

Wallingford Inland Wetlands & Watercourses Commission
Regular Meeting
Wednesday, May 3, 2023, 7:00 p.m.
Robert F. Parisi Council Chambers
Second Floor, Town Hall
45 South Main Street, Wallingford, CT

Chair James Vitali called this Regular Meeting of the Wallingford Inland Wetlands and Watercourses Commission to order on Wednesday, May 3, 2023, at 7:00 p.m. in the Robert F. Parisi Council Chambers, Second Floor of Town Hall, 45 South Main Street, Wallingford, CT.

PRESENT: Chair Vitali, Vice Chair Deborah Phillips, Secretary Nick Kern, Commissioners Jeffrey Necio and Michael Caruso, and Alternate Commissioners James Heilman, Aili McKeen and Mrs. Caroline Raynis (entered at 7:05 p.m.), and Environmental Planner Erin O'Hare.

ABSENT: None.

There was one person in the audience.

A. PLEDGE OF ALLEGIANCE

The Pledge was recited.

B. ROLL CALL - As above.

C. CONSIDERATION OF MINUTES 1. Regular Meeting, April 5, 2023

MS. PHILLIPS: MOTION THAT THE MINUTES OF THE REGULAR MEETING OF WEDNESDAY, APRIL 5, 2023, BE ACCEPTED AS SUBMITTED.

MS. MCKEEN: SECOND.

VOTE: MS. PHILLIPS – YES; MR. KERN – YES; MS. MCKEEN – YES; MRS. RAYNIS – YES; CHAIR VITALI – YES.

By this time, the audience had increased to 10 persons.

OLD BUSINESS

D. 1. #A18-12.2 / 32 Barnes Road - Rowland Industries - Request for release of bond
Ms. O'Hare said that this request is not ready for action.

2. #A23-2.2 / 86 Barnes Road - 950 North Main Street Wallingford, LLC - (commercial development - storage unit facility)

Appearing was Mr. Zach Georgina, E.I.T., Project Engineer, from Juliano Associates, 405 Main Street, Yalesville.

Mr. Georgina said, This is for 0.86 acre of the 1.3-acre parcel, marked by field stakes. The activity is on the east side on North Main Street Extension. There is an existing waterway on the property to the north. So the Applicant owns this property next to the movie theater. It's loam, sandy soils, and the remainder of the site is industrial fill that's been brought in from nearby properties. It was confirmed in

test pits on the site that under the disposal there's sand. The Applicant is requesting to turn the site into five single-story buildings for storage units at 35,000 square feet. I'd confirm that all the water that hits the impervious parcel—buildings and pavement—we'll store onsite in concrete drains and not put it into existing streams to the north. The site has a slope toward North Main Street Extension, so there shouldn't be any issues from development impacting the wetland. Our development plan adds a new entrance to Barnes Road, with continuous curbing going all the way around for traffic circulation. There's to be no sewer or water provided.

Chair Vitali stated, This is wetlands.

Mr. Georgina said, We're going to be in the URA with some 3,000 square feet..

Chair Vitali said, The previous owner was not forthcoming with work on flooding efforts.

Mr. Georgina said, Mr. Peretta will watch out for and maintain that.

Chair Vitali asked for comments.

Commissioner Kern said, Wallingford allows you to discharge into the soil.

Mr. Georgina said, No discharge of non-corrosive materials. We'd have a bin for each isolated unit to collect trash.

Commissioner Kern said, With multiple renters, how would you monitor what's coming in and out?

Mr. Georgina said, It's up to the tenants' own documentation.

Commissioner Kern asked, Is there to be another facility?

Mr. Georgina said, Not currently.

Commissioners Phillips and Caruso had no comment.

Commissioner Necio asked, Do you have a plan for snow removal?

Mr. Georgina said, There's an area for snow removal on the site, for 18 to 15 feet on the side. Snow will be stockpiled there and melt and sheet-flow toward Barnes Road.

Commissioner Heilman asked, Is there any provision for salting during ice conditions in winter?

Mr. Georgina said, Not currently. We don't see these storage units as being particularly heavy into using salt.

Commissioner Heilman asked, Do you anticipate using any sand in the winter?

