

**Inland Wetlands & Watercourses Commission
Regular Meeting
Wednesday, January 4, 2023, 7:00 p.m.
Robert F. Parisi Council Chambers
Second Floor, Town Hall
45 South Main Street
Wallingford, CT**

REVISED MINUTES

Chair James Vitali called this Regular Meeting of the Wallingford Inland Wetlands & Watercourses Commission to order on Wednesday, January 4, 2023, at 7:05 p.m. in the Robert F. Parisi Council Chambers, Second Floor of Town Hall, 45 South Main Street, Wallingford, CT. [A recording was produced and posted on YouTube by Wallingford Government Media.]

PRESENT: Chair Vitali, Vice Chair Deborah Phillips, Secretary Nick Kern, Commissioner Jeffrey Necio, and Alternate Commissioner James Heilman and Environmental Planner Erin O'Hare. Alternate Commissioner Mrs. Caroline Raynis entered the meeting at 7:16 p.m.

ABSENT: Commissioner Michael Caruso and Alternate Commissioner Aili McKeen.

There were 15 persons in the audience.

A. PLEDGE OF ALLEGIANCE

The Pledge was recited.

B. ROLL CALL - As above.

Chair Vitali named those who would be voting tonight as Commissioners Phillips, Kern, Necio, Heilman, and himself.

C. CONSIDERATION OF MINUTES

1. Regular Meeting, Dec. 7, 2022

MS. PHILLIPS: **MOTION THAT THE MINUTES OF THE REGULAR MEETING OF WEDNESDAY, DECEMBER 7, 2022, BE ACCEPTED AS SUBMITTED.**

MR. NECIO: **SECOND.**

VOTE: **MR. NECIO – YES; MR. HEILMAN – YES; MR. KERN – YES; CHAIR VITALI – YES.**

ABSTAINED: **MS. PHILLIPS.**

D. PUBLIC HEARING

1. #A22-10.1 / 59 North Elm Street – Choate Rosemary Hall – (building construction)

No one appeared for this Application.

The hearing was not opened. Chair Vitali said, Regarding the public hearing for tonight, they have requested that it be postponed to next month. I am recusing myself from participating, as is Debbie Phillips. This public hearing will be postponed to February 1. They said all the information is not ready.

E. OLD BUSINESS

1. #A18-12.2 / 32 Barnes Road – Request for release of bond.

Ms. O'Hare said, This item is not ready for action.

2. #A22-12.2 / 1299 South Broad Street – Hutton Street 21 LLC (Nicholas Plummer) – (carwash facility)

Appearing was Mr. Chris Gagnon, P.E., of BL Companies, Meriden.

Mr. Gagnon said, I have a video.

Chair Vitali said, Paper plans are fine.

Mr. Gagnon showed the paper plans on the easel. He said, This is for proposed development on the property at 577 South Broad Street in Meriden, also known as 1299 South Broad Street in Wallingford. The city line runs through the building. The plan is to demolish the former banquet building, which is not in use, and to construct a car wash that will be entirely on the Meriden side of the site. The west driveway and some accessory areas that served the banquet facility are in Wallingford. The plan is to demolish all of those and to restore it as a vegetated area. So there will be no impervious on the Wallingford side. This is the demolition plan--all buildings, hardscape, and existing pavement will be demolished. There are two wetland areas on the site: the larger wetland, Wetland B, is all in Meriden; this smaller wetland is on the Wallingford side. General grading of the site is northeast to southwest, to the Wallingford wetland area.

