

Wallingford Inland Wetlands & Watercourses Commission

Regular Meeting
Wednesday, April 2, 2025, 7:00 p.m.
Robert F. Parisi Council Chambers
Second Floor, Town Hall
45 South Main Street, Wallingford, CT

CORRECTED MINUTES

Chair James Vitali called this Regular Meeting of the Wallingford Inland Wetlands and Watercourses Commission to order on Wednesday, April 2, 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 5/30/25
AT 12:10 PM AND RECEIVED BY
Kristen Lango (AK) TOWN CLERK

PRESENT: Chair Vitali, Secretary Nick Kern, Commissioners Michael Caruso and Jeffrey Necio, and Alternate Commissioners James Heilman and Mrs. Caroline Raynis.

ABSENT: Vice Chair Deborah Phillips, Alternate Commissioner Aili McKeen, and Environmental Planner Erin O'Hare.

There were 6 persons in the audience.

A. PLEDGE OF ALLEGIANCE

The Pledge was recited.

B. ROLL CALL

As above.

Chair Vitali stated that the voters tonight would be himself and Commissioners Kern, Caruso, Necio, and Alternate Commissioner Heilman.

C. CONSIDERATION OF MINUTES

1. Regular Meeting, March 5, 2025

MR. NECIO: MOTION TO APPROVE THE MINUTES FROM THE MARCH 5 MEETING.
MR. CARUSO: SECOND.
VOTE: MR. KERN - YES; MR. CARUSO - YES; MR. NECIO - YES; MR. HEILMAN -
YES; CHAIR VITALI - YES.

D. OLD BUSINESS

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

Chair Vitali said this item is not ready for consideration.

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

Chair Vitali noted that this Application was tabled from the March 5 agenda. The Commissioners had received Ms. O'Hare's Environmental Planner's Report dated March 29, 2025.

Appearing tonight were Mr. Sean Doherty, Executive Director, YMCA, and Ms. Annette Ellis, P.E., of Juliano Associates in Wallingford.

Ms. Ellis said, Good evening. This Application for the Wallingford YMCA is at 8 North Turnpike Road. It's approximately 8.37 acres, generally sloping west to east from North Turnpike Road down to Merritt Parkway. There's approximately 1.83 acres of wetlands in the southeastern portion, flagged by George Logan. In the southeastern portion, it's Rippowam fine sandy loam, deep and poorly drained. Soils on the remainder of the site where all the development is--existing parking, the building--is Udorthent, moderately well-drained that has been altered by cutting, filling, or grading. The existing building is approximately 26,900 square feet. We're proposing an addition of about 17,500 square feet. It's to be built in this vicinity, over existing parking. We're not increasing impervious area--actually, a decrease of about 578 square feet. We're not increasing stormwater runoff.

Ms. Ellis continued: Drainage is by an existing 48-inch pipe running through the site, which carries stormwater from up above the YMCA property and also stormwater from Route 150, and directs it down into the wetlands. These large pipes we originally thought were owned by the State, which we found out they were not. They belong to the Y and are the YMCA's maintenance responsibility. Currently, three catch basins drain this part of the parking lot and tie into the large 48-inch pipe. Five catch basins in front of the building used to tie into the 48-inch pipe, but they no longer do. At some point they were disconnected, and they currently discharge through a 15-inch corrugated plastic pipe. They come out in this vicinity here and discharge to the wetlands as well.

Ms. Ellis said, This is where the addition would go. The Application proposes to disconnect all site drainage from the 48-inch pipe. That will leave the large 48-inch pipe as a pass-through. It takes drainage from up above and Route 150, so that will be a pass-through and not take any site drainage. Site drainage will be a network of catch basins, all with 4-inch sumps and pipes. They will outlet by a new 24-inch pipe in the Upland Review Area, also directed out toward the wetland. Both the 24-inch and the new 48-inch pipe are to have plunge pools to dissipate flow and prevent erosion downstream. They also allow for settlement and ease of future maintenance.

Ms. Ellis said, Proposed drainage mimics existing. There's two outflows now and there will be two outflows when done. The 48-inch pipe will have a flow reduction of about 18% for the 25-year storm because we're disconnecting the site drainage. The proposed 24-inch pipe will pass more than the existing 15-inch pipe because it's taking all the site drainage. Combining the two outlets, there is an overall reduction for the site. For a 25-year storm the reduction is about 1.2 c.f.s. But we did find a reduction in all storms we analyzed, the 2- through 100-year storms. It all belongs to the Y. They're responsible for maintenance. The plan is to hydro-jet it during construction. This will remove debris and sediment in the system, allowing stormwater to flow more freely and to be cleaner when discharged to the rear.