Mr. Georgina said, It's possible. We have to do a Stormwater Maintenance Plan and to address the clearing at catch basins, and the stormwater plan will have a maintenance schedule.

Chair Vitali asked, Will you have oil/water separators and grit separators?

Mr. Georgina said, Catch basins will be standard. They will be concrete wrapped in fabric so you don't get a lot of filtration.

Chair Vitali asked, The silt separation and water are going--?

Mr. Georgina said, Perhaps for the first flush. So it will filter the water through, and drains will be cleaned out on an annual basis.

Commissioner Kern asked, What kind of cuts and fills do you have?

Mr. Georgina said, Along North Main Street. And on the other side, we'll be building up. Our largest cut is over here, about 4 feet of the material in height; and to build up on the west side, bringing a 94' elevation to 96'. It's fairly balanced.

Ms. O'Hare said, I handed out the Revised Application, Site Plan, Stormwater Management Plan, and a second letter from Wetlands Consultant David Lord, which came in on Monday. So those haven't been reviewed. I read David Lord's report, which did clarify a lot of information that I wanted to see. The whole site has been altered. And he noted the Udorthent soil and Aquent soil as to wetlands were altered over time. The water comes in from the sky and just drains. There is no outflow. But I'd ask the Commission tonight to extend the Application to next month.

Chair Vitali said, Before then, I think you need to address the river issue with Ms. O'Hare further. You say it's off the property. You're going to work with the Town and maintain it. In a previous application, it was required to be riprapped.

Mr. Georgina said, It's presently riprapped, and it was done by the present owner, 950 North Main Street Wallingford, LLC.

Chair Vitali asked, By the present owner?

Mr. Georgina said, Correct.

Ms. O'Hare said, Mr. Chairman, do you want me to assess if it needs further riprap?

Chair Vitali said, Yes. See what it needs.

Commissioner Heilman said, Years ago, the person who owned it, Mr. Mezzi, refused to allow the person to the north to get at the property. So it's fortunate that the Owner, who is willing to do it in the beginning, is present now and is ready to do it without the objection of the neighbor that used to be there. It was never properly riprapped because it wasn't allowed to be.

Chair Vitali said, We don't know what condition it's in.

Commissioner Heilman said, We need that extension.

Chair Vitali said, You started this Application back in March?

Mr. Georgina said, Correct.

Chair Vitali said, You need to grant us an extension to do that and we need a letter.

Mr. Georgina said, I have a letter.

This Application was granted the requested extension and was tabled to the Meeting on June 7.

3. #A23-3.1 / 678 North Elm Street - David Vendetto - (fill & wall in URA)

Appearing was Mr. David Vendetto, Owner.

Mr. Vendetto said, Someone came by my house already. My front yard is on a private street. I'm looking to install a retaining wall in the back yard to make a lower-level yard for my kids to play, as well as being safer. I'm working with Mark Wilson of RAM Construction, who has appeared at Wetlands. It would be approximately 80 feet long and between three and five feet high. There's a section in the middle where it tapers. And then just looking for fill and a fence around it. It's to avoid what happened three weeks ago, when my daughter fell down the hill and was injured. I'm looking for a place to play soccer with my daughter.

Chair Vitali asked for questions.

Commissioner Kern asked, How are you going to install the fence on the playground?

Mr. Vendetto said, On a block wall. If it were stone, I would be making a fence on the grass going around.

Chair Vitali said, You have string in the back of your property.

Mr. Vendetto said, I am no further than that line.

Chair Vitali said, My experience is that a boulder wall is hard to do.

Mr. Vendetto said, I have used block, and I am very happy with blocks.

Chair Vitali said, Like a decorative, textured Mafia block. And it looks like the original contractor was overzealous with the boulders. I'm also concerned about seeing grass clippings in the wetlands—that is a No-No. So I don't have a problem with the situation and the solution. But I am concerned about grass clippings.

Mr. Vendetto said, I do not cut my own lawn. I will speak to them.

Chair Vitali asked Ms. O'Hare to comment.