Mr. Gagnon continued, This shows the proposed Site Plan with car wash building, vacuuming area, car wash queue, and some parking all on the Meriden side. For Wallingford, all this will be vegetated. Imperious area in Wallingford will be zero. The existing site had minimal stormwater management and zero stormwater quality—built before regulations. So we're proposing stormwater collection basins to direct runoff to manholes and five rain gardens for runoff attenuation and quality. We're proposing a hydro-separator prior to the dissipation of stormwater. Stormwater from the building roof goes directly to Rain Garden #5. The parking areas will be directed to the rain gardens and to one hydrodynamic separator before dispersion from the site. So this demonstrates work in Wallingford. That will maintain the current sheet flow of runoff. The predominant flow of water is from northeast to southwest. During construction, water flows downhill, so the proposed sediment trap is located on the southwest corner of the property adjacent to the wetlands and straddling the town line. This is a drainage sediment trap to handle the drainage going to it. It's a temporary trap, and the limit of our grading temporarily stretches down closer to the regulated area than in the final proposed condition, which is about here. That's the closest we are to the Upland Review Area. We're submitting landscaping plans to both towns. In the Meriden permit process, which is slightly ahead of here, we have updated the landscaping plan but it has not been submitted to you. The updated landscaping plan has enhanced plantings near the Review Area that lines up with the demolition plan. So this is an area for demolition work and then to be restored as upgraded. This is what we're proposing.

Chair Vitali asked for questions or comments.

Commissioners Heilman, Necio, and Phillips had no comments.

Commissioner Kern said, The natural contour runs from north to south. Are you going to change the elevation on the Wallingford side? Now the water runs beside the banquet hall or the next lot. Are you going to raise the grade up? The front is level with Route 5, but the back tapers southwest toward Wallingford.

Mr. Gagnon said, Any drop of water here will hit the curb and go to the Wallingford wetland area. In existing conditions, about 9,700 square feet or half an acre today drains toward this basin. In the pro-

posed condition, it's at plus or minus 9,900 square feet--so within 2,000 square feet, maintaining the existing/proposed drainage pattern. We're putting curbing in here and having the curbing leak over here into the rain garden. These waters go to the catch basin and to the hydrodynamic separators. And the separator on the eastern side ends up in the Meriden wetland. So we attempted to manage where the grading, roof, and parking runoff goes.

Commissioner Kern said, My concern is for the wetlands, that you're going to push all this water. Is that adequate to handle it?

Mr. Gagnon said, The wetlands area belongs to multiple properties in Wallingford and in Meriden. Our Stormwater Analysis demonstrates that we have a reduction of runoff rate. But the volume analysis is within a couple of tenths of an acre-foot of runoff. So essentially the same volume is getting into the wetlands, pre- and post-. But it's going through rain gardens and vegetation to slow it down. In our analysis, I think essentially the same amount of rain area is going there and the same amount of volume.

Commissioner Kern asked, You're slowing it down, but where is that rainwater going, to the abutting property owners? I understand it's red rock and shell rock—there is no failsafe—it doesn't hold water. Where does it go?

Mr. Gagnon said, Stormwater goes to the same place where it goes today. The rain gardens are an engineered system. We put them in a cross-section of engineered materials at the bottom, which allows infiltration and filtration. And we have the underdrains there that slow it down and allow the water to filter through the soil and vegetation. So these wetlands—by regulation we're required to meet or reduce those rates and volumes. But when we discharge off the site it will be less water than is there today, and it will be cleaner water.

Commissioner Kern asked, Are you saying that all the Meriden waters will stay on the Meriden side, not in Wallingford?

Mr. Gagnon said, No, that's not true. Today as it is, Meriden water flows to this wetland area. The Town line is here. The wetlands are about here. Water flows off the back of the parking area and into Wallingford. Today there's water going from Meriden to Wallingford, and after construction it will be the same.

Chair Vitali said, You made some changes for reduction of impervious surface?

Mr. Gagnon said, Yes. Overall, it's a 40% reduction in impervious area, equal to 20,400 square feet. So under a half-acre reduction in impervious area on the site overall, with the majority of that being in Wallingford. We're removing all the impervious in Wallingford, and none is coming back.

Chair Vitali asked Ms. O'Hare for comments.

