

**Wallingford Inland Wetlands & Watercourses Commission**  
**Regular Meeting**  
**Wednesday, October 4, 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 Thursday, October 4, 2023, at 7:09 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 and Aili McKeen, and Environmental Planner Erin O'Hare. Alternate Commissioner Mrs. Caroline Raynis entered the Meeting at 7:13 p.m.

**ABSENT:** None.

There were about 25 persons in the audience. An additional 14 persons from the public entered during the Meeting.

**A. PLEDGE OF ALLEGIANCE**

The Pledge was recited.

**B. ROLL CALL** - As above.

**C. CONSIDERATION OF MINUTES**

1. Regular Meeting, Sept. 6, 2023 - cancelled
2. Minutes, Special Meeting, Sept. 7, 2023

**MS. PHILLIPS:** **MOTION THAT THE MINUTES OF THE SPECIAL MEETING OF SEPTEMBER 7<sup>th</sup>, 2023, BE ACCEPTED AS SUBMITTED.**  
**MR. NECIO:** **SECOND.**  
**VOTE:** **MR. KERN - YES; MS. PHILLIPS - YES; MR. NECIO - YES; MR. HEILMAN - YES; CHAIR VITALI - YES.**

Commissioner Michael Caruso abstained here because he did not attend on September 7th.

**D. 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. **#A23-5.5 / 10 Mansion Road - Joe Flamini (Lost & Found Ventures LLC)** - (commercial development - restaurant)

Chairman Vitali stated that this item would be taken up later in the Meeting.

3. **#A23-8.3 / 531 North Branford Road, "Ferguson Woods"** - Kenny Michaels, Director,

**Parks & Recreation Dept. - (bog-bridge installation in wetlands)**

Ms. O'Hare said, I had sent you my report and recommendations to approve this request as submitted.

After a brief description, this Motion was made on Significant Activity.

**MS. PHILLIPS:** **MOTION ON APPLICATION #A23-8.3 / 531 NORTH BRANFORD ROAD, "FERGUSON WOODS" - KENNY MICHAELS, DIRECTOR, PARKS & RECREATION DEPT. - (BOG-BRIDGE INSTALLATION IN WETLANDS) THAT THIS 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.**

Note: The Action Motion for this Item D.3. was made below after E. New Business.

**G. REPORTS & COMMUNICATIONS**

**3. Wallace Dam / Quinnipiac River - maintenance work on banks by dam - staff report**

Ms. O'Hare said, The Engineering Department is asking the Commission for permission to work on the property on either side of the Wallace dam near the Quinnipiac River bridge over Quinnipiac Street in the vicinity of the Dog Park. She has asked the contractor to install erosion controls. The project is to clear trees about 25 feet on either side of the dam abutments and to grind the stumps. Then they would put in conservation seed mix. This would all protect the dam. There is no formal Application here. I have photographs. Every 10 years the Town is required to do a dam inspection report, and this work is what the State wants done.

Chair Vitali asked if this should be by Administrative Approval or by a vote of the Commissioners. He polled the Commissioners. Each one agreed to the work, with Commissioner McKeen having no comment.

Chair Vitali summed up: The agreement here is that the work within the 25-foot semicircle/half-circle of the dam, per the drawing, is to be maintained of trees that were endangering the dam.

Ms. O'Hare said, Thank you.

**D. OLD BUSINESS**

At this time Chair Vitali returned to Item D.3.

**3. #A23-8.3 / 531 North Branford Road, "Ferguson Woods" - Kenny Michaels, Director, Parks & Recreation Dept. - (bog-bridge installation in wetlands)**

Chair Vitali requested a Motion to be made to consider this Application.

**MS. PHILLIPS:** **MOTION THAT APPLICATION #A23-8.3 / 531 NORTH BRANFORD ROAD, "FERGUSON WOODS" - KENNY MICHAELS, DIRECTOR, PARKS & RECREATION DEPT. - (BOG-BRIDGE INSTALLATION IN WETLANDS) BE APPROVED AS SUBMITTED.**

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

**E. NEW BUSINESS** - None.

**F. RECEIPT OF NEW APPLICATIONS**

- 1. #A23-9.1 / 86 Barnes Road - 950 No. Main Street Extension Wallingford, LLC -**  
(Modification to Permit Terms for IWWC #A23-2.2)

Ms. O'Hare explained, The approval for IWWC #A23-2.2 was voted a few months ago. Now the Applicant is asking for a Modification to change one of the Permit Terms for the Wetlands Restoration Planting Plan. Mr. David Lord came in with a plan for doing all plantings. The Condition that could be modified from the prior permit would be to go from before November 1 to by June 15 or June 1, 2024, because the plant installations cannot go in by November 1 and the developer wishes to begin site work now.

