

Wallingford Inland Wetlands & Watercourses Commission

Regular Meeting

**Wednesday, May 7, 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, May 7, 2025, 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, Commissioners Michael Caruso and Jeffrey Necio, Alternate Commissioners Aili McKeen and James Heilman, and Environmental Planner Erin O'Hare.

ABSENT: Secretary Nick Kern and Alternate Commissioner Mrs. Caroline Raynis.

There were 13 persons in the audience.

A. PLEDGE OF ALLEGIANCE

The Pledge was recited.

B. ROLL CALL - As above.

Chair Vitali had requested that Alternate Ms. McKeen would participate and vote in place of Commissioner Kern.

C. CONSIDERATION OF MINUTES

1. Regular Meeting, April 2, 2025

Vice Chair Phillips declined to participate here since she had been absent from the April Meeting. Chair Vitali asked Commissioner Necio to propose the Motion instead.

MR. NECIO: **MOTION TO APPROVE THE MINUTES FROM THE APRIL 2, 2025, MEETING WITH THESE CORRECTIONS:**
- **P. 1, LAST LINE, TO STRIKE "(ATTACHMENT 1)";**
- **P. 2, LINE 1, TO ADD ", YMCA," AFTER "MR. SEAN DOHERTY, EXECUTIVE DIRECTOR";**
- **P. 2, PARAGRAPH 2, LINE 4, TO DELETE "DO" AND REPLACE IT WITH "WERE" TO READ: "FOUND OUT THEY WERE NOT.";**
- **P. 9 IN ITEM 1 IN THE TOP LINE TO STRIKE "NO ONE APPEARED." AND TO DELETE FROM THE NEXT SENTENCE "H.1. ACTION";**
- **P. 9 IN ITEM 2 TO DELETE "NO ONE APPEARED." AND IN THE NEXT SENTENCE TO DELETE "H.2. ACTION";**
- **P. 10 AT J.2. IN PARAGRAPH 4, LINE 7, TO SAY "BUILD UP FROM THE "STREAM", AND IN THE SAME PARAGRAPH TO CHANGE "PLAIN" TO "PLAN"; AND**
- **P. 11 IN PARAGRAPH 2 TO REPLACE "OF" WITH "TO", TO SAY "FROM THE TOE OF THAT WALL UP HALF A COURSE TO THE FIRST COURSE".**

**Wallingford Inland Wetlands & Watercourses Commission
Regular Meeting, May 7, 2025**

RECEIVED FOR RECORD 5/14/25 Page 1
AT 2:45pm AND RECEIVED BY
Kristen Pango TOWN CLERK

MR. CARUSO: SECOND.

VOTE: MR. CARUSO - YES; MR. NECIO - YES; MR. HEILMAN - YES; CHAIR VITALI - YES; NS. PHILLIPS - ABSTAINED.

Chair Vitali said, That means the Minutes are approved.

A. OLD BUSINESS

6. #A25-3.3 / 300 Williams Road – Town of Wallingford – (driveway crossing)

Appearing were Mr. Tom Flannery, Senior Engineer, and Mr. Abdel Nassiri, Engineer, of the Water & Sewer Division.

Mr. Flannery said, The Town purchased this 95 acres of open space at 300 Williams Road with Water Division funds. The purposes are passive recreation for the public and protection of watershed. The Muddy River close by is a direct tributary to Mackenzie Reservoir. It's a Class AA watercourse, and the entire property is Class I Watershed. We designed an access driveway 24 feet wide, 380 feet long, with six parking spaces. The finish will be 3/4" stone, not paved. At the end of the parking area, we'll put a foot trail connecting to an existing trail farther back. The proposed driveway passes through about 40 feet of wetlands, shown pink in the middle. There's also a 50-foot Upland Review Area on each side, green shaded area. An existing 12" drain pipe acts as a pass-through underneath--there's really no flow either way. We have no plans to connect to it or alter it.

Mr. Flannery said, The driveway will have a bit apron coming off Williams Road; the remainder will be 3/4" stone with filter fabric underlay on top of an 8" process with a geo-grid underlay. Where needed, we'd use 12" to 18" fill, mostly in the middle in the wetlands, to bring it to grade. Stone will help some surface water migrate through north to south. We'd use a steel guardrail by the driveway. We did not want to use wood in the Watershed. The cross-pipe across the wetlands will be 12-inch corrugated plastic, wrapped in 6" 3/4" stone with filter fabric, and connected on both ends to precast concrete headwall--4' x 4' x 1' thick. The new pipe will not be connected to the old pipe. There will be a gap between the existing pipe and the new pipe--they will not interact. Silt fence will be around the entire site. Hay bales will be at both ends of the outlet pipe, and more to protect the existing pipe.

Mr. Flannery said, First, we'll install the S&E controls. Then we'll clear the brush. If we need to pump any water, it would be north-to-south downhill. Then to excavate for the new 12" drain and install hay bales. We'd remove offsite any topsoil that's not needed. At the left are two staging areas for machinery and materials. Then we'd grade and install driveway, guardrails, signage, and the bench. Then we'd remove all equipment off site.

