

**Wallingford Inland Wetlands & Watercourses Commission**  
**Regular Meeting**  
**Wednesday, November 1, 2023, 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 Thursday, November 1, 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, Commissioner Jeffrey Necio, and Alternate Commissioner James Heilman, and Environmental Planner Erin O'Hare.

**ABSENT:** Commissioner Michael Caruso and Alternate Commissioners Aili McKeen and Mrs. Caroline Raynis.

There was no one in the audience until later in the Meeting.

**A. PLEDGE OF ALLEGIANCE**

The Pledge was recited.

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

**C. CONSIDERATION OF MINUTES**

**1. Regular Meeting, Oct. 4, 2023**

**MS. PHILLIPS: MOTION THAT THE MINUTES OF THE REGULAR MEETING ON OCTOBER 4, 2023, BE ACCEPTED AS SUBMITTED.**

**MR. NECIO: SECOND.**

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

**D. OLD BUSINESS**

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

Ms. O'Hare stated that she went to the site again and the remedy to the remaining erosion issue needs a new design.

**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 1 of construction of interior drives plan)**

No one appeared for the Applicant/Permittee.

Ms. O'Hare said, You had received my Environmental Planner's Report in your packet. The attach-

ments show the history since August, when the neighbor called and said there is fill in her outdoor pool from the project. I went out there and found that the swale was installed correctly. But the engineer has to redesign for Phase I as a 'stand-alone', and they still need to design the stormwater system to wrap around.

Chair Vitali said, I don't know if we can approve this here.

Ms. O'Hare said, Their engineer came in to get my report on Friday. It's good right now. They have a silt fence. So this new design has to be approved, due to the coming of winter. I'd urge you to approve the design that went out to you in the packets, which is different from the one your saw in June.

Chair Vitali said, Let's table this to the end of the Meeting.

Ms. O'Hare said, I'm doing something different here: I'm making them do the corrections that I asked for in the Conditions of Approval to protect Padens Brook.

Chair Vitali asked, Commissioners?

Commissioner Heilman said, So it could be that they say, "We never approved that." And I know that bad weather is coming. What would be the ramifications of not getting it done before winter?

Ms. O'Hare said, Mostly the neighbor downgradient, who made the call when the project was first started without any Wetlands approval--and then they did the plans and submitted an application. Also, I have a concern for Paden's Brook because they have a huge pile of cut trees and brush in the back that's not managed. It just drains into the woods. The other concern is, the people visiting in the cemetery would see it's not finished, it's unsightly.

Chair Vitali agreed to return to this Item, D.2., later in the Meeting.

## **E. NEW BUSINESS**

### **1. #A18-1.2 /801 North Colony Road & 6 Beaumont Road - Padens Brook - IAmTheWalrus, LLC - (river corridor restoration) - Request for release of bond**

Ms. O'Hare stated that this request came in yesterday. Their ecologist sent in a report, which you have tonight. I told them the Commission cannot decide tonight; that they would have to drive by the site and see the wetland/landscaped corridor. It's the Tractor Supply next to WalMart. Their six-year plan turned into a seven-year plan with changes. What do we do? The time frame is up for the six-year plan. The owner wants the \$10,000 bond back. It's not like what it should be there.

Chair Vitali said, I never thought it was fixable.

Ms. O'Hare said, One factor: A landscaping team went in there once and cut down 20 trees by mistake; and for three years it was neglected and we did not have an ecologist's report. But today it deserves to be looked at in the field. Is it good enough? There's no erosion. It did not meet the expectations. There's a lot of invasives all along by Route 5. It's not very attractive.

Chair Vitali said, We'll take a look at the report and think about it. I don't know what they were going to do over six years.

Commissioner Heilman said, They have probably strengthened it, extended it.

Chair Vitali said, So it's not ready for a release of bond. They planted evergreens, which did not survive. They had a bond.

Ms. O'Hare said, They're done. They want to come in and present at the next Meeting.

Chair Vitali agreed that this Item E.1. and the report are received for the December 6th agenda.

#### **F. RECEIPT OF NEW APPLICATIONS**

- 1. #A23-10.2 / 264 Cook Hill Road - Greg Buonocore - (construction activity for garage) Request for Administrative Approval; *granted Administrative Approval Oct. 31***

Chair Vitali stated, I agreed to grant Administrative Approval for this Application.

#### **G. 2024 REGULAR MEETING SCHEDULE**

All Commissioners had received the 2024 proposed schedule.

Commissioner Kern recommended to change the July Meeting from July 3 to July 17 or 24.

**MS. PHILLIPS: MOTION TO APPROVE THE MEETING SCHEDULE FOR 2024 WITH THE CHANGE OF THE JULY MEETING FROM JULY 3 TO JULY 17.**

**MR. NECIO: SECOND.**

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

Note: As usual, this approved Meeting Schedule for 2024 has no Regular Meeting in August.

