

Wallingford Inland Wetlands & Watercourses Commission

Regular Meeting
Wednesday, March 5, 2025, 7:00 p.m.
Robert F. Parisi Council Chambers
Second Floor, Town Hall
45 South Main Street, Wallingford , CT

MINUTES

Chair James Vitali called this Regular Meeting of the Wallingford Inland Wetlands and Watercourses Commission to order on Wednesday, March 5, 2025, at 7:00 p.m. in the Robert F. Parisi Council Chambers, Second Floor of Town Hall, 45 South Main Street, Wallingford, CT.

RECEIVED FOR RECORD 3/13/25
AT 9:35 am AND RECEIVED BY
Kristen Pango TOWN CLERK

PRESENT: Chair Vitali, Vice Chair Deborah Phillips, Secretary Nick Kern, and Alternate Commissioner James Heilman, and Environmental Planner Erin O'Hare.

ABSENT: Commissioners Michael Caruso and Jeffrey Necio and Alternate Commissioners Aili McKeen and Mrs. Caroline Raynis.

There were 5 persons in the audience.

A. PLEDGE OF ALLEGIANCE

The Pledge was recited.

B. ROLL CALL - As above.

Chair Vitali stated that the three Regular Members and Alternate Commissioner James Heilman would be voting tonight.

C. CONSIDERATION OF MINUTES

1. Regular Meeting, Dec. 4, 2024

MS. PHILLIPS: MOTION TO APPROVE THE MINUTES OF THE REGULAR MEETING ON WEDNESDAY, DECEMBER 4, 2024, INCLUDING THE CORRECTIONS IN THE MEMO OF JANUARY 26, 2025, FROM THE ENVIRONMENTAL PLANNER.

MR. HEILMAN: SECOND.

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

2. Regular Meeting, Feb. 5, 2025

MS. PHILLIPS: MOTION TO APPROVE THE MINUTES OF THE REGULAR MEETING ON FEBRUARY 5, 2025.

MR. HEILMAN: SECOND.

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

D. PUBLIC HEARING

1. #A24-10.3 / 1000, 1020, 1030, 1044, & 1080 Barnes Road & 777 Northrop Road - Midwood

Management Corp. - (industrial development)

Chair Vitali opened the Hearing as a continuation of the Public Hearing from the February 5, 2025, Regular Meeting.

Appearing tonight to represent Applicant Midwood Management Corp. was Attorney James Perito of Halloran & Sage in New Haven.

Attorney Perito said, We are here for the Application for 1000, 1020, 1030, 1044, & 1080 Barnes Road, Midwood Management Corp..Application #A24-10.3. With me is Midwood Management representative Mr. Kevin Cornell and from OCC Design Consortium Mr. David Carson and Mr. George Cotter. Consultant Mr. George Logan of REMA Ecological Services, LLC, could not attend, but he has been working with George, David, and Erin O'Hare.

Attorney Perito continued, The proposal is to develop three industrial warehousing storage buildings. The Environmental Planner had sent several memos: November 27, January 3, January 31, February 27, as well as her comments dated January 10, January 17, and February 14. We submitted updated and revised site plans on February 27 to address all of the comments as well as the Town Engineer's comments. On February 27, myself, George Logan, George Cotter, and Dave Carson spent time with Erin reviewing all the questions, comments, and explaining all revisions. So we believe we've gone through and answered all the questions.

Attorney Perito continued: We submitted updated Stormwater Management Plan that filled in more of other questions she had and an updated Supplemental Wetlands Assessment. I'd note that REMA sent in a letter update addressing some of the concerns because George could not be here tonight.

Attorney Perito continued: We also submitted an Alternatives Analysis, which is in your regulations. We believe we've addressed all the comments. We've seen a draft with Conditions of Approval. And the Owners looked at the Conditions, and they all seem to be fine. We have no issues with those. At this point Mr. Cotter and Mr. Carson will answer questions you may have. I don't believe there's any. But when we're finished with that I'd ask that we close the public hearing and, hopefully, make a decision.

Chair Vitali asked, Do you want to run us through your plan quickly?

Mr. Carson brought out the presentation boards.

