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MINUTES

Wallingford Inland Wetlands & Watercourses Commission
Regular Meeting
Wednesday, February 5, 2025, 7:00 p.m.
Robert F. Parisi Council Chambers
Second Floor, Town Hall
45 South Main Street, Wallingford, CT

Chair James Vitali called this Regular Meeting of the Wallingford Inland Wetlands and Watercourses Commission to order on Wednesday, February 5, 2025, 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 Michael Caruso, and Alternate Commissioners James Heilman, Aili McKeen, and Mrs. Caroline Raynis, and Erin O'Hare, Environmental Planner.

ABSENT: Commissioner Jeffrey Necio.

There were 12 persons in the audience.

A. PLEDGE OF ALLEGIANCE

The Pledge was recited.

B. ROLL CALL. As above.

Chair Vitali stated that the four Regular Members and Alternate Commissioner James Heilman would be voting tonight.

C. CONSIDERATION OF MINUTES

1. Regular Meeting, Dec. 4, 2024

There are corrections pending from the Environmental Planner. Chair Vitali agreed to table consideration of these Minutes.

2. Special Meeting, Dec. 7, 2024

Commissioner Phillips stated that the Roll Call here should be corrected to show that she was Absent. Chair Vitali acknowledged that Commissioner Phillips was not at the Site Investigation. He recognized Alternate Commissioner Aili McKeen, who was present on December 7th, to vote here.

MS. PHILLIPS: **MOTION THAT THE MINUTES OF THE SPECIAL MEETING ON DECEMBER 7, 2024, (SITE WALK), BE APPROVED WITH THE CORRECTIONS OF DEB PHILLIPS BEING ABSENT, AND WITH ALTERNATE COMMISSIONER AILI MCKEEN TO BE LISTED AS PRESENT INSTEAD.**

MR. CARUSO: **SECOND.**

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

3. Regular Meeting, Jan. 8, 2025. This Meeting had been cancelled.

For the remainder of this Meeting, Chair Vitali designated Alternate James Heilman to participate and

vote in place of Commissioner Necio.

F. OLD BUSINESS

1. #A19-3.7 / 988 East Center Street - Benchmark Development, LLC - Request for bond release

Ms. O'Hare said, They are not ready.

2. #A24-12.1 / 12 Chimney Sweep Road - Donald B. Blinn, Jr. - (garage addition)

Chair Vitali explained that this Application was granted Administrative Approval on January 9, 2025.

4. #A24-12.3 / East Center Street - Wallingford Water Division - (water distribution upgrade project) Request for administrative approval.

Chair Vitali stated that this Administrative Approval was granted on December 24, 2024.

3. #A24-12.2 / 219 Church Street, Yalesville & 227 Church Street, Yalesville / Quinnipiac River - 38 Warehouse Point Road, LLC - (demolition & installation of concrete product storage yard) Request for administrative approval.

Appearing was Mr. Keith Goldberg representing United Concrete Products.

Chair Vitali said, You submitted a plan for the use of this property for concrete storage and a map. You or your boss has been in discussion with Erin. Is this is what you're applying for?

Mr. Goldberg said, Correct. Based on all the communications over the last days, I think this map before you addresses all concerns and issues that were put forth.

Chair Vitali said, Commissioners, any questions? Deb, Mike, Jimmy?

Commissioner Caruso said, No questions.

Chair Vitali said, I remember this property back to the 50s. So with the removal of the house, barn, and a few things--the driveway is paved up to where it was--everything's pretty much the same.

Ms. O'Hare said, Mr. Gavin was here at the December 4th meeting. He submitted that day, so it was a day late to be "received". The January 8th meeting was cancelled, so it was received technically January 8th. Tonight is the official presentation. Mr. Gavin is out of town. I went out there in November. They were grading. I knew nothing about it. Mr. Gavin had gotten a demolition permit in July to take down the two houses, outbuildings, and all that was stored on the property--sewer connections, electric, all that. What he wasn't told at that time was he needed a Wetland Permit. Yesterday I got a map, and there's a sewer line running near the river. He's not going down vertically, so the Sewer Department said yesterday they're O.K. with it. So this latest plan shows everything we're looking for. The design of the storage yard with millings was predicated by the Floodway line. The Town requires Mr. Gavin to have an engineer put it on the plan. This is based on the elevation, and the floodway line is the first curved line on the map. He was also asked to put the floodplain line on. Most of this property, two thirds, is in the 100-year floodplain. The reason is that the Flood Manager, who is the same as the Town Planner, Kevin Pagini, is not concerned or making them do compensatory flood storage because Mr. Gavin demonstrated from what was there and what he's putting in is a 700-square-foot reduction or 900 now?

Mr. Goldberg said, It's 914, Ma'am.

Ms. O'Hare said, So he doesn't have to do compensatory flood storage under flood permits. But he does have to keep out of the Floodway. The western edge of this storage yard is the Floodway Line. He's not going beyond that. So Mr. Gavin put red arrows to show the distance back from the water. It's not a straight line--it bows, from the closest, 15', up to 35'-40' on the north end. At the south end it's a steep straight bank, closest, but at the north end it's a relaxed bank--that's in the pictures in my EPR, south, middle, and north. The Town Engineer wanted erosion controls. Now erosion controls are planned to go 4 feet back from the edge of the Jersey barriers. Maybe they can be a little closer, which brings us 4 feet even closer to the river. This doesn't come under our section Surface Area because he netted out on surface area even from before he renovated. So he's only coming in under what is within 50 feet of the river: millings, barriers, silt fence.

Chair Vitali asked, Your map doesn't show 50 feet from the river?

Mr. Goldberg said, No.

Chair Vitali said, The soil--what I heard before about Stormwater Management Control was brought up by the Town Engineer. As I recall, this Commission gave instructions to Gavin to go to the Town Planner because it was floodplain. What did he require? There's nothing here that requires anything.

Mr. Goldberg said, The way I understood it, Sir, he was fine.

Chair Vitali asked, There's nothing pro, nothing con, so I assume he was accepting your plan. What I heard was for a stone trench to handle stormwater--which I'm not in agreement with because it was a 3 feet by 4 feet stone trench on the top of the lip. I felt, if you fill that with water, you weaken the top lip of the bank you were cutting. We can talk about the steep slope, etc., but there's no evidence of erosion on that bank. It has been stable. Your bank is staying as it is? And the tree line?

Mr. Goldberg said, That's correct. We'd put the Jersey barriers, labeled with signage. So we're not going to move the barriers--they're going to be permanent.

Chair Vitali said, It's not a continuous run of Jersey barriers?

Mr. Goldberg said, No, Sir, there's gaps in between as you see in the plan. We want to label them.

Chair Vitali said, All right. I'm in favor of the plan. It's got the existing tree line and driveway since the 50s or before. I don't know how the rest of the Commission feels. Jimmy?

Commissioner Heilman said, The Commission focuses on wetland environment and public safety. Environment--nothing much is changing. Floodplain remains the same. I have no objection to materials. Future erosion--no one knows. But no one's going to be hurt, either, by what is proposed. There's no safety issue. In a major flood, nothing's going to float away. I don't see anything destructive to the environment. I don't see potential danger to the public. So I tend to agree with what is proposed.

Chair Vitali asked, Comments, Mike, Deb, Nick?

Commissioner Caruso said, I'm fine with it.

Commissioner Phillips said, Fine.

Commissioner McKeen said, I'm all set.

Chair Vitali asked, Caroline?

Commissioner Mrs. Raynis said, I can appreciate that the tree line is staying the same.

Chair Vitali said, Then I'll entertain a Motion to determine Significant Activity.