Chair Vitali thought this request could be handled tonight. After brief discussion, Vice Chair Phillips made this Motion.

**MS. PHILLIPS:**    **MOTION THAT APPLICATION #A23-9.1 / 86 BARNES ROAD - 950 NO. MAIN STREET EXTENSION WALLINGFORD, LLC - (MODIFICATION TO PERMIT TERMS FOR IWWC #A23-2.2) TO CHANGE CONDITION #1 IN THE APPROVAL TO HAVE SITE WORK STARTING IN 2023, BUT THAT THE RESTORATION PLANTINGS WILL GO IN BEFORE JUNE 1<sup>ST</sup> OF 2024.**

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

- 2. #A23-10.1 / 1 North Main Street Extension - In Memoriam Cemetery Association, Inc. -**  
Minor Modification to permit IWWC #A22-12.3 - (redesign of drainage swale associated with Phase I of construction of interior drives plan)

Ms. O'Hare explained that the permit swale was not installed correctly, and the plan also needs to change to just Phase I of the design.

This Application #A23-10.1 was received tonight by Chair Vitali. It will be on the November 1st agenda.

Chair Vitali returned to Old Business.

**D. OLD BUSINESS**

- 2. #A23-5.5 / 10 Mansion Road - Joe Flamini (Lost & Found Ventures LLC) - (commercial development - restaurant)**

Appearing were Attorney Dennis Ceneviva of Ceneviva Law Firm, Meriden, and Mr. George Logan, R.L.S., of REMA Ecological Services, Meriden.

Chair Vitali said, I understand that there is an Intervenor here tonight. Could that person move to the front?

Ms. Sharon Petrillo, 164 Mansion Road, came to the table as the Environmental Intervenor.

Attorney Ceneviva said, In the Minutes of September 7 we made a lengthy presentation. There was some presentation by the Intervenor during the meeting. There has been discussion over whether or not the drainage ditch at the edge of the property is a drainage ditch or an intermittent watercourse. Ms. O'Hare said it's an intermittent watercourse, not a drainage ditch, as she explained in her EPR. Maybe things change. So the Commission determined the activity on this application to be Not a Significant Activity (see September 7, 2023 Minutes). So you were getting a report at the last meeting, and we were to come back this month.

Attorney Ceneviva said, There has been a lot of discussion with your Environmental Planner, and she has given my office 11 Suggested Conditions of Approval, which you have. My client agreed to those 11. After that, we agreed to a 12th condition. You had a vote on Significant Activity. So considering all that's been provided and your Recommended Conditions of Approval, there's no objection by the Applicant. We think the modified plan is a good plan. All of you have been out to the site. So the Intervenor has certain requirements that need to be met, but in terms of where the Application is, the Environmental Planner has put together Conditions of Approval, and we agreed and we're ready.

Ms. O'Hare said, Mr. Chairman, before we move forward, I think it's important to go over the new changes to the plan since the September 7th meeting.

Chair Vitali asked the Commissioners for questions.

Commissioner Kern asked, Where in the hard copy that we received tonight are the 11 Conditions of Approval? Do we have them so we could vote on it?

Ms. O'Hare said, What Attorney Ceneviva is saying appears on pages 4 and 5 in my Environmental Planner's Report in the packet from Friday.

Commissioner Kern said, So they're not on the print?

Ms. O'Hare said, No. We never have done that. Other towns do that.

Chair Vitali said, It's very clear that Nick Kern wanted everything on the plan, stamped, ready.

Ms. O'Hare said, Attorney Ceneviva, were you on board with that? Did you think it was to be on the plan? I missed that, I'm sorry.

Attorney Ceneviva said, What the plans proposed dealt with in COAs. Some of them would be on the plan. If you're proposing a \$20,000 Environmental Control bond, that was in your Minutes. I'm O.K. with it to be on the signed set of plans. There could be a question of placing wetlands placards that the Commission could ask for. So I think there's not clarity on the conditions. Do you want work to be done in the eastern ravine, which could be on the final set of plans? I think we'll go with the proposals that have been submitted.

Chair Vitali said, I know the Intervenor wanted to comment.

Attorney Ceneviva said, I wanted to bring in Mr. Jim McManus, Wetlands Scientist to comment. I was pleased that we had a defined set of conditions and we're prepared to go forward.

