

SECOND CORRECTED MINUTES**Wallingford Inland Wetlands and Watercourses Commission****Regular Meeting****Wednesday, December 4, 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, December 4, 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 James Heilman and Mrs. Caroline Raynis.

ABSENT: Alternate Commissioner Aili McKeen.

There were 7 persons in the audience at this time.

A. PLEDGE OF ALLEGIANCE

The Pledge was recited.

B. ROLL CALL

As above. Chair Vitali stated that the five Regular Members would be voting tonight.

C. CONSIDERATION OF MINUTES**1. Regular Meeting, Sept. 4, 2024**

Environmental Planner Ms. O'Hare asked to make certain corrections, which Vice Chair Phillips stated in her Motion below. Chair Vitali acknowledged Ms. O'Hare's corrections here, noting that Ms. O'Hare had not attended the September meeting but had found them by watching the Meeting video.

MS. PHILLIPS: MOTION THAT THE MINUTES OF THE REGULAR MEETING OF SEPTEMBER 4, 2024, BE APPROVED WITH THE CORRECTIONS:

. P. 1 AT D.1., PARAGRAPH 1, SENTENCE 1, TO STATE "CHAIR VITALI CONTINUED THE HEARING FROM THE JULY 17TH MEETING, ASKING FOR INFORMATION ON THE SIDEWALK ISSUE."

. P. 2, AT 7 LINES UP FROM THE BOTTOM, TO CHANGE "XASPERATES" TO BE "EXACERBATES".

. P. 3, AT 3 LINES DOWN FROM THE TOP, TO CORRECT "MR. COHAN" TO READ "MR. KOHAN" AND TO ADD ", A PZC MEMBER,".

. P. 4, AT 6 LINES UP FROM THE BOTTOM, TO CHANGE "EXASPERATES" TO BE "EXACERBATES".

. P. 11, AT THE TOP WHERE MS. PHILLIPS BEGINS THE MOTION, TO CHANGE "DRAINING INSTALLATIONS" TO "DRAINAGE INSTALLATIONS".

. P. 13, AT 11 LINES UP FROM THE BOTTOM, TO DELETE "THE

**PURPOSE EXTENSION OF THE LINEAR TRAIL” AND TO REPLACE
WITH “THE PROPOSED EXTENSION OF THE LINEAR TRAIL”.**

MR. NECIO: SECOND.

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

2. Regular Meeting, Oct. 2, 2024 - Cancelled.

3. Regular Meeting, Nov. 6, 2024 - Cancelled.

D. OLD BUSINESS

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

No one appeared for the Applicant.

Ms. O'Hare said, I'm working with them. I had called for a conference, but they did not want a conference. It's best to do this in a conference. Also, David Lord, their Wetlands Scientist, is here.

Chair Vitali directed Ms. O'Hare to work it out and stated, So the request for bond release tonight is tabled.

2. #A24-8.3 / 2 Wojtasik Drive - Joseph T. Wojtasik - (fence installation in URA & in wetlands) - Request for Administrative Approval for fencing in URA only - *Granted 9/4/24*

3. #A24-8.3 / 2 Wojtasik Drive - Joseph T. Wojtasik - (fence installation in wetlands portion)

The Applicant did not appear.

Ms. O'Hare said, They have the fence in the Upland part, which you approved in September. They're requesting approval to keep the fence up about a foot above the wetlands.

Chair Vitali asked, What would you suggest?

Ms. O'Hare said, Yes, to approve.

**MS. PHILLIPS: MOTION ON #A24-8.3 / 2 WOJTASIK DRIVE – JOSEPH T. WOJTASIK –
(FENCE INSTALLATION IN WETLANDS PORTION) – THAT HE BE
ALLOWED TO CONTINUE THE FENCE THROUGH THE WETLANDS.**

MR. NECIO: SECOND.

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

4. #A24-9.1 / 1030 New Rock Hill Road - Wallingford Sewer Division - (replacement of sewage pump station) - Request for administrative approval - *Granted 9/23/24*

5. #A24-9.2 / 1 Poppy Lane - Estates at Wallingford Homeowners Association c/o Sally Tremaine, HOA President - (tree removal and poison ivy treatment in URA) - Request for Administrative Approval - *Granted 9/23/24*

6. #A24-8.1 / 20 Mohawk Drive - Jim Russo - Request for bond release

The Applicant did not appear.