Chair Vitali asked, It's basically a driveway crossing to get to both sides of the property. Questions, Aili, Deb, Mike, Jeff? Erin, you're all set?

Ms. O'Hare said, My Environmental Planner's Report went out on Friday with photos to show the wet meadow. Then the Applicant did a revision. The biggest difference was they tightened up the wetlands soils--they had David Lord to out there and flag them. The area of the existing pipe is filled. Years ago, the farmer had filled over the low area to get equipment in.

Chair Vitali requested a Motion regarding Significant Activity.

MS. PHILLIPS: MOTION THAT APPLICATION #A25-3.3 / 300 WILLIAMS ROAD - TOWN OF WALLINGFORD - (DRIVEWAY CROSSING) BE DEEMED NOT A SIGNIFICANT IMPACT ACTIVITY.

MR. NECIO: **SECOND.**

There was no discussion.

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

Chair Vitali requested a Motion to Approve or Deny.

MS. PHILLIPS: **MOTION THAT APPLICATION #A25-3.3 / 300 WILLIAMS ROAD - TOWN OF WALLINGFORD - (DRIVEWAY CROSSING) BE APPROVED WITH THE FOLLOWING CONDITIONS OF APPROVAL THAT ARE OUTLINED IN THE ENVIRONMENTAL PLANNER'S REPORT OF MAY 2ND.**

MR. NECIO: **SECOND.**

There was no discussion. Chair Vitali asked Mr. Flannery if they had any problem with the Conditions of Approval. Mr. Flannery said, None.

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

Chair Vitali proceeded to Item D.1.

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

Ms. O'Hare said, I went out there, but I did not meet with the Owner/Applicant. So I'd like to continue it.

Chair Vitali said, All right.

This Item D.1. remains on the agenda.

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

Appearing were Mr. Sean Doherty, Executive Director of the YMCA, with Ms. Annette Ellis, P.E., of Juliano Associates in Yalesville, and architect Mr. Sam Sargent.

Ms. Ellis said, We received the Environmental Planner's Report and worked on it Monday and Tuesday. I did not submit hard copies of the revised plans. But I did e-send those to the Environmental Planner so she could see her ideas were addressed, and we discussed revisions today. We have these changes:

Ms. Ellis said, The first change is to Temporary Sediment Trap #2--reconfigured to be outside the wetlands and also a foot shallower. Next, total wetlands disturbance is now 1,775 square feet, and total Upland Review Area disturbance is 20,128 square feet. The watercourse disturbance still is 504 square feet: about 42 linear feet on the north side and 46 linear feet on the south side.

Chair Vitali asked, You're reading from documentation that was generated Monday, two days ago, or a week ago?

Ms. Ellis said, The numbers I gave you are for the revisions I made this week.

Chair Vitali said, Were this week. So, if we're going to follow you, do we have that correspondence you're talking about? What you're changing and presenting is "This pond is 5 cubic feet bigger than that pond or something." There's 13 items of Conditions of Approval. Have you satisfied all 13?

Ms. Ellis said, Yes, those are the revisions that I made.

Chair Vitali said, So you've satisfied all these?

Ms. Ellis said, I've either satisfied them, or they would still be Conditions of Approval, like the placards.

Chair Vitali said, I'm not going to listen to every item--all that presentation belongs in her office, not tonight's meeting.

Ms. Ellis said, Sure. I talked to her earlier today.

Chair Vitali said, So you're saying you're agreeing to all the Conditions of Approval?

Ms. Ellis said, Correct.

Chair Vitali asked, Commissioners, do we have any questions regarding the Conditions of Approval? Anything specific? Aili?

Ms. McKeen said, I don't have anything.

Ms. Phillips said, No.

Mr. Caruso said, No.

Mr. Necio said, No.

Chair Vitali said, Why do we have Water & Sewer in here as a Condition of Approval regarding wetlands?

Ms. O'Hare said, What I handed out tonight is a separate set of Conditions of Approval.

Chair Vitali said, Yes.

Ms. O'Hare said, The last page is the Water Division's Conditions of Approval.

Chair Vitali asked, But what has that to do with wetlands?

Ms. O'Hare said, They requested that we include it in the Application approval.

Chair Vitali said, You're not contesting it anyway?

Ms. Ellis said, No.

Chair Vitali asked Commissioner Heilman for any comments.

Commissioner Heilman said, No issues.

Ms. O'Hare said, I reprinted this tonight. If you approve it, please use these Conditions of Approval because there was something changed in the conditions.

Chair Vitali asked, Everything keeps getting changed.

Ms. O'Hare said, That's true. Maybe Annette wants to talk about the soil borings report that came in Friday. I felt the groundwater table would be too high to put a temporary sed trap there. And the report said, "Yes, you'd better not put it there."

Ms. Ellis said, The report had groundwater at 5.25 feet, and that sediment trap is 4 feet deep.

Chair Vitali asked, Did you have to change the sediment trap after the test borings?

Ms. Ellis said, No, I was changing it to get it out of the wetlands.