Chair Vitali said, So what has been put on the plans?

Attorney Ceneviva said, It's there--the note in the upper corner of the sheet, the information for the construction team to look at about doing work in/on the drainage ditch—the sequencing. "Erosion control blankets" is normally in your Conditions of Approval. The contractor is in the audience and can explain things. "Monitoring of erosion and basin controls" are usually in the plan. There's to be Erosion Controls stored on the site, and your Environmental Planner will make sure. There will be a Responsible Party. It was standard what you would see in your application: sequence, bond, etc.

Commissioner Kern said, So you say there's not a complete set of plans?

Attorney Ceneviva said, No, you could change them. So, if this Commission approves the plan with these Conditions of Approval, we would put those on there. But if you said, I don't think #4 is fair, the Commission might delete it. So we'd be causing them to redo plans. I think the plan is well done, and we're accepting of those conditions.

Ms. O'Hare said, Now I understand what Commissioner Kern was saying. We did do that on 5 Research Parkway where you'd comment on the specific plan about every change that was made, and it was recorded on the plans somewhere appropriately.

Mr. Christopher Juliano, of Juliano Associates, 405 Main Street, Yalesville, came to the table and said, Also, here we're going back and forth.

Ms. O'Hare said, I think the zone change reversal that happened last week perhaps put the team in a different frame of mind. I sent them my comments of September 20, a letter on September 25, and my report September 29. I tried to meet with them about all that, but no phone calls were returned. They didn't call me back until Friday at 4:40 p.m.

Commissioner Kern said, Maybe we should table this until the zoning thing.

Ms. O'Hare said, They're out of time to continue here.

Attorney Ceneviva said, Nothing's changed tonight at Wetlands. The plan is going forward to Planning and Zoning. Neighbors were not notified. So Attorney Small determined that the zone change was void. It did not occur legally. But you're concerned with the potential impact to inland wetlands. We're coming back next month with the zone change--the identical site plan. As a legal matter, if the Planning and Zoning Commission does not approve the zone change, that would be the only way it would change.

Chair Vitali said, What are we going to do? Are there any questions?

Commissioner McKeen said, No questions.

Commissioner Mrs. Raynis had no questions.

Commissioner Heilman said, There was a proposal to review the construction sequence because

there were some concerns as to whether they should put in the lower drain first or the checkdams in first.

Chair Vitali said, O.K. We'll get the Intervenor to speak.

Ms. O'Hare said, What it says in my report is that they never sat down with me. But Attorney Ceneviva and Christopher Juliano aren't going to like Condition #3 unless they want to build it the way I want it.

Attorney Ceneviva said, My client's reviewed it; Mr. Juliano's reviewed it.

Ms. O'Hare said, O.K., then build it my way.

Chair Vitali said, They have an Intervenor, who has to deal with environmental issues on this site, specific issues. You can ask the Applicant questions, and the Applicant can answer.

Ms. Sheryl Petrillo, 164 Mansion Road, spoke tonight again as the Environmental Intervenor. She said, On behalf of the nearly 300 members of the group Save Mansion Creel, I'd provide the Commission supplemental materials on the potential impact on the URAs of the wetlands and watercourses of 10 Mansion Road. This presentation is in three parts:

- 1) What the Town Planners have said in the past 20 years about developing this property;
- 2) The geology of the site and what it signifies for any development here; and
- 3) Michelle Ford will present her professional report, which you have in your packet.

Ms. Petrillo continued, commenting on the images projected in a PowerPoint presentation: 1) The map shows Mansion Creek in blue. This is the intermittent stream (on screen) in blue. The 50-foot Upland Review Areas are in solid yellow. The dotted yellow URAs reflect the additional 50 feet going beyond the steep slopes of the ravine. Proposed activities of restaurant, parking lot, and others are also shown. Town Planner Linda Bush in 2003 asked, "Where on this lot can you actually build a commercial buildings and parking lot? This office will oppose any request for variances to build on this lot in the future." That's from July 30, 2003.