MS. PHILLIPS: **MOTION THAT APPLICATION #A24-12.2 / 219 CHURCH STREET, YALESVILLE & 227 CHURCH STREET YALESVILLE / QUINNIPIAC RIVER - 38 WAREHOUSE POINT ROAD, LLC - (DEMOLITION & INSTALLATION OF CONCRETE PRODUCT STORAGE YARD) BE DETERMINED NOT A SIGNIFICANT IMPACT ACTIVITY.**

MR. CARUSO: **SECOND.**

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

Chair Vitali called for a Motion to approve or deny.

MS. PHILLIPS: **MOTION THAT APPLICATION #A24-12.2 / 219 CHURCH STREET, YALESVILLE & 227 CHURCH STREET, YALESVILLE / QUINNIPIAC RIVER - 38 WAREHOUSE POINT ROAD, LLC - (DEMOLITION & INSTALLATION OF CONCRETE PRODUCT STORAGE YARD) BE APPROVED.**

MR. CARUSO: **SECOND.**

Ms. O'Hare asked, Do you want placards?

Chair Vitali said, You can give them placards. They'll put our placards up.

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

Chair Vitali said, Erin will offer you placards to put along that edge.

Mr. Goldberg said, O.K. Thank you very much.

D. PUBLIC HEARING

- 1. #A24-10.3 / 1000, 1020, 1030, 1044, & 1080 Barnes Road & 777 Northrop Road - Midwood Management Corp. - (industrial development)**

Chair Vitali said, Tonight we're going to have a public hearing because of public interest on Application #A24-10.3. It consists of multiple properties along Barnes Road and Northrop Road, Midwood Management, industrial development.

Attorney James Perito said, Good evening, Mr. Chairman. James Perito from Halloran and Sage representing the Applicant for Application #A24-10.3. The property is 1000, 1020, 1030, 1044, an 1080 Barnes Road. We also included 777 Northrop Road, since we have a road easement with upgrades. With me are Midwood's representatives: Lawrence Sanders, Project Executive; Chris Fezza, Assistant Project Executive; and Kevin Cornell, who's been before you. The Engineering group, OCC Design Consortium, is here tonight, George Cotter. Dave Carson was at the initial meeting. George and Dave worked closely on this project. Our environmental and wetlands expert is George Logan from

REMA Environmental Services.

Ms. O'Hare asked, Attorney Perito, can we do the extension part first?

Attorney Perito said, Yes. I just want to get into a couple things of housecleaning.

Chair Vitali said, Just make this a Wetland presentation, not a Planning and Zoning presentation.

Attorney Perito said, At the December 2024 meeting you determined this project did not involve Significant Impact Activity. A Public Hearing was scheduled to allow for public input. It was set for January 8th and postponed to tonight. I submitted an e-mail to the Environmental Planner granting the extension to the Wetlands Commission to commence the public hearing tonight because of the time frame. When they're presenting, I'll give the Environmental Planner the required proof of Notice to Abutters. I'd give a quick overview.

Attorney Perito continued, The site is 47.7 acres. Total wetland area on site is about 10 acres. Area of wetlands to be altered is about 3778 square feet, to upgrade existing stream crossings and perform maintenance on previously approved stormwater structures. The plan is to develop three industrial warehousing storage buildings, phased in three distinct projects, to minimize disturbance and ensure that Sedimentation and Erosion Control measures will be effective. Each phase can stand alone as to development and stormwater controls. As noted by Mr. Logan's report, there is no anticipated impact on wetlands or watercourses and, especially, the North Farms Reservoir.

Attorney Perito continued, The Environmental Planner gave us two memos since your last meeting, January 10th and 17th, and photos from site visits--which you have in your packets. Our team submitted updated and revised Site Plans and drawings on January 31st and a comprehensive reply to Erin's comments as well as some Engineering comments. We submitted an updated Stormwater Management Plan and updated Supplemental Wetlands Assessment. So I think we've addressed all comments.

Chair Vitali said, You indicated in the December meeting--you talked about Significant Activity. We talked about a Public Hearing, but not for Significant Activity--did we vote on that?

Ms. O'Hare said, Yes, Mr. Chairman.

Chair Vitali said, I stand corrected.

Attorney Perito said, And you said, "Well, there might be public interest, so we should probably set down a public hearing," which this was set.

Chair Vitali said, Mr. Cotter?

Mr. George Cotter, from the OCC Group, said, I'd like to hand in photographs and a revision of one sheet where a temporary basin was mislabeled--just to put it on the record as being correct.

Chair Vitali said, You can hand it in. (Given to Ms.O'Hare for the record.)

Mr. Cotter distributed a revision sheet to each Commissioner. He said, The first photograph shows a portion of the stormwater basin (approved in 1996 for the original Application) off Barnes Road, now the site of Building 2. We need to restore the basin, clear overgrowth inside the basin and outside. The

second photo is the area below the basin towards North Farm Reservoir. A swale was constructed at the time of basin installation. The photo shows a filter fabric down. This area provides a level spreader for flows out of this basin. And I'll indicate there's not need for riprap from the wetland area from this swale down to North Farms Reservoir. The third photo is the existing level spreader. When we did our site walk for the level spreader: In our photos there is the filter fabric; there's growth in the swale; and on either side there's growth. Plans call for all vegetation area in the swale to be removed and six feet either side for activity to maintain it. Final photo is the outfall of the 36" culvert that was placed to get to Building 3. That was installed back in '96 when we had our original permit for the building on Barnes Road. We will extend that culvert out 8 feet and put riprap in front of that culvert. I'd go to the board.

Mr. Cotter continued, This is an Existing Condition Plan showing the parcels. Bottom of the map is Barnes Road; to the right, east, is Northrop Road; to the north is Wall's Farm; and to the west is North Farms Reservoir. Area in green is present wetlands on the site, roughly an 8-acre corridor from Wall's property, down through the center, and crossing the culvert we installed as part of that permit in '96 to access the rear where Building 3 will go. And wetlands down to the reservoir. Then you have wetlands along the reservoir all the way to the north edge of the property, and one small isolated wetland that Mr. Logan identified. All of this will stay as is. We have minimal activities within the Upland Review Area around the edge of the wetlands and also around the basin here that was part of the 777 Northrop Road approval. We got the approval for 777 to extend the road to the rear portion. This is an existing farm road. This space here is not wetlands. The wetland buffer ends at the south side of the road and on the north side of the farm road. The culvert was taken out. We will install a new culvert. That is non-wetland soil, and we'll do a small amount of filling on either side to get the road through.

Mr. Cotter said, This map identifies soils on the property, as in Mr. Logan's report. Wetland soils, Wilbraham, is the area in the corridor that runs from the north down towards the south and into North Farms Reservoir. Menlo silt loam runs along the edge of North Farms Reservoir. The soils upland consist of Cheshire fine sandy loams, which is the 63 areas which are a good portion of this area and also in the near Building 1. Both the Cheshire and the Yalesville soils shown on the property are fine sandy loams, not silt loams, and have high content of sand-type soil. Very permeable--not the kind of soils that we have further out in the watershed adjacent to Research Parkway.

Mr. Cotter showed the next board: This is the overall site plan. Areas in green will remain wooded, undisturbed. On the north edge there's approximately 300 feet of wooded upland with a small wetland here. Through the center, part is open grass area on either side of the access road. And along either side, a wooded corridor. You can see the buffer that we'd maintain. For Site #2, we previously had approval to fill right to the wetland line, either with grading or parking for the approved building. We moved everything back, so we are maintaining the 50-foot buffer around Building 2. Building 1--maintaining the buffer except for a small piece here.