Ms. O'Hare said, The Environmental Planner's Report went out in your packet on Friday. It's a small lot and a very small project, but there's a lot of detail. For those who didn't see it, the photos don't do it justice. Detailed drawings are attached to the Application. I annotated the photos to show what's there and what it could become. On p. 3 of my EPR, I have the considerations for the Commission to discuss. This Commission typically would not approve the filling of a residential yard so close to

wetlands. So I stated why this particular setting is different. But the Application for Wetlands has to be taken on its merits. It was created by the developer. You're putting fill on top of fill here. That's what's different.

Chair Vitali said, I don't agree with you reporting the river as "Paden's Brook". It's really unnamed, but you reference Paden's Brook.

Ms. O'Hare said, Yes. I'll make the correction in the file. To be called "Unnamed" stream..

Chair Vitali said, Or Peterson's Brook. There was a cement post, which is no longer there. It was a swing board for a prior owner. That's gone. It's all really changed. The road went with Grieb Road down to your property, down to Barnes Road and Tankwood Road. You have to look for it. Erin, you had some diagrams. Have you done transit sights?

Mr. Vendetto said, Yes, both sides are 3 feet.

Chair Vitali said, So can we make a motion on this?

MS. PHILLIPS: MOTION THAT APPLICATION #23-3.1 / 678 NORTH ELM STREET – DAVID VENDETTO – (FILL & WALL IN URA) BE DEEMED NOT A SIGNIFICANT IMPACT ACTIVITY.

MR. NECIO: SECOND.

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

MS. PHILLIPS: MOTION THAT APPLICATION #23-3.1 / 678 NORTH ELM STREET – DAVID VENDETTO – (FILL & WALL IN URA) BE APPROVED WITH THE RECOMMENDATIONS IN THE ENVIRONMENTAL PLANNER'S REPORT OF 4/28/23.

MR. NECIO: SECOND.

Before the vote, Chair Vitali asked Mr. Vendetto: Are you in agreement with all the recommendations given to you in her report?

Mr. Vendetto said, Yes.

The vote proceeded:

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

E. NEW BUSINESS

#A16-4.3 / 103 North Turnpike Road - Joe Richello - Request for bond release

No one appeared for this Application.

Ms. O'Hare said, This request came in late last week. I will pass out some photos. I went out there. I have been working with Mr. Richello for eight years on this site. Here are photos (given out), especially for those members who were not here when it was approved about six years ago. It's an apartment building with three floors, an affordable housing complex. Mr. Richello has started excavating the building, and often I see small piles moving around. In the past, fill had been brought in.

He's adamant that he wants his bond reduced. I went out there. The page 3 picture shows concerns for erosion. He doesn't have a silt fence on that side facing North Turnpike. Other than that, I don't see any erosion. He came in last week and got the placards and put them up, except there's two missing in the front. We have a \$30,000 bond, so why would we hold any or a portion of it back? I'm recommending releasing half of it. He has yet to do two wetland plants installations, about 30 feet x 100 feet each. He's looking at deer enclosures to protect the plantings. That's a reason to hold some bond. And, another thing: The site is level, but I am concerned about a flood contingency if we have a big storm and there may be erosion.

Chair Vitali asked for comments.

Commissioner Kern said, The front sewer easement, has it all been done?

Ms. O'Hare said, I don't know. Is there anyone representing this Applicant here?

No one spoke.

Commissioner Kern said, He has some erosion in the back. If he sells to someone else, or he may not, I'm in favor of keeping the bond, as it is not complete.

Ms O'Hare said, That's a good point. But so much of the site has been done.

Commissioner Kern said, But he has sandy piles, silt piles.

Ms. O'Hare said, The piles are from excavation. He says he's going to use those piles. After the footings are done, he'll put the dirt back in there.

Commissioner Kern said, He's half done, but I'm not willing to give half back to him.

Commissioner Phillips made no remark.

Commissioner Caruso said, I agree with Commissioner Kern.

Commissioner Necio agreed.

Commissioners Heilman and McKeen agreed.

Chair Vitali said, I think you have to come up with a better reason. The foundation is not in?

Ms. O'Hare said, Right.

Chair Vitali said, They have a lot of underground work to do. So we're basing it on that.

No action was taken tonight, and Ms. O'Hare will report back to the Applicant.