Ms. Petrillo continued: I quote from August 7, 2003, from Linda Bush, Town Planner: "It was the consensus of those in attendance that it would be considered a watercourse, rather than a drainage ditch. This designation will have a major impact on the developability of this property." This map is from Mr. Thomas Pietras, August 11, 2003, and Kevin Stevens, Soils Scientist, attesting to the presence of both Mansion Creek and the intermittent watercourse which is located right here. This is from October 17, 2005, from Erin O'Hare, Environmental Planner: "Drainage ditch as depicted on the survey is in reality a permanent watercourse stream at the bottom of a steep ravine that supports 100-year-old mature oak, hickory, and maple trees. The lot is not practicable to build." And March 3, 2023, from Erin O'Hare, Environmental Planner, "The subject parcel and the existing DD-40 abutting support an extensive wetlands system with a stream and steep ravine and a second watercourse." Why has the Town consistently protected these wetlands, watercourses, and their Upland Review Areas in the face of requests to develop the property? There are two main answers. One has to do with geology and the other has to do with wetlands science. I'd thank Randall Steinen, Professor Emeritus of Geology and Geophysics at UConn, and Megan Ceremet for helping. This is location #137 on the middle of the map. On the middle left of the map, the 2021 Wallingford quadrangle is one of the newest maps that the DEEP published and was co-authored by Professor Steinen. The site sits beside Sleeping Giant's left foot--detail of the 2021 quadrangle map--#10 Mansion is just above where

it says "137". Blue streaks indicate the water drainage directions, and the blue dots mark where they took rock samples for analysis. What does all this mean for the development of 10 Mansion? To describe the formation of Sleeping Giant 200 million years ago and changes up to the present time: Here is Sleeping Giant. The geology of traprock is very important for wetlands, watercourses, and Upland Review Areas. Any surface waters from rain or snow will not be absorbed. Instead they will follow the principal fracture direction, filling wetlands and watercourses below and carrying with them any pollutants from human activity in the Upland Review Areas, which has to do with the Ice Age. Then glaciers began to retreat from Connecticut, leaving a thin layer of glacial till, coarse-textured soil and loamy sand. Surface runoff and pollution from human activity will go right into Mansion Creek, which runs east to west. The same is true of the intermittent watercourse that joins it before the creek passes under South Turnpike Road. Geology tells us that development activities proposed for this site could adversely affect the watercourses, wetlands, and their Upland Review Areas, just as Town Planners have been saying. We urge the Commission to uphold precedent and continue to preserve areas of this site. I'm concerned about the Inland Wetlands Commission's ability to evaluate the potential for unreasonable pollution, impairment, and destruction of these wetlands and watercourses, given the fact that development plans and activities submitted to you presently require substantial modification in scope and content and may well require the same in the future. We thank Wetlands Scientist Kristen O'Neill of the Watercourse and Wetlands Division of the DEEP for answering questions. I now introduce Michelle Ford, founder of Echomaps LLC. She is a Registered Professional Soils Scientist, Professional Wetlands Scientist, and a Certified Wildlife Biologist, and five years as the Zoning and Wetlands Enforcement Officer in Middletown.

Ms. Michelle Ford said, You have my report in your packet. I was retained by the Save Mansion Creek organization to review information from the Applicant and from Soils Scientist Mr. George Logan. I listed my concerns. First is concern over the intermittent watercourse which drains from the road down to Mansion Creek. I did not have access to the property. I have not evaluated that intermittent watercourse/drainage swale personally--it was all from public rights of way. My concern was in the lack of data to make that determination to change that from an "intermittent watercourse" to a drainage swale to be allowed to be filled in and piped. So Mr. Logan did not appear to include actual data to make that determination. That was the first and most significant concern. The second concern was removal of mature trees from the top of the slope. That slope on the back of the property down toward Mansion Creek is already starting to erode. I believe they don't plan to remove any trees, so that is good. The other concern: Should the intermittent watercourse/drainage swale be allowed to be filled, how that scour basin/pond will be cleaned out and maintained over the years. If it's going to be piped from Mansion Road, it's going to accumulate sediment. I'm not talking about big debris, the coffee cups--I'm talking about the sand and the silt that's going to slowly in-fill that basin. If there isn't a rigid maintenance schedule to extract that fine material, it's going to fill in, and any benefit of it is going to be null and void--my other concern.

Ms. Ford continued, I was e-mailed late today a copy of Mr. McManus's report. I didn't have much time to go through it. It was received by the Town today; I'm assuming members of the Commission have reviewed it. I don't have any objection to what was in Mr. McManus' report. I appreciate that the Applicant got another soils scientist and gathered more data and opinions. I still think there are questions whether or not it is a regulated intermittent watercourse. One point Mr. McManus makes, on page 1, is the need for more time to measure the presence of standing or flowing water for a particular storm incident. I think the problem lies in the regulation, which says "duration longer than a storm event". It's vague. Is that 0.1 inch of rain? Is it 24 hours after a storm event? Is it 72 hours? But, not having not been on the site, I can't speak to it.

