

Wallingford Inland Wetlands & Watercourses Commission

Regular Meeting
Wednesday, July 30, 2025, 7:00 pm
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, July 30, 2025, at 7:02 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, Commissioners Michael Caruso and Jeffrey Necio, Alternate Commissioners Aili McKeen, Mrs. Caroline Raynis, and James Heilman, and Environmental Planner Erin O'Hare.

ABSENT: None.

There were 9 persons in the audience.

A. PLEDGE OF ALLEGIANCE

The Pledge was recited.

B. ROLL CALL. As above.

C. CONSIDERATION OF MINUTES

1. Regular Meeting, June 4, 2025

The Chairman deferred consideration of the June 4th Minutes is deferred until the September 3rd Regular Meeting.

D. OLD BUSINESS

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

Ms. O'Hare said this item is not ready.

2. #A25-4.2 / 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 relocation 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

The Applicant did not appear.

Ms. O'Hare said, This Application #A25-4.2 has been Withdrawn. Today the Owner contacted me. My EPR on Friday addressed the two "After-the-Fact" applications he submitted, #A25-4.2 and #A25-6.1 on this agenda. He asked me what he could do. I told him he could get a surveyor, so we know exactly what's out there as to the patio, the pipe, etc. I gave him five suggestions of survey firms.

5. #A25-6.1 / 360 Woodhouse Avenue – Nerio Tello – ('After-the-Fact' yard improvements & proposed yard & drainage improvements)

The Applicant did not appear.

Ms. O'Hare said that this Application #A25-6.1 also has been Withdrawn by the Applicant.

3. #A25-5.3 / 528 South Cherry Street – Virginia Ryan, CPEA, REM, Allnex – (installation of water line)

Appearing were Ms. Virginia Ryan, Safety, Health & Environmental Manager, at Allnex in Wallingford and Mr. Mike Ladny, of MSP USA, Inc.

Chair Vitali asked, Do you need to speak additionally on this?

Ms. Ryan said, No.

Chair Vitali said, We need to deal with Significant Activity.

MS. PHILLIPS: **MOTION THAT APPLICATION #A25-5.3 – 528 SOUTH CHERRY STREET – VIRGINIA RYAN, CPEA, REM, ALLNEX – (INSTALLATION OF WATER LINE) BE DEEMED 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. PHILLIPS: **MOTION THAT APPLICATION #25-5.3 -528 SOUTH CHERRY STREET – VIRGINIA RYAN, CPEA, REM, ALLNEX –(INSTALLATION OF WATER LINE) BE APPROVED WITH:**

- 1) THE ONE CONDITION LISTED IN THE ENVIRONMENTAL PLANNER'S REPORT OF JUNE 3 THAT THE EROSION CONTROL MEASURES ARE INSTALLED IN PLACE AND MEET THE APPROVAL OF THE ENVIRONMENTAL PLANNER PRIOR TO ANY FURTHER WORK BEING CONDUCTED ON THE SITE.**

Commissioner Kern said, I'd like to see some wetlands placards installed on the project.

Ms. O'Hare said, That could be Condition #2.

Vice Chair Phillips amended the Motion to include the following:

- 2) AND WITH WETLANDS PLACARDS TO BE INSTALLED ON THE PROJECT.**

MR. NECIO: **SECOND.**

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

Chair Vitali said, We have a full slate of Commissioners tonight. The Commissioners voting will be the five Regular Commissioners, no Alternates.

4. #A25-5.4 / 1339 Whirlwind Hill Road – Joseph Gouveia – (pond edge restoration)

Appearing was Applicant Mr. Joseph Gouveia.

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Mr. Gouveia said, I cleared the pond and took care of it for a less impact.

Chair Vitali said, Based on Ms. O'Hare's investigation and report, you have no erosion control. Do you understand her recommendation that she made?

Mr. Gouveia said, I do.

Chair Vitali asked, Questions of the Commissioners?

Commissioner Kern asked, How often do you use fertilizer?