F. RECEIPT OF NEW APPLICATIONS

- 1. #A23-4.1 / 28 Cooke Road - Vincenzo Capasso - (tree removal in URA for barn) - Request for Administrative Approval - *Granted 4/24/23***

Chair Vitali said this request is for a barn for equipment and with no electricity, so he had granted Administrative Approval in April.

2. #A23-5.1 / 415 North Branford Road - 415NBranford LLC, Deborah Woessner Lyman, sole member - (filling & grading for driveway construction in wetlands & in Upland Review Area & grading for residential construction in Upland Review Area)

Chair Vitali asked, Is this by the Blue Trail Range property?

Ms. O'Hare said, It's above the gun site. This Applicant is the Owner.

This Application was received formally by Chair Vitali for the June 7 agenda.

3. #A23-5.2 / 69 Schoolhouse Road - Matt Luis - (top soil & plantings in Upland Review Area)

This Application was received for the June 7 agenda.

G. ELECTIONS - ERROR – Vote taken at the March meeting.

H. REPORTS & COMMUNICATIONS – None of the following items was discussed.

1. Discussion of proposal to adopt fines for violations
2. Farm Hill Road Detention Basin
3. Budget FY 23-24 - Town Council Departmental/Agency Hearing (IWWC), Parisi Council Chambers, Town Hall, Apr. 10 - report
4. Budget FY 23-24 - Town Council Departmental/Agency Hearing (IWWC), Parisi Council Chambers, Town Hall, Apr. 27 - report
5. Notice of filing of IWWC Application with CT DEEP for State of CT DOT Project No. 0148-0209 - Rehabilitation of Bridge No. 06537, Rte. 702 (Wharton Brook Connector) over Wharton Brook; re: installation of access roads, installation of invert lining pipe, and stream bank stabilization with riprap; dated 4/14/23; received 4/14/23

I. VIOLATIONS

1. **Notice of Violation Remains – 1245 Old Colony Road & Quinnipiac River - Jerzy Pytel – (unpermitted clearing & filling near river)** This Violation remains.
2. **340 & 346 Quinnipiac Street – Southern CT Pallets – (possible violation) – This Violation remains.**
3. **CEASE & DESIST HEARING – 67 Schoolhouse Road – Michelle Millican & Michael Gerace - (new filling) per Order dated 4/25/23 – See held on p. 13.**
4. **CEASE & DESIST HEARING – 67 Schoolhouse Road – Karl Kieslich, contractor - (new filling) per Order dated 4/25/23 – NOT HELD**
5. **Notice of Violation - 67 Schoolhouse Road - Michelle Millican & Michael Gerace - (new filling);** Notice dated 4/19/23 – This Violation remains. *See Motion on p. 13.*
6. **Notice of Violation - 67 Schoolhouse Road - Karl Kieslich, contractor - (new filling);** Notice dated 4/20/23 – This Violation remains.
7. **Notice of Violation Remains - 67 Schoolhouse Road - Michelle Millican & Michael Gerace - (2022 activities - forest removal and filling of wetlands and Upland Review Area);** Decision/ Order 3/1/23. This Violation remains. *See Motion on p. 13.*

8. Notice of Violation Remains - 67 Schoolhouse Road - Karl Kieslich, Little K's Landscaping, LLC, contractor - (forest removal and filling of wetlands and Upland Review Area). This Violation remains.

9. Notice of Violation Remains - 69 Schoolhouse Road - Matthew Luis - (2022 activities - forest removal & filling of wetlands and Upland Review Area); Decision/Order 3/1/23. Appearing was Owner Mr. Matthew Luis.

Chair Vitali said, So Mr. Luis has this violation that he has addressed. Could you approach the table?

Mr. Luis came forward. He distributed photos to the IWWC which showed bricks have been removed, and stated, I was concerned that I wouldn't be able to have my lawn repaired. But he's going to do it. I want to place 30 to 35 yards of topsoil to be spread at 1" to 3" depth, enough to clean up and plant some grass.

Ms. O'Hare said, Matt is applying for that work in Application #A23-5.2, which is a New Application under item F.3., above (considered Received tonight), so at the next meeting you might approve the new application. I haven't been out to see where he wants to put the topsoil and to look at the photos to see how many trees and plants were removed. Then the Commission might want some trees and plants put around.