Ms. Ellis continued, At the rear, the culvert that passes under Wilbur Cross Parkway is a concern. It's beyond the Y's property and beyond their control. However, Sean was able to get a commitment from the State to clean the area at the culvert by the end of spring/beginning of summer--potentially alleviating stormwater backups onto YMCA property.

Ms. Ellis said, About wetlands impacts: Sheet 10 in your packet shows the disturbances. The project proposes a 1,675 square-foot wetlands disturbance for several reasons. Two reasons are the grading beyond the small plunge pool and beyond the large plunge pool (indicated on the drawing). It's also due to construction materials for the large plunge pool, a lot of which is located in the wetland area.

Another reason is grading to the southeast to the access to and from River Road. Up here is wetlands, temporary silt fence, and straw bales. We have 504 square feet of watercourse disturbance, basically at the outflow of the existing 48-inch pipe. We'd improve it by putting a flared end and the plunge pool. This area also has temporary silt fence and straw bales.

Ms. Ellis continued, For the Upland Review Area disturbance, we propose 15,492 square feet. This is because a small portion of parking area is located within the URA right in here. Grading for this parking is also in the buffer area. Grading for both plunge pools and most of the small plunge pool is in the wetlands review area. We have installation of the 24-inch drainage pipe, the temporary silt fence, and straw bales. Much of the wetlands and Review Area we propose to disturb has been disturbed in the past—one reason is the 48-inch pipe through the site. Also, there's a 10-inch sanitary main coming through the site and this way through wetlands down here (indicated on drawing). A portion of existing paved parking is also within the URA. We're pulling the edge of pavement back as an improvement.

Ms. Ellis said, We worked with the Environmental Planner on Sedimentary and Erosion Control: silt fence, straw bales, silt sacks, catch basins, temporary sediment traps, and to protect wetlands during construction. We're slightly decreasing impervious area and also improving the site condition. Runoff through the parking area will be better controlled and collected. Site stormwater will be separate from State and Town stormwater, passing through 48-inch pipes. Large pipes will be cleaned of sediment and debris. Plunge pools at the existing and proposed outlets will help prevent downstream erosion and sedimentation and increase the ease of future maintenance. Yes, we're proposing to expand, but we do believe the overall site will be improved.

Ms. Ellis added, Plans in your packet were submitted March 17th. On March 19 we met with the Environmental Planner and were informed that we would have the Planner's report on the 21st. On the 21st we received an e-mail that we would not be getting the report until the 31st. We did receive the Environmental Planner's Report on the 31st. So nothing could be done until yesterday, April 1st. I know the Commission does not like to receive revisions at the 11th hour--therefore, we did not submit plans yesterday or today. However, the plans you have from the 17th are about 95% the same as those which incorporate the comments from the meeting from the 19th and also from the Environmental Planner's Report that we received on the 31st. If the Commission would like to vote tonight, I'd be happy to go through all the revisions resulting from the latest comments. Or perhaps they could be Conditions of Approval. I put together a list of conditions of approval, which I can submit if you want to proceed. It's a summary of comments from the meeting of the 19th with Ms. O'Hare. It would be: the Environmental Planner's Report dated 3/29; Fire Department comments dated 3/24 and anything forthcoming; and the Environmental Planner's standard Conditions of Approval. I have been working on those revisions. I'd answer any questions.

Chair Vitali said, Unfortunately, Erin's not here tonight. I know she wanted to review this plan because I've been in contact with her. She has probably talked with you about a set of Temporary Sediment Control Basins--there's only one--she thought you'd need another one. Looking at your plan, where you filled in that 90-degree road going out to the Parkway, is that dark area paving?

Ms. Ellis said, Yes, that is paving proposed.

Chair Vitali said, But, you tell me you didn't add any impervious surface?

Ms. Ellis said, It's the net. We have islands throughout the site--right now, there aren't any. Impervious area is slightly decreased by 578 square feet.

Chair Vitali asked, By filling in that triangle, you're still having reduced impervious area? And you're lifting up the other impervious and doing what with it?

Ms. Ellis said, Some of it will be restored to grass. This is another paved area here that will be grass. Area in the front that is paved will be reconfigured and have grass islands.

Chair Vitali asked, You still have an exit out on 150 there?

Ms. Ellis said, We do. Our first plan did not, and we got pushback from the State, so we added that back in, have enough parking, and reworked the plan.

Chair Vitali asked, Caroline?