Ms. O'Hare said, I haven't met with the team yet to review my comments. Chris, how is it going with the Meriden and Wallingford approvals?

Mr. Gagnon said, The Meriden ZBA yesterday tabled it until next month. Meriden Wetlands is being presented right now for the second night of hearing.

Ms. O'Hare said, It's one parcel, but the town line goes through it. Big picture: I went out there late today. I don't have photos. I was very surprised with what I saw and concerned. I believe, Chris, this isn't your project?

Mr. Gagnon said, I'm here presenting the project—it's my project.

Ms. O'Hare asked, Does the entire parcel, Meriden and Wallingford, lie in the Wallingford Aquifer Protection District? Why do four of five rain gardens have impermeable liners? The answer was that in an Aquifer Protection District you're not allowed to have parking lot water go below and permeate. The fifth rain garden doesn't have a liner because it's getting the roof flow—"clean water"—from the buildings. But does it infiltrate? I do not have soil types here, which should be on the plans.

Mr. Gagnon said, That Rain Garden #5 which receives the roof runoff is designed to infiltrate. I can't answer the geotechnical questions. I'll have to get back to you.

Ms. O'Hare said, This is a disturbed site from the '50s. But we have the opportunity to make improvement. This is highly degraded wetlands system, one of the worst I've seen. It will take time. I'd hope that we can table this to next month so we can go over that. Right now, the fill line is pushed right up to the wetlands. And you have all millings in the back, and then it goes straight down into the wetlands—full of shopping carts and garbage. Your Wetlands Scientist is not here. I don't understand the report which indicated no watercourses. 1) I saw watercourses, a stream, tonight. 2) If there's standing water, that's a swamp and it falls as a "watercourse" under the Inland Wetlands and Watercourses Act. So a swamp of standing water would be a "watercourse" under the Act. But there's a stream flowing south from Meriden into the Wallingford part. Then just offsite it goes to a 36" culvert located 30 feet away from the property.

Mr. Gagnon said, It's offsite, and I can't go there.

Ms. O'Hare said, Yes, but the Wetlands Commission would be interested in it. Even more upsetting was the color of the water. The north side in Meriden had regular water color, dark. Midway down, it turns flaming orange/brown, opaque like soup. I'll go back to see where it turns color. But it does happen near the intersection where the sewer line goes across on the plan. Separately, in the southern part you're proposing a grass area. So there's an opportunity where it meets the wetlands to put wetlands plantings in there. You're doing work 8 feet from the Wallingford wetland. The removal of the old fence is 10 feet from the wetland. And you are discharging water from the sediment basin where it meets the wetlands. It needs some control. Dirty construction flow—this is friable soil, and it's going to need some protection. And there's a flared end where the stormwater lets out, 115 feet from the Wallingford wetland. So that's going to need to be protected. You're proposing grass there, but it's wide open. I'd like to meet with the Applicant to straighten these out. I'd like soil types on the plan. On this plan there's three different drawings for the limit of disturbance lines--they don't match up. So you need to tighten things up. I'd meet with the Applicant.

Commissioner Kern said, Erin, do we have any correspondence from the DOT? In a rain, the catch basin can't hold what's coming out from Wallingford. I've seen it bubble up and head toward the tunnel. I'd like the DOT to address the water in the gutter there, where the mattress place was, to see it ends up in the mattress place parking lot. When there's a storm coming, I see the trucks out there cleaning up the catch basins in preparation for the storm. So there's an issue there already. Are you aware?

Mr. Gagnon said, Since we're on the State road, we need an encroachment permit from the State. That process requires that we provide data on stormwater management in the street.

Chair Vitali said, There's a lot of issues and a lot of unanswered questions. I'd entertain a Motion to table this to next month, and Erin can go meet with them.

MS. PHILLIPS: MOTION THAT APPLICATION #A22-12.2 / 1299 SOUTH BROAD STREET –

**HUTTON STREET 21 LLC (NICHOLAS PLUMMER) – (CARWASH FACILITY) BE
TABLED UNTIL NEXT MONTH.**

MR. NECIO:

SECOND.

