

Wallingford Inland Wetlands and Watercourses Commission

Regular Meeting
Wednesday, July 29, 2026, 7:00 p.m.
Room 315
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 29, 2026, at 7:00 p.m. in Room 315, Town Hall, 45 South Main Street, Wallingford, CT.

PRESENT: Chair Vitali, Vice Chair Deborah Phillips; Secretary Nick Kern, Commissioner Michael Caruso, and Alternate Commissioners James Heilman, Aili McKeen, and Caroline Raynis.

ABSENT: Commissioner Jeffrey Necio.

Chair Vitali acknowledged the staff person for this meeting, Cody Thibodeau of Wright-Pearce, Westfield, Massachusetts, and Middletown, CT.

There were five people 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 Commissioners Phillips, Kern, Caruso, Heilman, and himself.

C. CONSIDERATION OF MINUTES

1. Regular Meeting, June 3, 2026, 7:00 p.m.

MR. CARUSO: MOTION TO APPROVE THE MINUTES OF THE REGULAR MEETING OF JUNE 3, 2026,
" TO

"
MS. PHILLIPS: SECOND.

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

D. OLD BUSINESS

1. #A26-3.2 / Quinnipiac Street / Wallace Raceway – Keegan-Elder, WMC Consulting Engineers – (bridge demolition, replacement with culvert installation, and road work)

Appearing was Mike Fanning, P.E., with WMC Consulting Engineers.

Mr. Fanning stated that they have adjusted the extent of the impacts based on comments from the consultant. They have added some drainage and new outfalls and addressed the other comments that were in the consultant's letters. He read the revised impacts. Currently, we're saying 25 sq. ft. of wetland impacts and 2310 of watercourse impacts. He noted that it is actually a misnomer because this is all flood plain, not a watercourse per se. It doesn't naturally have flow in it. The total wetlands and water course is 2335, and the revised number for the upland area is 14,035 sq. ft.

Chair Vitali said that it's interesting he commented on the watercourse because, as you read through all the documentation, including from our consultant, they call this area pond-like. No one is really describing it as a watercourse. It isn't acting like it did when it was built.

Mr. Fanning said Yes, it's a dead end now. He noted that on a day like today, there is probably a little water flowing in it. In a thunderstorm, it becomes a watercourse briefly. He offered to address the consultant's comments.

Chair Vitali asked if there was anything Mr. Fanning disagreed with in the comments.

Mr. Fanning replied that the consultant mentioned a no-rise certification that's not valid for this location. It's only valid for the floodway.

Chair Vitali asked Commissioners for comments.

Commissioner Heilman stated that he agreed with Chairman Vitali's statement that it is a water body that sustains year-round. It's being fed from underneath, from the water table. So, it's still a water body and falls under the wetlands. He added that he has no issues other than that.

Mr. Fanning agreed that it is certainly a wetland.

Chair Vitali stated that maybe they don't need the bridge.

Commissioner Kern asked if Mr. Fanning is saying that there's no movement whatsoever. It's just stagnant.

Mr. Fanning replied that it's fed by the groundwater. If the groundwater table gets high enough, there will be some water that flows out of it. And if the river rises significantly, water flows into it.

Mr. Kern asked where it goes when it flows in.

Mr. Fanning replied that it's like filling a bathtub. It just stops. It used to go through.

Commissioner Kern stated that there are concerns about stagnant water and poor water quality. Why don't they just discontinue it, because it serves no purpose for flooding? Mr. Fanning is saying that water sits there and stagnates. So why go to the trouble of putting in a bridge?

Mr. Fanning replied that it still needs to drain, which is why we reduced it to a little culvert. Otherwise, the area south of the crossing, between the bridge and the dead-end section, would become worse. With no outlet, it would become permanently stagnant.

Commissioner Kern suggested filling it in, discontinuing it, pump it out.

Mr. Fanning replied that the Commission wouldn't like that because it would have a huge wetland impact. The whole bottom of this thing is a wetland.

Commissioner Kern stated that this doesn't even function. It's not recharging or purifying the water.

Mr. Fanning agreed that it doesn't really have any point, but we can't just block it off. That's why they switched from a large bridge to a small culvert, as it reduces the cost.

Commissioner Kern noted that they spent millions getting rid of the houses that were alongside it. And they are going to spend millions to build it, and it serves no function.

Mr. Fanning agreed.

Mr. Heilman stated that it's interacting with the water table. There are no inlets or outlets, but it stays there year-round. He's never heard anyone referring to any odors from stagnation. He believes that it is interacting with the environment. It's filtering water, though not in a good way. The big difference from a vernal pond is that it doesn't dry up. It used to have a purpose, to satisfy the needs of the factory and the processing of metals. They used to flush a lot of acids into that channel. He wouldn't recommend eliminating it, but agreed with putting in the bridge.

Mr. Fanning stated that they had a conversation with DEEP, who indicated that there is a long-term plan to remove the dam over there. The water table will get lower if the dam goes.

Chair Vitali asked which dam.

Mr. Fanning replied, the dam right by Quinnipiac Street.

Chair Vitali clarified that this forced the water down the raceway.