Mr. Gouveia said, Most of the fertilizer was from the farmer. It's not been utilized since 15 to 20 years ago. For five or six years I have used it, but away from the pond.

Commissioner Kern said, So not applying any on the pond area since many years.

Chair Vitali asked for Commissioners' questions.

Commissioner Heilman said, I have none.

Ms. O'Hare said, Mr. Gouveia and I did this drawing of the standpipe, which we don't see often. So the water doesn't leave this pond at all. It rises to 9 feet and goes over the edge into the pipe.

Chair Vitali said, This should have been done last Friday.

Ms. O'Hare said, I think the report is complete without the drawing. That's fine.

Chair Vitali said, I'd call for a Motion on Significant Activity.

MS. PHILLIPS: **MOTION THAT APPLICATION #25-5.4 / 1339 WHIRLWIND HILL ROAD – JOSEPH GOUVEIA – (POND EDGE RESTORATION) BE DEEMED NOT A SIGNIFICANT IMPACT ACTIVITY.**

MR. NECIO: **SECOND.**

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

Hearing no discussion, Chair Vitali requested a Motion to act.

MS. PHILLIPS: **MOTION THAT APPLICATION #A25-5.4 / 1339 WHIRLWIND HILL ROAD – JOSEPH GOUVEIA – (POND EDGE RESTORATION) BE APPROVED WITH THE THREE CONDITIONS LISTED IN THE ENVIRONMENTAL PLANNER'S REPORT OF JULY 25, 2025.**

MR. NECIO: **SECOND.**

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

Chair Vitali proceeded to Item D.6.

6. #A25-6.2 / 3 Hampton Trail – Laura Scalesse – (addition & relocated well installation)

Appearing was Applicant Mrs. Laura Scalesse.

Chair Vitali asked, You're putting in a new well?

Mrs. Scalesse said, Yes, relocating it.

Chair Vitali asked, And you looked at the recommendations? Do you have anything to add?

Mrs. Scalesse said, No.

Chair Vitali asked, Questions of the Commissioners?

There were none.

Chair Vitali requested a Motion on Significant Activity.

MS. PHILLIPS: **MOTION THAT APPLICATION #A25-6.2 / 3 HAMPTON TRAIL – LAURA SCALESSE – (ADDITION & RELOCATED WELL INSTALLATION) BE DEEMED NOT A SIGNIFICANT IMPACT ACTIVITY.**

MR. NECIO: **SECOND.**

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

Chair Vitali requested an action Motion.

MS. PHILLIPS: **MOTION THAT APPLICATION #25-6.2 / 3 HAMPTON TRAIL – LAURA SCALESSE – (ADDITION & RELOCATED WELL INSTALLATION) BE APPROVED WITH THE TWO CONDITIONS LISTED ON THE ENVIRONMENTAL PLANNER'S REPORT OF JULY 20, 2025.**

MR. NECIO: **SECOND.**

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

7. #A25-6.3 / 287 Hall Avenue – Town of Wallingford, Town Planner - (trail footbridge installation & removal of old tires in stream)

Ms. O'Hare said, The Town Planner has asked for this to be tabled and to be put onto the September Meeting. Did you already get the information in the packet?

Commissioner McKeen said, I have it.

Ms. O'Hare said, It would have been given out June 4 on the dais.

Chair Vitali said, When it was received here, June 4. So that's tabled to next month?

Ms. O'Hare said, Yes.

E. NEW BUSINESS - There was no New Business.

F. RECEIPT OF NEW APPLICATIONS

- 1. #A25-6.4 / 1305 Barnes Road – Marcello Sabino – (gravel deposition on existing earthen driveway & silt fence installation associated with septic system install, well install, and driveway work) – Request for Administrative Approval – *Granted Administrative Approval 6/13/25***

Chair Vitali said, This is an existing lot. The Applicant is trying to make the existing access acceptable. I granted Administrative Approval on it. We noted that the culvert should be on the Map.

Ms. O'Hare said, He's not widening it. He is installing gravel.

There were no comments from the Commissioners.