VOTE:

**MR. KERN – YES; MS. PHILLIPS – YES; MR. NECIO – YES; MR. HEILMAN –
YES; CHAIR VITALI -YES.**

Mr. Gagnon said, I'll meet with Erin O'Hare.

**3. #A22-12.3 / 1 North Main Street Extension – In Memoriam Cemetery Association, Inc. –
(construction of interior drives)**

Appearing were Mr. Louis Orifice along with Mr. John Gabel of Connecticut Consulting Engineers, LLC, of Meriden, and Mr. Robbe Perrin, Site Contractor for In Memoriam Cemetery. Tonight Ms. O'Hare had handed out a copy of her comments of December 20, 2022, regarding this Application.

Mr. Orifice showed the plan: The site is 1 North Main Street Extension, In Memoriam Cemetery. It's about 33.3 acres. We had Soils Scientist Mr. Matt Davison go out to the site. There are no wetlands. We're proposing a 16-foot driveway access. There is a grass swale on the eastern downgrade side of the site for runoff.

Ms. O'Hare's said, They addressed my comments already in my memorandum dated December 20, 2022. On the east side, how far away from the wetland are you?

Mr. Orifice said, More than 50 feet from the boundary line. But we have to stay more than 50 feet for the Upland Review Area.

Chair Vitali asked, That's wetlands on that side?

Mr. Orifice said, Yes.

Commissioner Kern asked, Are you asking for approval for what you've already done?

Mr. Orifice said, We haven't constructed anything yet.

Commissioner Kern said, I stopped to see my mother there on Christmas Day. There's more millings on the road down there.

Mr. Orifice said, There was a construction project that was done before.

Mr. Robbe Perrin, Site Contractor, said, We got the approval from Planning and Zoning.

Commissioner Kern said, And they gave you permission to do what you've done.

Mr. Perrin said, We cut on the west property side, and we received a letter from the neighbors. And we stopped and started the Wetlands process.

Commissioner Kern said, Everything he's talked about has already been done. Millings are down, the road is done, and gravel piled. Is that your dozer there?

Mr. Perrin said, It is. It's in the back behind that hedge. I've used it there for 10 years.

Commissioner Heilman said, The work in the swale has been readjusted?

Mr. Perrin said, Yes, we worked with Alison Kapushinski, Town Engineer, regarding our new swale adjustment.

Chair Vitali said, The high knoll where the road goes around—on the top, I think it's a gravel knoll.

Ms. O'Hare said, So I hope it's all resolved now. Your letter dated January 3rd, yesterday, details what went to the swale and everything that I found when I went there on 12/20. So tonight they have their revised plan plus what they added as per the Town Engineer in the memo today that I handed out tonight. It came to our attention that one portion of the work was already done, approximately 200 feet of roadway. Then a neighbor came into my office and said about wetlands, which is the wetlands that are at 532 North Elm Street. Once they understood the situation, they stopped. And then they worked with the Town Engineer to make a curtain on both sides of the proposed drive. I sent these pictures out. I had taken photos at 532 North Elm of the wellhead. The neighbor is concerned about any rock salt that they would use on the roads getting down to her well. So I referred the whole packet to the Director of Health in the Health Department. She's not concerned now because they're about 90 feet away. The Health Department did not find a file on the septic system, so long as in the future they don't get any closer, it's fine. As to the rock salt, the neighbor got the baseline on her well, and the Health Director said the 75 feet around each well is to prevent anything (rock salt, etc.) from getting into the well, so rock salt is not a concern.

Mr. Gabel said, It's on the old site plan and on p. 2, on the non-cemetery side of the property. It's a stockpile of brush, leaves, etc.

Ms. O'Hare said, My concern is that your Wetlands Scientist's report--forwarded in the previous packet--indicated that Padens Brook is just off site, and my concern is that your pile of old logs, leaves, and grass cannot get into Padens Brook. It's within 50 feet of your property.