Commissioner Mrs. Raynis asked, I know there was a question about the pipes belonging to the State. Now you're saying they belong to the Y, which you don't have to deal with the State. Are you sure? How did you discover that they belong to the Y?

Ms. Ellis said, I and others were under the impression they belonged to the State. When I contacted the State, in discussions they said, "We don't think they're ours." So they went back to older maps. Basically, they have a right to flow over the property. A long time ago, these 48-inch pipes were not here. It would outlet at the back of the catch basins at Route 150 onto the site and overland through the site. At some point whoever owned it said, "Oh, let's pipe this." So they did that--the State didn't. So it belongs to the property, belongs to the Y. Now we don't have to work with the State to get it cleaned. They can clean it during construction.

Commissioner Kern asked, What page has your soil testing? Where you want to put the addition, I'm concerned you're taking a lot of the parking lot, and water's going to bubble up out of the ground. Has any testing been done where you plan it?

Ms. Ellis said, We have not done soil testing in the area of the proposed addition, which right now is parking. We did some soil testing back here (indicated beyond wetlands) because we didn't realize we weren't going to be using this area. We were thinking about using this area for detention, and the groundwater was down about 5 feet. Over here it was 8 feet.

Commissioner Kern said, You said the whole parking lot area is not natural soil. It's been filled in where the parking area is presently?

Ms. Ellis said, It has been disturbed, yes.

Commissioner Kern asked, But you're not sure the bank weepage is not going to come down into your parking lot and filter either under the building or over to--?

Ms. Ellis said, We could call for test pits to be done in the area.

Commissioner Kern said, I'd hate to give permission and have you find out that you can't put the pool there because of the high water table. Now the water table you found in the other area is part of the Quinnipiac watershed. But in that parking area, I think you'll find weepage coming off Turnpike Road.

Ms. Ellis said, In this area?

Commissioner Kern said, Yes, where you want to put the addition, before you do anything with it--

Ms. Ellis said, To see where the groundwater is in this area?

Commissioner Kern said, Yes. You can put the addition there as long as it's not going to float away or pop up.

Ms. Ellis said, We can look into that.

Commissioner Kern said, Across the front you've got catch basins. Are they functioning or silted in?

Ms. Ellis said, The existing catch basins?

Commissioner Kern said, Yes.

Ms. Ellis said, I'm not sure, only because we plan to remove them and put in all new catch basins.

Commissioner Kern said, O.K. I believe after the last batch of permissions when you came to us for permission to take that 48" pipe out to put the pool there, wasn't it the State that did that? Who did the plunge pool and cleaned out that whole area alongside the building, with the 48-inch pipe there?

Ms. Ellis said, I understand several years ago after a large storm maybe Rogers did some work out there. Our surveyors did not find any evidence of a plunge pool or work being done. Maybe it's been sedimented. There's no flared end at the end of the 48-inch now and no plunge pool. That's why I believe what we're doing is to improve the site. It'll slow down what's coming out of that pipe and prevent erosion and sedimentation in the future.

Commissioner Kern said, The big issue is I'd like to see some test pit results, that you can put your pool where you want to put it.

Ms. Ellis said, O.K. If we're going to do some in this, we can go there, too.

Chair Vitali asked, Mike?

Commissioner Caruso had no questions.

Chair Vitali asked, Jeff?

Commissioner Necio said, No questions.

Commissioner Heilman said, At the beginning your first map showed the two most westerly drainage basins. You mentioned the three down below it and what will happen to them. I don't remember you mentioning what will happen to those upper, most westerly, two basins?

Ms. Ellis changed the board and said, Are you talking about basins over here?

Commissioner Heilman said, North of that, west.

Ms. Ellis said, These? In Route 150?

Commissioner Heilman said, The upper two catch basins.

Ms. Ellis said, Those are remaining. One is becoming a manhole just because it ends up in the middle of the parking area. We are replacing them because they've deteriorated.

Commissioner Heilman said, The other thing: You mentioned that the plunge pool serves for settling. I guess it does. Plunge pools diminish velocity--therefore heavy particles suspended will drop out. I never thought of a plunge pool as a settling basin.

Ms. Ellis said, It's not--it's essentially to slow it down to prevent erosion/sedimentation downstream. But it will catch anything larger before it proceeds down to the wetlands. It'll allow for some settlement just because it's slowing it down, but it's not a settlement basin.

Commissioner Heilman said, It makes sense. Last, where are you going to put snow?