- 2. #A25-6.5 / 1340 Whirlwind Hill Road- Joseph Iamunno – (residential lot development)**

Chair Vitali stated that this Application has been withdrawn.

Ms. O'Hare said, Two years ago the Owners came in with a wetlands map by David Lord. They sold the property. This Owner thinks David Lord's work is fine. I went and found on top of the hill that there's a wetland about 40' x 40' where they want to put the house. So this is now Withdrawn.

- 3. #A25-6.6 / 5 Research Parkway – 5 Research Parkway Wallingford, LLC – (modification to permit within scope of original permit) – Request for Administrative Approval – *Granted Administrative Approval 6/30/25***

Chair Vitali stated there was a modification to the permit that was approved about five or six years ago which should have been a simple Administrative Approval. It was e-mailed to you in June. I granted it Administrative Approval.

G. ELECTIONS

This Item G. was not taken up. It will appear on the September 3 agenda.

H. REPORTS & COMMUNICATIONS

- 1. Discussion of proposal to adopt fines for violations.**

Not discussed at this time. But near the end of this Meeting, Chair Vitali requested that Ms. O'Hare would find from the Law Department how much the Town has collected in fines and the status of the Andrews fines.

- 2. Farm Hill Road Detention Basin.**

Chair Vitali asked Ms. O'Hare, who indicated the Town Planner is pursuing this with a consultant.

- 3. Staff report on IWWC application form**

Ms. O'Hare said, The Town is about to go to a digital permitting system, SmartGov, where people can go online and apply for any Town permit. Ms. O'Hare said she has updated the

IWWC Application form to better inform Applicants as to what is required. Tonight, Ms. O'Hare had passed out that draft for the Commissioners' future comment.

Chair Vitali said, The Commissioners can look at the draft. We don't vote on it. It's something we're contemplating.

I . VIOLATIONS

- 1. 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**

Appearing were Owner Mr. John Santamaria and Mr. Doug Anderson.

Chair Vitali said, Ms. O'Hare's pictures show the gentleman did a fantastic job.

Mr. Santamaria said, I wanted to be here in case the board had any questions.

Chair Vitali said, Did you see Erin's report, her pictures?

Mr. Anderson said, I did.

Chair Vitali said, It looks pretty impressive. We hope that you don't have a storm that moves it.

Mr. Santamaria said, There have been at least three big rainstorms since then, and nothing.

Chair Vitali requested a Motion to remove the Violation.

MS. PHILLIPS: MOTION TO RELEASE THE VIOLATION ORDER ON 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.

MR. NECIO: SECOND.

Commissioner Heilman said, I'm very impressed with what you came up with. It is something that will not build up pressure—a beautiful job.

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

- 2. 360 Woodhouse Avenue – Nerio Tello – (structures, depositions, and ditching in wetlands) – Letter regarding violations – issued 5/28/24**
- 3. 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**
- 4. Cease & Desist Order – 360 Woodhouse Avenue - Nerio Tello – new unpermitted activities & noncompliance with permit &, etc.) – issued 5/30/25**

Mr. Tello did not appear.

Chair Vitali said, All these items above stay in effect.

Commissioner Kern said, I believe the Commission understood I wanted them to get rid of the chicken coop and the other building to clean up the violations. I went by last week. I haven't changed my mind. I wanted to see the chicken coop and the shed and stuff that's been there for over 10 years taken down. Now he came back. What does he want to do with the drainage? Why are the coop and shed still there?

Ms. O'Hare said, The reason he didn't take the chicken coop out is he had construction material where he was going to put it. Then he got the Cease & Desist Order and removed the construction materials and he shut down all activity since June 5th. So he's respected the Cease & Desist Order. But he can't move the chicken coop. He's waiting for us to let him move the chicken coop with a permit approval.

Commissioner Kern said, We gave him an Order to get rid of the chicken coop and the other and and come back to us.

Ms. O'Hare said, Currently, he can't do it because he's under a Cease & Desist. Or we could give him a specific directive within that Cease & Desist.

Commissioner Kern asked, What was the directive last time?

Ms. O'Hare said, Last time, Chair Vitali told him to make it right.