Chair Vitali said, Did the test borings indicate anything on the sediment trap?

Ms. Ellis said, No.

Ms. O'Hare said, I asked Annette to move it out of the wetlands. You shouldn't put one in a wetland.

Ms. Ellis said, We were asked to add one; we were asked to add a second one, which we did in the area that was suggested, but it nipped off a piece of wetlands. So I reconfigured it to get it out of there.

Chair Vitali said, You're satisfying the Conditions of Approval. We seem to be O.K. with that. Did I get Significant Activity yet?

Ms. Phillips said she had read that it was done last month (April 2). Commissioner Necio concurred.

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

MS. PHILLIPS: **MOTION THAT APPLICATION #A25-1.1 / 8 NORTH TURNPIKE ROAD - THE YMCA OF WALLINGFORD, SEAN DOHERTY, EXECUTIVE DIRECTOR - (FACILITY EXPANSION) BE APPROVED WITH THE 13 CONDITIONS IN THE ENVIRONMENTAL PLANNER'S REPORT OF MAY 7, 2025.**

MR. NECIO: **SECOND.**

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

Chair Vitali proceeded to Item #A25-1.3 / 15 Sterling Drive.

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

Appearing was Mr. Brian Panico, Project Engineer, from Cole Civil Survey. This is the expansion at 15 Sterling Drive, a warehouse, 62,500 square foot building and parking lot and a new parking lot out front. Previously, there were questions about soil testing. We did deep test pits to verify ledge, groundwater, soil type, and whether or not our underground soil type would be appropriate. We submitted a

Soils Report and a letter. I think that's satisfied.

Mr. Panico continued, On the adjacent parcel there was a question about their detention basin beside the building, a spillway, that discharges directly onto this property. We survey-located that. The second portion of revisions was our phasing plan. We designed diversion channels during construction in case that basin filled up, to bring it to our temporary basins. That's shown. I believe all comments have been addressed. The only outstanding item is whether or not the detention basin is in a regulated area.

Ms. O'Hare said, I was trained by DEEP to regulate storm basins as water bodies because water passed through them. It won't affect your approval--you've done everything. We could discuss that. But, I want you to explain: You have the existing storm basin and the proposed storm basin in the same place. How are you going to route the water if it rains and water comes in from the parking lot?

Mr. Panico said, It's on the Erosion Control Plan. Water from the existing parking lot comes to the basin and gets filtered. The existing parking lot is not being disturbed other than to cut the curb and extend loading docks. Catch basins now in the parking lot flow to the detention basin. So Phase I will create the diversion swale to a temporary sediment trap and the outlet, to not create a mess on the construction site. Phase II would create another diversion berm with a some checkdams, to a temporary sediment trap which, if it overflowed, would go to another catch basin and off site. The existing parking lot is going to remain essentially unchanged.

Ms. O'Hare asked, Isn't it going to be a mud puddle? You're taking a little basin and it will be four times the size.

Mr. Panico said, Correct. The limits of the basin have been expanded on three of four sides. There will be mud with the digging. But we'll do what we can so turbid water doesn't go into the existing system.

Ms. O'Hare said, We wouldn't want it entering the Town storm system.

Chair Vitali asked for Commissioners' comments.

There were none from Ms. McKeen, Ms. Phillips, Mr. Caruso, and Mr. Necio.

Commissioner Heilman asked, Your berms are essential because of the amount of flooding from the area north of you?

Mr. Panico asked, The checkdams?

Commissioner Heilman said, Contours indicate all the property north of you is draining right to the middle of your property. That's the reason for the berm, to keep your platform dry?

Mr. Panico said, Correct. All along this side of the neighboring building is a detention basin. Right here is a small low point on the topo. There's a little valley. This is high; the parking lot is high, so water flows straight through--but only when this basin fills up it does that. Berming here is not entirely due to the flow coming from this basin toward the building but also that we're elevating and filling in the gully to make the building work. The building is at the elevation of the parking lot, which is higher.

Ms. O'Hare said, Mr. Chairman, I hope he is going to grant you a 65-day extension, retroactively, bringing you to today. So you do grant that extension?

Mr. Panico said, I did see that--yes, the extension to this meeting.

Ms. O'Hare said, O.K. I need a letter coming in to that effect.

Mr. Panico said, Absolutely.

Chair Vitali asked for other Commissioners' questions. There were none. Then we'll entertain a motion regarding Significant Activity.

MS. PHILLIPS: **MOTION THAT APPLICATION #A25-1.3 / 15 STERLING DRIVE - TIM MULCAHY - (INDUSTRIAL EXPANSION - WAREHOUSE) BE DEEMED NOT A SIGNIFICANT IMPACT ACTIVITY.**

MR. NECIO: **SECOND.**

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

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

MS. PHILLIPS: **MOTION THAT APPLICATION #A25-1.3 / 15 STERLING DRIVE - TIM MULCAHY - (INDUSTRIAL EXPANSION - WAREHOUSE) BE APPROVED WITH THE CONDITIONS OF APPROVAL 1-6 ON THE ENVIRONMENTAL PLANNER'S REPORT OF MAY 2ND, 2025.**

MR. NECIO: **SECOND.**

There was no discussion.