Mr. Cotter went to the easel and said, Mr. Chairman, this is the overall 47-acre parcel on Old Barnes and Northrop Road. It's broken down into three separate phases: Building 1, Building 2, and Building 3 with access off Old Barnes Road. An existing crossing of a wetland was approved in 1994 and installed. And we are proposing an extension off the property at 777 Northrop Road as an accessway to the rear of the property through an old farm road, crossing a ditch--an intermittent watercourse--that runs down through the property to North Farms Reservoir. In the initial approval in 1994, we installed a stormwater basin at this vicinity, which is still there; and we have proposed construction beginning with Building 1, then Building 2, and finally Building 3. In the plans we show details of how each phase would be constructed.

Mr. Cotter continued, We have three stormwater basins. This one would deal with Building 1 will discharge back into Northrop and Route 68 drainage. The second basin is located here and will take water from Building 3. And we had 4 underground stormwater management galley systems that we

talked about last meeting. At that time, we enlarged the area underneath those galleys in order to infiltrate the first inch of rain in all the stormwater facilities. We proposed cleaning up this basin. In the level spreader here, also from 1994, we're doing maintenance to remove brush on either side of it; and we're cleaning around this basin. There is a 3,000-gallon oil/water separator and a 4,000-gallon one that was already installed in the prior plan. And we added oil/water separators: two for this galley system; and one for this to drain into the detention basin; one here, and two for the rear portion galleys; and two up in this vicinity--to clean the water before it gets to the galley system. Then these will discharge water back to the wetlands along a 300+-foot length, a 400-foot length, and a 300-foot length. So we're recharging the water back into the ground. We're discharging it very slowly. Peak discharge out of the galley system is between 1 and 2 cfs, max.

Mr. Cotter continued, This drawing shows our wetland activities: the extension of 8 feet of culvert to widen the existing accessway to the rear. This area in red is filling of a wetland to provide for the access into Building 3. We used 1:1 slopes with riprap to minimize disturbance in the wetlands. And the green areas are Upland Review Areas that we propose activities within 50 feet of the wetlands. Questions?

Chair Vitali asked, Any questions, Jimmy?

Commissioner Heilman said, No.

Commissioner Phillips said, No.

Chair Vitali said, I don't have any. Commissioner Kern is going to recuse himself on this Application. So, all right. So if there's no questions--now have you gone over all the Conditions of Approval that Erin asked for?

Attorney Perito said, Yes, we did.

Chair Vitali said, Now I heard you mention about all the different dates that she gave you information back. You have the 5th of March?

Attorney Perito said, I do. I just checked it against the draft that I had, and there's a change in the order of things, but it's the same.

Chair Vitali asked, So you are in agreement with all the Conditions of Approval of March 5th?

Attorney Perito said, Correct.

Chair Vitali said, What?

Ms. O'Hare said, I'm sorry. Did I miss that Commissioner Heilman is going to be voting tonight?

Chair Vitali said, Well, there's only four people here. They're all voting. I didn't realize I had to specify who's voting.

Ms. O'Hare said, No, I thought Commissioner Kern is recusing.

Chair Vitali said, Commissioner Kern has recused himself. It's just the three voting.

Ms. O'Hare said, O.K. So Jim Heilman as Alternate is sitting in for?

Chair Vitali said, Caruso or Jeff.

Ms. O'Hare said, Just to be clear, all right.

Chair Vitali said, Yup.

Ms. O'Hare said, And I had a comment. Should I speak?

Chair Vitali said, Well, they're agreeing to all your Conditions. I don't think you need to comment any more.

Ms. O'Hare said, For the purposes of the public hearing, I thought that Mr. Cotter might want to run through the eight new sheets that came in last Thursday. What was so different about them? Why were they needed?

Chair Vitali said, I think it's been ???---protected--- and been discussed. The fact that it is a public hearing, I want to turn it over. I want to get to the public. Any comments from the public? There's no comments from the public, no questions. So I'm not sure that there's a need for that.

Ms. O'Hare said, And the Commissioners just got my report tonight. It sums up the project for the file. I'd point out two figures that I want to put in here, to insert them for the Commissioners and the Applicant. Nothing changed--the square footage that the Applicant gave me are the same. They were calling certain activities in wetlands as Maintenance. And my memorandum explains that I don't consider it maintenance. So on the top of page 2--

Chair Vitali said, The question is, What's being filled? Whether it's maintenance or it's new construction, is it material here? Do you want to put a number in there?

Ms. O'Hare said, Yes. At the top of page 2, where it says "question mark", I did the math. It's 7,778 square feet for the total filling in wetlands. And the next one down, that figure was left out. It should be for the roadway--it's their figure--4,735 square feet. For total wetlands it's bigger because the level spreader and all its improvements happen in the wetlands. So I'm using their 3,093 square feet (their figure), which they called "Maintenance" and I'm calling it "Activity Inside a Wetland". Today, we wouldn't approve a level spreader in wetland, but it's there. It's fine. The water drainage goes the same place. Drainage from the building and the driveway is going to end up in the wetlands, anyway.