Commissioner Kern asked, Do you have an Order with the specific wording of what he was supposed to do?

Ms. O'Hare said, At the June meeting this board reaffirmed this Cease & Desist Order and to remain in effect until tonight, and then we would revisit it if we wanted to. The Order was issued in a letter June 2, and verbally May 20.

Commissioner McKeen said, I have it in the Order.

Then Commissioner McKeen's copy was given to Chair Vitali.

Commissioner Kern said, We talked about it last month. We don't need the Law Department. We decided to have him clean up the chicken coop, come back to us, and decide what he's going to do next. Mr. Tello said he would move the chicken coop last.

Ms. O'Hare said, You can amend the Cease & Desist Order to allow him to relocate the chicken coop and the shed. He has to move the chicken coop last—so he can move the storage and the shed. Get rid of the violation, and then we can talk about modification to the property.

Chair Vitali said, We can do that. I think the confusion was the "After-the-Fact" permit. We have to start with a clean slate. I have no problem instructing him under the Cease & Desist to get him to move the chicken coop and the shed and get them out of the wetlands.

Commissioner Kern said, But they're there illegally. Get rid of them. There never was a permit for them. He's in violation of Wetlands and the Building Department.

Ms. O'Hare said, There is space for them in the URA. So he submitted an "After-the-Fact" Application to try and keep his chicken coop and shed.

Chair Vitali said, I think there would have been a lot of denials on this Application depending on what was coming in. If we want the shed out of the wetlands, then we're voting on a Motion to keep these three items in effect. We'll vote on a Motion to get rid of the shed and chicken coop—out of the IWWC area.

Ms. O'Hare said, There really is no place except the front lawn, that's not in IWWC jurisdiction.

Commissioner Kern said, We want him to remove the chicken coop and the shed. There's no building permit allowing him to put it. If he comes in with a Building Permit allowing them to be there, then he can put them somewhere else.

Ms. O'Hare said, The Building Department always waits for my sign-off for any permit for a structure. A year ago, nobody on the Commission wanted those structures in the wetland. But I met with David Lord, and he showed where he could relocate those to the URA. I believe the Commission agreed those could be put into the URA, but with a permit to do so.

Commissioner Kern said, He has to take them down because he doesn't have permission from P&Z or the Building Department.

Ms. O'Hare said, He doesn't need a Planning permit for those two small structures, but does need a Building Department permit for those. He does not have it.

Commissioner Kern said, We're telling him to move the shed and the chicken coop. But it sounds like we are giving him permission to leave them on the property—and we can't do that, and they would be there illegally.

Ms. O'Hare said, He'd have to run and get Building permits.

Commissioner Kern said, He needs to come in with a Building Permit or demolish them. You're setting a precedent for everybody else to do that if we don't.

Chair Vitali said, Wait till the September meeting?

Commissioner Kern said, He needs a letter from Erin O'Hare saying that the Cease & Desist that we have for him has been extended to the removal of the chicken coop and the shed. And that neither of them are going to be allowed to be placed there without a Building Permit.

Chair Vitali recommended that Items 1, 2, 3, and 4 above would stay in effect.

<u>MS. PHILLIPS:</u>	<u>MOTION THAT 1. VIOLATIONS 2, 3, AND 4 REMAIN IN PLACE.</u>
<u>MR. NECIO:</u>	<u>SECOND.</u>
<u>VOTE:</u>	<u>MR. KERN – YES; MS. PHILLIPS – YES; MR. CARUSO – YES; MR. NECIO - YES; CHAIR VITALI – YES.</u>

And a second Motion was made here pertaining to the item 1.4. Cease & Desist Order.

<u>MS. PHILLIPS:</u>	<u>MOTION UNDER THE CEASE & DESIST ORDER, ITEM 4 FOR 360 WOODHOUSE AVENUE – NERIO TELLO – TO AMEND IT TO ALLOW MR. TELLO TO REMOVE THE CHICKEN COOP AND SHED.</u>
<u>MR. NECIO:</u>	<u>SECOND.</u>

Commissioner Caruso said, I believe we were going to let him move the chicken coop to a certain spot in the yard.