Mr. Panico said, The #6 was placing of placards around the detention basin identifying it as a regulated area. So are we placing IWWC placards on the disturbance boundary between the drive and the detention basin, to at least identify it to the public?

Ms. O'Hare said, Your situation is more for the maintenance crew or construction crew. This is like a water body; water moves through here, so don't start digging willy-nilly. It's for that reason.

Mr. Panico asked, This wouldn't affect the Owner's ability to maintain it?

Ms. O'Hare said, Oh, no. We want you to maintain it. Your Stormwater Maintenance Plan was good.

Mr. Panico said, We are O.K. with those conditions.

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

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

Ms. O'Hare stated, No action. I will ask them to be at the next meeting, or they have to withdraw it.

5. #A25-3.2 / 16 Winding Brook Lane - Robert & Jennifer Saas - "After-the-Fact" application (installation in wetlands and Upland Review Area of proposed block retaining wall, fencing, and seeding in existing raised area created recently using excavated fill from new pool area)

Appearing were Attorney Dennis Ceneviva of Meriden and Mr. Martin Brogie, Soils Scientist, of Martin

Brogie, Inc., of Madison.

Attorney Ceneviva said, I am representing the Owners of 16 Winding Brook Lane. They are in the audience. To my right is Professional Soils Scientist Martin Brogie, who has written reports in your record. From the Environmental Planner's Report, this has been a violation for several months. (See Motion to lift the Violation at I. Violations, Item 1 below.)

Attorney Ceneviva continued, It's a 1.2-acre piece of land in Woodlands Subdivision, created in 1988. The house was built in 1988. My clients purchased it in November 2022. Based on a Notice of Violation (Item I.1 below), I believe the Environmental Planner received an anonymous call about activity at the site. A Building Permit had been pulled for an in-ground pool. We filed this Application in response to the Notice of Violation. The Applicants engaged Mr. Brogie for his report. There was a request to delineate wetlands, which has been done. You did a Site Walk in December. Removal of old trees is completed. Mr. Brogie will explain on proposed and completed activities.

Mr. Martin Brogie said, I've been an Environmental Consultant in Connecticut for 35 years. I wanted to ask if this Commission previously took Receipt of this Application. I know they were on the agenda for April 2nd but we were told not to come. It's unclear whether we're here to seek Approval or you're only taking Receipt tonight. Could we clarify that?

Attorney Ceneviva said, It was received in April.

Chair Vitali said, It's been going on quite a while. Which Application? To satisfy the violation, or the wall around the pool?

Mr. Brogie said, The wall around the pool.

Chair Vitali said, I think the Application's been received.

Ms. O'Hare said, Yes, in April.

Mr. Brogie said, O.K. As a result of the violation, I was called by the Saas family to delineate the wetland. I went there in November and delineated wetlands along the eastern part of the property. I hope you have my first report of November 8, 2024. During that time, in the records I saw a second wetland line that I found didn't agree with the line I found in the field, so I contacted Juliano Associates, who are working with the Saas family on this. They provided me the original 1987 subdivision map before the house was built. There was a line shown, delineated by the soil scientist at the time, which was about 40 to 50 feet west of the line that I had. I found that to be confusing, so I went back to the site. I found fill materials between my line and that line that were at least 2 feet deep--red sandy, silty, gravelly, cobbly soil, definitely fill. And I looked at old aerial photographs from before the house was built and after it was built, 1990 and 1995. I saw a line of fill east of the house. And there was a cut on the west side of the house. So, when the house was built, it looks like they cut and filled through the wetland, before the Saas folks had owned it. That helped me to find the line I did, verified in the field. Some difficulty in delineating the wetland was caused by the recent activity by the Saas family that was the subject of violation. They excavated a large root ball just west of my line, and there was a soil stock-pile about on the line. The toe of the slope on the east side encroached into my wetland a little bit. But I did the delineation in that disturbed area. Sites that have been disturbed are more difficult, and I used professional judgment to document that line in my November report.

Mr. Brogie continued, Looking at the application materials submitted, I thought it behooved the Saas

folks and the Commission to get a more detailed description of their proposed project. It was difficult to see what they were proposing, the dimensions, because it was a hand sketch.. So I suggested they engage Juliano Associates to not only pick up my wetland delineation line but also for them to stake out where they wanted their retaining wall, pool, and patio, and to bring Juliano out to see where this proposed project is going and how it related to the wetland line I had laid out as well as the line that was delineated in 1987.

Mr. Brogie said, I completed a second report dated April 23, 2025, which I hope you have on the record. That report describes: my aerial photograph review; justification for my delineation; explanation of the confusion of the previous 1987 line on that property; disturbance from recent activities; and a description of the proposed project, along with a certified map from Juliano Associates, the surveyor, which shows my line and proposed improvements.