Chair Vitali said, Now, as an Intervenor, you are supposed to have specific reasons or solutions to problems. Do you have a specific reason why this is going to fail?

Ms. Ford said, I question the determination that it is not an intermittent watercourse.

Chair Vitali said, If you question the determination that this Commission felt it was a drainage ditch and not a watercourse--it's got a hard bottom; it's got some water sitting in rock--that changes the complexity. This Commission was out there on site, and, at the last meeting, everyone talked and agreed that it was a drainage ditch and not an intermittent watercourse. To jump back now and say, "Well, that's what Linda Bush said or Tom Pietras said 20 years ago"--they're not here to say what they saw. So I think your Intervenor status is supposed to pinpoint the pollution problems or the reasons why versus just saying you don't agree with the determination. You probably could have gone on site. Did you ask them if you could go on site?

Ms. Petrillo said, There's "No Trespassing" signs everywhere. We were not told we could go on site.

Chair Vitali said, Did you ask?

Ms. Petrillo said, There's "No Trespassing", so why would I ask?

Chair Vitali said, You're right. Any questions of the Intervenor, Caroline?

Commissioner Mrs. Raynis said, No.

Chair Vitali asked, Aili?

Commissioner McKeen said, No questions.

Commissioner Kern said, You talk about the pictures that you show about the rock or the ledge you saw down there. I believe when Heritage Woods went in, there was a similar scenario. Nobody wanted to build back there, and all of a sudden Heritage Woods was built. I think you're sitting on the same geographic plot that this property has; and over the years of development, this 20-foot or 50-foot ravine has eroded--it's been probably the first 60 or 80 years of development before the 'sixties. Now that we keep developing and putting housing projects in and we've got retention everywhere, the impact--it's not an intermittent stream, it's just drainage, it's water runoff from up above. Because, as you climb up Mansion Road, you can see all the water is going to run downhill. Eventually, it's going to run through Heritage Woods or come down the street and get into the storm sewer. So I think we've placed it where it should be placed, as far as it's not an intermittent stream, it's a drainage ditch. And the water comes down through there and barrels across the street to the Quinnipiac River.

Ms. Petrillo said, Water has run during dry times down there. We've seen it; we've got videos of it.

Commissioner Kern said, But you just said it. The rock has all been fractured, and it's cracked; and the water runs down into the rock. It's got to leak somewhere. It's found its course to--you know, it's going to flow downhill and eventually get down to the lowest point of the area.

Ms. Petrillo asked, Well, how could you deem something that's been forever an intermittent watercourse, and all of a sudden say it's not anymore?



Audience applause.

Ms. Petrillo said, I mean, what proof do we have that it's not, except for everyone to say, "It's a ditch. It's a ditch."?

Commissioner Kern said, What proof do you have that it is?

Ms. Petrillo said, Reports, from the history.

Commissioner Heilman said, Yes, but things change in time. And I think that's being ignored in a lot of the discussions. One of the things that proves intermittent streams is they're very associated with seasonal fluctuations of water tables. In the springtime after the snowmelt, it can't get down into the water table right away, so it's suspended with the snowmelt; and that's when you will find areas like what has developed in this area--flows of water. They are seasonal when the table comes up. And so you can't really associate it with a given storm event. A series of storm events can change water tables and reactivate intermittent streams. The same kind of conditions exist with vernal ponds--they're seasonal. It has everything to do with snowmelt, the amount of rainfall, and the subsequent water tables which can fluctuate up and down--up to 20 feet in some areas. I'm not saying it would happen here. What disturbed me in this whole project: In the very beginning, our site investigation was not what it should have been. We were not really able to get down in and spend the time necessary to do what had to be done. But, getting back to the intermittence and whether or not this is an intermittent stream, and history that changes things. I went back afterward and said, O.K., huge ravine here. What is it like on the other side of Mansion Road to the south? Couldn't find it. Since Linda Bush was here, I think a lot of development has gone on and a lot of things have been filled in. The only thing that I really see entering that system today is the rain water, which can sit in that ravine because it can't get down through the bedrock that it is worn down to. So it sits there. You showed a picture of a stream along with basalt outcrops--that's a stream, moving. When it just sits and you can go and see it, week after week, in an area that doesn't get a lot of sunlight, it sits there and creates wetland-type soils. But is it really a stream? Where is the connection? Where is the water coming from that causes the intermittence here? It could be a little with springtime melts. But during the peak of a summer without storm events, I don't see it happening. So, with experience and my understanding of how environmental systems work, I think this ditch area was cut off from its sources many years ago--perhaps even before the development of Heritage. So I don't see this as an active area supporting the wetlands. But I am concerned about development here and how to best protect the wetlands--and, hopefully, we'll get into that on construction sequence.

