODIFICATIONS AND INSTALLATIONS) BE APPROVED WITH THE CONDITIONS OF APPROVAL IN THE ENVIRONMENTAL PLANNER'S REPORT DATED JULY 17, 2024 TO ADD THE POSTING OF A \$10,000 BOND.

**MR. NECIO: SECOND.
VOTE: UNANIMOUS.**

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

Chairman Vitali explained that this application had received a vote of 'Not Significant Impact activity' last month but had not been properly voted on as 'approved', so we have to vote on it now for clarification.

MS. PHILLIPS: MOTION THAT IWWC #A24-4.9 / 79 KONDRACKI LANE / MARCUS BRILES - (STABILIZATION OF STREAM BANK WITH BLOCKS) BE APPROVED AS SUBMITTED.

**MR. NECIO: SECOND.
VOTE: UNANIMOUS.**

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

ups and downs of the water table. The sidewalk represents no significant alteration of the hydrology of the area or source of pollution that would hurt the wetlands.

Mr. Santilli asked the Commission to retain an expert in vernal pools saying that they can be identified in dry conditions.

Christian Drucker, 283 Highland Avenue, asked if the sidewalk would create more flows to his driveway and will the catch basin located there be maintained.

Mr. Juliano indicated the sidewalk flows does not flow west but goes toward the wetland and then slowly goes north towards Mr. Drucker's driveway, etc., and it is and will be the Town Public Works job to maintain that catch basin.

Mr. Drucker maintained he is concerned that his driveway would be affected as it floods in every rainstorm.

Chair Vitali asked Mr. Logan to speak.

George Logan, REMA Ecological Services, LLC, for the Applicant, gave his professional qualifications - including Certified Ecologist, Soils Scientist, and professional Wetlands Scientist - for the record, and spoke for the Applicant stating when he was at the site in September it was inundated and wood frog neonates were hanging out there and he saw no vernal pool obligate species at that time. Yesterday the area was inundated 3-4 inches, with some areas 6-8 inches, and he saw no vernal pool obligates, just green from neonates. He noted that box turtles are known to estivate in the heat.

Chairman Vitali requested an extension and the Applicant granted the extension.

Chairman Vitali closed the hearing at 8:35 p.m. indicating it would be continued on September 4, 2024 at 7:00 p.m.

E. CONSIDERATION OF PUBLIC HEARING ITEM

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

(Not taken up.)

F. OLD BUSINESS

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

Ms. O'Hare indicated that the repair was installed however this was not ready to go forward.

- 2. #A24-4.2 / 5 Technology Drive (aka 56 Carpenter Lane) – Bio-Techne, Corp. – (addition & stormwater management facility modifications and installations)**

Chairman Vitali asked Ms. O'Hare if this needed to be tabled.

Mr. Santilli inquired as to why the proposed elevation of the sidewalk will be 2 feet lower than the road.

Mr. Juliano responded it had been located behind the poles and was set lower to minimize impact to the wetlands.

Mr. Santilli countered that because PZC's concern was for safety, the sidewalk should be made higher and the IWWC should reconsider the original permit now that we have vernal pool information.

Brad Sammis, 4 Ryan Drive, indicated that the flows from both sidewalks will drain to the approved basin, that the Town had told them to go hire a private engineer and they did so, and no one listening, and it is unacceptable.

Jason Adinolfi, 11 Shire Drive, stated he was an engineer and listed numerous issues he had with the approved permit plan and urged Commission to not to ignore new information.

Jim Allen, 7 Terrell Farms Way, presented a PowerPoint to illustrate his concerns, indicated in his line of work he deals with DEEP regulations. He stated has met with Erin and the Town Planner but he has sent 16 emails to the Town Engineer and the response back was to hire a private engineer to review the project and the sidewalk. His concerns include impact to area wells and that Mr. Juliano at the PZC hearing told homeowners to get a pre-construction and post-construction groundwater study. He said flows entering the Aquifer Protection Area, correspondence he sent to the City of Meriden relative to flows that end up in Broad Brook, that the sidewalk drains to the approved bio-filter, proposed sidewalk will increase impervious surface area to be created by 6%, queried why the vernal pools were not identified for the first application, showed images of what he termed 'vernal pools' to be filled in located in the central area of 898 Church Street, and, in summary, wants IWWC to look at the whole thing as one and to retain an independent part to determine if there are vernal pools there.

Chair Vitali said that was a good presentation.

Commissioner Kern asked, Doo you know the difference between vernal pools and swamps and swamps filter water better.

Mr. Allen stated vernal pools need to support the breeding of amphibian but swamps do not have to.

Commissioner Kern said we need professional experts opinion on the vernal pools, there are pros and cons to the sidewalk, and that here are numerous box turtles in the greater area there.

Chair Vitali questioned why Tighe & Bond did not find vernal pools.

Mr. Allen responded because they were not allowed to go on the site.

Commissioner Heilman stated vernal pools disappear and are interactive with the surficial water table. It's a perched water table and vernal pools are in low depressions more susceptible to the

Attorney Tim Lee, Ippolito, Anderson and Barba, P.C., representing the group 'Save 898 Church Street', paraphrased his letter, submitted earlier today, saying we have developed information that was not available to the IWWC when you approved the original application for the property and we are requesting that you re-open that application and cited pertinent sections to do so in the Regulations.

Chair Vitali said we are not going to open up the original permit approval and cautioned him not to discuss the original residential application but rather to stick to the sidewalk application.