Mr. Brogie continued, In that report and on my plan, I demarcate where I'm suggesting we do some wetland mitigation: That would be in the vicinity of the stockpile and where that tree rootball was removed. In November, it was a lot drier. This spring, it was fairly wet. Even though the soils were disturbed, I think the hydrology would support the wetland vegetation I proposed: trees, shrubs, wetland seed mix for the area that was disturbed along the wetland boundary. I think that would mitigate the more recent disturbances that occurred. That is the proposal before you and to make clear what is proposed.

Attorney Ceneviva said, In the Environmental Planner's Report, I noted a portion about establishing review lines and wetland delineations that changed over time. Perhaps the Commission could hire someone to determine an original, pre-construction wetlands delineation? In the last page of her report, Ms. O'Hare says, "When the Upland Review Area line is finalized" (p. 6) "whichever Upland Review Area boundary line is used, this office would then be ready to recommend the work proposed and the Application approved because the improvements proposed comprise a small area, and that area will have very little impact on the remaining wetlands to the north and northeast." Which is confirming exactly what Martin has said to you tonight. We're comfortable with the reestablishment or delineation of the wetlands, how it changed from the late 1980s to when he went out a few months ago. If you look at the Suggested Conditions of Approval on p. 6, one is a Conservation Easement be placed over the remaining wetlands to ensure their protection in the future. I think that may be suspenders and belts. You already have regulations. Putting a Conservation Easement: Who will observe it? Is it granted to the Town? Who's going to watch it? I think it's clear the wetlands have been delineated. My clients have gone through substantial expense to comply, having recognized what's occurred over the past many years, and then to their ownership--so I think the conservation easement is a bit of an overkill. Other than that, we have no problem, Mr. Chairman.

Chair Vitali said, Let me ask you and maybe Erin: Does DEEP treat a filled wetland of 10 years ago still as a wetland? I thought they had a regulation that, if it was filled X number of years ago, that it wasn't a wetland anymore.

Ms. O'Hare said, I've never heard that. But I've heard it's down to 20 inches if the fill--

Chair Vitali asked, Is over 20 inches?

Ms. O'Hare said, If the fill is over 20 inches, you let it go even if it was at one point in time a wetland.

Chair Vitali said, It's not a wetland anymore if the fill is over 20 inches?

Ms. O'Hare said, Yes. If it's a disturbed wetland, it's called an "Aquent", disturbed wetlands soil that's still wet. Then there's the fill soil. Mr. Brogie didn't indicate any soil types in his report. I don't know what types he found out there.

Chair Vitali said, When we went out for the original violation and the site investigation--I think my opinion was that additional activity was done in the wetland recently by the homeowner. That's what started a major part of this. What was done looked like it could have been a half-dozen small trees and made a flat area--whereas now we see bulldozers and fill pushed up. It's different than in December. Commissioners, I believe we accepted the activity that had taken place, and we thought it ended. I didn't expect the kind of activity the pictures show. Part of that was a retaining wall to support the perimeter of the pool. So did we grant approval to his permit at the time to that area? Did we accept that as being done and moved on to just the retaining wall? I think the gentleman wants to speak.

Mr. Robert Saas, Owner, came to the table. He said, Sir, we did not do any bulldozing or anything else since you were there on December 7th.

Chair Vitali said, This was before we were there, you did it?

Mr. Saas said, That's correct, yes.

Chair Vitali said, That's what I said: You were involved in disturbing wetlands before we were there.

Mr. Saas said, Yes.

Chair Vitali said, And that's where we thought that was done, at least I did. What I saw was the way it was going to be.

Mr. Saas said, Correct.

Chair Vitali said, Two or three trees were dead above the chest line and could be hazardous.

Commissioner McKeen said, These photos are from there.

Chair Vitali said, Well, I'm saying he did the activity before we were there. This bulldozing is from before we were there. But the two, three trees, it was a good time to go in and get them because the ground was frozen. So I think that was resolved; and the major issues became this retaining wall, and that's when the Application for maybe the After-the-Fact permit for the retaining wall came in? Erin?

Ms. O'Hare said, I believe Mr. Saas wanted his Notice of Violation lifted. So he was told, "No. You don't get your Notice of Violation lifted until you submit an After-the-Fact Application for that 4-foot-high fill there. Most of it was in the Upland Review Area. He wanted to turn it into a patio/lawn area. So he said, "O.K.," and he came back with an Application on March 18. You got it in your April packet. So then he wanted this retaining wall to be 100 feet long, and the last 25 feet of it would be in what we thought was wetlands. I contacted you, and you can't approve administratively something in a wetland. So Mr. Saas had Martin come back again to prove, "No, this retaining wall is not in a wetlands. That's a 1988 wetland line, not a real wetland line. So please just approve my retaining wall in the Upland Review Area."

Chair Vitali said, So is this retaining wall, this additional 25 feet, in any wetland?

Mr. Brogie said, No.

Chair Vitali said, It's in an Upland Review Area?

Mr. Brogie said, Correct.

Chair Vitali said, Is it possible that might have been a wetland in '85?

Mr. Brogie said, Yes.