Mr. Luis said, I put in my Application that I'm willing to put as much as I need to. I saved two blueberry bushes. Sigrin suggested planting along the wetland line.

Chair Vitali asked, How does all this affect his violation?

Ms. O'Hare said, He's on the agenda for the violation here, so he could get his violation lifted.

Chair Vitali asked, Can we lift it tonight?

Ms. O'Hare said, You could lift it if you want to. He has shown that all the bricks were removed. I didn't see any erosion control though. Maybe you would want to see some.

Ms. Phillips made this Motion:

MS. PHILLIPS: MOTION THAT THE NOTICE OF VIOLATION ON 69 SCHOOLHOUSE ROAD (ITEM NUMBER 9 ON OUR VIOLATIONS LIST), BE LIFTED.
MR. NECIO: SECOND.
VOTE: MR. KERN – YES; MS. PHILLIPS – YES; MR. CARUSO – YES; MR. NECIO - YES; CHAIR VITALI – YES.

This Violation 9. is lifted.

10. Notice of Violation Remains - 69 Schoolhouse Road - Karl Kieslich, Little K's Landscaping, LLC, contractor - (deposition in Upland Review Area)

Chair Vitali asked Ms. O'Hare, So does this lift #10 in the Violations category?

Ms. O'Hare said, No, it doesn't, because that Violation was given to the contractor as to what Karl did. He dropped the bricks on the property?

Mr. Luis said, Yes, he did.

Chair Vitali said, Are those bricks gone?

Mr. Luis said, Mostly, they're gone. There's some broken pieces.

Chair Vitali said, So that #10, that could be gone also?

Ms. O'Hare said, Yes, because someone else was working in there.

MS. PHILLIPS: MOTION THAT NOTICE OF VIOLATION ITEM #10 – 69 SCHOOLHOUSE ROAD – KARL KIESLICH, LITTLE K'S LANDSCAPING, LLC, CONTRACTOR - (DEPOSITION IN UPLAND REVIEW AREA) BE LIFTED.

MR. NECIO: SECOND.

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

This Violation Item 10 is lifted.

Mr. Luis continued, I saw that you did an Administrative Approval for someone planting a tree. Could you do that for me?

Chair Vitali said, You want to plant trees on your lawn?

Mr. Luis said, I'd put topsoil on and plant trees.

Chair Vitali said, I'd say that you could do it now. Because you'd be ahead to do it.

Ms. O'Hare said, I'd say as an Administrative Approval in a week or two, and I go out there. I'd then ask you, the Chairman, to approve it administratively. But I haven't been out there.

Chair Vitali said, You want Administrative Approval for him to plant grass?

Ms. O'Hare said, And to put in a few plants, also. Then you'd not have to receive his Application tonight (at F.3. #A23-3.2 / 69 Schoolhouse Road – Matt Luis – (top soil & plantings in Upland Review Area) and just call it remediation of the Violation 9.

Mr. Luis said, I'd like some plantings.

Chair Vitali said, He's working with you. I think you'd work with him to get a little in before the summer.

Ms. O'Hare said, He could do plantings. You could issue a directive to the Notice of Violation by saying, "If he remediates by putting 3 inches of topsoil and seed by a June date between now and the

June meeting, and to show the pictures in June?"

Chair Vitali said, We had the last list of violations. Now we want to look at the recent list of violations.

Ms. O'Hare said, The other option is: For June, that I would go out there and come back and show the work that Mr. Luis did, and you give him Administrative Approval.

Chair Vitali said, So the existing will stay as it is. Erin O'Hare will get out there and you'll try to get Administrative Approval when you're ready (*referring to the new application to do topsoil, seed and plants*).

Mr. Luis left the meeting at the time.

The Chairman then took up Item #11.

11. Notice of Violation - 24 Mapleview Road - Patricia Clarke c/o James W. & Patricia Clarke, Trustee of The Clarke 2022 Living Trust - (alteration and filling in wetlands and within Upland Review Area); Notice dated 4/21/23.

Appearing was Mrs. Patricia Clarke.

