

Wallingford Inland Wetlands & Watercourses Commission

Regular Meeting

**Wednesday, April 3, 2024, 7:00 p.m.
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, April 3, 2024, at 7:05 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, Commissioner Michael Caruso, Commissioner Jeffrey Necio, and Alternate Commissioners James Heilman, Aili McKeen, and Mrs. Caroline Raynis.

ABSENT: None.

There were 34 persons in the audience.

A. PLEDGE OF ALLEGIANCE

The Pledge was recited.

B. ROLL CALL - As above. Chair Vitali said the five Members will be voting tonight.

C. CONSIDERATION OF MINUTES

1. Regular Meeting, Mar. 6, 2024

MS. PHILLIPS: **MOTION THAT THE MINUTES OF THE REGULAR MEETING OF MARCH 6, 2024, BE ACCEPTED AS SUBMITTED.**

MR. NECIO: **SECOND.**

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

2. Special Meeting, Mar. 19, 2024

MS. PHILLIPS: **MOTION THAT THE MINUTES OF THE SPECIAL MEETING OF MARCH 19, 2024, BE ACCEPTED AS SUBMITTED.**

MR. NECIO: **SECOND.**

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

F. OLD BUSINESS

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

Ms. O'Hare said no action is requested tonight.

Chair Vitali asked to take up Agenda item F.3.

(See Item F.2. below.)

3. #A24-2.2 / 100 Barnes Road - Jacunski Humes Architects, LLC - (Modification to permit IWWC #A22-5.5 re: stormwater management and change in total surface area)

Appearing were Mr. Andrew Whitehouse of Jacunski Humes Architects, LLC, representing Town of Wallingford, along with Mr. Zach Georgina of Juliano Associates, 405 Main Street, Yalesville, and Mr. George Cotter of CW International, 2091 Highland Avenue, Cheshire.

Chair Vitali said, You had redesigned the retention system with the standpipe.

Mr. Georgina said, The detention basin at 100 Barnes Road was designed when there was no groundwater at the time. After installation, due to an extremely wet year, we had groundwater constantly coming into the basin and also from the new building's footing drains. So we did not have the storm capacity. The water is already being tied into this basin, so our solution is a perforated standpipe, so groundwater can enter and exit at a slow rate. The standpipe is two feet diameter and four feet high, embedded in gravel. Then a low-flow drain with a 6" pipe will exit through the basin and dump into an existing plunge pool, which handles a portion of the site as well as municipal stormwater. We re-ran the storm calculations, and we met the pre-condition hydrograph.

Chair Vitali asked for questions.

Commissioner Heilman asked, I see what you're doing; you are going to maintain essentially a dry bottom by constant drainage, which gives you capacity?

Mr. Georgina said, By installing this, it will return to the original intent, a dry bottom.

Chair Vitali said, With this Application, there were watershed and outlet issues. We chose to have a peer review. Mr. Cotter was selected. We have his report.

Mr. George Cotter said, On the 19th I met there with Chris Juliano and Erin and saw the basin and the condition. Erin's report includes photographs. At that time, the basin was half full. This site was built in 1978. The property is 9.2 acres of which 5.31 acres were developed with a 43,000 square-foot building and east and west parking lots. The property grades from Barnes Road downhill slightly and at the north rear line it slopes significantly down into a ravine with a brook that goes down to North Main Street. A portion of Barnes Road collects into the drainage in the eastern parking lot. There's an outlet pipe for the eastern parking lot and one for the western parking lot. From original construction, the western pipe flow went to the brook below and the eastern one discharged halfway down the slope. Now they're tying the standpipe in the basin with a 6" pipe down into the riprap plunge pool at the end of the eastern pipe on the slope.

Mr. Cotter continued, I asked Juliano Associates for a pre-condition map of how and where the water discharged. I attached their two maps to my report. So the developed area was 5.3 acres; Upland area to the eastern storm drainpipe was 3.72 acres including the building; and the western pipe was 1.61 acres. His post-condition hydraulic map shows the effect of directing stormwater to the basin, which turned out to be 1.21 acres. So part of the eastern and western parking lots' drainage has been reduced to flow to the detention basin. I ran an independent analysis from theirs, and I concurred with flows and height it would reach in the basin on a 100-year event--so we had freeboard to the emergency spillway. Directing that 1.21 acres resulted in reduced discharge to the brook. It is now to the