Chair Vitali said, Anybody, any more concerns?

There were no comments from the Commissioners.

Chair Vitali asked, Any comments from the public regarding this public hearing?

There were none.

Mr. Carson said, Mr. Chairman, I don't believe we're in disagreement with staff regarding the square footage of the activities. But we disagree that the Wetland Filling is 7,000 square feet, regardless of whether the level spreader is considered maintenance--there's no filling.

Ms. O'Hare said, You're absolutely right. That should be Wetlands Activity, yes. Good catch. Thank you.

Mr. Carson said, Total Proposed Wetlands Activity, O.K.

Chair Vitali said, It can be noted. All right. If there's no other comments, then I will close the public hearing. The time would be 7:21.

E. CONSIDERATION OF PUBLIC HEARING ITEM

- 1. #A24-10.3 / 1000, 1020, 1030, 1044, & 1080 Barnes Road & 777 Northrop Road - Midwood Management Corp. - (industrial development)**

Chair Vitali said, Now, we already determined Significant Activity, correct? I'll entertain whether the Commission wants to act on this Public Hearing tonight. Jim, a comment?

Commissioner Heilman said, I have no issues about acting on it.

Commissioner Phillips said, Yes.

Chair Vitali said, Yes. So I'll entertain a Motion to Approve or Deny this Application.

MS. PHILLIPS: MOTION THAT APPLICATION #A24-10.3 / 1000, 1020, 1030, 1044, & 1080 BARNES ROAD & 777 NORTHROP ROAD - MIDWOOD MANAGEMENT CORP. - (INDUSTRIAL DEVELOPMENT) BE APPROVED WITH THE CONDITIONS OF APPROVAL IN THE ENVIRONMENTAL PLANNER'S REPORT OF MARCH 5, #1-14.

MR. HEILMAN: SECOND.

Commissioner Heilman said, It's a big project in what was formerly beautiful farmland. Our Commission is charged with doing the best possible job of allowing progress to continue and at the same time protect the most sensitive parts of our environment, the wetlands. I think this Application shows a significant effort. To highlight: First flush is something this Commission, years ago, never even considered--now it's common practice, a very good thing. Parking lots collect things that are not healthy, and rains tend to clean that naturally. This Application is addressing that first cleansing flush of any rain. The other important thing is the attempt to mimic nature. That's being done by extensive infiltration of the rooftops. This is an improvement over older ways. So we're addressing the first flush and mimicry of natural conditions--that's critically important with water management. For those reasons, I Second and also Approve this Application.

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

F. OLD 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. #A25-1.1 / 8 North Turnpike Road - The YMCA of Wallingford, Sean Doherty, Executive Director- (facility expansion)**

Ms. O'Hare stated the Applicant has requested that this Application would be tabled to the April Regular Meeting.

Chair Vitali tabled this Item F.2.

See Item F.3. below.

G. NEW BUSINESS - There was no New Business.

H. RECEIPT OF NEW APPLICATIONS

1. #A25-3.1 / 142 Hope Hill Road - Town of Wallingford - (track area drainage improvements)

Chair Vitali formally received this Application for the April 2nd agenda.

I. REPORTS & COMMUNICATIONS

These items were noted but not discussed.

1. Discussion of proposal to adopt fines for violations
2. Farm Hill Road Detention Basin
3. CT Bar Assoc. Conference: Connecticut Land Use Law for Municipal Land Use Agencies, Boards, and Commissions - Virtual (Zoom) Sat., March 22, 2025, 9:00 a.m. - 4:30 p.m.
4. Memorandum to IWWC Re: Corrections to Dec. 4, 2024 Minutes, dated 2/26/25. The Commissioners relied on this Memorandum in considering the December 4th Minutes above.

Chair Vitali returned to Agenda item F. OLD BUSINESS, Item #3.