#### **H. REPORTS & COMMUNICATIONS**

- 1. Discussion of proposal to adopt fines for violations**
- 2. Farm Hill Road Detention Basin**

Chair Vitali stated that Items H.1. and H.2. here would be taken up after I. Violations.

- 3. CT Association of Conservation and Inland Wetlands Commissions (CACIWC) - Annual Conference, Bristol Event Center, 112 Century Drive, Bristol, CT, Sat., Nov. 11, 2023**  
This conference date was noted by the Commissioners.

#### **I. VIOLATIONS**

- 1. Notice of Violation Remains - 1245 Old Colony Road & Quinnipiac River - Jerzy Pytel - (unpermitted clearing & filling near river) - Notice on Land Records decision 10/04/23**

Ms. O'Hare stated that this Violation record is being reviewed by the Law Department.

Note: Chair Vitali returned to this item I.1. after the Commissioners discussed the other violations.

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

Chair Vitali said he noticed that the pallets pile is dwindling.

Ms. O'Hare said, Yes. Both the Town Planner and the Zoning Enforcement Officer went out there and the pile was gone; and they informed me the yard is not in the Upland Review Area. However, the pile area is in the Floodway, which would be under P&Z.

Chair Vitali asked, So is this item off our agenda?

Ms. O'Hare said, Yes, it is.

**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 to extend deadline for removal to Nov. 1, 2023**

Appearing was Mr. Michael Gerace, Owner of 67 Schoolhouse Road.

Mr. Gerace said, I am putting together a construction crew to take the fill out, but I have to have the money to proceed. The contractors are guessing how much material has to be taken away.

Chair Vitali asked, What is your time frame?

Mr. Gerace said, It will probably be a year. I'd have the contractor come out and make piles that could be removed.

Commissioner Kern said, I'd like you not to do anything until winter is over and the funding is available. I would think by July/August 2024 it would be done. We have pictures from Ms. O'Hare. It's pretty well stabilized. I'd want to see you do it by the right contractor.

Mr. Gerace said, I agree.

Commissioner Heilman agreed with Commissioner Kern.

Vice Chair Phillips agreed.

Chair Vitali suggested a reporting date of September 4, 2024.

**MS. PHILLIPS: MOTION THAT THE EXTENSION OF THE DEADLINE FOR THE REMOVAL OF THE FILL ON 67 SCHOOLHOUSE ROAD BE CONTINUED UNTIL SEPTEMBER 4, 2024, AND THAT THE CEASE & DESIST ORDER WILL REMAIN.**  
**MR. NECIO: SECOND.**  
**VOTE: MR. KERN - YES; MS. PHILLIPS - YES; MR. NECIO - YES; MR. HEILMAN - YES; CHAIR VITALI - YES.**

Mrs. Michelle Gerace arrived a few minutes after this Motion was voted.

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

No one appeared for this Item 4.

Chair Vitali recommended that the Cease & Desist remain here.

Ms. O'Hare said, The Law Department asked for this file, and they may have advice on this Item #4 by your December meeting.

Commissioner Kern said, The person should pay a fine and not return to that site.

Ms. O'Hare said, We don't have fines in Wallingford. It would be some other enforcement with the courts.

Chair Vitali requested that Ms. O'Hare would give a report from the Law Department in December about this Cease & Desist Order imposed on Karl Kieslich.

**MS. PHILLIPS: MOTION THAT THIS CEASE & DESIST ORDER ON 67 SCHOOLHOUSE ROAD - KARL KIESLICH - REMAINS IN EFFECT.**

**MR. NECIO: SECOND.**

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

Mr. and Mrs. Gerace left the Meeting at this time.

Chair Vitali requested to go to Item I.6.

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

Ms. O'Hare said, I went out there today with Roman Mrozinski. It's done. The grass is up. You can remove the Violation.

**MS. PHILLIPS: MOTION THAT THE NOTICE OF VIOLATION ON 19 TAMARAC SWAMP ROAD HAS BEEN REMEDIATED AND SATISFIED.**

**MR. NECIO: SECOND.**

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

Commissioner Kern asked if the placards are still up.

Ms. O'Hare did not know if any placards were requested. She will check.

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

Ms. O'Hare said she went out there on Friday. The work is coming along. Mr. Turner had me check the placement of the required plantings. This is an example of why we should not approve doing things right up to the wetland line. We should have a buffer there. Next time, I'll give you a list of

recommendations to avoid this type of plan. We were using the 30-year-old wetland map. He wanted to redo an area of his back yard. That wetland line has changed. After he took down the bushes, he is now looking at standing water. So it's a guess of where the wetlands area was 30 years ago. This Violation should remain in effect, as his plantings may die over the winter and there may be other issues..

**MS. PHILLIPS:** **MOTION THAT THE NOTICE OF VIOLATION ON 119 QUIGLEY ROAD - MATT TURNER - REMAINS IN EFFECT.**

**MR. NECIO:** **SECOND.**

Commissioner Heilman asked why it is necessary to say that a violation remains in effect.