Mr. Fanning replied yes, it diverted the water into the raceway.

Chair Vitali stated that when Allegheny Ludlum was running Wallingford Steele, that as an active raceway of water. And the water going back into the Quinnipiac was cleaner than the water coming down the raceway.

Mr. Kern asked if anyone had done a study on the actual elevation difference? Is it all controlled by the river?

Mr. Fanning replied, more or less. If it's been very wet, there will be some water in there regardless of the height of the river, but generally, the river drives what goes on there.

No other Commissioners had comments.

Chair Vitali noted the recommendations from the consultant in the last paragraph of their report. They are very similar, if not identical, to the Commission's. He asked if the applicant was in agreement with those conditions. He read: "The following requirements shall apply. Site erosion and sediment controls

must be inspected prior to the start of construction. A maintenance schedule must be established for long-term stormwater management and BMPs. A preconstruction meeting must be held with the owner/applicant and the Engineering Commission. It is understood that the applicant may be required to permit, and all conditions of approval must be made available prior to the Commission issuing final approval.” He added that these are pretty standard. He asked Alison Kapushinski if that was correct.

Alison Kapushinski, Town Engineer, agreed but asked for clarification of the BMPs. This is just a culvert, so there are no BMPs to address. For the preconstruction, we always invite the Environmental Planner. She asked if the whole commission should be invited.

Mr. Vital replied, No. He stated that he didn’t think we had voted on significant activity for this application yet. He called for a motion regarding significant activity.

MS. PHILLIPS: MOTION TO APPROVE APPLICATION #A26-3.2 / QUINNIPIAC STREET /WALLACE RACEWAY BE DEEMED NOT A SIGNIFICANT IMPACT ACTIVITY.

MR. HEILMAN: SECOND

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

MS. PHILLIPS: MOTION TO APPROVE APPLICATION #A26-3.2 / QUINNIPIAC STREET /WALLACE RACEWAY BE APPROVED WITH THE CONDITIONS IN THE WRIGHT-PIERCE REPORT OF JUNE 1ST 2026, THE LAST PARAGRAPH.

MR. HEILMAN: SECOND

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

E. NEW BUSINESS

- #A26-6.1 / 60 Carpenter Lane – Thomas Rice – (New construction of 3 light manufacturing buildings and associated parking area)**

Chair Vitali stated that he received an email this afternoon from the office of the Ceneviva Law Firm. He read the message. “Good afternoon, Mr. Chairman. I am not sure to whom this email should be delivered since the position of Environmental Planner is vacant until August 3rd, 2026. But I am requesting that the above matter be continued until your September 26th meeting so the Development Team can address the staff memoranda received two days ago.” So this item is postponed until September. He gave the email to Ms. Kapushinski.

F. RECEIPT OF NEW APPLICATIONS

- # A26-7.1 / 110 Leigus Road – Metro Realty – (Multi-family apartment complex (83 units) with associated parking area under CT Statute 8-30g)**

Chair Vitali asked if anyone was here for this application. Seeing none, he continued the meeting.

G. REPORTS & COMMUNICATIONS

1. Notification of Pond Treatment – 179 Malthy Lane – Murgo – received July 8, 2026 – The Pond and Lake Connection.

Chair Vitali stated that they are going to treat the pond at Malthy Lane. He stated that we might get notification of this treatment every year.

Commissioner Raynis joined the meeting at 7:17pm.

H. VIOLATIONS – discussion, hearing, and/or action

1. Cease and Desist Order Remains – 250 Cook Hill Road – (unpermitted alteration of wetlands, installation of structures in or near wetlands, deposition of a significant amount of fill material in Upland Review Area) – issued 4/14/26; Order affirmed 4/22/26

Chair Vitali stated that we have a couple of documents, including one from Steven's Soil Science and Environmental Services. He didn't think they found anything different than what the Commission suspected. He referred to the back page that indicates what the homeowner is doing. He quoted "I just inform you that the work being carried out at the rear of the property, Cook Hill Road, chicken coops, stumps, a pile of material, excess soil around the base of the trees." He added that he asked them to wait until the new staff is on board to come to a Commission meeting. They are in the process of getting something done, and the new staff can stay on top of it.

George Ryan, 248 Cook Hill, stated that they are still building back there and are not rectifying any of the issues that the Cease and Desist order did. They have added more crushed stone. The area between my property and his now floods pretty regularly. The water sits there and stays. There is no doubt that he has built over the wetlands. There's a chicken coop that he's got sitting on the wetlands.

Chair Vitali stated that the paperwork they have shows that nothing has been done. He quoted "to inform you of the work being carried out at the rear of the property," and he lists four items that he's done, including the removal of the coop, the removal of the tree stump, the removal of punt material, and the removal of the excess around the living trees.

Mr. Ryan reported that none of that has been done. This is holding him up from making improvements on his own property. He added that the smell from the chickens is a problem.

Chair Vitali stated that there is not much that can be done until the new planner comes in. Planning and Zoning and the Legal Department may need to get involved. We've done our job by giving the Cease and Desist Order.