Mrs. Clarke said, I have a response letter to you (handed to Ms. O'Hare at the end).

Chair Vitali said, There's a violation.

Ms. O'Hare said, I went out there on April 13th. There was work being done on the pool. It was in the upland, not a URA violation. Mrs. Clarke said they are doing drainage work and repair on the pool liner. I noticed other violations, which are small. We have been out to the site over the last 10 years. The issue is between this Owner and the neighbor to the north. The Town Engineer was out there, too. That drainage was the issue at that time. So Mrs. Clarke knew of the previous violation and issue and of the proper procedure. The good news about this is that the water does drain to one of the properties, which is a marsh, as it did before the developer did this subdivision.

Ms. O'Hare continued, The Notice of Violation went you in your Friday packet. The actual marshy wetland property is #13 Rolling Meadow Drive.

Ms. O'Hare continued, The marsh area is not on Mrs. Clarke's property, so she's done some minor things on her property. All of these things are fixable. It think it can be resolved by sending the contractor to do more.. But it's gravel below and taking a sinuous path. The marsh--can't do it without a permit. And, if anyone can do it, it's the owner, not Mrs. Clarke. I don't know if you want to do a site walk. First is the storm berm, with its entry high between her property and the one to the north, which is #11 Rolling Meadow.

Chair Vitali said, But you said #11 is the property affected by this. The water doesn't flow across this. How does this affect #11?

Ms. O'Hare said, The drainage gets impeded there by the berm. How many of you got the Assessor's image? It was the four properties coming together. Does anyone have that?

No one had that image.

Ms. O'Hare said, I did it by drawing, but I don't have it tonight. It was how these four properties come together. So #11 is here to the north.

Chair Vitali said, In the pages you have, was there water coming over?

Ms. O'Hare said, It's minor. She said there's no more water in that low corner than there used to be. But the Clarkes did add some gravel. It's where the wetlands and the URA start.

Chair Vitali said, But it wasn't always flooding?

Mrs. Clarke said, In 1999 they put in a pool, fill, and boulders. And we get backwash into our yard. I have pictures. So they created a problem for us. We tried to divert the flow to the field, and I can't handle it. You have to go to see it.

Chair Vitali said, Without a permit.

Mrs. Clarke said, They have gravel on the other side. You can come to see it. First, they were allowed to create changes in there before they built the buffer. They tried to alleviate it. It did damage to our property since 1999. Now we have a problem and you're saying we can't do anything to fix it.

Chair Vitali said, Without a permit.

Mrs. Clarke said, The Pages have been there since 1983. The other owner has been there since 1998. It pushes all the dirt over on our side. And it makes a mess. There was a lot of water in the past month. I have pictures of our trench in there where it's coming down. We don't park anything on that side. It was their pipe pushing down towards us.

Chair Vitali said, I don't think I remember it that way. What does the Commission want to do?

Commissioner Heilman said, I'd want to see the change in elevations. There has to be some original record showing that to protect it in a court of law.

Commissioner McKeen said, The violation—I see it on the GPS. Do you want us to go out and visit?

Mrs. Clarke said, To see the water pushing on the hillside. When it tries to settle in between all these houses, that's what Erin is talking about. So it can be seen from the air.

Chair Vitali set a Special Meeting for a Site Walk on May 9 at 5:00 p.m. to convene at 24 Mapleview Road.

Ms. O'Hare stated there are four properties that were copied on this Violation letter to Mrs. Clarke. We should notify those abutters.

Chair Vitali agreed. He stated that this Item #11. Notice of Violation – 24 Mapleview Road, will remain on the agenda for the June meeting.

The Chairman then took up Item #12.

12. Notice of Violation - 19 Tamarac Swamp - William Schubert - (clearing, grading & filling in wetlands and within Upland Review Area). Notice dated 4/24/23

Appearing was Mr. William Schubert.

Ms. O'Hare said, I have been out to this site twice. Mr. Schubert has been very cooperative. He has contacted Roman Mrozinski to assist.

Mr. Schubert said, Mr. Mrozinski is away now. He will come up with more for me to do.

Chair Vitali said, It's wetlands.