basin, and the standpipe allows a metered flow in storm events. We agreed on my recommendations for stone around the pipe to prevent clogging; a riprap case around it to protect the stone in storm events. So you now have a basin for 20,000 cubic feet that will discharge at low events and will also knock down the peak discharge in storms. So at a 2-year storm, we had the same discharge as in the precondition; in a 100-year storm, I calculated a 10% reduction in peak flow from the property. So peak flow can be handled downstream after the project is developed. The basin and standpipe design will reduce peak flows in storms. The basin will pass the low-flow water to the wetland in the ravine below, the streamcourse and associated wetlands. Most of the year, a small amount of water will discharge continuously to the wetlands. Soils were Wethersfield soils with a fairly permeable layer of 30" to 60" and beyond that a tight soil--which is why you've seen groundwater breakout with the continuous storms. So I analyzed the basin and asked for a swale in the bottom of the basin on the easterly high side. That will allow water seeping in to be directed to the standpipe and the outlet pipes go to a plunge pool. So it will be a dry basin.

Chair Vitali asked, Commissioners, questions?

There were none.

Chair Vitali asked, Erin?

Ms. O'Hare said, I gave the Environmental Planner's Report to you only tonight due to so much on this project, even up until today. This work came together with the third-party reviewer working with Juliano Associates to incorporate recommendations. Almost all the changes are on Juliano Associates' site plan. I have conditions of approval on page 4 and page 7 for the Stormwater Management Maintenance Plan and want to add a condition now to install erosion control blankets on the sides and bottom of the basin, which was recommended but omitted from the plan. Mr. Georgina agreed to adding that.

Chair Vitali asked, Did you accept the Conditions of Approval in the Environmental Planner's Report?

Mr. Whitehouse said, They're in line with the recommendations with Mr. Cotter's report, so Yes. And we have no objection to adding that (reference was to the Environmental Planner's Report Conditions of Approval and tonight's one about erosion control blankets).

Chair Vitali said, There's no Significant Activity involved--we already voted on that. So I'll entertain a Motion.

MS. PHILLIPS: **MOTION THAT APPLICATION #A24-2.2 / 100 BARNES ROAD - JACUNSKI HUMES ARCHITECTS, LLC - (MODIFICATION TO PERMIT IWWC #A22-5.5 RE: STORMWATER MANAGEMENT AND CHANGE IN TOTAL SURFACE AREA) BE APPROVED WITH CONDITIONS DISCUSSED TONIGHT.**

MR. NECIO: **SECOND.**

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

D. PUBLIC HEARING ITEM - CONTINUATION

- 1. #A24-1.1 / 1136 Durham Road - Sunwood Development Corp. - (re-subdivision - 13 lots - under 8-30g.)**

Chair Vitali announced this Public Hearing continuation.

Appearing were Mr. Robert Wiedenmann of Sunwood Development Corp., Attorney Andrea Gomes of Hinckley Allen, and Mr. Christopher Juliano of Juliano Associates, 405 Main Street, Yalesville.

Mr. Wiedenmann said, Since meeting on March 6, we got an Environmental Planner's Report from Erin. We addressed it on 3/15 with revised plans, a DCIA calculation map, revised maintenance plan, and standard pipe perforation detail sheet. Erin submitted additional questions and comments on March 6, and we responded on the 15th. On March 22 we received additional questions from Erin, and Chris Juliano's office responded on March 25th with revised plans--so you should see two revisions to now. We responded to Erin's latest comments in her second EPR of March 28th, which responses were submitted to her office this morning. You have copies. I'd address those tonight.

Chair Vitali said, I really don't want to go over reports that aren't in the packet (*reference is to packet of documents forwarded to IWWC on March 28 before the Meeting*).

Ms. O'Hare said, They provided the Revised Site Plan on March 27. I responded on March 28 with my EPR. And on March 28 I got the Water Division's and Town Engineer's comments. All that went out to you in the packets.

Chair Vitali said, I think it's important what the Water & Sewer and Engineering had to say. Sand filters? I really don't see that in the Water & Sewer request.

Ms. O'Hare said, He doesn't actually use the words "sand filter". He did in conversation. He refers to the Zoning Regulation 4.13b, which requires things, and one is sand filters. We have our own water company. This property is in the public water watershed. I heard about this last week. Bob may have heard it from the Town Planner and from Engineering. I haven't had a chance to tell Bob what happened today. In the Engineering Department comments--I won't read all, but their main issue was that this temporary sediment trap is in the same area as the detention basin. We've done it for years--however, recently it could become a problem; also, the State of Connecticut came out with a revision to the Sedimentation and Erosion Control Manual this spring, going into effect March 31st. It says you have to separate temporary sediment basins or traps from your detention basins. Because they found, if you don't separate it, fine silts get in there and could clog it up. So that's from the Town Engineer. She did call me at 4:15 about this. Bob Wiedenmann suggested to dig down a foot, take the silty water away, and bring in a foot of fresh dirt. Alison Kapushinski, Town Engineer, entertained that idea at 4:30. She asked me to tell the Commission that she would go along with that idea if he wants to propose that. Her only stipulation would be that she would like to see the infiltration rates. They could dig down a foot and look, if it would drain right, she'd be on board with it, or they may have to go deeper.