Attorney Lee stated that as part of the letter he had submitted a copy of the report from Tighe and Bond that identified certain deficiencies, and, in addition, vernal pools have been identified on the property since the PZC condition of approval #15 states that the Applicant shall commence construction after vernal pools are dry and breeding season is over., the restriction of within 750 feet is discussed. Protections are afforded to vernal pools because they are critical to certain species. Tighe & Bond will report on that and suggests the IWWC should retain a third party to determine the presence of vernal pools.

Andrew White, P.E., Tighe & Bond, of Shelton, CT, began to talk about his report regarding the approved site plan but the Chairman cut him off when Mr. White indicated he had no pertinent information on the sidewalk application itself.

Dan Monica, 5 Shire Drive, gave testimony that he sees the sidewalk as an absolutely necessity for safety and cited the accident that occurred in May wherein a truck hit a pole while travelling west on Church Street and another accident in May that damaged four other cars, etc.

Dominick Santilli, 5 Shangri Lane, stated his property abuts the 898 Church Street property on its north side and our wetlands abut their wetlands, and, he expressed drainage concerns.

Christopher Juliano responded to his concern about flows stating that flows from the sidewalk once built would flow north and then into the culvert by the existing gravel drive and hence to catch basins in Highland Avenue and discharging to a wetlands located on east side of the street.

Mr. Santilli indicated a group did a site walk within the R.O.W.s of Church Street and Highland Avenue and did not find any culvert discharging on the east side of Highland Avenue. He then gave a long summary of his concerns including sidewalk cuts into the wetlands, that the opening of the culvert where flows are represented to exit the 898 Church Street property is set one foot higher than the water level in the swamp two months ago, safety (the PZC had called for the sidewalk in response to the record of 22 accidents, future snowplowing will end up on sidewalk, maintenance crew will apply salt on sidewalk which will get into wetlands, the box turtles which PZC stipulated as to be monitored prior to construction activities saying that he found last month on his property, occurrence of vernal pools and gave a CGS definition of same. The body of water should be looked at. He narrated his PowerPoint presentation about various wildlife including sightings of box turtles, snakes, and frogs in the wetlands which know no boundaries and are on many properties there.

Mr. Juliano responded about that body of water, pointing to his site plan, that there was only one area of standing water found on the 898 Church Street property and that was the one identified by the proposed sidewalk.

4. 1130 Old Colony Road – NRWA, LLC – (non-compliance with directive to add shallow detention basin area)

Chairman Vitali summarized that Commissioner Kern worked with the owner to get compliance and the outstanding required low depression area to handle storm flows was recently installed correctly.

MS. PHILLIPS: MOTION THAT 1103 OLD COLONY ROAD, NRWA, LLC, NOTICE OF VIOLATION TO BE LIFTED AND NOTICE ON LAND RECORDS TO BE LIFTED.
MR. NECIO: SECOND.
VOTE: UNANIMOUS.

K. VIOLATIONS – pending (no action requested)

- 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 extends deadline for removal to 9/4/24**

Chairman Vitali asked Ms. O’Hare if some fill had been removed.

Ms. O’Hare said she had been contacted in this regard for permission to get started and to relocate some of the fill but she does not know if that has happened yet.

- 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**
- 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 – Fifty-five, LLC – (correction plan to comply with 6/5/18 Order) approved 12/6/23**

L. ADJOURNMENT

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

I. REPORTS & COMMUNICATIONS

1. Discussion of proposal to adopt fines for violations
2. Farm Hill Road Detention Basin
3. Notification - City of Meriden- Site Plan application of Mark Development, LLC, at 850 Murdock Avenue – two new industrial buildings, 80,000 s.f. and 75,200 s.f. with associated grading, parking, site & utility improvements in the M-4 Zone; dated 6/12/24; received by Town Clerk, 6/17/24, IWWC copied 6/17/24
4. DEEP Pesticide Application for the Use of Pesticides in To State Waters: 10 Martin Trail, Spring Lake - The Pond and Lake Connection – Notice to Treat on 7/17/24 - submitted via email 7/10/24
5. DEEP Pesticide Application for the Use of Pesticides in To State Waters: 179 Maltby Lane – The Pond and Lake Connection – Notice to Treat on 7/17/24 - submitted via email 7/10/24
6. DEEP Commissioner’s Notice of Tentative Determination – CT DOT, Rte. 702 over Wharton Brook (Exit 13 Connector) – installation of culvert liners
7. DEEP Pesticide Application for the Use of Pesticides in State Waters: 1450 Tuttle Avenue – Casman - The Pond and Lake Connection – Notice to Treat 7/17/24 – received 7/11/24
8. IWWC #A24-1.1 / 1136 Durham Road – Sunwood Development Corp.- Environmental Planner letter to Permittee regarding permit status v. PZC Re-subdivision application, dated 6/27/24

Ms. O’Hare explained that the IWWC had received in the packet a copy of the Memorandum she forwarded to the Town Planner recently that detailed the revisions required to comply with the conditions of approval by July 1 – which the Permittee did comply with – as distinct from the revisions that would need to be made to the plans to be submitted to the PZC for the 8-30g application.

J. 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; approved remediation planting plan & tabled 6/5//24**

Chairman Vitali indicated this is in progress and we will revisit in September.

2. **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**

Chairman Vitali said this is going well so far.

3. **360 Woodhouse Avenue – Nerio Tello - (structures, depositions, and ditching in wetlands)**

The Meeting was adjourned at 9:32 p.m.

M. NEXT SCHEDULED REGULAR MEETING: Sept. 4, 2024

Respectfully submitted,

Erin O'Hare, Environmental Planner
Acting Recording Secretary