Mr. Schubert said, I thought I was doing everything I needed to do. I had pictures for driveways and landscaping. But the 2009 Wallingford Town Code said it was 3 acres and 200 feet from another property. But Ms. O'Hare said I can't do it. Maybe I'd buy the land underneath it by the next property line. But she says there's nowhere for me to go through the wetlands.

Ms. O'Hare said, The Notice of Violation went out on April 24, when all the pictures were taken. I did an e-mail asking the Commissioners to go out there. On Friday in your packet, I did an EPR. Did all of you get that, because I had four extras? It shows pictures with the controls shown. Mr. Schubert went and put them in the next day. He said Roman went out after that and suggested 70 hay bales have to be put in. I have been working with Mr. Schubert on the next step.

Abutting neighbor Mrs. Joan Gumkowski, 11 Tamarac Swamp Road, stated: I got a copy of the letter that went to Mr. Schubert. I would make the claim that I had only given him permission to remove the big tree. I didn't know he was going to remove plants. Can you help me with this and where my line is?

Chair Vitali said, Ms. O'Hare should be able to find out.

Ms. O'Hare said, The previous owner put an engineered septic system last year. So I went to the Health Department, and I got the survey done by Connecticut Consulting Engineers. But do we also want them to survey the whole deposition? Or do we want Roman Mrozinski to just show the entire area on the map?

Chair Vitali said, Do you want a surveyor out there?

Ms. O'Hare said, It would be better to get him out there once, not twice.

Mrs. Gumkowski said, I really don't know the boundary. It's 14 acres of property, and 11 acres were sold off.

Commissioner Kern said, It's not good practice to fill in someone else's property. This is a letter about fill removal. The gentleman who you hired to do this told you the fill has got to be removed from your property?

Mr. Schubert said, I see no harm in just taking a tree down and being neighborly. Ms. O'Hare said

perhaps I crossed the property line by 20 feet, but I think it was 2-3 feet.

Mrs. Gumkowski said, It was hard for me to tell.

Mr. Schubert said, I'm waiting for Mr. Mrozinski to see it.

Chair Vitali said, Mrs. Gumkowski, you can contact Erin O'Hare in the Department, and she can discuss it.

Ms. O'Hare said, The tree that he wants to take out is enormous, and to do it will require to go through the wetlands. But should we wait for Roman's report?

Commissioner McKeen said, I was out there yesterday, and the iron stakes are clearly visible. So Roman can find them and draw a line from one to another stake. I don't think it needs to be re-surveyed. Typically, those stakes are in fields when the owner subdivides.

Ms. O'Hare said, It might work if there's enough of them.

Chair Vitali said, You'll be hearing from us.

Ms. O'Hare said, So the Notice of Violation remains, and he is going to wait to proceed until Roman comes back.

Commissioner Kern said, You need to assure her that the fill that's been put on her property is going to be removed.

Ms. O'Hare said, Perhaps to make a directive that the fill on her portion is to be removed? Then the matter of the line will be at Roman's direction.

Mr. Schubert said, The only reason it's not out of there now is I don't know where the line is.

Chairman Vitali said the Violation remains with our directives.

Chair Vitali affirmed that Violations Items 1 and 2, as follow below, remain in effect.

1. **Notice of Violation Remains - 1245 Old Colony Road & Quinnipiac River - Jerzy Pytel** - (unpermitted clearing & filling near river).
2. **340 & 346 Quinnipiac Street - Southern CT Pallets** - (possible violation)

Chair Vitali then took up Violation Items #3 and #4:

3. **CEASE & DESIST HEARING - 67 Schoolhouse Road - Michelle Millican & Michael Gerace** - (new filling) per Order dated 4/25/23.
4. **CEASE & DESIST HEARING – 67 Schoolhouse Road – Karl Kieslich, contractor –** (new filling) per Order dated 4/25/23.

Chairman Vitali then took up Violation Items #3 and #4, opening the Cease and Desist Hearings as follows:

No one was present representing the Violators.