Mr. Cotter showed the next board: This is Sheet WP-1, where we show all activities. They're basically associated with creating the accessway to Phase III over the existing farm road. A majority is non-wetlands. The only wetland disturbance is the area shown in red, about 4,000 square feet. We put 1:1 slopes on the side for the crossing through there and riprap on those slopes.

Chair Vitali asked, What kind of culvert are you using?

Mr. Cotter said, I believe it's an 18-inch culvert.

Chair Vitali asked, Just a round concrete?

Mr. Cotter said, Yes.

Chair Vitali said, Has anybody got questions? We're going to do activity by activity. Commissioners, any questions regarding that crossing? Caroline?

Commissioner Mrs. Raynis asked, You said 4,000 square feet disturbed. Can you explain to me what you mean by disturbance? Is that the building of the road?

Mr. Cotter said, There's a red line here that's 6 or 8 feet wide. On this side it's probably 225 feet long; this side, it's maybe 200. In red is the actual wetlands disturbed that we need to fill for the shoulders of the road. So you have a wetland line on the south side and a wetland line on the north side, and non-wetland soils in the middle for the road.

Commissioner Heilman said, You referred to where the farm road goes through as not wetlands. The reason it's not wetlands has never been mentioned. It cuts right through a wetland, so that's where the farm road is. Look at the area: contours, the shape and everything.

Mr. Cotter said, There was a residence--a structure down here with a pole line and electric brought in along with that road through. The area at one time may have been wetlands, but it was filled.

Commissioner Heilman said, It was a wetland altered long ago by farmers. The MacDonalds put a cottage down there, a road, and utilities. But the pathway through there was originally part of that topography, wetlands. The other thing: On the WP2 map where you were talking about soils, your description is for a non-wetland soil, highly permeable. Water passes through it regularly. So why would there be a wetland in a soil that's very permeable? It's a perched water table?

Mr. Cotter said, This area on this original map, where we didn't have the wetland you said was filled. This is a flat-plain Wilbraham--Mr. Logan will verify. Everything in green is wetland soils.

Commissioner Heilman said, Overall, I think it's a fine plan. I hate to see it happen. But, as far as protecting the wetlands, it does it.

Mr. Cotter said, The soils I described were Uplands soils, Cheshire and Yalesville, not the Wilbraham in the middle. Here we minimized the wetland incursion with 1:1 slopes instead of 2:1.

Mr. Cotter showed a new board, saying, The second area is the existing culvert in the center, constructed as part of the approval in '96. It has a 36-inch culvert passing under. Fill was placed over it, in anticipation of extending the road to the area for Building 3. We have 569 square feet of wetland disturbance in order to extend 8 feet out with the culvert, and the flared end to be moved and to put in riprap that was on the original plans, but it's not installed. So riprap on both sides to stabilize the channel. And the upland disturbance falls within the 50-foot URA.

Chair Vitali asked for Commissioners' questions.

Commissioner Kern said, Does the Wall Farm have a freshwater pond in the back?

Mr. Cotter said, Yes.

Commissioner Kern asked, How does that water discharge off the property?

Mr. Cotter said, It discharges down through this drainage channel in the middle of this wetland. It's a defined channel at least half-way through the property, from Wall's farm. Water coming off his property goes through that channel where we'll place the culvert under the road. I'd call it a waterway.

Mr. George Logan said, It would be an intermittent watercourse.

Commissioner Kern asked, Why would it be intermittent when it runs all year long?

Mr. Logan said, It doesn't run year-round.

Chair Vitali asked, Deb? Mike? Jimmy?

Commissioner Caruso said, No comment.

Mr. Cotter stayed on this board, saying, The third area of activity is down here adjacent to Building 2, where the stormwater basin was built. A berm was installed on the west side. A pipe was installed with a 3,000-gallon oil/water separator just upgradient, leading into the basin. In the first photo tonight, you can see how growth has overcome that basin and area below it. So activities are listed on the plan: to construct a processed accessway down to the basin, and then further on to the level spreader here. That level spreader was installed. The fourth photo shows Mr. Logan standing in the swale. We need to clean both sides. So I'll describe construction activities to clean the level spreader. Also, a 4,000-gallon oil/water separator was installed for discharge of water running from the back of Building 2. That water will go to that oil/water separator. Pavement in front of the building near Barnes Road will go to the oil/water separator near the stormwater basin. One other area on the plan is a very minor filling of the Upland Review, probably 5 feet into the 50-foot-wide URA, for sloping. Also 925 square feet of incursion into the URA by Building 1 to provide for a turnaround for trucks at the truck bays behind the building. .

Mr. Cotter showed the next board: This is the overall project, showing the stormwater management basins and underground galley systems that we provided. We have three stormwater basins: one constructed in the original '96 approval; and two we plan, being one for Building 3 and one for Building 1. Regulations require significant attention to all storm events and that we need to show a decrease in the 2-, 5-, 10-, 25-, 50-, and 100-year storms.

Mr. Cotter continued, Last month, I didn't cite the 2-year storm. We didn't have a decrease. So we reviewed all calculations for stormwater runoff from this property. Also, we reviewed a water quality issue to meet 1.3 inches of runoff from proposed activities of buildings and pavement. In recalculating the design, we provided in the bottom of the basins and in the underground galley systems an area below the invert of the units that will be recharged back to the groundwater. That is significant: Areas where we are intercepting flow would have been from farm fields and wooded areas to the wetland and down through the center of the property.

Mr. Cotter continued, We provided for galleys with recharge back to the wetlands in the same kind of area that previously shed to those wetlands: for Building 1 from the center of the building and from this line right here at the top of the ridge of Building 3. So the areas that went to the wetlands that shed water is basically the lengths of the two systems we have for Building 1 and Building 3. Similarly, for Building 2 this system is approximately 400 feet. This one's 430, and 300 for the other two. To do that recharge, we added another component to the Stormwater Management. And in our design for storm events, we came to a decrease in all storms.

Mr. Cotter showed another panel, saying, This is the system for the rear of Building 1 along Northrop Road. We collect stormwater at either end of the system. We put a diversion manhole to direct the 1.3 inches of runoff to a hydrodynamic separator sized for that flow. Then the water is diverted into the system to allow for management of runoff. What goes from the hydrodynamic separators, which is the initial removal of oil and sediments, goes into an infiltrator row. The infiltrator row is an arch-shaped unit with filter fabric around it to remove fine sediments that pass the hydro-dynamic separator. In the separator we trap between 83% and 93% of suspended solids. Infiltrator rows also meet the 80% requirement from the State. So we have a hydrodynamic separator that we're reaching 80%. And from solids in the soil in the runoff, we have also potential for 80% from just the isolator row. These are discharged out an 8- or 6-inch pipe to the wetlands. So this whole area, the bottom 6 inches, 5 inches, will be recharged to the soil. Anything above that will be released at a slow rate so we maintain reduction in overall stormwater runoff. If you have any questions?

Commissioner Kern said, George, in this design, what happens? The three buildings you're going to put in--all the biofiltration for the wetlands or the stormwater is to be filtered through before it hits the reservoir. Now you're going to capture it and enclose it, and you're not sure what's going to happen? I never heard anything about the pond, which I would want to argue with Mr. Logan about. I've been up there in the summer, fall, and spring. Water does run down through there pretty well. The cows use it to cool their legs and bellies in the summer, and they drink out of it in the winter. I'm concerned about the environmental biofiltration that's happening right now. You're going to put three buildings in, and somehow you're going to configure that all the water goes into the reservoir--yes or no?

Mr. Cotter said, Well, the water is going there now.

Commissioner Kern said, It's got a chance to biofilter through the soils. It's got a chance to biofilter through them to get rid of all the impurities.