Chair Vitali said, Thanks, Jim. Jeff?

Commissioner Necio said, No comment.

Chair Vitali asked, Mike?

Commissioner Caruso said, No comments.

Chair Vitali asked, Debbie?

Commissioner Phillips said, No comment.

Chair Vitali asked, You, as well?

Commissioner Kern said, No comment.

Chair Vitali said, O.K. You know, it rains and it runs into the ground. That area all through there is very sandy. So no matter where the water rained in your yard, the water would go in your lawn and go down there, and it's going to migrate somewhere. And it migrates to the primary creek, not the lateral. So, if it were to leak out at a point--it could easily leak out to the north--this leaks out to the east. So that's kind of the normal flow of what goes on. We take projects and we recharge groundwater. It goes down to bedrock, and that whole drainage ditch sits on bedrock. I think that's where this whole thing gets to be, because I didn't see any vegetation in the middle of that drainage swale.

Mrs. Petrillo said, There was. It's written in Mr. Logan's report as well.

Chair Vitali said, Stop. All right, does the Applicant have any questions of the Intervenor? Do you have any questions of the Intervenor, any comments, Attorney Ceneviva?

Attorney Ceneviva said, No.

Chair Vitali said, All right. We wanted to hear from Chris Juliano as to how the construction sequence is going to take place.

Mr. Christopher Juliano, of Juliano Associates, 405 Main Street, Yalesville, had just arrived and approached the table. He showed the plan.

Chair Vitali said, Chris, we've had a specific question from Commissioner Heilman regarding the construction sequence of the drainage ditch--starting, finishing.

Commissioner Heilman said, Chris, my concern has to do with what is the protection of what is at the lowest point--which is really where the wetlands are--and leaving the site? And during the discussions preceding this evening, I thought you had the idea of putting in the main dam first. But that's kind of got reversed to putting in checkdams. My concern is what's down below, and I think that would be your first line of defense, followed by the checkdams. Then you could start. If you could proceed?

Mr. Juliano said, What you just described, Mr. Heilman, is pretty much what is on our Sequence of Construction. We are going to come down and to mark the clearing first. We're going to cut trees without removing any stumps, to get that out of our way. We are going to install silt fence at the downstream side. We have our perimeter silt fence and three silt fences just up-slope of that--four silt fences to protect that critical area at the downstream side of our activities. Next we'll install the scour hole. We'll put in the riprap, lay in the flared section and about 40 feet of pipe. I selected 40 feet of pipe--plastic pipe comes in 20-foot sections--and it gets us far enough beyond this wall so we can then start installing that wall three blocks high, with backfill of stone and dirt. Then we'll put a temporary silt fence basically to hold all this in place. From that point on, we will work back until we get to this proposed manhole and the existing outlet. And we'll continue to add to that wall and backfill, always having that wall in place above our fill. So, if there's a storm while the work is going on, we have a line of defense of this wall and temporary silt fence before it can get to our scour hole and the three rows of silt fence beyond. We also agreed to put erosion control blankets on the disturbed soil here. Once we get this connected and rough-graded, we can deal with seeding, etc. Checkdams come after--if we need to stop work, we would put checkdams in. We'll start work at the low end and work our way up.

Commissioner Kern asked, Chris, what is the time frame for this?

Mr. Juliano said, About a week, in and rough-graded. We have to make sure we don't have rain events for at least seven days of dry weather to do this work. We have agreed to that.

Chair Vitali asked, Jeff?

Commissioner Necio said, No questions.

Chair Vitali asked, Mike?

Commissioner Caruso said, No questions.

Chair Vitali asked, Deb?

Commissioner Phillips said, No questions.

Chair Vitali asked, Aili? Caroline?

Commissioner McKeen had none.

Commissioner Mrs. Raynis said, No questions.

Chair Vitali asked, Commissioners, any other questions for Chris?

There were none.

Chair Vitali asked, Any other questions for the Applicant?

There were no questions from the Commissioners.

Chair Vitali said, This is not really a public hearing. It's a meeting at which you have an Intervenor, very similar to a public hearing. But I will take some comments from the public. If you do, it's strictly wetlands, and name and address for the record.