Commissioner Kern said, Some of that teeny gravel is going to go to Town property at the back side of Community Pool. Who's in charge of S&E control?

Mr. Gabel said, We'll be happy to work with Erin to inspect this rear area and install hay bales for sediment control and to periodically inspect the area, and the permit can be held up until this happens.

Commissioner Kern said, It's swampy out there. It drops fast, and it runs onto the Town property. I'm not opposed, but the neighbors are aware. You can't just do anything.

Mr. Orifice said, I think we can direct where the silt fence will go during construction. And then in heavy rain events, we'd have control measures.

Commissioner Kern said, Do you intend to take that hill completely out?

Mr. Oreffice said, No. In review, that knoll stayed the same.

MS. PHILLIPS: **MOTION THAT APPLICATION #A22-12.3 / 1 NORTH MAIN STREET EXTENSION
IN MEMORIAM CEMETERY ASSOCIATION, INC. - CONSTRUCTION OF
INTERIOR DRIVES - BE DEEMED NOT A SIGNIFICANT IMPACT ACTIVITY.**
MR. NECIO: **SECOND.**
VOTE: **MR. HEILMAN – YES; MR. NECIO – YES; MS. PHILLIPS – YES; MR. KERN –**

YES; CHAIR VITALI – YES.

MS. PHILLIPS: MOTION THAT APPLICATION #A22-12.3 / 1 NORTH MAIN STREET EXTENSION - IN MEMORIAM CEMETERY ASSOCIATION, INC. (CONSTRUCTION OF INTERIOR DRIVES) BE APPROVED AS SUBMITTED WITH THE CONDITION OF APPROVAL PER THE TOWN ENGINEER'S REPORT DATED JANUARY 4, 2023, AND:

- 1) THAT THEY INSTALL SEDIMENTATION AND EROSION PROTECTIONS AS NEEDED TO PROTECT PADENS BROOK;
- 2) THAT A STORMWATER MAINTENANCE PLAN TO MAINTAIN THE LINEAR SWALE IS SUBMITTED; AND
- 3) THAT THE PLAN BE REVISED TO REFLECT THE TOWN ENGINEER'S CHANGES IN HER LETTER OF JANUARY 4TH.

Ms. O'Hare had suggested to add Condition #3, as per above.

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

4. #A22-12.4 / 1107 Northrup Road – Mark Development LLC – (Modification to permit IWWC #A22-5.3 – portion of retaining wall to riprap slope) – Request for administrative approval – Granted 12/14/22

Chair Vitali noted that this Application was approved administratively on December 14th.

F. NEW BUSINESS – None.

H. ELECTIONS – Not held.

J. VIOLATIONS

1. Notice of Violation Remains – 1245 Old Colony Road & Quinnipiac River – Jerzy Pytel - (unpermitted clearing & filling near river) – Not discussed.
2. 340 & 346 Quinnipiac Street – Southern CT Pallets – (possible violation) – Not discussed.
3. Notice of Violation – 67 Schoolhouse Road – Michelle Millican & Michael Gerace – (forest removal and filling of wetlands and Upland Review Area)
4. Notice of Violation – 67 Schoolhouse Road – Karl Kieslich, Little K's Landscaping, LLC, contractor – (forest removal and filling of wetlands and Upland Review Area)
5. Notice of Violation – 69 Schoolhouse Road – Matthew Luis – (forest removal and filling of wetlands and Upland Review Area)
6. 69 Schoolhouse Road – Karl Kieslich, Little K's Landscaping, LLC, contractor – (deposition in Upland Review Area)

Appearing were Mr. Michael Gerace and Mrs. Michelle Gerace for 67 Schoolhouse Road and Mr. Matthew Luis and Ms. Gabrielle Verrelli for 69 Schoolhouse Road and Ms. Sigrun Gadwa, Wetlands Scientist and Soils Scientist, of Carya Ecological Services. Each Owner handed his report to the Commissioners.