Mr. Cotter said, A percentage you're going to absorb will go into the ground, and a percentage is going to be overland to the wetland area. (He showed a prior board.) This portion of the property flows in this direction. A higher percentage will flow directly into the wetland than will be recharged into the ground--depending on whether you're farming it or you've left it to grow back--and you're going to have runoff. Areas that flow to this wetland--we're providing a similar length of 50 by 400 feet by half-a-foot deep that is going directly back into the ground. Now we pre-treat it for hydrocarbons and suspended solids with the hydrodynamic separator. Oil floats on the surface; the suspended solids, to a degree, drop out (Mr. Cotter showed another board and continued)--and the first 1.3 inches goes into that infiltrator row wrapped with filter fabric. We provide a manhole on either end that you could put a water jet in there. If you get a buildup inside that plastic galley, you can run a jet through and bring that material out and clean it. So this is what we wanted for water going back into the ground that was getting to the wetlands. Surface water that ran to the reservoir, we are trapping to reduce the peak flow because we put the pavement and the building there.

Mr. Cotter pointed to the horizontal blue band at the top of this board: So this is 400 feet long by 40 feet wide of open galleys and stone. That's going to trap water but release it, and all water goes back to the same point, the wetlands, and eventually to the reservoir.

Commissioner Kern said, You talked about '97. There's things that were in place that haven't been maintained. Who's going to maintain your configuration you're going to put in?

Mr. Cotter said, The owners of the property. We provided a Maintenance Plan. On one of the sheets we defined how to handle all events for stormwater management of structures, of any spills, of any

significant spills. DEEP has Stormwater Maintenance for all those items. One drawing shows each of the structures, refers back to the Maintenance Plan you have, and describes how many times a year you need to look at each one of these structures. This is what you need to do in order to maintain it.

Commissioner Kern asked, Is this the same management as in '97 for the ones that are existing there now that haven't been maintained?

Mr. Cotter said, Yes, but nothing was built then except the structures. This is the plan you approved. The red line is the Wetland line. We built right up to the wetland line. We built the water-quality basin here with a berm and an overflow. We had the crossing here for extension of the road. The crossing culvert was put in. Fill was brought on top in order to get across it. The oil/water/grit separator, 3,000 gallons here and 4,000 gallons here, with the 150-foot level spreader, was built. But nothing went from there. We did the activities needed for our Wetland Permit and then stopped.

Mr. Cotter continued, We're now reincorporating them, 28 years later--they're overgrown. The idea is to bring them back to their intended purpose by clearing the brush and trees grown into there. We call for 6 feet outside this level spreader, which is 150 feet long; and review of the 4,000-gallon structure. Same with the 3,000--we're putting in the riprap plunge pool at the base of the 24-inch pipe coming out. A nice wall was built, brownstone blocks. Instead of disturbing more wetlands, we provided an 8-inch pipe through with an emergency spillway and riprap outside the wetlands for that basin to work.

Mr. Cotter went to the prior board: Prior to that basin, we come back in through the 3,000-gallon oil/water separator, back to 300-some feet of underground galleys--30-inch high by 300 feet by 35 feet wide. On either end of it we have the same setup as in the other underground system: hydrodynamic separator, diversion manhole, and an observation manhole for cleaning. One at either end, in the front and the back. The front one goes to the basin. The rear section goes to the level spreader. It's not that we didn't maintain them--we stopped activity there.

Commissioner Kern said, Are you going to provide us with water quality today and then post-construction water quality? Are you concerned there may be fluctuation?

Mr. Cotter said, I don't know whether we included in our presentation on the testing of water coming off the property. I'm not sure. That might have been Dave's portion of the project that I didn't catch up on. For what we have for an industrial site as compared to what the activities would be for issues in the reservoir. But in the plans, these hydrodynamic separators provide between 83% and 93% reduction of suspended solids and floatable materials.

Commissioner Heilman asked, You could jet-clean the upper chamber here?

Mr. Cotter put up another board: We provided an additional manhole that you can get down in and put a water jet and remove the sediments if they build up in that isolator row. We have an observation port to determine if we're getting sediments, and we have catch basins on the ends to do that.

Commissioner Heilman said, I heard you mention the possibility of cleaning so you don't have to remove them. That's a great concept, to remove. It's eventually going to build up, which requires either replacement or cleaning. Thank you.

Chair Vitali said, O.K. Next?

Mr. Logan said, This is George Logan, REMA Ecological Services. I'd pass a couple of things out.

Mr. Logan said, George Logan, Professional Wetlands Scientist, Senior Ecologist, and Registered Soils Scientist. There are three reports in the record. First was an On-Site Soil Investigation and Delineation Report in October 2022. That's to do with wetland delineations. Then there was a Wetland Assessment Report with findings of October 30, 2024. And on January 29th we submitted the Wetlands Assessment Supplemental, answering questions. I'd focus on existing and post-conditions. The overall site is 47.71 acres, with about 10 acres of wetlands delineated back in 2022 by myself. Soils are predominantly Wilbraham-Menlo: Wilbraham for the most part, and Menlo, which is a poorly drained component, in some spots. Also, we inventoried the wetlands June and July 2022 and October 2024. Much of the site's uplands are post-agricultural. Cessation of row crops probably happened around 2023. The site includes young woods which used to be orchards, and probably some pasture. There's mature woodland in the northwestern portion of the site. Archived aerial photography verified this was all agriculture until in the 1980s when they abandoned fruit production.

Mr. Logan continued, Delineated wetlands are associated with two systems. We have the central system where there's a ditched intermittent watercourse. In aerial photographs, this watercourse is a straight line, then takes a 45-degree, and then a straight line again down to the reservoir. That system is centrally located, Wetlands B system. The A system is proximal to the reservoir and includes a portion of that ditched watercourse just past the existing crossing from what in the '90s Wetlands had approved. The Wetlands B system includes the wet meadow in the middle, dominated by ricanary grass (an agricultural-type system), forested swamp to the north where the old farm road was, and scrub/shrub wetlands. Wetlands A system includes wet meadow and scrub/shrub with that ditch watercourse all the way down to the reservoir. And there's forested swamp, especially in the north, scrub/shrub, and some shallow and deep marsh at the edge of the reservoir.

Mr. Logan continued, North Farms Reservoir was investigated in our inventory. We didn't go in it, but we researched what was there. The Connecticut Agricultural Experiment Station has been doing water-quality evaluations and looking at aquatic vegetation. Their data showed in 2004 this body of water was considered hyper-eutrophic. It had Secchi disk transparency of half a meter. A Secchi disk is a disk this wide (indicated about 8"), white and black, four quadrants. You put it down in the water, and when that disappears you can't see between the white and the black. That's a way to figure out the clarity of the water. Then there was subsequent data collection. In 2020, we found out the reservoir has improved substantially. The Secchi disk transparency now is 2 meters, and it's no longer hyper-eutrophic--it's now eutrophic. We believe that the culprit for the issue for the reservoir was the agri-culture happening in its watershed, which I believe is about 487 acres. I have a picture in one of my reports. And also internal loading, from when you have a lot of input of nutrients, a cycle that kind of feeds on itself. The limiting nutrient here is phosphorous--that's the culprit.

Chair Vitali asked, And where did that generate from?

Mr. Logan said, From agriculture from the soils and from fertilizers put down. We have to address it as proposed conditions. Wetland Functions and Values is a methodology used by the Army Corps of Engineers. My summary reported that Wetland A, close to the reservoir, has 8 primary principal functions--that's a lot. It has to do with diversity of the cover types in functions and values. Wetland B has not so much--3 principal functions, but also secondary functions.