Chair Vitali said, So we're discussing an active violation which we never closed, but the Notice of Violation is to be reestablished at each meeting, per the Law Department.

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

- 5. 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 & in Upland Review Area on 24 Mapleview Rd. & on 13 Rolling Meadow Dr.) - issued 4/21/23**

Chair Vitali asked, Has anything changed?

Ms. O'Hare said, No.

Chair Vitali said, I'd like to discuss putting it on the Land Records. Erin, please ask Janis Small. I believe that corner was a wetland.

**MS. PHILLIPS:** **MOTION THAT THE NOTICE OF VIOLATION ON 24 MAPLEVIEW ROAD - PATRICIA CLARKE C/O JAMES W. & PATRICIA CLARKE, TRUSTEE OF THE CLARKE 2022 LIVING TRUST - (ALTERATION & FILLING WITHIN WETLANDS & IN UPLAND REVIEW AREA ON 24 MAPLEVIEW ROAD & ON 13 ROLLING MEADOW DRIVE) REMAIN IN EFFECT.**

**MR. NECIO:** **SECOND.**

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

Then Chair Vitali returned to Item I.1.

- 1. Notice of Violation Remains - 1245 Old Colony Road & Quinnipiac River - Jerzy Pytel - (unpermitted clearing & filling near river) - Notice on Land Records decision 10/04/23**

Ms. O'Hare said, This is with the Law Department. It still remains.

**MS. PHILLIPS:** **MOTION THAT THE NOTICE OF VIOLATION ON 1245 OLD COLONY ROAD & QUINNIPIAC RIVER - JERZY PYTEL - REMAINS IN EFFECT.**

**MR. NECIO:** **SECOND.**

**VOTE: UNANIMOUS "AYE" VOICE VOTE BY THE COMMISSIONERS.**

## **H. REPORTS & COMMUNICATIONS**

### **1. Discussion of proposal to adopt fines for violations**

Chair Vitali said, It seems we'll have to put fines in, so that will be on the December 6 agenda. In regard to the violation concept, whatever happened to the Andrews matter?

Ms. O'Hare said, That property has two Orders on it now with fines. The Town had requested a \$250,000 remediation plan, but Mr. Andrews did not do it. So the Court ordered that that was in violation, and it imposed a fine five years now in duration. The other fine is with the EPA of Boston, and that accumulates as well.

Commissioner Heilman asked, So does this get removed from our listing?

Ms. O'Hare said, I will report on the status next month. I was there in court to hear it.

### **2. Farm Hill Road Detention Basin**

Ms. O'Hare said that she will do the letters before next month.

Chair Vitali said, That basin lost the ability to hold water at the outlet; and it goes down the hill. Let's get that going.

Chair Vitali returned to Agenda D.2. at this time.

## **D. OLD BUSINESS**

### **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 1 of construction of interior drives plan)**

Chair Vitali asked for additional discussion here.

Commissioner Heilman said, It's not going to create a major environmental issue. It may create legal issues with the neighbors. We need to have him come to the next meeting.

Chair Vitali said, So he could do the rest of the conditions on his own and come back next month and report.

Ms. O'Hare said, Conditions #1-4 are about noncompliance with the permit we gave him six months ago. Condition #6 is about the new design modification. He definitely needs approval for Condition #6. Also, I could send him a Notice of Violation letter regarding what else is going on there.

Chair Vitali said, I don't want to keep on this tonight. So, if he wants to do what you want during the month?

Commissioner Kern said, I thought the engineer would work with him on what needs to be done. I'd notify him with the List of Conditions you gave us. It's the same list of conditions he has, and he can

be here next month. We don't want it to sit all winter.

Ms. O'Hare said, I spoke to him on Friday afternoon. Maybe something happened.

In response to Chair Vitali's comment about why the Environmental Planner's report was not completed until October 27, Erin said that we got the Town Engineer's comments on October 26. Their engineer said he was too busy to get the plan in for your last meeting. They are not here tonight.

Commissioner Kern said, Is there a bond on it?

Ms. O'Hare said, No.

Chair Vitali said, It's from this new road that's been put in, where you can't get down in back and see the brook.

Ms. O'Hare said, No. It's about the piles in the back, bigger than this room, accumulating for many years. I was told that there might be material coming in from the outside.

Chair Vitali said, They did widening of that knoll in the cemetery, maybe material from there? And there's another stream back there, not Padens Brook; it runs along it.

Ms. O'Hare said, It's kind of a braided stream.

Chair Vitali tabled this Item D.2. to the December 6th Meeting agenda.

#### **J. ADJOURNMENT**

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

The Meeting was adjourned at 7:49 p.m.

#### **K. NEXT SCHEDULED REGULAR MEETING: December 6, 2023**

Respectfully submitted,

Kathleen L. Burns  
Recording Secretary