Chair Vitali said, We have reports from last week. Erin just spoke about Engineering being in agreement with the idea they have modifying the bottom of the sedimentation basin. Does the Commission want to hear this and let them continue, or them get this straightened out? Jeff?

Commissioner Necio said, Do we anticipate more changes? I wouldn't mind waiting.

Commissioner Caruso said, I'd prefer we have everything in front of us at one time.

Commissioner Phillips said, I'd rather wait and have everything.

Commissioner Kern said, I asked last meeting about the elevations of the foundations and where the excess fill on the property was going to go, Mr. Juliano?

Mr. Juliano said, Mr. Kern, we addressed your concerns and that of the Chairman in our March 25th response to Erin O'Hare. All that information made it on the plans. The site is a balanced cut/fill. We provided you the additional grades on each house on the plans. I take your comments very seriously.

Commissioner Kern said, Thank you.

Chair Vitali said, I want to hear from the public. This is a public hearing, which I'm not sure I opened correctly; but I opened it. At this time I'll entertain any comments from the public--name and address.

Mr. John Wooding, 1131 Durham Road, said, My property is west. We could wait with no comments tonight.

Chair Vitali said, But you have video?

Mr. Wooding said, I'll have Dean come up and I'll plug in the video.

Mr. Dean Moscato, 1120 Durham Road, said, My property is west and borders 1136 Durham Road. (The video screen on the wall projected the resident's video from his Smartphone.) The video shows how water from that property moves and causes a river on my property. This is at the end of my driveway looking toward Durham Road. After the last meeting, it was nice to see the member who did come out to my property and see where the water is coming onto my property from the adjacent 1136. This is where the retention pond is going to the east side of my driveway. That's how it comes over to my property and into the street. That's a makeshift dam with the log that fell and I left it there. It's just a little more--it paused--as it goes to the end of the driveway. (End of video.)

Mr. Wooding said, You have the idea of how much water is on the property. Thank you.

Mr. Tom Kapis, 4 Killen Road, said, I spoke last month. My property abuts 1136 Durham Road on the north. Adjacent to my property on the east is Wallingford Land Trust property, which then borders Grieb Road which is the entry to this 13-unit subdivision on 3 1/2 acres. I have concerns. I'd remind this Commission: This is a real problem. I've been in my house 20 years. I'm on the north. The neighbors on the south have a tougher problem with water as on his video. On the north I've had water in my back yard since I moved in. It's been worse the last 5-7 years. Especially in the fall and this time frame, I can't go in my back yard. #2, when Fairlawn Farms was built, the adjacent property on my east was gifted to the Land Trust. That property has a retention basin similar to this proposal. This retention basin is not functioning. When I bought in 2004, I was told that the catalyst for that retention basin is 1136 Durham Road as a way of shedding water. This catch basin is not maintained--it's overgrown, and I've never seen water in the 20 years I've been there in this catch basin because it's always sitting in my back yard. I was hoping to hear how this is going to be maintained from Mr. Wiedenmann. I'm very concerned this is going to worsen that problem. For the record, I and my neighbors have existing problems. This is way too many homes on a 3 1/2-acre parcel. More due diligence and further review is needed.

Mr. Jeff Rajunis, 1125 Durham Road, said, I am south of Dean's property, diagonally across Durham Road. We're concerned that the best plans don't always work out. You make assumptions in doing

water management design. We have some serious concerns as said tonight. Is it unreasonable to ask the Commission to have a peer review, look at all the data and make sure it's being done correctly? Residents are concerned. Second, I contacted Southwest Conservation District and asked them to come in and look from a conservation standpoint. This property has existed for quite a period of time, untouched. The resident hasn't been there for five years. So I'm hoping that can happen in the next time period and do a review themselves.

Chair Vitali said, Keep Erin informed about what their involvement might be. Other comments? I'd mention to the public: If you're having surface water problems, water in your basement, those do not really fall into Wetlands involvement. This site doesn't have any wetlands on it. The only reason they're here is because they cross into an area of impervious surface. So I'm listening, and water in your basement is a terrible thing, but we're functioning based on soil type and functioning wetlands. This is just water on the top, a high water table issue.