Ms. O'Hare said, Commissioners, you also received the Applicants' handout at the December meeting.

Ms. Gadwa said, These gentlemen worked with me at their properties. We measured distances to the buildings, garages, and in the fields. We examined the properties and identified soil conditions and the fill variations, which I delineated on the maps. There is an aerial photo. In places, I could not see the soil profile. I hope you will think about erosion control. I made some recommendations.

Chair Vitali asked for questions.

Ms. O'Hare stepped out for a few minutes and returned.

Commissioner Kern asked, Is the wood pile going to stay on #67 or are you going to move it?

Mr. Gerace, 67 Schoolhouse Road, said, No, I'm using it in my house.

Commissioner Kern said, What's the elevation distance between you and the map?

Mr. Gerace said, Probably three feet higher from the map. Where it's disturbed is the decline, about three feet.

Commissioners Phillips and Necio had no questions.

Commissioner Heilman said, Removal of bricks would cause more damage than leaving them. On Mr. Luis' #69, at least all the materials there are intact, inert. It's a very complex issue that has led to unfortunate circumstances. I'd look for discussion on the benefits of removing what's there. I think moving it would do more harm than good. It's not doing any harm.

Ms. Gadwa said, There's also where the water table is in the middle of Lot 67 where you can see the drainage data table. I think it's not going to be as mucky as runoff. It would be challenging to remove wet material from the lower end. I put into the record a copy of the online NCRS Summary Map. It shows only a tiny sliver of wetlands soils at the bottom of these two lots. It's not a careful delineation. But the old New Haven book has almost the identical map. When the original developer was subdividing for the Wildwood Subdivision, he would have pulled out the map and seen how it was.

Chair Vitali said, So your map and it agree, it's wetlands.

Ms. O'Hare said, Did the Commission get the drone picture?

Ms. Gadwa said, Yes.

Mr. Luis said, Yes.

Ms. O'Hare said, I think Sigrun's done a lot of work. It's good work, and the Commission has to decide what you want to do about it. Some people came in to my office saying, if the Commission lets it stay there, it's going to increase flows to their property; but, as Mr. Heilman said, it's not displacing anything, so that is not an issue for this site.

Mrs. Gerace, 67 Schoolhouse Road, said, It's up to Erin O'Hare. She told us there was no wetland violation.

Chair Vitali asked Ms. O'Hare to comment.

Ms. O'Hare said, When I get calls, I say there are no wetland violations on a given property; we have wetlands applications on file and wetland violations on file. To know if wetlands are present, I would need more staff—we get a lot of questions—or you could map the entire Town for wetlands so everybody would know where wetlands are. I occasionally go out and look at someone's property on request, but usually I go out for violation complaints only.

Mr. Luis said, I get what Erin is saying, "There's no record of violations." But I also asked, "Are there wetlands on my property?" and got no answer.

Mrs. Gerace said, Perhaps if there's wetlands violations, that would be done—but when you're in conversation, how could we know, if we're being given no answers?

Chair Vitali said, Your survey said there's wetlands. You're on the edge of a meadow, bordering the swamp.

Mr. Michael Gerace, 67 Schoolhouse Road, said, The property is wet.

Mrs. Gerace said, I spoke to Ms. O'Hare, and she told us there was no wetland violation.

Mr. Gerace said, The problem is we reached out to try to do our due diligence, and we got wrong information. We didn't act on it.

Mrs. Gerace said, And all of the houses around us have already done this. So they all have pools; they all have back yards.

Chair Vitali said, No, I don't think so. We're not going to go there. Because whether it's your house or my house or my street, we're all—This is going to be setting a precedent of an issue. Fill the wetland and, oh, it's going to be worse than not clearing it out.

Mrs. Gerace said, It also needs not to be set as a precedent to use us as a scapegoat when we weren't given the correct information as well.