Commissioner Heilman noted that we went out there and met with his young daughter, who was representing him. He thanked Mr. Ryan for reporting the problem to them. The problem is that there has been no significant communication with that family while the Planner position was vacant. He noted that we don't have the ability to enforce the laws and regulations.

Chair Vitali stated that he has come in and talked to someone in the office.

Mr. Ryan added that the owner of the property speaks perfect English. He has had many conversations with him. He has continued to do the work he wants to do. He added that there have been no building permits.

Chair Vitali stated that what's coming down the pike is the ability of the Commission to impose fines. He suggested Mr. Ryan come in and talk to the new Environmental Planner when they are in place.

Matthew Yakarino, 252 Cook Hill Road, stated that he had submitted photos to the Environmental Planner before she retired. They are photos of the property before the current owner purchased it and during the work that was done. He stated that the new driveway causes more water runoff onto his property.

Chair Vitali confirmed they had those photos but suggested he provide copies to the new planner. He added that the water runoff is a Planning and Zoning issue. He recommended talking to them.

Mr. Yakarino stated that he's a contractor and knows exactly what he's doing. He speaks and understands English.

- 2. Notice of Violation – IWWC #A18-1.2 / 801 North Colony Road & 6 Beaumont Road / Padens Brook – IAmTheWalrus, LLC – (violations regarding implementation of the Padens Brook Corridor Restoration Plan) issued 3/4/24; remediation planting plan approved 6/5/24; pending installation; NOV affirmed 12/3/25; Applicant will be in attendance requesting bond release of \$10,000 and the lifting of the notice of violation.**

Chair Vitali stated that we have a report from the environmental company GEMA. The Commission has been so involved in this application for the last eight years. This is the property that faces Tractor Supply on Rt. 5. There is no question that they submitted this aggressive vegetation invasive species program to get a better line of sight of Tractor Supply. He stated that the program they requested seemed too aggressive. They did a lot of good things, but some of the knapweed is back. At their last appearance, it was agreed that if they get the proposed planting done, we can relieve the bond. He asked for comments.

Commissioner Heilman stated that it was an impossible dream. An awful lot of effort was put into it. Unless the effort is to continue 24/7, 365, you are not going to win. With the flush of seed coming down the river, you can't win. He supports returning the bond.

Commissioner Kern asked about the future maintenance plan.

George Logan, REMA Ecological Services, stated that they have made recommendations to the property owners, New England Retail, including some trimming on the perimeter and a little bit of weeding on the perimeter. They seem willing to do so. They admitted that they did not have that agreement in writing. The win is that there is more biodiversity than we had before. The Sumac and Box Elder will shade out the Japanese knotweed. The environmental diversity functionality is better than when we started. The Box Elder Maple is ideal for flood plains and sandy soil. There are 78 trees and saplings doing well.

Commissioner Kern asked if there was anything in writing stating how they would maintain the retention pond near the store on the edge of Beaumont Road.

Mr. Logan replied no. That was not part of the plan.

Commissioner Kern noted that it was overgrown last week, and today it's underwater.

Mr. Logan replied that's on them.

Chair Vitali added that the retention pond looks a little poor for them. They should have kept it clean.

Chair Vitali called for a motion to release their bond.

MS. PHILLIPS: MOTION TO APPROVE APPLICATION #A18-1.2 / 801 NORTH COLONY ROAD & 6 BEAUMONT ROAD / PADENS BROOK – IAMTHEWALRUS, LLC, THE BOND BE RELEASED.

MR. HEILMAN: SECOND

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

3. **Cease & Correct Order Remains – 67 Schoolhouse Road – Karl Kieslich – (new filling over prior filling) issued 4/25/23; Order affirmed 12/3/25; violation has been remediated and can be lifted.**

Chair Vitali stated that the violation has been straightened out and cleaned up. He understands that the Corporation Council is okay with releasing the bond. He doesn't know what will happen on the legal end, but he will tell Kevin that the Commission has no problem releasing it. He will not call for a vote.

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

1. **Notice of Violation Remains – 1245 Old Colony Road & Quinnipiac River – Jerzy Pytel – (unpermitted clearing & filling near river) issued 6/4/19; NOV to be recorded on Land Records per 10/4/23 action; NOV affirmed 12/3/25**
2. **Notice of Violation Remains – 24 Maplevue Road – Patricia Clarke c/o James W. & Patricia Clarke, Trustees of the Clarke 2022 Living Trust – (alteration & filing within wetlands and in Upland Review Area on 24 Maplevue Rd. & on 13 Rolling Meadow Dr.) issued 4/21/23; NOV affirmed 12/3/25**

Chair Vitali stated that no action is needed at this time.

Chair Vitali noted that there has been notice of concerns about the activity on Woodhouse Avenue. He suggested that it be saved for the new planner. He confirmed that David Lord said he would watch the project.

J. NEXT SCHEDULED REGULAR MEETING: September 2, 2026

K. ADJOURNMENT

MR. KERN: MOTION TO ADJOURN

VOTE: THE MOTION WAS APPROVED BY ALL IN A VOICE VOTE.

The Meeting was adjourned at 7:45 p.m.

Respectfully submitted,
Cheryl-Ann Tubby
Recording Secretary