Mr. Bob Devaney, 311 Grieb Road, said, Looking at the water situation, it all functions together. Retention ponds were built with Fairlawn Farms years ago. They were supposed to be designed with a curtain drain. The curtain drains behind the houses on Grieb Road were never put in. They were never put in on a part of Killen Road. So most people don't realize the area in Fairlawn Farms, Trailside Road--all that water comes from Killen Road down Grieb Road to 314 Grieb Road and shoots to 91. Now 1136 Durham Road, that water is going to go down to Toms Road and to a culvert there and to 91. If you go out when it's really raining and you look at 91 South where it comes down from Barnes Road, it's all water. I don't know if the Commissioners realize, but 91 had to close down four times this year, so far, southbound because the water cannot handle going to that culvert. When the water hits that culvert, it goes to Spring Lake and it wipes out everybody at the bottom of Durham Road. So when 1136 is built, that water is going to get funneled out to 91. I think you ought to get a comment from the State about how many times--something's got to be done to that culvert underneath 91. I don't think anyone knew that 91 was closed.

Mr. John Wooding, 1131 Durham Road, said, I appreciate what you do, dealing with the law and regulations, etc. Regulations were put in for a reason--watershed, drainage, etc. We already have a drainage issue in that area. You've seen the video and heard discussions from when Fairlawn Farms was put in and the impact on local wells and about the water flow down to 91. Over the last years, we've had water and drainage issues designed by engineers--the movie theater and where the Verna development was, where the old Century Fireplace was, the Bristol-Myers pond.

Chair Vitali said, We have to focus on wetlands on this site.

Mr. Wooding said, Wetlands, drainage.

Chair Vitali said, Not necessarily drainage--protection of wetlands.

Mr. Wooding said, Due to poor decisions of the past, we're concerned. The Water Department and Town Engineering were mentioned. He showed you the video. His well is right there. You put 13 houses in a cramped space with all the paving and water off the roofs and the lawn mowers, fertilizing and pesticides, God knows what impact it will have on the wells. Who do we talk to? The Health Department said to "Test your wells now and test them after the fact, and let us know if there's a problem." These things we're having to face with other departments that are not providing answers. In a month, I hope that Erin can get answers from other departments before it goes to P&Z. Consider the impact on the local populace. Does tabling tonight mean it won't be on P&Z's agenda next week?

Chair Vitali said, I don't think they'll vote on it if we table it. I'm not going to deal with reports that pop in late. Erin?

Ms. O'Hare said, Since this is a public hearing, I'd mention Chris Juliano said he did respond to my comments dated March 25th. Two and a half pages of his responses addressed comments, issues, and complaints from the public's testimony. He could run through them now, and the public would know that he's responding to their comments? In his reply letter of March 25, he also replied to Commissioner Kern's comments and to the Chair's comments. My EPR dated March 28th has the status and the chronology, and I made more requests of them. Now that the public hearing is to be continued, I'll have that coming back from them. And I'll also confer with the Town Engineer and the Water Department.

Chair Vitali said, I don't expect a lot to happen next month. We should be able to act on it.

Mr. Wiedenmann said, If I could comment. I understand the Commission is in a difficult spot--also us. In the last month we've gotten three reports from the Environmental Planner, heard comments from the Commission which we've addressed, and comments from the neighbors which we've addressed. At this point, we have not heard anyone mention anything about impact to wetlands or watercourses, which is your purview. It is my opinion that our plan meets all requirements and that anything that is not in our plan currently and is going to be addressed in the next 30 days is not likely to change anything in this project. I would ask you to consider approving this for the fact that we are not showing any impacts. The Environmental Planner has not said there's any impacts. No one has brought forward that there's impacts. I don't know why we're delaying this. I'm happy with asking you to act on what we have before you now without any changes. We meet all the requirements. I'm not certain what another 30 days is going to bring that you don't already have for your deliberations.

Chair Vitali said, I think the Commission feels that we'd want a package Erin says, "Everything is satisfied."

Mr. Wiedenmann said, We responded to her first comments and to the comments a week later. She comes up with a third set of comments. Is there going to be a fourth set of comments after our response today? At what point do we realize there are no impacts and there's no reason for not giving us an approval? I don't know what's going to happen in the next month to change opinions.

Chair Vitali said, This is something that we have a staff person we rely on. This is the position we're in. John?

Mr. John Wooding spoke again, I believe we're not going to have an opportunity to speak again. I'd give you some information. We had an Environmental Engineer look at the property and make recommendations. I have a copy of a report to give to each one of you.

Chair Vitali asked, Who generated the report? An Environmental Impact?