Ms. O'Hare said, I checked it myself. Everything's fine.

MS. PHILLIPS: MOTION ON #A24-8.1 / 20 MOHAWK DRIVE – JIM RUSSO – REQUEST FOR BOND RELEASE, THAT THE BOND BE RELEASED.

MR. NECIO: SECOND.

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

7. **#A24-9.3 / 1000, 1020, 1030, 1044, & 1080 Barnes Road - Midwood Management Corp. - (industrial development) - WITHDRAWN 9/28/24** *(previously numbered #A24-10.1)*

Chair Vitali stated that this Application has been withdrawn. (See Old Business 9. Below.)

8. **#A24-10.2 / 230 Benham Avenue & 231 New Cheshire Road - Susan Godek - (driveway crossing)**

Appearing was Mr. Richard Reynolds, Project Engineering Manager, LPL Group, 160 West Street, Cromwell. In the audience was Mr. David Lord, Certified Soils Scientist.

Ms. O'Hare said, The Commission got a copy of the revised report from David Lord tonight, which I handed out to them.

Mr. Reynolds said that he received it, also. We're here tonight representing the Owners. We're requesting approval to construct a driveway crossing off New Cheshire Road. On this plan (using a presentation board), that will be the line of exit. The project goes from the west to east with inland wetlands in light green. And the southern area is wetland also. Some storm-water runs onto the property from New Cheshire Road at Benham. There's a 15-inch pipe that allows water to leave the property at the property line. This is a proposed driveway for one house with a septic system, a well, and a driveway. Grades drain to New Cheshire Road. All of it goes down to a low spot in the property. Site improvements would be a bituminous driveway and the drain-age pipe installation. This end is a bit higher than the natural water source. We are proposing to have the driveway slope down and then up to the proposed house, and so we have to put a culvert in the driveway to allow the natural water across the wetlands.

Mr. Reynolds continued, This has the driveway off New Cheshire Road, and we're proposing 26 feet of 15-inch linear pipe with some riprap on the ends. Gray-shaded area is the proposed wetlands disturbance, 500+ square feet. In construction of this culvert, topsoil would be removed and stockpiled outside the URA. There's a drainage barrier on the north face of the drainage pipe, which intrudes onto the site. Once pipe is installed, clean gravel and an asphalt surface are added. Construction details are for erosion control in the wetland in the triangle area. The total area of topsoil is 6,705 square feet. We received no other comments to date from the Environmental Planner. Do you have questions?

Commissioner Kern asked, Do we need to notify Cheshire because the water is toward the reservoir?

Ms. O'Hare said, Yes, we notified Cheshire because the water runs toward there because of the watershed--and Meriden, which I did.

Commissioner Kern asked, Do we have anything back on that?

Ms. O'Hare said, We didn't anticipate a response unless they had an issue.

Commissioner Kern said, About mucky water on the back line--so did we get any receipt or notice from them?

Ms. O'Hare said, No.

Commissioner Kern asked, Can you show it on the plan?

Mr. Reynolds said, The Town line is right about here, Cheshire/Wallingford; and the water exiting the slope comes to the wetland area. And then it heads north, which would be Meriden.

Ms. O'Hare said, Have you sent it to Connecticut Department of Public Health? Who did you send to?

Mr. Reynolds said, Meriden. It goes to the Meriden watershed and the aquifer for that watershed regulations.

Ms. O'Hare said, I'm sorry, I misspoke earlier. We did not have to send it to Town of Cheshire, only to Meriden because of the Meriden aquifer on the Zoning Map.

Chair Vitali asked, Where's Benham Road in relation to this?

Mr. Reynolds said, We are down here, and Benham Road is over here.

Chair Vitali said, So when water leaves the site, it heads toward the airport?

Mr. Reynolds said, North, and the street has a catch basin with an open back. I honestly don't know where the water goes once it leaves the property.

Chair Vitali asked, Anyone else have questions?

Commissioner Heilman said, And in the spring it tends to fill up on the other side?

Mr. Reynolds said, It's seasonal.

Commissioner Heilman said, I also noted there's no elevation change to speak of.