F. OLD BUSINESS

3. #A25-1.3 / 15 Sterling Drive - Tim Mulcahy - (industrial expansion - warehouse)

Mr. Brian Panico, Project Manager and Engineer, with Cole Civil & Survey in Plantsville, distributed some pages to the Commissioners. He spoke for the Applicant briefly, saying the proposal is a 22.38-acre parcel in Zone IX. There's an existing 174,000-square-foot building on it with 164 parking spaces. There are approximately 6,400 square feet of wetlands in the rear of the building where it abuts Tower Drive. We are proposing a 62,500-square-foot building at the opposite corner of the site by the wetland along Sterling Drive. Part of it is existing parking at the rear of the new building, which will be repurposed for loading docks and additional parking there. The nearest wetland disturbance on our rendering is 547 feet away. So we're here before you because we have an increase in impervious surface, over 10,000 square feet. So 21,000 square feet of parking lot is increased. The total increase in impervious surface is 83,640 square feet.

Mr. Panico said, We received comments from Erin O'Hare's report. We dropped off revised plans on Friday, and I don't think she has commented on those. So we addressed stormwater concerns and the infiltration for the entire roof, all 62,500 square feet. It's to be infiltrated underground; half going to the parking lot to the east and the other half to the west as front yard and rear yards. Also, we have an infiltration basin along the entrance to treat all parking lot runoff.

Mr. Panico said, Water quality uses the 2024 Water Quality Manual. We're at about 213% on water quality based on the amount of impervious surface. Underground infiltrators are sized for the 100-year storm event. High-level overflows go to the stormwater collection system. If the basins fill up, it goes to a riprap spillway and back to the existing storm drainage system in Sterling Drive. Currently, the parking lot runoff goes there. So now we're kind of breaking away and adding water quality volume to that.

Mr. Panico said, The basin is designed with a drain downtime of 37 hours. So less than a 48-hour draindown for the 100-year storm. It would be dry. So concerns about back-to-back storms and filling up and not being able to drain are mitigated. I'd answer questions or provide information.

Chair Vitali said, Usually we get more description of what's going on on your map, where the flows are, and what you have for retention areas and how it discharges .

Mr. Panico pointed to those on the boards, saying, This is already a parking lot with catch basins by the building. These discharge to a small detention area that we're proposing now. That handles the existing parking lot plus this area, which flows out to Sterling Drive to the existing drainage system. And we propose the underground infiltration here to collect roof leaders. The overflow of that goes back to the collection system for this parking area. And the collection system for this parking area discharges to the detention basin collection system, which discharges to this detention area with an underground infiltration system proposed here to collect roof leaders and overflow ---back---. An outlet control at the west end of the basin will discharge water to a level spreader swale and flow down into a headwall that we'd make into a BG headwall style.

Chair Vitali asked, Is roof drainage going into a collection system that the parking lot drains into?

Mr. Panico said, No. Underground infiltration systems are just for the roof with high-level overflows that go to the collection system.

Chair Vitali asked, Are there oil/water separators for the driveways?

Mr. Panico said, We're proposing an oil/water separator unit to be put in at some location before it goes to that basin. We haven't spec'd it--so not just the standard oil/water separator but more of a Fourex style with a maintenance contract on it.

Commissioner Kern asked, Do you have testing results for your underground storage?

Mr. Panico said, Infiltration testing?

Commissioner Kern said, Yes.

Mr. Panico said, We have not done that yet. We proposed it on the plan prior to construction and ---to be---verified by the Town Engineer.

Commissioner Kern said, So we'll see those?

Mr. Panico said, Yes. And we do a double-ring infiltration test for permeability.

Commissioner Kern asked, What depth do you take those at?

Mr. Panico said, Typically, you'd excavate to where the bottom of the basin is going to infiltrate that water, where you would take that test. The results are more accurate.

Commissioner Kern asked, What would be Plan 2 if you have rock and ledge?

Mr. Panico said, If so, we'd likely increase the size of either the underground systems or make the

basin smaller, or more shallow, and make it larger. So the client would have to approve. But I would recommend making the basin more shallow so you can keep that depth--test pits have to be 48" above ledge. So we'd figure that out--maybe make the basin more shallow and increase the size of the underground storage systems. That would require us to come back.

Chair Vitali said, But you won't know that until you start.

Commissioner Kern asked, When will we see the results of your testing?

Mr. Panico said, It would be a couple of months.

Chair Vitali asked, Debbie?

Commissioner Phillips had no questions.

Commissioner Heilman said, Downhill and south from here is the Police Station.

Chair Vitali said, Probably south.

Commissioner Heilman said, When they were digging for their detention pond, didn't they hit a spring?

Chair Vitali said, Not//No, a retention pond--the wall for the shooting range and back there. You're right--they couldn't drain the retention pond because water was coming in quickly.