Mr. Wooding said, It's Triton Environmental, for us, yes. We just got this today. I have enough for all of you and maybe Mr. Wiedenmann.

Chair Vitali said, No, give to Erin. Does anybody want a copy of this?

Some Commissioners nodded.

Chair Vitali said, Give it to Erin first and give them a copy.

Mr. Wooding gave copies to Mr. Wiedenman's table, to Ms. O'Hare, and to Chair Vitali for the Commissioners.

Ms. O'Hare said, Are we reading this now?

The Commissioners looked at it briefly.

Commissioner Kern said, Bob, I'd agree with you about the wetlands issue; but to have this many people come, and see the videos and the pictures that Erin has taken out there, there seems to be a water issue problem. I'm not saying it's your problem, but we don't want to make conditions worse than they already are. So, unfortunately, for you to proceed with your development, we need to somehow correct what's going on there now. It doesn't sound like it's just your piece of property. It sounds like there's been other areas, Fairlawn Farms. These people have water in their cellar the last 10 or 15 years, and then the issue with 91 with water going under the road. I think, if you look at the big picture as a citizen of Wallingford and a developer, you'd be concerned that you were to do this project right. So it's O.K. to say "There's no wetlands" as far as our decision--but in your heart, I think you know it needs to be looked at. I'm not saying Mr. Juliano can correct the problems out there.

Mr. Wiedenmann said, I hear you and understand. I believe we have addressed a lot of those things by way of having a detention pond with other forms of development on this site would not require--that we're probably enhancing the stormwater management of the whole area, including 91. We can do a response letter, but I think we've addressed a lot of concerns. Different proposals on this site, feasible and prudent alternatives, would have been much less desirable than what we're proposing. We'd address that in a letter to you next month.

Commissioner Heilman said, I got out there and looked around. Indeed, there's no wetlands on this property, which is good. Overall picture, there's a bunch of things that became of concern to me, not for just this Application but also in the past and in the future. While at this site, I happened to follow Fairlawn Lane, I believe, all the way to Grieb Road. At the corner of that development area is a detention pond built for that purpose. Of course, the Homeowners Associations take care of these things, or are supposed to. They don't. What concerns me is the seeds we plant and what happens in the future. There are no wetlands on there, but the next agency--it's going to be something that requires maintenance. What needs to be pushed in this Town is some kind of regulation that puts responsibility for maintenance of these for the future, for future development. And it's not happening. The one to the north of this, associated with this whole drainage basin, is not functioning at all the way it should. Worse, I went a little north of that--five minutes' walk--to the huge detention pond which this Commission was involved with--Anthem, I think.

Chair Vitali asked, Wasn't that Mortgage Lenders project?

Commissioner Heilman said, Yes, that is in real need of some maintenance. It's affecting I-91. Tonight I drove by the access area here off Durham Road, and whitewater was coming down there, undeveloped. Here we have a situation, a Zoning issue. But in terms of water--our concern--I think what this is going to do is help the water in the area in one way. As I recall from the original descriptions, the soils here are extremely permeable. They convey water very well; and it's quite deep, the thickness of

this. In recognition, the Applicant has put in a whole bunch of foot drains--good for all of your properties in terms of the water that would otherwise be coming onto your property, especially this year as in the 80s. It's nothing new, the conditions they're facing. So they're doing a lot of foot drains and it's going into a detention basin to control the waters leaving this site. That's an engineering concern for how piping's joined on Durham Road. But I see this as lowering the water table in this whole area because the drains are 24/7/365. The whole area is going to go down. My concerns are not with your wet concerns but what might be a concern to anyone who might have a shallow well near this area so the south and east--because the strata underneath dips in those directions. Convey-ance of water is generally east an south through the whole Connecticut Valley from Deerfield, Mass., to Long Island Sound. So my concerns are that all this water discharge will create great control. I think it will really help a lot of the water surficially--but I would be concerned with that amount of dewatering of the entire area. When they take all that water out, the next time it rains heavy, it's going to take a long time for that to fill back in--and it won't, because it's all being drained out. So the water that rises above these curtain drains, it's not going to happen anymore. It's being controlled--engineering. That's a good thing to protect you. My only concern is, if there are any shallow wells, in particular--I don't know if you'll see any of those except in very old residences where it's not uncommon to find anything under 100 feet. You have a shallow well--either way, there's going to be less water in this area. It's going to be controlled to protect you all from the surface waters. But it's going to be the underwaters that you might have a concern with, but that's something that can be taken up with Engineering. Those are my thoughts on the overall site.

Chair Vitali said, I don't disagree with you at all.