Ms. O'Hare said, In order to approve it, either tonight or next time, the Commission would have to decide to move the Upland Review line from where I thought it was the last few months to where Mr. Brogie thinks it is.

Chair Vitali asked, Have to move it? Why can't the wall be in the Upland Review Area?

Ms. O'Hare said, By this discussion, I guess the Minutes would show that the wetland boundary is going to change--that we were using a 1988 wetland boundary, and now we're going to go with a different wetland boundary, which is fine. I would like to ask Mr. Brogie questions about his wetland line because the primary question is he put flags in November--the same flags are there today--on what he calls the wetland line, but that's the existing wetland line.

Chair Vitali asked, Well, what made a change?

Ms. O'Hare said, Nobody has shown me where the line was before Mr. Saas started altering the terrain. I don't know. In the past I've dealt with Soil Scientists, and they put their augers down. I understand Mr. Brogie put four test holes--I don't know where they are. He didn't put them on any map. But there's a place where he can establish, "Oh, maybe last summer this is where the wetlands were." I know there's one place he found that Mr. Saas had altered. That's where he's proposing a wetland restoration area adding plants and trees. So there's at least one place where that line has to be changed. Why else would we restore a wetland if it's not a wetland?

Chair Vitali said, He just admitted the majority of the site was a wetland in '87. DEEP Hartford approved the subdivision. We weren't in business in '87. This site, whether it's been filled or hasn't--you're searching for a wetland line somewhere. What does it mean to us tonight? When you come in the side of the house and walk to the back where the trees that he took out, to your left is the 4-foot wall for the pool. Is that 25 feet continuing on that line?

Mr. Brogie said, It continues northward.

Chair Vitali said, But it follows that side of the pool. It doesn't take a 90-degree turn. If we recall, that end of the pool he had vehicles and equipment, etc., there. So I don't know where we're searching for.

Ms. O'Hare approached the dais and showed the drawing to Chair Vitali and said, This is the proposed line.

Chair Vitali said, O.K. Where's the additional 25 feet going on the wall?

Ms. O'Hare indicated on the plan but did not speak into the mic.

Chair Vitali said, This gentleman said you're going to add 25 feet to the wall or to move the line into the open area? Well, where's the 100 feet? Erin's got the map--apparently, you generated the map.

Mr. Brogie said, To clarify: The wall hasn't changed. It's a matter of how much is regulated area.

Chair Vitali said, Forget about the wetland line. Just how much further is this wall going?

Ms. O'Hare said, It goes like this.

Commissioner McKeen pointed to the plan and said, This is the proposed retaining wall right here.

Chair Vitali said, O.K., but what was it before they wanted to add 25 feet? You're requesting a wall, and you're telling me it doesn't exist?

Commissioner McKeen said, In relation to that really steep area, from our site visit, shown roughly in this photo on the page dated 12/03/24. It shows that steep area we observed in our site visit. And I assumed that's where the retaining wall was going to go. And that is where the retaining wall is going.

Ms. O'Hare said, Yes.

Commissioner McKeen said, Only now it's going to hook around the tree right near the end of it?

Ms. O'Hare said, Well, the tree will be gone, but yes.

Attorney Ceneviva said, Mr. Chairman, one reason we're here is the last 25 feet of this wall. If you use the original December 1985 wetland delineation, it would have been in the wetlands. It is no longer in wetlands because the November 2024 delineation shows the wetlands line has changed in 40 years.

Chair Vitali said, Does this 25 feet go into where he was parking his trucks or vehicles? It doesn't.

Attorney Ceneviva said, No.

Chair Vitali said, Does it take a 90-degree bend and go 25 feet? It just ends.

Attorney Ceneviva said, Right.

Mrs. Jennifer Saas, Owner, came up to the table. She said, So the wall is going to go in front of the tree, and it's going to be about four feet and kind of going to go right into the ground so it's level.

Chair Vitali said, Well, we see pictures of around your pool.

Mrs. Saas said, Yes.

Chair Vitali said, I think you have the same picture. But this picture here has got the red silt fence in it.

Mrs. Saas said, Yes.

Chair Vitali asked, Is that wall going to be put right along that bank of fill?

Mrs. Saas said, Yes, that wall's going to be put right here.

Chair Vitali said, You're not going to bring it out 20 feet?

Mrs. Saas said, No, absolutely not.

Chair Vitali asked, Fill's not going to go around that wall?

Mrs. Saas said, If anything, it'll go closer to that mark of the fill line.

Chair Vitali asked, You're looking for it to go 25 feet longer than you originally wanted?

Mrs. Saas said, This is the only, the original application. I don't know what 25 feet she's referring to.

Chair Vitali said, According to the map, the pool--you've got quite a bit of patio area here on top. What I'm saying is I don't see where an additional 25 feet is having any effect on what we're doing here. You can call this the '87 wetland line. You can call this a new wetland line. Sites all over town have the same problem. But, if we were O.K. there in December, then a lot of what we're doing here is moot.