Ms. O'Hare said, O.K. What I sent you, as the engineer, and the Commission, in my EPR, is the photograph of the low point of the site. You're asked to approve the driveway crossing—not how the driveway goes up the hill to the house, which is out of Wetlands' jurisdictional area.

Chair Vitali asked, Other questions from Commissioners? Caroline?

Commissioner Mrs. Raynis asked, Can you repeat the number of square feet affected?

Mr. Reynolds said, It's 500+ square feet.

Chair Vitali said, The Commission has always gotten driveway crossings. People should be able to get there.

Ms. O'Hare said, I was out there Monday, and it was full of water at the lowest point. That area floods sometimes, sometimes not. Do you have to do something special so the asphalt doesn't crack over time?

Mr. Reynolds said, We could ask the contractor. We could put a fabric down or some scrabble to make it more stable.

MS. PHILLIPS: MOTION ON #A24-10.2 / 230 BENHAM AVENUE & 231 NEW CHESHIRE ROAD - SUSAN GODEK – (DRIVEWAY CROSSING) THAT IT 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.

Ms. O'Hare said, Some revised information that came in this afternoon that affects the Application. It's the type of fill, Aquents, in the crossing area. So it's revised now.

Then Chair Vitali requested a Motion to Approve or Deny the Application.

MS. PHILLIPS: MOTION ON #A24-10.2 / 230 BENHAM AVENUE & 231 NEW CHESHIRE ROAD - SUSAN GODEK – (DRIVEWAY CROSSING) BE APPROVED WITH THE CONDITIONS OF APPROVAL IN THE ENVIRONMENTAL PLANNER'S REPORT OF 11/27/24, #1, #2, #3.

MR. NECIO: SECOND.

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

9. #A24-10.3 / 1000, 1020, 1030, 1044, & 1080 Barnes Road - Midwood Management Corp. – (industrial development)

Appearing were Attorney James Perito of Halloran & Sage, New Haven, and Mr. David Carson, Principal, and Mr. George Cotter, both of OCC Group, Cheshire, and Soils Scientist George Logan of REMA. Ecological Services. Also present was Mr. Kevin Cornell representing Midwood Management.

Attorney Perito said, We're here representing 1000, 1020, 1030, 1044, and 1080 Barnes Road for Midwood Management Corp. The site is 47.7 acres total. The wetland area is 10.064 acres. Area of the wetland to be altered is 0.087 acre or 3,778 square feet—most of which is to upgrade the existing farm crossings on the property. It's extremely minimal. The overall plan is to develop three industrial warehouse storage buildings. Design is for three phases so as to minimize disturbance and insure that Sedimentation & Erosion Control measures will be effective for each phase. Each phase can stand alone in terms of development and for stormwater control. As noted in Mr. Logan's report, there's no anticipated impacts on the wetlands or watercourses. We believe this project does not present Significant Activity or rise to that level.

Mr. David Carson said, The application is proposed to develop approximately 48 acres of land fronting on Old Barnes Road and Northrop Road. It also fronts on North Farms Reservoir and

north to Thomas Wall's farm. It's about 10 acres of regulated wetlands shown in light green. About 9 acres of the wetlands is made up of this drainage section through the center of the site. The developer wants three warehouse buildings. Development is about 18 acres of the site, with 30 acres of open space when it's built. Of the 30, 21 acres will remain in the natural state, undisturbed. Included in the 30 acres is all the wetland and all the buffer of the wetland. The only minor activities within the buffer are the two old farm road crossings, here and here. The site will be developed independently in three phases.

Mr. Carson continued: In the preliminary meeting about regulated activities, wetlands and buffers are highlighted on this plan. Wetland is shaded in red. The buffer disturbance is in green. The old farm road comes across here. The distance between the wetlands to the north and the wetlands to the south is not wide enough for a driveway there, so there will be minor filling of the toe of the slope with riprap on both sides of the driveway. Down here, the existing culvert has to be extended by 8 feet, so there is minor disturbance. We showed area of grading for this crossing and for that crossing.

The discussion then centered on proposed stormwater drainage and water quality in terms of impact to the site's wetlands and to North Farms Reservoir.

Commissioner Heilman said the volume of flows was key; and soluble pollutants were discussed and the DEEP's water quality volume requirements. Ms. O'Hare wanted to know how runoff during construction activities would affect water quality in the reservoir, which is already eutrophic.