Commissioner Heilman said, I think we should have a site investigation--not to any site--but to look at the products of the seeds we have sown in the recent past. And the Town has to become aware of this so they can move forward with legislation that puts the homeowners of an association into responsibility when they sign a contract to own that property.

Chair Vitali said, I'd entertain a Motion to table this Application.

Commissioner Phillips began, Motion to table Application #A24-1.1, 1136 Durham Road--.

The Recording Secretary requested instead a Motion to continue the public hearing.

Ms. O'Hare said, To continue the Public Hearing to May 1st.

MS. PHILLIPS: MOTION TO CONTINUE THE PUBLIC HEARING TO MAY 1ST.

MR. NECIO: SECOND.

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

Chair Vitali said, We're going to need a request for extending time--extension. O.K.

E. CONSIDERATION OF PUBLIC HEARING ITEM

- 1. #A24-1.1 / 1136 Durham Road - Sunwood Development Corp. - (re-subdivision - 13 lots - under 8-30g.)**

This Application #A24-1.1 was public hearing continued as above. This item was not taken up.

F. OLD BUSINESS

1. #A18-12/2 / 32 Barnes Road- Rowland Industries - Request for release of bond

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

2. #A24-2.1 / 155 East Street - Ferti Management Corp. - (driveway extension/loading area, filling storm basin, installation of new storm basin, and discharge of stormwater)

Appearing were Mr. Scott Thibodeau, Plant Manager, and Mr. Mike DeRosa, Project Manager, and Mr. Tom Linden of Linden Landscape Architects, Wethersfield.

Mr. Linden said, The rear northeast corner is the project. On the west side, is an existing riprap outfall that goes to the river. Piping from the existing detention basin and all the roof drainage goes out through that riprap, swale and outfall that goes to the river. We met with Erin to go through her Environmental Report and all the issues. The changes we made from last time addressed the new detention basin. This new piece of pavement is on top of the basin that's out there. So we had to catch the old volume and put in the new volume, and we're building the new detention basin on this side of the road here. It's basically a 9,000 cubic feet volume. So we can put a detention basin in a FEMA flood zone. And we put compensatory flood volume in the same area proposed previously on the west side. The new basin is for detention of stormwater on impervious surface, replacing the old one and big enough to handle the extra impervious surface.

Mr. Linden continued, Due to the paving, we counted 1,600 cubic feet of compensatory volume to provide. So at the riprap going to the river we're going to create along that edge the volume that we need by dropping that 60' x 65' area down a foot for more volume in the FEMA flood zone. We're required 1,600 cubic feet, but we're creating an area of 4,000 cubic feet volume on this side. So we answered all the Environmental Planner's questions from last time. So we made the other graphic changes and provided updated Stormwater Management Maintenance Report. We corrected the housekeeping issues. Also, we'll put a stone strip along the edge of the pavement for controlling runoff to the grass. In this area we're planting more deer-resistant plants.

Mr. Thibodeau said, It's arrowwood viburnum all the way down to the detention pond.

Mr. Linden said, So 4' x 4' posts have been installed for the placards.

Chair Vitali said, Erin, have they satisfied all concerns so we can act?

Ms. O'Hare said, Yes.

Chair Vitali said, So there's no Conditions of Approval?

Ms. O'Hare said, They folded everything in.

Chair Vitali asked, Do they need to notify you if something's going to happen?

Ms. O'Hare said, Yes, the standard: That they're to give me one week's notice to schedule an Erosion Control site inspection.

Chair Vitali said, Standard, so they'll notify you. This is a new Application, so we'll vote on Significant Activity. A motion, please?

MS. PHILLIPS: **MOTION TO DECLARE APPLICATION #A24-2.1 / 155 EAST STREET - FERTI MANAGEMENT CORP. - (DRIVEWAY EXTENSION/LOADING AREA, FILLING STORM BASIN, INSTALLATION OF NEW STORM BASIN, AND DISCHARGE OF STORMWATER) BE DECLARED 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 #A24-2.1 / 155 EAST STREET - FERTI MANAGEMENT CORP. - (DRIVEWAY EXTENSION/LOADING AREA, FILLING STORM BASIN, INSTALLATION OF NEW STORM BASIN, AND DISCHARGE OF STORM WATER) BE APPROVED WITH THE FOLLOWING CONDITIONS:**

1) THAT THE ENVIRONMENTAL PLANNER BE NOTIFIED ONE WEEK BEFORE TO SCHEDULE THE EROSION CONTROL SITE INSPECTION; AND
2) A \$5,000 BOND.

MR. NECIO: **SECOND.**

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

Commissioner Kern asked if that area is under water now where the loading docks are?

Mr. Linden said, No.