Mr. Logan continued, Activities have already been discussed. There's 3,778 square feet for those two crossings we talked about, and a little more for our existing detention basin to be renovated, which is a temporary disturbance. This hard wetland disturbance, filling, represents less than 1% of the total wetland acreage on site, 0.86%. Activities within the 50-foot buffer--we tried to maintain more than

90% of that. And we have about a half-acre of activity within the Upland Review Area, mostly for the two crossings. Potential Short-Term Impacts: When agriculture was there, there was more phosphorous. Now we're going in and disturbing the soils, so we have to be careful during construction not to allow for additional phosphorous to get into the reservoir because that's not a good thing.

Mr. Logan continued, We have very robust Erosion and Sedimentation Control Plans. Soils are not considered to be highly erodible. We follow the CT DEEP Revised Erosion & Sedimentation Control Guidelines. But, because when we disturb agricultural soils, which might see more saturation with phosphorous especially in the topsoil, we need to be careful. So one recommendation has to do with this absorptive media that basically absorbs phosphorous, a granular product. It's for certain critical areas and especially downgradient of the temporary sediment basins, collecting all this dirty water that you want to collect and treat. There's two erosion controls, silt fence and hay bales, so the absorptive media would go between them. That would absorb any phosphorous that might come through, even though the TST's are sized for the two-year storm. I discussed using an Independent Soil Erosion Control Monitor--but with E&S phasing and belt-and-suspenders stuff we're using, I changed my mind. I don't think an independent ECM will be necessary. We have to maintain, and we have to monitor.

Mr. Logan continued, As far as long-term indirect impacts to wetland geology, there's been discussion already. We don't want to starve the wetlands from water. Mr. Cotter explained how we're mimicking preconstruction to post-construction watersheds, to make sure that the wetlands get fed. As Mr. Heilman said, these wetlands sort of have a perched water table--bedrock, and on top of that you have till. So the water comes down and hits the more restricted portion of the till, rides down, and feeds the wetlands. So we're mimicking that with our underground galleys. But there was one thing I caught: We had talked about a small isolated wetland in the northwestern portion of the site, that little circle there. (He pointed to the board.) If you look at the existing watershed, even though that wetland does receive some water from offsite the farm, it comes down in the contours, but we are taking a portion of the watershed out. So the thought was that we'd take a portion of the roof and put it down to a level spreader/stone trench to feed that wetland. And at the same time we'll feed the woods and forest below with good water. So that was one change

Mr. Logan continued, As to water quality, we're all concerned about the reservoir. Again, the issue is phosphorous. Following the Stormwater Quality Manual of 2023, we need to take the runoff from a 1.3-inch precipitation off our catchment areas, according to Best Management Practices. That equates with 90% of the water that falls from the sky annually on average. So we went from 1 inch to 1.3 inch that's going to be infiltrated, cleaned. So the water that's going to reach the wetlands, and that dirtier water first flush, will be more than sufficiently cleaned. Then we have the belt-and-suspenders situation with the hydrodynamic separators and the accelerator row. If each of them are doing 80%, you have best management practices in a series. It's not 80% plus 80%, but you'll have more than 90%, which is the gold standard. The Stormwater Quality Manual says you have to hit 90. Most of the phosphorous could potentially be released to the environment--there's a dissolved portion but also a fine-particulate portion. So, to the extent we can take out the fine-particulate matter, which we would do with this series, then we're doing amazingly well in taking care of phosphorous and not letting it be transported to the lake.

Mr. Logan said, If you research on the loading or export of phosphorous--from agricultural land, from commercial land, industrial land, residential land--and if you compare row crops with industrial, on average (and this is before you clean it), agricultural crops have twice the loading than from industrial, even before you do anything to clean the water out. So, by itself, by taking out the agriculture we're actually helping the lake.

Mr. Logan continued, Potential long-term impact, Wetland Impacts to Wetland Functions and Values--I always look at that. I would say that the impact will be considered of minimal intensity. So I'm saying that the functions and values that these wetlands are providing--whether to wildlife habitat, whether it's taking out nutrients and transforming nutrients, etc.--will continue to be at the same levels as today.

Mr. Logan said, Your staff talked about a slight missing element. The discussion was that there are some invasive species in areas where they are in high concentration that we could take out--O.K., that would be a good thing, especially close to the clearing into the buffer. And/or we could put some mitigative planting, seed mixes, etc., on some areas. But we could make suggestions for here and there for removal of invasives and some plantings. We're willing to do that with staff. The conclusion: Long-term direct and indirect impacts to wetlands and watercourse functions and values are minimal intensity. Other proposed conditions: The on-site and off-site wetlands will continue to provide functions and values at pre-development levels or very close to it. And I do not think there will be a significant or diverse impact, long term, to the regulated resources including, and more importantly, to North Farms Reservoir. I'd answer any questions.

Chair Vitali said, O.K. Commissioners, any questions? Caroline?

Commissioner Mrs. Raynis said, In your report you mentioned that in 2023 and 2024 you were looking for the eagle nests, and you didn't observe any nesting or foraging. Then you did submit an excerpt from an e-mail that came in January. Have you looked, since 2024 and today, in that area to make sure that you have not found anything?

Mr. Logan said, So Mr. Brian Hess, the DEEP Coordinator, Wildlife Biologist, does all our endangered raptors (American falcons, bald eagles, carriers, etc.). I had communication with him. He said, "Well, there used to be a nest on that island." This little island in the middle. "But, it's no longer there." That's a couple years old, so he doesn't know if it's come back. We didn't see any eagles at any time. We saw a lot of white swans. But I asked him: "We're 600 feet or so away from a potential nest, if they built it." Having observed eagle nests over the years, guidance from the Fish & Wildlife Service is you need a minimum of a 200-foot nondisturbance area. So they like more, like 600. Here we have more than 600 from the closest building, #3. The nice thing about Building #3 is that all activity is on the other side, not towards the pond. An emergency road goes behind it for fire apparatus. Where I live, the closest nest is about four to five miles. There's a big white pine and eagles up there. But the parking lot's 50 feet away from the woods and maybe 75 feet from the eagle nest. I see people with long cameras. The eagles don't seem to mind because they have good habitat nearby. So eagles have acclimated or could acclimate. I'm not really concerned. I asked Mr. Hess, "What's the time to have the most intense activity?" He said, "Late summer through fall, because by that time fledglings are out."

Commissioner Raynis asked, You said there's going to be a temporary reduction in the wildlife during construction, except for this far north end. So how long do you anticipate this disruption/reduction of wildlife usage in the phases?

Mr. Logan said, Machinery will be there, and the 50-60 feet of wetlands. Tolerant species are going to go, "We don't care." Amphibians and reptiles will move out of the wetland because of vibration/auditory disturbance. But more sensitive species like green heron will all return. It's temporary.

Commissioner Raynis asked, You have no timeline for "temporary"?

Mr. Logan said, If it's 18 months, wildlife activity will be less during the breeding season or a good

portion of the growing season. But, once done, habitat species will return.

Chair Vitali asked, Aili?

Commissioner McKeen said, I noticed you had an absence of squirrels. Maybe our three resident eagles on the reservoir is the reason you don't have squirrels and chipmunks? (Commissioner McKeen showed a photo of an eagle carrying a small animal.)

Mr. Logan said, Eagles are amazing. They're scavengers, predators.

Commissioner McKeen agreed.

Chair Vitali asked for comments from Commissioners Kern, Phillips, and Caruso. They had none.