State Representative Mary Mushinsky said, I'm Representative Mary Mushinsky. I live at 188 South Cherry Street in Wallingford. In my other job I work on watershed protection. I did go to the site today--not in the site because there's "No Trespassing" signs all over it—but I did stand where I could, took telephoto pictures, listened to the streams. As you have said, there is a steep ravine which has a pretty substantial stream in it, similar in size to the Allen Brook ravine on the other side of town into Wharton Brook State Park. I understand the Applicant is not going to touch that. There's a more shallow ravine that comes off Mansion Road, and that was flowing today as a stream. The last time we had rain, I think, was Saturday. If it was a ditch, it would not be flowing today because today is Wednesday. This is obviously small, but it is to me a stream. It flows. Today is the only day I was actually there. I want to tell the Commission that there are existing runoff and erosion problems at Beryl Drive, near Oakdale on the back side. It's a very similar ravine to this one, and similar problems at Beryl Drive. Constituents have asked me to go in and look at the erosion. The Town Engineer was asked to look at it. We have to be careful we don't replicate the same mistakes there which caused chronic problems for those at Beryl Drive.

Chair Vitali asked, Do you know what the mistakes were?

Representative Mushinsky replied, Probably development close to the stream; removal of vegetation that holds the ravine soils in place; not enough retention of water up-slope. I'm just encouraging the Commission not to repeat that in this new location with a similar ravine. The other thing I wanted to note: The food truck site at Long Wharf has debris all over the place surrounding the food trucks. It blows, gets in the water--a chronic debris problem. So, if it's in your purview, to add that.

Ms. Mushinsky added, Finally, there's basalt on the property, probably a continuation of the Sleeping Giant basalt ridge. I did pick up a chunk of it on the side of the road--I can't go on the property. But, if the Applicant is planning to touch the basalt--I don't know how that would be done, other than blasting. At one time, constituents asked me to see if we could smooth out the intersection of Mansion and Hartford Turnpike so they could have visibility for when they pull out. It went to the CT Department of Transportation, and the answer was "No" because of the basalt. Is there to be blasting?

Chair Vitali said, That's not in our jurisdiction. Commissioners, are we ready to act on this Application?

Ms. O'Hare said, Mr. Juliano was not here, I think, before, when we were talking about Condition #3. The construction sequence he went through in answering Commissioner Heilman doesn't comport with the Condition #3. So do you want to change that now or go ahead with the way I worded Condition #3?

Commissioner Heilman said, I wanted to clarify that. Do we do the plan that was proposed--or do an alternate and start at the top and work down, versus the bottom up? I like the idea of starting at the bottom to protect.

Chair Vitali said, I think the confusion was my comment last time. I felt that you connect to the pipe in Mansion Road, with the outlet in the main brook down below, so none of that area in the middle is affected by the next rainfall. Get it in, put your dam up; if it's recessed, you can try to use it as a retention area in that general small area. At least, the water quality will be identical from Mansion Road, 130 feet later. It'll be in and done, and the water will get to where it's going. But they are the professional engineers. They're the ones; they're bonding it; they're doing it—their stamp on it. So, we have to either modify Condition #3 or eliminate it.

Attorney Ceneviva said, Mr. Chairman, I think Condition #3 that my Client agreed to has the caveat at the bottom that the Condition needs to be discussed, evaluated, reworked, and finalized per the issues raised above. Commissioner Heilman has raised the response from Mr. Juliano appropriately. So we would endorse either methodology, whichever the Commission thinks: to start, in the language in number 3, or in what was presented by our engineer.

Chair Vitali asked, Is your construction sequence on the maps?

Mr. Juliano said, Yes, on the Erosion Control Sheet, upper left corner, it's on the map.

Chair Vitali said, So, if we approve the plan, your construction sequence follows what Jimmy's looking at, right, Jim?

Commissioner Heilman said, Yes, looking at the engineered one.

Chair Vitali said, Then I think for the Commissioners it is just to eliminate Condition #3 under Suggested Conditions of Approval. Is that acceptable?

Attorney Ceneviva said, Yes.

Chair Vitali said, All right. We already determined Significant Activity. I think I'm prepared to hear a Motion to Approve or Deny this Application.

Recording Secretary said, I'd ask who the voters are going to be? I have to question because Mr. Heilman participated on hearing last time.