Commissioner Kern stated, I saw on the computer where a fertilizer factory had a fish kill along a river. What's the chances here? We're here to protect wetlands and watercourses.

Mr. Thibodeau said, Zero. Product doesn't come anywhere near where any water would be, where it would permeate on the property. We don't keep any material anywhere near that. We have a house-keeping policy with daily inspections along the property to make sure it's clean. If anything does happen on the property, we hold the trucking companies responsible, and they have a great response to come and clean up. We also have all the equipment required to do instant cleanups as well.

H. RECEIPT OF NEW APPLICATIONS

Chair Vitali formally received these Applications #1-4 for the May 1 meeting:

- 1. #A24-4.1 / 1 Miles Drive - GEM Property Group, LLC - (electric charging facility)**
- 2. #A24-4.2 / 5 Technology Drive (aka 56 Carpenter Lane) - Bio-Tech NE, Corp. - (addition & stormwater management facility modifications and installations)**
- 3. #A24-4.3 / 56 Gaylord Farms Road/Harnish Lane - Water & Sewer Division - (sewer lateral installation)**
- 4. #A24-4.4 / 929 North Main Street Extension (aka 950 North Main Street Extension) - 950 North Main Street Wallingford, LLC - (high-water overflow depression in stream channel berm)**

I. REPORTS & COMMUNICATIONS

- 1. Discussion of proposal to adopt fines for violations - Not discussed.**
- 2. Farm Hill Road Detention Basin - Not discussed.**

3. **Memorandum to Janis Small, Corporation Counsel, from Erin O'Hare, Environmental Planner, Re: Cease & Correct Order, Cease & Desist Order, & Notice of Violation, dated 1/19/24. Not discussed.**
4. **Proposed Budget FY24-25, Mayoral review, Mar. 13**

Ms. O'Hare reported that the budget is all set.

5. **Letter to Erin O'Hare, Environmental Planner, from Domenic Santilli, re: 'Errors and Omissions Noted on Application #A23-5.6, 898 Church Street multifamily apartments', dated 2/29/24; submitted 2/29/24**
6. **'Memorandum' to Erin O'Hare, Environmental Planner, from James Allen, Jason Adinolfi, Dom Santilli, the 898 Church St Committee, re: 'Errors and Omissions noted on application #A23-5.6 (898 Church St. multi-family apartments) See attached Petition'; dated 3/4/24; submitted 3/4/24, with attachment**
7. **Memorandum from Janis M. Small, Corporation Counsel, to Erin O'Hare, Environmental Planner, and Inland Wetlands and Watercourses Commission, re: 898 Church Street, dated 3/25/24; submitted 3/25/24**

Ms. O'Hare said, Corporation Counsel Small's memo stated there is no statutory basis for permitting a public hearing on something that has already been approved.

8. **DEEP Permit Notification For the Use of Pesticides in State waters - 179 Maltby Lane - Murgo Pond - Owner: Mary Lee Murgo -; Applicant: Stahl Holdings, LLC: DBA The Pond and Lake Connection**

Chair Vitali acknowledged this Permit Notification.

J. VIOLATIONS

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.**
2. **Cease & Correct Order Remains - 67 Schoolhouse Road - Michelle Millican & Michael Gerace - (new filling over prior filling); issued 4/25/23; 11/1/23 extended deadline for removal to 9/4/24**
3. **Cease & Correct Order Remains - 67 Schoolhouse Road - Karl Kieslich - (new filling over prior filling); issued 4/25/23; tabled**
4. **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**
5. **Notice of Violation Remains - 119 Quigley Road - Matt Turner - (clearing & grading in wetlands); issued 9/29/23**

Ms. O'Hare said, We are waiting to see how many plantings take hold this spring.

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

7. NOTICE OF VIOLATION REMAINS - 4 Mellor Road - Robert and Rhonda Doolittle - (unpermitted clearing, installation of rock wall in channel, footbridge, drainage pipes, fire pit, seating area, stone path, and fencing); issued 11/29/23

Appearing was Owner Mr. Robert Doolittle.

Chair Vitali said, We were out there. It's in our Minutes. Comments from the Commissioners? There were none.

Chair Vitali said, I feel the bridge crossing the wetlands should have had a permit. But I feel there was less erosion because of the concrete blocks.

Ms. O'Hare noted several unpermitted activities that the Commission could act on, perhaps as an after-the-fact permit.

Commissioner Kern asked to have wetlands placards installed out there.

MS. PHILLIPS: MOTION TO ISSUE AN AFTER-THE-FACT PERMIT ON 4 MELLOR ROAD FOR THE FOOTBRIDGE THAT WAS INSTALLED AND THAT WETLANDS PLACARDS ARE TO BE INSTALLED.