Upon the Chairman's request, Ms. O'Hare reviewed the history of the violation on this property: from the initial Notice of Violation issued Sept. 20, 2022; to the Owners retaining services of Sigrun Gadwa, Wetlands Scientist, to assess the depth and extent of filling and extent of original wetlands; to the Commission considering various options for fill removal and wetland restoration; to the final decision issued March 1, 2023, with an Order to remove all fill off the property within six months and that the Notice of Violation remains in effect; to the occurrence of new filling and the issuance of a (second) Notice of Violation on 4/19/23 to the Owners / 4/20/23 to the Contractor; followed up by a Cease and Desist Order issued to the Owner and Contractor on site and in Written Orders dated 4/25/23 to both parties. She explained that the second NOV acted as a placeholder for the forthcoming Cease & Desist due to the fact that a hearing is required within 10 days, which brings us to the Regular Meeting and the Hearing in this regard. She stated for the record the facts of the case regarding clearcutting of forested swamp, extent and type of fill material (mix of broken bricks and dirt), the original subdivision wetland line from 1978, etc.

Chairman Vitali restated the findings of fact in this matter, emphasizing that the IWWC was generous to give Owners six months with which to remove the fill but instead there was noncompliance and they proceeded to fill. The Commission discussed the findings of fact regarding the Owners' violation:

The Chairman turned to the part of the Cease & Desist Hearing relative to Karl Kieslich, Little K's Landscaping, LLC. Commissioner Kern saw no reason to pursue Mr. Kieslich. Commissioner Heilman stated the Owners were the instigators. Commissioner McKeen stated, "But Mr. Kieslich knew that adding more fill was wrong."

Chairman Vitali stated, as a compromise, next month the Commission will address Mr. Kieslich's enforcement.

This ended the Cease and Desist hearings.

5. **Notice of Violation – 67 Schoolhouse Road - Michelle Millican & Michael Gerace -**
(new filling); Notice dated 4/19/23.
7. **Notice of Violation Remains – 67 Schoolhouse Road – Michelle Millican & Michael Gerace – (2022 activities – forest removal and filling of wetlands and Upland Review Area); Decision/Order 3/1/23**

Chairman Vitali called for the Motion regarding the Owners' Violation:

MS. PHILLIPS: **MOTION REGARDING THE VIOLATION ON 67 SCHOOLHOUSE ROAD THAT WE WILL RESCIND THE SIX-MONTH ALLOWANCE OF REMOVING FILL AND ASK FOR THE IMMEDIATE REMOVAL OF ALL FILL WITHIN 30 DAYS WITH THE INSPECTION BY STAFF IMMEDIATELY BEFORE ANY ACTIVITY OCCURS ON THE SITE.**

MR. CARUSO: **SECOND.**

Ms. O'Hare asked to add that the Owners are ordered to appear at the June 7th Meeting, but that was not added.

Mr. Michael Gerace, 67 Schoolhouse Road, entered the Meeting while this Motion was being made at 8:40 p.m. He said, I asked our contractor to remove the fill. He didn't do it. So I have to wait, or I fire him. But he stopped. I had a July time frame for the removal of materials.

Chairman Vitali asked for the vote:

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

Violations #5 and #7 remain in place.

Chair Vitali indicated the Violations #6 and #8 remain in effect regarding Mr. Kieslich, as listed below.

Mr. Gerace left the Meeting at this point.

These two Notices of Violation remain in effect:

6. **Notice of Violation – 67 Schoolhouse Road – Karl Kieslich, contractor – (new filling);**
Notice dated 4/20/23. .
8. **Notice of Violation Remains – 67 Schoolhouse Road – Karl Kieslich, Little K's Landscaping, LLC, contractor – (forest removal and filling of wetlands and Upland Review Area).**

Chair Vitali requested that Ms.O'Hare would ask with our Government TV personnel whether she could make a short video of properties that come before the Commission, as needed. Then video or slide information could be shown to the Commissioners on the large screen in Council Chambers. Ms. O'Hare will consult with Government TV personnel on this.

J. ADJOURNMENT

MS. PHILLIPS: MOTION TO ADJOURN THE MEETING.
MR. NECIO: SECOND.
VOTE: UNANIMOUS TO ADJOURN.

The Meeting was adjourned at 8:49 p.m.

Respectfully submitted,
Kathleen L. Burns
Recording Secretary

K. NEXT SCHEDULED REGULAR MEETING: June 7, 2023