Ms. Ellis returned to the original board saying, Some paved area around the building could be used. We plan more grass on the edge of the parking than currently exists. We don't want to pile snow on the parking lot, but we have this wing over here probably for employee parking--but it could go in this area, too. It's going to have to be dispersed.

Commissioner Heilman asked, Could that be put into a directive?

Ms. Ellis said, Sure. We can find the best location and add a note.

Commissioner Kern said, The piece going out to River Road, did you acquire that after you bought the property? Or is this the same package as last time you came in?

Mr. Doherty said, The same package.

Commissioner Kern said, There's quite a bit of parking area between there and River Road and your downhill slope for the entranceway. You're going to shrink that and make grass there? When I drive by, I notice a lot of trucks parked in there. So is that going to be considered parking after you shrink it?

Mr. Doherty said, Yes, it's currently considered parking. It's all striped. We're reconfiguring parking differently in this design, actually adding some more. We're creating more of an entrance to go to parking versus the wider entrance now.

Commissioner Kern said, Years ago, you had that plunge pool put in alongside the building?

Mr. Doherty said, When we came in 2011-12, that plunge pool was existing. We had a bad storm in 2013. The owner widened it because we had a flood. Since 2019 taking ownership, we've gone through Erin's office and maintained it every couple of years because of the silt runoff. I think it was a makeshift that we kept maintaining to make sure the water flows from that 4-foot pipe.

Commissioner Kern said, So I just heard that same plunge pool is going to be there--or you're going to relocate it? My question was, how silted in is that plunge pool right now?

Mr. Doherty said, The four-foot is about half filled, 2 foot.

Commissioner Kern said, In five or six years it's filled up 2 feet with sediment?

Mr. Doherty said, Yes. This design Annette prepared is much better than it currently is. It's deeper, slopes, and has riprap in it. We still have to maintain silt that accumulates.

Commissioner Kern said, O.K. I'd like to see a finished print--everything that's supposed to be put on. I've seen that whole parking lot flood. Since the lake dam is down, it doesn't flood as much. What used to be down there was an eyesore with a big storm. Put some more thought into that plunge pool so every couple years you don't have to maintain it. Riprap will slow the water down, and fines will settle. It's going to fill up quicker than the one you have now.

Ms. Ellis said, The detail sheet shows detail of the plunge pools with the size of the pipe that enters into it. It's graded per that detail. It's in our Maintenance Plan submitted, to be maintained twice a year. And to be checked after large storm events. I think cleaning that 48-inch pipe out during construction--knowing it's theirs--will also aid. Possibly not so much debris coming out of that pipe.

Commissioner Kern said, I've been down there and have seen that pipe three-quarters of the way full with water flow. So I'm asking: Is that plunge pool designed for a 48-inch pipe? Did you test or record the volume of water that comes out of there?

Ms. Ellis said, The design comes from the size of the pipe. But the design accounts for that the pipe could be flowing full, for the entire size of the pipe.

Commissioner Kern asked, Is the new plunge pool going to be much larger than the old one?

Ms. Ellis said, I am not sure how large the old one was. But my surveyors went out there and didn't see much evidence of it. So, yes, it will definitely be bigger than what's there now.

Commissioner Kern said, I'm looking for the best site, best hole where the building's going to stand.

Chair Vitali said, Some of the things you're requesting may be on the latest map you've drawn that you didn't pass out tonight.

Ms. Ellis said, Yes. You mentioned temporary sediment traps--I added a second. You haven't seen it.

Chair Vitali said, All I visualize is a plunge pool with riprap that you're going to maintain. You're going to take all the riprap out next time you maintain and take the sediment out?

Ms. Ellis said, The Maintenance Plan does give them guidance on how to maintain it. If it's too silted, you do have to remove riprap, but you have to put it back. Some of them might be by hand cleaning if it's not too bad. I assume they're going to follow the Maintenance Plan every six months. It shouldn't get to the point where they need to replace the riprap. If it does, it's in their plan.

Chair Vitali said, Erin's made a few comments and some additional ones that's not in her report, about things like TST (temporary sediment traps), not having enough for this site. You got too many issues going on and not much activity for the north side. I know you had discussions with her to get clarification. It only would be fair to her to wait until she sees all these little things resolved. And Nick's issues.

Ms. Ellis agreed.

Chair Vitali said, I'll leave it up to the Commission whether this gets tabled to next month or voted on

tonight. Commissioners?

Commissioner Caruso said, Tabling.

Chair Vitali said, O.K. The other question is Significant Activity. I don't think we ruled out Significant Activity. Does the Commission feel they can vote on Significant Activity? If so, I'd entertain a motion.