Commissioner Heilman said, I think this whole area, North Farms Reservoir, was originally a wet meadows and it was turned into a reservoir to collect water for industrial application. So it's never been used for potable purposes. When people use the word "reservoir," you think of drinking. That is not the case here. Farming has been difficult for that shallow-water area, especially summer. I can remember as a young child in that area when you'd have a fish kill in summer--you wouldn't want to be within a mile of that reservoir. They'd get out in a rowboat with a bag of copper sulfate and put it around, and then the algae would go away.

Commissioner Heilman continued, As described, this particular activity will definitely improve the quality of that reservoir. However, you can't eat the products that come off it, as you do with agriculture. It's a trade-off society has adopted. I wouldn't expect it to be for human potability. We'd have to go to extremes to bring it to a quality where it could be filtrated and used for human application. Although it's not going to be used for agriculture, I think it's admirable to use the best technologies for filtration processes for long-term utilization of that land. Do I like seeing this happen? I don't. But we live in a society where we have to move forward, so we have to make compromises. I think this is demonstrated here, through everything that's been changed, even to tonight. All of these efforts are showing an improvement of things down the road. We're doing the best we can to utilize resources in the best possible way with thoughtful concern. So I commend the efforts. And I hope it would go well.

Mr. Logan said, Mr. Chairman, it was mentioned in my latest report, the January 29th.

Commissioner Heilman said, Detention processes we do all the time. I'd like to look at this area as a site investigation for consequences and also to see what is going on with detention basins, such as across the street, and to recognize what we are doing in here to manage in the future. People see them every time they drive by. The minute you start hiding them, no one looks and they get forgotten. If we ever do a site investigation for something like this, we should look at the ones we've already done for comparison.

Chair Vitali asked, Erin, any immediate concerns?

Ms. O'Hare said, I have a lot of questions. If we're going to next month, I'd have time to meet with them and work it out. But I could hit the high points of things that weren't responded to.

Chair Vitali said, If this is going to get continued, you can get things resolved. If this is going to be acted upon tonight, and if there's technical things to be straightened out, they can be done in your office. At this point, this is a public hearing.

Ms. O'Hare said, On the List of Regulated Activities I found discrepancies. George Logan's figure is about 900 square feet off from George Cotter's figure, which is higher for impact on the wetlands. And one thing to talk about is the existing storm basin on the edge of the reservoir in the southwest corner of the property that needs to be considerably reworked. I haven't asked about cutting down trees, maybe 40? It has been lying idle for 35 years. The survey shows an existing Outlet Control Structure, which we haven't talked about. Apparently, it has to be taken out. George mentioned they're not going to use it anymore. And they've redesigned a Basin/Outlet structure since last meeting, and a swale over on State property. So I don't know what was wrong with the old outlet control structure.

Chair Vitali wanted to know if they are removing the old Outlet Control Structure.

Mr. Cotter said, The old Outlet Control Structure was an emergency spillway. My belief is that basin should have a small outlet pipe, which we're providing an 8-inch pipe outside the wetlands to allow for low-flow discharge from that basin. The berm that was built is going to function differently than we anticipated in '96; therefore, I recommended the 8-inch pipe through the berm for low-flow discharge, but not to have that basin permanently potentially full. We are providing maintenance to the basin to remove all growth that's been around it. And we provided an access road on the south side.

Ms. O'Hare said, One thing I asked for in my comments was for the weir outlet location on all their temporary sediment basins--six--where sedimented flow is going to go out close to wetlands. Particularly, for the one to be located next to the existing storm basin on the edge of the reservoir. All of them were supposed to have weir locations on the plans. I also have a question about the crossing. The stream today is about 5 feet across. That area also floods. I'm asking why you picked an 18-inch culvert?

Chair Vitali said, There's too many issues. I'm going to open this up to the public now because I think this is going to be continued. This is a public hearing. I'll take comments from the public. Remember, name and address for the record.

Ms. Mary Mushinsky said, Mary Mushinsky, 188 South Cherry Street, Wallingford. I'm a State Representative, 85th District, and also Executive Director of River Advocates of South Central Connecticut. I work extensively on water quality and wildlife. I'm glad the Commission is concerned with public values of the Reservoir and is doing your best to insure that the Applicant will protect those values. I can hear it in your questions. It's a largely undeveloped shoreline, which is rare. It's a large but shallow body of water, 64 acres. Most of it is undeveloped along the shoreline except on the west side. So the north, east, and south, except for the parking lot, are undeveloped, which means it's used by the public for boating, until the aquatic plants get too thick in later summer. It's used for fishing, for bird watching. People do eagle photography. So it's a draw for the public in Wallingford and around. There's 122 different bird species recorded at North Farms Reservoir on Cornell's E-Bird List. Eagles have been there since 2009; ospreys since 2006. There's Rusty blackbirds, hooded Mergansers, buffleheads, shovelers, pigeons, green-winged teal, rough-wing swallows, etc. There are five bald eagles as of a few days ago. They were recorded on the E-Bird by two local birdwatchers.

Ms. Mushinsky continued: There was an eagle nesting on the island for several years. I can't find it now. So I agree with George Logan--it appears to be down this year and last year. When they are nesting on the island, the other adult sits on the east shore where this project is going to be built. After the disturbance of building and the project is finished, they may return to nest and will want to perch on the shore. I'm hoping as many trees as possible may be retained on the east shore. That's their habitat. And Thank You to Commissioner Raynis for asking about the eagles.

Ms. Mushinsky continued: The old reservoir has a history of fish kills and heavy aquatic vegetative growth due to excess nutrients. I agree that the most likely reason for the earlier fish kills is agriculture. It's improving since then. The depth is so shallow, 6 feet or less, that the excess nutrients plus sunlight do build up that vegetation. So the stormwater collection system has to be best-available technology. The Commission needs to make sure that we will be reducing the nutrient loading and doing whatever possible to make that older system on the site work correctly. I hope the Commission will require a 50-foot (if you can fit it in) vegetated buffer with shrubs and emergent vegetation between buildings, which probably are going to have lawn. So between the buildings, the lawn, and the lake, there should be a 50-foot vegetative buffer to maintain the wildlife values, reduce fish kills, absorb nutrients, and hopefully keep the eagle population in place, which the public does enjoy.

Ms. Mushinsky continued: The feature the developer has come up with for groundwater recharge is commendable. One challenge I run into in River Advocates in other towns is that sometimes the system put in is very good and works, but then is not maintained--change filters, etc. They don't come back and do that, and the system does not work. So, if you need to put a bond on to make sure that filters are changed, that would ensure the filtration system will work. That's my concern. If you can do the 50-foot buffer, that'll remove the excess nutrients. It will improve water quality, protect wildlife values. I very much appreciate George Logan's attention to the phosphorous problem. It seems as if the proposal will address that and prevent it from returning. Those are good features. Thank you for your attention to protecting this reservoir, a really nice area the public appreciates.

Chair Vitali said, Thank you. Other comments from the public? I find the North Farms Reservoir a very interesting body of water, like Jim Heilman. It was created for an industrial site down the center of Town which stockpiled the water, shallow. I always heard that properties around the reservoir owned out into it, that it's not the perimeter water line where the properties end. I don't know if Midwood has that case or not, but I think maybe up at the north end? Mary talked about undeveloped land. The north end, I'm pretty sure it's been developed, and what's left undeveloped was going to stay undeveloped. I think the buffer was there, not only for your property but other industrial developments. It would be great to see North Farms cleaned up. About the reduction of contamination allowing an increase in transparency of 2 meters--I think in '96 I fought hard that, "What, are you kidding me? Agricultural causes this to be contaminated?" I remember the arguments clearly. It took me a day or two to realize that the agricultural community was adding contaminants into the reservoir through fertilizers. I think two things take place on all agricultural properties: The cost of fertilizer is so expensive, there's no excess fertilizer being sowed; if it needs it, it's more accurately spent. In this location, the farm community--the milk cow or the cow community that feeds into this watershed has greatly reduced. I think Tom Wall's herd of cows is minimal--is there anything still there?