Chair Vitali said, The voters are going to be Nick Kern, Debbie, Mike, Jeff, and myself. Then the question is, does Mike feel comfortable with reading the Minutes that he can vote on this Application?

Commissioner Caruso said, Yes.

Chair Vitali said, It's a valid point; but I think that the voting Commissioners have the right, if they feel comfortable, that they can act on it. I think we determined that at a previous meeting.

Commissioner Heilman asked, So do you have to close the public hearing?

Chair Vitali said, It's not a public hearing.

Commissioner Heilman said, You're right.

Chair Vitali said, We can continue. I'll entertain a Motion to approve or deny this Application.

**MS. PHILLIPS: MOTION THAT APPLICATION #A23-5.5 / 10 MANSION ROAD - JOE FLAMLINI (LOST & FOUND VENTURES LLC) - (COMMERCIAL DEVELOPMENT - RESTAURANT) BE APPROVED WITH THE CONDITIONS OUTLINED IN THE ENVIRONMENTAL PLANNER'S REPORT OF SEPTEMBER 29, 2023, EXCLUDING CONDITION #3.**

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

#### **G. REPORTS & COMMUNICATIONS**

- 1. Discussion of proposal to adopt fines for violations** - Not discussed.
- 2. Farm Hill Road Detention Basin** - Not discussed.
- 3. Wallace Dam / Quinnipiac River** - maintenance work on banks by dam - staff report  
(Note: This item was addressed and voted on earlier in the Meeting.)

#### **H. VIOLATIONS**

- 1. Notice of Violation Remains - 1245 Old Colony Road & Quinnipiac River - Jerzy Pytel** - (unpermitted clearing & filling near river).

Chairman Vitali stated that perhaps this Violation should be put on the Land Records.

**MRS. PHILLIPS:** **MOTION THAT THE NOTICE OF VIOLATION FOR 1245 OLD COLONY ROAD & QUINNIPIAC RIVER - JERZY PYTEL - BE PLACED ON THE LAND RECORDS.**  
**MR. NECIO:** **SECOND.**  
**VOTE:** **MR. NECIO - YES; MR. CARUSO - YES; MS. PHILLIPS - YES; MR. KERN - YES; CHAIR VITALI - YES.**

**2. 340 & 346 Quinnipiac Street - Southern CT Pallets - (possible violation).**

Chair Vitali stated that this item remains in place.

**3. CEASE & DESIST ORDER Remains - 67 Schoolhouse Road - Michelle Millican & Michael Gerace - (new filling over prior filling); issued 4/25/23; revised decision 7/26/23 extended deadline Nov. 1, 2023.**

Ms. O'Hare suggested the Commission may wish to place this Violation on the Land Records.

Chair Vitali stated, This item remains in place.

**4. CEASE & DESIST ORDER Remains - 67 Schoolhouse Road - Karl Kieslich - (new filling over prior filling) issued 4/25/23; tabled.**

Chair Vitali stated, This item remains in place.

**5. Notice of Violation - 24 Mapleview Road - Patricia Clarke c/o James W. & Patricia Clarke, Trustee of The Clarke 2022 Living Trust - (alteration & filling within wetlands and within Upland Review Area on 24 Mapleview Road & on 13 Rolling Meadow Drive) - issued 4/21/23; Special Meeting at site 5/16/23**

Ms. O'Hare described recent flood flows and Mrs. Clarke's new suggestion for a rock swale toward the marsh (13 Rolling Meadow) with a drainage easement for the adjacent property at 11 Rolling Meadow. Workmen would need entry to Mrs. Clarke's property to do the work.

Chair Vitali said, O.K. Erin, notify Mrs. Clarke to put the plan in writing.

**6. Notice of Violation - 19 Tamarac Swamp Road - William Schubert - (clearing, grading & filling in wetlands and within Upland Area); issued 4/24/23**

Ms. O'Hare stated, Work is progressing, and she is scheduled to go out there with Roman Mrozinski.

Chairman Vitali stated, This item remains in place.

**7. Notice of Violation - 119 Quigley Road - Matt Turner - (clearing & grading in wetlands) - issued 9/29/23**

Chair Vitali indicated there has been some clear-cutting.

Ms. O'Hare said this is a new Violation. The Owner had a contractor come onto his property. No trees were taken down, however, just shrubs and soil grading.

**I. ADJOURNMENT**

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

The Meeting was adjourned at 8:31 p.m.

**J. NEXT SCHEDULED REGULAR MEETING:** November 1, 2023

Respectfully submitted,

Kathleen L. Burns  
Recording Secretary