MR. HEILMAN: **MOTION TO DETERMINE THAT THIS APPLICATION #A25-1.1 / 8 NORTH TURNPIKE ROAD - THE YMCA OF WALLINGFORD, SEAN DOHERTY, EXECUTIVE DIRECTOR - (FACILITY EXPANSION) IS NOT A SIGNIFICANT ACTIVITY.**

MR. NECIO: **SECOND.**
VOTE: **MR. KERN - YES; MR. CARUSO - YES; MR. NECIO - YES; MR. HEILMAN - YES; CHAIR VITALI - YES.**

Commissioner Kern said, It's not a wetlands, but every day I've gone by recently, the parking lot is full in the morning. What are you going to do when it's completed? The pool's going to attract a lot of people, especially elderly people for exercise in the pool.

Mr. Doherty said, When you drive by, you're looking at the front of the building. Some sections are toward North Turnpike on the north side. We've got about 30 parking spaces now, versus later. Near River Road, a lot of those spots are not taken. The proposed plan improves it by 2. We're going to be in a better place once we realign parking spaces. Is growth a concern? Possibly.

Commissioner Kern said, Thank you.

Chair Vitali informed Mr. Doherty that the Commission is requesting an extension from him as Applicant in order to have the YMCA's Application appear on the next agenda. He asked Mr. Doherty to complete any extension paperwork with Ms. O'Hare in the next days. Mr. Doherty said he believed the Y had already agreed to it. He will follow on it with Ms. O'Hare.

This Item D.2. was tabled to the May 7 Meeting agenda. Chair Vitali proceeded to Item D.3.

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

Chair Vitali stated that the Applicant has requested that this Item D.3. be tabled tonight. No one appeared, and Chair Vitali tabled this Item D.3. to the May 7 Meeting.

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

No one appeared. Chair Vitali said this Application was requested to be tabled tonight. This item will be on the May 7th agenda.

E. NEW BUSINESS - None.

F. No item.

G. No item.

H. RECEIPT OF NEW APPLICATIONS

- 1. #D25-3.1 / 148 George Washington Trail - Colleen Makepeace - 'Request For Determination Of Exemption' under Section 4.1.a, regarding 126-acre farm - (garden installation).
*Determined exempt administratively by Chair 3/18/25***

This Item was acknowledged by the Commissioners.

2. **#D25-3.2 / 148 George Washington Trail - Colleen Makepeace - 'Request For Determination Of Exemption' under Section 4.1.a, regarding 126-acre farm - (pipe installation across farm road). *Determined exempt administratively by Chair 3/18/25***

This Item was acknowledged by the Commissioners.

3. **#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)**

This Item H.3. was received by Chair Vitali for the May 7 Regular Meeting agenda. Reference is made to the related Item J.1. below.

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

This Item H.4. was received by Chair Vitali for the May 7 Regular Meeting agenda.

I. REPORTS & COMMUNICATIONS

1. Discussion of proposal to adopt fines for violations - Not discussed.
2. Farm Hill Road Detention Basin - Not discussed.
3. **CT Agricultural Experiment Station - Notification of Pesticide Application in North Farms Reservoir relative to experiments to control invasive water chestnut with insects, from Jeremiah Foley, Assistant Scientist, CAEG; submitted via email 3/18/25 - Noted.**

4. **929 North Main Street Ext. & 86 Barnes Road - Juliano Associates - (Request for discussion)**

Appearing was Mr. Christopher Juliano, L.L.S., P.E., of Juliano Associates in Yalesville.

Mr. Juliano said, I prepared a letter on behalf of the property owner at 86 Barnes Road and 929 North Main Street Extension. As the Commission is aware, 929 North Main Street Extension has an agreement on record with this Commission to maintain the channel running between the two properties. Prior, 86 Barnes Road was owned by another owner, and they could maintain the channel only from one side, their property. Now they have purchased #86, they would like to extend that agreement to incorporate that property. It will allow them to maintain the channel from both sides. So they would like Commission permission to encumber their property to allow the same level of maintenance on 86 Barnes Road.

Chair Vitali suggested the Commissioners could take a vote on this matter.

MR. NECIO: MOTION TO APPROVE THE REQUEST TO FIX THE CHANNEL FROM BOTH SIDES, FROM 929 NORTH MAIN STREET AND FROM 86 BARNES ROAD.

MR. CARUSO: SECOND.

VOTE: MR. KERN - YES; MR. CARUSO - YES; MR. NECIO - YES; MR. HEILMAN - YES, CHAIR VITALI - YES.