Commissioner McKeen said, Yes.

Chair Vitali said, But they're down to a low volume. So, between the reduction of cows, high cost of fertilizer, phosphorous reduction, I think that's added to improvement of the transparency of the water. It's good to see. A lot of people talk about North Farms Reservoir. O.K., no other comments from the public. Commissioners?

Commissioner Kern said, I'd ask Erin why we've had this almost three months in front of us, and she's got questions that haven't been answered. Did you provide these questions to the Applicant and they refuse to answer them?

Ms. O'Hare said, No. You got them in your packet January 10th. I had like six pages of comments, and

on January 17th another five pages. Friday afternoon they came in--maybe they've answered 80% of the comments. Today I went over the plan and talked to George on the phone. I've got 30 questions so far--discrepancies and little things for cleanup. Also, I'd like to look at Conditions of Approval, mitigations, plantings.

Commissioner Kern said, I thought we talked about having this all resolved so the night of the meeting we could determine to approve or deny. Is Mr. Cotter responsible for not answering the questions on time?

Ms. O'Hare said, I talked to him today. He changed a bunch of stuff, most for the good. But these have to be reviewed. There's a 900-square-foot discrepancy in the Wetland Impact between the ecologist and the engineer. And I've got a few more. So we're the Wetlands Commission. We've got to get that right. Regulated Activities--I asked for a list.

Commissioner Kern said, Well, can we move forward, or you need to get your questions answered?

Ms. O'Hare said, I'd point out: The Water Division made comments, which they've been provided. The Water Division is fine with it. They're shunting the water the other way, so that eliminates the need to meet the Wallingford Watershed Special District Requirements. The Engineer came back with comments in December. She hasn't yet made comments on the new plan--she just got it Friday night. What you got Friday night in your packet, I got Friday afternoon at 2:30--all new material. And reports tonight, too.

Commissioner Kern asked the presenters, Do you feel as though we can move forward with this? Or do you feel these questions need to be answered?

Mr. Cotter replied, I think we've addressed the questions. It's whether she's had time to digest them. My partner has been unavailable. So we were late in getting plans back Friday. We also got January 10th and 17th reports. I feel we addressed all issues. What we put on the plans is what we measured for square footage--it's a minor number between his report and mine. We added all the information on the plans. I think Erin hasn't had time to digest it. That sheet there is construction sequence for building phases. In the plans are temporary basin locations. If minor items need to be resolved, that can be done upon approval. I feel the plans are complete.

Commissioner Kern asked, Erin, do you believe this can be worked out without going another month?

Ms. O'Hare said, No. This is like 16-sheet site plan sets. Three buildings--each one could stand on its own--a lot going on on this property. At this moment, we have no report back from the Town Engineer. I've got things that George could help with. As to invasives, I'm interested in mitigation plantings that Representative Mushinsky mentioned. Right now, there's work on State land. You got to get over about 8 feet off the state property with your bioswale--things like that. We could meet in the middle of the month, a Special Meeting, for cleanup.

Commissioner Kern said, I thought they'd be addressed. Sounds like you've got enough questions, concerns that we need to hold it over. What's the rest of the Commission want to do?

Chair Vitali said, I'll take it to next month.

Commissioner Phillips agreed, For whatever questions Ms. O'Hare has.

Commissioner Caruso agreed.

Attorney Perito said, We could grant an extension by Certified Letter.

Commissioner Heilman said, You might extend it but not table it.

Chair Vitali said, That's correct.

Recording Secretary asked, Would it be a continuance of the public hearing?

Commissioner Phillips said, Yes.

Chair Vitali said, It seems like the majority wants to extend the public hearing to resolve Erin's 16 pages of questions.

Ms. O'Hare said, And the Town Engineer.

Attorney Perito said, Mr. Chair, Mr. Cotter will meet with Erin and go over the specifics. We'd do that between now and the next meeting.

Chair Vitali said, Good, O.K. So I'm going to continue this Public Hearing to March. So we're not closing the public hearing. It's 9 o'clock.

Attorney Perito said, Thank you, Mr. Chair. Thank you for your time.

At the close of tonight's Public Hearing at 9:00 p.m., Chair Vitali continued it until the March 5 Regular Meeting.

E. CONSIDERATION OF PUBLIC HEARING ITEM

- 1. #A24-10.3 / 1000, 1020, 1030, 1044, & 1080 Barnes Road & 777 Northrop Road - Midwood Management Corp. - (industrial development) - This Item was not taken up.**

G. NEW BUSINESS - None.

H. RECEIPT OF NEW APPLICATIONS

- 1. #A25-1.1 / 8 North Turnpike Road - The YMCA of Wallingford, Sean Doherty, Executive Director - (facility expansion)**

Appearing were Mr. Sean Doherty, Executive Director of the YMCA, architect Mr. Samuel Sargent, and Ms. Annette Ellis, P.E., with Juliano Associates in Wallingford.

Chair Vitali said, This is a new Application received tonight. A few minutes for discussion.

Ms. Ellis said, Good evening. We'll give a brief introduction on this Application for the Wallingford YMCA. It's on an 8.37-acre parcel, 8 North Turnpike Road, bounded by North Turnpike Road to the west, River Road to the south, Wilbur Cross Parkway to the east. There are approximately 1.83 acres of wetlands on the parcel across the southeastern portion in dark green on the map. This is for an approximately 17,500-square-foot aquatics addition. The existing building is about 26,900 square feet--existing and proposed buildings shown in light tan. This proposes to reduce the impervious area by 1,644 square feet, and therefore reduces stormwater runoff. Some impervious area reduction is within and adjacent to the 50-foot Upland Review Area near River Road. The parking lot entrance from River Road is narrower. Other than minor grading, the majority of Wetlands and Upland Review Area

disturbance is due to maintenance and improvements of the storm drainage. Total wetlands disturbance is about 880 square feet. Total Upland Review Area disturbance is about 6,366 square feet. The existing site drainage system connects to a State drainage system running through the site from west to east and discharges into the wetlands. This application would separate the site drainage from the State system. The 36-inch outlet of the State system needs some maintenance. All other activity is outside the wetlands. We'll work with Ms. O'Hare on comments received.

Chair Vitali asked, The disturbance is in how many square feet of wetlands? What type?

Ms. Ellis said, Eight hundred eighty square feet--some is grading of one plunge pool. The existing State drainage outlets into the wetlands haven't been maintained. So we'd work there. The disturbance in the Upland Review Area is for grading associated with plunge pools and installation of a storm drainage pipe.

Chair Vitali asked for comments.

Commissioner Mrs. Raynis said, Do we know why the State system runs there?

Ms. Ellis said, The State is going to review the Application. It takes drainage from the subdivisions up above and also from the State road.

Commissioner Kern said, Last time, we talked about drainage being plugged off or needed maintenance. Was that five years ago?

Mr. Samuel Sargent, architect, said, As before, there's the drainage pipe going under the Merritt Parkway that is clogging with debris and silt. Maintenance needs to be done. It's a drain taking all this flow and running it over to Community Lake in the watershed.

Commissioner Kern asked, Before we give approval on this, do you think you should get together with the State on a maintenance program?

Mr. Sargent said, I think that would be a great idea.

Mr. Sean Doherty, Wallingford YMCA Executive Director, said, We've had routine maintenance done with that pipe annually. I understand the plan is to separate and create a new system.