Chair Vitali said, That came in under the After-The-Fact Application, but we did not vote on it. Now it's a Violation on top of the After-The-Fact.

Commissioner Caruso said, I would have been more comfortable if we had the answer on that one first before we made a decision, and it looks like we are changing it.

Commissioner Kern said, If the shed and the chicken coop are in violation with the Building Department, how can we tell him to move it somewhere else?

Commissioner Caruso said, I understand.

Commissioner Kern said, We might have just said, "Get it out of the wetlands area." But he did not do it.

Commissioner Necio repeated his Second to the Motion.

There was some discussion, but the Motion language was not changed.

Chair Vitali called for a vote.

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

Ms. O'Hare asked for direction as to where Mr. Tello is allowed to move the structures to.

Chair Vitali responded, "Move out of the jurisdictional area."

There was discussion. Commissioner McKeen clarified that it means "Remove out of the jurisdictional area."

J. VIOLATIONS – pending (no action requested at this time)

- 1. Cease & Correct Order Remains – 55 Kondracki Lane- Fifty-five, LLC – (correction plan to comply with 6/5/18 Order) approved 12/6/23**

Chair Vitali asked the status here.

Ms. O'Hare said, It's being sold. They had someone fix the culvert, but I want the Project Engineer to affirm that it was done right. Also, they need to finish off the rough-graded driveway and embankment.

This Item J.1. remains.

- 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; restoration/stabilization pending**

Appearing was Mr. Michael Gerace.

Ms. O'Hare recommended that the Owners can remove the silt fencing, and the Commission could remove the Cease & Correct Order since the Owners have removed the fill and stabilized the area well.

MS. PHILLIPS: **MOTION ON THE CEASE & CORRECT ORDER ON 67 SCHOOLHOUSE ROAD FOR MICHELE MILLICAN & MICHAEL GERACE BE REMOVED.**
MR. NECIO: **SECOND.**
VOTE: **MR. KERN – YES; MS. PHILLIPS – YES; MR. CARUSO – YES; MR. NECIO – YES; CHAIR VITALI – YES.**

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; remediation planting plan Approved 6/5/24 – pending installation**

Ms. O'Hare said this is not ready yet.

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**

Ms. O'Hare said this remains in effect.

5. **Cease & Correct Order Remains – 67 Schoolhouse Road – Karl Kieslich – (new filling over prior filling) issued 4/25/23**

Ms. O'Hare will ask the Law Department if the removal of the Item J.2. Cease & Correct for the Owners at 67 Schoolhouse Road affects the Cease & Correct Order here at Item J.5. for this same address but for Mr. Karl Kieslich.

6. **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**

Chair Vitali said, It would be nice to get the Owner to agree to something.

Commissioner Heilman brought up Agenda Item H.1. to use fines to get violation compliance.

Chair Vitali directed Ms. O'Hare to find out from the Law Department how much the Town has collected from fines and how successful this has been.

Further, Chair Vitali asked, What is the story with Andrews, Erin?

Ms. O'Hare said, The Superior Court's fines and Army Corps fines are piling up in the Andrews Case.

Commissioner Heilman said, Google Earth shows activity continues on the Andrews property.

Commissioner Kern inquired about placards.

Ms. O'Hare responded, We still do placards, and they do install them if the Commission requires them.

Next, Ms. O'Hare pointed out that tonight's agenda shows the next meeting is on September 2. It is actually to be held on Wednesday, September 3rd.

K. ADJOURNMENT

<u>MS. PHILLIPS:</u>	<u>MOTION TO ADJOURN.</u>
<u>MR. NECIO:</u>	<u>SECOND.</u>
<u>VOTE:</u>	<u>ALL "AYE" VOTES TO ADJOURN.</u>

The Meeting was adjourned at 7:56 p.m.

L. NEXT SCHEDULED REGULAR MEETING: September 3, 2025

Respectfully submitted,

Kathleen L. Burns
Recording Secretary