MR. NECIO: SECOND.

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

Chair Vitali said, So he needs to apply to Erin O'Hare to get the permit.

Ms. O'Hare said, Once he does, then next month you will list the Violation? I'd suggest that he comes in with an Application and the check for another second permit and to lift the Violation next month.

Commissioner Kern stated, With that pipe being put in at 55 Kondracki Lane, there's going to be a washout. I suggest that no fee should be charged for a new Application.

Mr. Doolittle said, Yes, that would be good.

MR. KERN: MOTION TO WAIVE THE FEE FOR THE NEW APPLICATION BY MR. DOOLITTLE.

MS. PHILLIPS: SECOND.

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

Note: This Item 7 is included in the disposition Motion below.

Chair Vitali asked Ms. O'Hare to reduce the size of the Legal Notice about Violations in the newspaper to save cost. Ms. O'Hare will look into it.

9. NOTICE OF VIOLATION - 2 Wojtasik Drive - Joseph Wojtasik - (unpermitted clearing, grading, removal of trees, re-setting drainage pipes in wetlands and within Upland Review Area) - issued 3/27/24

Appearing was Owner Mr. Joseph Wojtasik, Jr.

Chair Vitali said, Roman Mrozinski is working on this. Ms. O'Hare has been dealing with you on wetland involvement?

Mr. Wojtasik said, I own the property. The violation had occurred on the abutting property. Then I purchased it and cleared some out. In the wetlands, there is trash: not letting water get through, pipes filled in, etc. So I had someone get all the trash out. Still, broken glass, etc., remain. I stopped, but I want people to rake it out.

Chair Vitali said, My suggestion is you work closely with Erin. Do you have other comments?

Ms. O'Hare said, I went out there and the heavy equipment operator stopped and contacted the Owner. I met with the Owner the next day, and they put up hay bales and straw mulch, etc. I did go there a few days later with Roman Mrozinski, former Executive Director of Southwest Conservation District. Basically he said, "pretty good" and gave pointers which I haven't shared with you yet, Mr. Wojtasik. He wanted more hay mulch above on the uplands to stabilize that area because all that red soil is waiting to come down. Also, he wanted a shrub planting plan for that long open stretch as in the photos. Mr. Wojtasik is in the nursery business, and we're going to get together on it. In the actual black bottom open wet part, Roman had suggested wetland seed planting. It will bring plants back into where he dredged it out from the bottles, etc.

Chair Vitali said, Good, very good. We're all set for now. Thank you.

Mr. Wojtasik said, Thank you.

8. 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

Chair Vitali said, On Violation 8, Erin said they requested it to be tabled. But in the packet, they submitted a summary and memo. If I read their Executive Summary correctly, are they planning to do all the work they specify?

Ms. O'Hare said, That's why they're tabling it. Sigrun visited me about this over the four years. I told her, "We need a plan." It's in the NOV, something the Commission can look at and say, "O.K." And two days ago she met with me, and she's going to come in with a simple plan drawing with trees.

Chair Vitali said, But the plan they're drawing is based on this Executive Summary?

Ms. O'Hare said, No.

Chair Vitali said, I read the plan. If I read it correctly, but it's extensive replanting and work they specified here--either they've done it or not, it's quite an extensive program. Is this she's identifying what they've done before or what they're going to do? But I think we're on the right path.

Ms. O'Hare said, There's two problems. One is not enough trees, and the other problem is too many invasives. I said, You've got to come up with a realistic plan for the invasives. So they're going to do that and map the trees: putting in silver maple, elm, sycamores.

Chair Vitali said, The plan has got to be a realistic plan that's going to work.

Chair Vitali said, I think Janis or Erin would like the Notices of Violations to be reconfirmed. We'll keep them all in effect. A Motion?

MS. PHILLIPS: **MOTION THAT THE VIOLATIONS ON OUR AGENDA #1, 4, 5, 7, 8, AND 9 BE AFFIRMED AND THE CEASE AND CORRECT ORDERS ON #2, 3, AND 6 BE ALSO AFFIRMED.**

MR. NECIO: **SECOND.**

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

K. ADJOURNMENT

MS. PHILLIPS: **MOTION TO ADJOURN THE MEETING.**

MR. NECIO: **SECOND.**

VOTE: **UNANIMOUS TO ADJOURN.**

The Meeting was adjourned at 8:47 p.m.

L. NEXT SCHEDULED REGULAR MEETING: May 1, 2024

Respectfully submitted,

Kathleen L. Burns, Recording Secretary