Commissioner Kern said, We still have the problem with the State. That's why I suggest getting together with them on a program as to responsibilities.

Mr. Doherty said, Agreed. Since we took rental there in 2012, we've maintained it. The State has not.

Mr. Sargent said, Thank you for letting us make this minor presentation.

This Application was received by Chair Vitali for the March 5 Regular Meeting agenda.

2. #A25-1.2 / 16 McNabola Drive - John Boober - (addition) - Request for administrative approval - *Granted administrative approval 1/14/25*

3. #A25-1.3 / 15 Sterling Drive - Tim Mulcahy - (industrial expansion - warehouse)

Chair Vitali formally received this Application for the March 5th agenda.

I. REPORTS & COMMUNICATIONS

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

Chair Vitali noted that this basin is owned by four people but wasn't maintained. The Town has no provision to maintain it, although the Town cleaned out the perimeter. But it is not functioning.

3. CACIWC Conference, Nov. 16, 2024 - report, Vice Chair Phillips & copy of document, "*All Things Vegetated Considered*". Received by the Commissioners.
 4. CT Bar Assoc. Conference - Connecticut Land Use Law for Municipal Land Use Agencies, Boards, and Commissions - Virtual (Zoom) Sat., March 22, 2025, 9:00 a.m.-4:30 p.m. - Noted.
 5. DEEP Permit Application for the Use of Pesticides in State Waters - (Draft) submitted by Solitude Lake Management - Choate Rosemary Hall School ponds - 35 N. Elm Street, Wallingford - 3-yr. permit/5 treatments per year; dated 1/2/25; received 1/6/25 - Noted.
 6. DEEP Permit Application for the Use of Pesticides in State Waters - (Draft copy) submitted by Solitude Lake Management - Preserve Condo Pond, 173 Summerhill Road, Wallingford - 3-yr. permit/6 treatments per year; dated 1/2/25; received 1/6/25 - Noted.
 7. DEEP Permit Application for the Use of Pesticides in State Waters - (Draft) submitted by Solitude Lake Management - Ashlar Village Pond, Cheshire Rd. /Parker Farms Rd. - 3-yr. permit/5 treatments per year; dated 1/2/25; received 1/6/25 - Noted.
 8. DEEP Permit Application for the Use of Pesticides in State Waters - (Draft) submitted by Solitude Lake Management - Pilgrim's Harbor HOA Pond, Puritan Drive, Wallingford - 3-yr. permit/6 treatments per year; dated 1/2/25; received 1/7/25 - Noted.
 9. DEEP Permit Application for the Use of Pesticides in State Waters - (Draft) submitted by The Pond and Lake Connections - Wheeler Family Traditions Golf Course Ponds (Ponds A, B, C & D) - 37 Harrison Road, Wallingford - 3-yr. permit/3 treatments per year; received 1/22/25 - Noted.
 10. IWWC copy of letter to Mayor Cervoni, from CT Dept. of Transportation - Notice re: Rehabilitation of Bridge 00793A on Route 15 Northbound over the Quinnipiac River to begin 1/27/25; dated emailed 1/27/25 - Noted.
- Chair Vitali said, They're going to shut down the parkway northbound over the Quinnipiac River.
11. IWWC copy of letter to Mayor Cervoni, from Thomas W. Lewis, TEC Associates Consulting Engineers re: National Railroad Passenger Corporation (Amtrak) - 2025 Vegetation Control Program to commence after 3/1/25, attachment, "Vegetation Management Plan for Amtrak For Railroad Rights-of-Way In the State of Connecticut"; dated 1/22/25; emailed 1/22/25 - Noted.
 12. IWWC copy of letter to Mayor Cervoni, from Jenna Turner, Manager of CT Distribution Vegetation Management, Eversource, re: Vegetation management program - notice of tree trimming to commence in Feb.; dated 1/20/25; Town clerk received 1/27/25 - Noted.
 13. 14 Brookview Avenue - John Santamaria - Request regarding emergency slope stabilization, block wall replacement, and footbridge restoration in and near unnamed stream, emailed documents submitted 2/4/25

Ms. O'Hare said she is working with them on a plan. This will appear on the March agenda.

J. VIOLATIONS - pending (no action requested at this time)

All below remain in place.

1. Cease & Correct Order Remains - 55 Kondracki Lane - Fifty-five, LLC - (correction plan to comply with 6/5/18 Order) approved 12/6/23 - status
2. Cease & Correct Order Remains - 67 Schoolhouse Road - Michele Millican & Michael Gerace (new filling over prior filling); Order modified 12/4/24 to allow remediation to

remain as it exists

- 3. 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; approved remediation planting plan 6/5/24**

Ms. O'Hare said, They're supposed to plant trees in the spring.

- 4. 360 Woodhouse Avenue - Nerio Tello - (structures, depositions, and ditching in wetlands)**

Ms. O'Hare reported that Mr. Tello will move the chicken coop when the pool house and related activities are done.

- 5. 16 Winding Brook Lane / Robert Saas - (unpermitted, unauthorized activities including tree removal, grading, filling, and installation of drainage in wetlands and in Upland Review Area, & diversion of stream flows)**

Ms. O'Hare said 16 Winding Brook Lane was the location of the December 7 Site Walk (Minutes approved tonight). The Owner is here. He was requested to take down three trees on the URA. But if he wanted to take anything in the 4-foot fill area, he'd come in for a permit.

Mr. Robert Saas said, Sir, I believed we couldn't do anything until we had a meeting. We were going to apply for a retaining wall where that berm was. We have a contractor for March to do the patio.

Chair Vitali said, We have a meeting the first week in March. You should submit a plan. In the Special Meeting Minutes: "The Owner inquired if it was possible to remove three particular mature, downed, and damaged trees located in the remaining woodland wetlands area on the north. Chairman Vitali said that, due to the poor quality of this wetland area, altered years ago by agricultural activities and the damaged nature of the trees, they could be removed this winter as a maintenance activity. Removal while the ground was frozen was the best time to do the work to cause less damage to the wetlands with ruts, etc. The Commission agreed."

Commissioner Kern said, the Minutes, you can have this. The other thing was making sure no more junk came in the back slope. Retaining wall, you would need an Application. Speak with Ms. O'Hare. Three things we suggested: 1) On the trees we said "Yes, and when the ground was frozen"; 2) Get the rest of your landscaping material out of that upper swamp area; 3) The retaining wall you want to put a pool in, you need a permit for. If the retaining wall is in the URA, it has to be approved.

Chair Vitali said, Erin, they have a contractor coming in in March. If they come in with an Application in March, you're going to need something like a Cease and Correct Order.

Mr. and Mrs. Saas said "Thank you" and left at this time.

These Items J.6-9 remain:

- 6. 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 - This item remains.**

- 7. Cease & Correct Order Remains - 67 Schoolhouse Road - Karl Kieslich - (new filling over prior filling) issued 4/25/23 - This item remains.**

Chair Vitali requested Ms. O'Hare to obtain a legal opinion from Corporation Counsel Janis Small on this Item J.7 as to what is going to be done here so it can be removed from the agenda.

8. 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 - This Notice remains.

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

Chair Vitali asked, Is Quigley Road waiting for the vegetation to grow back?

Ms. O'Hare said, Yes.

K. ADJOURNMENT

MS. PHILLIPS: MOTION TO ADJOURN THE MEETING.

MR. CARUSO: SECOND.

VOTE: THE MOTION WAS APPROVED UNANIMOUSLY IN A VOICE VOTE.

The Meeting was adjourned at 9:25 p.m.

Respectfully submitted,

Kathleen L. Burns
Recording Secretary

L. NEXT SCHEDULED REGULAR MEETING: March 5, 2025