The Applicant was asked to address all concerns expressed.

Ms. O'Hare was requested to relay concerns to the Town Engineer.

**MS. PHILLIPS: MOTION ON #A24-10.3 / 1000, 1020, 1030, 1044 & 1080 BARNES ROAD-
MIDWOOD MANAGEMENT CORP. – (INDUSTRIAL DEVELOPMENT) THAT
IT BE DECLARED NOT A SIGNIFICANT IMPACT ACTIVITY.**

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

PUBLIC HEARING SET:

After additional discussion, Chair Vitali stated, At this time we're going to set a Public Hearing based on public concern and the size of the Application, and that will be set for the January Meeting, at 7:00 p.m. (being on January 8, 2025).

E. NEW BUSINESS

There was no New Business.

F. RECEIPT OF NEW APPLICATIONS

1. **#A24-11.1 / Tyler Mill Road – Kenny Michaels, Director, Parks & Recreation – (kiosk Installation in Upland Review Area) – Request for consideration of administrative approval**

No one appeared.

Ms. O'Hare briefly described this Application, saying that the kiosk is to be 30 feet from the

stream.

Chair Vitali said, I'll grant Administrative Approval.

2. #A24-11.2 / 67 Schoolhouse Road – Michael Gerace – (“after-the-fact” installation of earthen fill material and proposed top-soiling in upper wetlands area & in Upland Review Area) Request for consideration of administrative approval.

Ms. O'Hare had sent her Environmental Planner's Report to the Commissioners. On November 25 the Owner applied for “after-the-fact” approval. They did remove 90% of the fill, and here are pictures from 10/31. Mr. Gerace had removed by hand some bricks that were sticking up. They want to keep some wetland filling and also fill up toward the house—it has no bricks in it. We sent you a photo of the reclaimed area. This is not the original DEP wetland line. Sigrun Gadwa had gone out there and came in with another wetland plan with a new wetland line, dated 12/22. You could approve or deny the Upland Review portion. This is a new Application. (See related item below: Agenda I.2., Violation - Cease & Correct Order.)

Mr. Gerace went up to the table and Chair Vitali acknowledged him. Mr. Gerace explained it briefly.

Commissioner Kern stated, He's got 90% of the bricks out.

Ms. O'Hare explained all the bricks are out, fill remains in the upper 15 feet of wetlands.

Mr. Gerace explained that when the fill material was removed, some of the wetland soil got scraped up, so the elevation is lower than it was, so we need to blend it in.

After some discussion, the following Motion was made concerning the original Violation, Agenda item I.2 here:

I. VIOLATIONS – discussion and/or 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 - status

MS. PHILLIPS: MOTION THAT THE CEASE & CORRECT ORDER ON 67 SCHOOLHOUSE ROAD – MICHELE MILLICAN & MICHAEL GERACE (NEW FILLING OVER PRIOR FILLING); ISSUED 4/25/23; 11/1/23 EXTENDED DEADLINE FOR REMOVAL TO 9/4/24 BE MODIFIED TO ALLOW THE REMEDIATION TO REMAIN AS IT EXISTS TODAY.

MR. NECIO: SECOND.

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

The discussion returned to item F.2. below.

F. RECEIPT OF NEW APPLICATIONS

2. #A24-11.2 / 67 Schoolhouse Road – Michelle Millican & Michael Gerace (“after-the-fact” installation of earthen fill material and proposed top-soiling in upper wetlands area & in Upland Review Area)

Ms. O'Hare noted that although this action allows the filling to remain in the upper 15-foot-strip of wetlands onsite, the action does not address the matter of the new filling that Mr. Gerace is

requesting to be permitted in the Upland Review Area under his Application. This can be allowed by Administrative Approval. Chair Vitali then indicated he would grant the Administrative Approval.

F. RECEIPT OF NEW APPLICATIONS

3. #A24-12.1 / 12 Chimney Sweep Road – Donald B. Blinn, Jr. – (garage addition)

This Item F.3. is considered as received for the January 8, 2025, IWWC Meeting.

H. REPORTS & COMMUNICATIONS

1. Discussion of proposal to adopt fines for violations – Not taken up.
2. Farm Hill Road Detention Basin – Not taken up.
3. CT Land Use Law for Municipal Land Use Agencies – Conference, Saturday, March 22, 2025, Sat., 9:00 a.m. – 4:30 p.m. – Noted.