Chair Vitali asked, Is it in two corporations?

Mr. Juliano said, Yes. We will give the information to Erin for the file.

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 flow) issued 11/21/24

Chair Vitali said this Violation J.1. remains. Reference is made to New Item H.3. above, which was formally received by Chair Vitali tonight.

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

Reference is made to the Memo from Corporation Counsel Janis M. Small to Chair Vitali and the Commissioners dated March 31, 2025.

Appearing were Mr. John Santamaria, Owner, along with contractor Mr. Doug Anderson of Boyhan Property Services, LLC, of Hamden. Mr. Anderson stated his credentials include Civil Engineering and Construction. He distributed to the Commissioners a revised plan drawing "Section Thru Embankment Walls" with photo pages of the damaged stream area (received for the file). This is for a section of retaining wall at the brook behind Brookview and Jodi Drive.

Mr. Santamaria said, Public Works used to go in annually, walk the brook, and manage the brook with equipment to remove fallen trees and large debris.

Mr. Anderson said, From the last meeting, we tried to take the existing conditions and put it back better than before without it being cost-prohibitive. We'd remove the Mafia blocks and debris that failed off site and then bring in Armorstone, 18" to 24" in size. Access from 14 Brookview is nonexistent. However, they can go in via a nearby property on Jodi Drive. Both properties are elevated and slope to the rear. Truck and vehicle access is not possible. We'd manually remove the block to be taken away and bring in new materials, which we think will be stronger and last. We'd do sloping and erosion control. We can reset some existing blocks and build up from the stream. We'd remove material that's partially collapsed and stage it on the Santamarias' lawn, regrade and compact the slope and reestablish the plan topography. Then to rebuild the segmented block wall with crushed stone and a drainage pipe below it and weep pipes in the wall. So it will eliminate erosion there. It's somewhat costly for them.

Chair Vitali asked, Is there an alternative to this plan?

Mr. Anderson said, The brook does divert toward that wall as it comes down. I have storm video on my phone, which I'll pass around. Streams will shift over time. This is to maintain the streambed but also to deflect it away. We'd start the toe of the slope at the streambed to keep it from diverting to the wall and push back toward the center to be straighter down. You'll see what has occurred over the years including on the Jodi Drive side, which the Town had addressed with smaller riprap before. We're putting stronger riprap to address the slope length and the amount of stream water. That's our plan.

Chair Vitali asked for questions.

Commissioner Kern said, You had two issues: Mafia blocks rolled into the brook. Above that, 20 or 30 feet, there's hollow decorative blocks, matting, and decorative stone for rainwater. The brook did not come up that high to wash those areas out. I believe the water was contained in there and it blew out from back pressure. You have two different issues. The white stone and decorative block that's hollow will contain water. And the fabric down to hold it will act as a bladder. The p. 4 picture shows the upper section burst from water accumulating. Cloth put down will keep weeds from growing, but you don't want it for stabilization on the bank. So first you should put the Mafia wall back up to stabilize it and

then work up to there. If you replace what was blown out the same way it was built, it's going to do the same thing. With big rain or a hard freeze, that water's going to build up a big bladder and blow out again. So I would take a lot of thought about putting it back the way it was.

Mr. Anderson said, We heard that at your last meeting. Look at the second-tier wall that has fallen through. We're planning to remove that wall, regrade and push back, and then reconstruct it with crushed stone drainage behind it, with piping and weep holes to alleviate the potential of blowout. It's noted on the first page section--it's this way because of the existing multi-tier walls. And then eliminate the multi-tier walls after that point and utilize Armorstone from the toe of that wall up half a course to the first course; then bring stone down at a shallow pitch to the edge of the stream bed. And to chink the stone together to make an armored layer to eliminate that.

Mr. Santamaria spoke: John Santamaria, owner of 14 Brookview Avenue. The day was August 18, the collapse. I went out there and watched what happened. The brook saw a level over the Mafia blocks, and it undermined the second row of Mafia block, leading to the collapse of the wall. There was no runoff or serious water coming down and getting behind that wall. The collapse occurred on that second wall due to undermining of the second wall of Mafia block. Once that let go, it fell forward into the brook. All the supporting soil and land--the brook worked that in the heavy storm. Furthermore, the block that was used--the contractor said it was designed as a porous block for natural draining. So, with heavy rains, we never experienced anything with those two decorative walls. Where the damage occurred, I observed that when the brook went over the first tier of block and it started to undermine, and led to the second tier collapse and move forward, which continued. All that supporting area just fell forward, which led to the collapse.