Ms. O'Hare said, Mr. Chairman, I agree. I have no problem with approving the building of this retaining wall. I said that on page 6 (reference was to her report). My issue is this retaining wall is 25 feet from the area that Mr. Brogie wants us to restore as a wetland restoration area. So I think it's disingenuous to say the retaining wall is 25 feet away from a wetland. That should be established. I'm very confused why Mr. Brogie wants this wetland restored but then doesn't want to alter the shape of the wetland boundary. I don't get that. If it's going to be restored, it's got the hydrology. He admits it was disturbed by Mr. Saas. Why don't we make that the true wetland line? I'm saying he drew it on the map. Mr. Brogie drew it--there it is. That should be the new wetland line. I'd like some clarification from Mr. Brogie, why he didn't call it the new wetland line.

Chair Vitali asked, What effect does this have on the application? None?

Ms. O'Hare said, The effect it has is for the future: Where is the wetland line on this particular piece of property that we all have spent hours dealing with? Also, if the Commission accepts Mr. Brogie's wetland line, the one the Owner wants adopted tonight--it's not the true wetland line. I'm confounded why he wants us to restore a wetland which he's saying is not part of the wetlands.

Chair Vitali said, Well, that's his choice. He can make plantings if he wants.

Attorney Ceneviva said, I'd add, his report never talks about wetlands restoration. It's a mitigation area and Martin's here to talk about it.

Chair Vitali said, You have a Certified Soils Scientist creating a current wetland line. I think you'd get another soils scientist saying, "Yeah, 30 years ago it was over there." So where are we at here? We are dealing with the After-the-Fact permit for the retaining wall, correct, Mr. Ceneviva?

Attorney Ceneviva said, That, and I think the balance of the work. Most of the work was cleaning up, getting approval for work that would have been done earlier that was part of the Violation.

Chair Vitali said, Well, I don't remember specifically. Do you mean in the Upland Review Area?

Mr. Brogie said, Between the patio and fence.

Attorney Ceneviva said, Some fencing was done earlier in the URA and part of the patio. So the application is After-the-Fact to get approval for what was already done, part of your violation.

Chair Vitali said, I don't remember specifically. Mike?

Commissioner Caruso said, I thought it was to finish cleaning up what was done.

Chair Vitali said, I think you were just cleaning the trees out. As to anything else, we all felt that what was there was done.

Attorney Ceneviva said, The proposed project consists of installation of the stone retaining wall, patio, and fence as shown on the plan. A portion of the stone wall and a portion of the fence are located within the 50-foot regulated area per the new identified wetlands area. That's the reason we're here.

Chair Vitali said, Is the fence for around the pool for security?

Mrs. Saas said, It's for around the pool. Yes.

Chair Vitali asked, Have you selected vegetation to plant?

Mr. Brogie said, It's in my report from April.

Chair Vitali said, How can we rest assured that that vegetation will be planted--trying to avoid a bond.

Mr. Brogie said, I can provide a letter to the Commission once it's installed. I would work with them.

Chair Vitali said, Is it going to get done?

Mrs. Saas said, Absolutely.

Chair Vitali said, This is not a Significant Activity on a wetland. Jimmy?

Commissioner Heilman said, I don't see anything of concern with wetlands. About the future of wetlands in the area, I don't see anything. It seems more legalities than wetlands concerns. As far as wetlands, there was a mistake made by people prior to this gentleman. I think it's better to have this fixed, make it right, and move forward.

Chair Vitali said, I'll entertain a Motion to approve the After-the-Fact application as submitted.

MS. PHILLIPS: MOTION THAT APPLICATION #A25-3.2 / 16 WINDING BROOK LANE -
 ROBERT & JENNIFER SAAS - "AFTER-THE-FACT" APPLICATION (INSTALLA-

**TION IN WETLANDS AND UPLAND REVIEW AREA OF PROPOSED BLOCK
RETAINING WALL, FENCING, AND SEEDING IN EXISTING RAISED AREA
CREATED RECENTLY USING EXCAVATED FILL FROM NEW POOL AREA)
BE APPROVED WITH THE CONDITIONS 1-4 IN THE ENVIRONMENTAL
PLANNER'S REPORT OF MAY 6, 2025.**

There was no Second.

Ms. O'Hare asked, Did you say 1 through 4? So you want the conservation easement, #2?

Chair Vitali said, No, no conservation easement.

Ms. O'Hare said, All right.

Commissioner Heilman said, On the easement question, if it was connected to something bigger, I would say "Yes." Is this parcel connected to a larger area that it has a direct, immediate impact to? I don't see one. Unless the need for the easement is to say, "This is a wetland boundary." We use placards for that.

Chair Vitali said, I think placards are good. What's the legal aspect?

Attorney Ceneviva said, I think that makes more sense. Usually the conservation easement is granted to the Town? It's going to be a small strip that starts nowhere and ends nowhere--not to the function of a conservation easement. You always have jurisdiction over wetlands.

Chair Vitali said, Let's cross off Item 2 on that.

Ms. Phillips withdrew the Motion above and made the Motion below.