Chair Vitali said, You say that. But it's your own fault that you got wrong information. If you were concerned about it being a wetland, why didn't you call the Wetland Department, not Planning and Zoning?

Mrs. Gerace said, We spoke to Erin, and Erin is the one who told us there's no listed violation.

Chair Vitali said, O.K., Erin, it's your ballgame. You're the one who caused this problem. She now says she talked to you, and you said there's no violation on this property, therefore there's no wetlands on this property. Last time it was Planning and Zoning you talked to?

Mrs. Gerace said, Last time it was Planning and Zoning. And then it was referred to—but whenever—Erin said that "There's nothing listed," those were the exact words that we were given, and we put that in the last meeting as well.

Ms. O'Hare said, Yes, I say to everyone who asks, "There are no wetlands violations on a given property" if—if it's true.

Chair Vitali said, Well, did you tell these people that?

Ms. O'Hare said, I might have told them that because there are no wetlands violations on file for there. We have Wetlands Applications on file; we have Wetlands Violations on file. That's all we have.

Mrs. Gerace said, But that's the wrong answer.

Ms. Gadwa said, They didn't realize the fact that there were no wetland violations didn't mean that there were no wetlands.

Chair Vitali said, There's nothing listed.

Mr. Luis said, I do not have as much fill as Mike's. If someone did come out before, the person did not say, "This is not a wetland." The Wilbraham soil is in my northwest corner. Sigrun and I dug to 25 inches, and we squeezed the soil and it was not saturated. And she said it was wetland. I thought the map was wrong from 1978.

Ms. Gadwa said, The samples were crystal clear.

Commissioner Phillips said, Get an engineer to say what goes and what stays.

Commissioner Necio said, I agree. The description that you just gave is two pages. It's extraordinary. You have more information to go on and not do damage. I don't know what your future plans are?

Mrs. Gerace said, We'd topsoil on top.

Mr. Gerace said, We've been here for six months. Now to have an engineer would be even more.

Chair Vitali said, Did you want to have an engineer map it? You will need more soil imported for the grass and a map before you're going to fill this. Is the Commission going to grant this?

Mr. Luis said, No one said 'map'.

Ms. Gadwa said, I was going to do that, but I was told that you wanted to know what happened and to see a map before restoring this. I think we can come to a design.

Commissioner Kern said, That sounds like it's going to be a surface map for #67 and #69. I'd like to see no more going in, to try to address what they said. I think a map has to be done and given to the Commission.

Chair Vitali said, Wood chips are O.K. to use. But you have a lot of grading to do before you can do topsoil. Somebody has got to put on paper what you're going to do.

Mr. Gerace said, Just to be able to walk out there.

Ms. O'Hare said, Does anybody know how much fill he's going to have on top of the bricks? Maybe in August, and in October you could have them add topsoil? But there is the issue of a fill violation under P&Z—if you fill more than 100 cubic yards, you need a permit.

Chair Vitali said, You're going to have to decide. It's already been sent to Planning and Zoning. How many yards are in there, Sigrun?

Ms. Gadwa said, Combined brick and dirt—there’s 390 cubic yards there already spread and probably 90.7 cubic yards waiting.

Ms. O’Hare said, Ordinarily, you’d be in zoning violation today. So you’d be applying to have your contractor do it, but not in June. I’m thinking about referring them to the Zoning Enforcement Officer in Planning and Zoning. So they’d have to talk to Planning and Zoning about keeping the fill.

Commissioner Kern said, If this is a wetlands violation, and this is a corrective action, this is our recommendation.

Ms. O’Hare said, Yes, but as an administrative matter under the P&Z filling regulation, they should meet with Planning and Zoning. Maybe they could keep half of the fill.

Commissioner Heilman said, I think you should notify them what they should do specifically in a letter about what we want and don’t want.