Commissioner Kern said, I don't see any signs of the water table--the brook being that high to do that. The second and third tier look like it bladdered itself and then it burst. If I'm wrong, I apologize. But, if you're going back to what you have here, you're going to be back in front of us again. In your pictures, all the decorative blocks are hollow. They need something to stabilize them to get their support or weight. White rocks are decorative. It rains on the rocks and water goes down through them. And the black silt cloth or anti-weed cloth acts as a bladder to hold the water, and it builds up like a balloon. You're adding more to it. As long as you're aware of it, that's fine.

Mr. Santamaria said, I've been watching every rainstorm since then. In the picture you're looking at: that first row of Mafia block, once the stream breached that first row, it traveled down to the second row of Mafia block falling apart--that's what was eroding, which caused that to fall forward.

Mr. Anderson said, I have a video of about an hour after the storm. You can see the level of water was excessive. And you can see the rest of the Versa-lock walls intact with no failure of the wall. To your point, the wall we're proposing to remove--we'd add extra drainage back to alleviate concerns it could potentially happen. (He showed his phone video to all Commissioners.)

Commissioner Caruso asked, When were the initial Mafia blocks put in?

Mr. Anderson said, I believe in the 1960s when the subdivision was built--on the second or third page.

Mr. Santamaria said, I purchased the house in 1987. The older blocks were there. At one point, they were stacked two and three high. A couple of them fell into the brook over the years. When I had the initial work done, I had those blocks pulled out. I'm not sure when the other blocks were put there, but I inherited this and I've been trying to work with it as existing. So in 2019 when we came before the Commission and got approved, adding those additional blocks you're questioning. That video you're

looking at was probably within an hour and a half after the rain stopped.

Chair Vitali said, I'm glad you brought up about the block. The last time you were here, I thought, Did the first course of block get reset when you did the wall in 2019? I don't think the first course of block was laid in well. One area looked like it was on top of a stump--maybe not a stump, but all the stone coming from under and concrete jutting out. I doubt if the old blocks had any key or groove. But you worked on top of what was there, is that right? Can I see the video again?

Mr. Santamaria said, I've watched that stream for 20 years or so. That water level on the video never reached that height in the August 18th storm. I've been there since 1987. So building/restacking block--that thought wasn't even conceived.

Chair Vitali said, But you took it from theirs and put it into this. Jeff, comments?

Commissioner Necio said, No comments.

Chair Vitali asked, Jimmy?

Commissioner Heilman asked, Are you going to be removing the big blocks?

Mr. Santamaria said, Correct.

Mr. Anderson said, I thought this was the most prudent way to approach--to take the block issue off the table. It's a design that really wasn't engineered, built the old-school way. It lasted until this weather event. Those pictures downstream, you can see the shifting occurring. Blocks are half-way out of the toe from natural water. So we're proposing to remove them all. We'd turn the last disturbed blocks into the bank to fortify that side, Armorstone that whole side, and take the blocks out of the equation on that side of the stream.

Commissioner Heilman asked, And your theory is there's enough porosity between blocks to alleviate any pressure?

Mr. Anderson said, Yes. Gravity sits with the block, and there's lots of voids. I took a snapshot of a picture of 18" to 24" Armor we placed on another project. It creates plenty of voids and chinks together nicely. It can take runoff, water events.

Commissioner Heilman said, It naturally interlocks. It'll completely fill in and solidify. At first, I was concerned with just the one pipe you showed at the higher elevation. But, having heard all you said, I understand. I agree with Nick 100%. That pressure behind the wall with excessive rain hasn't happened in my lifetime. The concept you've created will work. The chance of duplication of that storm event is as likely in the future as in the past. I wouldn't worry about it. But I don't understand the orientation of the pipe. I assume that's coming out? The drawings show it above the Armor block, just free-flowing out over the top?

Mr. Anderson said, We have a pipe running the length of the second tier of segmented wall. Then probably three or four T's would help with that pressure release if water is coming through that bank, almost like a footing drain would, and relieve that water pressure and then trickle over the Armorstone.

Commissioner Heilman said, Obviously, you don't have that head pressure. You've eliminated 75% of the head pressure by that location. The block itself, I don't have any serious issues.

Chair Vitali said, O.K. I think everybody has expressed their interest/concerns. At this time, this isn't an Application. We don't treat it as an Application. But we'll vote on, as the Law Department called it, an Order that these people will be ordered to repair the block wall along the edge of the brook. The only other option would be not to build the wall at all, and I don't think that's the direction I would like to see. So, if there's no other comments, if someone would like to make in the form of a Motion, an Order using the map/print they submitted tonight in order to repair the brook, the wall?