Commissioner Heilman said, That has me concerned with infiltration uphill, although it's more point-source than open-field collection areas. They've been having issues. Normally when you infiltrate, it's a good thing. But you have to look at the topography and the underlying stratification, which has a tendency here to create seeps, which is kind of what was held underground until it was broken open. The other thing: We are a bit elevated here in the drainage basin for this entire area--which is perhaps a good place to do more extensive retention before it's released, to ease conditions just downhill. I would appreciate someone looking into those concerns. Would this be a location for a higher time period of retention to ease conditions below this area in elevation? A lot of that will come when you do your analysis of the subsoils, etc.

Chair Vitali asked, Do you know where the storm drainage system drops off Sterling Drive? Down Barnes Road, or does it break off into an unnamed brook, or?

Mr. Panico said, I believe this actually goes north.

Commissioner Heilman suggested, An intermittent ravine is really what it goes into. It flushes downhill and disappears.

Chair Vitali said, In the elevations I saw, it doesn't cross over and into Fairfield Boulevard. Are elevations on the map? The ridge is like 317'. But elevation of the retention pond is going to be under 310'? I didn't think Sterling Drive went east up to Fairfield Boulevard. Well, you've got a lot of questions to answer with Erin. So we'll table this to next month. But we dislike being handed reports the night of the meeting. They have to be in by the Friday before.

Mr. Panico said, O.K. And, Erin, you don't have additional comments yet?

Ms. O'Hare said. I'll review what you handed in Friday.

This item F.3. was tabled. It will be on the April 2nd agenda.

J. VIOLATIONS - discussion and/or action

- 1. Notice of Violation - 16 Winding Brook Lane / Robert Saas - (unpermitted, unauthorized activities including tree removal, grading, filling, and installation of drainage in wetlands and in Upland Review Area & diversion of stream flows) issued 11/21/24**

Ms. O'Hare asked whether that the Commission was going to lift the Notice on this item J.1. It was the subject of the December 7th Site Walk. The Commission accepted what had been done there. But the Owner has not removed the three trees yet because it is too muddy.

Chair Vitali asked if the Owner had applied yet for the work he proposes near the pool.

Ms. O'Hare said, No.

Chair Vitali then determined that this Item J.1. remains on the agenda.

- 2. Order - 14 Brookview Avenue - John Santamaria - (emergency slope stabilization, block wall replacement, and footbridge restoration in and near unnamed stream) issued 2/28/25**

Appearing were Owner Mr. John Santamaria and his engineer Mr. Doug Anderson and Mr. Mason Boyan of Boyan Property Services. Mr. Anderson distributed photos and report pages to the Commissioners.

Mr. Santamaria explained the water situation coming through his yard and the installed large concrete blocks that are there. Mr. Anderson explained as well.

After some discussion, Chair Vitali directed Mr. Santamaria to return next month with his engineer and to present a specific plan addressing Ms. O'Hare's Order and the IWWC's concerns.

This Item J.2. remains on the agenda.

K. VIOLATIONS - pending (no action requested at this time)

Chair Vitali determined that all these Violations remain.

- 1. Cease & Correct Order Remains - 55 Kondracki Lane - Fifty-five, LLC - (correction plan to comply with 6/5/18 Order) approved 12/6/23 - status**
- 2. Cease & Correct Order Remains - 67 Schoolhouse Road - Michele Millican & Michael Gerace (new filling over prior filling); Order modified 12/4/24 to allow remediation to remain as it exists**
- 3. 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 6/5/24**
- 4. 360 Woodhouse Avenue - Nerio Tello - (structures, depositions, and ditching in wetlands)**

5. 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
6. Cease & Correct Order Remains - 67 Schoolhouse Road - Karl Kieslich - (new filling over prior filling) issued 4/25/23
7. Notice of Violation Remains - 24 Maplevue 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 Maplevue Rd. & on 13 Rolling Meadow Dr.) issued 4/21/23
8. Notice of Violation Remains - 119 Quigley Road - Matt Turner - (clearing & grading in wetlands) issued 9/29/23

L. ADJOURNMENT

MS. PHILLIPS: MOTION TO ADJOURN THE MEETING.

MR. HEILMAN: SECOND.

VOTE: THE MOTION WAS APPROVED UNANIMOUSLY IN A VOICE VOTE.

The Meeting was adjourned at 8:44 p.m.

Respectfully submitted,

Kathleen L. Burns
Recording Secretary