Mr. Luis said, For my property, our violation was for cutting down trees in the URA. We found some in measuring the property line. We have piles of brick in our yard that we were going to use to fill, but we do not want to use them. So we’ll be back.

Chair Vitali said, That #69 Schoolhouse Road has to go to Planning and Zoning. You (*reference tp 69 Schoolhouse*) could bring in your property deed/plot plan .

Mr. Luis said, We want it done right so my land will look as it should. No person will be going in that area (*reference was to future use*).

Chair Vitali said, But get with Ms. O’Hare to make it simple to understand what you want to do.

Ms. O’Hare asked the Chairman, So can they backfill into the trench? Is that for safety (*directing question to Owners*)?

Mrs. Gerace indicated, Yes, for safety.

Chair Vitali said, Ms. Gadwa recommends the process for soil erosion control and filling trenches.

Ms. Gadwa said, For the record, I would also place two or three hay bales at the area, not so much for silt retention, but for runoff coming down. It’s 40% brick and 60% silt. You’d want to put something like hay bales in there.

Chair Vitali directed the owners to fill trenches and install wood chips and hay bales, as recommended by Ms. Gadwa.

MS. PHILLIPS: MOTION THAT THE NOTICES OF VIOLATION FOR 67 AND 69 SCHOOLHOUSE ROAD (ITEMS 3, 4, 5, AND 6) REMAIN INTACT.

MR. NECIO: SECOND.

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

G. RECEIPT OF NEW APPLICATIONS

- 1. #A22-12.5 / 5 Research Parkway – 5 Research Parkway Wallingford LLC – (‘Modification of

Specific Terms Or Conditions Imposed As Part Of Original Permit' as required under Permit Approval Condition #2 of IWWC #A22-5.1: modify final documents to be submitted in 90 days from permit approval to 180 days) – Request for administrative approval

Ms. O'Hare said that Mr. Jeff Checkoway, Applicant's representative, is here regarding new Application Items #1 and #2. Chair Vitali asked Mr. Checkoway to come to the desk.

Ms. O'Hare explained that the IWWC's Condition #1 on this approved Permit imposed a 90-day period to submit the revised documents. This Application then advanced to the Planning and Zoning Commission, and now the Applicant requests that the 90-day requirement for final documents to Inland Wetlands should be extended to 180 days.

Chair Vitali granted Administrative Approval for this requested change.

2. #A22-12.6 / 5 Research Parkway – 5 Research Parkway Wallingford LLC – Request for Administrative Approval under Permit Approval Condition #2 of IWWC #A22-5.1 regarding minor plan change required by PZC approval – (bio-retention swales added to islands in employee parking area with underdrain discharge to basin)

Mr. Checkoway was present representing this Application as well.

Ms. O'Hare explained that anything that the Planning and Zoning Commission changes from the IWWC's prior approval had to be considered again by IWWC. She stated the minor change made by the Planning and Zoning Commission was to require islands in the employee parking area with underdrain discharge to the basin.

Chair Vitali polled the Commissioners, who agreed to this change. Then Chair Vitali granted Administrative Approval for this change tonight.

I. REPORTS & COMMUNICATIONS

- 1. Discussion of proposal to adopt fines for violations – Not discussed.**
- 2. Farm Hill Road Detention Basin – status – Not discussed.**
- 3. CT Bar Association, 'CT Land Use Law For Municipal Land Use Agencies, Boards, and Commissions', VIRTUAL Seminar, Sat., March 11, 2023, 9 a.m.-4:30 p.m. – Register online.**
- This online seminar was recommended by Ms. O'Hare. Registrations are reimbursable.

K. ADJOURNMENT

MS. PHILLIPS: MOTION TO ADJOURN.
MR. NECIO: SECOND.
VOTE: APPROVED UNANIMOUSLY IN A VOICE VOTE.

The Meeting was adjourned at 9:22 p.m.

Respectfully submitted,

Kathleen L. Burns
Recording Secretary