Commissioner Kern said, In the video he just showed me, it sold me on what's happening. I asked about this last month, how high the water was. Video was taken two hours after the storm stopped?

Mr. Santamaria said, About an hour and a half.

Commissioner Kern said, You had about two feet between the top of the water in the brook and the bridge. That's why the bridge didn't wash away. The water came rushing down there and undermined your course of Mafia blocks and they flipped over. The way you've got the other blocks hollow design, it acted as a bladder and made it burst. I'm not going to vote Yes to this because I don't think it's going to work and with his shot rock, whatever you call it. I think the water is going to build up in the pockets between the rocks--to pick up and want to move those rocks into the brook. I live along the Quinnipiac River, and I've put Mafia blocks along there to hold water back, and I've watched it take and throw them out into the middle. You've got a lot of force here. From the video, that water from upstream coming down undermined what you had there. If you start at the bottom base and maybe sink that first layer of Mafia blocks down below the grade of the brook when it's calm, you may be able to save and won't have a problem with the water eroding the blocks out so they flip over. My motion is that you fix it right--that's the only motion I'll agree to. I don't believe this is right. Ask an engineer on staff to give his input. You don't have to have him sign any papers. But I'd like to have a certified engineer say that this is going to work.

Mr. Anderson said, We had engineers look at this. Walls, especially over four feet, require engineering. We went through why that wasn't going to work. So this is a commonly used practice for any kind of channel or water flow, rivers to sounds to oceans. So I respectfully disagree--that this is the most prudent way.

Commissioner Kern said, Give me that you've done this work somewhere else that I can go out and look at it. Then I'll be more convinced. But this is an engineer's dream on paper. I don't believe it's going to work.

Commissioner Heilman said, One thing I think is important is the concern with a failure down the road. It failed. Who was hurt down the road from you?

Mr. Santamaria said, Nobody. Well, there were rocks that shifted--half-blocks shifted downstream a bit.

Commissioner Heilman asked, Was anybody hurt? Any serious damages to property?

Mr. Santamaria said, No.

Commissioner Heilman said, You lost some rock that was there. You also had a condition that would allow for a blowout, which you are eliminating with this proposal. This won't blow out the same way again--it'll never build the same kind of pressure. So I look at public safety and environmental protection. You're not going to hurt anything. If the rock slid down and caused some problems, you have a

problem. No one else will. I don't see this as a potential hazard to people downstream. It's a restructuring of a wall using technologies that have been used forever for jetties, along coastal lines. Similar here, just to retain what you have. It's not an engineered job, nor does it need to be. There's no one going to be harmed by what would happen here except you. It's your personal responsibility. So this maintenance project repair, I think it's a solution that would work.

Chair Vitali asked for additional comments, and there were none. He said, Then I need some direction, an order, for this project to go forward or to go back to the drawing board.

MR. NECIO: **MOTION THAT THE COMMISSION ORDERS THAT THE BLOCK WALL LOCATED AT 14 BROOKVIEW AVENUE BE REBUILT AS ELABORATED IN THE SUBMITTED PLANS BY THE OWNER.**

MR. CARUSO: **SECOND.**

Chair Vitali said, I believe the Commissioners share both sides of the equation. Points are valid on both sides. If he has to come back again, he comes back again. If he's got to rebuilt the wall, maybe next time there'll be a different engineered plan. The important part of our job is to get the brook cleaned out and straightened up and get on with this project.

There was no additional discussion.

Chair Vitali said, I'll call for a vote.

VOTE: **MR. KERN - NO; MR. CARUSO - YES; MR. NECIO - YES; MR. HEILMAN - YES; CHAIR VITALI - YES.**

Chair Vitali said, I don't know if Erin has other details that you need to handle with her.

Mr. Santamaria said, We spoke to Erin today. She was fine with everything.

Chair Vitali said, If there's some documents you got to get?

Mr. Santamaria said, We could straighten it out.

Mr. Anderson said, On backfilling or anything, we'll provide it.

Chair Vitali proceeded to Item K. Violations.

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

Chair Vitali said, Violations all stay the same.

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 - 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

MR. NECIO: MOTION THAT WE ADJOURN THE MEETING.

MR. CARUSO: SECOND.

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

The Meeting was adjourned at 8:23 p.m.

M. NEXT SCHEDULED REGULAR MEETING: May 7, 2025

Respectfully submitted,

Kathleen L. Burns
Recording Secretary