**MS. PHILLIPS: MOTION THAT APPLICATION #A25-3.2 / 16 WINDING BROOK LANE -
ROBERT & JENNIFER SAAS - "AFTER-THE-FACT" APPLICATION INSTALLA-
TION IN WETLANDS AND UPLAND REVIEW AREA OF PROPOSED BLOCK
RETAINING WALL, FENCING, AND SEEDING IN EXISTING RAISED AREA
CREATED RECENTLY USING EXCAVATED FILL FROM NEW POOL AREA)
BE APPROVED WITH THE CONDITIONS 1, 3, AND 4 IN THE ENVIRONMENTAL
PLANNER'S REPORT OF MAY 6, 2025, AND WITH THE ADDITION OF IWWC
PLACARDS TAKEN FROM THE OFFICE BE SET UP AT APPROPRIATE
INTERVALS EVERY 50 FEET.**

MR. NECIO: SECOND.

Chair Vitali said, Motion's been made and seconded. Is there any discussion?

There was none.

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

Chair Vitali proceeded to I. Violations.

I. VIOLATIONS - discussion and/or action

**Wallingford Inland Wetlands & Watercourses Commission
Regular Meeting, May 7, 2025**

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 flow) issued 11/21/24

Based on the approval of #A25-3.2 above, the Commissioners proceeded with this Motion.

MS. PHILLIPS: MOTION TO LIFT THE VIOLATION ON 16 WINDING BROOK LANE.

MR. NECIO: SECOND.

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

Chair Vitali returned to New Business.

E. NEW BUSINESS

1. #A20-7.1 / 5 & 21 Toelles Road & Wharton Brook - Pfizer Inc. - (soil remediation project)

Ms. O'Hare said, It could be approved tonight, but I haven't dealt with it yet. It's their bond release.

Chair Vitali tabled this item to the June meeting.

F. RECEIPT OF NEW APPLICATIONS

Items F.1-5 were received by Chair Vitali for the June 4 agenda.

1. #A25-4.1 / 177 Parker Farms Road - Hector Baez - (semi-in-ground pool, patio, minor fill)
2. #A25-4.2 / 360 Woodhouse Avenue - Nerio Tello - ("After-the-Fact" installation of drainage facility for flows from patio and portion of house roof with discharge to southern wetlands & proposed installation of low wall at top of driveway and re-location of chicken coop structure and shed structure with connections to drainage - all in Upland Review Area & proposed additional flow discharge to southern wetlands & restoration of existing disturbed wetlands areas)
3. #A25-5.1 / 2 Research Parkway - Connecticut Foodshare, Inc. - (building expansion & associated parking area/drive improvement & stormwater management improvements)
4. #A25-5.2 / 60 Schoolhouse Road - Mario Yopez - (yard improvements near large pond)
5. #A25-5.3 / 528 South Cherry Street - Virginia Ryan, CPEA, REM, Allnex - (installation of water line)

G. ELECTIONS - Were deferred to the June 4 agenda.

H. REPORTS & COMMUNICATIONS

1. Discussion of proposal to adopt fines for violations. This item remains.
2. Farm Hill Road Detention Basin

Ms. O'Hare said this matter was handed over to the Town Planner by the Mayor to pursue with a consultant.

I. 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

This Item 1 was resolved by the Motion voted at the end of Item D.5. above.

Chair Vitali said that Items 2, 3, 4 remain:

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; accepted plan 4/2/25
3. 360 Woodhouse Avenue - Nerio Tello - (structures, depositions, and ditching in wetlands) - letter of violation issued 5/28/24
4. Notice of Violation - 360 Woodhouse Avenue - Nerio Tello - (noncompliance with IWWC #A24-5.1 approved plan & installation of drainage facility across URA and wetlands with discharge to wetlands) - issued 4/15/25

J. VIOLATIONS - PENDING (no action requested at this time)

Ms. O'Hare said 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
 4. 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
 5. Cease & Correct Order Remains - 67 Schoolhouse Road - Karl Kieslich - (new filling over prior filling) issued 4/25/23
 6. 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
 7. Notice of Violation Remains - 119 Quigley Road - Matt Turner - (clearing & grading in wetlands) issued 9/29/23
-
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 plan 6/5/24

Chairman Vitali took up Item 3. under J. Violations - Pending.

Ms. Sigrun Gadwa of REMA reported the progress that was made and was not made at the property last year. This year's work is beginning and will go an additional year. Trees planted in fall died from drought. Contractor sprayed wrong trees. She will return to report additionally.

Chair Vitali directed Ms. Gadwa to demonstrate to Erin in the field that the planting plan with trees and shrubs presented to the IWWC recently by George Logan, approved by the IWWC, has been successfully implemented.

This Item J.3. remains as a Violation.

K. ADJOURNMENT

MS. PHILLIPS: **MOTION TO ADJOURN THE MEETING.**

MR. NECIO: **SECOND.**

VOTE: **UNANIMOUS AYES TO ADJOURN.**

The Meeting was adjourned at 8:39 p.m.

L. NEXT SCHEDULED REGULAR MEETING: June 4, 2025.

Respectfully submitted,

Kathleen L. Burns
Recording Secretary