I. VIOLATIONS – discussion and/or action

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.
Ms. O'Hare indicated the Order is still open, pending a few site items.
2. Cease & Correct Order Remains – 67 Schoolhouse Road – Michele Millican & Michael Gerace (new filling over prior filling); issued 4/25/23; 11/1/23 extended deadline for removal to 9/4/24 – status
This Cease & Correct Order remains.
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; approved remediation Planting plan & tabled 6/5/24 Not discussed.
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 explained the improved status on site and recommended to remove this Violation.

MS. PHILLIPS: MOTION THAT THE NOTICE OF VIOLATION ON 2 WOJTASIK DRIVE BE REMOVED.

MR. NECIO: SECOND.

VOTE: UNANIMOUS "YES" VOTE BY THE COMMISSIONERS.

4. 360 Woodhouse Avenue – Nerio Tello – (structures, depositions, and ditching in Wetlands)

Ms. O'Hare reported there has been no corrective action.

5. 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)

Mr. Robert Saas appeared briefly and gave copies of a document to the Commissioners and staff.

Ms. O'Hare said she made her initial report with pictures on November 1 and issued a Notice of Violation letter on November 21. Mr. Saas hired a Wetlands Scientist, whose report was given to the Commissioners at the start of this Meeting by staff.

Mr. Saas said, There were times when I misinterpreted. I spoke with Ms. O'Hare, who wanted a fence.

Chair Vitali asked whether the Commissioners should do a site walk. The Commissioners agreed to do a Special Meeting Site Walk at the property on Saturday, December 7th, at 9:00 a.m. Ms. O'Hare will post the notice.

6. 227 Church Street / Quinnipiac River – 38 Warehouse Point Road, LLC – (tree removal & grading associated with demolition activities close to river)

Mr. Jonathan Gavin, Owner of 38 Warehouse Point Road, LLC, appeared with his representatives.

A discussion took place to clarify why Mr. Gavin had to apply for a wetlands permit, the nature of the regulated activities he is proposing relative to his proposed pre-cast concrete product storage yard, and the need for more information to be added to the drawing he submitted with his Application today. Ms. O'Hare stated that the application came in a day late to be "received" tonight and that Mr. Gavin had recently cleared the site under a Building Department demolition permit and was unaware he needed a Wetlands permit too. He had met with Ms. O'Hare and Kevin Pagini, Town Planner, to review the matter including the FEMA Floodway and the FEMA floodplain located on the site. Ms. O'Hare clarified that she had not issued a violation letter for the recent work but, if millings are to be installed with Jersey barriers near the river, a permit will be needed if within 50 feet of the river. She passed her photos of the graded site to the IWWC which showed work near the river.

Chair Vitali said the clearing of the old buildings and junk was a benefit and because the site is fairly level, runoff is not an issue here. Commissioner Kern explained to Mr. Gavin that he needs to meet with the Town Planner to get a determination on the FEMA boundaries and put them on a revised drawing with the distance proposed for millings near the river for IWWC action at the next meeting. Mr. Gavin said he would do so.

J. VIOLATIONS – pending (no action requested)

These were not discussed. All items here remain 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 – Karl Kieslich – (new filling over prior filling) issued 4/25/23

3. 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

4. Notice of Violation Remains – 119 Quigley Road – Matt Turner – (clearing & grading in wetlands) issued 9/29/23

G. 2025 IWWC REGULAR MEETING SCHEDULE

The Commissioners discussed the proposed schedule and made this Motion.

MS. PHILLIPS: MOTION TO ADOPT THE PROPOSED IWWC REGULAR MEETING SCHEDULE FOR 2025 EXCEPT THAT THE JULY MEETING IS MOVED FROM JULY 2 TO JULY 30 AND THAT NO MEETING IS TO BE HELD IN AUGUST.

MR. NECIO: SECOND.

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

K. ADJOURNMENT

MS. PHILLIPS: MOTION TO ADJOURN.

MR. NECIO: SECOND.

VOTE: ALL AYES TO ADJOURN.

The Meeting was adjourned at 10:05 p.m.

Respectfully submitted,

Kathleen L. Burns
Recording Secretary